Amendments to Constitution

and

Proposed Statutes

with

Arguments Respecting the Same

To be Submitted to the Electors of the State of California at the General Election on

Tuesday, November 7, 1922

Index, ballot titles with numbers, and certificate appear in last pages
Proposed changes in provisions are printed in black-faced type
Provisions proposed to be repealed are printed in italics

Compiled by
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VETERANS' VALIDATING ACT. Initiative measure adding proviso to Section 31, Article IV of Constitution. Permits state aid with money or credit to United States Army or Navy Veterans, who served during war time, in acquiring or developing farms or homes or in land settlement projects; validates, irrespective of vote thereon at November, 1922, election, "California Veterans' Welfare Bond Act" as enacted by 1921 legislature, authorizing ten million dollars state bonds to effectuate "California Veterans' Welfare Act," providing land settlement, and "Veterans' Farm and Home Purchase Act," providing farm and home aid, for veterans; declares section self-executing.

YES	
NO	

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(Proviso added to Article IV, Section 31.)

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed measure is as follows:

PROPOSED AMENDMENT.

(Proposed changes in provisions are printed in black-faced type.)

Provided further, that nothing contained in this constitution shall prohibit the use of state money or credit, in aiding veterans who served in the military or naval service of the United States during time of war, in the acquisition of, or payments for, farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans.

The California veterans' welfare bond act of 1921 (statutes of 1921, chapter 578), as enacted at the forty-fourth session of the legislature of the State of California, authorizing the issuance and sale of state bonds in the sum of ten million dollars, for the purpose of creating a fund to carry out the provisions of the California veterans' welfare act, providing land settlement for veterans (statutes of 1921, chapter 580), and the provisions of the "veterans' farm and home purchase act," providing farm and home aid for veterans (statutes of 1921, chapter 519), is hereby approved, adopted, legalized, validated and made fully and completely effective irrespective of the vote that may be cast upon the proposition of approving or disapproving such veterans' welfare bond act of 1921 at the general election of November 7, 1922. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action.

Section thirty-one, article four, as proposed to be amended, reads as follows:

(Proposed changes in provisions are printed in black-faced type.)

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

Provided further, that nothing contained in this constitution shall prohibit the use of state money or credit, in aiding veterans who served in the military or naval service of the United States during time of war, in the acquisition of, or payments for, farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans.

The California veterans' welfare bond act of 1921 (statutes of 1921, chapter 578), as enacted at the forty-fourth session of the legislature of the State of California, authorizing the issuance and sale of state bonds in the sum of ten million dollars, for the purpose of creating a fund to carry out the provisions of the California veterans' welfare act, providing land settlement for veterans (statutes of 1921, chapter 580), and the provisions of the "veterans' farm and home purchase act," providing farm and home aid for veterans (statutes of 1921, chapter 519), is hereby approved, adopted, legalized, validated and made fully and completely effective irrespective of the vote that may be cast upon the proposition of approving or disapproving such veterans' welfare bond act of 1921 at the general election of November 7, 1922. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action.

EXISTING PROVISIONS.

Section thirty-one, article four, proposed to be amended, now reads as follows:

Sec. 31. The legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the state, or of any county, city and county, city, township, or other political corporation or subdivision of the state now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; provided, that nothing in this section (shall prevent the legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the state or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation) 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 California Veterans' Welfare Bond Act of 1921 (Chapter 578, Statutes 1921) validated by the proposed amendment appears in this pamphlet as proposition Number 3, beginning on page ten.

The California Veterans' Welfare Act (Chapter 580, Statutes 1921), validated by the proposed amendment reads as follows:

Section 1. This act may be known and cited as the California veterans' welfare act.

Sec. 2. As used in this act the term "veteran" includes any individual who has served on active duty in the army, navy or marine corps, of the United States in time of war and has received an honorable discharge therefrom or who has been released from active duty under honorable conditions and who was, at the time of his enlistment, induction, commission or drafting, a bona fide resident of the State of California, but does not include—

1. Any individual at any time after April 5, 1917 and before November 12, 1918 or thereafter separated from such forces under other than honorable conditions;

2. Any conscientious objector who performed no military duty whatever or refused to wear the uniform, or

3. Any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage.

The object of this act is to provide useful employment and the opportunity to acquire farm homes with profitable livelihood on the land for veterans and to provide for cooperation of the state with the agencies of the United States engaged in work of a similar character.

Sec. 3. For the purposes of this act the "veterans' welfare board" is hereby created. This board shall consist of five members to be appointed by the governor to hold office for a term of four years and until their successors have been appointed and shall qualify. Four of such members shall be veterans. Of the members first appointed one shall be appointed to hold office until the first day of January 1923, one until the first day of January 1923, one until the first day of January 1924 and two until the first day of January 1925. The governor shall designate one of the veteran members as chairman of the board and director of veterans' welfare. The secretary may or may not be a member of the board.

Such expert, technical and clerical assistance as may prove necessary may also be selected by the board. The board shall fix the salaries of all employees with the approval of the state board of control. Four members of the board shall receive a per diem for each meeting attended and the chairman shall receive a salary, said per diem and salary to be fixed by the state board of control, with the approval of the governor. The members shall also receive their actual necessary traveling expenses in the discharge of their duties. The said veterans' welfare board shall have power to cooperate and to contract with the duly authorized representatives of the United States government in carrying out the provisions of this act.

Sec. 4. The veterans' welfare board hereinafter called "the board" shall constitute a body corporate with the right on behalf of the state to hold property, receive and request donations, to sue and be sued and all other rights provided by the constitution and laws of the State of California as belonging to bodies corporate. Three members of the board shall constitute a quorum and such quorum may exercise all the power and authority conferred on the board by this act.

Sec. 5. For the purposes of this act the board may acquire on behalf of the state by purchase, gift or the exercise of the power of eminent domain, all lands, water rights, and other property needed for the purposes hereof and may take title in trust and shall without delay improve, subdivide, and sell such land, water rights and other property with appurtenances and rights to approved bona fide settlers who are veterans; the board shall have the authority to set side for town site purposes a suitable area purchased under the provisions of this act and to subdivide such area and sell or lease to veterans or others the same for cash, or on such terms as the board may see fit, in lots of such size and with such restrictions as to resale as they shall deem best; and provided, further, that the board shall have authority to set aside and dedicate to public use such area or areas as it may deem desirable for roads, school houses, churches or other public purposes.

Sec. 6. Whenever the board believes that private land should be purchased for settlement under this act it shall give notice by publication in one or more newspapers of general circulation in this state setting forth approximately the area and character of the land desired and the conditions that shall govern the proposed purchase and inviting owners of land willing to enter into a contract of sale on the conditions proposed to submit such land for inspection.

Sec. 7. Within thirty days thereafter the board shall direct an officer or officers in its employ or one or more persons who may, at its request, be designated by the dean of the college of agriculture of the University of California, to inspect and report on all tracts of land suitable for closer settlement which are so submitted.

Sec. 8. The board shall give not less than one week's notice of the approximate date when tracts submitted will be inspected and every report of such inspection shall as far as practicable specify:

(a) The situation and brief description thereof.

(b) Extent and situation of land comprising formation of any tract as is proposed to acquire.

(c) Names and addresses of the owners thereof.

(d) Character of water rights.

(e) Nature of improvements.

(f) Crops being grown on land.

(g) Appraisement of value of land, water rights and improvements.

Sec. 9. On receiving the reports of all the land examined the board shall decide which of the areas is best suited for the purposes of the act. Before so deciding the board may examine the land or it may employ one or more competent valuers to fix the productive value of the land and report the same in writing. The owner or his agent may give evidence as to its value.

Sec. 10. If, from the evidence submitted, or from the results of its personal inspection, the board is satisfied that one or more of the tracts submitted are suited to intensive closer settlement and can be acquired at a reasonable price it shall submit to the governor its report giving the reasons for recommending the purchase and on the approval of the governor the board shall be authorized to purchase the same; provided, that before such purchase is made the attorney general shall approve the title of such lands and any water rights appurtenant thereto and the state water commission shall certify in writing as to the sufficiency of any water rights to be conveyed.

Sec. 11. All sales to settlers of land under this act shall be made upon such terms and conditions as shall give to the board full control of any subdivisions thereof until all moneys advanced by the state for the purchase, improvements or equipment of such subdivisions are fully repaid together with interest thereon as herein provided.

Sec. 12 Immediately upon taking possession of any land purchased as above or otherwise obtained and after deducting any areas to be set aside for town sites or public purposes in accordance with section five of this act the board shall subdivide it into areas suitable for farms and farm laborer's allotments and lay out and wherever necessary construct roads, ditches and drains for giving access to and insuring proper cultivation for the several farms and farm laborer's allotments. The board, prior to disposing of it to settlers or at any time after such land has been disposed of but not after the end of the fifth year from the commencement of the term of the settlers' purchase contract may

(a) Prepare all or any part of such land for irrigation and cultivation.

(b) Seed, plant and fence such land and cause dwelling houses and outbuildings to be erected on any farm allotment and make any improvements not specified above necessary to render the allotment profitable and productive in advance of and after settlement, the total cost to the board of such dwelling and outbuildings and improvements not to exceed five thousand dollars on any one farm allotment.

(c) Cause cottages to be erected on any farm laborer's allotment and provide a domestic water supply. The combined cost to the board of the cottage and water supply not to exceed one thousand five hundred dollars on any one farm laborer's allotment.

(d) Make loans not to exceed three thousand dollars to any one settler for the purchase of necessary live stock and equipment such loans to be secured in any manner that the board may direct or without security other than the personal obligation of the settler.

Sec. 13. Authority is hereby granted to the board where deemed desirable to operate and maintain any irrigation works constructed to serve any lands purchased and sold under the provisions of this act. All moneys received in tolls or charges for the operation and maintenance of any works or for any water supplied therefrom shall be deposited in the veterans' welfare fund for land settlement created by this act and shall become available for the payment of any charges or expenses authorized in this act to be paid from said veterans' welfare fund for land settlement.

Sec. 14. After the purchase of land by the board under the provisions of this act and before its disposal to approved bona fide applicants the board shall have authority to lease such land or a part thereof on bonded or secured leases on such terms as it shall deem fit.

Sec. 15. Lands disposed of under this act other than land set aside for town sites or public purposes shall be sold either as farm allotments each of which shall have a value not exceeding, without improvements, fifteen thousand dollars, or as farm laborer's allotments each of which shall have a value not exceeding without improvements one thousand dollars.

Before any part of an area is thrown open for settlement there shall be such notice thereof given once a week for four weeks in one or more daily newspapers of general circulation in the State of California setting forth the number and size of farm allotments or farm laborer's allotments or both, the price at which they are offered for sale, the mode of payment and such other particulars as the board may think proper and specifying a definite period within which applications therefor shall be filed with the board on forms provided by the board. The board shall have the right in its uncontrolled discretion to reject any and all applications it may see fit and may readvertise as aforesaid as often as it sees fit until it receives and accepts such number of applications as it may deem necessary. If no applications satisfactory to the board are received for any farm allotment or farm laborer's allotment following such advertising the board, at any time prior to readvertising, may sell to a veteran any such farm allotment or farm laborer's allotment at the price at which they were so offered for sale without the necessity of readvertising. The board shall also have the power in dealing with any such farm allotment or farm laborer's allotment for which there has been no such application satisfactory to the board to subdivide or amalgamate any one or more of such allotments as it may see fit and fix the price thereon; provided, that the limitation of fifteen thousand dollars for a farm allotment and one thousand dollars for the farm laborer's allotment, as in this section set forth are not violated. Such subdivision or amalgamation may be had without the necessity or readvertising. The board may also sell at public auction under such conditions of sale and notice thereof as the board may prescribe any areas which the board may determine are not suitable for farm allotments or farm laborer's allotments; provided, if such area has been included in such a farm allotment or farm laborer's allotment, then such sale at public auction can be made only after a failure to receive any application satisfactory to the board after the advertising thereof as required by the terms of this section.

Sec. 15a. The selling prices of the several allotments into which lands purchased under this act are subdivided, other than those set aside for townsite and public purposes, shall be fixed by the board, so as to render such allotments as nearly as possible equally attractive, and calculated to return to the state the original cost of the land, together with a sufficient sum added thereto to cover all expenses and costs of surveying, improving, subdividing, and selling such lands, including the payment of interest, and all costs of engineering, superintendence, and administration, including the cost of operating any works built, directly chargeable to such land, and also the price of so much land as shall on subdivision be used for roads and other public purposes, and also such sum as shall be deemed necessary to meet unforeseen contingencies.

Sec. 16. Any veteran who is not the holder of agricultural land or possessory rights thereto to the value of fifteen thousand dollars and who, by this purchase would not become the holder of agricultural land or possessory rights thereto exceeding such value, and who is prepared to enter within six months upon actual occupation of the land acquired, may apply for and become the purchaser of either a farm allotment or a farm laborer's allotment; provided, that no more than one farm allotment or more than one farm laborer's allotment shall be sold to any one person; provided, further, that no applicant shall be approved who shall not satisfy the board as to his or her fitness successfully to cultivate and develop the allotment applied for. In any such sales preference must be given to veteran trainees in agriculture, under the provisions of the vocational rehabilitation act of congress, approved June 27, 1918, and all acts amendatory thereof or supplemental thereto, or to veterans who were wounded or disabled while a member of the military or naval forces of the United States, and who are otherwise qualified by experience.

Sec. 17. Every approved applicant shall enter into a contract of purchase with the board the terms of which shall be determined by the board. Such applicant shall, if required, by the

board enter into an agreement to apply for a loan from the federal land bank under provisions of the federal farm loan act, for an amount to be fixed by the board and shall pay the board the amount of any loan so made as a partial payment on such land and improvements. The balance due on the land shall be paid in amortizing payments extending over a period to be fixed by the board not exceeding forty years together with interest thereon at the rate of five per cent per annum compounded at periods to be fixed by the board; the amount due on improvements shall be paid in amortizing payments extending over a period to be fixed by the board not exceeding twenty years together with interest at the rate of five per cent per annum compounded at periods to be fixed by the board; the repayments of loans shall extend over a period to be fixed by the board not exceeding five years; provided, however, in each case, that the settler shall have the right on installment date to pay any or all installments still remaining unpaid; provided, further, that the board may in any individual case postpone from time to time the whole or any portion of any payment, initial or otherwise, of principal or interest, on account of land improvements or loans, upon such terms as the board may determine proper.

Sec. 18. Every contract entered into between the board and an approved purchaser shall contain among other things provisions that the purchaser shall cultivate the land in a manner to be approved by the board and shall keep in good order and repair all buildings, fences and other permanent improvements situated on his allotment, reasonable wear and tear and damage by fire excepted. Each settler shall, if required, insure and keep insured against fire all buildings on his allotment, the policies therefor to be made out in favor of the board and to be in such amount or amounts and in such insurance companies as may be prescribed by the board. The board shall have power in its own name to insure and keep insured against fire and such other risks as the board may determine, all buildings or other improvements on any of the lands under the control of the board. The board shall likewise have the power in any contract of purchase under which the board purchases lands as authorized in this act, to provide for the return by the board to the owner so selling to the state of any insurance premium or taxes which may have been paid on said property by such owner or for which such owner may have become obligated to pay.

Sec. 19. No allotment sold under the provisions of this act shall be transferred, assigned, mortgaged, or sublet in whole or in part, without the consent of the board given in writing, until the settler has paid for his farm allotment or farm laborer's allotment in full and complied with all of the terms and conditions of his contract of purchase.

Sec. 20. In the event of a failure of a settler to comply with any of the terms of his contract of purchase and agreement with the board, the state and the board shall have the right at its option to cancel the said contract of purchase and agreement and thereupon shall be released from all obligation in law or equity to convey the property and the settler shall forfeit all right thereto and all payments theretofore made shall be deemed to be rental paid for occupancy. The board may require of the settler such mortgage or deed of trust or other instrument as may be necessary under the terms and conditions of the contract of purchase in order to adequately protect and secure the board. There may be included in such contract of purchase, mortgage, deed of trust or other instrument any conditions with reference to sale of the property or reconveyance back to the board or notice of such sale or reconveyance as may in the discretion of the board be required to be so included in such contract of purchase, mortgage, deed of trust or other instrument, in order to so adequately protect the said board in the premises. The failure of the board or of the state to exercise any option to cancel, or other privilege under the contract of purchase for any default shall not be deemed as a waiver of the right to exercise the option to cancel or other privilege under the contract of purchase for any default thereafter on the settler's part. But no forfeiture so occasioned by default on the part of the settler shall be deemed in any way, or to any extent, to impair the lien and security of the mortgage or trust instrument securing any loan that it may have made as in this act provided. The board shall have the right and power to enter into a contract of purchase for the sale and disposition of any land forfeited as above provided, because of default on the part of a settler, and this right may be exercised indefinitely without the necessity of advertising.

If illness or accident prevents a settler from cultivating his land or harvesting any crop or crops growing thereon, the board may cultivate the land or cause it to be cultivated, or harvest, or cause to be harvested the crop or crops growing thereon. In such event the board may sell such crop or crops so harvested. Out of the proceeds of such sale or sales the board may reimburse itself for any expense which it may have incurred in the cultivation of the land, the harvesting of the crops and the sale thereof, and retain any moneys due to the board from the settler, and the balance, if any, shall be paid by the board to the settler.

Sec. 21. Actual residence on any allotment sold under the provisions of this act shall commence within six months from the date of the approval of the application and shall continue for at least eight months in each calendar year for at least five years from the date of the approval of the said application, unless prevented by illness or some other cause satisfactory to the board; provided, that in case any allotment disposed of under this act is returned to and resold by the state, the time of residence of the preceding purchaser may in the discretion of the board be credited to the subsequent purchaser.

Sec. 22. The power of eminent domain shall be exercised by the state at the request of the board for the condemnation of water rights and rights of way for roads, canals, ditches, dams and reservoirs, necessary or desirable for carrying out the provisions of this act, and on request of the board the attorney general shall bring the necessary and appropriate proceedings authorized by law for such condemnation of said water rights or rights of way, and the cost of all water rights or rights of way so condemned shall be paid out of the veterans' welfare fund for land settlement hereinafter provided for. The board shall have full authority to appropriate water under the laws of the state when such appropriation is necessary or desirable for carrying out the purposes of this act.

Sec. 23. For the purpose of carrying out the provisions of this act the sum of one million dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated. Of this amount the sum of nine hundred fifty thousand dollars shall contitute a revolving fund to be known as veterans' welfare fund for land settlement which is calculated to be returned to the state within a period of fifty years from the effective date of this act with interest at the rate of four per cent per annum on so much thereof as shall be withdrawn from said veterans' welfare fund for land settlement, from the date of withdrawal until returned into said veterans' welfare fund for land settlement, or until returned into the general fund in the state treasury, as the case may be; provided, that in the event of the sale of any bonds which may be hereafter authorized to be issued to create a fund to be expended in accordance with the provisions of this act, then and in that event the sum of nine hundred fifty thousand dollars hereby appropriated shall be returned into the

general fund in the state treasury from the proceeds of the sale of such bonds. The remaining fifty thousand dollars shall constitute a fund available for the payment of administrative expenses alone until such time as other moneys are available for such purposes from the sales of land as provided for in this act.

The state controller is authorized and directed to draw warrants upon such funds from time to time upon requisition of the board approved by the state board of control and the state treasurer is hereby authorized and directed to pay such warrants.

Sec. 24. The state board of control is hereby authorized to provide for advances of money to the board needed to meet contingent expenses to such an amount not exceeding twenty-five thousand dollars as the said board of control shall deem necessary, which advances shall be administered as a revolving fund or revolving funds.

Sec. 25. The money paid by settlers on lands, improvements, or in the repayment of advances, shall be deposited in the veterans' welfare fund for land settlement and be available under the same conditions as the original appropriation.

Sec. 26. The board shall have authority to make all needed rules and regulations for carrying out the provisions of this act.

Sec. 27. The board is hereby authorized to investigate soldiers' land settlement conditions in California and elsewhere and to submit recommendations for such legislation as may be deemed by it necessary or desirable. The board shall render an annual report to the governor and a copy thereof to the secretary of the interior which report shall be filed and printed as required by sections three hundred thirty-two, three hundred thirty-three, three hundred thirty-four, three hundred thirty-six and three hundred thirty-seven of the Political Code with the exception that they shall be so filed annually instead of biennially as provided in such sections. Except as herein otherwise provided no land acquired under the provisions of this act shall in any event become liable for any debt contracted prior to the issuance of a deed by the board therefor.

Sec. 28. The board shall, as far as possible, utilize the services of veterans in administrative and other work for the purposes of carrying out the provisions of this act. Nothing contained in that certain act entitled, "An act to provide for a general system based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the willful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, or in any acts amendatory thereof or supplementary thereto, or in any other act or acts whatsoever, shall limit the power of the board to utilize the services of veterans in administrative and other work, for the purpose of carrying out the provisions of this act.

Sec. 29. Any veteran who has taken advantage of the benefits of the veterans' farm and home purchase act adopted at the forty-fourth session of the legislature of the State of California shall be precluded from taking advantage of the opportunities offered under the provisions of this act.

Sec. 30. It is hereby made the duty of all state, county, city and county officials to furnish and give all required information to the veterans' welfare board, upon request, and shall further assist said board in any manner in accordance with law and without charge therefor.

Sec. 31. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

The Veterans' Farm and Home Purchase Act (Chapter 519, Statutes 1921), validated by the proposed amendment reads as follows:

Section 1. This act may be cited as the "veterans' farm and home purchase act."

Sec. 2. As used in this act the term "veteran" includes any individual who has served on active duty in the army, navy or marine corps of the United States in time of war and has received an honorable discharge therefrom or who has been released from active duty under honorable conditions and who was, at the time of his enlistment, induction, commission or drafting, a bona fide resident of the State of California, but does not include—

1. Any individual at any time after April 5, 1917, and before November 12, 1918, or thereafter separated from such forces under other than honorable conditions.

2. Any conscientious objector who performed no military duty whatever or refused to wear the uniform; or

3. Any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage.

Sec. 3. The object of this act is to furnish to veterans the opportunity to purchase farms, homes and home sites, and the administration of the provisions hereof is hereby vested in the veterans' welfare board as created by the California veteran's welfare act adopted at the forty-fourth session of the legislature of the State of California.

Sec. 4. The board may purchase for sale to a veteran land for agricultural purposes not exceeding in value the sum of seven thousand five hundred dollars or a home or home site not exceeding in value the sum of five thousand dollars; provided, however, that no veteran who has taken advantage of the benefits of the California veterans' welfare act or of educational opportunities furnished by any act adopted at the forty-fourth session of the legislature of the State of California, or who has received a bonus or adjusted compensation from this state shall be permitted to take advantage of the opportunities offered under this act; provided, further, that no veteran shall receive the benefits of this act who would thereby become the holder of land exceeding in value, in the case of a farm, the sum of seven thousand five hundred dollars, or in the case of a home or home site, the sum of five thousand dollars; provided, further, that in any sales preference must be given to veterans who were wounded or disabled while a member of the military or naval forces of the United States, and who are otherwise qualified.

Sec. 5. Any person, firm or corporation within the State of California may list any real estate therein for the price at which the same will be sold by the person listing same with the board in such form, and with such specifications, as the board may direct.

Sec. 6. Whenever a veteran has selected the land or home he desires to purchase under the provisions hereof, whether said property has been listed with the board or not, he shall file his application with the board in such form as may be prescribed by the board, setting forth such information as may be required by the board. Whenever such an application is made the board, if satisfied of the desirability of the real estate and of the ability of the applicant and that such applicant is a veteran and if such applicant has agreed with the board to actually reside upon such real estate within [illegible] months from the date of the purchase by

board, and that the price to be paid by the board for the real estate desired to be purchased does not exceed the sum of seven thousand five hundred dollars in the case of a farm, or five thousand dollars in the case of a home or home site, shall be empowered to enter into a contract of purchase with the owner and to purchase from the owner thereof upon such terms as may be by them agreed. The board shall enter into a contract with the applicant for the sale of said land to said applicant at a price to be fixed by the board, which will make the purchase price and sale price reciprocal, taking into account the difference, if any, in the interest rate to be paid on deferred installments by the board and the applicant respectively, which price shall include the cost of such real estate and all expenses and costs incurred and estimated to be incurred by the board in relation thereto inclusive of interest, administration, appraisals, examination of title, incidental expenses and such sum as shall be deemed necessary to meet unforeseen contingencies; provided, that the applicant repurchasing the land from the board must make an initial payment of at least ten per cent of the purchase price of the land, in the case of a farm, and five per cent in the case of a home or home site. The balance of said purchase price may be amortized over a period to be fixed by the board not exceeding forty years, together with interest thereon at the rate of five per cent per annum compounded at periods to be fixed by the board; provided, however, that in each case the farm or home purchaser shall have the right on any installment date to pay any or all installments still remaining unpaid; provided, however, that in any individual case the board may for good cause postpone from time to time the whole or any part of the principal or interest of any payment other than the initial payment upon such terms as the board may deem proper. The board is empowered in each individual case to determine the terms of the contract entered into with the applicant, but no real estate sold under the provisions of this act shall be transferred, assigned, mortgaged, or sublet, in whole or in part, without the written consent of the board, until the purchaser has paid therefor in full and has complied with all the terms and conditions of his contract of purchase. Before entering into any contract for the purchase of real estate by the board there must be filed with the board an appraisement of the market value of the real estate proposed to be purchased by the president, cashier or manager of a banking corporation formed under and by virtue of the laws of the State of California and having its principal place of business in the county or city and county in which the real estate or some portion thereof is situate; providing, that if there be no such banking corporation having its principal place of business in the county or city and county in which the real estate is situate, then by the president, cashier or manager of a banking corporation organized under and in accordance with the laws of California and having its principal place of business in a county adjacent thereto; and by an inheritance tax appraiser of the county in which said real estate or some portion thereof is situated and by at least two members of the board. Each appraisement shall be verified by the maker thereof which verification shall state, among other things, that it is made in good faith and that the valuation is honestly determined and represents the bona fide opinion of the maker.

Sec. 7. The contract entered into between the board and an approved purchaser shall contain, among other things, provisions that the purchaser shall maintain said farm or home as a place of residence and keep in good order and repair all buildings, fences and other permanent improvements situate thereon and that each purchaser shall, if required, insure and keep insured against fire all buildings on said land, the policies thereof to be made out in favor of the board and to such amount or amounts and in such insurance companies as may be by it specified. The board may require that the purchaser shall give some form of personal insurance, either accident or health, or some other form sufficient to carry him or his family through a period of illness, or to enable him to make his payments when due.

The board, before consummating a purchase under the provisions of this act, shall cause the title of the real estate sought to be purchased to be examined and may require for that purpose either an abstract or an unlimited certificate of title and may refer the same to the attorney general for his opinion.

In the event of a failure of a farm or home purchaser to comply with any of the terms of his contract of purchase, the board may cancel such contract under the same conditions and with the same effect, including the right of a resale after forfeiture, as provided for the cancellation of a settler's contract of purchase under the provisions of the California veterans' welfare act adopted at the forty-fourth session of the legislature of the State of California.

Sec. 8. The board shall have authority to make all needed rules and regulations for carrying out the provisions of this act. For the purposes of carrying out the provisions of this act the sum of two million dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated. Of this amount the sum of one million nine hundred fifty thousand dollars shall constitute a revolving fund to be known as the veterans' farm and home building fund which is calculated to be returned to the state within a period of fifty years from the effective date of this act with interest at the rate of four per cent per annum on so much thereof as shall be withdrawn from said veterans' farm and home building fund from the date of withdrawal until returned into said fund, or until returned into the general fund in the state treasury, as the case may be; provided, that in the event of the sale of any bonds which may be hereafter authorized to be issued to create a fund to be expended in accordance with the provisions of this act, then and in that event the said sum of one million nine hundred fifty thousand dollars hereby appropriated shall be returned to the general fund in the state treasury out of the proceeds from the sale of such bonds. The remaining fifty thousand dollars shall constitute a fund available for the payment of administrative expenses alone until such time as other moneys are available for such purposes from the sales of real estate as provided for in this act. The state controller is authorized and directed to draw warrants upon such funds from time to time upon requisition of the board approved by the state board of control and the state treasurer is hereby authorized and directed to pay such warrants.

Sec. 9. The state board of control is hereby authorized to provide for advances of money to the board needed to meet contingent expenses to such an amount not exceeding twenty-five thousand dollars, as the said board of control shall deem necessary, such advances to be administered as a revolving fund of revolving funds.

Sec. 10. The money paid by purchasers from the board shall be deposited in the veterans' farm and home building fund and be available under the same conditions as the original appropriation.

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this

act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

ARGUMENT IN FAVOR OF THE VETERANS' VALIDATING ACT.

This proposed amendment to the constitution of the state has for its purpose the ratification and validation of the veterans' welfare legislation adopted by unanimous vote of the legislature of the State of California at its 1921 session, consisting of the Veterans' Welfare Act and the Veterans' Farm and Home Purchase Act.

The object of this welfare legislation is to provide veterans of the wars in which the United States has participated with opportunities of acquiring farms and homes on long time payments at a low rate of interest. The administration of this legislation will not increase the tax burdens of the state, and funds expended in the administration thereof are to be repaid with interest to the state by the beneficiaries. The rate of interest, however, is so low and the time in which repayment may be made is so long, that the practical effect is to place the acquisition of a farm or home within the reach of every veteran.

Disabled veterans are given preference.

The plan is this: Under the Veterans' Farm and Home Purchase Act, when a veteran desires to purchase a home or farm of moderate value, he may make his own selection, and if he proves himself to be of good character and worthy, the state will purchase the property selected, provided a conservative appraisement shows it to be of a value equal to the price asked by the seller. The property will then be resold to the veteran upon his making a small initial payment and payments from time to time, until the entire purchase price is paid. The title to the property will remain in the state as security until the purchase price has been paid in full.

Under the Land Settlement Act the state may purchase large tracts of farm land, subdivide them and resell the allotments to veterans on similar terms, and with the same security.

The Veterans' Welfare Bond Act, Proposition No. 3 on the ballot, authorizes the issuance of bonds in the sum of $10,000,000 for the purpose of carrying out the provisions of the California veterans' welfare legislation which has been described above. The adoption of the proposed constitutional amendment herein discussed will, of itself, authorize the issuance of these bonds.

The Supreme Court of the State of California, by decisions rendered since the passage of the veterans' welfare legislation, has cast some doubt upon the constitutionality of certain of its provisions. This proposition is submitted to the people of the state to secure from them the validation of this legislation and to overcome the constitutional difficulties indicated by the court, making possible the carrying out of this undertaking, which would otherwise through legal technicalities in large measure fail, with the result that there would be withheld from the veterans the aid which the people of California, through the unanimous vote of their representatives in the legislature, have sought to provide.

Vote "Yes."

HUNTER LIGGETT,
Major General, U. S. A., retired.

PROHIBITION ENFORCEMENT ACT. Submitted to electors by referendum.

2 Declares unlawful all acts and omissions prohibited by the Eighteenth Amendment to the Federal Constitution and by the Volstead Act, adopting the penalties therein prescribed; vests state courts with jurisdiction and imposes upon prosecuting officers, grand juries, magistrates and peace officers, the duty to enforce said laws; permits local enforcement of ordinances prohibiting the manufacture, sale, transportation or possession of intoxicating liquors; this act to conform, automatically, to changes in said federal laws.

YES	
NO	

Whereas, the legislature of the State of California, in regular session in April, 1921, passed, and the governor of the State of California on the seventh day of May, 1921, approved a certain act, which act, together with its title is in words and figures following, to wit:

PROPOSED LAW.

An act to enforce the provisions of article eighteen of the amendments to the constitution of the United States; prohibiting all acts or omissions prohibited by the Volstead act; imposing duties on courts, prosecuting attorneys, sheriffs and other officers, and extending their jurisdiction; and providing for the disposition of fines and forfeitures.

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

Section 1. California hereby recognizes the requirements of the eighteenth amendment to the constitution of the United States for its concurrent enforcement by the congress and the several states. To that end, the penal provisions of the Volstead act are hereby adopted as the law of this state; and the courts of this state are hereby vested with the jurisdiction, and the duty is hereby imposed upon all prosecuting attorneys, sheriffs, grand juries, magistrates and peace officers in the state, to enforce the same.

Sec. 2. All acts or omissions prohibited or declared unlawful by the eighteenth amendment to the constitution of the United States or by the Volstead act are hereby prohibited and declared unlawful; and violations thereof are subject to the penalties provided in the Volstead act.

Sec. 3. California hereby recognizes that its power to enforce the eighteenth amendment to the constitution of the United States should at all times be exercised in full concurrence with the exercise of the like power of congress; and to that end, whenever congress shall amend or repeal the Volstead act, or enact any other law to enforce the eighteenth amendment to the constitution of the United States, then the provisions of sections one and two of this act shall apply thereto.

Sec. 4. Nothing in this act shall be construed as limiting the power of any city or county, or city and county, to prohibit the manufacture, sale, transportation or possession of intoxicating liquors for beverage purposes; and all fines and forfeitures collected under any ordinance now or hereafter enacted in the exercise of such power shall be paid into the treasury of the city or county, or city and county, whose ordinance is violated.

Sec. 5. The phrase "Volstead act" as used herein is defined as title two of the act of congress enacted October 28, 1919; such title two being enacted under the authority of the eighteenth amendment to the constitution of the United States and providing for the enforcement thereof.

Sec. 6. Should any section or any portion of any section of this act be found unconstitutional, the remainder shall continue in full force and effect, it being expressly declared that such is the intention

ARGUMENT IN FAVOR OF PROHIBITION ENFORCEMENT ACT.

This law, commonly called the "Wright Act," was passed by the legislature, signed by the governor and referended by the liquor interests (the California Grape Protective Association).

Why a State Law Is Necessary.

The constitution requires such a law. The United States Supreme Court says: "It was sought by the second section (of the Eighteenth Amendment) to unite national and state administrative agencies to give effect to the amendment." Forty-six states have complied with this requirement of the constitution, including such wet states as New Jersey and Rhode Island. No state officer or court of California now has power to enforce a federal law.

Since the United States constitution requires such an act, and since all of the states but two have adopted such laws, the only objection that opponents can make to it is not to the purpose but to the form of the act. That objection was raised two years ago to the "Harris Act" by the California Grape Protective Association (which referended both acts) as follows:

"If a state law is needed let a new one be drafted by the 1921 legislature—one that will not conflict with the federal law, and will give the people of California wine and beer if congress decides to exempt them from the prohibition law."

This act (the Wright Act) squarely meets the objection to the Harris Act. Opponents can not now object to this new act; they asked for it two years ago.

What This Act Does.

It will help stamp out bootlegging.

It makes the law of the United States the law of California.

It prohibits nothing not already prohibited by national law.

It permits everything permitted by national law.

It declares that the people of California are supporting the constitution of the United States.

It directs all the officers of the cities and counties of California to help enforce the law against bootlegging.

It does not add a single new officer or create a single additional salary.

It permits the counties of California to collect the fines now going to the federal government.

The Supreme Issue.

A fundamental law regulating human conduct, passed by two-thirds of the national legislators; ratified by three-fourths of the state legislatures; approved by the Supreme Court of the United States, and at present enforced by forty-six states, is here for enforcement by the people of California.

Shall the citizens of California vote with her sister states for law enforcement, or shall they vote for contempt and violation of law? Are the citizens of California law breakers or law observers? Shall we teach our children and newly made citizens that there are some laws to be observed and enforced, and others to be flouted and broken? Have the constitution of the United States and the decisions of the Supreme Court no longer any meaning in California?

This law is the patriotic expression of California for law enforcement under the constitution. It is California's pledge of allegiance to the highest ideals of American citizenship.

Vote "Yea."

T. M. WRIGHT,
Assemblyman Forty-fourth District.

ARGUMENT AGAINST PROHIBITION ENFORCEMENT ACT.

Wisdom dictates that California electors reject this new departure and unusual law. If this "Wright Act" becomes the law of California, we must either recruit and compensate more peace officers or detach from an already inadequate staff more "purity squads" to seek illicit loves, liquors and stills whilst unprotected homes and business places are looted and burglars, robbers and murderers revel in an extra "wave" of crime. We should do neither. California should not, unnecessarily, assume national burdens. She has quite enough of her own. Our people are not responsible for the situation.

If this act imposed upon California the enforcement of ALL national penal laws entailing tremendous expense, it would be overwhelmingly defeated. Yet this would be more logical than the selection of ONE such law for enforcement at the expense of California taxpayers. California should refuse to assume either burden. Our government rests on the principle that functions of state and nation are distinct. Disregard of this principle is hazardous. Teetotalers, even prohibitionists, opposed the Eighteenth Amendment as radical departure from our system of government which vested in each state EXCLUSIVE POWER to regulate the conduct of its citizens. Admonished by study and experience that infringement of this power must cause friction and strife, they held integrity of government higher than prohibition or any pretext for such a dangerous precedent.

Zealotry now proposes a further revolutionary change in the surrender by California of the power to make and change its laws in the "adoption" by reference of the national "Volstead Act" and, worse still, all future amendment of and substitutes for that law. "Adoption" is a new, strange, careless method of making laws and when applied to future congressional productions is as foolish as the adoption of unborn children who may suit and may not. Our state constitution forbids the "adoption" of laws by reference to title, and it is elementary that future congressional acts can not amend, repeal or supersede the Volstead Act should it become state law. Prudence should not sanction nor courts approve this novel method of enacting and perpetuating law. If, however, this "adoption" proceeding should carry, fanatical persistency may boast a "glorious victory" and a reversal by California electors of their rejection in 1914, 1916, 1918 and 1920 of "prohibition" laws as promotive of "temperance." The consequences may then be left to chance and courts. Opposition is characterized as hostility to law enforcement. But abuse is never argument and multiplication of laws, officers, expense, accompanied by divided responsibility does not aid law enforcement. Pretense that the nation alone can not enforce the "Volstead Act" is hypocritical reflection on national integrity and power. Resort to revolutionary change and state intervention has been unnecessary to the enforcement of more important national penal laws than this and mere reform of personal habits and appetites does not justify it.

This tendency to intermingle, confuse and change functions of nation and state, tinker with and disregard constitutions and resort to unusual methods should be halted ere it results in governmental chaos.

Vote "No" on proposition No. 2.

C. E. McLAUGHLIN.

FOR THE VETERANS' WELFARE BOND ACT OF 1921. This act provides for a bond issue of ten million dollars to be used by the Veterans' Welfare Board in assisting California war veterans to acquire farms or homes.

3 AGAINST THE VETERANS' WELFARE BOND ACT OF 1921. This act provides for a bond issue of ten million dollars to be used by the Veterans' Welfare Board in assisting California war veterans to acquire farms or homes.

An act to authorize the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, for the single object of creating a fund to carry on the operations of the veterans' welfare board in accordance with the provisions of the California veterans' welfare act enacted at the forty-fourth session of the legislature of the State of California, and also in accordance with the provisions of the veterans' farm and home purchase act enacted at the forty-fourth session of the legislature of the State of California, or either of them enacted at the forty-fourth session of the legislature of the State of California, and of any and all acts amendatory or supplemental to said acts, or either of them; to provide ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; to create a veterans' welfare finance committee the members of which are to serve without compensation; to define the powers and duties of said veterans' welfare finance committee and of other state officers in relation to this act; to appropriate money for the expense of preparing and of advertising the sale of the bonds herein authorized to be issued; and to provide for the submission of this act to a vote of the people at the general election to be held in the month of November, 1922.

[Submitted to the people by the legislature of the State of California, at its regular session commencing on the third day of January, 1921.]

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

Section 1. For the purpose of creating a fund to carry on the operations of the veterans' welfare board in accordance with the provisions of the California veterans' welfare act enacted at the forty-fourth session of the legislature of the State of California, and also in accordance with the provisions of the veterans' farm and home purchase act enacted at the forty-fourth session of the legislature of the State of California, or either of them enacted at the forty-fourth session of the legislature of the State of California, and of any and all acts amendatory or supplemental to said acts, or either of them, the veterans' welfare finance committee created by this act shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the manner and to the extent hereinafter provided, but not otherwise, nor in excess thereof.

Sec. 2. After the issuance of the proclamation of the governor provided for in section sixteen of this act, and immediately after adoption of any resolution by the veterans' welfare finance committee hereby created, provided for in section eleven of this act, the state treasurer shall prepare the requisite number of suitable bonds of the denomination of one thousand dollars in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this act shall not exceed the sum of ten million dollars, and the bonds issued under any such resolution shall bear interest from the date of issuance of said bonds to the date of maturity thereof, at a rate to be determined by the said veterans' welfare finance committee and specified in such resolution, but in no case exceeding six per cent per annum. Both principal and interest shall be payable in gold coin of the United States of the present standard of value, at the office of the state treasurer, or at the office of any duly authorized agent of the state treasurer, and shall be so payable at the times specified in said resolution or resolutions.

All bonds issued under this act shall bear the signature of the governor and the facsimile countersignature of the controller and shall be endorsed by the state treasurer either by original signature or by signature stamp adopted for each particular bond issue under this act, and the said bonds shall be signed, countersigned and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the great seal of the State of California. The said bonds so signed, countersigned, endorsed and sealed when sold, shall be and constitute a valid and binding obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned and endorsed said bonds, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or endorsing said bonds. Each bond issued under this act shall contain a clause or clauses stating that interest shall cease to accrue thereon from and after the date of maturity thereof, and referring to this act and to the resolution of the veterans' welfare finance committee hereunder by virtue of which said bond is issued.

Sec. 3. The requisite number of suitable interest coupons, appropriately numbered, shall be attached to each bond issued under this act. Said interest coupons shall bear the facsimile signature of the state treasurer who shall be in office on the date of issuance of the bond to which said coupons pertain.

Sec. 4. All bonds issued under this act and sold shall be deemed to have been called in at their respective dates of maturity and the state treasurer shall, on the respective dates of maturity of said bonds, or as soon thereafter as said matured bonds are surrendered to him, pay the same out of the proceeds of the controller's warrants drawn in his favor as provided in section five hereof and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. He shall also, on the said respective dates of maturity, cancel all bonds bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof. The provisions of this section shall be applicable also to the interest coupons pertaining to the bonds authorized by this act to be issued, and shall be applicable, as far as practicable, to any duly authorized agent of the state treasurer.

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.

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 collections of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be returned into the general fund in the state treasury, all of the moneys in the specific fund into which the proceeds from the sale of the said bonds have been covered as herein prescribed, not in excess of the principal of and interest on the said bonds then due and payable and, in the event of such moneys so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the general fund in the state treasury out of said specific fund as soon thereafter as it shall become available, together with interest thereon, from such dates of maturity until so returned, at the rate of five per cent per annum, compounded semiannually.

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn against said appropriation from the general fund by the controller of the state in favor of the state treasurer or in favor of any duly authorized agent of the state treasurer, upon demands audited by the state board of control, and the moneys to be returned into the general fund in the state treasury pursuant to the provisions of this section shall likewise be paid as herein provided upon warrants duly drawn by the controller of the state upon demands duly audited by the state board of control.

Sec. 6. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the expenses that may be incurred by the state treasurer in having said bonds prepared and in advertising their sale. Said amount shall be refunded to the general fund in the state treasury out of the specific funds into which the proceeds from the sale of said bonds shall be respectively covered in accordance with the provisions of this act on controller's warrant duly drawn for that purpose.

Sec. 7. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as the said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the veterans' welfare board and approved by the governor of the state; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and with the approval of the governor, he may from time to time, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said treasurer shall detach therefrom all coupons which have matured or will mature before the day fixed for such sale.

Sec. 8. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in one newspaper published in the city and county of San Francisco and also by publication in one newspaper published in the city of Oakland and by publication in one newspaper published in the city of Los Angeles and by publication in one newspaper published in the city of Sacramento once a week during four weeks prior to such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised. The proceeds of the sale of such bonds shall such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said treasurer into the veterans' welfare fund for land settlement, or into the veterans' farm and home building fund, as the case may be, in accordance with the resolution of the veterans' welfare finance committee, provided for in section eleven of this act, by virtue of which resolution the said bonds shall have been issued, and must be used exclusively to provide useful employment and the opportunity to acquire farm homes with profitable livelihood on the land for veterans and to provide for cooperation of the state with the agencies of the United States engaged in work of similar character, and to furnish to veterans the opportunity to purchase farms, homes and home sites, in accordance with the provisions of the California veterans' welfare act and of the veterans' farm and home purchase act, or either of them, and of any and all acts amendatory or supplemental to said acts, or either of them; provided, that the said veterans' welfare board must pay over to the general fund of the state from the proceeds of the sale of the bonds all money which has been heretofore or may be hereafter appropriated and advanced out of the general fund in the state treasury for the use of the said veterans' welfare board on condition that it shall be so paid over; provided, further, that the said veterans' welfare board may, out of the proceeds rom the sale of said bonds, pay all or any part of any indebtedness heretofore by it incurred in accordance with law and remaining unpaid, including the interest accrued thereon, unless the rate of interest applying to such indebtedness s less than the rate of interest applying to the aid bonds; and provided, further, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof.

Sec. 9. The veterans' welfare board shall be and hereby is authorized, with the approval of the state board of control, to invest any surplus moneys in any of the funds subject to or appropriated for its use in bonds of the United States, or of the State of California, or of the several counties or municipalities or other political subdivisions of the State of California, and to sell such bonds, or any of them, at the governing market rates, upon approval of the state board of control.

Sec. 10. There is hereby created a veterans' welfare finance committee composed of the governor, state controller, state treasurer, chairman of the state board of control, and chairman of the veterans' welfare board, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said committee. The attorney general of the state shall be the legal advisor of the veterans' welfare finance committee.

Upon request of the veterans' welfare board, supported by a statement of the plans and projects of the veterans' welfare board with respect thereto, which statement shall designate the specific fund to which such plans and projects relate, the veterans' welfare finance committee shall determine whether or not a bond issue under this act is necessary or desirable to carry such plans and projects into execution.

Sec. 11. Whenever the said veterans' welfare finance committee shall have determined that a bond issue under this act is necessary or desirable to carry such plans and projects into execution, it shall adopt a resolution to this effect. The said resolution shall authorize and direct the state treasurer to prepare the requisite number of suitable bonds and shall specify:

1. The aggregate number, aggregate par value, and the date of issuance of the bonds to be issued.

2. The date or dates of maturity of the bonds to be issued and the number and numerical sequence of the bonds maturing at each date of maturity.

3. The annual rate of interest which the bonds to be issued shall bear.

4. The number, numerical sequence, amount or amounts, and the dates of maturity of the interest coupons to be attached to the said bonds.

5. The specific fund into which the proceeds from the sale of the bonds to be issued shall be

placed and from which disbursements thereof shall be made in accordance with this act.

6. The technical form and language of the bonds to be issued and of the interest coupons to be attached thereto.

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the veterans' welfare finance committee shall be guided by the amounts and dates of maturity of the revenues estimated to accrue to the veterans' welfare board from the project or projects to be financed by each issue, and shall fix and determine said dates and amounts in such manner that, together with the dates and amounts of interest payments on the said bond issue, they shall coincide, as nearly as practicable, and be commensurate, as nearly as practicable, with the dates and amounts of such estimated revenues; provided, that the bonds first to mature in each issue, shall mature not later than five years from the date of issuance thereof; provided, further, that specified numbers of bonds of specified numerical sequence shall thereafter mature at annual intervals; and provided, further, that the bonds last to mature in each issue shall mature not later than forty-five years from the date of issuance thereof.

The rate of interest to be borne by the said bonds shall be uniform for all the bonds of the same issue and shall be determined and fixed by the veterans' welfare finance committee according to the then prevailing market conditions, but shall in no case exceed six per cent per annum, and the determination of said committee as to the rate of interest shall be conclusive as to the then prevailing market conditions. The interest coupons to be attached to the said bonds shall be payable at semiannual intervals from the date of issuance of said bonds; provided, that the interest coupon first payable may, if the veterans' welfare finance committee shall so determine and specify, be payable one year after the date of issuance of said bonds.

Sec. 12. All actual and necessary expenses of the veterans' welfare finance committee and of the members thereof shall be paid out of the fund into which the proceeds from the sale of said bonds shall be covered, upon approval of the state board of control and on controller's warrant duly drawn for that purpose, and shall constitute expenses of the veterans' welfare board.

Sec. 13. The state controller, the state treasurer, and the veterans' welfare finance committee shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Sec. 14. This act, if adopted by the people, shall take effect on the fifteenth day of November, 1922, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

Sec. 15. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, 1922, and all ballots at said election shall have printed thereon and in a square thereof, the words: "For the veterans' welfare bond act of 1921," and in the same square under said words the following in brevier type: "This act provides for a bond issue of ten million dollars to be used by the veterans' welfare board in assisting California war veterans to acquire farms or homes." In the square immediately below the square containing such words, there shall be printed on said ballot the words: "Against the veterans' welfare bond act of 1921," and in the same square immediately below said words "Against the veterans' welfare bond act of 1921" in brevier type shall be printed "This act provides for a bond issue of ten million dollars to be used by the veterans' welfare board in assisting California war veterans to acquire farms or homes." Opposite the words "For the veterans' welfare bond act of 1921" and "Against the veterans' welfare bond act of 1921," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the veterans' welfare bond act of 1921" and those voting against the said act shall do so by placing a cross opposite the words "Against the veterans' welfare bond act of 921." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 16. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Sec. 17. It shall be the duty of the secretary of state in accordance with law to have this act published in at least one newspaper in each county, or city and county, if one be published herein, throughout this state, for three months next preceding the general election to be holden n the month of November, 1922; the costs of publication shall be paid out of the general fund, on controller's warrants duly drawn for that purpose and shall be refunded to the general fund out of the veterans' welfare fund for and settlement and the veterans' farm and home building fund jointly, each of said funds sharing one-half of said costs. Said refund shall be made upon controller's warrants duly drawn against said funds for said purpose upon demands audited by the state board of control.

Sec. 18. This act may be known and cited as he "veterans' welfare bond act of 1921."

Sec. 19. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

ARGUMENT IN FAVOR OF THE VETERANS' WELFARE BOND ACT.

This proposition, the Veterans' Welfare Bond Act, is to be read and considered in connection with the Veterans' Validating Act, Proposition No. 1 upon the ballot, which is an initiative measure amending the constitution so as to permit the use of state credit and moneys for the purpose set forth below in the Veterans' Welfare Act and the Veterans' Welfare Bond Act.

The Veterans' Bond Act, Proposition No. 3, authorizes the issuance of bonds for ten million dollars for the sole purpose of carrying out the provisions of California veterans' welfare legislation, consisting of the Veterans' Welfare Act and the Veterans' Farm and Home Purchase Act passed unanimously at the 1921 session of the state legislature. The object of California veterans' welfare legislation is to provide veterans with useful employment and the opportunity to acquire farm homes, homes, and home sites within the state at a low rate of interest and on long time payments.

These acts are distinguishable from nearly all soldier bonus legislation passed in some twenty other states in that they are designed to operate without any expense or cost whatever to the State of California. There is nothing about them in the nature of a bonus, gift or gratuity of any kind. The money is loaned on ample security, and every cent is to be repaid by the veteran to the state, together with interest, and in addition thereto, all administrative expenses. The American Legion submitted the legislation contained in these acts

the last session of the California legislature on the basis that it would not increase state tax burdens and would build up the resources of California, at the same time benefiting its worthy and deserving veterans.

Propositions 1 and 3, without expense to the state, enable California veterans to become home-owning and farm-owning citizens—taxpayers—self-respecting and independent. This legislation helps him help himself. It promotes a higher type of citizenship by making more persons the owners of the land which they till or the homes in which they live. History shows that that state is strongest and least apt to suffer from internal agitations which has the greatest number of citizens owning the farms and homes upon which they live. It promotes and develops the agricultural interest of the state and increases its prosperity through the erection of new homes and the cultivation of vast and fertile undeveloped acreage by subdividing them into small, intensively cultivated farms, and by so doing, adding to the taxable wealth and property of California by many millions of dollars.

Vote "Yes" on Propositions 1 and 3.

J. M. INMAN,
State Senator Seventh Senatorial District.

F. A. ARBUCKLE,
State Senator Twenty-fifth Senatorial District.

ARGUMENT AGAINST VETERANS' WELFARE BOND ACT.

The proposal to add $10,000,000 to the $3,500,000 legislative grant to veterans for farms and homes enables voters to share the clear-thinking wisdom of Plato, before Christ, on the relations of citizens to their state; and to cut the old stinking cancer of military grants.

Our federal government wisely ordered its young men to register and to lay down their lives, if need be, for its preservation. This essential power is vital in the life of a nation to which its people owe their blood and their treasure. There was no right in the men to bargain as to conditions of service; nor the slightest obligation, legal or moral, on the United States to compensate these men.

The men did their duty with inspiring courage, 4 per cent of Californians laid down their lives in battle. The great majority remained in the United States. But freed from national guidance the veterans degenerated into an organization, asserting right to be disloyal in peace, because others were disloyal during war. As compensation for doing their duty, they ask privileges and exemptions above other citizens that would bring the state and nation to ruin, if exercised by all.

The proposal of granting $5,000 to each of 133,000 California veterans establishes a precedent that looks to ultimate expenditure of $665,000,000 and old war veterans will swell this total to $800,000,000.

We do not begrudge the $442,035,809 spent by the federal government on disabled veterans during the last fiscal year, if wisely expended. But the sound veterans are debauched by the example of old war veterans to whom the nation has paid $5,900,000,000 since close of our civil war. Ninety per cent of this vast amount is the price of votes or the fruitage of blackmail.

Cupidity of veterans and public sentiment, maudlin and stupid, has been used by politicians to build political machines, based upon expenditure of public funds, that is forcing upwards cost of government by leaps and bounds.

The $10,000,000 is not limited to veterans. It is available to others, being a development from the socialistic state farm settlements at Durham and Delhi, on which the state already has expended some $4,000,000, or $270 an acre, and which if continued and extended will absorb the wealth of the state.

This state socialism weakens the initiative and the self-reliance that has carried our nation from a population of 3,000,000 to 110,000,000 within the time that, with equal resources, Australia, blighted by socialistic methods, has grown to but 5,000,000; and which fully applied has brought Russia to ruin.

Our state and nation have prospered because its virile people have been disciplined and strengthened in the hard school of experience to self-reliant courage, and to capacity to plan and to fight for financial, for social and for ethical improvement. Are we now to degenerate into a supine citizenship, guided, coddled and seduced by politicians?

The vote upon this measure will test the capacity of women for citizenship. It will disclose whether they are controlled by emotions or by discriminating public policy.

GEORGE EDWARDS.

FOR THE LAND SETTLEMENT BOND ACT OF 1921. This act provides for a bond issue of three million dollars to carry out the purposes of the land settlement act.

AGAINST THE LAND SETTLEMENT BOND ACT OF 1921. This act provides for a bond issue of three million dollars to carry out the purposes of the land settlement act.

An act to authorize the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, for the single object of creating a fund to carry out the provisions of the land settlement act, approved June 1, 1917, and of any and all acts amendatory thereof or supplemental thereto; to provide ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; to create a state land settlement finance committee the members of which are to serve without compensation; to define the powers and duties of said state land settlement finance committee and of other state officers in relation to this act; to appropriate money for the expense of preparing and of advertising the sale of the bonds herein authorized to be issued; and to provide for the submission of this act to a vote of the people at the general election to be holden in the month of November, 1922.

(Submitted to the people by the legislature of the State of California, at its regular session commencing on the third day of January, 1921.)

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

Section 1. For the purpose of creating a fund to carry out the provisions of the land settlement act, approved June 1, 1917, and of any and all acts amendatory thereof or supplemental thereto, the object of which acts is to provide employment and rural homes for soldiers, sailors, marines and others who have served with the armed forces of the United States in the European war or other wars of the United States, including former American citizens who served in allied armies against the central powers and have been repatriated, and who have been honorably discharged, to promote closer agricultural settlement, to assist deserving and qualified persons to acquire small improved farms, to demonstrate the value of ade-

quate capital and organized direction in subdividing and preparing agricultural land for settlement, and to provide homes for farm laborers, the state land settlement finance committee created by this act, to wit, in section ten hereof, shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the manner and to the extent hereinafter provided, but not otherwise, nor in excess thereof.

Sec. 2. After the issuance of the proclamation of the governor provided for in section sixteen of this act, and immediately after adoption of any resolution by the state land settlement finance committee hereby created, provided for in section eleven of this act, the state treasurer shall prepare the requisite number of suitable bonds of the denomination of one thousand dollars in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this act shall not exceed the sum of three million dollars, and the bonds issued under any such resolution shall bear interest from the date of issuance of said bonds to the date of maturity thereof, at a rate to be determined by the said state land settlement finance committee and specified in such resolution, but in no case exceeding six per cent per annum. Both principal and interest shall be payable in gold coin of the United States, of the present standard of value, at the office of the state treasurer, or at the office of any duly authorized agent of the state treasurer, and shall be so payable at the times specified in said resolution or resolutions.

All bonds issued under this act shall bear the signature of the governor and the facsimile countersignature of the controller and shall be endorsed by the state treasurer either by original signature or by signature stamp adopted for each particular bond issue under this act, and the said bonds shall be signed, countersigned and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the great seal of the State of California. The said bonds so signed, countersigned, endorsed and sealed, when sold, shall be and constitute a valid and binding obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned and endorsed said bonds, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or endorsing said bonds. Each bond issued under this act shall contain a clause or clauses stating that interest shall cease to accrue thereon from and after the date of maturity thereof, and referring to this act and to the resolution of the state land settlement finance board hereunder by virtue of which said bond is issued.

Sec. 3. The requisite number of suitable interest coupons, appropriately numbered, shall be attached to each bond issued under this act. Said interest coupons shall bear the facsimile signature of the state treasurer who shall be in office on the date of issuance of the bond to which said coupons pertain.

Sec. 4. All bonds issued under this act and sold shall be deemed to have been called in at their respective dates of maturity and the state treasurer shall, on the respective dates of maturity of said bonds, or as soon thereafter as said matured bonds are surrendered to him, pay the same out of the proceeds of the controller's warrants drawn in his favor as provided in section five hereof and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. He shall also, on the said respective dates of maturity, cancel all bonds bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof. The provisions of this section shall be applicable also to the interest coupons pertaining to the bonds authorized by this act to be issued, and shall be applicable, as far as practicable, to any duly authorized agent of the state treasurer.

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.

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.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be returned into the general fund in the state treasury, all of the moneys subject to and available for the use of the state land settlement board not in excess of the principal of and interest on the bonds, then due and payable and, in the event of such moneys so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the general fund in the state treasury as soon thereafter as it shall become available, together with interest thereon, from such dates of maturity until so returned, at the rate of five per cent per annum, compounded semi-annually.

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn by the controller of the state in favor of the state treasurer or in favor of any duly authorized agent of the state treasurer, upon demands audited by the state board of control, and the moneys to be returned into the general fund in the state treasury pursuant to the provisions of this section shall likewise be paid as herein provided upon warrants duly drawn by the controller of the state upon demands duly audited by the state board of control.

Sec. 6. The sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the expenses that may be incurred by the state treasurer in having said bonds prepared and advertising their sale. Said amount shall be refunded to the general fund of the state treasury out of the land settlement fund in accordance with the provisions of this act on controller's warrant duly drawn for that purpose.

Sec. 7. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as the said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the state land settlement board and approved by the governor of the state; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and with the approval of the governor, he may from time to time, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said treasurer shall detach therefrom all coupons which have matured or will mature before the day fixed for such sale.

Sec. 8. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in one newspaper published in the city and county of San Francisco and also by publication in one newspaper published in the city of Oakland and by publication in one newspaper published in the city of Los Angeles and by publication in one newspaper published in the city of Sacramento once a week during four weeks prior to such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expense and cost of

such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said treasurer into the land settlement fund in the state treasury and must be used exclusively to provide employment and rural homes for soldiers, sailors, marines and others who have served with the armed forces of the United States in the European war or other wars of the United States, including former American citizens who served in allied armies against the central powers and have been repatriated, and who have been honorably discharged, to promote closer agricultural settlement, to assist deserving and qualified persons to acquire small improved farms, to demonstrate the value of adequate capital and organized direction in subdividing and preparing agricultural land for settlement, and to provide homes for farm laborers, in accordance with the provisions of the land settlement act, approved June 1, 1917, and of any and all acts amendatory thereof or supplemental thereto; provided, that the said land settlement board must pay over to the general fund of the state from the proceeds of the sale of bonds all money which has been heretofore or may be hereafter appropriated and advanced out of the general fund of the state treasury for the use of the state land settlement board on condition that it shall be so paid over; provided, further, that the said state land settlement board may, out of the proceeds from the sale of said bonds, pay all or any part of any indebtedness heretofore by it incurred in accordance with law and remaining unpaid, including the interest accrued thereon, unless the rate of interest applying to such indebtedness is less than the rate of interest applying to the said bonds; and provided, further, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof.

Sec. 9. The state land settlement board shall be and hereby is authorized, with the approval of the state board of control, to invest any surplus moneys in any of the funds subject to or appropriated for its use in bonds of the United States, or of the State of California, or of the several counties or municipalities or other political subdivisions of the State of California, and to sell such bonds, or any of them, at the governing market rates, upon approval of the state board of control.

Sec. 10. There is hereby created a state land settlement finance committee composed of the governor, state controller, state treasurer, chairman of the state board of control, and chairman of the state land settlement board, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said committee. The attorney general of the state shall be the legal advisor of the state land settlement finance committee.

Upon request of the state land settlement board, supported by a statement of the plans and projects of the state land settlement board with respect thereto, the state land settlement finance committee shall determine whether or not a bond issue under this act is necessary or desirable to carry such plans and projects into execution.

Sec. 11. Whenever the said state land settlement finance committee shall have determined that a bond issue under this act is necessary or desirable to carry such plans and projects into execution, it shall adopt a resolution to this effect. The said resolution shall authorize and direct the state treasurer to prepare the requisite number of suitable bonds and shall specify:

1. The aggregate number, aggregate par value, and the date of issuance of the bonds to be issued.

2. The date or dates of maturity of the bonds to be issued and the number and numerical sequence of the bonds maturing at each date of maturity.

3. The annual rate of interest which the bonds to be issued shall bear.

4. The number, numerical sequence, amount or amounts, and the dates of maturity of the interest coupons to be attached to the said bonds.

5. The technical form and language of the bonds to be issued and of the interest coupons to be attached thereto.

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the state land settlement finance committee shall be guided by the amounts and dates of maturity of the revenues estimated to accrue to the state land settlement board from the project or projects to be financed by each issue, and shall fix and determine said dates and amounts in such manner that, together with the dates and amounts of interest payments on the said bond issue, they shall coincide, as nearly as practicable, and be commensurate, as nearly as practicable, with the dates and amounts of such estimated revenues; provided, that the bonds first to mature in each issue, shall mature not later than five years from the date of issuance thereof; provided, further, that specified numbers of bonds of specified numerical sequence shall thereafter mature at annual intervals; and provided, further, that the bonds last to mature in each issue shall mature not later than forty-five years from the date of issuance thereof.

The rate of interest to be borne by the said bonds shall be uniform for all the bonds of the same issue and shall be determined and fixed by the state land settlement finance committee according to the then prevailing market conditions, but shall in no case exceed six per cent per annum, and the determination of said committee as to the rate of interest shall be conclusive as to the then prevailing market conditions. The interest coupons to be attached to the said bonds shall be payable at semiannual intervals from the date of issuance of said bonds; provided, that the interest coupon first payable may, if the state land settlement finance committee shall so determine and specify, be payable one year after the date of issuance of said bonds.

Sec. 12. All actual and necessary expenses of the state land settlement finance committee and of the members thereof shall be paid out of the land settlement fund, upon approval of the state board of control and on controller's warrant duly drawn for that purpose, and shall constitute expenses of the state land settlement board.

Sec. 13. The state controller, the state treasurer, and the state land settlement finance committee shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Sec. 14. This act, if adopted by the people, shall take effect on the fifteenth day of November, 1922, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

Sec. 15. 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, 1922, and all ballots at said election shall have printed thereon and in a square thereof, the words: "For the land settlement bond act of 1921," and in the same square under said words the following in brevier type: "This act provides for a bond issue of three million dollars to carry out the purposes of the land settlement act." In the square immediately below the square containing such words, there shall be printed on said ballot the words: "Against the land settlement bond act of 1921" and in the same square immediately below said words "Against the land settlement bond act of 1921" in brevier type shall be printed "This act provides for a bond issue of three million dollars to carry out the purposes of the land settlement act." Opposite the words "For

the land settlement bond act of 1921" and "Against the land settlement bond act of 1921," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the land settlement bond act of 1921" and those voting against the said act shall do so by placing a cross opposite the words "Against the land settlement bond act of 1921." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 16. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Sec. 17. It shall be the duty of the secretary of state in accordance with law to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, 1922; the costs of publication shall be paid out of the general fund, on controller's warrants duly drawn for that purpose and shall be refunded to the general fund out of the land settlement fund in accordance with this act.

Sec. 18. This act may be known and cited as the "Land settlement bond act of 1921."

Sec. 19. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

ARGUMENT IN FAVOR OF LAND SETTLEMENT BOND ACT.

The three million dollar bond issue for land settlement will enable the beneficent state land settlement policy to be continued without further appropriations from the state treasury.

It will reduce taxes. The bonds will be paid, principal and interest, by the settlers who buy land under the State Land Settlement Act. One million dollars from the sale of these bonds will go immediately into the state treasury to replace the one million dollars appropriated for land settlement in 1921 and used to buy and improve the lands of the Delhi State Settlement. The remaining two million dollars will be used to buy land for other settlements, which, when bought, will be divided into small farms and farm laborers' allotments and sold to actual settlers on long time payments. It will increase the number of homes, the acres of orchards, vineyards and dairy farms. It will broaden the opportunities of people of small means to own their homes, to work for themselves and build up in this state a sound and permanent agriculture.

The bonds will be secured by the lands purchased and that security will be increased in value by the money and labor of settlers who will bring to the state, and spend on these farms, millions of dollars in building houses, planting orchards, preparing land for alfalfa and changing great areas of grain land into land devoted to intensive culture.

In natural advantages, California as an agricultural state stands alone. No other state equals it in the value and variety of its products or in the charm and healthfulness of its rural life. These advantages are not settling the land. Over one million acres of land provided with water for irrigation is not irrigated or cultivated as irrigation requires because the open country in California lacks people. In settlement California has fallen behind other western states. Only 15.1 per cent of our total population live on farms, while in the United States as a whole 29.9 per cent live there. California has the lowest percentage of farmers compared to the whole population of any state in the union. The land settlement act is needed to help put the idle acres to work, to help development in the country keep pace with development in the cities, and to build up in the open country a sound, successful American civilization.

The $3,000,000 bond issue will do more than any other single influence to achieve these results. The California Land Settlement Act is the first truly economic system of Land Settlement America has ever had. It has been under expert, careful and critical scrutiny for the last five years and the result has been unvarying and enthusiastic approval. The State Settlements at Durham and Delhi are known and admired all over the world. Authorities from other states and from many foreign countries have visited them. They have talked with the settlers, examined the financial results of the state and individual farms, and the net result is that the Land Settlement Act of California is recognized the world over as an outstanding example of business and social success in promoting rural development.

It has created a widespread interest in rural life in California and a desire on the part of thousands of worthy people of moderate means to secure homes here. This is helping private development and will continue to help it in the future because it will extend, as nothing else can, an interest in home making in California and confidence in the efforts of the state to promote it.

The approval of this bond issue means rural progress, increase in farms, increase in taxable wealth and the creation of more attractive and prosperous rural communities. Its rejection means an interruption of planned, economic development, the suspension of a great educational movement in land settlement, a falling off of outside interest and confidence. It means permanent loss with no conceivable public gain.

A. H. BREED,
State Senator Fifteenth District.

EGBERT J. GATES,
State Senator Thirty-fifth District.

ARGUMENT AGAINST LAND SETTLEMENT BOND ACT.

This is a proposition to bestow the use of the public credit of the state upon people who, lacking industry and initiative, have no private credit of their own.

The public credit is the aggregate of the private credit earned by the thrift, initiative and industry of the people, who are the taxpayers that support the state and its institutions. In the last analysis it is a forced loan. If a public officer call on a self-supporting taxpayer and bring a non-self-supporting person, and say to the taxpayer, "You have credit at the bank, this man has none, therefore you must sign this note to the bank and give it to this man, to set him up in business," that would be a forced loan. By making exactly the same use of public credit, by the issue of bonds, the principle of the forced loan is used, and the creator and owner of private credit is the victim. As a financial policy which seizes the credit and therefore the property of the taxpayers for the benefit of non-taxpayers, the scheme has no footing in justice or morality. As a social policy it attacks the whole order of social independence and manhood.

Dr. Mead, the promoter of this scheme, says that the man who has earned nothing, has created no credit, if left to struggle along to make a farm, would fail. But by giving him the private credit of those who have struggled, toiled, and sacrificed and have won out, he can make a farm, live better, have better tools and implements and raise better crops, at an expense 25 per cent less than the independent taxpayers who are compelled to loan to him their credit. He says this is done by using the private credit taken by forced loan from the taxpayers, to hire a salaried farmstead engineer who shows them where to build houses and how, who uses the proceeds of the forced loan to buy the material for building, for buying trees and vines, tools, implements and live stock, while other salaried experts instruct

them in farming, stock breeding and dairying. All of this petting of the beneficiary of the forced loan is paid for out of the bonds, which take it out of the taxpayers.

In support of this system the policy of the Carmar Empire is frequently and favorably quoted, which did exactly the same thing the voters of this state are asked to do. The people of that empire learned to have no use for private initiative. It was replaced by the paternalism of the government. But that empire is dead. It sleeps with the mummies of Egypt, and its epitaph is common with that of every nation that destroyed individual initiative by state paternalism.

The United States stands out the strongest nation on earth. Why? Because it was built by the personal initiative, courage and industry of a people who were the creators of their own credit.

California, by the same process, is a state of three and a half millions of people, who, by personal initiative and enterprise, not helped by credit taken by forced loan from others, have covered the plains and mountains with bearing trees and vines, and fields of waving grain; who have proved the physical capacity of the state to produce the greatest variety of the products of land and water to supply the needs of man and swell the arteries of commerce. The men who did this had no forced loan of credit. They were their own farmstead engineers, and prayed for no introduction of the paternalism of empires that are dead. They were independent men. They made the real California.

The system of so-called state land settlement is a scheme to introduce parasites to prey upon the substance of the creators of the state and of its credit. Unless it is voted down, and the forced loan is condemned by defeat of the bonds which are to effect it, and we are to endorse the introduction of parasites in place of self-dependent men, let us be consistent and change our flag and seal, and put in their place the image of the red spider, aphis, thrip and San Jose scale.

Every voter should remember that a vote for these bonds is a vote to put a mortgage on his property, for a public bond is a mortgage upon the private property of the people. Let every voter consider whether he is getting any benefit out of the mortgage on his property.

JOHN P. IRISH,
Oakland, California.

5	**STATE HOUSING ACT.** Submitted to electors by referendum. Regulates the construction, alteration, maintenance, use and occupancy of tenement houses and hotels throughout California and of dwellings in incorporated municipalities; repeals "State Tenement House Act," "State Hotel and Lodging House Act," and "State Dwelling House Act," combining provisions thereof in this act with changes and additions, defines fireproof, semifireproof and wooden buildings; requires roofs of all semifireproof buildings, and of wooden buildings in incorporated municipalities, to be constructed of approved incombustible materials or be well covered with an approved composition, fire resistive or fire retardent material.	YES	
		NO	

Whereas, the legislature of the State of California, in regular session in April, 1921, passed, and the governor of the State of California, on the nineteenth day of May, 1921, approved a certain act, which act, together with its title, is in the words and figures following, to wit:

PROPOSED LAW.

An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of tenement houses and hotels, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings in incorporated towns, incorporated cities and incorporated cities and counties, and the maintenance, use and occupancy of the premises and land on which such tenement houses, hotels and dwellings are erected or located, and to provide for its enforcement, and to provide penalties for the violation thereof; and repealing an act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of tenement houses, and the maintenance, use and occupancy of the premises and land on which tenement houses are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated 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, 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,' approved April 10, 1911, statutes of California of 1911, page 860, and approved June 13, 1913, statutes of California, 1913, page 737, and approved May 29, 1915, statutes of California, page 952, and all acts amendatory thereof," and approved May 31, 1917, statutes of California of 1917, page 1473; and repealing an act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of hotels, and the maintenance, use and occupancy of the premises and land on which hotels are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated 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 hotels and lodging houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved June 16, 1913, statutes of California of 1913, page 1429," and approved May 31, 1917, statutes of California of 1917, page 1422; and repealing an act entitled "An act to regulate the construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings, and the maintenance, use and occupancy of the premises and land on which dwellings are erected or located, in incorporated towns, incorporated cities, and incorporated cities and counties,

and to provide penalties for the violation thereof," and approved May 31, 1917, statutes of California of 1917, page 1461.

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

(Proposed changes from provisions of present laws are printed in black-faced type.)

Section 1. This act shall be known as the "state housing act" and its provisions which relate in any manner whatsoever to "tenement houses" and "hotels" shall apply to all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and its provisions which relate to "dwellings" shall apply to all incorporated towns, incorporated cities, and incorporated cities and counties in the State of California.

Sec. 2. It shall be the duty of the health department of every incorporated town, incorporated city, and incorporated city and county to enforce all the provisions of this act; provided, however, that every incorporated town, incorporated city and incorporated city and county in the State of California shall have and are hereby given authority to designate and charge by ordinance or otherwise any other department, officer or person than the health department with the enforcement of this act or any portion thereof; provided, that the health department of every incorporated town, incorporated city, and incorporated city and county shall always have supervision over and shall enforce the provisions of this act relating to sanitation, ventilation and health in all buildings not in course of actual erection, construction, alteration or moving, and shall issue the "permit of occupancy" as hereinafter provided. In the event that an incorporated town, incorporated city or incorporated city and county has designated or does designate and charge another and different department, officer or person than the health department to enforce the provisions of this act or any of them which by the provisions of this act may be transferred to the control of another department, officer or person than the health department all powers and duties not so transferred shall be and remain in the health department.

In the event that there is no health department or no building department in an incorporated town, incorporated city or incorporated city and county, it shall be the duty of the officer or officers who are charged with the enforcement of ordinances and laws regulating the erection, construction or alteration of buildings, or the maintenance, sanitation, ventilation or occupancy of buildings, or of the police, fire or health regulations in said incorporated town, incorporated city or incorporated city and county to enforce all of the provisions of this act.

In every county it shall be the duty of the officer or officers who are charged with the enforcement of ordinances or laws regulating the erection, construction or alteration of buildings, or of the maintenance, sanitation, occupancy and ventilation of buildings, or of the police, fire or health regulations in said county, to enforce all of the provisions of this act outside of the limits of any incorporated town or incorporated city.

The commission of immigration and housing of California shall have, and it is hereby empowered and given authority to enforce the provisions of this act, which do not pertain to the actual erection, construction, reconstruction, moving, alteration or arrangement of tenement houses, hotels and dwellings in all incorporated towns, incorporated cities and incorporated cities and counties, 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 or officer, or departments or officers who are charged with the enforcement of the provisions of this act, in writing, of such violation or violations, and the said local department or officer, or departments or officers, fail, neglect or refuse to enforce the provisions of the said act within thirty days thereafter; provided, however, that the said commission of immigration and housing of California shall enforce the provisions of this act only in the instance specified in said written notice.

Sec. 3. It shall be unlawful for any person, firm or corporation, whether as owner, agent, contractor, builder, architect, engineer, superintendent, foreman, plumber, tenant, lessee, lessor, occupant, or in any other capacity whatsoever, to erect, construct, reconstruct, alter, build upon, move, convert, use, occupy or maintain, or to cause, permit or suffer to be erected, constructed, reconstructed, altered, built upon, moved, converted, used, occupied or maintained any building or any portion thereof contrary to the provisions of this act, or to commit or maintain or cause or permit to be committed or maintained any nuisance in or upon any building or any portion thereof, or any of the premises, yards or courts which are a part thereof, or which are required by the provisions of this act; or to do or cause to be done, or to use or cause to be used, any privy, sewer, cesspool, plumbing or house drainage affecting the sanitary condition of any building or any portion thereof, or of the premises thereof, contrary to any of the provisions of this act.

Sec. 4. It shall be unlawful for any person to make any alterations or changes, or reconstruction work of any kind whatsoever, to any existing building or to increase the height of any building or the percentage of the lot occupied, or in any manner to diminish the size of the yards, courts or shafts or the size of windows or skylights, or to remove any stairway or fire escape, or to obstruct the egress from such building or from the hallways or stairways, or to do anything that would affect the ventilation and sanitation of the building, contrary to any of the provisions of this act.

Sec. 5. A building not erected for use as a tenement house, hotel or dwelling, if hereafter converted to or altered for such use, shall thereupon become subject to all of the provisions of this act affecting a tenement house, hotel or dwelling, as the case may be, hereafter erected; **except where elsewhere in this act specific exemption is made.**

A building erected for use as a tenement house, hotel or dwelling at the time of the passage of this act, if moved, shall be made to conform to all of the provisions of this act affecting such a building hereafter erected, in so far as such provisions pertain to the percentage of lot occupied and the size of outer courts, inner courts bounded by a lot line, and yards.

It shall be unlawful to reconstruct any building which is hereafter damaged by fire or the elements to an extent in excess of **sixty (60)** per cent of its physical proportions, unless the said building is made to conform to all of the provisions of this act affecting buildings hereafter erected.

Sec. 6. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment, 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 same, in the prosecution of such violation. The costs, expense and disbursements by this section provided shall be fixed by the court having jurisdiction of the matter.

Except as herein otherwise specified, the procedure for the prevention of violations of this act, for the vacation of buildings or premises unlawfully occupied, or for the abatement of a nuisance in connection with a building or the premises thereof, shall be as set forth in the charter and ordinances of the municipality in which the procedure is instituted.

Sec. 7. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, or alteration of a building or to move or to build upon a building or any portion thereof for use as a tenement house, hotel or

dwelling, without first obtaining a permit in writing so to do from the department charged with the enforcement of this act. Any person, firm or corporation desiring a permit to erect, construct, reconstruct, convert or alter a building or to build upon or move a building shall file an application therefor with the department charged with the enforcement of this act. The said application shall give a detailed statement in writing of the erection, construction, reconstruction, moving, conversion or alteration, as the case may be, upon blanks or forms to be furnished by the said department. Except as otherwise hereinafter provided, in the case of a tenement house or hotel the said application must be verified by affidavit made under oath by the person that makes such application and the application must be accompanied with a full, true and complete set of the plans of the building, alteration, or work proposed, as the case may be, together with a set of specifications describing the materials proposed to enter into the erection, construction or alteration of the building or proposed work, also a plan of the lot on which such building is proposed to be erected, constructed, reconstructed, converted, altered, or moved, as the case may be, and such lot plan shall clearly indicate or show an outline of any existing building or structure thereon. Such statement shall give in full the name and address by street and number of the owner or owners, also the name and address of the architect and of the contractor, if there be such an architect or contractor. The affidavit to the said application shall allege that the plans and specification and statements contained therein are true and correct; and if any person other than the owner makes such affidavit, such person must allege in the affidavit that he is authorized and empowered by the said owner to act for him and to sign the required affidavit.

The department charged with the enforcement of this act shall cause all plans, specifications and statements filed to be examined and if it appears that they conform to the provisions of this act, shall issue a permit to the person submitting the same. Said department may, from time to time, approve changes in any plans, specifications or statements previously approved by it; provided, that all changes when so made shall be in conformity with the provisions of this act. Said department shall have the power to revoke or cancel any permit or approval that it has previously issued in case of any refusal, failure or neglect of the persons to whom such permit or approval has been issued 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 erection, construction, reconstruction, moving, alteration or conversion of any such building shall be made in accordance with the plans, specifications and statements submitted or filed and upon which the permit is issued. A true copy of the plans, specifications and other information submitted or filed, upon which a permit is issued, with the approval of the department with which they are filed, stamped or written thereon, shall be kept upon the premises of the building or work for which the said permit is issued, from the commencement of the said building or work to the final completion of same, and shall be subject to inspection at all times by proper authorities.

The department charged with the enforcement of this act, may, at its discretion, issue a permit in case of nominal alteration or repairs, when application is made therefor, in writing, by the owner or his agent, when the making of said nominal alterations and repairs does not affect any structural feature or the sanitation or the ventilation of the tenement house or hotel, as the case may be, without requiring the filing of plans or specifications.

The issuance or granting of a permit or approval by the department charged with the enforcement of this act under the authority of this section shall not be deemed or construed to be a permit or an approval of the violation of any of the provisions of this act.

Every permit or approval which is issued by the department charged with the enforcement of this act, but under which no work has been done within ninety days from the date of issuance, 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 done.

Sec. 8. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to occupy or to permit to be occupied any tenement house or hotel hereafter erected, constructed, reconstructed, altered, converted or moved, as the case may be, or any portion thereof, for human habitation until the issuance of a "certificate of final completion" and a "permit of occupancy" by the department or departments charged with the enforcement of this act.

Any person desiring a certificate of completion shall file a written application therefor with the department charged with the enforcement of this act. The said department shall cause an inspection to be made of the tenement house or hotel or portion thereof, or work described in the said written application, within ten days after the written application is filed, and shall issue a "certificate of final completion" if it is found that all the provisions of this act, regulating the erection, construction, alteration or moving, as the case may be, have been complied with.

The department charged with the enforcement of this act and designated to issue the permit of occupancy shall issue the said "permit of occupancy" upon application, in writing, therefor by the owner or his agent, and upon the filing by the owner or his agent of the "certificate of final completion."

All permits and certificates shall be made in duplicate and a copy shall remain on file in the department issuing them.

In every incorporated town, incorporated city, and incorporated city and county, every owner or lessee of every tenement house occupied by five or more families or hotel shall obtain a permit of occupancy each calendar year from the department designated by this act to issue permits of occupancy which permit of occupancy shall run for one year from the date of its issuance. Such permit of occupancy shall not issue unless such tenement house or hotel conforms to the provisions of this act regarding sanitation. No annual permit of occupancy shall be required for any tenement house occupied or intended or designed to be occupied by less than five families, but such tenement house must obtain the original permit of occupancy upon completion. Every permit of occupancy so issued shall be displayed in some conspicuous place in the building so as to be readily seen by the authorized representatives of any department charged with the enforcement of this act.

Any tenement house or hotel which is occupied, or any portion thereof which is occupied for human habitation, prior to a "certificate of final completion" or a "permit of occupancy" being issued, shall be deemed a nuisance, and the department or departments charged with the enforcement of this act may cause it to be vacated until the said certificate of completion and permit of occupancy have been obtained in accordance with the provisions of this act.

Sec. 9. The department or departments charged with the enforcement of this act in any incorporated town, incorporated city, incorporated city and county, or county, and the authorized officers, agents or employees of such department or departments, may, whenever necessary, enter buildings or portions thereof, or the premises thereof, within the corporate limits of such towns, cities, cities and counties, or counties, for the purpose of inspecting such buildings, in order to secure compliance with the provisions of this act and to prevent violations thereof.

The members of the commission of immigration and housing of California and the agents, officers or employees of said commission may, whenever necessary, enter buildings or portions thereof, or the premises thereof, for the purpose of inspecting such buildings in order to secure

compliance with the provisions of this act and to prevent violations thereof.

The owner or his authorized agent may, whenever necessary, enter buildings or portions thereof, or the premises thereof, owned by him, to carry out any instructions or to perform any work required to be done by the provisions of this act.

Provided, however, that the authority to enter buildings, as in this section given to the persons hereinbefore enumerated, shall not be construed or deemed to apply to the entering of any dwelling between the hours of six o'clock p.m. of any day and six o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of such dwelling; but in no event shall the authority in this section given be construed as permitting any of the persons hereinbefore enumerated to enter any such dwelling in the absence of the occupants thereof without a proper written order, duly executed by a competent court authorized to issue such orders.

Sec. 10. For the purpose of this act, certain words and phrases are defined as follows, unless it shall be apparent from their context that they have a different meaning. Words used in the singular include the plural, and the plural the singular. Words used in the present tense include the future. Words used in the masculine gender include the feminine, and the feminine, the masculine. Words "building department," "housing department," "health department," "department charged with the enforcement of this act," "fire commissioner," shall be construed as if followed by the words, "of the incorporated town, incorporated city, incorporated city and county, or county," as the case may be, in which the building is situated or proposed to be situated.

"Apartment" is a room or suite of rooms which is occupied or is intended or designed to be occupied by one family for living and sleeping purposes in a tenement house or dwelling.

"Approved" means whatever material, appliance, appurtenance, or other matter meets the requirements and approval of the department charged with the enforcement of this act, or which conforms to the requirements of, and bears the approval of the "national board of fire underwriters" or the "underwriters' laboratories;" provided, however, that no such material, appliance, appurtenance, or other matter shall be deemed "approved" for use where, or in such a manner as would be inconsistent with the intent, or specific provisions of this act and for this purpose any department, officer or commission, charged with the enforcement of this act, or authorized to enforce the provisions of this act, as set forth in section two hereof, may cause to be tested or demand that any such material, appliance or appurtenance be tested to its satisfaction that the said material, appliance or appurtenance, and its or their use fulfills requirements that are consistent with the intent and specific provisions of this act to be "approved."

"Basement" in a tenement house or hotel is any story or portion thereof partly below the level of the curb or the actual adjoining ground level, the ceiling of which in no part is less than seven feet above the curb level or actual adjoining ground levels. If the adjoining ground is excavated to or below the curb level, or to or below the adjoining natural ground level, such excavated space shall have not less than the minimum width and length required in this act for outer courts.

"Building" is a tenement house, hotel or dwelling as the case may be or a combination of any two or more such buildings.

"Building department" means the commissioner of buildings, superintendent of buildings, chief inspector of buildings, board of public works, or any other officer or department charged with the enforcement of ordinances and laws regulating the erection, construction and alteration of buildings or structures.

"Cellar" in a tenement house or hotel is any story or portion thereof, the ceiling of which in any part is less than seven feet above the curb level and actual adjoining ground levels and which is not a basement as defined in this act.

"Court" is an open, unoccupied space other than a yard on the lot on which a building is erected or situated. A court, one entire side or end of which is bounded by a front yard, a rear yard or a side yard, or by the front of lot, or by a street or a public alley, is an "outer court." Every court which is not an "outer court" is an "inner court."

Every court shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in the building in which there are windows from rooms or apartments abutting the said court and served by the said court, except that a cornice, belt course or similar projection on the building may extend into an "outer court" two inches for each one foot in width of such court, and may extend into an "inner court" one inch for each one foot in width of such court; and provided, further, that a cornice or similar projection may extend any distance desired into a court provided the minimum unobstructed width of the court is maintained.

"Curb level" is the curb level opposite the center of the "front of lot," and if a curb level has not been established it means the average ground level at the "front of lot."

Wherever the word "department" is used it means the building department, the housing department, the health department or such other department or officer or commission, or departments or officers, who are charged with the enforcement of the provisions of this act.

"Dormitory" is a room in which more than two persons are "guests" and are not living together, and shall, for the purpose of computing the number of rooms, be deemed a separate guest room for each one hundred square feet of superficial floor area therein.

"Dwelling" is any house or building, or any portion thereof, which is not a "tenement house" or a "hotel" as defined in this act, and which contains one or more "apartments" or "guest rooms," used or intended or designed to be used, built, rented, leased, let or hired out to be occupied, or are occupied for living purposes.

"Family" is one person living alone or a group of two or more persons living together in an apartment, whether related to each other by birth or not.

"Fireproof building" is a building wherein all the exterior and interior loads or strains are transmitted to the foundation by means of concrete, reinforced concrete, brick, stone, or by means of a skeleton framework of steel or iron, or of reinforced concrete or a combination of such materials; the exterior walls, inner court walls and roof constructed of concrete, reinforced concrete, brick, stone, terra cotta or concrete tile; where all the structural steel or iron is thoroughly fireproofed by concrete, cement plaster, tile, brick or sandstone, not less than two inches thick; where all the interior partitions are constructed of either terra cotta or concrete tile blocks, gypsum blocks, brick, concrete, reinforced concrete, or of metal studs lathed with metal lath, and plastered not less than three quarters of an inch thick, or constructed of wire glass not less than one fourth inch thick, set in metal frame and sash, and all other materials used in the said building are of approved fire resistive or incombustible material, except that the glass in windows, transoms, or doors may be in plain glass, and except that doors, frames, sash and the usual trim of rooms, hallways, corridors and passageways may be of wood, and except that wood floors may be placed on top of the floors constructed of incombustible materials, except in the stairways and public hallways.

"Guest" is any person hiring and occupying a room for sleeping purposes, and shall include both boarders and lodgers.

"Guest room" is a room which is occupied, or is intended, arranged or designed to be occupied for sleeping purposes by one or more guests, but shall not be deemed to include dormitories used for sleeping purposes.

"Hotel" is any house or building of more than one story in height or portion thereof, contain-

ing six or more guest rooms used or intended or designed to be used, let or hired out to be occupied, or which are occupied by six or more guests, whether the compensation for hire be paid directly or indirectly in money, goods, wares, merchandise, labor or otherwise, and shall include hotels, lodging and rooming houses, turkish baths, bachelor hotels, studio hotels, public and private clubs, and any such building of any nature whatsoever so occupied, designed or intended to be occupied, except jails, hospitals, asylums, sanitariums, orphanages, prisons, detention buildings and similar buildings where human beings are housed and detained under restraint.

"Housing department" is any department or commission charged with the enforcement of ordinances or laws regulating the occupancy and maintenance of buildings; and where no such department is maintained, shall be deemed to be the health commissioner, the department of health, health officer, or similar department charged with the enforcement of laws and ordinances relating to the protection of the public health.

"Kitchen" is any room used or intended or designed to be used for cooking and preparation of food.

"Lot" is a parcel or area of land on which is situated a building together with the land, yards, courts and unoccupied spaces required by this act for such building; all of which land shall be owned by or be under the absolute lawful control and in the lawful possession of the owner of the building.

A lot situated at the junction of two or more intersecting streets, with a boundary line thereof bordering on each of the two streets is a "corner lot." All parts of the width of such a corner lot which are distant more than seventy-five feet from the junction point of the two or more intersecting streets, shall be deemed to be an "interior lot." The owner or his authorized agent may designate either street frontage as being the front of such corner lot for the purpose of determining the width thereof. A lot which is not a "corner lot" is an "interior lot." "Front of lot" is the boundary line of lot bordering on the street. In case of a corner lot, either frontage may be the "front of lot." "Rear of lot" is the boundary line of lot opposite the "front of lot." "Depth of lot" is the mean distance from the "front of lot" to the "rear of lot."

"Metal lath" is any standard approved type of expanded metal lath painted or galvanized, and for the purposes of this act, in lieu of metal lath, there may be used any type of "approved" plasterboard that is approved as in this act provided, and such plasterboard shall have applied over the same not less than three-eighths of an inch of plaster; provided, however, that when plasterboard is used on the weather side of exterior walls and shafts it shall have applied thereon, before it is plastered, a reinforcement of metal lath or redipped or galvanized wire mesh.

"Nuisance" embraces public nuisance as known at common law or in equity jurisprudence, and whatever is dangerous to human life or detrimental to health, and shall also embrace the overcrowding with occupants of any room, insufficient ventilation, or illumination, or inadequate or insanitary sewerage or plumbing facilities, or uncleanliness, and whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

"Occupied space" is all the space covered by a building including outside stairways, platforms, fire escapes, balconies, fire towers, chimneys, vent shafts not exceeding thirty-two square feet in area, cornice which projects into a court or a yard more than is permitted elsewhere in this act, except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may extend not exceeding four feet beyond the exterior walls of the building into a yard or court providing they do not in any manner obstruct the light and ventilation of the rooms or apartments, and except that a retaining wall may extend not to exceed twelve inches into a yard or court. For the purpose of determining occupied space, the area of the building shall be taken at the lowest story or portion thereof used for the living or sleeping purposes.

"Person" is a natural person, his heirs, executors, administrators or assigns; and also includes a firm, partnership or corporation, its or their successors or assigns.

"Public hallway" is a hallway, corridor, passageway or vestibule not within an apartment in a tenement house, or not within a suite of rooms in a hotel, and includes stairways, landings and platforms.

"Semifireproof building" is a building which does not fully comply with the requirements of this act for a "fireproof building" as defined in this act and with all exterior walls and walls of inner and outer courts and recesses constructed of brick, stone, concrete, reinforced concrete, terra cotta or concrete tile or similar approved fire resistive or incombustible materials and that conforms in all other respects to the provisions of this act for semifireproof buildings; provided, however, that the exterior walls of inner courts that are surrounded on four sides by the same building may be constructed as hereinafter provided for such inner courts by section fifty-seven of this act. In every semifireproof building designed and built to exceed four stories in height, all the interior walls, partitions and ceilings therein and the soffits of stairways and the stairwells shall be constructed of the same kind of materials and in the same manner hereinbefore provided for fireproof buildings or the interior walls, partitions and ceilings and the soffits of stairways and the stairwells and the ceilings of basements or cellars therein shall be of wooden construction and shall be lathed with metal lath and plastered not less than three-quarters of an inch thick. In every semifireproof building designed and built not to exceed four stories in height, all the walls and partitions and ceilings of public hallways and the soffits of stairways and the stairwells and the ceilings of basements or cellars therein shall be constructed of the same kind of materials and in the same manner hereinbefore provided for semifireproof buildings that are designed and built to exceed four stories in height or such walls and partitions and ceilings of public hallways and the soffits of stairways and the stairwells and the ceilings of basements or cellars therein shall be of wooden construction and shall be lathed with metal lath and plastered not less than three-quarters of an inch thick. The roofs of every semifireproof building shall be constructed of approved incombustible materials or be well covered with an "approved" composition fire resistive or fire retardent material. In semifireproof buildings the usual trim of rooms and hallways, finished floors, windows and doors and the frames therefor may be of wood and the glass in windows and doors may be in plain glass except where in this act otherwise prescribed.

"Shaft" is any shaft whether for air, light, ventilation, elevator or dumb waiter. A vent shaft is one used solely to ventilate or light water-closet compartments and bathrooms and in a tenement house or hotel, hereafter erected, no window or windows from a living room, bedroom, kitchen or other room or place used for cooking, preparation or storage of food, shall open onto such a vent shaft. Every vent shaft shall be open and unobstructed to the sky.

"Shall" whenever this word is used it shall be mandatory.

"Street" is any public street, public alley, thoroughfare or public park having a minimum width of sixteen feet, measured from the "front of lot," to the opposite "front of lot," and which shall have been dedicated or deeded to the public for public use.

"Tenement house" is any house or building, or portion thereof, more than one story in height, which is designed, built, rented, leased, let or hired out to be occupied, or which is oc-

cupied as the home or residence of three or more families living independently of each other and doing their cooking in the said building.

"Wooden building" is a building which does not fully comply with the requirements of this act for a "fireproof building" or a "semifireproof building" as defined in this act. Every wooden building hereafter erected in any incorporated town, incorporated city or incorporated city and county shall have the exterior walls thereof and roofs thereon constructed of the same kind of materials and in the same manner hereinbefore provided for semifireproof buildings; provided, however, that the exterior walls of any wooden building may be constructed of wooden materials or stuccoed or veneered in an approved manner on wooden frame work. In every wooden building which is a tenement house designed and built to accommodate three or more families above the first story thereof, and in every wooden building which is a hotel designed and built to accommodate six or more guests above the first story thereof, the walls, partitions and ceilings of public hallways, soffits of interior stairways and stairwells shall be lathed with metal lath and plastered not less than three-quarters of an inch thick; provided, however, that in the case of a wooden building, erected prior to the passage of this act, which is hereafter altered or converted for use of a tenement house or hotel the provisions hereinbefore set forth as regards metal lath and plaster shall apply only to the new work therein or portion thereof which is renewed.

"Yard" is an open unoccupied space other than a court on the lot on which is situated a building, open unobstructed from the ground to the sky except where otherwise provided by this act. If such a yard is between the front line of the building and the front boundary line of the lot, it is a "front yard." If the yard is between the extreme rear line of the building and the rear of the lot, it is a "rear yard." If the yard extends from the rear yard to the front yard or front of lot, it is a "side yard."

Sec. 11. Whenever a building used for human habitation is erected behind another building or there is placed a building in the front of another building, the rear building shall have direct access to a street by means of a passageway not less than five feet wide, and not less than seven feet high if it passes through the building in the front thereof, and such passageway or portion thereof that passes through a building must be constructed as provided by section sixteen hereof regarding passageways.

Sec. 12. No semifireproof tenement house or hotel hereafter erected shall exceed six stories at any point, nor more than two times the width of the widest street to which the lot on which it is situated abuts. No wooden tenement house or hotel hereafter erected shall exceed three stories for living and sleeping purposes at any point nor more than thirty-six feet in height (except as hereinafter provided), nor more than two times the width of the widest street to which the lot on which it is situated abuts; provided, however, that semifireproof or wooden tenement houses or hotels may be erected of a height more than two times the width of the widest street to which the lots abut on which such tenement houses or hotels are situated; provided, that in such tenement houses or hotels each story that is built above the height hereinbefore prescribed is set back not less than six feet from the street facade of the story immediately below such story; and provided, further, that the height limit for semifireproof or wooden tenement houses or hotels above set out is not exceeded. For the purpose of determining the number of stories in a building the basement shall be counted a story. A wooden tenement house or hotel may be increased to a height not exceeding forty feet provided that the courts required by this act are not less in widths or areas than is required for a tenement house or hotel, as the case may be, having four stories designed for human habitation and provided such wooden tenement house or hotel shall not have more than three stories occupied or intended or designed to be occupied for human habitation. The height of a building is the perpendicular distance from the curb level or adjoining ground levels to the lowest point of the finished ceiling of the top story; provided, that in case of a wooden tenement house or hotel situated on a lot with the ground sloping downward from the facade at which the measurement is taken the height of the building shall not at any point exceed forty feet above the curb line measured on the facade facing the street, nor shall the height of the building at any point of the grade exceed fifty feet above the adjoining curb in the case of a corner lot or above the level of the ground in the case of an interior lot. For the purpose of this section the width of street shall be measured from the extreme front of the building to the front of lot opposite across the street.

Sec. 13. On every corner lot on which a tenement house is hereafter erected, at least ten per cent of such lot shall be left unoccupied. On every interior lot on which a tenement house is hereafter erected, at least twenty-five per cent of such lot shall be left unoccupied; provided, however, that if either of such lots extend through from one street to another street, or a public alley, or public park one-half of the narrowest street or public alley or public park to which the lot abuts may be considered as a part of the lot in computing the percentage of lot to be left unoccupied; except that if such one-half of the narrowest street or public alley or public park is greater than the rear yard required for the tenement house, then only as much of the said street or alley or public park as is required for the rear yard shall be considered as part of the lot for the purpose of computing the percentage of lot to be left unoccupied.

Sec. 14. On every lot on which a tenement house is hereafter erected there shall be provided a rear yard immediately behind such tenement house. In the case of an interior lot, such yard shall extend across the entire width of the lot; except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may extend not more than four feet into any yard. The minimum depth of a rear yard on an interior lot shall be not less than twelve feet for a building of sixty feet in height and the said yard shall be increased in depth two feet for each additional twelve feet in height of the building or fractional part thereof up to one hundred and eight feet, and the said yard may be decreased in depth one foot for each twelve feet in the height of the building less than sixty feet; provided, however, that in no event shall any such yard be less than ten feet in depth; and provided, further, that in the case where a building exceeds one hundred and eight feet in height the minimum depth of the said yard shall be twenty feet.

In the case of a corner lot the rear yard shall extend across the entire width of the lot and from the lowest floor which is used for living or sleeping apartments, clear and unobstructed to the sky. The minimum depth of a rear yard on a corner lot that does not exceed one hundred feet in depth shall be not less than ten per cent of the depth of the lot nor less than five feet nor less than the minimum width required for an outer court, and in case the lot exceeds one hundred feet in depth the depth of the rear yard shall be not less than ten feet nor less than the minimum width required for an outer court.

Except where otherwise provided the depth required for a rear yard shall be determined by the height of the rear wall of the tenement house which abuts on the said rear yard and measured from the top of such wall to the level of the floor of the yard at such rear wall; provided, however, that if either lot extends through from one street to another street, or to a public alley or public park, one-half of the narrowest street or public alley or public park to which such lot abuts may be considered as a part of the lot in computing the rear yard required by this section. In the case of a tenement house hereafter erected, designed and built to accommodate not more than two fam-

lings above the first story thereof, the percentage of unoccupied space and sizes of rear yards may be one-half of that prescribed by sections thirteen and fourteen hereof, but in no event shall a rear yard be less than five feet in depth.

Sec. 15. Where a hotel hereafter erected is designed to have a rear yard the minimum size of such rear yard shall be not less in depth than the width of an inner court nor in area than the area of an inner court, except that if such rear yard is bounded on its entire one end or side by an outer court, or by a side yard or by a street, or by a public alley or park, then such rear yard shall be not less in depth than the width of an outer court; provided, however, that if the lot extends through from one street to another street or public alley, such public street or alley may be considered as a part of the lot in computing the rear yard.

In a dwelling hereafter erected, which is designed to have a rear yard the minimum depth of such yard shall be not less than four feet.

Sec. 16. Every rear yard required by this act, for a tenement house hereafter erected, and not bordering on a street or public alley shall have access to a street or public alley by means of an unobstructed passageway, separate from the main public hallway through the building, not less than three feet in clear width, nor less than six feet six inches in clear height; and if such passageway or any portion thereof passes through a building, such portion thereof shall be built of approved incombustible materials, or shall be lathed with metal lath plastered not less than three-quarters of an inch thick, or shall be lined with not less than number twenty-six (gauge) galvanized iron, and shall be drained.

Sec. 17. Where a tenement house or hotel is now or hereafter erected upon a lot other than a corner lot no other building of any character or kind shall hereafter be placed on the front or the rear of such lot unless the minimum distance between such buildings shall be at least twenty feet, and two additional feet shall be added to such minimum distance of twenty feet for every story more than two in height of the highest building on such lot; provided, however, that the provisions of this section shall not apply when dwellings only stand upon or are to be placed on the lot.

Sec. 18. The depth of a rear yard for a tenement house or hotel shall be measured at right angles from the extreme rear line of the building towards the rear lot line.

Sec. 19. Every front yard which is excavated below the level of the curb or below the adjoining ground level for the purpose of furnishing light and ventilation to a basement shall in no part be less in width and length than required for outer courts.

Sec. 20. The width of every side yard shall be not less than the width required for an outer court and measured in the same manner as an outer court, except that the provisions of this act regarding the maximum lengths of an outer court shall not apply to a side yard; provided, that if there is a side yard on both sides of the building, connected one with the other across the rear of the building by a rear yard, then the width of the side yards may be reduced twelve inches.

Sec. 21. 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 as set out in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is an apartment or apartments	Minimum width of outer court in every part	Maximum length of outer court
3 stories	4 feet 0 inches	00 feet
3 stories	4 feet 6 inches	55 feet
4 stories	5 feet 0 inches	30 feet
5 stories	6 feet 6 inches	55 feet
6 stories	8 feet 0 inches	85 feet
7 stories	10 feet 0 inches	10 feet
8 stories or more	12 feet 0 inches	40 feet

Provided, however, there shall be added to the minimum width of each such outer court six inches for each five feet or fractional part thereof in excess of the maximum length, except in the case of outer courts in tenement houses not more than two stories in height. The maximum lengths herein provided shall not apply when the outer court is bounded on one side for its entire length by a lot line; provided, however, that if an outer court is bounded by a public alley or public park, the width of such public alley or public park may be considered a part of the lot in determining the required width of the outer court.

The outer courts of all hotels hereafter erected shall have not less than the following minimum widths as set out in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is a guest room or guest rooms, or dormitory or dormitories	Minimum width of outer court in every part
2 stories	4 feet 9 inches
3 stories	4 feet 6 inches
4 stories	5 feet 6 inches
5 stories	6 feet 0 inches
6 stories	7 feet 0 inches
7 stories or more	8 feet 0 inches

Outer courts for dwellings shall be governed by the same minimum widths herein provided for tenement houses of two stories in height and every such outer court shall contain at least forty square feet of floor or ground area.

Sec. 22. In no event shall any yard or court be made to serve two buildings hereafter erected, or an existing building and a building hereafter erected.

Sec. 23. The inner courts of all tenement houses hereafter erected shall have minimum areas and minimum widths in all parts not less than the areas and widths contained in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is an apartment or apartments	Minimum width of inner court in every part	Minimum area of inner court in square feet
2 stories	6 feet	75 square feet
3 stories	7 feet	120 square feet
4 stories	8 feet	160 square feet
5 stories	12 feet	250 square feet
6 stories	16 feet	400 square feet
7 stories	20 feet	625 square feet
8 stories or more	24 feet	840 square feet

Provided, however, that the minimum size of inner courts bounded on one side for their entire length by a lot line shall be not less than of the minimum areas and minimum widths contained in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is an apartment or apartments	Minimum width of inner court in every part	Minimum area of inner court in square feet
2 stories	5 feet	60 square feet
3 stories	6 feet	120 square feet
4 stories	7 feet	175 square feet
5 stories	9 feet	225 square feet
6 stories	12 feet	360 square feet
7 stories	15 feet	525 square feet
8 stories or more	18 feet	630 square feet

Every inner court in tenement houses hereafter erected and every inner court in any tenement house or hotel shall be provided with a door or window at or near the bottom thereof, giving sufficient access to such court or vent shaft as to enable it to be properly cleaned out. Any inner court, including inner courts one entire side of which is bounded by a lot line, for a tenement house hereafter erected designed and built to accommodate not more than two families above the first story thereof, may be reduced one foot in its width from the widths hereinbefore prescribed, and every such inner court shall contain an area of not less than sixty square feet. Inner courts for dwellings

shall be not less in width and area than hereinbefore provided for outer courts for dwellings.

Sec. 24. The inner courts of all hotels hereafter erected shall have not less than the following minimum lengths nor less than the minimum widths in every part as set out in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is a guest room or guest rooms, or dormitory or dormitories	Minimum width of inner court in every part	Minimum length of inner court
2 stories	5 feet	9 feet
3 stories	7 feet	10 feet
4 stories	10 feet	12 feet
5 stories	12 feet	16 feet
6 stories	14 feet	18 feet
7 stories	16 feet	20 feet
8 stories or more	16 feet	22 feet

Provided, however, that the inner courts bounded on one side for their entire length by a lot line shall have not less than the following minimum lengths nor less than the minimum widths in every part as set cut in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is a guest room or guest rooms, or a dormitory or dormitories	Minimum width of court in every part measured at right angles to lot line	Minimum length of court running parallel to the lot line
2 stories	4 feet	9 feet
3 stories	5 feet	10 feet
4 stories	6 feet	11 feet
5 stories	7 feet	12 feet
6 stories	8 feet	13 feet
7 stories	9 feet	14 feet
8 stories or more	10 feet	15 feet

The minimum width of an inner court bounded by a lot line for a hotel shall always be measured at right angles to the lot line and the minimum length of such a court shall always be measured parallel to the lot line.

Sec. 25. Every recess from a court, yard or street in a tenement house or hotel hereafter erected shall be not less in width than its depth, and the area thereof shall not be counted in computing the area of a court or yard. Every such recess shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in the building in which there are rooms the said recess is designed to serve.

Sec. 26. Every inner court, including inner courts bounded on one side for their entire length by a lot line in a tenement house hereafter erected shall be provided with a horizontal intake at the bottom of such court. Every such intake shall always extend directly to the front of lot or front yard or rear yard or to a side yard or to a street or to a public alley or public park. Each such intake shall consist of an unobstructed duct or passageway having a minimum width of three feet in all its parts and a minimum height of six feet six inches.

Every such intake shall be constructed of approved incombustible materials, or shall be lathed with metal lath and plastered not less than three-quarters of an inch thick, or shall be lined with at least number twenty-six (gauge) galvanized iron on the inside thereof. Such air intake may be closed at each end with a gate or grill having not less than seventy-five per cent of open work.

In case the inner court does not extend below he second floor level, then each such air intake may consist of an unobstructed open duct or ducts, constructed of materials as herein above set forth and contain an interior aggregate area of not less than ten square feet, and in no dimension be less than twelve inches, and covered at each end with a wire screen with a mesh of at least one inch in diameter.

Every air intake shall be drained and so constructed and arranged as to be readily cleaned out.

Sec. 27. In no tenement house or hotel shall ny room in the cellar thereof be hereafter constructed, altered, or occupied for living or sleeping purposes; and no room in a basement of a tenement house or hotel shall hereafter be constructed, altered, or occupied for living or sleeping purposes, unless such room conforms to all of the requirements of this act for rooms in other parts of the building and the ceiling of each such room shall be in all parts not less than seven feet above the adjoining ground level. Every basement shall be ventilated. The walls and floors of every basement hereafter constructed, which are below the ground level, shall be made waterproof and dampproof, and whenever deemed necessary, and so ordered by the department charged with the enforcement of this act, the walls and ceiling thereof shall be plastered.

Sec. 28. In every tenement house or hotel hereafter erected, the lowest floor thereof, except masonry floors laid directly on the soil or self-supporting masonry floors, shall be at least twelve inches above the surface soil adjoining and under the floor, and the entire space under such floor shall be kept clean and free from any accumulation of rubbish, debris or filth.

Such space under the floor shall be enclosed and provided with a sufficient number of openings with screens, lattice work, or similar provisions of a size to insure ample ventilation.

Sec. 29. Every dwelling hereafter erected shall be constructed in a substantial manner; and the building shall be so constructed as to provide shelter to the occupants against the elements, and so as to exclude dampness in inclement weather; and there shall be provided in every dwelling hereafter erected in any incorporated town, incorporated city or incorporated city and county a clear air space under the lowest floor thereof of at least six inches, except where there is a ventilated basement or cellar underneath such floor and except where masonry floors are laid directly on the soil, or there is used a self-supporting masonry floor. Such clear air space shall be enclosed and provided with a sufficient number of openings with screens, lattice work, or similar provisions, of a size to insure ample ventilation. The surface underneath the floor shall be kept clean and free from any accumulation of rubbish, debris or filth. All floors in such dwellings and the roofs thereon shall be constructed in the manner and of the materials and to sustain the live loads elsewhere in this act provided.

Sec. 30. In every apartment in every tenement house hereafter erected there shall be at least one room that contains not less than one hundred twenty square feet of superficial floor area, and every other room shall contain not less than eighty square feet of superficial floor area. In every hotel hereafter erected each guest room shall contain not less than eighty square feet of superficial floor area.

Open sleeping porches or enclosed sleeping porches and similar rooms may be designed and built with a superficial floor area of seventy square feet; provided, such porches or rooms are designed and built with windows on at least two sides thereof or with window areas of twice the minimum size in this act elsewhere prescribed for rooms and in no event of a window area of less than twenty-four square feet, and provided such windows open onto a street, yard, or court.

Every kitchen in a tenement house hereafter erected shall contain not less than fifty square feet of superficial floor area.

In every tenement house hereafter erected, designed, or built to accommodate three or more families above the first story thereof, and in every hotel hereafter erected, every room shall have a ceiling height of not less than nine feet, measured from the finished floor to the finished ceiling; and in every other tenement house hereafter erected, every room shall have a ceiling height of not less than eight feet and six inches measured from the finished floor to the finished ceiling. The minimum width of every room in a tenement house or hotel hereafter erected shall be not less than six feet at any point. Attic rooms and rooms where sloping ceilings occur need only have the prescribed ceiling heights in not less than one-half of the

area of the room. The foregoing provisions of this section shall not apply to water-closet, bath or slop-sink compartments, nor to closets, recesses from rooms and dressing rooms, nor shall the minimum width of rooms apply to kitchens.

Every water-closet compartment in every building hereafter erected, shall be not less than thirty inches in clear width, and every such water-closet compartment, bath or slop-sink compartment, closet and recess from a room shall have a ceiling height of not less than seven feet and six inches, measured from the finished floor to the finished ceiling. In every tenement house designed and built to accommodate three or more families above the first story thereof and hotel hereafter erected, every closet, recess from a room or dressing room, which contains more than twenty-five square feet of superficial floor area (built-in dressers, clothes presses and similar features which are a substantial part of the structure shall not be deemed to be a part of the floor area of a closet, recess from a room or dressing room) shall conform to all of the provisions of this act for rooms and shall contain not less than eighty square feet of superficial floor area.

No part of any room in any tenement house or hotel shall hereafter be enclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition, or other contrivance or device, for any purpose contrary to any of the provisions of this act.

Entertainment, amusement, or reception rooms hereafter constructed, altered or converted, in a tenement house or hotel shall conform to the provision of section thirty-two of this act.

Dormitories hereafter constructed, altered or converted in any building shall conform to the provisions of section sixty-two of this act.

Sec. 31. In every building hereafter erected, every living room, bedroom, guest room, dormitory, kitchen, scullery, pantry (except pantries in apartments) or other room in which food is stored or prepared, dining room, general amusement, entertainment or reception room and room or compartment wherein there is installed a water-closet, shower, bathtub or toilet or general utility room shall have a window or windows of the area hereinafter required, opening onto a street, public alley, or a yard or court of the dimensions specified in this act and located on the same lot.

All such windows shall be located so as to properly light all portions of the room or compartment as the case may be, and shall be made and arranged so that at least one-half of the aggregate window area, required in each such room or compartment, may be opened unobstructed.

The windows required by this section in a water-closet or shower compartment, bath, toilet or slop-sink room may open directly into a vent shaft in lieu of a street, yard or court. Such vent shaft shall be not less than the minimum size and constructed of the materials and in the manner prescribed by section fifty-six of this act.

Nothing in this section shall be construed to prohibit windows from hallways and rooms to open through roofed porches that do not diminish the percentage of unoccupied space, or sizes of yards and courts, required by this act, provided, that such windows face the street, yard or court to which such porches abut.

In a hotel, water-closet or shower compartments, bath, toilet, kitchens, sculleries, pantries or other rooms used for cooking, storing or preparing of food, and in a tenement house or hotel, general amusement rooms, reception rooms, public dining rooms, and general utility rooms in lieu of windows, may be ventilated by an exhaust system of ventilation installed, constructed and maintained as hereinafter prescribed by section sixty hereof.

Sec. 32. Every room in every tenement house hereafter erected; and every room, kitchen, scullery, pantry or other room in which food is stored or prepared, and general utility room, in every hotel hereafter erected, and every room used for living and sleeping purposes and every kitchen in every dwelling hereafter erected, shall have one or more windows the total area of which shall be at least one-eighth of the superficial floor area of the room or compartment such window or windows are designed to serve, and in no event shall the aggregate window area in a room be less than twelve square feet, and in rooms in a tenement house or hotel no single window shall be less than six square feet in area; provided, however, that rooms in dwellings designed to be occupied by but one family shall have a minimum aggregate window area of twelve square feet irrespective of the floor area of the room.

In every building hereafter erected the window area in a water-closet compartment, bath, toilet, or shower room, shall be not less than three square feet, and in a tenement house or hotel the aggregate area of windows for each such compartment or room shall be not less than six square feet, and in each such compartment or room containing more than one water-closet, bath, or urinal the aggregate window area shall be equivalent to three square feet for each water-closet, bath or urinal therein, except that at no time need the aggregate window area exceed one-fourth of the superficial floor area of such compartment or room.

In every tenement house or hotel hereafter erected, the total window area in each room used or intended or designed to be used for the purpose of amusement, entertainment, reception room, public dining room or any room used for similar purposes, which room has a superficial floor area not exceeding one hundred and eighty square feet, shall be at least one-eighth of the superficial floor area of such room. Every such room which has a superficial floor area, exceeding one hundred and eighty square feet shall have an aggregate window area not less than that required for a room of one hundred and eighty square feet of superficial floor area.

Every such amusement, entertainment, or reception room, or public dining room, or room used for similar purposes, shall have a minimum height between the finished floor and the finished ceiling of not less than nine feet. No such room or part thereof shall be used for living or sleeping apartments, except that said room or part thereof complies with all of the other provisions of this act, for living and sleeping rooms.

All measurements for window area shall be taken to the outside of the sash.

Sec. 33. In every tenement house hereafter erected, every public hallway that serves three or more apartments on any floor, and in every hotel hereafter erected, every public hallway that serves five or more guest rooms on any floor, shall have at least one window opening directly onto a street, or onto a yard or a court of the dimensions specified in this act and located on the same lot; such window or windows shall be at the end of the public hallway or placed so as to secure the maximum light into the hallway; provided, however, that in tenement houses or hotels not exceeding two stories in height, the public hallway may, in lieu of such windows, be lighted and ventilated by one or more skylights constructed in accordance with the provisions of this act.

Every window required by this act in a public hallway shall be not less than twenty-nine inches in clear width, nor less than fifty-eight inches in height, and the finished sill of same shall not be more than thirty inches above the adjoining finished floor. Every such window shall be made so as to open and so arranged that at least one-half of the window may be opened unobstructed.

Every skylight provided for in this section shall have an effective horizontal area of glass of not less than fifteen square feet, and shall have ridge ventilators or fixed or movable louvers so as to provide a ventilating area of not less than five hundred square inches. Such skylights shall be so located that no portion of the hallway be distant more than twenty feet, (measured from a vertical line) from a skylight opening.

Any part of a public hallway which is offset, recessed, or cut off from any other part of a hallway where such offset or recess is more in

length than three times the width of the public hallway from which it offsets or recesses, shall be deemed a separate public hallway within the meaning of this section.

French windows or doors, if arranged to open and glazed to give the areas of opening and glass required by this act for windows in public hallways, or windows in rooms of any building, may be used in lieu of windows therein.

Sec. 34. In every tenement house or hotel two or more stories in height, hereafter erected, where there are more than three apartments, in the case of a tenement house, and more than five guest rooms in the case of a hotel, on any one floor above the first floor thereof, there shall be provided at the roof over each stairway a ventilating skylight, placed directly as practicable over same, having a minimum effective horizontal area of glass at least twenty square feet in area for buildings two stories in height, and the area of glass in such skylight shall be increased at a ratio of six square feet for each additional story in height. In every such skylight the ventilating area shall be not less than five hundred square inches.

Every such skylight and the ventilating openings and the shutters and the closing and opening devices for the ventilating openings shall be made of approved incombustible materials and so arranged that the entire ventilating area may be readily opened from at least the topmost and first story levels, except that in tenement houses or hotels, not exceeding four stories in height the ventilators may be arranged so as to open from at least the first story, or the ventilators may be fixed permanently in an open position.

Skylights as in this section prescribed may be omitted in case that windows are provided of the size fixed by section thirty-three hereof and located adjoining the stairways, and that each window adjoining the stairway be provided with an open louver or ventilator providing a ventilating area of not less than one hundred square inches or such louvre or ventilator may be placed in the roof over the stairway, in which event the ventilating area shall be not less than five hundred square inches.

Whenever a skylight is required as in this section provided there shall be constructed a stair well, the clear open area of which shall be at each floor equal to one-third of the area of glass in the skylight.

Sec. 35. In every tenement house hereafter erected, every apartment that contains four or more rooms, exclusive of bath rooms, shall be so arranged that access may be had to a water-closet compartment, without passing through any bedroom.

Sec. 36. In every tenement house hereafter erected there shall be installed one water-closet within each apartment located in a separate compartment or located in a compartment with a bathtub, shower or lavatory, used exclusively by the occupants of the apartment.

In every hotel hereafter erected there shall be installed not less than one water-closet in a separate compartment, located on the public hallway, for each sex on such floor. One of such water-closets shall be distinctly marked "for men" and one of the water-closets shall be distinctly marked "for women"; and there shall be installed not less than one water-closet in a separate compartment, located on the public hallway, for every ten guest rooms or fractional part thereof in excess of ten guest rooms on such floor which are not provided with private water-closets. Each of the said water-closets shall be accessible from each of the guest rooms through the public hallway, and not more than one hundred feet distant from the entrance door of each of the guest rooms the said water-closet proposes to serve.

In every dwelling hereafter erected there shall be provided one water-closet for each family living therein; provided, however, that in the case of group dwellings and in dwellings where there live persons not living together as families, the department charged with the enforcement of this act may at its discretion issue a special permit whereby there shall be provided at least one water-closet for each sex, located in a separate compartment, and such compartments shall be distinctly marked "for men" and "for women." Such two water-closets shall not serve more than four families and there shall be provided one additional water-closet for each additional two families or lesser fractional part thereof in excess of four families. In the case of persons not living together as families there shall be provided not less than one water-closet for each ten such persons or fractional part thereof of each sex in the aforesaid manner.

No door or other opening in a water-closet or urinal compartment shall open from or into any room in which food is prepared or stored in a tenement house or hotel.

The walls enclosing a water-closet compartment shall be well plastered, or constructed of or painted with some nonabsorbent material, except that the ordinary wood trim for openings may be used in such a compartment. Every water-closet compartment shall be provided and equipped with a full door, properly hung, and provided with a lock or bolt to lock same.

The floor of every water-closet compartment hereafter constructed, in a tenement house or hotel, shall be made waterproof with asphalt, tile, marble, terrazzo, cement or some other similar nonabsorbent material, and such waterproofing shall extend not less than two inches on the vertical walls of the compartment.

Sec. 37. In every tenement house erected prior to the passage of this act there shall be provided at least one water-closet in a separate compartment, located on the public hallway of the same floor, for every three apartments or fractional part thereof on such floor which are not provided with private water-closets. Where two or more water-closets are required by the provisions of this section to be located on a public hallway, one of such water-closets shall be distinctly marked "for men," and one of the water-closets distinctly marked "for women."

In every hotel erected prior to the passage of this act there shall be installed not less than one water-closet in a separate compartment, located on the public hallway for each sex; one of such water-closets shall be distinctly marked "for men," and one of the water-closets shall be distinctly marked "for women"; and there shall be installed not less than one water-closet in a separate compartment, located on the public hallway, for every twelve guest rooms, or fractional part thereof, on such floor, which are not provided with private water-closets; provided, however, that the housing department charged with the enforcement of this act may exempt any building existing at the time of the passage of this act from fully complying with the provisions of this and the preceding paragraph of this section, when in its discretion, such deviation will not be detrimental to the health of the occupants thereof or to the sanitation of the building or premises, or it is impractical to fully comply with the aforesaid provisions because of structural reasons that exist in the building; provided, further, that no such exemption shall apply to any addition or extension to a tenement house or hotel.

Every water-closet hereafter installed in a building erected prior to the passage of this act shall comply with every provision of this act relative to water-closets installed in buildings hereafter erected, except that in the case of water-closets and baths installed in the top story of any building, the compartment in which they are installed may be ventilated by a skylight with fixed louvres in lieu of a window or windows; provided, however, that a new water-closet may be installed to replace a defective or antiquated fixture in the same location.

Every building erected prior to the passage of this act, or hereafter erected, where a connection with the sewer is possible, shall discontinue the use of any school sink, privy vault, or any similar receptacle used to receive fecal matter, urine or sewage, and every such receptacle shall be completely removed and the place where it was located be properly disinfected. All such receptacles shall be replaced by individual water-closets of durable nonabsorbent material, properly connected, trapped, vented and provided with flush tanks, the same as is

required, by the provisions of this act in buildings hereafter erected.

Sec. 38. In every tenement house hereafter erected there shall be a bathtub or shower within each apartment, and such bathtub or shower shall be located in a separate compartment, or there may be provided one such bathtub or shower in a separate compartment for every three such apartments which are not provided with private baths or showers; provided, that said bathtub or shower is on the same floor and is accessible from each apartment through the public hallway.

In every tenement house hereafter erected there shall be at least one kitchen sink within each apartment. In every hotel hereafter erected there shall be installed not less than one bathtub or shower, in a separate compartment, located on the public hallway, for every ten guest rooms, or fractional part thereof, not provided with private baths; provided, that the said bathtub or shower is on the same floor and is accessible from each guest room through the public hallway.

The walls and floors of every bath or shower room hereafter constructed shall be waterproofed and shall be provided with doors in the same manner as required for the construction of water-closet compartments in tenement houses and hotels hereafter erected.

Every dwelling hereafter erected, designed and built to accommodate four or more families shall be provided with at least one bathtub or shower-bath and for each four families or fractional part thereof in excess of four families there shall be provided an additional bathtub or shower-bath. Such bathtubs or shower-baths shall be located in a suitable compartment or compartments therefor. Every dwelling hereafter erected, designed and built to accommodate ten or more persons not living together as families shall be provided with at least one bathtub or shower-bath and for each fifteen such persons or fractional part thereof in excess of the first ten persons living therein there shall be provided an additional bathtub or shower-bath. Such bathtubs or shower-baths shall be located in a suitable compartment or compartments therefor.

Sec. 39. In every tenement house erected prior to the passage of this act there shall be provided, at least one bathtub or shower in a separate compartment, located on the same floor, for every five apartments, or fractional part thereof, which are not provided with private baths or showers, on each such floor, and there shall be provided at least one kitchen sink in each apartment.

In every hotel erected prior to the passage of this act there shall be installed not less than one bathtub or shower, in a separate compartment, located in the public hallway, for every twenty guest rooms, or fractional part thereof, which are not provided with private baths; provided, that the said bathtub or shower is located on the same floor and is accessible from each guest room through the public hallway.

Provided, however, that the department charged with the enforcement of this act may exempt any tenement house or hotel existing at the time of the passage of this act from fully complying with the provisions of this section when, in its discretion, such deviation will not be detrimental to the health of the occupants thereof or to the sanitation of the said tenement house or hotel or premises, or it is impractical to fully comply with the aforesaid provisions because of structural reasons that exist in the building; provided, further, that no such exemption shall apply to any addition or extension to a tenement house or hotel.

Sec. 40. In every building hereafter erected, and in every building erected prior to the passage of this act, every plumbing fixture shall be provided with running water, and in every tenement house or hotel hereafter erected, or erected prior to the passage of this act, there shall be provided faucets, with running water, sufficient in number so that all of the yards, courts and passageways may be washed.

Every plumbing fixture affecting the sanitary drainage system of every building hereafter erected, shall be properly connected with the street sewer, if a street sewer exists in the street abutting the lot on which the building is located and is ready to receive connections. When it is impracticable to connect such plumbing fixtures with a street sewer, then the plumbing fixtures shall be connected and drained into a cesspool constructed satisfactorily to the department charged with the enforcement of this act; or some other means of sewage disposal satisfactory to the department charged with the enforcement of this act may be made until such time as it may become practicable and possible to connect with the street sewer. Whenever deemed necessary for the health of the occupants and the sanitation of the building or premises, and so ordered by the department charged with the enforcement of this act, there shall be installed in the building, properly connected with the building sewer line, an approved type of automatic sewer flushing device that will have a discharge sufficient to thoroughly cleanse such sewer line.

Sec. 41. Water-closets, baths, showers, sinks, slop-sinks, faucets, and other plumbing fixtures required by this act need not be installed in the event that the building hereafter erected or an existing building as the case may be, is situated where there is no running water and where there is no practicable means of sewage disposal, until such time as it becomes practicable and possible to obtain running water and means of sewage disposal; provided, in every such case the department charged with the enforcement of this act shall decide whether or not is is practicable and possible to provide running water and proper means of sewage disposal. A special permit in writing shall be obtained in every such case from the department charged with the enforcement of this act, which permit shall be made in duplicate, and a copy thereof shall remain on file in the department issuing it; provided, further, that proper separate toilet facilities for each sex shall be provided for the use of the occupants of such building. Such facilities shall be made sanitary. A privy, or toilet other than a water-closet, erected under the authority of this section shall consist of a pit at least three feet deep, with suitable shelter over the same to afford privacy, and protection from the elements. The openings of the shelter shall be enclosed by mosquito screening, and the door to the shelter shall be made to close automatically by means of a spring or other device. No privy pit shall be allowed to become 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 similar substances at regular intervals. All drainage water shall be conveyed from the premises by means of a covered drain to a covered cesspol.

Sec. 42. In every building hereafter erected, and in every existing tenement house and hotel, all plumbing fixtures affecting the sanitary drainage system shall be properly trapped and vented and made sanitary in every particular. In no building hereafter erected and in no existing tenement house or hotel shall any water-closet, sink, slop-sink, wash tray or lavatory be enclosed with woodwork, but the space under and around same must be left open, and all woodwork enclosing such plumbing fixture shall be removed and the floors and wall surfaces beneath and around such water-closet, sink, slop-sink, wash tray or lavatory shall be maintained in good repair, and if of wood, well painted with a light colored paint of sufficient body to make it nonabsorbent. All wooden seats, attached to water-closet bowls, shall be varnished or enameled, or by some other method made nonabsorbent.

In every building hereafter erected water-closets shall have earthenware bowls and shall have earthenware seats integral with the bowls, or wooden seats varnished or enameled so as to be nonabsorbent or seats made of some nonabsorbent material attached directly to the bowls. No wooden wash trays or wooden kitchen sinks shall be permitted in such buildings. All plumbing connections hereafter made in buildings shall be of standard lead, iron, steel or brass, except house sewer connections which may be of cast iron, vitrified clay or machine made glazed cement pipe, and every gas and water service connection hereafter made

shall be of steel or iron and shall be equipped with cut-off valves placed outside of the building and readily accessible.

Whenever any plumbing fixture becomes insanitary the department charged with the enforcement of this act may cause the fixture to be removed and cause it to be replaced by a fixture conforming to the provisions of this act.

Sec. 43. Every fireproof tenement house or hotel hereafter erected shall have not less than one stairway, not less than three feet wide, for each six thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every semifireproof tenement house or hotel hereafter erected, shall have not less than one stairway, not less than three feet wide, for each five thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every wooden tenement house or hotel hereafter erected shall have not less than one stairway, not less than three feet wide, for each four thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every tenement house or hotel three or more stories in height hereafter erected, shall have not less than one stairway leading from the outside to every basement or cellar thereof.

Sec. 44. The largest floor area above the first or ground floor shall be used as the basis for computing the number of stairways required in every tenement house or hotel hereafter erected; provided, that if all floors above the largest floor area of the building are diminished in area, the stairway or stairways from that portion of the building containing a smaller area may be computed on the basis of the largest floor area in that portion of the building.

Sec. 45. All stairways hereafter constructed shall be located so as to furnish the best means of egress from the building, and shall be as far removed from each other as practicable, and shall, in conjunction with the fire escapes hereinafter required for tenement houses and hotels, provide two reasonable means of egress from each apartment, in a semifireproof or wooden tenement house that is three or more stories in height and has three or more apartments on any one floor above the first floor thereof, and from each guest room in a semifireproof or wooden hotel that is three or more stories in height and has six or more guest rooms on any one floor above the first floor thereof.

Access to stairways shall be provided at every floor by means of a public hallway, corridor, or passageway, and the public hallway, corridor, passageway and stairway from the ground exit level to the top story or roof shall be accessible at all times.

No stairway shall abut on more than one side of an elevator shaft, except on the lowest and topmost stories, and then only if the stairway is so located that it can be approached from the street entrance without passing by or in front of the open side of the said elevator shaft.

No stairway shall be located over a steam boiler, gas meter, gas heater or furnace, nor shall any such boiler, meter, heater or furnace be placed or located under a stairway, unless such boiler, gas meter, gas heater, or furnace be located in a room, the walls and ceiling of which are constructed as required for a boiler room by section fifty-eight of this act. No stairway leading from any other portion of the building shall terminate in or pass through a boiler room.

Sec. 46. Every stairway hereafter constructed, in a tenement house or hotel, shall be as follows: have a rise of not more than eight inches and a run of not less than nine inches, without change in the run or rise between floors; and shall be provided with head room of not less than six feet six inches measured from the nearest nosing of the stairway to the nearest soffit.

In every building three or more stories in height, the depth of every landing in a stairway shall be not less than the width of the stairway, and all treads shall be of equal width for every run of stairs, and shall not vary in width in the width of the stairs.

Stairways required by this act shall be continuous from the ground floor level to the top story and the flights of such stairways shall be constructed one directly above the other, or shall be constructed so that each flight shall be in plain view of each succeeding flight; provided, however, that half of the stairways from the upper floors may terminate at the second floor, in the event that the aggregate width of the stairways, from the first to the second floor, is increased not less than fifty per cent.

Every stairway shall have at least one handrail, and if the stairway be five feet or more in width, shall have a handrail on each side thereof.

The width of all stairways shall be measured in the clear of all projections except the baseboards, and except that handrails and newel posts may project not more than four inches.

Sec. 47. No closet of any kind shall be constructed under any wooden stairway, in any tenement house or hotel of more than two stories in height designed and built to accommodate three or more families or six or more guests above the first story thereof, but such space shall be kept entirely open, and be kept clean and free from all encumbrances, or such space shall be effectually closed with walls of studs, lathed with metal lath and plastered not less than three-quarters of an inch thick, with no door or opening of any kind therein.

Sec. 48. In every tenement house designed and built to accommodate three or more families above the first story thereof or hotel hereafter erected more than two stories in height, the stairway nearest to the main entrance of the building shall be carried to the roof level and shall give egress to the roof through a penthouse or roof structure if the pitch of roof makes it practicable to construct such a penthouse or roof structure with safety to the occupants that may have occasion to use such egress, otherwise in such building there shall be constructed a scuttle in the public hallway over the stairway. Such scuttle shall be not less than two feet by three feet in area, and shall be cut through the ceiling and roof.

Penthouses over stairways shall be built either of fireproof materials or of wood studs, lathed with metal lath and plastered not less than three-quarters inch thick; or such penthouses may be covered in the same manner and with the same kind of materials as required by this act for the doors from such penthouses.

The door to the roof from a penthouse or roof structure shall be self-closing and shall open outward to the roof, and shall be covered on both sides and edges with tin or other metal.

The frames and trim of such door opening shall be similarly constructed and all glass in such door shall be wired glass not less than one-fourth inch thick.

Every now existing tenement house or hotel of more than two stories in height, that is not provided with a stairway to the roof as hereinbefore prescribed shall have in the roof a penthouse or a scuttle, which scuttle shall be not less than two feet by three feet in area, located in the ceiling of a public hallway, and there shall be provided a stairway or a stationary ladder, leading from the top floor of such tenement house or hotel to the roof thereof. Such stairway or stationary ladder shall be made readily accessible to all the tenants of the building. No scuttle or penthouse door shall at any time be locked with a key, but may be fastened on the inside by a movable bolt or lock.

Sec. 49. Public hallways and corridors from stairways shall be measured in the same manner as the stairways and be not less than three feet in width.

Sec. 50. On every tenement house or dwelling hereafter erected more than two stories in height, designed and built to accommodate two or more families above the second story thereof, and on every hotel hereafter erected more than two stories in height, designed and built to accommodate four or more guests above the second story thereof, there shall be provided at least one fire escape. On every such semifireproof or wooden tenement house or hotel wherein the floor area exceeds four thousand square feet on any one floor above the second floor thereof,

there shall be provided one additional fire escape for each five thousand square feet of floor area or fractional part thereof, in excess of the first four thousand square feet of floor area hereinbefore provided; and on every such fireproof tenement house or hotel wherein the floor area exceeds six thousand square feet on any one floor above the second floor thereof, there shall be provided one additional fire escape for each five thousand square feet of floor area or fractional part thereof in excess of the first six thousand square feet of floor area hereinbefore provided.

Fire escapes required by this act shall be one of the following types:

Type 1. Metallic throughout and fastened securely to the exterior walls of the building, with a balcony at each story above the first story thereof, with inclined stairways connecting all balconies and a goose-neck ladder connecting the topmost balcony to the roof. The lowest balcony of such fire escape to be not more than fourteen feet above the street or ground level directly under the same.

All metallic balconies shall be not less than forty-four inches in width nor less than thirty-three square feet in area. The stairway openings therein shall be not less than twenty-one inches wide and forty inches in length. The balcony balustrade shall be not less than thirty-four inches high, with no opening in such balustrade greater than eight inches in horizontal dimension.

There shall be no opening greater than one inch in width in a fire escape balcony platform, except the stair well opening.

There shall be no opening greater than one inch in width in the lowest fire escape balcony platform, except that there be attached a counterbalanced or permanent ladder reaching to the street or ground below.

Every balcony platform shall be fastened to the outside walls of the building by building in and anchoring to such walls the balcony platform and the balustrade framing, or by securely bolting same thereto. Every balcony shall be supported by brackets, braces, or struts fastened to or built in and anchored to the walls.

The inclined stairways shall be not less than eighteen inches in width and placed in no part nearer than twenty-one inches from the face of the wall. Such inclined stairways shall have an inclination of not less than four inches and not more than six inches horizontally to each twelve inches of vertical height. The treads shall be not less than four inches wide, placed not more than twelve inches apart. Each side of such stairways shall be provided with a handrail not less than one inch in diameter fastened to the stair stringers and continued around the well hole openings of balcony platform.

The goose-neck ladder shall be not less than fifteen inches wide and extend vertically from the topmost balcony to three feet above the fire wall or roof above, and then be brought down and fastened to the inside face of the fire wall or to the roof. The rungs of the goose-neck ladder shall be not less than five-eighths inch round iron or steel, placed not more than fourteen inches apart. The goose-neck ladder shall be securely braced and fastened to the outside wall, and in no case shall such ladder pass in front of any opening in the wall to the interior of the building. The cornice opening for the passage of such ladder shall be not less than twenty-four inches in width and twenty-four inches in the clear outside of the ladder.

Such fire escape shall be framed and riveted or bolted together in a solid, substantial manner and properly supported, braced and fastened to the outside walls so as to be rigid, durable and secure and carry the loads imposed.

All metallic fire escapes shall be painted with not less than two coats of good, durable paint; or such fire escapes may be galvanized.

Type 2. Metallic ladders and stairways conforming to the provisions set forth for "type one" and with reinforced concrete or iron or steel fireproofed balconies, with fastenings of similar materials. Such balconies to measure the full size inside of balustrades. Floor openings and well holes provided and protected similarly to the requirements for metallic balconies.

Type 3. Any type of an enclosed approved metallic spiral fire escape which consists of a rigid form of an inclined chute or chutes constructed entirely of incombustible material; securely attached to the outside walls of the building; provided with proper means of ingress thereto from the building and egress therefrom at the bottom; having means enabling firemen to reach the roof thereby from the ground; equipped with standpipes; painted the same as provided for metallic fire escapes; and satisfactory to the department charged with the enforcement of this act as being solid, substantial and durable and as fireproof in construction, and providing at least as safe and efficient means of escape from the building for the occupants thereof, and furnishing all the protection and utility of the metallic fire escapes described as "type one" in this act.

Type 4. Fire and smoke towers, consisting of a fire escape stairway not less than twenty inches in width, constructed of reinforced concrete, iron or steel, or a combination of these materials; and in all other details as required in this act for metallic fire escape stairways; said stairways being continuous the full height of the building from the first floor exit level to the roof, and with handrails on each side thereof the full length of same. Such fire and smoke towers to be constructed at a point adjoining the exterior walls of the building and be entirely enclosed with walls of brick, terra-cotta tile, concrete or reinforced concrete not less than eight inches thick; such walls to be continuous from the basement up to and extending three feet above the roof of the building, with no covering of any kind over the fire and smoke tower unless that such covering is constructed of approved incombustible materials and that in the said covering there is provided permanent open louvers or other permanent unobstructed openings to the outer air and that such permanent open louvers or other permanent unobstructed openings shall be of an aggregate open area equivalent to fifty per cent of the aggregate superficial area of the covering, and with no openings in the walls of such tower into the building. The enclosing walls of such tower not to be used to carry or support any floor joist, beam, girder or other structural feature of the building, nor to be chased for any pipe, conduit or other purpose; to have an exit from the enclosure at the first floor line opening directly to a street or yard, and having an entrance by means of an outside balcony at each floor, such balconies to have a solid floor and in all other details and kind of materials to be as in this act required for metallic fire escape balconies. The balconies to be located and arranged to connect with a door opening from a public hallway in the interior of the building and with a door opening leading from the balcony to the tower, such door opening from the building to the balcony and from the balcony to the tower to be not less than thirty inches wide by seventy-two inches high and be equipped with metal lined doors and with a frame and threshold of such door openings constructed of fireproof materials.

Type 5. A fire and smoke tower in every way similar to "type four" of this section, except that instead of the outside balcony there be built a vestibule with enclosing walls continuous with and of the same kind of materials and of the same thickness as the enclosing walls of the fire tower; that the vestibule opening be direct from a public hallway and be equipped with metal-lined doors. The vestibule floor to be of masonry construction. The enclosure to have an opening at each floor through the exterior wall of the building, such opening to extend from the floor to the ceiling and be not less in width than three-fourths of the width of the tower, said opening to be protected with an open metallic balustrade similar to that specified for metallic fire escape balconies.

Sec. 51. In any tenement house or hotel hereafter erected in which there is constructed a fire escape of "type four" or "type five," as prescribed in this act, such fire escape may be used and

constructed as a stairway and a fire escape combined; provided, that there is at least one other stairway or one other fire escape, constructed in accordance with the provisions of this act, in the said building.

Sec. 52. Every fire escape required by this act shall be located on the building so as to furnish the best means of escape therefrom for the occupants, and at least one such fire escape shall be located on a street front in the case of a semifireproof or wooden tenement house or hotel. Every fire escape shall have egress thereto from a public hallway or passageway not less than three feet wide, or such fire escapes in lieu of being located on a public hallway, shall be located so that each apartment in a tenement house and each guest room in a hotel has direct egress thereto without passing through another apartment or room; or if a public parlor, public lobby or similar room is connected directly with the public hallway, corridor or passageway through a clear and unobstructed opening, without doors, then egress may be had thereby to a fire escape. Signs both pointing toward and marking the locations of fire escapes shall be placed on each floor.

Sec. 53. All parts of each balcony platform of a fire escape shall be designed to carry, in addition to the dead load thereof, a live load of one hundred pounds per square foot over the entire area thereof (using outside dimensions) and the live and dead loads from the ladders or stairs supported thereon.

Each ladder shall be designed to withstand a horizontal pressure of one hundred pounds per square foot.

Each stairway shall be designed to carry, in addition to the dead load thereof, a live load of one hundred fifty pounds per square foot of horizontal projection.

Top rails of balcony balustrades shall be designed to withstand a horizontal pressure of one hundred pounds per lineal foot of railing.

Each balcony shall be independently supported.

All fastenings of fire escape balconies to the building shall be designed to carry twenty-five per cent greater load than the total dead and live loads carried by the balconies. The balcony anchorage shall be direct to the structural steel or iron members of the balustrades and platforms extended into the walls and anchored into the structural work of the building.

The level of the inside sill of the door or window giving access to a fire escape balcony or to the balcony floor shall be not more than thirty inches above the adjoining floor in the building. Every such door or window opening shall be not less than twenty-nine inches in clear width, nor less than fifty-eight inches in height.

Where double-hung windows are used in such openings, the lower sash shall be at least the size of the upper sash and shall slide to the top of such opening. Any lock used on any such window shall be of a type which can be readily opened from the interior of the building without the use of a key or other tool.

The basis for computing floor areas in relation to fire escapes shall be determined in the same manner hereinbefore provided for stairways.

Every fire escape, in or on a tenement house or hotel hereafter erected, or in or on an existing tenement house or hotel, shall at all times be maintained in good order and repair, well painted and clear and unobstructed at all times, and be readily accessible.

Sec. 54. On every tenement house or hotel hereafter erected four or more stories in height, there shall be provided one or more metallic standpipes. Each such standpipe shall be not less than four inches in internal diameter, and shall have a Siamese inlet valve near the sidewalk or the ground directly under same, and an outlet valve at each story above the first story and on the roof.

One such standpipe shall be placed on or in the exterior walls of the building at one fire escape, or line of windows where there is no fire escape, on the street frontage, and the outlet valves shall be readily accessible from the balconies of the fire escape or windows.

The inlet and outlet valves on every standpipe shall be threaded and brought to a size which will meet the standard connections of the local fire department of the municipality in which such tenement house or hotel is being erected.

The standpipes required by this section need not be installed in any tenement house or hotel which is situated where there is no running water and where it is not practicable or possible to obtain water for efficient use of such standpipes in case of fire, until such time as it is practicable and possible to obtain running water; and the department charged with the enforcement of this act shall decide whether or not it is possible or practicable to obtain running water.

Sec. 55. In every fireproof tenement house or hotel hereafter erected, every elevator shaft, dumb-waiter shaft or other interior shaft shall be enclosed in walls constructed of concrete, reinforced concrete, brick, terra cotta tile or other similar hard incombustible materials, or shall be constructed of metal studs lathed with metal lath and plastered on both sides so as to make a solid partition not less than two inches thick.

In every semifireproof or wooden tenement house or hotel hereafter erected every such shaft shall be inclosed by walls constructed as provided by this act for a fireproof building or such walls may be constructed with wood studs, with firestops between the studs at each floor and half way between each floor, lathed on both sides with metal lath and plastered not less than three-quarters of an inch thick.

Every opening from any shaft into the building shall be equipped with a metal door and with door frame and trim entirely of metal; or such door and door frame shall be constructed of wood covered with metal on the shaft side thereof, and if there is any glass therein, such glass shall be wired glass not less than one-fourth (¼) inch thick. Every door or window therein shall be made to close tight, and every door except elevator doors therein shall be self-closing.

Every window in such shaft shall be of wired glass, not less than one-fourth (¼) inch thick, set in a metal sash or a sash metal covered on the shaft side thereof. At the roof over every elevator shaft there shall be constructed a ventilating skylight or a ventilator with open louvres.

Sec. 56. In every tenement house or hotel hereafter erected every vent shaft shall be enclosed with walls constructed the same as is required by this act for an elevator shaft in the same class of building. Such a vent shaft may, in a semifireproof or wooden tenement house or hotel be lined on the outside thereof (weather side) with metal in lieu of metal lath and plaster; also, that portion of such shaft extending from the ceiling joists to the top thereof may be lined with metal in the same manner as is required for the weather side of such vent shaft.

Every opening from any vent shaft into the building or any window therein, shall be equipped in the same manner as required by this act for elevator shafts in the same class of building.

Plaster on the weather side of any such shaft shall be of Portland cement plaster.

Every vent shaft by this act provided for a tenement house shall be not less than four feet in any direction and be at least sixteen square feet in area; **provided, however, that a vent shaft that is bounded on one or more sides by a lot line may be not less than two feet in any direction and be at least sixteen square feet in area.** If such vent shaft exceeds fifty feet in height, measured from the bottom to the top of the walls of such shaft, then such vent shaft shall throughout its entire height be increased in area one square foot for each additional ten feet or fractional part thereof above fifty feet.

Every vent shaft by this act provided for a hotel shall be not less than thirty inches in its least dimension and contain an unobstructed area of not less than twelve square feet. **Every vent shaft shall be open and unobstructed to the sky and at the roof line every vent shaft in a tenement house or hotel shall be provided with parapet wall or rail at least thirty inches in height so constructed that no person may walk in or fall into such shaft.**

Every such vent shaft in a tenement house hereafter erected shall be provided with an air intake or duct at or near the bottom thereof, communicating with the street or yard or a court. Such intake shall be not less than three square feet in total area, and 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. Every such intake or duct shall be constructed of approved fire resistive material or shall be of metal or metal lined, and be provided with a wire screen of not less than one inch mesh at each end. Whenever the end of an intake is capped, hooded or otherwise covered, there shall always be provided a clear space of not less than four inches above and between the end of such intake and the lower part of the cap, hood or other covering. Plumbing, gas, steam or other similar pipes may be placed in vent shafts in tenement houses or hotels.

Every vent shaft shall be so arranged as to permit of its being readily cleaned out. The provisions of this section shall not apply to dwellings, nor to tenement houses not exceeding two stories in height designed and constructed with no more than two apartments for use of not more than two families above the second floor thereof, nor to hotels not exceeding two stories in height designed and constructed with no more than six guest rooms for use of no more than six persons on the second floor thereof; provided, however, that any vent shaft constructed in any such buildings shall be not less than eighteen inches in its least dimension and shall be open and unobstructed to the sky.

Sec. 57. The walls of every inner court in a fireproof tenement house or hotel hereafter erected shall be constructed of concrete, reinforced concrete, brick, terra cotta tile or other similar hard incombustible material. In a semi-fireproof or in a wooden tenement house or hotel such inner court walls, if surrounded on four sides by the walls of the same building, shall be constructed as provided for fireproof buildings or may be of wood studs, with fire stops between the studs at each floor and half way between each floor, lathed on both sides with metal lath and plastered not less than three-quarters inch thick. Plaster on the weather side of such inner court walls shall be Portland cement plaster, or such inner court walls may be lined, on the weather side, with metal of not less than twenty-six gauge, in lieu of metal lath and plaster.

Sec. 58. In every tenement house or hotel hereafter erected, every boiler used for purposes of heating the building, using fuel other than gas, and every heating furnace or water-heating apparatus, using oil or other fluid fuel, shall be installed in a room, the walls of which room shall be built of concrete, reinforced concrete, brick, stone or concrete or terra cotta tile, not less than six (6) inches thick, and such walls shall extend from the floor of the boiler room to the ceiling over same. The entire ceiling of such room shall be built of similar materials as the walls, or shall be built with a double ceiling, with a space not less than seven-eighths inch between the two ceilings; each ceiling shall be metal lathed and be plastered not less than three-quarters inch thick. The floor of a boiler room shall be of concrete not less than two (2) inches thick.

Any door in the wall of such rooms shall be a fire-resisting door, constructed of three (3) thicknesses of seven-eighths (⅞) inch by not more than six (6) inches, tongued and grooved, matched redwood boards entirely covered on the sides and edges with lock-jointed tin; every such door shall be self-closing, so hung as to overlap the walls of the room at least three (3) inches, and any glass in any such door or any glass in any window or opening in the walls of a boiler room shall be wired glass, not less than one-fourth (¼) inch thick, set in a metal or metal covered sash.

All such doors shall have hinges, hangers, latches and other hardware of wrought iron, bolted to the doors, and shall have steel tracks, when sliding doors are used, with wrought-iron stops and binders bolted through the walls. Swinging doors shall have wall eyes of wrought-iron, built into or bolted through the wall.

Every such boiler room shall have a sill across each door not less than four (4) inches high. Such sill shall be of masonry, and the doors shall overlap same at least three (3) inches, or in lieu of a masonry sill a steel or iron sill may be used, in which case the bottom of the door shall close tight on top of same. Every swinging door in a boiler room shall open outward from the boiler room.

Where oil or other fluid fuel is burned, the oil or other fluid fuel shall not be fed by a gravity flow.

Sec. 59. In every tenement house or hotel hereafter erected any portion of such building, in which there is kept or stored any automobile or automobiles, shall be a room, the enclosing partitions of which shall be built of concrete, reinforced concrete, brick, stone, concrete tile or blocks, or terra cotta tile, not less than six (6) inches thick, or may be of wood studs lined on the automobile storage room side with redwood boards not less than seven-eighths (⅞) of an inch thick covered with asbestos paper one-eighth (⅛) of an inch thick, and then covered with No. 26 (gauge) galvanized iron, or such enclosing partitions may be constructed of studs lathed on both sides with metal lath and plastered with Portland cement plaster not less than three-quarters of an inch thick. Such enclosing partitions shall extend from the floor of the room to the ceiling of the same. The entire ceiling of such room shall be built of material or materials similar to that used in the construction of its walls, or shall be lathed with metal lath and be well plastered not less than three-quarters of an inch thick. The floor of every such room shall be of concrete not less than two (2) inches thick.

Every door, window or other opening in the walls of such room, opening to the interior of the building, shall be protected in the same manner as required by this act for doors, windows and other openings in a boiler room.

In no tenement house hereafter erected shall any portion of the building be used a a public automobile garage, public automobile repair shop, public machine shop, public gasoline or oil station or store, but in the case of a hotel, hereafter erected, if any portion of the building is used as a public automobile garage, automobile repair shop or machine shop, gasoline or oil station, the room shall be constructed as in this section provided and the ceiling thereof shall be constructed either of masonry, or of a double ceiling lathed with metal lath and with a space between the two ceilings of not less than six inches measured vertically. The lower ceiling shall be suspended with iron or steel channels. In each case each of the ceilings shall be plastered not less than three-quarters of an inch thick.

Sec. 60. In every hotel hereafter erected the water-closet compartments, bath, toilet or slop-sink rooms, kitchens, sculleries, pantries or other rooms in which food is stored or prepared, public dining rooms, laundries, general amusement, entertainment or reception rooms, and rooms used for similar purposes and general utility rooms, and in every tenement house hereafter erected general amusement, entertainment and reception rooms and general utility rooms, in lieu of being provided with windows, as in this act prescribed, may be provided with a fan exhaust system of ventilation. Such fan exhaust system of ventilation shall consist of independent exhaust ducts extending from each such room or compartment to the outer air above the highest roof of the building, and such exhaust ducts shall always be connected to an exhaust fan mechanically operated, so designed and operated as to provide a complete change of air in not to exceed fifteen minutes for each room used for the following purposes: kitchens; pantries or other rooms used for cooking, storing or preparing of food; laundries, general amusement, entertainment, reception or dining rooms, or rooms used for similar purposes; general utility rooms; and the said fan exhaust system of ventilation shall be so designed and operated as to provide a complete change of air in not to exceed five minutes for each room used for

the following purposes: water-closets; shower compartments; bath, toilet or slop-sink rooms or sculleries.

All of the inlet ducts and exhaust ducts shall be constructed of galvanized iron or other smooth surfaced nonabsorbent material and so arranged that they may be readily cleaned out.

Any person in charge of a building in which a system of fan exhaust ventilation is installed and used as in this section prescribed, who fails, neglects or refuses to operate and maintain the said system of ventilation in good order and repair so that the ventilation (complete change of air) herein specified is provided in each of the rooms or compartments at all times, shall be deemed guilty of a misdemeanor and subject to all of the penalties fixed by this act.

Sec. 61. Every building hereafter erected shall be constructed in a safe and substantial manner; the materials used therein shall be of substantial stock and of the kinds in this act elsewhere provided; the footings, foundations, walls, joists, studding, girders, columns and all other bearing portions shall be of such sizes and so constructed to safely sustain in all parts all the live and dead loads transmitted thereto. Each floor shall be constructed to safely sustain a live load of not less than forty pounds to each square foot. Each roof shall be so constructed to safely sustain a live load of not less than twenty pounds to each square foot. The loads shall be computed on the basis of at least a factor of safety of four. Schedules for weights of materials, and formulas used for computing loads, shall be of standard recognized practice including those contained in "F. E. Kidders Architects and Engineers Pocket Book," "American Civil Engineers' Pocket Book," and other standard architects and engineers handbooks. For the purposes of this act the term "dead load" shall be deemed to be the weight of the walls, partitions, framing, floors, roofs and similar permanent construction that enters into a building, and the term "live load" shall be deemed to be all other forms of loading in the building including the assumed live loads for floors and roofs above set forth.

In every tenement house or hotel hereafter erected, the studs in every bearing wall and partition shall be not less than two inches by four inches (2"x4"), and in every such building that exceeds two (2) stories in height the studs in every bearing wall and partition below the second floor thereof shall be not less than two inches by six inches (2"x6") or the equivalent thereof. Every stud wall and partition shall have fire stops at each floor and ceiling and at approximately half-way between the floor and the ceiling, except that where two (2) inch plates are used the full width of the studs at the floor and ceiling of a wall or partition then the fire stops at the floor and ceiling may be omitted. Each stud wall and partition shall be diagonally braced at each corner and at least once in each twenty-five (25) foot length thereof, except where such exterior walls and partitions are plastered and back-plastered with Portland cement plaster on expanded metal lath reinforcement that weighs not less than three and four-tenths (3.4) pounds to the square yard. Every such partition or wall that is plastered and back-plastered shall be plastered not less than three-quarters (¾) of an inch thick and back-plastered between the studs not less than one-half (½) of an inch thick in an approved manner so that the expanded metal lath will be thoroughly imbedded in the plaster. Over each bearing partition or wall and at the exterior walls, the space between the floor joists shall be blocked solid with blocks not less than two (2) inches thick and the full depth of the joists. No wooden floor joists less than two inches by eight inches (2"x8") shall be used to support any floor above the first floor of any such building and such floor joists shall not be spaced more than sixteen (16) inches apart. No span of such two inch by eight inch (2"x8") floor joist shall exceed fourteen (14) feet. All joists that span more than fourteen (14) feet or that otherwise vary from the foregoing dimensions or that support loads other than the live floor loads, shall be of such sizes as to safely sustain the loads transmitted thereto. No floor joist or other bearing support shall be cut or notched for any purpose unless reinforced to take up the weakness caused thereby. Every span of wooden floor joists shall be cross-bridged with two (2) inch cross-bridging at intervals not more than seven (7) feet apart, and a bearing partition, wall, girder or other support under such joists that is blocked solid over the top thereof between the joists as hereinbefore provided shall take the place of a cross-bridging. Wherever the soil conditions make it practicable to do so, every tenement house or hotel hereafter erected shall have a masonry foundation composed of hard incombustible materials and the footings of such foundation shall in no case be less than sixteen (16) inches wide at the bottoms thereof and the foundation walls shall not be less than six (6) inches wide at the tops thereof. The footings of such foundation walls shall not be less than ten (10) inches below the surface of the adjoining ground levels and such foundation walls shall extend at least six (6) inches above the adjoining ground levels. The width of such foundation walls and footings shall be increased whenever necessary to support additional loads transmitted thereto.

Sec. 62. Every dormitory hereafter constructed, altered, or converted in any building shall be as follows:

(a) In no one dormitory shall there be provided sleeping accommodations for more than twenty persons.

(b) The ceiling height, measured from the finished floor to the finished ceiling shall in no case be less than nine feet in the clear, and in no case shall there be permitted in such dormitory more than one tier of beds; provided, however, that in a dormitory in which the clear ceiling height is not less than twelve feet measured between the finished floor and finished ceiling thereof, a double tier of beds may be permitted, i. e., one tier above the other; provided, that in no event shall there be less than three feet of clear vertical space between the beds, or tier of beds, nor less than three feet in any horizontal direction between any of the beds, nor less than one foot of clear space between the floor of the room and the underside of the first tier of beds.

(c) In every dormitory there shall be provided windows opening onto a street or a yard or court of the dimensions specified in this act and located on the same lot. The window area shall in no case be less than one-eighth of the superficial floor area in the dormitory, and in the event that a double tier of beds are provided, the said window area shall be doubled.

(d) The frames of beds in every dormitory shall be made of steel or iron or of some other hard, smooth, incombustible and nonabsorbent material.

(e) Every existing dormitory maintained and erected prior to the passage of this act shall be made to conform to the provisions of subsection (a) of this section.

Sec. 63. In any existing tenement house or hotel every additional room or hallway that is hereafter constructed or created may be of the same height as the other rooms or hallways on the same story of such building.

Sec. 64. Every room in a tenement house or hotel erected prior to the passage of this act shall, if the said room be hereafter occupied for living or sleeping purposes, have a window of an area not less than eight square feet, opening directly upon a street, a yard, a court or upon a shaft not less than twenty-five square feet in area, which vent shaft shall in no part be less than four feet wide and open and unobstructed, without roof or skylight over same; except that if such room be located on the top floor of the building, such room may be ventilated by a skylight with fixed louvres directly to the outer air, or may have a window opening upon a vent shaft not less than ten square feet in area, if such window from the room be not more than three feet below the top of the wall of such vent shaft.

Every public hallway in every tenement house or hotel erected prior to the passage of this act, which does not conform to the provisions for

public hallways in buildings hereafter erected, shall be provided with light and ventilation to the outer air. Such light and ventilation shall be provided by the placing of windows or skylights, or by making such alterations as in the judgment of the housing department may be deemed necessary to accomplish the result.

Sec. 65. It shall be unlawful for any person to cook or to prepare food, or to permit or suffer any person to cook or to prepare food in any bath, shower, slop-sink or toilet room or water-closet compartment, or in any other place which in the judgment of the department charged with the enforcement of this act, is detrimental to the health of the occupants or the proper sanitation of the building.

In a hotel food shall be cooked or prepared in a room or a kitchen designed for that purpose. Floors of kitchens and rooms in which food is stored or prepared in a hotel, shall be made impervious to rats by a layer of concrete not less than one and one-half inches thick or by a layer of sheet tin or iron or similar material.

It shall be unlawful for any person to use for living and sleeping purposes or permit or suffer any person to use for living or sleeping purposes any cellar, bath or shower compartment, slop-sink room, water-closet compartment, or any other room or place which does not comply with the provisions of this act, or which in the judgment of the department charged with the enforcement of this act would be dangerous or prejudicial to life or health by reason of its overcrowded condition or the want of light, windows, ventilation, drainage, or on account of dampness or offensive, obnoxious or poisonous odors.

Sec. 66. In every tenement house or hotel there shall be installed and kept burning from sunrise to sunset throughout the year artificial light sufficient in volume to properly illuminate every public hallway, public stairway, fire escape egress, elevator, public water-closet compartment, or toilet room, whenever there is insufficient natural light to permit a person to read in any part thereof.

In every tenement house or hotel there shall be installed and kept burning from sunset to sunrise throughout the year artificial light sufficient in volume to properly illuminate every public hallway, passageway, public stairway, fire escape egress, elevator, public water-closet compartment, or toilet room.

Sec. 67. The walls and ceilings of every sleeping room in every tenement house or hotel shall (except when there is sufficient natural light to permit a person to read in any part thereof during daytime) be calcimined or painted or papered with a light-colored material, and such calcimine, paint or paper, as the case may be, shall be renewed as often as is necessary to maintain the same of a light color and clean and free from vermin.

The walls of courts and shafts, unless built of light-colored materials, shall be painted of a light color or whitewashed, and such painting or whitewashing shall be renewed as often as is necessary to maintain the same of a light color. Not more than two thicknesses of wall paper shall be placed upon any wall, partition or ceiling of any room in any tenement house or hotel. Where any such wall, partition or ceiling has two thicknesses of wall paper thereon the old wall paper shall be first removed therefrom before repapering. Nothing in this section contained shall prohibit painting or calcimining over wall paper.

Sec. 68. Every building shall be maintained in good repair. The roofs shall be kept waterproof and all storm or casual water properly drained and conveyed therefrom to the street sewer, storm drain or street gutter. Every semifireproof building and wooden building hereafter erected shall have the roofs thereof constructed and covered and maintained in good repair with materials as in this act hereinbefore provided for semifireproof buildings.

All portions of the lot about the building, including the yards, areaways, vent shafts, courts and passageways, shall be properly graded and drained; and whenever the department charged with the enforcement of this act deems it necessary, for the protection of the health of the occupants of a tenement house or hotel, or for the proper sanitation of such premises, it may require that the lot, yards, areaways, vent shafts, courts and passageways be graveled or properly paved and surfaced with concrete, asphalt or similar materials.

Sec. 69. There shall be provided, whenever it is deemed necessary for the health of the occupants of any building or for the proper sanitation or cleanliness of such building, metal mosquito screening of at least sixteen mesh, set in tight-fitting removable sash, for each exterior door, window or other opening in the exterior walls of the building.

Sec. 70. There shall be provided for every building, such number of tight metal receptacles with close-fitting metal covers for garbage, refuse, ashes and rubbish as may be deemed necessary by the department charged with the enforcement of this act, or in lieu of such metal receptacles there may be constructed a garbage chute or shaft approved by the housing department. Such receptacles shall be kept in a clean condition by the occupants or tenants in a tenement house or dwelling, and by the owner or person in charge in the case of a hotel, and in case of a chute or shaft by the person in charge of or in control of the building.

Sec. 71. In every building, every room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain, water-closet compartment or room, toilet room, bathroom, slop-sink, or wash-room, plumbing fixture, drain, roof, closet, cellar or basement and the lot, yard, court or any of the premises thereof, shall be kept in every part clean and sanitary and free from all accumulation of debris, filth, rubbish, garbage or other offensive matter.

No person shall, or permit or cause any person to, deposit any swill, garbage, bottles, ashes, cans or other improper substances in any water-closet, sink, slop-hopper, bathtub, shower, catch-basin, or in any plumbing fixture connection or drain therefrom, or otherwise to obstruct the same, or to place or cause or permit to be placed any filth, urine or other foul matter in any place other than the place provided for same, or to keep or cause or permit to be kept any urine or filth or foul matter in any room or apartment or in or about the building or premises thereof, for such length of time as to create a nuisance.

Sec. 72. In every tenement house or hotel, every part of every bed, including the mattress, sheets, blankets and bedding, shall be kept in a clean, dry and sanitary condition, free from filth, urine or other foul matter, in or upon the same, and free from the infection of lice, bedbugs or other insects. In a hotel the bed linen shall be changed as often as a new guest occupies the bed. No roller or public towel shall be kept or maintained for the common use of a hotel.

Sec. 73. In no tenement house or hotel or any part thereof, or in the lot yard, court or any portion thereof, shall there be kept, stored or handled any article dangerous or detrimental to life or to the health of the occupants thereof; nor shall there be stored, kept or handled any feed, hay, straw, excelsior, cotton, paper stock, rags or junk, except upon a written permit so to do, obtained from the fire commissioner or other department authorized to issue such permit. Every such permit shall be deemed to be a public record, made in duplicate, and a copy thereof shall remain on file in the office of the fire commissioner or department issuing same.

Sec. 74. No horse, cow, calf, swine, sheep, goat, rabbit, mule, chicken, pigeon, goose, duck or other poultry shall be kept in any building or any part thereof; nor shall any such animal or poultry, nor shall any stable be kept or maintained within twenty feet of any window or door of such building.

No bakery or place of business in which fat is boiled shall be constructed or maintained in any tenement house, unless the ceilings and side walls of the place in which fat is boiled is constructed of approved fire resistive materials, with no openings connecting into the tenement

house, and so separated and arranged as to prevent odors from entering such building.

Sec. 75. In every tenement house in which eight (8) or more families reside, or hotel in which there are twelve or more guest rooms, and in which the owner does not live, there shall be a janitor, housekeeper or other responsible person, who shall reside in such tenement house or hotel or on the same lot or premises thereof and have charge of same.

Sec. 76. In case any tenement house, hotel or dwelling or any part thereof, is constructed, altered, converted or maintained in violation of any of the provisions of this act or of any order or notice of the department charged with its enforcement, or in case a nuisance exists in any such tenement house, hotel, or dwelling, or upon the lot on which it is situated, said department may institute any appropriate 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, hotel or dwelling, to prevent any illegal act, conduct or business in or about such tenement house, hotel or dwelling or lot. In any such action or proceeding said department 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, hotel, or dwelling, 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 department is not complied with, said department may apply to the superior court or to any judge thereof, for an order authorizing said department 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, hotel, dwelling, 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.

Sec. 77. Every fine imposed by judgment under section six of this act upon a tenement house, hotel or dwelling owner shall be a lien upon the building or 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, hotel or dwelling 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 charged with the enforcement of the provisions of this act, upon the entry of such judgment, to file forthwith the copy as aforesaid, and such copy upon filing shall be forthwith indexed by the recorder in the index of mechanics' liens.

Sec. 78. In any action or proceeding instituted by the department 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 Procedure. 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 of a certified copy of such order.

Sec. 79. In every incorporated town, incorporated city, and incorporated city and county every owner of a tenement house or hotel and every lessee of the whole of a hotel or tenement house, or other person having control of a tenement house, or hotel, shall file in the housing department a notice, containing his name and address, and also a description of the property, by street and number and otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this act easily to 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 a tenement house, and the number of rooms in a hotel. In case of a transfer of any tenement house, or hotel, it shall be the duty of the grantee of said tenement house or hotel to file in the housing department 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 duty 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 (30) 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.

Sec. 80. In every incorporated town, incorporated city, and incorporated city and county every owner, agent or lessee of a tenement house or hotel shall file in the housing department 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 easily to find the same. The name of the owner or lessee may be filed as agent for this purpose.

Sec. 81. The names and addresses filed in accordance with sections seventy-nine and eighty hereof shall be indexed by the housing department in such a manner that all of those filed in relation to each tenement house or hotel shall be together and readily ascertainable. Said indices shall be public records, open to public inspection during business hours.

Sec. 82. Every notice or order in relation to a tenement house, hotel or dwelling shall be served five days before the time for doing the thing in relation to which it shall have been issued.

Sec. 83. In any action brought by any department charged with the enforcement of this act in relation to a tenement house, hotel or dwelling, 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.

Sec. 84. The provisions of this act shall be held to be the minimum requirements adopted for the protection, the health and the safety of the community, and for the protection, the health and the safety of the occupants of tenement houses, hotels and dwellings. Nothing in this act contained shall be construed as prohibiting the local legislative body of any incorporated town, incorporated city, incorporated city and county, or county, from enacting, from time to time, supplementary ordinances or laws imposing further restrictions, or providing for fees to be charged for permits, certificates, or other papers required by this act; but no ordi-

nance, law, regulation or ruling of any municipal or county department, authority, officer or officers, shall repeal, amend, modify or dispense with any of the provisions of this act.

All statutes of the state and all ordinances of incorporated towns, incorporated cities, incorporated cities and counties, 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 of any incorporated town, incorporated city, incorporated city and county, or county in the state which further restricts, the percentage of the lot to be covered by a building, the number of stories or height of a building or number of apartments or rooms therein, or the occupation thereof, the materials to be used in the construction, or that increase the size of the yards or courts, or the requirements as to sanitation, ventilation, light and protection against fire.

Nothing in this act contained shall be construed as abrogating, diminishing, minimizing or denying the power of any incorporated town, incorporated city, incorporated city and county, or county, by ordinance or law, to further restrict, the percentage of the lot to be covered by a building within said municipality, the number of stories or height of a building or number of apartments or rooms therein, the occupation thereof, the materials to be used in the construction, or to increase the size of the yards or courts, or the requirements as to sanitation, ventilation, light and protection against fire.

Sec. 85. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Sec. 86. This act shall take effect and be in force from and after September 1, 1921.

Sec. 87. The act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of tenement houses, and the maintenance, use and occupancy of the premises and land on which tenement houses are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated 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, 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," approved April 10, 1911, Statutes of California of 1911, page 860, and approved June 13, 1913, Statutes of California, 1913, page 737, and approved May 29, 1915, Statutes of California, page 952, and all acts amendatory thereof," approved May 31, 1917, Statutes of California of 1917, page 1473, is hereby repealed.

The act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of hotels, and the maintenance, use and occupancy of the premises and land on which hotels are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated 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 hotels and lodging houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved June 16, 1913, Statutes of California of 1913, page 1429, and approved May 31, 1917, Statutes of California of 1917, page 1422," is hereby repealed.

The act entitled "An act to regulate the construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings, and the maintenance, use and occupancy of the premises and land on which dwellings are erected or located, in incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof, and approved May 31, 1917, Statutes of California of 1917, page 1461," is hereby repealed.

EXISTING PROVISIONS.

The Tenement House Act of 1917, the Hotel and Lodging House Act of 1917 and the Dwelling House Act of 1917, proposed to be repealed, read as follows:

(Provisions differing from proposed Housing Act are printed in italics.)

An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of tenement houses, and the maintenance, use and occupancy of the premises and land on which tenement houses are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated 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, 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," approved April 10, 1911 statutes of California of 1911, page 860, and approved June 13, 1913, statutes of California, 1913, page 737, and approved May 29, 1915, statutes of California, page 952, and all acts amendatory thereof.

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

Section 1. This act shall be known as the "state tenement house act" and its provisions shall apply to all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties.

Sec. 2. It shall be the duty of the *"building* department" of every incorporated town, incorporated city, and incorporated city and county, to enforce all the provisions of this act pertaining to the erection, construction, reconstruction, moving, conversion, alteration and arrangement of tenement houses and to issue the certificate of "final completion" hereinafter provided.

It shall be the duty of the *"housing department" or if there is no housing department the* health department of every incorporated town, incorporated city, and incorporated city and county to enforce all of the provisions of this act pertaining to the maintenance, sanitation, ventilation, use and occupancy of tenement houses after said tenement houses have been erected, constructed, or altered, as the case may be, and the certificate of "final completion" has been issued by the building department, and to issue the "permit of occupancy" as hereinafter provided.

In the event that there is no building department or no *housing department* or health department in an incorporated town, incorporated city or incorporated city and county, it shall be the duty of the officer or officers who are charged with the enforcement of ordinances and laws regulating the erection, construction or

alteration of buildings, or the maintenance, sanitation, ventilation or occupancy of buildings, or of the police, fire or health regulations in said incorporated town, incorporated city or incorporated city and county to enforce all the provisions of this act.

In every county it shall be the duty of the officer or officers who are charged with the enforcement of ordinances or laws regulating the erection, construction or alteration of buildings, or of the maintenance, sanitation, occupancy and ventilation of buildings, or of the police, fire or health regulations in said county, to enforce all of the provisions of this act outside of the limits of any incorporated town or incorporated city.

Every incorporated town, incorporated city, or incorporated city and county in the State of California shall have, and it is hereby empowered and given authority to designate and charge by ordinance any other department or officer than the department or officers mentioned herein, with the enforcement of this act, or any portion thereof.

The commission of immigration and housing of California shall have, and it is hereby empowered and given authority to enforce the provisions of this act, which do not pertain to the actual erection, construction, reconstruction, moving, alteration or arrangement of tenement houses in all incorporated towns, incorporated cities and incorporated cities and counties, 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 or officer, or departments or officers who are charged with the enforcement of the provisions of this act, in writing, of such violation or violations, and the said local department or officer, or departments or officers, fail, neglect or refuse to enforce the provisions of the said act within thirty days thereafter; provided, however, that the said commission of immigration and housing of California shall enforce the provisions of this act only in the instances specified in said written notice.

Sec. 3. It shall be unlawful for any person, firm or corporation, whether as owner, agent, contractor, builder, architect, engineer, superintendent, foreman, plumber, tenant, lessee, lessor, occupant, or in any other capacity whatsoever, to erect, construct, reconstruct, alter, build upon, move, convert, use, occupy or maintain, or to cause, permit or suffer to be erected, constructed, reconstructed, altered, built upon, moved, converted, used, occupied or maintained any tenement house or any portion thereof contrary to the provisions of this act, or to commit or maintain or cause or permit to be committed or maintained any nuisance in or upon any tenement house or any portion thereof, or any of the premises, yards or courts which are a part thereof, or which are required by the provisions of this act; or to do or cause to be done, or to use or cause to be used, any privy, sewer, cesspool, plumbing or house drainage affecting the sanitary condition of any tenement house or any portion thereof, or of the premises thereof; contrary to any of the provisions of this act.

Sec. 4. It shall be unlawful for any person to make any alterations or changes, or reconstruction work of any kind whatsoever, to any tenement house erected prior to the passage of this act, or to any tenement house hereafter erected, or to increase the height or the percentage of the lot occupied, in any manner which would be inconsistent with any of the provisions of this act, or in violation of the said provisions of this act, or in any manner to diminish the size of the yards, courts or shafts or the size of windows or skylights, or to remove any stairway or fire escape or to obstruct the egress from such building or from the hallways or stairways, or to do anything that would affect the ventilation and sanitation of the building, contrary to any of the provisions of this act.

Sec. 5. A building not erected for, or which is not used as a tenement house at the time of the passage of this act, if hereafter converted to or altered for such use, shall thereupon become subject to all of the provisions of this act affecting tenement houses hereafter erected.

A building used as a tenement house at the time of the passage of this act, if moved, shall be made to conform to all of the provisions of this act affecting tenement houses hereafter erected, in so far as they pertain to the percentage of lot occupied and the size of outer courts, inner courts bounded by a lot line, and yards.

It shall be unlawful to reconstruct any tenement house which is hereafter damaged by fire or the elements to an extent in excess of *fifty-one* (*51*) per cent of its physical proportions, unless the said building is made to conform to all of the provisions of this act affecting tenement houses hereafter erected.

Sec. 6. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment, 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 same, in the prosecution of such violation. The costs, expense and disbursements by this section provided shall be fixed by the court having jurisdiction of the matter.

Except as herein otherwise specified, the procedure for the prevention of violations of this act, for the vacation of tenement houses or premises unlawfully occupied, or for the abatement of a nuisance in connection with a tenement house or the premises thereof, shall be as set forth in the charter and ordinances of the municipality in which the procedure is instituted.

Sec. 7. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, or alteration of a tenement house, or to move or to build upon a tenement house, or to convert a building or any portion thereof into use as a tenement house, without first obtaining a permit in writing so to do from the department charged with the enforcement of this act. Any person, firm or corporation desiring such a permit shall file an application therefor with the department charged with the enforcement of this act. Such application shall give a detailed statement in writing, verified under oath by the person making the same, of the erection, construction, reconstruction, moving, conversion or alteration, as the case may be, upon blanks or forms to be furnished by the said department. The said application must be accompanied with a full, true and complete set of the plans of the tenement house or alteration, or work proposed, as the case may be, together with a set of specifications describing the materials proposed to enter into the construction of the proposed work, also a plan of the lot on which such building is proposed to be erected, constructed, reconstructed, converted, altered, or moved, as the case may be. Such statement shall give in full the name and address by street and number of the owner or owners, also the name and address of the architect and of the contractor, if there be such an architect or contractor; *also shall give such other data and information as in the judgment of the department charged with the enforcement of this act is deemed necessary.*

The affidavit to said application shall allege that the plans and specifications are true and contain a correct description of the proposed tenement house, lot and proposed work. If any person other than the owner makes such affidavit, such person shall not be recognized except that he allege in his affidavit that he is authorized and empowered by the said owner to act for him and to sign the required affidavit. Said department charged with the enforcement of this act shall cause all such plans, specifications and statements to be examined, and if it appears that they conform to the provisions of this act, shall then issue a permit to the person submitting the same. Said department may, from time to time, approve changes in any plans, specifications or statements previously approved

by it; provided, that all changes when so made shall be in conformity with the provisions of this act. Said department shall have the power to revoke or cancel any permit or approval that it has previously issued in case of any refusal, failure or neglect of the person to whom such permit or approval has been issued 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 erection, construction, reconstruction, moving, alteration or conversion of any such tenement house, as the case may be, shall be made in accordance with the plans, specifications and statements submitted or filed and for which the permit is issued.

A true copy of the plans, specifications and other information submitted or filed, upon which a permit is issued, with the approval of the department with which they are filed, stamped or written thereon shall be kept upon the premises of the tenement house or work for which the said permit is issued, from the commencement of the said building or work to the final completion of same, and shall be subject to inspection at all times by proper authorities.

The department charged with the enforcement of this act may, at its discretion, issue a permit in case of nominal alterations or repairs, when application is made therefor, in writing, by the owner or his agent, when the making of said nominal alterations and repairs do not affect any structural feature or the sanitation or the ventilation of the tenement house, without requiring the filing of plans or specifications.

The issuance or granting of a permit or approval by the department charged with the enforcement of this act under the authority of this section shall not be deemed or construed to be a permit or an approval of the violation of any of the provisions of this act.

Every permit or approval which is issued by the department charged with the enforcement of this act, but under which no work has been done within ninety days from the date of issuance, 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 done.

Sec. 8. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to occupy or to permit to be occupied, any tenement house hereafter erected, constructed, reconstructed, altered, converted or moved, as the case may be, or any portion thereof, for human habitation until the issuance of a "certificate of final completion" and a "permit of occupancy" by the department or departments charged with the enforcement of this act.

It shall also be unlawful to occupy any existing tenement house until a permit of occupancy has been issued by the department designated to issue such permit.

Every permit of occupancy shall be renewed each calendar year by the department designated to issue the said permit; provided, that no structural alterations or changes have occurred since the issuance of the certificate of final completion; and provided, that all other provisions of this act have been complied with.

Any person desiring a certificate shall file a notice with the department charged with the enforcement of this act. Said department shall cause an inspection to be made of the said tenement house or portion thereof, or work described in the said notice, within ten days after written application therefor, and shall issue a "certificate of final completion" if it is found that all the provisions of this act, regulating the erection, construction, alteration or moving, as the case may be, have been complied with.

The department charged with the enforcement of this act and designated to issue the permit of occupancy shall issue the said "permit of occupancy" upon application, in writing, therefor by the owner or his agent, and upon the filing by the owner or his agent of such statements or records required by the department, after the "certificate of final completion" has been issued; *provided, that no violations have occurred since the issuance of the certificate of final completion, or, in the case of a tenement house erected prior to the passage of this act, and for which no certificate of final completion has been issued, then after the said department has caused an inspection to have been made of the said tenement house and has found that all of the provisions of this act applying to such tenement house have been complied with.*

All permits and certificates shall be made in duplicate and a copy shall remain on file in the department issuing them.

Any tenement house hereafter erected, altered, converted or moved, which is occupied, or any portion thereof which is occupied for human habitation, prior to a "certificate of final completion" or a "permit of occupancy" being issued, shall be deemed a nuisance, and the department or departments charged with the enforcement of this act may cause it to be vacated until the said certificate of completion and permit of occupancy have been obtained in accordance with the provisions of this act.

Sec. 9. The department or departments charged with the enforcement of this act in any incorporated town, incorporated city, incorporated city and county, or county, and the authorized officers, agents or employees of such department or departments, may, whenever necessary, enter tenement houses or portions thereof, or the premises thereof, within the corporate limits of such towns, cities, cities and counties, or counties, for the purpose of inspecting such buildings, in order to secure compliance with the provisions of this act and to prevent violations thereof.

The members of the commission of immigration and housing of California and the agents, officers or employees of said commission may, whenever necessary, enter tenement houses or portions thereof, or the premises thereof, for the purpose of inspecting such buildings in order to secure compliance with the provisions of this act and to prevent violations thereof.

The owner or his authorized agent may, whenever necessary, enter tenement houses, or portions thereof, or the premises thereof, owned by him, to carry out any instructions or to perform any work required to be done by the provisions of this act.

Sec. 10. For the purpose of this act, certain words and phrases are defined as follows, unless it shall be apparent from their context that they have a different meaning:

Words used in the singular include the plural, and the plural, the singular.

Words used in the present tense include the future.

Words used in the masculine gender include the feminine, and the feminine, the masculine.

Words "building department," "housing department," "health department," "department charged with the enforcement of this act," "fire commissioner," shall be construed as if followed by the words, "of the incorporated town, incorporated city, incorporated city and county, or county," as the case may be, in which the tenement house is situated.

"Apartment" is a room or suite of rooms which is occupied, or is intended or designed to be occupied by one family for living and sleeping purposes.

"Approved" means whatever material, appliance, appurtenance, or other matter meets the requirements and approval of the department charged with the enforcement of this act, or which is approved by *local ordinance of the municipality in which the building is situated*, or any appliance, appurtenance, or other matter which conforms to the requirements of, and bears the approval of the "national board of fire underwriters"; provided, however, that no such material, appliance, appurtenance, or other matter shall be deemed "approved" for use where, or in such a manner as would be inconsistent with the intent, or specific provisions of this act.

"Basement" is any story or portion thereof partly below the level of the curb or the actual adjoining ground level, the ceiling of which in no part is less than seven feet above the curb level or actual adjoining ground levels. If the adjoining ground is excavated to or below the

curb level, or to or below the adjoining natural ground level, such excavated space shall have not less than the minimum width and length required in this act for outer courts.

Every basement is a story.

"Building" is a tenement house.

"Building department" means the commissioner of buildings, superintendent of buildings, chief inspector of buildings, or any officer or department charged with the enforcement of ordinances and laws regulating the construction and alteration of buildings or structures.

"Cellar" is any story or portion thereof, the ceiling of which in any part is less than seven feet above the curb level and actual adjoining ground levels.

"Court" is an open, unoccupied space other than a yard on the lot on which is situated a tenement house. A court, one entire side or end of which is bounded by a front yard, a rear yard or a side yard, or by the front of lot, or by a street or a public alley, is an "outer court." Every court which is not an "outer court" is an "inner court."

Every court shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in the building in which there are windows from rooms or apartments abutting the said court, except that a cornice on the building may extend into an "outer court" two inches for each one foot in width of such court, and a cornice may extend into an "inner court" one inch for each one foot in width of such court.

"Curb level" is the curb level opposite the center of the "front of lot."

Wherever the word "department" is used it means the building department, the housing department, the health department or such other department or officer, or departments or officers, who are charged with the enforcement of the provisions of this act.

"Family" is one person living alone or a group of two or more persons living together in an apartment, whether related to each other by birth or not.

"Fireproof tenement house" is a building wherein all the exterior and interior loads or strains are transmitted to the foundation by means of concrete, reinforced concrete, brick, stone, or by means of a skeleton framework of steel or iron, the exterior walls, inner court walls and roof constructed of concrete, reinforced concrete, brick, stone or *hollow* terra cotta tile; where all the structural steel or iron is thoroughly fireproofed by concrete, cement plaster, tile, brick or sandstone, not less than two inches thick; where all the interior partitions are constructed of either *hollow* terra cotta tile blocks, gypsum blocks, brick, concrete, reinforced concrete, or of metal studs lathed with metal lath and plastered not less than three-quarters inch thick including the lath, *or of metal studs lathed with approved plaster board and plastered not less than three-quarters inch thick including the plaster board*, or constructed of wire glass not less than one-fourth inch thick, set in metal frames and sash, and all other materials used in the said building are of approved incombustible material, except that the glass in windows, transoms, or doors may be plain glass, and except that doors, frames, sash and the usual trim of rooms, hallways, corridors and passageways may be of wood, and except that wood floors may be placed on top of the floors constructed of incombustible materials, except in the stairways and public hallways.

"Housing department" is any department or commission charged with the enforcement of ordinances or laws regulating the occupancy and maintenance of tenement houses, hotels, or dwelling house buildings; and where no such department is maintained, shall be deemed to be the health commissioner, the department of health, health officer, or similar department charged with the enforcement of laws and ordinances relating to the protection of the public health.

"Kitchen" is any room in any apartment used or intended or designed to be used for cooking purposes and for the preparation of food.

"Lot" is a parcel or area of land on which is situated a tenement house, together with the land, yards, courts and unoccupied spaces for such a tenement house as required by this act; all of which land shall be owned by or be under the absolute lawful control and in the lawful possession of the tenement house.

A lot situated at the junction of two or more intersecting streets, with a boundary line thereof bordering on each of the two streets, is a "corner lot." All parts of the width of such a corner lot which are distant more than seventy-five feet from the junction point of the two or more intersecting streets, shall be deemed to be an "interior lot." The owner or his authorized agent may designate either street frontage as being the front of such corner lot for the purpose of determining the width thereof.

A lot which has only one boundary line bordering on a public street is an "interior lot."

"Rear lot" is a parcel or area of land having no boundary line bordering on a street, or having less than one-half of its width as a boundary line bordering on a street.

"Front of lot" is the boundary line of lot bordering on the street. In case of a corner lot, either of such boundary lines may be the "front of lot."

"Rear of lot" is the boundary line of lot opposite the "front of lot."

"Depth of lot" is the mean distance from the "front of lot" to the "rear of lot."

"Nuisance" embraces public nuisance as known at common law or in equity jurisprudence, and whatever is dangerous to human life or detrimental to health, and shall also embrace the overcrowding with occupants of any room, insufficient ventilation, or illumination, or inadequate or insanitary sewerage or plumbing facilities, or uncleanliness, and whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

"Occupied space" is all the space covered by a tenement house, including outside stairways, platforms, fire escapes, balconies, fire towers, chimneys, *stacks*, vent shafts, not exceeding thirty-two square feet in area, cornice, or any part thereof, which projects into an *inner* court more than one inch for each one foot in width of such court, or which projects into an outer court or yard more than two inches for each one foot in width of such outer court or a yard, except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may extend not exceeding four feet beyond the exterior walls of the building into a front or rear yard, and except that a retaining wall may extend not to exceed twelve inches into a yard or court. For the purpose of determining occupied space, the area of the building shall be taken at the lowest story or portion thereof used for living or sleeping purposes.

"Person" is a natural person, his heirs, executors, administrators or assigns; and also includes a firm, partnership or corporation, its or their successors or assigns.

"Public hallway" is a hallway, corridor, passageway or vestibule not within an apartment, and includes stairways, landings and platforms.

"Rear tenement house" is a tenement house on a "rear lot."

"Semifireproof tenement house" is a building with all exterior walls and walls of inner and outer courts constructed of brick, stone, concrete, reinforced concrete or hollow terra cotta tile; except that the walls of an inner court, which court is surrounded on four sides by the same building, may be constructed as provided in this act for such inner courts; interior partitions and floors constructed of approved incombustible materials or of wood, with all ceilings, partitions, soffits of stairways, and outside stringers of open stairways and stair wells metal lathed and plastered not less than three-quarters inch thick including the lath or lathed with an approved plaster board plastered not less than three-quarters inch thick including the plaster board; in which all finished floors, frames, doors and the usual trim of rooms and hallways may be built of wood and the roof of which shall be

covered with at least a composition fire-retardent material.

"Shall." Whenever this word is used it shall be mandatory.

"Street" is any public street, alley, thoroughfare or park having a minimum width of sixteen feet, measured from the "front of lot" to the opposite "front of lot," and which shall have been dedicated or deeded to the public for public use.

"Tenement house" is any house or building, or portion thereof, more than one story in height, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their cooking in the said building; *provided, however, that any building 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, and the said building is so arranged that each of the said families live independently of each other, and the building is constructed and arranged so that a separate section is, or may be, kept as a home or residence of a separate family, and each such section has an entirely independent and separate entrance, and if a stairway is required, one such stairway leading to each section from the street or from an outside vestibule on the level of the first floor of said building is a separate stairway, and with no room, hallway, bathroom, water-closet, or kitchen used in common by two or more families occupying the said building, shall be deemed not to come within the definition of a "tenement house."*

"Wooden tenement house" is a building, which does not fully comply with the requirements for a "fireproof" or a "semifireproof" tenement house as defined in this act, *and shall include all frame and all veneered buildings.*

In every such building all ceilings and walls and partitions of public hallways, soffits of interior stairways *and the outside stringers of open stairways*, and stair wells shall be metal lathed and plastered not less than three-quarters inch thick *including the lath, or lathed with an approved plaster board plastered not less than three-quarters inch thick including the plaster board.*

"Yard" is a portion of a lot on which is situated a tenement house and which is unoccupied by the building and extends from the ground up (except where otherwise provided by this act) open and unobstructed to the sky; *except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may extend not more than four feet into such yards.* If such yard is between the front line of the building and the front boundary line of the lot, it is a "front yard." If it is between the extreme rear line of the building and the rear of the lot, it is a "rear yard." If it extends from the rear yard to the front yard or front of the lot, it is a "side yard."

Sec. 11. No tenement house shall hereafter be erected on, or moved on to, a rear lot. No building for any purpose shall hereafter be erected in front of any tenement house unless there shall be left unoccupied a front yard extending from the front of the rear tenement house to the front line of lot bordering on the street.

Such front yard shall not be in any part less in width than fifty per cent of the actual width of the rear tenement house.

Sec. 12. No fireproof tenement house hereafter erected shall exceed *one hundred fifty feet in height*, nor more than *one and one-half* times the width of the widest street to which the lot on which it is situated abuts.

No semifireproof tenement house hereafter erected shall exceed six stories at any point, nor more than *sixty-five feet* in height (except as hereinafter provided), nor more than *one and one-half* times the width of the widest street to which the lot on which it is situated abuts.

No wooden tenement house hereafter erected shall exceed three stories at any point nor more than thirty-six feet in height (except as hereinafter provided), nor more than *one and one-half times* the width of the widest street to which the lot on which it is situated abuts.

The width of the street, for this purpose, shall be measured from the extreme front of the building to the front of lot opposite, across the street.

For the purposes of this section a basement is a story.

The height of a fireproof tenement house is the perpendicular distance from the curb level or adjoining ground levels *to the highest point of the roof. The height of a semifireproof or of a wooden tenement house is the perpendicular distance from the curb level or adjoining ground levels to the lowest point of the finished ceiling of the top story; provided, that in the case of a semifireproof tenement house situated on a lot with the ground sloping downward from the facade at which the measurement is taken the height of the building shall not at any point exceed sixty-five feet above the curb level measured on the facade facing the street, nor shall the height of the building at any point of the grade exceed seventy-five feet above the adjoining curb in case of a corner lot, or above the level of the ground in the case of an interior lot,* and in the case of a wooden tenement house situated on a lot with the ground sloping downward from the facade at which the measurement is taken the height of the building shall not at any point exceed *thirty-six* feet above the curb line measured on the facade facing the street, nor shall the height of the building at any point of the grade exceed *forty-six* feet above the adjoining curb in the case of a corner lot or above the level of the ground in the case of an interior lot.

Sec. 13. On every corner lot on which a tenement house is hereafter erected, at least ten per cent of such lot shall be left unoccupied; provided, however, that if such corner lot extends through from one street to another street, one-half of the narrowest street to which said lot abuts may be considered as a part of the lot in computing the percentage of lot to be left unoccupied; except that if such one-half of the narrowest street is greater than the rear yard required for such tenement house, then only as much of the said street as is required for the rear yard shall be considered as part of the lot for the purpose of computing the percentage of lot to be left unoccupied.

On every interior lot on which a tenement house is hereafter erected, at least twenty-five per cent of such lot shall be left unoccupied; provided, however, that if such interior lot extends through from one street to another street, one-half of the narrowest street to which such lot abuts may be considered as a part of the lot in computing the percentage of lot to be left unoccupied; except that if such one-half of the narrowest street is greater than the rear yard required for such tenement house, then only as much of the said street as is required for the rear yard shall be considered as part of the lot for the purpose of computing the percentage of lot to be left unoccupied.

Sec. 14. Immediately behind every tenement house hereafter erected there shall be a rear yard extending across the entire width of the lot.

Sec. 15. In no event shall any yard or court be made to serve the purpose of two tenement houses hereafter erected, or of an existing tenement house and a tenement house hereafter erected, *unless such yard or court, as the case may be, is of the full size required for two tenement houses, and then only in the event that such yard or court, as the case may be, is located on the same lot and owned by or in the absolute lawful control and in the lawful possession of the tenement house it proposes to serve.*

Where a tenement house, now or hereafter erected, stands upon a 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, and two additional feet shall be added to such minimum distance of *ten* feet for every story more than one in height of the highest building on such lot.

Sec. 16. The depth of a rear yard shall be measured at right angles from the extreme rear line of the building towards the rear lot line.

Sec. 17. On every interior lot on which a tenement house is hereafter erected there shall be provided a rear yard. Such yard shall extend from the ground clear and unobstructed to the sky, and shall extend across the entire width of the lot; except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may extend not more than four feet into such yard. The minimum depth of such rear yard shall be as follows:

Height of building measured from top of wall to floor of yard at point abutting the rear yard	Depth of rear yard
Not exceeding 36 feet	10 feet
Not exceeding 48 feet	11 feet
Not exceeding 60 feet	12 feet
Not exceeding 72 feet	14 feet
Not exceeding 84 feet	16 feet
Not exceeding 96 feet	18 feet
Not exceeding 108 feet	20 feet
Not exceeding 120 feet	22 feet
Not exceeding 132 feet	24 feet
Not exceeding 150 feet	26 feet

Provided, however, that if such interior lot extends through from one street to another street or public alley, one-half of the narrowest street or public alley to which said lot abuts may be considered as a part of the lot in computing the rear yard required by this section.

Sec. 18. On every corner lot on which a tenement house is hereafter erected there shall be provided a rear yard. Such yard shall extend from the lowest floor which is used for living or sleeping apartments, clear and unobstructed to the sky, and shall extend across the entire width of such lot; *except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may be extended not more than four feet into such yard.* The minimum depth of such rear yard shall be as follows:

Depth of corner lot	Depth of rear yard
Not exceeding 100 feet	Not less than 10 per cent of the depth of the lot nor less than 5 feet, nor less than the minimum width required for an outer court, *based on the number of stories in such building.*
Exceeding 100 feet	Not less than 10 feet nor less than the minimum width required for an outer court, *based on the number of stories in such building.*

Provided, however, if such corner lot extends through from one street to another street, or to a public alley, one-half of the narrowest street or public alley to which such lot abuts may be considered as a part of the lot in computing the rear yard required by this section.

Sec. 19. Every rear yard required by this act and not bordering on a street or public alley and without direct access thereto shall have access to a street or public alley by means of an unobstructed passageway not less than *three feet six inches* in clear width, nor less than *seven feet* in clear height; and if such passageway or any portion thereof passes through a building, such portion thereof shall be built of approved incombustible materials, or shall be lathed with metal lath *or approved plaster board* and be plastered not less than three-quarters inch thick including the lath or plaster board, or shall be lined with not less than number twenty-six (gauge) galvanized iron, and shall be drained *and lighted.*

Sec. 20. Every front yard which is excavated below the level of the curb or below the adjoining ground level for the purpose of furnishing light and ventilation to a basement shall in no part be less in width and length than required for outer courts.

Sec. 21. The width of every side yard shall be not less than the width required for an outer court except that the provisions of this act regarding the maximum lengths of an outer court shall not apply to a side yard; provided, that if there is a side yard on both sides of the building, connected one with the other across the rear of the building by the rear yard, then the width of the side yards may be reduced twelve inches.

Sec. 22. The minimum size of every outer court for a tenement house hereafter erected shall be as follows:

Height of building based on the full number of stories in the building measured upward from and including the lowest story in which there is an apartment or apartments	Minimum width of court	Maximum length of court
1 or 2 stories	4 ft. 0 in.	*16* ft. 0 in.
3 stories	4 ft. 6 in.	25 ft. 0 in.
4 stories	5 ft. 6 in.	30 ft. 0 in.
5 stories	6 ft. *0* in.	35 ft. 0 in.
6 stories	8 ft. 0 in.	35 ft. 0 in.
7 stories	10 ft. 0 in.	40 ft. 0 in.
8 stories	12 ft. 0 in.	40 ft. 0 in.
9 stories	*13 ft. 0 in.*	*40 ft. 0 in.*
10 or more stories	*14 ft. 0 in.*	*40 ft. 0 in.*

There shall be added to the minimum width of each such outer court six inches for each five feet or fractional part thereof in excess of the maximum length; provided, however, that the maximum lengths herein provided shall not apply when the outer court is bounded on one side for its entire length by a lot line; provided, further, that if an outer court is bounded by a public alley or public park, the width of such public alley or public park may be considered a part of the lot in determining the required width of the outer court.

Sec. 23. The minimum size of every inner court for tenement houses hereafter erected shall be as follows:

Height of building based on the full number of stories in the building measured upward from and including the lowest story in which there is an apartment or apartments	Minimum width of court	Minimum area of court in square feet
1 or 2 stories	6 ft. 0 in.	75 square feet
3 stories	7 ft. 0 in.	120 square feet
4 stories	8 ft. 0 in.	160 square feet
5 stories	12 ft. 0 in.	250 square feet
6 stories	16 ft. 0 in.	400 square feet
7 stories	20 ft. 0 in.	625 square feet
8 stories and more	24 ft. 0 in.	840 square feet

Provided, however, that the minimum size of every inner court which is bounded on one side for its entire length by a lot line may be as follows:

Height of building based on the full number of stories in the building measured upward from and including the lowest story in which there is an apartment or apartments	Minimum width of court	Minimum area of court
1 or 2 stories	5 ft. 0 in.	*75* square feet
3 stories	6 ft. 0 in.	120 square feet
4 stories	7 ft. 0 in.	*160* square feet
5 stories	9 ft. 0 in.	*250* square feet
6 stories	*16* ft. 0 in.	*400* square feet
7 stories	*20* ft. 0 in.	*625* square feet
8 stories and more	*24* ft. 0 in.	*840* square feet

Every inner court hereafter constructed and every inner court or vent shaft now in any tenement house shall be provided with a door or window at or near the bottom thereof, giving sufficient access to such court or vent shaft as to enable it to be properly cleaned out.

Sec. 24. Every recess from a court, yard or street in a tenement house hereafter erected shall, *unless it conforms to the requirements of this act for an inner court, or an outer court,* be not less in width than its depth. Every such recess shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in the building in which there are rooms the said recess proposes to serve.

Sec. 25. Every inner court in a tenement house hereafter erected shall be provided with one or more horizontal intakes at the bottom of the court, as follows:

Inner court areas	*Minimum number of intakes*	*Net aggregate area of intakes*
Each not exceeding 300 square feet	*One*	*19½ square feet*
Each not exceeding 800 square feet	*Two*	*40 square feet*
Each exceeding 800 square feet	*Two*	*60 square feet*

Every such intake shall always extend directly to the front of lot or front yard, or rear yard, or to a side yard, or to a street, or to a public alley or public park. Whenever more than one intake is required, one such intake shall extend to the front of lot or front yard, and one to the rear yard, public alley, public park, or to the other street, and the court ends of the air intakes shall be as far apart as possible.

Each such intake shall consist of an unobstructed duct or passageway having a minimum width of three feet in all its parts and a minimum height of six feet six inches.

Every such intake shall be constructed of approved incombustible materials, or shall be lined with at least number twenty-six (gauge) galvanized iron on the inside thereof. Such air intakes may be closed at each end with a gate or grill having not less than seventy-five per cent of open work.

In case the inner court does not extend below the second floor level, then each such air intake may consist of an unobstructed open duct, constructed of approved incombustible materials *or lined with at least number twenty-six (gauge) galvanized iron on the inside thereof,* having an interior area of not less than *nineteen* and *one-half* square feet, and in no dimension less than twelve inches, and covered at each end with a wire screen of not less than one inch *mesh.*

Every air intake shall be drained and so constructed and arranged as to be readily cleaned out.

Sec. 26. In no tenement house shall any room in the cellar be constructed, altered, converted or occupied for living or sleeping purposes.

Every cellar shall be *illuminated* and ventilated. The walls and floor of every cellar hereafter constructed, which are below the ground level, shall be made waterproof and dampproof, and whenever deemed necessary, and so ordered by the department charged with the enforcement of this act, the walls and ceilings thereof shall be plastered.

Sec. 27. In no tenement house shall any room in the basement be constructed, altered, converted or occupied for living or sleeping purposes, unless such room conforms to all of the requirements of this act for rooms in other parts of the building and that the ceiling of each such room be in all parts not less than seven feet above the adjoining ground level.

Every basement shall be *illuminated* and ventilated. The walls and floors of every basement hereafter constructed, which are below the ground level, shall be made waterproof and dampproof, and whenever deemed necessary, and so ordered by the department charged with the enforcement of this act, the walls and ceilings thereof shall be plastered.

Sec. 28. In every tenement house hereafter erected, the lowest floor thereof shall be at least *eighteen* inches above the surface soil adjoining and under the floor, and the entire space under such floor shall be kept dry, drained, clean and free from any accumulation of rubbish, debris or filth.

Such space under the floor shall be enclosed and provided with a sufficient number of openings with removable screens or similar provisions of a size to insure ample ventilation; provided, however, that in any such building the lowest floor thereof may be less than *eighteen* inches above the surface soil, *but in no case less than six inches,* except where masonry floors are laid directly on the soil, if the said floor is made impervious to the ingress of rats or other vermin as follows:

(a) *Foundation walls shall be constructed of concrete or of brick or stone or other masonry laid in a good mortar or constructed of some other equally as rat proof material.*

(b) The said foundation walls shall be not less than six inches in thickness at the top nor less than *twelve* inches in thickness at the bottom, nor extend less than *twelve* inches below the surface soil, and, except where masonry floors are laid directly on the soil, shall extend not less than six inches above the surface soil.

(c) *Every opening in the foundation walls, for ventilation or for other purposes, shall be made rat proof with suitable metal screens or with some other similar rat proof material. Door or window openings in such walls shall have tight fitting doors or windows.*

(d) *The said lowest floor or differing levels thereof, forming a complete floor between the outside walls of the building, shall be constructed either of masonry, or covered with concrete not less than one and one-half inches thick, or constructed of two layers of flooring with a layer of galvanized iron or galvanized iron wire cloth or other approved equally as rat proof material placed between the two layers of flooring. Or, in lieu of the floor being constructed as herein prescribed, the entire ground area under the floor shall be covered with concrete not less than two inches thick, except where the surface of the soil is composed of rock. The rat-proofing material shall always extend under the plates of the exterior walls and supporting partitions.*

(e) *All openings throughout the said floor for chimneys, plumbing, water pipes, or for any other purpose, shall be closed up tight in the same manner and with the same kind of materials as required under the plates of the exterior walls and supporting partitions, and if the rat-proofing material used for closing of openings is other than masonry, it shall extend beyond and underlap the flooring all around the opening, not less than two inches.*

Sec. 29. In every apartment in every tenement house hereafter erected there shall be at least one room containing not less than one hundred twenty square feet of superficial floor area, and every other room shall contain at least *ninety* square feet of superficial floor area, *except water-closet, bath or slop-sink compartments, and except kitchens, closets, recesses from rooms, or dressing rooms.*

Every kitchen shall contain not less than fifty square feet of superficial floor area.

Every room shall at every point be not less than *seven feet in width,* nor less than nine feet in height, measured from the finished floor to the finished ceiling; except that attic rooms and rooms where sloping ceilings occur need be nine feet in height in but one-half the area of the room; provided, however, that the provisions of this paragraph shall not apply to water-closet, bath or slop-sink compartments, nor to closets, nor to recesses from rooms, nor to dressing rooms, nor shall the provisions of this paragraph as to minimum width apply to kitchens.

Every water-closet compartment shall be not less than *thirty-six* inches in clear width, and every such water-closet compartment, bath or slop-sink compartment, or closet, or recess from a room, or dressing room, shall have a height of not less than seven feet six inches, measured from the finished floor to the finished ceiling.

Every closet, recess from a room, or dressing room, which contains more than twenty-five square feet of superficial floor area (built-in dressers, clothes presses and similar features which are a substantial part of the structure shall not be deemed to be a part of the floor area of a closet, recess from a room) or dressing room shall conform to all of the provisions of this act as to rooms, and shall contain not less than *ninety* square feet of superficial floor area.

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, for any purpose contrary to any of the provisions of this act.

Entertainment, amusement or reception rooms hereafter constructed, altered or converted in any tenement house shall conform to the provisions of section *thirty-three* of this act.

Sec. 30. In every tenement house hereafter erected every room, kitchen, and every water-closet compartment, toilet or shower room, and bath or slop-sink room, *(except in the cellar)* shall have at least one window of the area hereinafter required opening directly upon a street, or upon a yard or court, of the dimensions specified in this act and located on the same lot.

All windows required by this act shall be located so as to properly light all portions of the rooms, and shall be made so as to open in all parts and so arranged that at least one-half of each such window may be opened unobstructed; provided, however, that the windows required by this section in a water-closet compartment, toilet or shower room, and bath or slop-sink room, may open directly into a vent shaft, such vent shaft to be of the minimum size and constructed of the materials and in the manner prescribed by section sixty-one of this act, *provided, further, that windows required to open onto a street, yard, or an outer court, except windows from kitchens, may open through porches, provided that said porches do not exceed seven feet in depth measured at right angles to the windows and that at least seventy-five per cent of the entire side of the porch, bounded by the street, yard, or outer court, is left open except that the open space may be enclosed with mosquito screens.*

Sec. 31. In every tenement house hereafter erected the total window area in each room except in a water-closet compartment, bath, toilet, slop-sink room or shower room shall be at least one-eighth of the superficial floor area of the room.

The aggregate window area in each room shall be not less than twelve square feet, and no single window shall be less than six square feet in area.

All measurements for window area shall be taken to outside of sash.

Sec. 32. In every tenement house hereafter erected each window in a water-closet compartment or bath, toilet or slop-sink room, or shower room, shall be not less than three square feet in area. The aggregate area of windows for each such compartment or room shall be not less than six square feet. In each such compartment or room containing more than one water-closet, bath, urinal or slop-sink, the aggregate window area shall be equivalent to three square feet for each water-closet, bath, urinal or slop-sink therein, except that at no time need the aggregate window area exceed one-fourth of the superficial floor area of such compartment or room.

Sec. 33. In every tenement house hereafter erected, the total window area in each room used for the purpose of amusement, entertainment or as a reception room, or any room used for similar purposes, which room has a superficial floor area not exceeding one hundred eighty square feet, shall be at least one-eighth of the superficial floor area of such room.

Every such room which has a superficial floor area exceeding one hundred eighty square feet shall have an aggregate window area not less than that required for a room of one hundred eighty square feet of superficial floor area.

Amusement, entertainment or reception rooms and rooms used for similar purposes, in lieu of being provided with winoows, as in this section prescribed, may be provided with a fan exhaust system of ventilation. Such fan exhaust system of ventilation shall consist of independent inlet *ducts, extending from the outer air to each* such *room* and exhaust ducts extending from each such room to the outer air above the highest roof of the building.

All of the inlet ducts and exhaust ducts shall be constructed of galvanized iron or other smooth-surfaced, nonabsorbent material and so arranged that they may be readily cleaned out.

The exhaust ducts shall always be connected to an exhaust fan mechanically operated, so designed and operated as to provide a complete change of air in not to exceed fifteen minutes for each such room.

Any person in charge of a building in which a system of fan exhaust ventilation, as in this section is required, who fails, neglects or refuses to operate and maintain the said system of ventilation in good order and repair so that the ventilation (complete change of air) herein specified is provided in each such room at all times, shall be deemed guilty of a misdemeanor and subject to all of the penalties fixed by this act.

Every amusement, entertainment or reception room, or any room used for similar purposes, shall have a minimum height between the finished floor and the finished ceiling of not less than nine feet. No such room or part thereof shall be used for living or sleeping apartments, except that said room or part thereof complies with all of the other provisions of this act, for living and sleeping apartments.

Sec. 34. In every tenement house hereafter erected, every public hallway on any floor where there are more than three apartments shall have at least one window opening directly upon a street, or upon a yard or a court of the dimensions specified in this act and located on the same lot; such windows shall be at the end of the public hallway and placed so as to secure the maximum light into the hallway; provided, however, that in tenement houses not exceeding two stories in height, the public hallway may, in lieu of such windows, be lighted and ventilated by one or more skylights constructed in accordance with the provisions of this act.

Every window required by this act in a public hallway shall be not less than twenty-nine inches in clear width, nor less than fifty-eight inches in height, and the finished sill of same shall not be more than thirty inches above the adjoining finished floor. Every such window shall be made so as to open and so arranged that at least one-half of the window may be opened unobstructed.

Every skylight provided for in this section shall have an effective horizontal area of glass of not less than fifteen square feet, and shall have ridge ventilators or fixed or movable louvers so as to provide a ventilating area of not less than five hundred square inches. Such skylights shall be so located that no portion of the hallway be distant more than twenty feet (measured from a vertical line) from a skylight opening.

Any part of a public hallway which is offset, recessed, or cut off from any other part of a hallway where such offset or recess is more in length than *one* and *one-half* times the width of the public hallway from which it offsets or recesses, shall be deemed a separate public hallway within the meaning of this section.

French windows or doors, if arranged to open and glazed to give the areas of opening and glass required by this act for windows in public hallways, may be used in lieu of windows therein.

Sec. 35. In every tenement house two or more stories in height hereafter erected, where there are more than three apartments on any one floor, there shall be provided at the roof over each stairway a ventilating skylight, placed directly as practicable over same, having a minimum effective horizontal area of glass at least twenty square feet in area for buildings two stories in height, and the area of glass in such skylight shall be increased at a ratio of six square feet for each additional story in height. In every such skylight the ventilating

area shall be not less than five hundred square inches.

Every such skylight and the ventilating openings and the shutters and the closing and opening devices for the ventilating openings shall be made of approved incombustible materials, and so arranged that the entire ventilating area may be readily opened from at least the topmost and first story levels, except that in tenement houses not exceeding four stories in height the ventilators may be arranged so as to open from at least the first story, or the ventilators may be fixed permanently in an open position.

Skylights as in this section prescribed may be omitted in case that windows are provided of the size fixed by section thirty-four hereof and located adjoining the stairways, and that each window adjoining the stairway be provided with an open louver or ventilator providing a ventilating area of not less than one hundred square inches or such louver or ventilator may be placed in the roof over the stairway, in which event the ventilating area shall be not less than five hundred square inches.

Whenever a skylight is required as in this section provided there shall be constructed a stair well, the clear open area of which shall be at each floor equal to one-third of the area of glass in the skylight.

Sec. 36. In every tenement house hereafter erected, every apartment shall be so arranged that access may be had to every living room, and to at least one water-closet compartment, without passing through a bedroom; *provided, however, that nothing in this section shall be so construed as to prohibit passing through a bedroom in going from a kitchen to a bathroom or water-closet compartment.*

Sec. 37. In every tenement house hereafter erected there shall be installed one water-closet within each apartment located in a separate compartment or located in a compartment with a bathtub, shower or lavatory, used exclusively by the occupants of the apartment.

No door or other opening to a water-closet compartment shall open from or into any room in which food is prepared or stored. The walls enclosing a water-closet compartment shall be well plastered or constructed of some nonabsorbent material, except that the ordinary wood trim of openings may be used in such compartment. Every such compartment shall be provided and equipped with a full door, properly hung, and provided with a lock or bolt to lock same.

The floor of every such water-closet compartment shall be made waterproof with asphalt, tile, marble, terrazzo, cement, or some other similar nonabsorbent material, and such waterproofing shall extend not less than *six* inches on the vertical walls of the room. *No water-closet fixture shall be enclosed with woodwork.*

Sec. 38. In every tenement house erected prior to the passage of this act there shall be provided at least one water-closet in a separate compartment, located on the public hallway of the same floor, for every three apartments or fractional part thereof on such floor which are not provided with private water-closets. Where two or more water-closets are required by the provisions of this section to be located on a public hallway, one of such water-closets shall be distinctly marked "for men," and one of the water-closets distinctly marked "for women"; provided, however, that the housing department charged with the enforcement of this act may exempt any tenement house existing at the time of the passage of this act from fully complying with the provisions of this paragraph when, in its discretion, such deviation will not be detrimental to the health of the occupants thereof or to the sanitation of the said tenement house or premises.

Nothing in this section shall be construed as permitting such exemptions to apply to any addition or extension to any tenement house.

Every water-closet hereafter placed in a tenement house erected prior to the passage of this act shall comply with every provision of this act relative to water-closets installed in tenement houses hereafter erected, except that if a water-closet is installed in the top story of any such building, the compartment in which it is installed may be ventilated by a skylight with fixed louvers in lieu of a window; provided, however, that a new water-closet may be installed to replace a defective or antiquated fixture in the same location.

Every tenement house erected prior to the passage of this act, or hereafter erected, where a connection with the sewer is possible, shall discontinue the use of any school sink, privy vault or any similar receptacle used to receive fecal matter, urine or sewage, and every such receptacle shall be completely removed and the place where it was located be properly disinfected. All such receptacles shall be replaced by individual water-closets of durable nonabsorbent material, properly connected, trapped, vented and provided with flush tanks, the same as is required by the provisions of this act, in tenement houses hereafter erected.

Sec. 39. In every tenement house hereafter erected there shall be a bathtub or shower within each apartment, and such bathtub or shower shall be located in a separate compartment, or there may be provided one such bathtub or shower in a separate compartment for every three such apartments which are not provided with private baths or showers; provided, that said bathtub or shower is on the same floor and is accessible from each apartment through the public hallway.

In every tenement house hereafter erected there shall be at least one kitchen sink within each apartment.

The walls, floors and openings to every bath, shower or slop-sink room hereafter constructed shall conform to all of the provisions of this act relative to the waterproofing of the walls and floors, and of the construction of the doors of water-closet compartments in tenement houses hereafter erected.

Sec. 40. In every tenement house erected prior to the passage of this act there shall be provided at least one bathtub or shower in a separate compartment, located on the same floor, for every five apartments, or fractional part thereof, which are not provided with private baths or showers, on each such floor, and there shall be provided at least one kitchen sink in each apartment; provided, however, that the department charged with the enforcement of this act may exempt any tenement house existing at the time of the passage of this act from fully complying with the provisions of this section when, in its discretion, such deviation will not be detrimental to the health of the occupants thereof or to the sanitation of the said tenement house or premises; provided, further, that no such exemption shall apply to any addition or extension to a tenement house.

Sec. 41. In every tenement house hereafter erected every plumbing fixture shall be provided with running water, and there shall be provided faucets, with running water, sufficient in number so that all of the yards, courts and passageways may be washed. *Faucets shall be of the hose bibb type, not less than three-quarter inch size.*

Every plumbing fixture affecting the sanitary drainage system in tenement houses hereafter erected, shall be properly connected with the street sewer, if a street sewer exists in the street abutting the lot on which the building is located and is ready to receive connections. When it is impracticable to connect such plumbing fixtures with a street sewer, then the plumbing fixtures shall be connected and drained into a cesspool constructed satisfactorily to the department charged with the enforcement of this act; or some other means of sewage disposal satisfactory to the department charged with the enforcement of this act may be made until such time as it may become practicable and possible to connect with the street sewer.

Sec. 42. In every tenement house erected prior to the passage of this act, every plumbing fixture shall be provided with running water, and there shall be provided faucets, with running water, sufficient in number so that all the yards, courts and passageways may be washed.

Faucets shall be of the hose bibb type, not less than three-quarter inch size.

Sec. 43. Water-closets, baths, showers, sinks, slop-sinks, faucets and other plumbing fixtures required by this act need not be installed in the event that the tenement house hereafter erected or an existing tenement house, as the case may be, is situated where there is no running water and where there is no practical means of sewage disposal, until such time as it becomes practicable and possible to obtain running water and means of sewage disposal; provided, in every such case the department charged with the enforcement of this act shall decide whether or not it is practicable and possible to provide running water and proper means of sewage disposal. A special permit in writing shall be obtained in every such case from the department charged with the enforcement of this act, which permit shall be made in duplicate, and a copy thereof shall remain on file in the department issuing it; provided, further, that proper, separate toilet facilities for each sex shall be provided for the use of the occupants of such building. Such facilities shall be made sanitary. A privy, or toilet other than a water-closet, erected under the authority of this section shall consist of a pit at least three feet deep, with suitable shelter over the same to afford privacy, and protection from the elements. The openings of the shelter and pit shall be enclosed by mosquito screening, and the door to the shelter shall be made to close automatically by means of a spring or other device. No privy pit shall be allowed to become 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 similar substances at regular intervals. All drainage water shall be conveyed from the premises by means of a covered drain to a covered cesspool.

Sec. 44. In every tenement house hereafter erected all plumbing fixtures affecting the sanitary drainage system shall be properly trapped and vented and made sanitary in every particular. In any tenement house hereafter erected, and in any tenement house erected prior to the passage of this act no plumbing fixtures shall be enclosed with woodwork, but the space under and around same must be left entirely open. All woodwork enclosing a water-closet, sink, slop-sink, wash tray or lavatory shall be removed and the floor and wall surface beneath and around such water-closet, sink, slop-sink, wash tray or lavatory shall be maintained in good repair, and if of wood, well painted with a light colored paint of sufficient body to make it nonabsorbent. All wooden seats, attached to water-closet bowls, shall be varnished or enameled, or by some other method be made nonabsorbent.

In every tenement house hereafter erected water-closets shall have earthenware bowls and shall have earthenware seats integral with the bowls, or wooden seats varnished or enameled so as to be nonabsorbent, or seats made of some nonabsorbent material attached directly to the bowls. No wooden wash trays or wooden kitchen sinks shall be permitted in such buildings. All plumbing connections hereafter made in buildings shall be of standard lead, iron, steel or brass; and every gas and water service connection hereafter made shall be of steel or iron, and shall be equipped with cut-off valves placed outside of the building and such cut-off valves shall be readily accessible.

Whenever any plumbing fixture becomes insanitary the department charged with the enforcement of this act is hereby empowered to order the same removed and to order that it be replaced by a fixture conforming to the provisions of this act.

Sec. 45. Every tenement house hereafter erected, three or more stories in height and in which there are three or more apartments on any one floor, shall be so designed and constructed that every apartment in such building shall have not less than two means of egress, either by stairways or fire escapes, constructed in accordance with the provisions of this act. *Such means of egress shall be accessible from every apartment, either directly or through a public hallway, and so located that should one egress be or become blocked, the other egress shall be available.*

Sec. 46. *Every tenement house hereafter erected shall have not less than two stairways.*

Every fireproof tenement house hereafter erected shall have not less than one stairway, not less than *three feet six inches* wide, for each six thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every semifireproof tenement house hereafter erected shall have not less than one stairway, not less than *three feet six inches* wide, for each *four* thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every wooden tenement house hereafter erected shall have not less than one stairway, not less than *three feet six inches* wide, for each *three* thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every tenement house hereafter erected shall have not less than one stairway leading from the outside to every basement or cellar thereof.

Sec. 47. The largest floor area above the ground floor shall be used as the basis for computing the number of stairways required in every tenement house hereafter erected; provided, that if all floors above the largest floor area of the building are diminished in area, the stairway or stairways from that portion of the building containing a smaller area may be computed on the basis of the largest floor area in that portion of the building.

Sec. 48. All stairways hereafter constructed shall be located so as to furnish the best means of egress from the building, and shall be as far removed from each other as practicable, and shall be as follows:

Access to stairways shall be provided at every floor by means of a public hallway, corridor, or passageway, and the public hallway, corridor, passageway and stairway from the ground floor level to the top story or roof shall be accessible at all times.

No stairway shall abut on more than one side of an elevator shaft, except on the lowest and topmost stories, provided that the stairway is so located that it can be approached from the street entrance without passing by or in front of the open side of the said elevator shaft.

No stairway shall be located over a steam boiler, gas meter or gas heater or furnace, unless such boiler, gas meter, gas heater, or furnace be located in a room, the walls and ceilings of which are constructed as required for a boiler room by section sixty-three of this act. No stairway leading from any other portion of the building shall terminate in or pass through a boiler room.

Sec. 49. Every stairway hereafter constructed shall be as follows: have a rise of not more than eight inches and a run of not less than nine inches, without change in the run or rise between floors; and shall be provided with head room of not less than six feet six inches measured from the nearest nosing of the stairway to the nearest soffit.

The depth of every landing in a stairway shall be not less than the width of the stairway, and all treads shall be of equal width for every run of stairs, and shall not vary in width in the width of the stairs.

Stairways required by this act shall be continuous from the ground floor level to the top story, i. e., the flights of such stairways shall be constructed one directly above the other, or shall be constructed so that each flight shall be in plain view of each succeeding flight; provided, however, that half of the stairways from the upper floors may terminate at the second floor, in the event that the stairways from the first to the second floor be increased in width not less than fifty per cent.

Every stairway shall have at least one handrail, and if the stairway be five feet or more in width, shall have a handrail on each side thereof.

The underside of soffits of wooden stairways and the outside stringers of open stairways

except outside stairway, in semifireproof and wooden tenement houses shall be metal lathed and plastered not less than three-quarters inch thick including the lath, or lathed with an approved plaster board and plastered not less than three-quarters inch thick including the plaster board.

The width of stairways shall be measured in the clear of all projections except the baseboards, and except that handrails and newel posts may project not more than four inches.

Sec. 50. No closet of any kind shall be constructed in any tenement house under any wooden stairway, but such space shall be kept entirely open, and be kept clean and free from all encumbrances; or such space shall be effectually closed with walls of studs, lathed and plastered, with no door or opening of any kind therein; provided, however, that the provisions of this section as to a closet under a stairway shall not apply to any tenement house not more than two stories in height, in which not more than two families live above the first floor thereof.

Sec. 51. In every tenement house hereafter erected more than two stories in height, the stairway nearest to the main entrance of the building shall be carried to the roof level and shall give egress to the roof through a penthouse or roof structure.

In every such building not exceeding two stories in height there shall be constructed a scuttle in the public hallway near the stairway. Such scuttle shall be not less than two feet by three feet in area, and shall be cut through the ceiling and roof.

Penthouses over stairways shall be built either of fireproof materials or of wood studs, lathed with metal lath *or approved plaster board* and plastered not less than three-quarters inch thick *including the lath or plaster board on the inside and outside thereof;* or such penthouses may be covered in the same manner and with the same kind of materials as required by this act for the doors from such penthouses.

The door to the roof from a penthouse or roof structure shall be self-closing and shall open outward to the roof, and shall be covered on both sides and edges with tin or other metal.

The frames and trim of such door opening shall be similarly constructed and all glass in such door shall be wired glass not less than one-fourth inch thick.

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 scuttle shall be not less than two feet by three feet in area, located in the ceiling of a public hallway. There shall be provided a stairway or a stationary ladder, leading from the top floor of such tenement house to the roof thereof. Such stairway or stationary ladder shall be made readily accessible to all the tenants of the building. No scuttle or penthouse door shall at any time be locked with a key, but may be fastened on the inside by a movable bolt or lock.

Sec. 52. Public hallways, landings and corridors from stairways shall be of the same width and measured in the same manner as the stairways, as provided in section fifty hereof.

Sec. 53. On every tenement house hereafter erected more than two stories in height, *which contains more than three apartments,* there shall be provided at least one fire escape. If such tenement house exceeds *three* thousand square feet of floor area on any one floor above the second floor thereof, such building shall be provided with one additional fire escape for each *four* thousand square feet of floor area or fractional part thereof.

Fire escapes required by this act shall be of one of the following types:

Type 1. Metallic throughout and fastened securely to the exterior walls of the building, with a balcony at each story above the first story thereof, with inclined stairways connecting all balconies and a goose-neck ladder connecting the topmost balcony to the roof. The lowest balcony of such fire escape to be not more than fourteen feet above the street or ground level directly under same.

All metallic balconies shall be not less than forty-four inches in width nor less than thirty-three square feet in area. The stairway openings therein shall be not less than twenty-one inches wide and forty inches in length. The balcony balustrade shall be not less than thirty-four inches high, with no opening in such balustrade greater than eight inches in horizontal dimension.

There shall be no opening greater than one inch in width in a fire escape balcony platform, except the stair well opening.

There shall be no opening greater than one inch in width in the lowest fire escape balcony platform, except that there be attached a counterbalanced or permanent ladder reaching to the street or ground below.

Every balcony platform shall be fastened to the outside walls of the building by building in and anchoring to such walls the balcony platform and the balustrade framing, or by securely bolting same thereto. Every balcony shall be supported by brackets, braces, or struts fastened to or built in and anchored to the walls.

The inclined stairways shall be not less than eighteen inches in width and placed in no part nearer than twenty-one inches from the face of the wall. Such inclined stairways shall have an inclination of not less than four inches and not more than six inches horizontally to each twelve inches of vertical height. The treads shall be not less than four inches wide, placed not more than twelve inches apart. Each side of such stairways shall be provided with a handrail not less than one inch in diameter fastened to the stair stringers and continued around the well hole openings of balcony platform.

The goose-neck ladder shall be not less than fifteen inches wide and extend vertically from the topmost balcony to three feet above the fire wall or roof above, and then be brought down and fastened to the inside face of the fire wall or to the roof. The rungs of the goose-neck ladder shall be not less than five-eighths inch round iron or steel, placed not more than fourteen inches apart. The goose-neck ladder shall be securely braced and fastened to the outside wall, and in no case shall such ladder pass in front of any opening in the wall to the interior of the building. The cornice opening for the passage of such ladder shall be not less than twenty-four inches in width and twenty-four inches in the clear outside of the ladder.

Such fire escape shall be framed and riveted or bolted together in a solid, substantial manner and properly supported, braced and fastened to the outside walls so as to be rigid, durable and secure and carry the loads imposed.

All metallic fire escapes shall be painted with not less than two coats of good, durable paint; or such fire escapes may be galvanized.

Type 2. Metallic ladders and stairways conforming to the provisions set forth for type one and with reinforced concrete or iron or steel fireproofed balconies, with fastenings of similar materials. Such balconies to measure the full size inside of balustrades. Floor openings and well holes provided and protected similarly to the requirements for metallic balconies.

Type 3. Any type of an enclosed approved metallic spiral fire escape which consists of a rigid form of an inclined chute or chutes constructed entirely of incombustible material; securely attached to the outside walls of building; provided with proper means of ingress thereto from the building and egress therefrom at the bottom; having means enabling firemen to reach the roof thereby from the ground; equipped with standpipes; painted the same as provided for metallic fire escapes; and satisfactory to the department charged with the enforcement of this act as being as solid, substantial and durable and as fireproof in construction, and providing at least as safe and efficient means of escape from the building for the occupants thereof, and furnishing all the protection and utility of the metallic fire escapes described as "type one" in this act.

Type 4. Fire and smoke towers, consisting of a fire escape stairway not less than twenty inches in width, constructed of reinforced concrete, iron or steel, or a combination of these materials; and in all other details as required in

this act for metallic fire escape stairways; said stairways being continuous the full height of the building from the first floor exit level to the roof, and with handrails on each side thereof the full length of same. Such *stairways* to be constructed at a point adjoining the exterior walls of the building and be entirely enclosed with walls of brick, terra cotta tile, concrete or reinforced concrete not less than *twelve* inches thick; such walls to be continuous from the basement up to and extending three feet above the roof of the building, with no covering of any kind over same, and with no openings in the walls of such tower into the building. The enclosing walls of such tower not to be used to carry or support any floor joist, beam, girder or other structural feature of the building, nor to be chased for any pipe, conduit or other purpose; to have an exit from the enclosure at the first floor line opening directly to a street or yard, and having an entrance by means of an outside balcony at each floor, such balconies to have a solid floor and in all other details and kind of materials to be as in this act required for metallic fire escape balconies. The balconies to be located and arranged to connect with a door opening from a public hallway in the interior of the building and with a door opening leading from the balcony to the tower, such door opening from the building to the balcony and from the balcony to the tower to be not less than thirty inches wide by seventy-two inches high and be equipped with metal-lined doors and with a frame and threshold of such door openings constructed of fireproof materials.

Type 5. A fire and smoke tower in every way similar to "type four" of this section, except that instead of the outside balcony there be built a vestibule with enclosing walls continuous with and of the same kind of materials and of the same thickness as the enclosing walls of the fire tower; that the vestibule opening be direct from a public hallway and be equipped with metal-lined doors. The vestibule floor to be of masonry construction. The enclosure to have an opening at each floor through the exterior wall of the building, such opening to extend from the floor to the ceiling and be not less in width than three-fourths of the width of the tower, said opening to be protected with an open metallic balustrade similar to that specified for metallic fire escape balconies.

Sec. 54. In any tenement house hereafter erected in which there is constructed a fire escape of "type four" or "type five," as prescribed in this act, such fire escape may be used and constructed as a stairway and a fire escape combined; provided, that there is at least one other stairway or one other fire escape constructed in accordance with the provisions of this act, in the said building.

Sec. 55. Every fire escape required by this act shall be located on the building so as to furnish the best means of escape therefrom for the occupants, and at least one such fire escape shall be located on a street front. Every fire escape shall have egress thereto from a public hallway or passageway not less than three feet wide, or such fire escapes in lieu of being located on a public hallway, shall be so located that each apartment has direct egress thereto without passing through another apartment, or if a public parlor, public lobby or similar room is connected directly with the public hall, corridor or passageway through a clear and unobstructed opening, without doors, then egress may be had thereby to a fire escape. Signs both pointing towards and marking the locations of fire escapes shall be placed on each floor.

Sec. 56. The largest floor area above the second floor shall be used as a basis for computing the number of fire escapes required by this act; provided, that if all floors above the largest floor area are diminished in size, the number of fire escapes from that portion of the building containing the smaller area may be computed on the basis of the largest floor area in that portion of the building.

Sec. 57. All parts of each balcony platform of a fire escape shall be designed to carry, in addition to the dead load thereof, a live load of one hundred pounds per square foot over the entire area thereof (using outside dimensions) and the live and dead loads from the ladders or stairs supported thereon.

Each ladder shall be designed to withstand a horizontal pressure of one hundred pounds per square foot.

Each stairway shall be designed to carry, in addition to the dead load thereof, a live load of one hundred fifty pounds per square foot of horizontal projection.

Top rails of balcony balustrades shall be designed to withstand a horizontal pressure of one hundred pounds per lineal foot of railing.

Each balcony shall be independently supported.

All fastenings of fire escape balconies to the building shall be designed to carry twenty-five per cent greater load than the total dead and live loads carried by the balconies. The balcony anchorage shall be direct to the structural steel or iron members of the balustrades and platforms extended into the walls and anchored into the structural work of the building.

The level of the inside sill of the door or window giving access to a fire escape balcony or the balcony floor shall be not more than thirty inches above the adjoining floor in the building. Every such door or window opening shall be not less than twenty-nine inches in clear width, nor less than fifty-eight inches in height.

Where double-hung windows are used in such openings, the lower sash shall be at least the size of the upper sash and shall slide to the top of such opening. Any lock used on any such window shall be of a type which can be readily opened from the interior of the building without the use of a key or other tool.

Sec. 58. Every fire escape in or on tenement houses hereafter erected, or in or on tenement houses erected prior to the passage of this act, shall at all times be maintained in good order and repair, well painted and clear and unobstructed at all times, and be readily accessible.

Sec. 59. On every tenement house hereafter erected four or more stories in height, there shall be provided one or more metallic standpipes. Each such standpipe shall be not less than four inches in internal diameter, and shall have a Siamese inlet valve near the sidewalk or the ground directly under same, and an outlet valve at each story above the first story and on the roof.

One such standpipe shall be placed on or in the exterior walls of the building at one fire escape on each street frontage, and the outlet valves shall be readily accessible from the balconies of the fire escape.

The inlet and outlet valves on every standpipe shall be threaded and brought to a size which will meet the standard connections of the local fire department of the municipality in which such tenement house is being erected.

The standpipes required by this section need not be installed in any tenement house which is situated where there is no running water and where it is not practicable or possible to obtain water for efficient use of such standpipes in case of fire, until such time as it is practicable and possible to obtain running water; and the department charged with the enforcement of this act shall decide whether or not it is possible or practicable to obtain running water.

Sec. 60. In every fireproof tenement house hereafter erected, every elevator shaft, dumbwaiter shaft or other interior shaft shall be enclosed in walls constructed of concrete, reinforced concrete, brick, terra cotta tile or other similar hard incombustible materials, or shall be constructed of metal studs lathed either with metal lath *or an approved plaster board* and plastered on both sides so as to make a solid partition not less than two inches thick.

In every semifireproof or wooden tenement house hereafter erected, every such shaft shall be enclosed by walls constructed as provided by this act for fireproof tenement houses, or such walls may be constructed with wood studs, with *wood* firestops *the same size as the studs*, cut in between the studs of each floor and half way between each floor, lathed on both sides with metal lath *or an approved plaster board* and be plastered not less than three-quarters inch thick *including the lath or the plaster board.*

Every opening from any shaft into the building shall be equipped with a metal door and with door frame and trim entirely of metal; or such door and door frame shall be constructed of wood covered with metal on the shaft side thereof and if there is any glass therein, such glass shall be wired glass not less than one-fourth (¼) inch thick. Every door or window therein shall be made to close tight, and every door except elevator doors therein shall be self-closing.

Every window in such shaft shall be of wired glass, not less than one-fourth (¼) inch thick, set in a metal sash or a sash metal covered on the shaft side thereof. At the roof over every elevator shaft there shall be constructed a ventilating skylight or a ventilator with open louvers.

Sec. 61. In every tenement house hereafter erected every vent shaft shall be enclosed with walls constructed the same as required by this act for elevator shaft in the same class of building. Such vent shafts may, in a semifireproof or wooden tenement house, be lined on the outside thereof (weather side) with metal in lieu of metal lath and plaster; also, that portion of such shaft extending from the ceiling joists to the top thereof may be lined with metal in the same manner as is required for the weather side of such vent shaft.

Every opening from any vent shaft into the building or any window therein, shall be equipped in the same manner as required by this act for elevator shafts in the same class of building.

Plaster on the weather side of any such shaft shall be cement plaster.

Every vent shaft required by this act shall be not less than four feet in any direction and be at least sixteen square feet in area. If such vent shaft exceeds fifty feet in height, measured from the bottom to the top of the walls of such shaft, then such vent shaft shall throughout its entire height be increased in area *three* square feet for each additional ten feet or fractional part thereof above fifty feet.

Every such vent shaft shall be provided with an air intake or duct at or near the bottom thereof, communicating with the street or yard or a court. Such intake shall be not less than three square feet in total area, and 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. Every such intake or duct shall be constructed of approved fireproof material or shall be of metal or metal lined, and be provided with a wire screen of not less than one inch mesh at each end. Plumbing, gas, steam or other similar pipes may be placed in such vent shaft.

Every such vent shaft shall *have a door or a window at or near the bottom of the shaft,* so arranged as to permit of its being readily cleaned out.

Sec. 62. The walls of every inner court in a fireproof tenement house hereafter erected shall be constructed of concrete, reinforced concrete, brick, terra cotta tile or other similar hard incombustible material. In a semifireproof or in a wooden tenement house such inner court walls, if surrounded on four sides by the walls of the same building, shall be constructed as provided for fireproof tenement houses, or may be of wood studs, with *wood* firestops *the same sizes as the studs*, cut in between the studs at each floor and half way between each floor, lathed on both sides with metal lath, *or an approved plaster board*, and be plastered not less than three-quarters inch thick *including the lath or the plaster board*. Plaster on the weather side of such inner court walls shall be cement plaster, or such inner court walls may be lined on the weather side with not less than the number twenty-six (gauge) metal, in lieu of metal lath and plaster.

Sec. 63. In every tenement house hereafter erected, every boiler used for purposes of heating the building, using fuel other than gas, and every heating furnace or water-heating apparatus, using oil for fuel, shall be installed in a room, the walls of which room shall be built of concrete, reinforced concrete, brick, stone or terra cotta tile, not less than six (6) inches thick, and such walls shall extend from the floor of the boiler room to the ceiling over same. The entire ceiling of such room shall be built of similar materials as the walls, or shall be built with a double ceiling, with a space of not less than seven-eighths inch between the two ceilings; each ceiling shall be metal lathed *or lathed with an approved plaster board* and be plastered not less than three-quarters inch thick, *including the lath or plaster board.* The floor of a boiler room shall be of concrete not less than two (2) inches thick.

Any door in the wall of such room shall be a fire-resisting door, constructed of three (3) thicknesses of seven-eighths (⅞) inch by not more than six (6) inches, tongued and grooved, matched redwood boards entirely covered on the sides and edges with lock-jointed tin; every such door shall be self-closing, so hung as to overlap the walls of the room at least three (3) inches, and any glass in any such door or any glass in any window or opening in the walls of a boiler room shall be wired glass, not less than one-fourth (¼) inch thick, set in a metal or metal covered sash.

All such doors shall have hinges, hangers, latches and other hardware of wrought iron, bolted to the doors, and shall have steel tracks, when sliding doors are used, with 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.

Every such boiler room shall have a sill across each door not less than four (4) inches high. Such sill shall be of masonry, and the doors shall overlap same at least three (3) inches, or in lieu of a masonry sill a steel or iron sill may be used, in which case the bottom of the door shall close tight on top of same. Every swinging door in a boiler room shall open outward from the boiler room.

Where oil or other fluid fuel is burned, the oil or other fluid fuel shall not be fed by a gravity flow.

Sec. 64. In every tenement house hereafter erected any portion of such building, in which there is kept or stored any automobile or automobiles, shall be a room, the enclosing partitions of which shall be built of concrete, reinforced concrete, brick, stone or terra cotta tile, not less than six (6) inches thick, or may be of wood studs lined on the automobile storage room side with redwood boards not less than seven-eighths (⅞) of an inch thick covered with asbestos paper one-eighth (⅛) of an inch thick, and then covered with No. 26 (gauge) galvanized iron, and such enclosing partitions shall extend from the floor of the room to the ceiling of the same. The entire ceiling of such room shall be built of material similar to that used in the construction of its walls, or shall be either metal lathed and be well plastered *or be lathed with an approved plaster board and be well plastered.* The floor of every such room shall be of concrete not less than two (2) inches thick.

Every door, window or other opening in the walls of such room, opening to the interior of the building, shall be protected in the same manner as required by section sixty-three hereof for doors, windows and other openings in a boiler room.

Sec. 65. In any tenement house erected prior to the passage of this act, every additional room or hallway that is hereafter constructed or created, may be of the same height as the other rooms or hallways on the same story of such tenement house.

Sec. 66. Every room in a tenement house erected prior to the passage of this act shall, if the said room be hereafter occupied for living or sleeping purposes, have a window of an area not less than eight square feet, opening directly upon a street, a yard, a court or upon a vent shaft not less than twenty-five square feet in area, which vent shaft shall in no part be less than four feet wide and open and unobstructed, without roof or skylight over same; except that if such room be located on the top floor of the building, such room may be ventilated by a skylight with fixed louvers directly to the outer air,

or may have a window opening upon a vent shaft not less than ten square feet in area, if such window from the room be not more than three feet below the top of the wall of such vent shaft.

Every public hallway in every tenement house erected prior to the passage of this act, which does not conform to the provisions for public hallways in buildings hereafter erected, shall be provided with light and ventilation to the outer air. Such light and ventilation shall be provided by the placing of windows or skylights, or by making such alterations as in the judgment of the housing department may be deemed necessary to accomplish the result.

Sec. 67. It shall be unlawful for any person to cook or to prepare food, or to permit or suffer any person to cook or to prepare food in any bath, shower, slop-sink or toilet room, water-closet compartment; *or in any closet, or recess from a room, or dressing room, which does not conform to all the provisions of this act as to size of kitchens and windows opening to a street, yard or court,* or in any other place in such building which, in the judgment of the department charged with the enforcement of this act, is detrimental to the proper sanitation of such building.

It shall be unlawful for any person to live or sleep, or permit or suffer any person to live or sleep in any cellar, bath or shower compartment or slop-sink room, water-closet compartment, *hallway, closet, kitchen, recess from a room or dressing room, except when such recess from a room or dressing room has not less than ninety square feet of superficial floor area and complies with every other requirement of this act for rooms,* or in any other place which, in the judgment of the department charged with the enforcement of this act, would be dangerous or prejudicial to life or health by reason of want of light, windows, ventilation, drainage, or on account of dampness or offensive, obnoxious or poisonous odors, *or in any room that shall be so overcrowded as to afford less than the following floor space for each occupant, in accordance with the age of the said occupant:*

Number of persons over 12 years of age	*Number of persons under 12 years of age*	*Superficial floor area required*
1 or	*2*	*60 square feet*
2 or	*4*	*120 square feet*
3 or	*6*	*180 square feet*
4 or	*8*	*240 square feet*
5 or	*10*	*300 square feet*
6 or	*12*	*360 square feet*

Additional floor area in the same ratio shall be provided for additional persons.

Sec. 68. In every tenement house there shall be installed and kept burning from sunrise to sunset throughout the year artificial light sufficient in volume to properly illuminate every public hallway, stairway, fire escape egress, elevator, passageway, public water-closet compartment, or toilet room, whenever there is insufficient natural light to permit a person to read in any part thereof.

In every tenement house there shall be installed and kept burning from sunset to sunrise throughout the year artificial light sufficient in volume to properly illuminate every public hallway, stairway, fire escape egress, elevator, public water-closet compartment, or toilet room and exterior passageway on the lot.

Sec. 69. The walls and ceilings of every sleeping room in every tenement house shall (except when there is sufficient natural light to permit a person to read in any part thereof during daytime) be calcimined or painted or papered with a light-colored material, and such calcimine, paint or paper, as the case may be, shall be renewed as often as is necessary to maintain the same of a light color and clean and free from vermin.

The walls of courts and shafts, unless built of light-colored materials, shall be painted of a light color or whitewashed, and such painting or whitewashing shall be renewed as often as is necessary to maintain the same of a light color.

Sec. 70. No wall, partition or ceiling of any room in any tenement house shall be repapered, *calcimined, or have any other covering placed thereupon unless* the old wall paper or other covering shall have first been removed therefrom, *and the said wall, partition or ceiling cleaned, disinfected and freed from bugs, insects or vermin.*

Sec. 71. Every tenement house shall be maintained in good repair. The roofs shall be kept waterproof and all storm or casual water properly drained and conveyed therefrom to the street sewer, storm drain or street gutter.

All portions of the lot about a tenement house, including the yards, areaways, vent shafts, courts and passageways, shall be properly graded and drained; and whenever the department charged with the enforcement of this act deems it necessary for the protection of the health of the occupants of such building, or for the proper sanitation of the premises, it may require that the said lot, yards, areaways, vent shafts, courts and passageways be graveled or properly paved and surfaced with concrete, asphalt or similar materials.

Sec. 72. There shall be provided, whenever it is deemed necessary for the health of the occupants of any tenement house or for the proper sanitation or cleanliness of any such building, metal mosquito screening of at least sixteen mesh, set in tight-fitting removable sash, for each exterior door, window or other opening in the exterior walls of the building.

Sec. 73. In every tenement house there shall be provided *by the occupants, or tenants,* such number of tight metal receptacles with close-fitting metal covers for garbage, refuse, ashes and rubbish as may be deemed necessary by the department charged with the enforcement of this act, or in lieu of such metal receptacles there may be constructed a garbage chute or shaft approved by the housing department. Each of said receptacles shall be kept in a clean condition by the occupants, or tenants and in the case of a chute or shaft by the person in charge or in control of the building.

Sec. 74. Every room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain, water-closet compartment or room, toilet room, bathroom, slop-sink, or washroom, plumbing fixture, drain, roof, closet, cellar, or basement in any tenement house or on the lot, yard, court or any of the premises thereof, shall be kept in every part clean and sanitary and free from all accumulation of debris, filth, rubbish, garbage or other offensive matter.

No person shall, or cause or permit any person to, deposit any swill, garbage, bottles, ashes, cans or other improper substances in any water-closet, sink, slop-hopper, bathtub, shower, catch-basin, or in any plumbing fixture connection or drain therefrom; or otherwise to obstruct the same; or to place or cause or permit to be placed any filth, urine or other foul matter in any place other than the place provided for same; or to keep or cause or permit to be kept any urine or filth or foul matter in any room or apartment in any tenement house, or in or about the said building or premises thereof, for such length of time as to create a nuisance.

Sec. 75. In every tenement house, every part of every bed, including the mattress, sheets, blankets and bedding, shall be kept in a clean, dry and sanitary condition, free from filth, urine or other foul matter, in or upon the same; and free from the infection of lice, bedbugs or other insects.

Sec. 76. In no tenement house or any part thereof, or in the lot, yard, court or any portion thereof, shall there be kept, stored or handled any article dangerous or detrimental to life or to the health of the occupants thereof; nor shall there be stored, kept or handled any feed, hay, straw, excelsior, cotton, paper stock, rags or junk, except upon a written permit so to do, obtained from the fire commissioner or other department authorized to issue such permit. Every such permit shall be deemed to be a public record, made in duplicate, and a copy thereof shall remain on file in the office of the fire commissioner or department issuing same.

Sec. 77. No horse, cow, calf, swine, sheep, goat, rabbit, mule *or other animal*, chicken, pigeon, goose, duck or other poultry shall be kept in any tenement house or any part thereof; nor shall any such animal or poultry, nor shall any stable be kept or maintained *on the same lot, yard, court or premises of a tenement house* or within twenty feet of any window or door of such building, nor shall there be hereafter constructed, altered, converted or maintained in any tenement house any public automobile garage or machine shop, or automobile repair shop.

No bakery or place of business in which fat is boiled shall be constructed or maintained in any tenement house, unless such bakery or place *of business* in which fat is boiled is constructed of approved fireproof materials, with no openings connecting into the tenement house, and so separated and arranged as to prevent odors from entering such building.

No tenement house shall be connected with or have any door, window or transom opening to any part of a building wherein spirituous liquors, drugs, paint or oil are stored or kept for the purpose of sale or otherwise.

Sec. 78. In every tenement house in which eight (8) or more families reside, and in which the owner does not live, there shall be a janitor, housekeeper or other responsible person, who shall reside in such tenement house or on the same lot or premises thereof and have charge of same.

Sec. 79. In case any tenement house, or any part thereof, is constructed, altered, converted or maintained in violation of any provisions of this act or of any order or notice of the department charged with its enforcement, or in case a nuisance exists in any such tenement house or building or structure, or upon the lot on which it is situated, said department may institute any appropriate 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, to prevent any illegal act, conduct or business in or about such tenement house or lot. In any such action or proceeding said department 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 department is not complied with, said department may apply to the superior court or to any judge thereof, for an order authorizing said department 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.

Sec. 80. Every fine imposed by judgment under section six 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 charged with the enforcement of the provisions of this act, upon the entry of such judgment, to file forthwith the copy as aforesaid, and such copy upon filing shall be forthwith indexed by the recorder in the index of mechanics' liens.

Sec. 81. In any action or proceeding instituted by the department 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 Procedure. 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 of a certified copy of such order.

Sec. 82. 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 housing department a notice, containing his name and address, and also a description of the property, by street and number and otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this act easily to 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 housing department 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 duty 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 (30) 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.

Sec. 83. Every owner, agent or lessee of a tenement house shall file in the housing department 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 easily to find the same. The name of the owner or lessee may be filed as agent for this purpose.

Sec. 84. The names and addresses filed in accordance with sections eighty-two and eighty-three hereof shall be indexed by the housing department in such a manner that all of those filed in relation to each tenement house shall be together and readily ascertainable. Said indices shall be public records, open to public inspection during business hours.

Sec. 85. 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.

Sec. 86. 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.

Sec. 87. The provisions of this act shall be held to be the minimum requirements adopted for the protection, the health and the safety of

the community, and for the protection, the health and the safety of the occupants of tenement houses. Nothing in this act contained shall be construed as prohibiting the local legislative body of any incorporated town, incorporated city, incorporated city and county, or county, from enacting, from time to time, supplementary ordinances or laws imposing further restrictions, or providing for fees to be charged for permits, certificates, or other papers required by this act; but no ordinance, law, regulation or ruling of any municipal department, authority, officer or officers, shall repeal, amend, modify or dispense with any of the provisions of this act.

All statutes of the state and all ordinances of incorporated towns, incorporated cities, incorporated cities and counties, 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 of any incorporated town, incorporated city, incorporated city and county, or county in the state which further restricts the percentage of the lot to be covered by a tenement house, the number of stories or height of such tenement house or 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 floor space to each person occupying a room,* the requirements as to sanitation, ventilation, light and protection against fire.

Nothing in this act contained shall be construed as abrogating, diminishing, minimizing, or denying the power of any incorporated town, incorporated city, incorporated city and county, or county, by ordinance or law, to further restrict the percentage of the lot to be covered by a tenement house within said municipality, the number of stories or height of such tenement house or 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 floor space to each person occupying a room,* the requirements as to sanitation, ventilation, light and protection against fire.

Sec. 88. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Sec. 89. *This act shall take effect and be in force from and after September 1, 1917.*

Sec. 90. The 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," approved April 10, 1911, statutes of California, 1911, page 860, and approved June 13, 1913, statutes of California, 1913, page 737, and approved May 29, 1915, statutes of California, page 952, and all acts amendatory thereof are hereby repealed.

An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of hotels, and the maintenance, use and occupancy of the premises and land on which hotels are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated 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 hotels and lodging houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved June 16, 1913, statutes of California of 1913, page 1429.

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

Section 1. This act shall be known as the "state hotel and lodging house act," and its provisions shall apply to all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties.

Sec. 2. It shall be the duty of the *"building* department" of every incorporated town, incorporated city, and incorporated city and county, to enforce all the provisions of this act pertaining to the erection, construction, reconstruction, moving, conversion, alteration and arrangement of hotels and to issue the certificate of "final completion" hereinafter provided.

It shall be the duty of the "housing department" and if there is no housing department the health department of every incorporated town, incorporated city, and incorporated city and county to enforce all of the provisions of this act pertaining to the maintenance, sanitation, ventilation, use and occupancy of hotels after said hotels have been erected, constructed or altered, as the case may be, and the certificate of "final completion" has been issued by the building department and to issue the "permit of occupancy" as hereinafter provided.

In the event that there is no building department or no *housing* department or health department in an incorporated town, incorporated city or incorporated city and county, it shall be the duty of the officer or officers who are charged with the enforcement of ordinances and laws regulating the erection, construction or alteration of buildings, or the maintenance, sanitation, ventilation or occupancy of buildings, or of the police, fire or health regulations in said incorporated town, incorporated city or incorporated city and county to enforce all of the provisions of this act.

In every county it shall be the duty of the officer or officers who are charged with the enforcement of ordinances or laws regulating the erection, construction or alteration of buildings, or of the maintenance, sanitation, occupancy and ventilation of buildings, or of the police, fire or health regulations in said county, to enforce all of the provisions of this act outside of the limits of any incorporated town or incorporated city.

Every incorporated town, incorporated city, or incorporated city and county in the State of California shall have authority, and it is hereby empowered and given authority, to designate and charge by ordinance any other department or officer than the department or officers mentioned herein, with the enforcement of this act, or any portion thereof.

The commission of immigration and housing of California shall have, and it is hereby empowered and given authority to enforce the provisions of this act, which do not pertain to the actual erection, construction, reconstruction, moving, conversion, alteration and arrangement of hotels in all parts of the State of California, including all incorporated towns, incorporated cities, incorporated 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 or officer, or departments or officers who are charged with the enforcement of the provisions of this act, in writing, of such violation or violations, and the said local department or officer, or departments or officers, fail, neglect or refuse to enforce the provisions of the said act within thirty days thereafter; provided, however, that the said commission of immigration and housing of California shall enforce the provisions of this act only in the instances specified in said written notice.

Sec. 3. It shall be unlawful for any person, firm or corporation, whether as owner, agent, contractor, builder, architect, engineer, superintendent, foreman, plumber, tenant, lessee, lessor,

occupant, or in any other capacity whatsoever, to erect, construct, reconstruct, alter, build upon, move, convert, use, occupy or maintain, or to cause, permit or suffer to be erected, constructed, reconstructed, altered, built upon, moved, converted, used, occupied or maintained any hotel or any portion thereof contrary to the provisions of this act, or to commit or maintain or cause or permit to be committed or maintained any nuisance in or upon any hotel or any portion thereof, or any of the premises, yards or courts which are a part thereof, or which are required by the provisions of this act; or to do or cause to be done, or to use or cause to be used, any privy, sewer, cesspool, plumbing or house drainage affecting the sanitary condition of any hotel or any portion thereof, or of the premises thereof, contrary to any of the provisions of this act.

Sec. 4. It shall be unlawful for any person to make any alterations or changes or reconstruction work of any kind whatsoever, to any hotel erected prior to the passage of this act, or to any hotel hereafter erected, or to increase the height, in any manner which would be inconsistent with any of the provisions of this act, or in violation of said provisions of this act; or in any manner to diminish the size of the yards, courts or shafts or the size of windows or skylights, or to remove any stairway or fire escape, or to obstruct the egress from such building or from the hallways or stairways, or to do anything that would affect the ventilation and sanitation of the building, contrary to any of the provisions of this act.

Sec. 5. A building not erected for, or which is not used as a hotel at the time of the passage of this act, if hereafter converted to or altered for such use, shall thereupon become subject to all of the provisions of this act affecting hotels hereafter erected.

A building used as a hotel at the time of the passage of this act, if moved, shall be made to conform to all of the provisions of this act affecting hotels hereafter erected, in so far as they pertain to the percentage of lot occupied and the size of outer courts, inner courts bounded by a lot line, and yards.

It shall be unlawful to reconstruct any hotel which is hereafter damaged by fire or the elements to an extent in excess of *fifty-one* per cent of its physical proportions, unless the said building is made to conform to all of the provisions of this act affecting hotels hereafter erected.

Sec. 6. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment, 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 same, in the prosecution of such violation. The costs, expense and disbursements by this section provided shall be fixed by the court having jurisdiction of the matter.

Except as herein otherwise specified, the procedure for the prevention of violations of this act, for the vacation of hotels or premises unlawfully occupied, or for the abatement of a nuisance in connection with a hotel, or the premises thereof, shall be as set forth in the charter and ordinances of the municipality in which the procedure is instituted.

Sec. 7. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion or alteration of a hotel, or to move or to build upon a hotel, or to convert a building or any portion thereof into use as a hotel without first obtaining a permit in writing so to do from the department charged with the enforcement of this act. Any person, firm or corporation desiring such a permit shall file an application therefor with the department charged with the enforcement of this act. Said application shall give a detailed statement in writing, verified under oath by the person making the same, of the erection, construction, reconstruction, moving, conversion, or alteration, as the case may be, upon blanks or forms to be furnished by the said department. The said application must be accompanied with a full, true and complete set of the plans of the hotel, or alteration, or work proposed, as the case may be, together with a set of specifications describing the materials proposed to enter into the construction of the proposed work, also a plan of the lot on which such building is proposed to be erected, constructed, reconstructed, converted, altered or moved, as the case may be. Such statement shall give in full the name and address by street and number of the owner or owners, also the name and address of the architect and of the contractor, if there be such an architect or contractor; *also shall give such other data and information as in the judgment of the department charged with the enforcement of this act is deemed necessary.*

The affidavit to said application shall allege that the plans and specifications are true and contain a correct description of the proposed hotel, lot and proposed work. If any person other than the owner makes such affidavit, such person shall not be recognized except that he allege in his affidavit that he is authorized and empowered by the said owner to act for him and to sign the required affidavit. Said department charged with the enforcement of this act shall cause all such plans, specifications and statement to be examined, and if it appears that they conform to the provisions of this act, shall then issue a permit to the person submitting the same. Said department may, from time to time, approve changes in any plans, specifications or statements previously approved by it; provided, that all changes when so made shall be in conformity with the provisions of this act. Said department shall have the power to revoke or cancel any permit or approval that it has previously issued in case of any refusal, failure or neglect of the person to whom such permit or approval has been issued 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 erection, construction, reconstruction, moving, alteration or conversion of any such hotel, as the case may be, shall be made in accordance with the plans, specifications and statements submitted or filed, and for which the permit is issued.

A true copy of the plans, specifications and other information submitted or filed, upon which a permit is issued, with the approval of the department with which they are filed, stamped or written thereon, shall be kept upon the premises of the hotel or work for which the said permit is issued, from the commencement of the said building or work to the final completion of same, and shall be subject to inspection at all times by proper authorities.

The department charged with the enforcement of this act may, at its discretion, issue a permit in case of nominal alterations or repairs, when application is made therefor, in writing, by the owner or his agent, when the making of said nominal alterations and repairs do not affect any structural feature or the sanitation or the ventilation of the hotel, without requiring the filing of plans or specifications.

The issuance or granting of a permit or approval by the department charged with the enforcement of this act under the authority of this section shall not be deemed or construed to be a permit or an approval of the violation of any of the provisions of this act.

Every permit or approval which is issued by the department charged with the enforcement of this act, but under which no work has been done within ninety days from the date of issuance, 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 done.

Sec. 8. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to occupy or to permit to

the community, and for the protection, the health and the safety of the occupants of tenement houses. Nothing in this act contained shall be construed as prohibiting the local legislative body of any incorporated town, incorporated city, incorporated city and county, or county, from enacting, from time to time, supplementary ordinances or laws imposing further restrictions, or providing for fees to be charged for permits, certificates, or other papers required by this act; but no ordinance, law, regulation or ruling of any municipal department, authority, officer or officers, shall repeal, amend, modify or dispense with any of the provisions of this act.

All statutes of the state and all ordinances of incorporated towns, incorporated cities, incorporated cities and counties, 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 of any incorporated town, incorporated city, incorporated city and county, or county in the state which further restricts the percentage of the lot to be covered by a tenement house, the number of stories or height of such tenement house or 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 floor space to each person occupying a room,* the requirements as to sanitation, ventilation, light and protection against fire.

Nothing in this act contained shall be construed as abrogating, diminishing, minimizing, or denying the power of any incorporated town, incorporated city, incorporated city and county, or county, by ordinance or law, to further restrict the percentage of the lot to be covered by a tenement house within said municipality, the number of stories or height of such tenement house or 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 floor space to each person occupying a room,* the requirements as to sanitation, ventilation, light and protection against fire.

Sec. 88. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Sec. 89. This act shall take effect and be in force from and after September 1, 1917.

Sec. 90. The 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," approved April 10, 1911, statutes of California, 1911, page 860, and approved June 13, 1913, statutes of California, 1913, page 737, and approved May 29, 1915, statutes of California, page 952, and all acts amendatory thereof are hereby repealed.

An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of hotels, and the maintenance, use and occupancy of the premises and land on which hotels are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated 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 hotels and lodging houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved June 16, 1913, statutes of California of 1913, page 1429.

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

Section 1. This act shall be known as the "state hotel and lodging house act," and its provisions shall apply to all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties.

Sec. 2. It shall be the duty of the "*building* department" of every incorporated town, incorporated city, and incorporated city and county, to enforce all the provisions of this act pertaining to the erection, construction, reconstruction, moving, conversion, alteration and arrangement of hotels and to issue the certificate of "final completion" hereinafter provided.

It shall be the duty of the "housing department" and if there is no housing department the health department of every incorporated town, incorporated city, and incorporated city and county to enforce all of the provisions of this act pertaining to the maintenance, sanitation, ventilation, use and occupancy of hotels after said hotels have been erected, constructed or altered, as the case may be, and the certificate of "final completion" has been issued by the building department and to issue the "permit of occupancy" as hereinafter provided.

In the event that there is no building department or no *housing* department or health department in an incorporated town, incorporated city or incorporated city and county, it shall be the duty of the officer or officers who are charged with the enforcement of ordinances and laws regulating the erection, construction or alteration of buildings, or the maintenance, sanitation, ventilation or occupancy of buildings, or of the police, fire or health regulations in said incorporated town, incorporated city or incorporated city and county to enforce all of the provisions of this act.

In every county it shall be the duty of the officer or officers who are charged with the enforcement of ordinances or laws regulating the erection, construction or alteration of buildings, or of the maintenance, sanitation, occupancy and ventilation of buildings, or of the police, fire or health regulations in said county, to enforce all of the provisions of this act outside of the limits of any incorporated town or incorporated city.

Every incorporated town, incorporated city, or incorporated city and county in the State of California shall have authority, and it is hereby empowered and given authority, to designate and charge by ordinance any other department or officer than the department or officers mentioned herein, with the enforcement of this act, or any portion thereof.

The commission of immigration and housing of California shall have, and it is hereby empowered and given authority to enforce the provisions of this act, which do not pertain to the actual erection, construction, reconstruction, moving, conversion, alteration and arrangement of hotels in all parts of the State of California, including all incorporated towns, incorporated cities, incorporated 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 or officer, or departments or officers who are charged with the enforcement of the provisions of this act, in writing, of such violation or violations, and the said local department or officer, or departments or officers, fail, neglect or refuse to enforce the provisions of the said act within thirty days thereafter; provided, however, that the said commission of immigration and housing of California shall enforce the provisions of this act only in the instances specified in said written notice.

Sec. 3. It shall be unlawful for any person, firm or corporation, whether as owner, agent, contractor, builder, architect, engineer, superintendent, foreman, plumber, tenant, lessee, lessor,

occupant, or in any other capacity whatsoever, to erect, construct, reconstruct, alter, build upon, move, convert, use, occupy or maintain, or to cause, permit or suffer to be erected, constructed, reconstructed, altered, built upon, moved, converted, used, occupied or maintained any hotel or any portion thereof contrary to the provisions of this act, or to commit or maintain or cause or permit to be committed or maintained any nuisance in or upon any hotel or any portion thereof, or any of the premises, yards or courts which are a part thereof, or which are required by the provisions of this act; or to do or cause to be done, or to use or cause to be used, any privy, sewer, cesspool, plumbing or house drainage affecting the sanitary condition of any hotel or any portion thereof, or of the premises thereof, contrary to any of the provisions of this act.

Sec. 4. It shall be unlawful for any person to make any alterations or changes or reconstruction work of any kind whatsoever, to any hotel erected prior to the passage of this act, or to any hotel hereafter erected, or to increase the height, in any manner which would be inconsistent with any of the provisions of this act, or in violation of said provisions of this act; or in any manner to diminish the size of the yards, courts or shafts or the size of windows or skylights, or to remove any stairway or fire escape, or to obstruct the egress from such building or from the hallways or stairways, or to do anything that would affect the ventilation and sanitation of the building, contrary to any of the provisions of this act.

Sec. 5. A building not erected for, or which is not used as a hotel at the time of the passage of this act, if hereafter converted to or altered for such use, shall thereupon become subject to all of the provisions of this act affecting hotels hereafter erected.

A building used as a hotel at the time of the passage of this act, if moved, shall be made to conform to all of the provisions of this act affecting hotels hereafter erected, in so far as they pertain to the percentage of lot occupied and the size of outer courts, inner courts bounded by a lot line, and yards.

It shall be unlawful to reconstruct any hotel which is hereafter damaged by fire or the elements to an extent in excess of *fifty-one* per cent of its physical proportions, unless the said building is made to conform to all of the provisions of this act affecting hotels hereafter erected.

Sec. 6. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment, 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 same, in the prosecution of such violation. The costs, expense and disbursements by this section provided shall be fixed by the court having jurisdiction of the matter.

Except as herein otherwise specified, the procedure for the prevention of violations of this act, for the vacation of hotels or premises unlawfully occupied, or for the abatement of a nuisance in connection with a hotel, or the premises thereof, shall be as set forth in the charter and ordinances of the municipality in which the procedure is instituted.

Sec. 7. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion or alteration of a hotel, or to move or to build upon a hotel, or to convert a building or any portion thereof into use as a hotel without first obtaining a permit in writing so to do from the department charged with the enforcement of this act. Any person, firm or corporation desiring such a permit shall file an application therefor with the department charged with the enforcement of this act. Said application shall give a detailed statement in writing, verified under oath by the person making the same, of the erection, construction, reconstruction, moving, conversion, or alteration, as the case may be, upon blanks or forms to be furnished by the said department. The said application must be accompanied with a full, true and complete set of the plans of the hotel, or alteration, or work proposed, as the case may be, together with a set of specifications describing the materials proposed to enter into the construction of the proposed work, also a plan of the lot on which such building is proposed to be erected, constructed, reconstructed, converted, altered or moved, as the case may be. Such statement shall give in full the name and address by street and number of the owner or owners, also the name and address of the architect and of the contractor, if there be such an architect or contractor; *also shall give such other data and information as in the judgment of the department charged with the enforcement of this act is deemed necessary.*

The affidavit to said application shall allege that the plans and specifications are true and contain a correct description of the proposed hotel, lot and proposed work. If any person other than the owner makes such affidavit, such person shall not be recognized except that he allege in his affidavit that he is authorized and empowered by the said owner to act for him and to sign the required affidavit. Said department charged with the enforcement of this act shall cause all such plans, specifications and statements to be examined, and if it appears that they conform to the provisions of this act, shall then issue a permit to the person submitting the same. Said department may, from time to time, approve changes in any plans, specifications or statements previously approved by it; provided, that all changes when so made shall be in conformity with the provisions of this act. Said department shall have the power to revoke or cancel any permit or approval that it has previously issued in case of any refusal, failure or neglect of the person to whom such permit or approval has been issued 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 erection, construction, reconstruction, moving, alteration or conversion of any such hotel, as the case may be, shall be made in accordance with the plans, specifications and statements submitted or filed, and for which the permit is issued.

A true copy of the plans, specifications and other information submitted or filed, upon which a permit is issued, with the approval of the department with which they are filed, stamped or written thereon, shall be kept upon the premises of the hotel or work for which the said permit is issued, from the commencement of the said building or work to the final completion of same, and shall be subject to inspection at all times by proper authorities.

The department charged with the enforcement of this act may, at its discretion, issue a permit in case of nominal alterations or repairs, when application is made therefor, in writing, by the owner or his agent, when the making of said nominal alterations and repairs do not affect any structural feature or the sanitation or the ventilation of the hotel, without requiring the filing of plans or specifications.

The issuance or granting of a permit or approval by the department charged with the enforcement of this act under the authority of this section shall not be deemed or construed to be a permit or an approval of the violation of any of the provisions of this act.

Every permit or approval which is issued by the department charged with the enforcement of this act, but under which no work has been done within ninety days from the date of issuance, 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 done.

Sec. 8. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to occupy or to permit to

be occupied, any hotel hereafter erected, constructed, reconstructed, altered, converted or moved, as the case may be, or any portion thereof, for human habitation until the issuance of a "certificate of final completion" and a "permit of occupancy" by the department or departments charged with the enforcement of this act.

It shall also be unlawful to occupy any existing hotel until a permit of occupancy has been issued by the department designated to issue such permit.

Every permit of occupancy shall be renewed each calendar year by the department designated to issue the said permit; provided, that no structural alteration, or changes have occurred since the issuance of the certificate of final completion; and provided, that all other provisions of this act have been complied with.

Any person desiring a certificate shall file a notice with the department charged with the enforcement of this act. Said department shall cause an inspection to be made of the said hotel or portion thereof, or work described in the said notice, within ten days after written application therefor, and shall issue a "certificate of final completion" if it is found that all the provisions of this act, regulating the erection, construction, alteration or moving, as the case may be, have been complied with.

The department charged with the enforcement of this act and designated to issue the permit of occupancy, shall issue the said "permit of occupancy" upon application, in writing, therefor by the owner or his agent, and upon the filing by the owner or his agent of such statements or records required by the department, after the "certificate of final completion" has been issued; *provided, that no violations have occurred since the issuance of the certificate of final completion, or, in the case of a hotel erected prior to the passage of this act, and for which no certificate of final completion has been issued, then after the said department has caused an inspection to have been made of the said hotel and has found that all of the provisions of this act applying to such hotel have been complied with.*

All permits and certificates shall be made in duplicate and a copy shall remain on file in the department issuing them.

Any hotel hereafter erected, altered, converted or moved, which is occupied, or any portion thereof which is occupied for human habitation, prior to a "certificate of final completion" or a "permit of occupancy" being issued, shall be deemed a nuisance and the department or departments charged with the enforcement of this act may cause it to be vacated, until the said certificate of completion and permit of occupancy have been obtained in accordance with the provisions of this act.

Sec. 9. The department or departments charged with the enforcement of this act in any incorporated town, incorporated city, and incorporated city and county, or county, and the authorized officers, agents or employees of such department or departments, may, whenever necessary, enter hotels or portions thereof, or the premises thereof, within the corporate limits of such towns, cities, cities and counties, or counties, for the purpose of inspecting such buildings, in order to secure compliance with the provisions of this act and to prevent violations thereof.

The members of the commission of immigration and housing of California and the agents, officers or employees of said commission may, whenever necessary, enter hotels or portions thereof, or the premises thereof, for the purpose of inspecting such buildings in order to secure compliance with the provisions of this act and to prevent violations thereof.

The owner or his authorized agent may, whenever necessary, enter hotels or portions thereof, or the premises thereof, owned by him, to carry out any instructions or to perform any work required to be done by the provisions of this act.

Sec. 10. For the purpose of this act, certain words and phrases are defined as follows, unless it shall be apparent from their context that they have a different meaning:

Words used in the singular include the plural, and the plural, the singular.

Words used in the present tense include the future.

Words used in the masculine gender include the feminine, and the feminine, the masculine.

Words "building department," "health department," "housing department," "department charged with the enforcement of this act," "fire commissioner," shall be construed as if followed by the words, "of the incorporated town, incorporated city, incorporated city and county, or county," as the case may be, in which the hotel is situated.

"Approved" means whatever material, appliance, appurtenance, or other matter meets the requirements and approval of the department charged with the enforcement of this act, or which is approved by *local ordinance of the municipality in which the building is situated*, or any appliance, appurtenance, or other matter which conforms to the requirements of, and bears the approval of the "national board of fire underwriters"; provided, however, that no such material, appliance, appurtenance or other matter shall be deemed "approved" for use where, or in such a manner as would be inconsistent with the intent, or specific provisions of this act.

"Basement" is any story or portion thereof partly below the level of the curb or the actual adjoining ground level, the ceiling of which in no part is less than seven feet above the curb level or actual adjoining ground levels. If the adjoining ground is excavated to or below the curb level, or to or below the adjoining natural ground level, such excavated space shall have not less than the minimum width and length required in this act for outer courts. *Every basement is a story.*

"Building" is a hotel.

"Building department" means the commissioner of buildings, superintendent of buildings, chief inspector of buildings, or any officer or department charged with the enforcement of ordinances and laws regulating the construction and alteration of buildings or structures.

"Cellar" is any story or portion thereof, the ceiling of which in any part is less than seven feet above the curb level and actual adjoining ground levels.

"Court" is an open, unoccupied space other than a yard on the lot on which is situated a hotel. A court, one entire side or end of which is bounded by a front yard, a rear yard or a side yard, or by the front of lot, or by a street or a public alley, is an "outer court." Every court which is not an "outer court" is an "inner court."

Every court shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in the building in which there are windows from rooms abutting the said court, except that a cornice on the building may extend into an "outer court" two inches for each one foot in width of such court, and a cornice may extend into an "inner court" one inch for each one foot in width of such court.

"Curb level" is the curb level opposite the center of the "front of lot."

Wherever the word "department" is used it means the building department, the housing department, the health department or such other department or officer, or departments or officers, who are charged with the enforcement of the provisions of this act.

"Dormitory" is a room in which more than two persons are "guests" and are not living together, and shall, for the purpose of computing the number of rooms, be deemed a separate guest room for each one hundred square feet of superficial floor area therein.

"Fireproof hotel" is a building wherein all the exterior and interior loads or strains are transmitted to the foundation by means of concrete, reinforced concrete, brick, stone or by means of a skeleton framework of steel or iron; the exterior walls, inner court walls and roof constructed of concrete, reinforced concrete, brick, stone or *hollow* terra cotta tile; where all the structural steel or iron is thoroughly fireproofed

by concrete, cement plaster, tile, brick or sandstone, not less than two inches thick; where all the interior partitions are constructed of either *hollow* terra cotta tile blocks, gypsum blocks, brick, concrete, reinforced concrete, or of metal studs lathed with metal lath and plastered not less than three-quarters inch thick *including the lath or of metal studs lathed with approved plaster board and plastered not less than three-quarters inch thick including the plaster board,* or constructed of wire glass not less than one-fourth inch thick, set in metal frames and sash, and all other materials used in the said building are of approved incombustible material except that the glass in windows, transoms, or doors may be of plain glass, and except that doors, frames, sash and the usual trim of rooms, hallways, corridors, and passageways may be of wood, and except that wood floors may be placed on top of the floors constructed of incombustible materials, except in the public hallways.

"Guest" is any person hiring and occupying a room for sleeping purposes, and shall include both boarders and lodgers.

"Guest room" is a room which is occupied, or is intended, arranged or designed to be occupied for sleeping purposes by one or more guests, but shall not be deemed to include dormitories used for sleeping purposes.

"Hotel" is any house or building, or portion thereof, containing six or more guest rooms which are let or hired out to be occupied, or which are occupied by six or more guests, whether the compensation for hire be paid directly or indirectly in money, goods, wares, merchandise, labor or otherwise, and shall include Turkish baths, bachelor hotels, studio hotels, public and private clubs and any building of any nature whatsoever so designed or occupied, except hospitals where persons temporarily reside and where each such person receives regular bona fide medical attendance on the premises, and jails, detention buildings and similar buildings where human beings are housed and detained under restraint.

"Housing department" is any department or commission charged with the enforcement of ordinances or laws regulating the occupancy and maintenance of hotel, lodging house or dwelling house buildings; and where no such department is maintained, shall be deemed to be the health commissioner, the department of health, health officer, or similar department charged with the enforcement of laws and ordinances relating to the protection of the public health.

"Lot" is a parcel or area of land on which is situated a hotel, together with the land, yards, courts and unoccupied spaces for such a hotel as required by this act; all of which land shall be owned by or be under the absolute lawful control and in the lawful possession of the hotel.

A lot situated at the junction of two or more intersecting streets, with a boundary line thereof bordering on each of the two streets, is a "corner lot." All parts of the width of such corner lot which are distant more than seventy-five feet from the junction point of the two or more intersecting streets, shall be deemed to be an "interior lot." The owner or his authorized agent may designate either street frontage as being the front of such corner lot for the purpose of determining the width thereof.

A lot which has only one boundary line bordering on a public street is an "interior lot."

"Rear lot" is a parcel or area of land having no boundary line bordering on a street, or having less than one-half of its width as a boundary line bordering on a street.

"Front of lot" is the boundary line of lot bordering on the street. In case of a corner lot, either of the boundary lines may be the "front of lot."

"Rear of lot" is the boundary line thereof opposite the "front of lot."

"Depth of lot" is the mean distance from the "front of lot" to the "rear of lot."

"Nuisance" embraces public nuisance as known at common law or in equity jurisprudence, and whatever is dangerous to human life or detrimental to health; and shall also embrace the overcrowding with occupants of any room, insufficient ventilation, or illumination, or inadequate or insanitary sewerage or plumbing facilities, or uncleanliness, and whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

"Person" is a natural person, his heirs, executors, administrators or assigns; also includes a firm, partnership, or corporation, its or their successors or assigns.

"Public hallway" is a hallway, corridor, passageway or vestibule not within a suite, and includes stairways, landings and platforms.

"Rear hotel" is a hotel on a "rear lot."

"Semifireproof hotel" is a building with all exterior walls and walls of inner and outer courts constructed of brick, stone, concrete, reinforced concrete or hollow terra cotta tile, except that the walls of an inner court, which court is surrounded on four sides by the same building, may be constructed as provided in this act for such inner courts; interior partitions and floors constructed of approved incombustible materials or of wood, with all ceilings, partitions, soffits of stairways, and outside stringers of open stairways and stair wells metal lathed and plastered not less than three-quarters inch thick including the lath, or lathed with approved plaster board, plastered not less than three-quarters inch thick including the plaster board; in which all finished floors, frames, doors and the usual trim of rooms and hallways may be built of wood, and the roof of which shall be covered with at least a composition fire-retardant material.

"Shall," Whenever this word is used it shall be mandatory.

"Street" is any public street, alley, thoroughfare or park having a minimum width of sixteen feet, measured from the "front of lot" to the opposite "front of lot" and which shall have been dedicated or deeded to the public for public use.

"Turkish bath" is a dormitory or a combination of guest rooms, accommodating six (6) or more guests, in connection with which any form of bath or massage is given by the attendants to the guests.

"Wooden hotel" is a building which does not fully comply with the requirements for a fireproof or a semifireproof hotel as defined in this act, *and shall include all frame and all veneered buildings.* In every such building all ceilings and walls and partitions of public hallways, soffits of interior stairways *and the outside stringers of open stairways* and stair wells shall be metal lathed and plastered not less than three-quarters inch thick *including the lath, or lathed with an approved plaster board and be plastered not less than three-quarters inch thick including the plaster board.*

"Yard" is an open unoccupied space other than a court on the lot on which is situated a hotel, open and unobstructed to the sky *from a point not more than two feet above the floor line of the lowest story in the building in which there are windows from rooms abutting the said yard; except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may extend not more than four feet into a yard, providing they do not in any manner obstruct the light or ventilation of rooms.* If such yard is between the front line of the building and the front boundary line of the lot, it is a "front yard." If it is between the extreme rear line of the building and the rear of the lot, it is a "rear yard." If it extends from the rear yard to the front yard, or front of lot, it is a "side yard."

Sec. 11. No hotel shall hereafter be erected on or moved onto a rear lot. No building for any purpose shall hereafter be erected in front of any hotel unless there shall be left unoccupied a front yard extending from the front of the rear hotel to the front line of lot bordering on the street.

Such front yard shall not be in any part less in width than fifty (50) per cent of the actual width of the rear hotel.

Sec. 12. No fireproof hotel hereafter erected shall exceed one hundred fifty feet in height, nor more than one and one-half times the width

of the widest street to which the lot on which it is situated abuts.

No semifireproof hotel building hereafter erected shall exceed six stories at any point, nor more than *sixty-five feet* in height (except as hereinafter provided), nor more than *one and one-half* times the width of the widest street to which the lot on which it is situated abuts.

No wooden hotel hereafter erected shall exceed three stories at any point, nor more than thirty-six feet in height (except as hereinafter provided), nor more than *one and one-half* times the width of the widest street to which the lot on which it is situated abuts.

The width of the street, for this purpose, shall be measured from the extreme front of the building to the "front of lot" opposite, across the street.

For the purposes of this section, a basement is a story.

The height of a fireproof hotel is the perpendicular distance from the curb level or adjoining ground levels *to the highest point of the roof. The height of a semifireproof or of a wooden hotel is the perpendicular distance from the curb level or adjoining ground levels to the lowest point of the finished ceiling of the top story; provided, that in the case of a semifireproof hotel situated on a lot with the ground sloping downward from the facade at which the measurement is taken the height of the building shall not at any point exceed sixty-five feet above the curb level measured on the facade facing the street, nor shall the height of the building at any point of the grade exceed seventy-five feet above the adjoining curb in case of a corner lot, or above the level of the ground in the case of an interior lot,* and in the case of a wooden hotel situated on a lot with the ground sloping downward from the facade at which the measurement is taken the height of the building shall not at any point exceed *thirty-six* feet above the curb line measured on the facade facing the street, nor shall the height of the building at any point of the grade exceed *forty-six* feet above the adjoining curb in the case of a corner lot or above the level of the ground in the case of an interior lot.

Sec. 13. In no event shall any yard or court be made to serve the purpose of two hotels hereafter erected, or of an existing hotel and a hotel hereafter erected, *unless such yard or court, as the case may be, is of the full size required for two hotels, and then only in the event that such yard or court, as the case may be, is located on the same lot and owned by or in the absolute lawful control and in the lawful possession of the hotel it proposes to serve.*

Where a hotel, now or hereafter erected, stands upon a 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 and two additional feet shall be added to such minimum distance of *ten* feet for every story more than *one* in height of the highest building on such lot.

Sec. 14. The depth of a rear yard shall be measured at right angles from the extreme rear line of the building towards the rear lot line.

Sec. 15. The minimum size of every rear yard for a hotel hereafter erected shall be not less in width and in area than an inner court, except that if such rear yard is bounded on its entire one end or side by an outer court, or by a side yard or by a street, or by a public alley or park, then such rear yard shall be not less in width *or exceed the maximum length* of an outer court; provided, however, that if the lot extends through from one street to another street or public alley, *one-half of the narrowest street or public alley,* to which said lot abuts may be considered as a part of the lot in computing the rear yard required.

Sec. 16. Every rear yard not bordering on a street or public alley and without direct access thereto shall have access to a street or public alley by means of an unobstructed passageway not less than *three feet six inches* in clear width, nor less than *seven* feet in clear height; and if such passageway or any portion thereof passes through a building, such portion thereof shall be built of approved incombustible materials, or shall be lathed with metal lath *or approved plaster board* and be plastered not less than three-quarters inch thick including the lath or plaster board, or shall be lined with not less than number twenty-six (gauge) galvanized iron, and shall be drained and *lighted.*

Sec. 17. Every front yard which is excavated below the level of the curb or below the adjoining ground level for the purpose of furnishing light and ventilation to a basement shall in no part be less in width and length than required for outer courts.

Sec. 18. The width of every side yard shall be not less than the width required for an outer court, except that the provisions of this act regarding the maximum lengths of an outer court shall not apply to a side yard; provided, that if there is a side yard on both sides of the building connected one with the other across the rear of the building by the rear yard, then the width of the side yards may be reduced twelve inches.

Sec. 19. The minimum size of every outer court for a hotel hereafter erected shall be as follows.

Height of building based on the full number of stories in the building measured upward from and including the lowest story in which there is a guest room, or guest rooms, or a dormitory or dormitories	Minimum width of court	*Maximum length of court*
1 story	*4 ft. 0 in.*	*16 ft. 0 in.*
2 stories	*4 ft. 0 in.*	*16 ft. 0 in.*
3 stories	*4 ft. 6 in.*	*25 ft. 0 in.*
4 stories	*5 ft. 6 in.*	*30 ft. 0 in.*
5 stories	*6 ft. 0 in.*	*35 ft. 0 in.*
6 stories	*8 ft. 0 in.*	*35 ft. 0 in.*
7 stories	*10 ft. 0 in.*	*40 ft. 0 in.*
8 stories	*12 ft. 0 in.*	*40 ft. 0 in.*
9 stories	*13 ft. 0 in.*	*40 ft. 0 in.*
10 or more stories	*14 ft. 0 in.*	*40 ft. 0 in.*

There shall be added to the minimum width of each such outer court six inches for each five feet or fractional part thereof in excess of the maximum length; provided, however, that the maximum lengths herein provided shall not apply when the outer court is bounded on one side for its entire length by a lot line; provided, further, that if an outer court is bounded by a public alley or public park, the width of such public alley or public park may be considered a part of the lot in determining the required width of the outer court.

Sec. 20. The minimum size of every inner court for a hotel hereafter erected shall be as follows:

Height of building based on the full number of stories in the building measured upward from and including the lowest story in which there is a guest room, or guest rooms, or a dormitory or dormitories	Minimum width of court	Minimum area of court in square feet
1 story	*6 ft. 0 in.*	*75 square ft.*
2 stories	*6 ft. 0 in.*	*75 square ft.*
3 stories	*7 ft. 0 in.*	*120 square ft.*
4 stories	*8 ft. 0 in.*	*160 square ft.*
5 stories	*12 ft. 0 in.*	*350 square ft.*
6 stories	*16 ft. 0 in.*	*500 square ft.*
7 stories	*20 ft. 0 in.*	*625 square ft.*
8 stories and more	*25 ft. 0 in.*	*850 square ft.*

provided, however, that the minimum size of every inner court which is bounded on one side

for its entire length by a lot line may be as follows:

Height of building based on the full number of stories in the building measured upward from and including the lowest story in which there is a guest room, or guest rooms, or a dormitory or dormitories	Minimum width of court	Minimum area of court
1 story	*5 ft. 0 in.*	*75 square ft.*
2 stories	5 ft. 0 in.	75 square ft.
3 stories	6 ft. 0 in.	120 square ft.
4 stories	7 ft. 0 in.	*160* square ft.
5 stories	9 ft. 0 in.	*250* square ft.
6 stories	*16* ft. 0 in.	*400* square ft.
7 stories	*20* ft. 0 in.	*625* square ft.
8 stories and more	*24* ft. 0 in.	*840* square ft.

Every inner court hereafter constructed and every inner court or vent shaft now in any hotel or lodging house shall be provided with a door or window at or near the bottom thereof giving sufficient access to such court or vent shaft as to enable it to be properly cleaned out.

Sec. 21. Every recess from a court, yard or street in a hotel hereafter erected shall *unless it conforms to the requirements of this act for an inner court, or an outer court*, be not less in width than its depth. Every such recess shall be open and unobstructed from a point not more than two feet above the floor line of the lowest story in the building in which there are rooms the said recess proposes to serve.

Sec. 22. Every inner court in a hotel of two or more stories in height hereafter erected shall be provided with one or more horizontal intakes at the bottom of the court, as follows:

Inner court areas	*Minimum number of intakes*	*Net aggregate area of intakes*
Each not exceeding 600 square feet	*One*	*19½ square feet*
Each not exceeding 800 square feet	*Two*	*40 square feet*
Each exceeding 800 square feet	*Two*	*60 square feet*

Every such intake shall always extend directly to the front of lot or front yard, or rear yard, or to a side yard, or to a street, or to a public alley or park. Whenever more than one intake is required, one such intake shall extend to the front of lot or front yard, and one to the rear yard, public alley, public park, or to the other street, and the court ends of the air intakes shall be as far apart as possible.

Each such intake shall consist of an unobstructed duct or passageway having a minimum width of three feet in all its parts and a minimum height of six feet six inches.

Every such intake shall be constructed of approved incombustible materials, or shall be lined with at least number twenty-six (gauge) galvanized iron on the inside thereof. Such air intakes may be closed at each end with a gate or grill having not less than seventy-five per cent of open work.

In case the inner court does not extend below the second floor level, then each such air intake may consist of an unobstructed open duct, constructed of approved incombustible materials *or lined with at least number twenty-six (gauge) galvanized iron* on the inside thereof, having an interior area of not less than *nineteen* and *one-half* square feet, and in no dimension less than twelve inches, and covered at each end with a wire screen of not less than one inch mesh.

Every air intake shall be drained and so constructed and arranged as to be readily cleaned out.

Sec. 23. In no hotel shall any room in the cellar be constructed, altered, converted or occupied for sleeping purposes.

Every cellar shall be *illuminated* and ventilated. The walls and floor of every cellar hereafter constructed, which are below the ground level, shall be made waterproof and dampproof, and whenever deemed necessary and so ordered by the department charged with the enforcement of this act, the walls and ceilings thereof shall be plastered.

Sec. 24. In no hotel shall any room in the basement be constructed, altered, converted or occupied for sleeping purposes, unless such room conforms to all of the requirements of this act for rooms in other parts of the building, and that ceiling of each such room be in all parts not less than seven feet above the adjoining ground level.

Every basement shall be *illuminated* and ventilated. The walls and floors of every basement hereafter constructed, which are below the ground level, shall be made waterproof and dampproof, and whenever deemed necessary and so ordered by the department charged with the enforcement of this act, the walls and ceilings thereof shall be plastered.

Sec. 25. In every hotel hereafter erected, the lowest floor thereof shall be at least *eighteen* inches above the surface soil adjoining and under the floor, and the entire space under such floor shall be kept dry, drained, clean and free from any accumulation of rubbish, debris or filth.

Such space under the floor shall be enclosed and provided with a sufficient number of openings with removable screens or similar provisions of a size to insure ample ventilation; provided, however, that in any such building the lowest floor thereof may be less than *eighteen* inches above the surface soil *but in no case less than six inches* (except where masonry floors are laid directly on the soil) *if the said floor is made impervious to the ingress of rats or other vermin, as follows:*

(a) Foundation walls shall be constructed of concrete or of brick or stone or other masonry laid in a good morter or constructed of some other equally as rat proof material.

(b) The said foundation walls shall be not less than six inches in thickness at the top nor less than *twelve* inches in thickness at the bottom, nor extend less than *twelve* inches below the surface soil, and except where masonry floors are laid directly on the soil, shall extend not less than six inches above the surface soil.

(c) Every opening in the foundation walls, for ventilation or for other purposes, shall be made rat proof with suitable metal screens or with some other similar rat proof material. Door or window openings in such walls shall have tight-fitting doors or windows.

(d) The said lowest floor or differing levels thereof, forming a complete floor between the outside walls of the building, shall be constructed either of masonry, or covered with concrete not less than one and one-half inches thick, or constructed of two layers of flooring with a layer of galvanized iron or galvanized iron wire cloth or other approved equally as rat proof material placed between the two layers of flooring. Or in lieu of the floor being constructed as herein prescribed, the entire ground area under the floor shall be covered with concrete not less than two inches thick, except where the surface of the soil is composed of rock. The rat-proofing material shall always extend under the plates of the exterior walls and supporting partitions.

(e) All openings throughout the said floor for chimneys, plumbing, water pipes or for any other purpose shall be closed up tight in the same manner and with the same kind of materials as required under the plates of the exterior walls and supporting partitions, and if the rat-proofing material used for the closing of openings is other than masonry, it shall extend beyond and underlap the flooring all around the opening, not less than two inches.

Sec. 26. In every hotel hereafter erected, every guest room shall contain not less than *ninety* square feet of superficial floor area. Every such room shall at every point be not less than *seven* feet in width, nor less than nine feet in height, measured from the finished floor to the finished ceiling; except that attic rooms and rooms where sloping ceilings occur need be nine feet in height in but one-half the area of the room.

Every water-closet compartment shall be not less than *thirty-six* inches in clear width, and

every such water-closet compartment, bath or slop-sink compartment, or closet or recess from a room, or dressing room shall have a height of not less than seven feet six inches, measured from the finished floor to the finished ceiling.

Every closet, recess from a room, or a dressing room which contains more than twenty-five square feet of superficial floor area (built-in dressers, clothes presses and similar features which are a substantial part of the structure shall not be deemed to be part of the floor area of a closet, recess from a room, or dressing room), shall conform to all of the provisions of this act as to guest rooms, and shall contain not less than *ninety* square feet of superficial floor area.

No part of any room in any hotel shall hereafter be enclosed or subdivided wholly or in part, by a curtain, portiere, fixed or movable partition, or other contrivance or device, for any purpose, contrary to any of the provisions of this act.

Entertainment, amusement or reception rooms, or public dining rooms, hereafter constructed, altered or converted in any hotel shall conform to the provisions of section *thirty* of this act.

Dormitories hereafter constructed, altered or converted in any hotel shall conform to the provisions of section sixty-two of this act.

Sec. 27. In every hotel hereafter erected, every guest room, dormitory, kitchen, scullery, pantry or other room in which food is stored or prepared, public dining room, laundry, barber shop, Turkish baths, general amusement, entertainment or reception room, water-closet, or shower compartment, bath, toilet or slop-sink room and general utility room shall have at least one window, of the area hereinafter required, opening directly upon a street, or upon a yard or court of the dimensions specified in this act and located on the same lot.

All windows required by this act shall be located so as to properly light all portions of the room and shall be made so as to open in all parts and be so arranged that at least one-half of the window may be opened unobstructed.

The windows required by this section in a water-closet or shower compartment, bath, toilet or slop-sink room may open directly into a vent shaft in lieu of a street, yard or court. Such vent shaft to be not less than of the minimum size, and constructed of the materials and in the manner prescribed by section fifty-seven of this act, or such rooms or compartments, in lieu of being provided with windows may be ventilated by an exhaust system of ventilation installed, constructed and maintained as prescribed by section sixty-one hereof.

The windows required by this section to open onto a street, yard, or an outer court, except windows from kitchens, may open through porches, *provided that said porches do not exceed seven feet in depth, measured at right angles to the windows and that at least seventy-five per cent of the entire side of the porch, bounded by the street, yard, or outer court, is left open except that the open space may be enclosed with mosquito screens.*

Kitchens, sculleries, pantries or other rooms used for cooking, storing or preparing of food, public dining rooms, laundries, barber shops, Turkish baths, general amusement or reception rooms and general utility rooms, in lieu of windows may be ventilated by an exhaust system of ventilation installed, constructed and maintained as prescribed by section sixty-one hereof.

Sec. 28. In every hotel hereafter erected, the total window area in each guest room, kitchen, scullery, pantry or other room in which food is stored or prepared, laundry, barber shop, Turkish bath, or general utility room, shall be at least one-eighth of the superficial floor area of the room.

The aggregate window area in each room shall be not less than twelve square feet and no single window shall be less than six square feet in area.

All measurements for window area shall be taken to the outside of the sash.

The window area required for dormitories, entertainment, amusement, reception or dining rooms shall be as hereinafter provided.

Sec. 29. In every hotel hereafter erected each window in a water-closet compartment, bath, toilet or slop-sink room, or shower room, shall be not less than three square feet in area. The aggregate area of windows for each such compartment or room shall be not less than six square feet. In each such compartment or room containing more than one water closet, bath, urinal or slop-sink, the aggregate window area shall be equivalent to three square feet for each water-closet, bath, urinal or slop-sink therein; except that at no time need the aggregate window area exceed one-fourth of the superficial floor area of such compartment or room.

Sec. 30. In every hotel hereafter erected the total window area in each room used for the purpose of entertainment, amusement, reception or dining room, which room has a superficial floor area not exceeding one hundred eighty square feet, shall be at least one-eighth of the superficial floor area of such room.

Every such room which has a superficial floor area exceeding one hundred eighty square feet shall have an aggregate window area not less than that required for a room of one hundred eighty square feet of superficial floor area.

Every such entertainment, amusement, reception or dining room shall have a minimum height between the finished floor and the finished ceiling of not less than nine feet. No such room or part thereof shall be used for sleeping purposes, except that said room or part thereof complies with all of the other provisions of this act for guest rooms.

Sec. 31. In every hotel hereafter erected every public hallway, on any floor where there are more than five guest rooms, shall have at least one window, opening directly upon a street, or upon a yard or a court, of the dimensions specified in this act and located on the same lot; such windows shall be at the end of the public hallway and placed so as to secure the maximum light into the hallway; provided, however, that in hotels not exceeding two stories in height the public hallway may, in lieu of such windows, be lighted and ventilated by one or more skylights constructed in accordance with the provisions of this act.

Every window required by this act in a public hallway shall be not less than twenty-nine inches in clear width, nor less than fifty-eight inches in height, and the finished sill of same shall be not more than thirty inches above the adjoining finished floor.

Every window shall be made so as to open, and so arranged that at least one-half of the window may be opened unobstructed.

Every skylight provided for in this section shall have an effective horizontal area of glass of not less than fifteen square feet, and shall have ridge ventilators or fixed or movable louvers so as to provide a ventilating area of not less than five hundred square inches. Such skylights shall be so located that no portion of the hallway be distant more than twenty feet, measured from a vertical line, from a skylight opening.

Any part of a public hallway which is offset, recessed, or cut off from any other part of a hallway where such offset or recess is more in length than *one* and *one-half* times the width of the public hallway from which it offsets or recesses, shall be deemed a separate public hallway within the meaning of this section.

French windows or doors, if arranged to open and glazed to give the areas of opening and glass required by this act for windows in public hallways, may be used in lieu of windows therein.

Sec. 32. In every hotel two or more stories in height hereafter erected, where there are more than five guest rooms on any one floor, there shall be provided at the roof over each stairway a ventilating skylight, placed directly as practicable over same, having a minimum effective horizontal area of glass at least twenty square feet in area for buildings two stories in height, and the area of glass in such skylight shall be increased at the ratio of six square feet for each additional story in height. In every such skylight the ventilating area shall be not less than five hundred square inches.

Every such skylight, ventilating openings, shutters and closing and opening devices for the ventilating openings, shall be made of approved

incombustible materials, and so arranged that the entire ventilating area may be readily opened from at least the topmost and first story levels; except that in hotels not exceeding four stories in height the ventilators may be arranged so as to open from at least the first story, or may be fixed permanently in an open position.

Skylights as in this section prescribed may be omitted in case that windows are provided of the size fixed by section thirty-one hereof, and located adjoining the stairways, and that each window adjoining the stairway be provided with an open louver or ventilator providing a ventilating area of not less than one hundred square inches or such louver or ventilator may be placed in the roof over the stairway in which event the ventilating area shall be not less than five hundred square inches.

Whenever a skylight is required, as in this section provided, there shall be constructed a stair well, the clear open area of which shall be at each floor equal to one-third of the area of the glass in the skylight.

Sec. 33. In every hotel hereafter erected there shall be installed not less than one water-closet in a separate compartment, located on the public hallway, for each sex on such floor. One of such water-closets shall be distinctly marked "for men," and one of the water-closets distinctly marked "for women"; and there shall be installed not less than one water-closet in a separate compartment, located on the public hallway, for every ten guest rooms, or fractional part thereof, on such floor, which are not provided with private water-closets. Each of the said water-closets shall be accessible from each of the guest rooms through the public hallway, and not more than one hundred feet distant from the entrance door of each of the guest rooms the said water-closet proposes to serve.

In every hotel hereafter erected there shall be installed not less than one water-closet for every twenty employees of each sex in said building.

No door or other opening in a water-closet or urinal compartment shall open from or into any room in which food is prepared or stored.

The walls enclosing a water-closet compartment shall be well plastered, or constructed of some nonabsorbent material, except that the ordinary wood trim for openings may be used in such a compartment. Every water-closet compartment shall be provided and equipped with a full door, properly hung, and provided with a lock or bolt to lock same.

The floor of every water-closet compartment hereafter constructed shall be made waterproof with asphalt, tile, marble, terrazzo, cement or some other similar nonabsorbent material, and such waterproofing shall extend not less than *six* inches on the vertical walls of the compartment.

Sec. 34. In every hotel erected prior to the passage of this act there shall be installed not less than one water-closet in a separate compartment, located on the public hallway for each sex; one of such water-closets shall be distinctly marked "for men," and one of the water-closets shall be distinctly marked "for women"; and there shall be installed not less than one water-closet in a separate compartment, located on the public hallway, for every twelve guest rooms, or fractional part thereof, on such floor, which are not provided with water-closets; provided, however, that the housing department charged with the enforcement of this act may exempt any hotel existing at the time of the passage of this act from fully complying with the provisions of this paragraph when, in its discretion, such deviation will not be detrimental to the health of the occupants thereof, or to the sanitation of the said hotel or premises; provided, further, that no such exemption shall apply to any addition or extension to a hotel.

Every water-closet hereafter placed in a hotel erected prior to the passage of this act shall comply with every provision of this act relative to water-closets installed in hotels hereafter erected, except that if a water-closet is installed in the top story of any such building, the compartment in which it is installed may be ventilated by a skylight with fixed louvers in lieu of a window; provided, however, that a new water-closet may be installed to replace a defective or antiquated fixture in the same location. No door or other opening in a water-closet, privy, or urinal compartment shall open from or into a room in which food is prepared or stored.

Every hotel erected prior to the passage of this act or hereafter erected, where a connection with the sewer is possible, shall discontinue the use of any school sink, privy vault or any similar receptacle used to receive fecal matter, urine or sewage, and every such receptacle shall be completely removed and the place where it was located be properly disinfected. All such receptacles shall be replaced by individual water-closets of durable nonabsorbent material, properly connected, trapped, vented and provided with flush tanks, the same as is required, by the provisions of this act, in hotels hereafter erected.

Sec. 35. In every hotel hereafter erected there shall be installed not less than one bath tub or shower, in a separate compartment, located on the public hallway, for every ten guest rooms, or fractional part thereof, not provided with private baths; provided, that the said bath tub or shower is on the same floor and is accessible from each guest room through the public hallway. *There shall also be installed not less than one slop-sink on each floor.*

The walls and floors to every bath, shower or slop-sink room hereafter constructed shall be waterproofed and shall be provided with doors in the same manner as required for the construction of water-closet compartments in hotels hereafter erected.

Sec. 36. In every hotel erected prior to the passage of this act there shall be installed not less than one bath tub or shower, in a separate compartment, located in the public hallway, for every twenty guest rooms, or fractional part thereof, which are not provided with private baths; provided, that the said bath tub or shower is located on the same floor and is accessible from each guest room through the public hallway.

There shall also be installed not less than one slop-sink on each floor; provided, however, that the housing department charged with the enforcement of this act may exempt any hotel existing at the time of the passage of this act from fully complying with the provisions of this section when, in its discretion, such deviation will not be detrimental to the health of the occupants thereof, or to the sanitation of the said hotel or premises; provided, further, that no such exemption shall apply to any addition or extension to a hotel.

Sec. 37. In every hotel hereafter erected every plumbing fixture shall be provided with running water, and there shall be provided faucets, with running water, sufficient in number so that all of the yards, courts and passageways may be washed. *Faucets shall be of the hose bibb type, not less than three-quarter inch size.*

Every plumbing fixture affecting the sanitary drainage system in any hotel hereafter erected, shall be properly connected with the street sewer, if a street sewer exists in the street abutting the lot on which the building is located and is ready to receive connections. When it is impracticable to connect such plumbing fixtures with a street sewer, then the plumbing fixtures shall be connected and drained into a cesspool constructed satisfactorily to the department charged with the enforcement of this act; or some other means of sewage disposal satisfactory to the department charged with the enforcement of this act may be made until such time as it may become practicable and possible to connect with the street sewer.

Sec. 38. In every hotel erected prior to the passage of this act, every plumbing fixture shall be provided with running water, and there shall be provided faucets, with running water, sufficient in number so that all of the yards, courts and passageways may be washed. *Faucets shall be of the hose bibb type, not less than three-quarter inch size.*

Sec. 39. Water-closets, baths, showers, sinks, slop-sinks, faucets and other plumbing fixtures required by this act need not be installed in the event that the hotel hereafter erected or an existing hotel, as the case may be, is situated where there is no running water and where

there is no practical means of sewage disposal, until such time as it becomes practicable and possible to obtain running water and means of sewage disposal; provided, in every such case the department charged with the enforcement of this act shall decide whether or not it is practicable and possible to provide running water and proper means of sewage disposal. A special permit in writing shall be obtained in every such case from the department charged with the enforcement of this act, which permit shall be made in duplicate, and a copy thereof shall remain on file in the department issuing it; provided, further, that proper, separate toilet facilities for each sex shall be provided for the use of the occupants of such building. Such facilities shall be made sanitary. A privy, or toilet other than a water-closet, erected under the authority of this section shall consist of a pit at least three feet deep, with suitable shelter over the same to afford privacy, and protection from the elements. The openings of the shelter and pit shall be enclosed by mosquito screening, and the door to the shelter shall be made to close automatically by means of a spring or other device. No privy pit shall be allowed to become 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 similar substances at regular intervals.

All drainage water shall be conveyed from the premises by means of a covered drain to a covered cesspool.

Sec. 40. In every hotel erected prior to the passage of this act all plumbing fixtures affecting the sanitary drainage system shall be properly trapped and vented and made sanitary in every particular. In any hotel hereafter erected, and in any hotel erected prior to the passage of this act no plumbing fixtures shall be enclosed with woodwork, but the space under and around same must be left entirely open. All woodwork enclosing a water-closet, sink, slop-sink, wash tray or lavatory shall be removed and the floor and wall surfaces beneath and around such water-closet, sink, slop-sink, wash tray or lavatory shall be maintained in good repair, and if of wood, well painted with a light colored paint of sufficient body to make it nonabsorbent. All wooden seats, attached to water-closet bowls, shall be varnished or enameled, or by some other method made nonabsorbent.

In every hotel hereafter erected water-closets shall have earthenware bowls and shall have earthenware seats integral with the bowls, or wooden seats, varnished or enameled so as to be nonabsorbent, or seats made of some nonabsorbent material attached directly to the bowls. No wooden wash trays or wooden kitchen sinks shall be permitted in such buildings. All plumbing connections hereafter made in buildings shall be of standard lead, iron, steel or brass; and every gas and water service connection hereafter made shall be of steel or iron, and shall be equipped with cut-off valves placed outside of the building, and such cut-off valves shall be readily accessible.

Whenever any plumbing fixture becomes insanitary the department charged with the enforcement of this act is hereby empowered to order the same removed and to order that it be replaced by a fixture conforming to the provisions of this act.

Sec. 41. Every hotel hereafter erected, three or more stories in height and in which there are more than *five* guest rooms on any one floor, shall be so designed and constructed that every guest room in such building shall have not less than two means of egress, either by stairways or fire escapes, constructed in accordance with the provisions of this act. *Such means of caress shall be accessible from every guest room, either directly or through a public hallway, and so located that should one caress be or become blocked, the other caress shall be available.*

Sec. 42. Every hotel two or more stories in height, hereafter erected shall have not less than two stairways.

Every fireproof hotel two or more stories in height hereafter erected shall have not less than one stairway, not less than three feet *six inches* wide, for each six thousand square feet or fractional part thereof of floor area in any one floor above the first floor thereof.

Every semifireproof hotel *two or more stories in height* hereafter erected shall have not less than one stairway, not less than *three feet six inches* wide, for each *four* thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every wooden hotel *two or more stories in height* hereafter erected shall have not less than one stairway, not less than three feet *six* inches wide, for each *three* thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every hotel hereafter erected shall have not less than one stairway leading from the outside to every basement or cellar thereof.

Sec. 43. The largest floor area above the ground floor shall be used as the basis for computing the number of stairways required in a hotel hereafter erected; provided, that if all floors above the largest floor area of the building are diminished in area, the stairway or stairways from that portion of the building containing a smaller area may be computed on the basis of the largest floor area in that portion of the building.

Sec. 44. All stairways hereafter constructed shall be located so as to furnish the best means of egress from the building, shall be as far removed from each other as is practicable, and shall be as follows:

Access to stairways shall be provided at every floor by means of a public hallway, corridor, or passageway, and the public hallway, corridor, passageway and stairway from the ground exit level to the top story or roof shall be accessible at all times.

No stairway shall abut on more than one side of an elevator shaft, except on the entrance and topmost stories; provided, that the stairway is so located that it can be approached from the street entrance without passing by or in front of the open side of the said elevator shaft.

No stairway shall be located over a steam boiler, gas meter or gas heater or furnace, unless such boiler, gas meter, gas heater or furnace be located in a room, the walls and ceiling of which are constructed as required for a boiler room by section fifty-nine of this act. No stairway leading from any other portion of the building shall terminate in or pass through a boiler room.

Sec. 45. Every stairway hereafter constructed shall be as follows: Have a rise of not more than eight inches and a run of not less than nine inches, without change in the run or rise between floors; and shall be provided with head room of not less than six feet six inches, measured from the nearest nosing of the stairway to the nearest soffit.

The depth of every landing in a stairway shall be not less than the width of the stairway, and all treads shall be of equal width for every run of stairs, and shall not vary in width in the width of the stairs.

Every stairway required by this act shall be continuous from the ground level to the top story, i. e., the flights of such stairway shall be constructed one directly above the other, or shall be constructed so that each flight shall be in plain view of each succeeding flight; provided, however, that half of the stairways from the upper floors may terminate at the second floor, in the event that the stairways from the first to the second floor be increased in width not less than fifty per cent.

Every stairway shall have at least one handrail and if the stairway be five feet or more in width, shall have a handrail on each side thereof.

The under side and soffits of wooden stairways and the outside stringers of open stairways, except outside stairways in semifireproof and wooden hotels shall be metal lathed and plastered not less than three-quarters inch thick including the lath, or lathed with approved plaster board and plastered not less than three-quarters inch thick including the plaster board.

The width of stairways shall be measured in the clear of all projections except the baseboards, and except that handrails and newel posts may project not more than four inches.

Sec. 46. No closet of any kind shall be constructed in any hotel under any wooden stairway, but such space shall be kept entirely open, and be kept clean and free from all encumbrance; or such space shall be effectually closed with walls of studs, lathed and plastered, with no door or opening of any kind therein; provided, however, that the provisions of this section as to a closet under a stairway shall not apply to any hotel not more than two stories in height, in which there are not more than five guest rooms above the first floor thereof.

Sec. 47. In every hotel hereafter erected more than two stories in height, the stairway nearest to the main entrance of the building shall be carried to the roof level and shall give egress to the roof through a penthouse or roof structure. In every such building not exceeding two stories in height there shall be constructed a scuttle, in the public hallway, near the stairway. Such scuttle shall be not less than two feet by three feet in area, and shall be cut through the ceiling and roof.

Penthouses over stairways shall be built either of fireproof materials or of wood studs, lathed with metal lath *or approved plaster board* and plastered not less than three-quarters inch thick *including the lath or plaster board on the inside and outside thereof;* or such penthouses may be covered in the same manner and with the same kind of materials as required by this act for the doors from such penthouses.

The door to the roof from a penthouse or roof structure shall be self-closing and shall open outward to the roof and shall be covered on both sides and edges with tin or other metal.

The frames and trim of such door opening shall be similarly constructed and all glass in such door shall be wired glass not less than one-fourth inch thick.

Every hotel 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 scuttle shall be not less than two feet by three feet in area, located in the ceiling of a public hallway. There shall be provided a stairway or a stationary ladder, leading from the top floor of such hotel to the roof thereof. Such stairway or stationary ladder shall be made readily accessible to all the tenants of the building. No scuttle or penthouse door shall at any time be locked with a key, but may be fastened on the inside by a movable bolt or lock.

Sec. 48. Public hallways, landings, and corridors from stairways shall be of the same width and measured in the same manner as the stairways as provided in section forty-six hereof.

Sec. 49. On every hotel hereafter erected more than two stories in height, there shall be provided at least one fire escape. If such hotel exceeds *three* thousand square feet of floor area on any one floor above the second floor thereof, such building shall be provided with one additional fire escape for each *four* thousand square feet of floor area or fractional part thereof.

Fire escapes required by this act shall be of one of the following types:

Type 1. Metallic throughout and fastened securely to the exterior walls of the building, with a balcony at each story above the first story thereof, with inclined stairways connecting all balconies and a goose-neck ladder connecting the topmost balcony to the roof. The lowest balcony of such fire escape to be not more than fourteen feet above the street or ground level directly under same.

All metallic balconies shall be not less than forty-four inches in width nor less than thirty-three square feet in area. The stairway openings therein shall be not less than twenty-one inches wide and forty inches in length. The balcony balustrade shall be not less than thirty-four inches high, with no opening in such balustrade greater than eight inches in horizontal dimension.

There shall be no opening greater than one inch in width in a fire escape balcony platform, except the stair well opening.

There shall be no opening greater than one inch in width in the lowest fire escape balcony platform, except that there be attached a counterbalanced or permanent ladder reaching to the street or ground below.

Every balcony platform shall be fastened to the outside walls of the building by building in and anchoring to such walls the balcony platform and the balustrade framing, or by securely bolting same thereto. Every balcony shall be supported by brackets, braces, or struts fastened to or built in and anchored to the walls.

The inclined stairways shall be not less than eighteen inches in width and placed in no part nearer than twenty-one inches from the face of the wall. Such inclined stairways shall have an inclination of not less than four inches and not more than six horizontally to each twelve inches of vertical height. The treads shall not less than four inches wide, placed not more than twelve inches apart. Each side of such stairways shall be provided with a handrail not less than one inch in diameter fastened to the stair stringers and continued around the whole openings of balcony platform.

The goose-neck ladder shall be not less than fifteen inches wide and extend vertically from the topmost balcony to three feet above the fire wall or roof above, and then be brought down and fastened to the inside face of the fire wall or to the roof. The rungs of the goose-neck ladder shall be not less than five-eighths inch round iron or steel, placed not more than fourteen inches apart. The goose-neck ladder shall be securely braced and fastened to the outside wall, and in no case shall such ladder pass in front of any opening in the wall to the interior of the building. The cornice opening for the passage of such ladder shall be not less than twenty-four inches in width and twenty-four inches in the clear outside of the ladder.

Such fire escape shall be framed and riveted or bolted together in a solid, substantial manner and properly supported, braced and fastened to the outside walls so as to be rigid, durable and secure and carry the loads imposed.

All metallic fire escapes shall be painted with not less than two coats of good, durable paint; or such fire escapes may be galvanized.

Type 2. Metallic ladders and stairways conforming to the provisions set forth for type one and with reinforced concrete or iron or steel fireproofed balconies, with fastenings of similar materials. Such balconies to measure the full size inside of balustrades. Floor openings and well holes provided and protected similarly to the requirements for metallic balconies.

Type 3. Any type of an enclosed approved metallic spiral fire escape which consists of a rigid form of an inclined chute or chutes constructed entirely of incombustible material; securely attached to the outside walls of the building; provided with proper means of ingress thereto from the building and egress therefrom at the bottom; having means enabling firemen to reach the roof thereby from the ground; equipped with stand-pipes; painted the same as provided for metallic fire escapes; and satisfactory to the department charged with the enforcement of this act as being as solid, substantial and durable and as fireroof in construction, and providing at least as safe and efficient means of escape from the building for the occupants thereof, and furnishing all the protection and utility of the metallic fire escape described as "type one" in this act.

Type 4. Fire and smoke towers, consisting of a fire escape stairway not less than twenty inches in width, constructed of reinforced concrete, iron or steel, or a combination of these materials; and in all other details as required in this act for metallic fire escape stairways; said stairways being continuous the full height of the building from the first floor exit level to the roof, and with handrails on each side thereof the full length of same. Such *stairways* to be constructed at a point adjoining the exterior walls of the building and be entirely enclosed with walls of brick, terra cotta tile, con-

crete or reinforced concrete not less than *twelve* inches thick; such walls to be continuous from the basement up to and extending three feet above the roof of the building, with no covering of any kind over same, and with no openings in the walls of such tower into the building. The enclosing walls of such tower not to be used to carry or support any floor joist, beam, girder or other structural feature of the building, nor to be chased for any pipe, conduit or other purpose; to have an exit from the enclosure at the first floor line opening directly to a street or yard, and having an entrance by means of an outside balcony at each floor, such balconies to have a solid floor and in all other details and kind of materials to be as in this act required for metallic fire escape balconies. The balconies to be located and arranged to connect with a door opening from a public hallway in the interior of the building and with a door opening leading from the balcony to the tower, such door opening from the building to the balcony and from the balcony to the tower to be not less than thirty inches wide by seventy-two inches high and be equipped with metal-lined doors and with a frame and threshold of such door openings constructed of fireproof materials.

Type 5. A fire and smoke tower in every way similar to "type four" of this section, except that instead of the outside balcony there be built a vestibule with enclosing walls continuous with and of the same kind of materials and of the same thickness as the enclosing walls of the fire tower; that the vestibule opening be direct from a public hallway and be equipped with metal-lined doors. The vestibule floor to be of masonry construction. The enclosure to have an opening at each floor through the exterior wall of the building, such opening to extend from the floor to the ceiling and be not less in width than three-fourths of the width of the tower, said opening to be protected with an open metallic balustrade similar to that specified for metallic fire escape balconies.

Sec. 50. In any hotel hereafter erected in which there is constructed a fire escape of "type four" or "type five," as prescribed in this act, such fire escape may be used and construed as a stairway and a fire escape combined: provided, that there is at least one other stairway or one other fire escape constructed in accordance with the provisions of this act, in the said building.

Sec. 51. Every fire escape required by this act shall be located on the building so as to furnish the best means of escape therefrom for the occupants, and at least one such fire escape shall be located on a street front. Every such fire escape shall have egress thereto from a public hallway or passageway not less than three feet wide, or such fire escapes, in lieu of being located on a public hallway, shall be so located that each guest room has direct egress thereto without passing through another room. If a public parlor, public lobby, or similar room is connected directly with the public hall, corridor or passageway through a clear and unobstructed opening, without doors, then egress may be had thereby to a fire escape. Signs both pointing towards and marking the locations of fire escapes shall be placed on each floor.

Sec. 52. The largest floor area above the second floor shall be used as a basis for computing the number of fire escapes required by this act; provided, that if all floors above the largest floor area are diminished in size, the number of fire escapes from that portion of the building containing the smaller area may be computed on the basis of the largest floor area in that portion of the building.

Sec. 53. All parts of each balcony platform of a fire escape shall be designed to carry, in addition to the dead load thereof, a live load of one hundred pounds per square foot over the entire area thereof, using outside dimensions, and the live and dead loads from the ladders or stairs supported thereon.

Each ladder shall be designed to withstand a horizontal pressure of one hundred pounds per square foot.

Each stairway shall be designed to carry, in addition to the dead load thereof, a live load of one hundred fifty pounds per square foot of horizontal projection.

Top rails of balcony balustrades shall be designed to withstand a horizontal pressure of one hundred pounds per lineal foot of railing.

Each balcony shall be independently supported.

All fastenings of fire escape balconies to the building shall be designed to carry twenty-five per cent greater load than the total dead and live loads carried by the balconies. The balcony anchorage shall be direct to the structural steel or iron members of the balustrades and platforms extended into the walls and anchored into the structural work of the building.

The level of the inside sill of the door or window giving access to a fire escape balcony or the balcony floor shall be not more than thirty inches above the adjoining floor in the building. Every such door or window opening shall be not less than twenty-nine inches in clear width nor less than fifty-eight inches in height.

Where double-hung windows are used in such openings, the lower sash shall be at least the size of the upper sash and shall slide to the top of such opening. Any lock used on any such window shall be of a type which can be readily opened from the interior of the building without the use of a key or other tool.

Sec. 54. Every fire escape in or on a hotel hereafter erected, or in or on a hotel erected prior to the passage of this act, shall at all times be maintained in good order and repair, well painted and clear and unobstructed at all times, and be readily accessible.

Sec. 55. On every hotel hereafter erected four or more stories in height, there shall be provided one or more metallic standpipes. Each such standpipe shall be not less than four inches in internal diameter, and shall have a Siamese inlet valve near the sidewalk or ground directly under same, and an outlet valve at each story above the first story and on the roof.

One such standpipe shall be placed on or in the exterior walls of the building at one fire escape on each street frontage, and the outlet valves shall be readily accessible from the balconies of the fire escapes.

The inlet and outlet valves on every standpipe shall be threaded and brought to a size which will meet the standard connections of the local fire department of the municipality in which such hotel or lodging house is being erected.

The standpipes required by this section need not be installed in any hotel which is situated where there is no running water and where it is not practicable or possible to obtain water for efficient use of such standpipes [illegible] of fire, until such time as it is practicable [illegible] possible to obtain running water; and the department charged with the enforcement of this act shall decide whether or not it is possible or practicable to obtain running water.

Sec. 56. In every fireproof hotel hereafter erected, every elevator shaft, dumb-waiter shaft or other interior shaft shall be inclosed in walls constructed of concrete, reinforced concrete, brick, terra cotta tile or other similar hard, incombustible materials, or shall be constructed of metal studs lathed either with metal lath or an *approved plaster board* and plastered on both sides so as to make a solid partition not less than two inches thick.

In every semifireproof or wooden hotel hereafter erected, every such shaft shall be inclosed by walls constructed as provided by this act for fireproof hotels, or such walls shall be constructed with wood studs, with *wood* firestops *the same size as the studs, cut in* between the studs at each floor and half way between each floor, lathed on both sides with metal lath or an *approved plaster board* and be plastered not less than three-quarters inch thick *including the lath or plaster board.*

Every opening from any shaft into the building shall be equipped with a metal door and with door frame and trim entirely of metal; or

each door and door frame shall be constructed of wood covered with metal on the shaft side thereof, and if there is any glass therein, such glass shall be wired glass not less than one-fourth inch thick. Every door or window therein shall be made to close tight, and every door except elevator doors therein shall be self-closing.

Every window in such shaft shall be of wired glass, not less than one-fourth inch thick, set in a metal sash or a sash metal-covered on the shaft side thereof.

At the roof over every elevator shaft there shall be constructed a ventilating skylight or a ventilator with open louvres.

Sec. 57. In every hotel hereafter erected every vent shaft shall be inclosed by walls constructed the same as required by this act for elevator shafts in the same class of building. Such vent shafts may, in a semifireproof or wooden hotel, be lined on the outside thereof (weather side) with metal in lieu of metal lath and plaster; also, that portion of such shaft extending from the ceiling joists to the top thereof may be lined with metal in the same manner as is required for the weather side of such vent shaft.

Every opening from any vent shaft into the building or any window therein shall be equipped in the same manner as required by this act for elevator shafts in the same class of building.

Plaster on the weather side of any such shaft shall be cement plaster.

Every vent shaft required by this act shall be not less than *four feet in any direction and be at least sixteen square* feet in area. If such vent shaft exceeds fifty feet in height, measured from the bottom to the top of the walls of such shaft, then such vent shaft shall throughout its entire height be increased in area *three* square feet for each additional ten feet or fractional part thereof above fifty feet.

Every such vent shaft shall be provided with an air intake or duct at or near the bottom thereof, communicating with the street or yard or a court. Such intake shall be not less than three square feet in total area, and 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. Every such intake or duct shall be constructed of approved fireproof material or shall be of metal or metal-lined, and be provided with a wire screen of not less than one inch mesh at each end. Plumbing, gas, steam or other similar pipes may be placed in such a vent shaft.

Every vent shaft shall *have a door or a window at or near the bottom of the shaft*, so arranged as to permit of its being readily cleaned out.

Sec. 58. The walls of every inner court in a fireproof hotel hereafter erected shall be constructed of concrete, reinforced concrete, brick, terra cotta tile or other similar hard, incombustible material. In a semifireproof or in a wooden hotel such inner court walls, if surrounded on four sides by the walls of the same building, shall be constructed as provided for fireproof hotels, or may be of wood studs with wood firestops *the same size as the studs*, cut in between the studs at each floor and halfway between each floor, lathed on both sides with metal lath, *or with an approved plaster board* and be plastered not less than three-quarters inch thick *including the lath or plaster board*. Plaster on the weather side of such inner court walls shall be cement plaster, or such inner court walls may be lined on the weather side with not less than number twenty-six (gauge) metal, in lieu of metal lath and plaster.

Sec. 59. In every hotel hereafter erected, every boiler used for the purpose of heating the building, using fuel other than gas, and every heating furnace or water-heating apparatus, using oil for fuel, shall be installed in a room, the walls of which room shall be built of concrete, reinforced concrete, brick, stone or terra cotta tile, not less than six inches thick and such walls shall extend from the floor of the boiler room to the ceiling over same. The entire ceiling of such room shall be built of similar materials as the walls, or shall be built with a double ceiling, with a space of not less than seven-eighths inch between the two ceilings, each ceiling shall be metal lathed *or lathed with an approved plaster board* and be plastered not less than three-quarters inch thick *including the lath or plaster board*. The floor of a boiler room shall be of concrete not less than two inches thick.

Any door in the wall of such room shall be a fire-resisting door, constructed of three thicknesses of seven-eighths inch by not more than six inches, tongued and grooved, matched, redwood boards entirely covered on the sides and edges with lock-jointed tin; every such door shall be self-closing, so hung as to overlap the walls of the room at least three inches, and any glass in any such door or any glass in any window or opening in the walls of a boiler room shall be wired glass, not less than one-fourth inch thick, set in a metal or metal-covered sash.

All such doors shall have hinges, hangers, latches and other hardware of wrought iron, bolted to the doors, and shall have steel tracks, when sliding doors are used, with 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.

Every such boiler room shall have a sill across each door not less than four inches high. Such sills shall be of masonry, and the doors shall overlap same at least three inches, or in lieu of a masonry sill a steel or iron sill may be used, in which case the door shall close tight on top of same.

Where oil or other fluid fuel is burned, the oil or other fluid fuel shall not be fed by a gravity flow.

Sec. 60. In every hotel hereafter erected any portion of such building in which there is kept or stored any automobile or automobiles shall be a room enclosed in partitions which shall be built of concrete, reinforced concrete, brick, stone or terra cotta tile, not less than six inches thick. Such enclosing partitions shall extend from the floor of the room to the ceiling of the same. The entire ceiling of such room shall be built of material similar to that in the construction of its walls or shall be either metal lathed *or be lathed with an approved plaster board* and be well plastered, and if any portion of the building is used as a public automobile garage, or automobile repair shop, or machine shop the ceiling thereof shall be constructed either of masonry, or of a double ceiling metal lathed or lathed *with an approved plaster board* and be well plastered, there shall be left a space between the ceilings of not less than six inches measured vertically. The lower ceiling shall be suspended with iron or steel channels. In each case each of the ceilings shall be plastered not less than three-quarters of an inch thick *including the lath or the plaster board*. The floor of such room shall be of concrete not less than two inches thick. Every door, window or other opening in the walls of such room opening to the interior of the building shall be protected in the same manner required by section fifty-nine hereof for doors, windows and other openings in a boiler room.

Sec. 61. In every hotel hereafter erected the water-closet compartments, bath, toilet or slop-sink rooms, kitchens, sculleries, pantries or other rooms in which food is stored or prepared, public dining rooms, laundries, barber shops, Turkish baths, general amusement, entertainment or reception rooms, and rooms used for similar purposes and general utility rooms, in lieu of being provided with windows, as in this act prescribed, may be provided with a fan exhaust system of ventilation. Such fan exhaust system of ventilation shall consist of independent *inlet ducts, extending from the outer air to each such room or compartment* and exhaust ducts extending from each such room or compartment to the outer air above the highest roof of the building.

All of the inlet ducts and exhaust ducts shall be constructed of galvanized iron or other smooth surfaced, nonabsorbent material and so arranged that they may be readily cleaned out.

The exhaust ducts shall always be connected to an exhaust fan mechanically operated, so designed and operated as to provide a complete

change of air in not to exceed fifteen minutes for each room used for the following purposes: kitchens; pantries or other rooms used for cooking, storing or preparing of food; barber shops; Turkish baths; laundries.

General amusement, entertainment, reception or dining rooms, or rooms used for similar purposes; general utility rooms; and the said fan exhaust system of ventilation shall be so designed and operated as to provide a complete change of air in not to exceed five minutes for each room used for the following purposes: water-closets; shower compartments; bath, toilet or slop-sink rooms or sculleries.

Any person in charge of a building in which a system of fan exhaust ventilation, as in this section is required, who fails, neglects or refuses to operate and maintain the said system of ventilation in good order and repair so that the ventilation (complete change of air) herein specified is provided in each of the rooms or compartments at all times, shall be deemed guilty of a misdemeanor and subject to all of the penalties fixed by this act.

Sec. 62. Every dormitory hereafter constructed, altered, or converted in any hotel shall be as follows:

(a) In no one dormitory shall there be provided sleeping accommodations for more than twenty adult persons, *nor shall the superficial floor space for each person be less than required by section sixty-five hereof.*

(b) The ceiling height, measured from the finished floor to the finished ceiling, shall in no case be less than nine feet in the clear, and in no case shall there be permitted in such dormitory more than one tier of beds, provided, however, that in a dormitory in which the clear ceiling height is not less than *eighteen* feet measured between the finished floor to the finished ceiling thereof, a double tier of beds may be permitted, i. e., one tier above the other; provided, that in no event shall there be less than three feet of clear vertical space between the beds, nor less than three feet in any horizontal direction between any of the beds, nor less than one foot of clear space between the floor of the room and the under side of the first tier of beds.

(c) In every dormitory there shall be provided windows opening onto a street, or onto a yard or court of the dimensions specified in this act and located on the same lot. The window area shall in no case be less than one-eighth of the superficial floor area in the dormitory, and in the event that a double tier of beds are provided, the said window area shall be doubled.

(d) The frames of beds in every dormitory shall be made of steel or iron or of some similar hard, smooth, incombustible and nonabsorbent material.

(e) *In every dormitory there shall be provided not less than one water-closet in a separate compartment, not less than one urinal in a separate compartment, and not less than one shower in a separate compartment, and not less than one wash-sink, for each twenty persons or fractional part thereof occupying the said dormitory.*

(f) Every dormitory in a hotel erected prior to the passage of this act shall be made to conform to the provisions of subsection "(a)" of this section.

Sec. 63. In any hotel erected prior to the passage of this act, every additional room or hallway that is hereafter constructed or created may be of the same height as the other rooms or hallways on the same story of such hotel.

Sec. 64. Every room in a hotel erected prior to the passage of this act shall, if the said room be hereafter occupied for living or sleeping purposes, have a window of an area not less than eight square feet, opening directly upon a street, a yard, a court or upon a vent shaft not less than twenty-five square feet in area, which vent shaft shall in no part be less than four feet wide and open and unobstructed, without roof or skylight over same; except that if such room be located on the top floor of the building, such room may be ventilated by a skylight with fixed louvers directly to the outer air, or may have a window opening upon a vent shaft not less than ten square feet in area, if such window from the room be not more than three feet below the top of the wall of such vent shaft.

Every public hallway in every hotel erected prior to the passage of this act, which does not conform to the provisions for public hallways in buildings hereafter erected, shall be provided with light and ventilation to the outer air. Such light and ventilation shall be provided by the placing of windows or skylights, or by making such alterations as in the judgment of the housing department may be deemed necessary to accomplish the result.

Sec. 65. Food shall not be cooked or prepared in any room except in a kitchen designed for that purpose. Floors of kitchens and rooms in which food is stored shall be made impervious to rats by a layer of concrete not less than one and one-half inches thick or by a layer of sheet tin or iron or similar material.

It shall be unlawful for any person to live or sleep, or permit or suffer any person to live or sleep, in any cellar, bath, shower or slop-sink room, water-closet compartment, *hallway, closet, kitchen, recess from a room, or dressing room, except when such recess from a room, or dressing room has at least ninety square feet of superficial floor area and complies with every requirement of this act for rooms,* or in any other place *in such building,* which in the judgment of the department charged with the enforcement of this act, would be dangerous or prejudicial to life or health by reason of want of light, windows, ventilation, drainage or on account of dampness, offensive, obnoxious or poisonous odors, *or in any room that shall be so overcrowded as to afford less than the following floor space for each occupant, in accordance with the age of said occupant:*

Number of persons over 12 years of age	*Number of persons under 12 years of age*	*Superficial floor area required*
1 or	2	*60 square feet*
2 or	4	*120 square feet*
3 or	6	*180 square feet*
4 or	8	*240 square feet*
5 or	10	*300 square feet*
6 or	12	*360 square feet*

Additional floor area in the same ratio shall be provided for additional persons.

Sec. 66. In every hotel there shall be installed and kept burning from sunrise to sunset throughout the year artificial light sufficient in volume to properly illuminate every public hallway, stairway, fire escape egress, elevator, passageway, public water-closet compartment, or toilet room, whenever there is insufficient natural light to permit a person to read in any part thereof.

In every hotel there shall be installed and kept burning from sunset to sunrise throughout the year artificial light sufficient in volume to properly illuminate every public hallway, stairway, fire escape egress, elevator, public water-closet compartment, or toilet room and exterior passageway on the lot.

Sec. 67. The walls and ceilings of every sleeping room in every hotel shall, except when there is sufficient natural light to permit a person to read in any part thereof during daytime, be calcimined or painted or papered with a light-colored material, and such calcimine, paint or paper, as the case may be, shall be renewed as often as is necessary to maintain the same of a light color and clean and free from vermin.

The walls of courts and shafts, unless built of light-colored materials, shall be painted of a light color or whitewashed, and such painting or whitewashing shall be renewed as often as is necessary to maintain the same of a light color.

Sec. 68. No wall, partition or ceiling of any room in any hotel shall be repapered, calcimined, *or have any other covering placed thereupon* unless the old wall paper *or other covering* shall have first been removed therefrom, *and the said wall, partition or ceiling cleaned, disinfected and free from bugs, insects or vermin.*

Sec. 69. Every hotel shall be maintained in good repair. The roofs shall be kept waterproof and all storm or casual water properly

drained and conveyed therefrom to the street sewer, storm drain or street gutter.

All portions of the lot about such hotel, including the yards, courts, areaways, vent shafts and passageways, shall be properly graded and drained; and whenever the department charged with the enforcement of this act deems it necessary for the protection of the health of the occupants of such building, or for the proper sanitation of the premises, it may require that the said lot, yards, courts, areaways, vent shafts and passageways be graveled or properly paved and surfaced with concrete, asphalt or similar materials.

Sec. 70. There shall be provided, whenever it is deemed necessary for the health of the occupants of any hotel or for the proper sanitation or cleanliness of any such building, metal mosquito screening of at least sixteen mesh, set in tight-fitting removable sash, for each exterior door, window or other opening in the exterior walls of the building.

Sec. 71. In every hotel there shall be provided such number of tight metal receptacles with close-fitting metal covers for garbage, refuse, ashes and rubbish as may be deemed necessary by the department charged with the enforcement of this act, or in lieu of such metal receptacles there may be constructed a garbage chute or shaft approved by the housing department. Each of said receptacles, chutes or shafts shall be kept in a clean condition by the person in charge or in control of the building.

Sec. 72. Every room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain, water-closet compartment or room, toilet room, bathroom, slop-sink or washroom, plumbing fixture, drain, roof, closet, cellar, or basement in any hotel or on the lot, yard, court or any of the premises thereof, shall be kept in every part clean and sanitary and free from all accumulation of debris, filth, rubbish, garbage or other offensive matter.

No person shall, or cause or permit any person to deposit any swill, garbage, bottles, ashes, cans or other improper substance in any water-closet, sink, slop-hopper, bathtub, shower, catch-basin, or in any plumbing fixture connection or drain therefrom; or otherwise to obstruct the same; or to place or cause or permit to be placed any filth, urine or other foul matter in any place other than the place provided for same; or to keep or cause or permit to be kept any urine or filth or foul matter in any room in any hotel, or in or about the said building or premises thereof, for such length of time as to create a nuisance.

Sec. 73. In every hotel, every part of every bed, including the mattress, sheets, blankets and bedding, shall be kept in a clean, dry and sanitary condition, free from filth, urine or other foul matter, in or upon the same; and free from the infection of lice, bedbugs or other insects. No roller or public towel shall be permitted. Bed linen shall be changed at least as often as a new guest occupies the bed.

Sec. 74. In no hotel, or any part thereof, or in the lot, yard, court or any portion thereof, shall there be kept, stored or handled any article dangerous or detrimental to life or to the health of the occupants thereof; nor shall there be stored, kept or handled any feed, hay, straw, excelsior, cotton, paper stock, rags or junk, except upon a written permit so to do, obtained from the fire commissioner or other department authorized to issue such permit. Every such permit shall be deemed to be a public record, made in duplicate and a copy thereof shall remain on file in the office of the fire commissioner or department issuing same.

Sec. 75. No horse, cow, calf, swine, sheep, goat, rabbit, mule *or other animal*, chicken, pigeon, goose, duck or other poultry shall be kept in a hotel, or any part thereof; nor shall any such animal or poultry, nor shall any stable be kept or maintained *on the same lot, yard, court or premises of a hotel*, or within twenty feet of any window or door of such building.

No hotel shall be connected with or have any door, window or transom opening to any part of a building wherein paint or oil are stored or kept for the purpose of sale or otherwise.

Sec. 76. In every hotel in which there are *eight* or more guest rooms and in which the owner does not live, there shall be a janitor, housekeeper or other responsible person, who shall reside in such hotel or on the same lot or premises thereof and have charge of same.

Sec. 77. In case any hotel, or any part thereof, is constructed, altered, converted or maintained in violation of any provisions of this act or of any order or notice of the department charged with its enforcement, or in case a nuisance exists in any such hotel or building or structure or upon the lot on which it is situated, said department may institute any appropriate 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 hotel, building or structure, to prevent any illegal act, conduct of business in or about such hotel or lot. In any such action or proceeding said department 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 hotel, 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 department is not complied with, said department may apply to the superior court, or to any judge thereof, for an order authorizing said department 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 hotel, 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.

Sec. 78. Every fine imposed by judgment under section six of this act upon a hotel 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 hotel 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 charged with the enforcement of the provisions of this act, upon the entry of such judgment, to file forthwith the copy as aforesaid, and such copy upon filing shall be forthwith indexed by the recorder in the index of mechanics' liens.

Sec. 79. In any action or proceeding instituted by the department 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 Procedure. 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 of a certified copy of such order.

Sec. 80. Every owner of a hotel and every lessee or other person having control of a hotel, shall file in the housing department a notice, containing his name and address, and also a description of the property, by street and num-

ber and otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this act easily to find the same; and also the number of rooms in the building. In case of a transfer of any hotel, it shall be the duty of the grantee of said hotel to file in the housing department 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 case of devolution of such property by inheritance without a will, it shall be the duty 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.

Sec. 81. Every owner, agent or lessee of a hotel shall file in the housing department 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 easily to find the same. The name of the owner or lessee may be filed as agent for this purpose.

Sec. 82. The names and addresses filed in accordance with sections seventy-nine and eighty shall be indexed by the housing department in such a manner that all of those filed in relation to each hotel shall be together and readily ascertainable. Said indices shall be public records, open to public inspection during business hours.

Sec. 83. Every notice or order in relation to a hotel shall be served five days before the time for doing the thing in relation to which it shall have been issued.

Sec. 84. In any action brought by any department charged with the enforcement of this act in relation to a hotel 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.

Sec. 85. The provisions of this act shall be held to be the minimum requirements adopted for the protection, the health and the safety of the community, and for the protection, the health and the safety of the occupants of hotels. Nothing in this act contained shall be construed as prohibiting the local legislative body of any incorporated town, incorporated city, incorporated city and county, or county, from enacting from time to time, supplementary ordinances or laws imposing further restrictions, or providing for fees to be charged for permits, certificates or other papers required by this act; but no ordinance, law, regulation or ruling of any municipal department, authority, officer or officers, shall repeal, amend, modify or dispense with any of the provisions of this act.

All statutes of the state and all ordinances of incorporated towns, incorporated cities, incorporated cities and counties, 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 ordinance or law of any incorporated town, incorporated city, incorporated city and county, or county, in the state which further restricts the percentage of the lot to be covered by a hotel, the number of stories or height of such hotel or number of rooms therein, the occupation thereof, the materials to be used in its construction, or increasing the size of the yards or courts, *the floor space to each person occupying a room*, the requirements as to sanitation, ventilation, light and protection against fire.

Nothing in this act contained shall be construed as abrogating, diminishing, minimizing or denying the power of any incorporated town, incorporated city, incorporated city and county, or county, by ordinance or law, to further restrict the percentage of the lot to be covered by a hotel within said municipality, the number of stories or height of such hotel or number of rooms therein, the occupation thereof, the materials to be used in its construction, or increasing the size of the yards or courts, *the floor space to each person occupying a room*, the requirements as to sanitation, ventilation, light and protection against fire.

Sec. 86. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Sec. 87. This act shall take effect and be in force from and after September 1, 1917.

Sec. 88. "An act to regulate the building and occupancy of hotels and lodging houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved June 16, 1913, statutes of California of 1913, page 1429, and all acts amending said act, are hereby repealed.

An act to regulate the construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings, and the maintenance, use and occupancy of the premises and land on which dwellings are erected or located, in incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof.

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

Section 1. This act shall be known as the "state dwelling house act," and its provisions shall apply to incorporated towns, incorporated cities, and incorporated cities and counties of this state.

Sec. 2. It shall be the duty of the "building department" of every incorporated town, incorporated city, and incorporated city and county, to enforce all the provisions of this act pertaining to the erection, construction, reconstruction, moving, conversion, alteration and arrangement of dwellings.

It shall be the duty of the "*housing* department" of every incorporated town, incorporated city, and incorporated city and county to enforce all the provisions of this act pertaining to the maintenance, sanitation, ventilation, use and occupancy of dwellings after said dwellings have been erected, constructed or altered, as the case may be.

In the event that there is no building department or no *housing* department in an incorporated town, incorporated city, or incorporated city and county, it shall be the duty of the officer or officers who are charged with the enforcement of ordinances and laws regulating the erection, construction or alteration of buildings, or the maintenance, sanitation, ventilation or occupancy of buildings, or of the police, fire or health regulations in said incorporated town, incorporated city, or incorporated city and county to enforce all the provisions of this act.

Every incorporated town, incorporated city, or incorporated city and county in the State of California shall have, and it is hereby empowered and given authority to designate and charge by ordinance any other department or officer than the department or officers mentioned herein, with the enforcement of this act, or any portion thereof.

The commission of immigration and housing of California shall have, and it is hereby empowered and given authority to enforce the provisions of this act, which do not pertain to the actual erection, construction, reconstruction, moving, alteration or arrangement of dwellings in all incorporated towns, incorporated cities, and incorporated 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 or officer, or departments or officers who are charged with the enforcement of the provisions of this act, in writing, of such violation or violations, and the said local department or officer, or departments or officers, fail, neglect or refuse to enforce the provisions of the said act within thirty days thereafter; provided, however, that the said commission of immigration and housing of California shall enforce the provisions of this act only in the instances specified in said written notice.

Sec. 3. It shall be unlawful for any person, firm or corporation, whether as owner, agent, contractor, builder, architect, engineer, superintendent, foreman, plumber, tenant, lessee, lessor, occupant, or in any other capacity whatsoever, to erect, construct, reconstruct, alter, build upon, move, convert, use, occupy or maintain, or to cause, permit or suffer to be erected, constructed, reconstructed, altered, built upon, moved, converted, used, occupied or maintained any dwelling or any portion thereof contrary to the provisions of this act, or to commit or maintain or cause or permit to be committed or maintained any nuisance in or upon any dwelling or any portion thereof, or any of the premises, which are a part thereof, or which are required by the provisions of this act; or to do or to cause to be done, or to use or cause to be used, any privy, sewer, cesspool, plumbing or house drainage affecting the sanitary condition of any dwelling or any portion thereof, or of the premises thereof, contrary to any of the provisions of this act.

Sec. 4. It shall be unlawful for any person to make any alterations or changes of any kind whatsoever, to any dwelling erected prior to the passage of this act, or to any dwelling hereafter erected, in any manner which would be inconsistent with any of the provisions of this act, or in violation of the said provisions of this act; or in any manner to diminish the size of the windows, *or to remove any window or windows* from the rooms contrary to any of the provisions of this act.

Sec. 5. A building not erected for, or which is not used as a dwelling at the time of the passage of this act, if hereafter converted to or altered for such use, shall thereupon become subject to all the provisions of this act affecting a dwelling hereafter erected.

A building used as a dwelling at the time of the passage of this act, if moved, shall be made to conform to all of the provisions of this act affecting dwellings hereafter erected, in so far as they pertain to unoccupied area.

Sec. 6. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment.

Except as herein otherwise specified, the procedure for the prevention of violations of this act, for the vacation of dwellings or premises unlawfully occupied, or for the abatement of a nuisance in connection with a dwelling or the premises thereof, shall be as set forth in the charter and ordinances of the municipality in which the procedure is instituted.

Sec. 7. The department or departments charged with the enforcement of this act in any incorporated town, incorporated city, or incorporated city and county, and the authorized officers, agents or employees of such department or departments may, whenever necessary, enter dwellings or portions thereof, or the premises thereof, within the corporate limits of such towns, cities, or cities and counties, for the purpose of inspecting such buildings, in order to secure compliance with the provisions of this act and to prevent violations thereof.

The members of the commission of immigration and housing of California and the agents, officers or employees of said commission may, whenever necessary, enter dwellings or portions thereof, or the premises thereof, for the purpose of inspecting such buildings in order to secure compliance with the provisions of this act and to prevent violations thereof.

The owner or his authorized agent may, whenever necessary, enter dwellings, or portions thereof, or the premises thereof, owned by him, to carry out any instructions or to perform any work required to be done by the provisions of this act; provided, however, that the authority to enter buildings, as in this section given to the persons hereinbefore enumerated, shall not be construed or deemed to apply to the entering of any such building between the hours of six o'clock p. m. of any day and six o'clock a. m. of the succeeding day, without the consent of the owner or of the occupants of such buildings; but in no event shall the authority in this section given be construed as permitting any of the persons hereinbefore enumerated to enter any such buildings in the absence of the occupants thereof without a proper written order, duly executed by a competent court authorized to issue such orders.

Sec. 8. For the purpose of this act, certain words and phrases are defined as follows, unless it shall be apparent from their context that they have a different meaning:

Words used in the singular include the plural, and the plural, the singular.

Words used in the present tense include the future.

Words used in the masculine gender include the feminine, and the feminine, the masculine.

Words "building department," "housing department," "department charged with the enforcement of this act," shall be construed as if followed by the words, "of the incorporated town, incorporated city, or incorporated city and county," as the case may be, in which the dwelling is situated.

"Apartment" is a room or suite of rooms which is occupied, or is intended or designed to be occupied by one family for living and sleeping purposes.

"Basement" is any story or portion thereof partly below the level of the curb or the actual adjoining ground level, the ceiling of which in no part is less than seven feet above the curb level or actual adjoining ground levels. If the adjoining ground is excavated to or below the curb level, such excavated space shall have not less than the minimum width and length required in this act for outer courts.

"Building" is a dwelling.

"Building department" means the commissioner of buildings, superintendent of buildings, chief inspector of buildings, or any officer or department charged with the enforcement of ordinances and laws regulating the construction and alteration of buildings or structures.

"Cellar" is any story or portion thereof, the ceiling of which is less than seven feet above the curb level and actual adjoining ground levels.

"Curb level" is the curb level opposite the center of the front of lot, and in the event that a curb has not been established shall be deemed to be the average ground level at the front of lot.

"Department." Wherever the word "department" is used it means the building department, the housing department or such other department or officer, or departments or officers, who are charged with the enforcement of the provisions of this act.

"Dwelling" is as follows:

(a) Any house or building, or any portion thereof, which contains not more than two apartments, or not more than five rooms, or,

(b) Any house or building, or any portion thereof, not more than one story in height, which contains more than two apartments, or,

(c) Any house or building, or any portion thereof, of more than one story and 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, (four apartments) and which is so arranged that each of the said families live independently of each other, and which building is constructed and arranged so that a separate section is or may be kept as a home or a residence of a separate

family. Each such section having an entirely independent and separate entrance, and if a stairway is required, one separate stairway leading to each section from the street or from an outside vestibule on the level of the first floor of said building, and with no room, hallway, bathroom, water-closet or kitchen used in common by two or more families occupying the said building.

"Family" is one person living alone or a group of two or more persons living together in an apartment, whether related to each other by birth or not.

"Guest" is any person hiring and occupying a room for sleeping purposes, and shall include both boarders and lodgers.

"Guest room" is a room which is occupied, or is intended, arranged or designed to be occupied, for sleeping purposes by one or more guests.

"Housing department" is any department or commission charged with the enforcement of ordinances or laws regulating the occupancy and maintenance of dwelling house buildings; and where no such department is maintained, shall be deemed to be the health commissioner, the department of health, health officer, or similar department charged with the enforcement of laws and ordinances regulating the maintenance and occupancy of buildings or structures and of the health and sanitary requirements.

"Lot" is a parcel or area of land on which is situated a dwelling, together with the land, and unoccupied spaces for such a dwelling, as required by this act; all of which land shall be owned by or be under the absolute lawful control and in the lawful possession of the dwelling.

"Nuisance" embraces public nuisance as known at common law or in equity jurisprudence, and whatever is dangerous to human life or detrimental to health, and shall also embrace the overcrowding with occupants of any room, insufficient ventilation, or inadequate or insanitary sewerage or plumbing facilities, or uncleanliness, and whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

"Person" is a natural person, his heirs, executors, administrators or assigns; also includes a firm, partnership or a corporation, its or their successors or assigns.

"Shall." Wherever this word is used it shall be mandatory.

"Street" is any public street, alley, thoroughfare or park having a minimum width of sixteen feet, measured from the front of lot to the opposite front of lot, and shall have been dedicated or deeded to the public for public use.

Sec. 9. Every dwelling hereafter erected shall be constructed in a substantial manner; and the building shall be so constructed as to provide shelter to the occupants against the elements, and so as to exclude dampness in inclement weather.

Sec. 10. In no dwelling shall any room in the cellar be constructed, altered, converted or occupied for living or sleeping purposes.

Sec. 11. In no dwelling shall any room in the basement be constructed, altered, converted or occupied for living purposes unless it conforms to all of the requirements of this act for rooms in other parts of the building, and that the ceiling of each such room be in all parts not less than seven feet above the adjoining ground levels.

All the walls below the ground level and the floors of such a basement shall be dampproofed and waterproofed. Such dampproofing and waterproofing shall run through the walls and up as high as the ground level and continue throughout the floor.

Every basement in such buildings shall be illuminated and ventilated.

Sec. 12. In every dwelling hereafter erected there shall be provided a clear air space under the lowest floor thereof of at least six inches, except where there is a ventilated basement or cellar underneath such floor, which clear air space shall be enclosed and provided with a sufficient number of openings with removable screens, or similar provisions, of a size to insure ample ventilation. The surface underneath the floor shall be kept dry, drained, clean and free from any accumulation of rubbish, debris or filth.

The provisions of this section shall not be deemed to apply to masonry floors laid directly on the soil, nor to any self-supporting masonry floor.

Sec. 13. In every dwelling hereafter erected, every room used for living or sleeping purposes shall contain at least *ninety* square feet of superficial floor area.

Every such room shall at every point be not less than *seven* feet in width, nor less than *eight* feet in height measured from the finished floor to the finished ceiling; except that attic rooms and rooms where sloping ceilings occur need be eight feet in height in but one-half the area of the room.

Every water-closet compartment shall be not less than *thirty-six* inches in width and every such compartment and bath or shower compartment shall have a height of not less than seven feet six inches measured from the finished floor to the finished ceiling.

Sec. 14. In every dwelling hereafter erected, every room used for living or sleeping purposes and every kitchen, water-closet compartment, shower or bathroom, shall have at least one window, of the area fixed by this act, opening directly upon a street, or upon unoccupied area *not less than four in its least dimension and containing an area of not less than thirty-six square feet*, and located on the same lot.

A cornice may extend into the unoccupied area two inches for each one foot in width of such unoccupied area.

Windows herein required shall be located so as properly to light all portions of the room, and shall be made so as to open in all parts and so arranged that at least one-half of the window may be opened unobstructed; provided, however, that the windows required by this section in a water-closet compartment or bath or shower room may be opened directly into a vent shaft, such vent shaft to be in no dimension less than *eighteen inches*; provided, further, that windows required to open onto a street or onto unoccupied area may open through porches, *provided that the said porches do not exceed seven feet in depth, measured at right angles to the windows and that at least seventy-five per cent of the entire side of the porch, bounded by the street or unoccupied area is left open, except that the open space may be enclosed with mosquito screens.*

Sec. 15. In every dwelling hereafter erected the total window area in each room used for living or sleeping purposes shall be at least one-eighth of the superficial floor area of the room.

All measurements for window area shall be taken to outside of sash.

Sec. 16. In every dwelling hereafter erected, the window area in a water-closet compartment or bathroom shall be not less than three square feet.

Sec. 17. Every dwelling hereafter erected shall be provided with one water-closet for each family living therein.

Sec. 18. In every dwelling hereafter erected every plumbing fixture shall be provided with running water.

Every plumbing fixture affecting the sanitary drainage system in dwellings hereafter erected shall be properly connected with the street sewer, if a street sewer exists in the street abutting the lot on which the building is located and is ready to receive connections. When it is impracticable to connect such plumbing fixtures with a street sewer, then the plumbing fixtures shall be connected and drained into a cesspool constructed satisfactorily to the department charged with the enforcement of this act; or some other means of sewage disposal satisfactory to the department charged with the enforcement of this act may be made until such time as it may become practicable and possible to connect with the street sewer.

Sec. 19. Water-closets, baths, showers, sinks, slop-sinks, faucets and other plumbing fixtures required by this act need not be installed in the event that the dwelling hereafter erected, or an existing dwelling as the case may be,

is situated where there is no running water and where there is no practical means of sewage disposal, until such time as it becomes practicable and possible to obtain running water and means of sewage disposal; provided, in every such case the department charged with the enforcement of this act shall decide whether or not it is practicable and possible to provide running water, or proper means of sewage disposal; provided, further, that proper toilet facilities shall be provided for the use of the occupants of such building. Such facilities shall be made sanitary. A privy, or toilet other than a water-closet, erected under the authority of this section shall consist of a pit at least three feet deep, with suitable shelter over the same to afford privacy and protection from the elements. The openings of the shelter and pit shall be enclosed by fly screening, and the door to the shelter shall be made to close automatically, by means of a spring or other device. No privy pit shall be allowed to become 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 similar substances at regular intervals.

Sec. 20. In every dwelling hereafter erected, and in every dwelling now existing, all plumbing fixtures shall be properly trapped and vented and all such plumbing made sanitary in every particular. Water-closets hereafter installed shall have earthenware bowls and shall have earthenware seats, or seats made of some nonabsorbent material integral with the bowls, or wooden seats, enameled or varnished or otherwise made nonabsorbent, attached directly to the bowls. All connections shall be of standard lead, iron, steel or brass.

No plumbing fixtures shall be enclosed with woodwork, but the space under and around the same must be left entirely open.

Sec. 21. It shall be unlawful for any person to cook or to prepare food, or to permit or suffer any person to cook or prepare food in any bath, shower, slop-sink or water-closet compartment, or in any other place *in the building* which, in the judgment of the department charged with the enforcement of this act, is detrimental to the proper sanitation of such building.

It shall be unlawful for any person to live or sleep, or to permit or suffer any person to live or sleep, in any cellar, bath, shower or slop-sink room, water-closet compartment, *hallway, closet or kitchen*, or in any other place which, in the judgment of the department charged with the enforcement of this act, would be dangerous or prejudicial to life or health by reason of want of light, windows, ventilation, drainage, or on account of dampness, offensive, obnoxious or poisonous odors *or in any room that shall be so overcrowded as to afford less than the following floor space for each occupant in accordance with the age of the said occupant:*

Number of persons over 12 years of age	*Number of persons under 12 years of age*	*Superficial floor area required*
1	2	*60 square feet*
2	4	*120 square feet*
3	6	*180 square feet*
4	8	*240 square feet*
5	10	*300 square feet*
6	12	*360 square feet*

Additional floor area in the same ratio shall be provided for additional persons.

Sec. 22. No wall, partition or ceiling of any room in any dwelling shall be repapered, *calcimined, or have any other covering placed thereupon* unless the old wall paper or other covering shall have first been removed therefrom, *and the said wall, partition or ceiling cleaned, disinfected and freed from bugs, insects or vermin.*

Sec. 23. Every dwelling shall be maintained in good repair. The roofs shall be kept waterproof and all storm or casual water properly drained and conveyed therefrom to the street sewer, storm drain or street gutter.

Every water-closet, bathtub, sink, slop-hopper or other similar plumbing fixture shall at all times be kept clean, sanitary and in good working order.

Sec. 24. There shall be provided, whenever it is deemed necessary for the health of the occupants of any dwelling or for the proper sanitation or cleanliness of any such building, metal mosquito screening of at least sixteen mesh, set in tight-fitting removable sash, for each exterior door, window or other opening in the exterior walls of the building.

Sec. 25. There shall be provided *by the occupant or tenant for each dwelling* a tight metal receptacle, with close-fitting metal cover, for garbage, refuse, ashes and rubbish as may be deemed necessary by the department charged with the enforcement of this act. The receptacles shall be kept in a clean condition by the occupants or tenants.

Sec. 26. Every room, hallway, passageway, stairway, wall partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain, water-closet compartment or room, toilet room, bathroom, slop-sink or wash-room, plumbing fixture, drain, roof, closet, cellar, or basement in any dwelling, and the lot, *and the premises thereof*, shall be kept in every part clean and sanitary and free from all accumulation of debris, filth, rubbish, garbage or other offensive matter.

No person shall deposit, or cause or permit any person to deposit, any swill, garbage, bottles, ashes, cans or other improper substance in any water-closet, sink, slop-hopper, bathtub, shower, catch-basin, or in any plumbing fixture connection or drain therefrom, or otherwise to obstruct the same; or to place or cause or permit to be placed any filth, urine or other foul matter in any place other than the place provided for same; or to keep or cause or permit to be kept any urine or filth or foul matter in any room or apartment in any dwelling or in or about the said building or premises thereof for such length of time as to create a nuisance.

Sec. 27. No horse, cow, calf, swine, sheep, goat, rabbit, mule *or other animal*, chicken, pigeon, goose, duck or other poultry shall be kept in any dwelling house or any part thereof; nor shall any such animal or poultry, nor shall any stable, be kept or maintained within twenty feet of any window or door of such building.

Sec. 28. In case any dwelling, or any part thereof, is constructed, altered, converted or maintained in violation of any provisions of this act or of any order or notice of the department charged with its enforcement, or in case a nuisance exists in any such dwelling or building or structure or upon the lot on which it is situated, said department may institute any appropriate 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 dwelling, building or structure, to prevent any illegal act, conduct of business in or about such dwelling or lot. In any such action or proceeding said department 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 dwelling, 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 department is not complied with, said department may apply to the superior court, or to any judge thereof, for an order authorizing said department 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 dwelling, 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.

Sec. 29. Every fine imposed by judgment under section six of this act upon a dwelling 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 dwelling 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 charged with the enforcement of the provisions of this act, upon the entry of such judgment, to file forthwith the copy as aforesaid, and such copy upon filing shall be forthwith indexed by the recorder in the index of mechanics' liens.

Sec. 20. In any action or proceeding instituted by the department 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 Procedure. 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 of a certified copy of such order.

Sec. 21. Every notice or order in relation to a dwelling shall be served five days before the time for doing the thing in relation to which it shall have been issued.

Sec. 22. In any action brought by any department charged with the enforcement of this act in relation to a dwelling 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.

Sec. 23. The provisions of this act shall be held to be the minimum requirements adopted for the protection, the health and the safety of the community, and for the protection, the health and safety of the occupants of dwellings. Nothing in this act contained shall be construed as prohibiting the local legislative body of any incorporated town, incorporated city, or incorporated city and county, from enacting from time to time, supplementary ordinances or laws imposing further restrictions, or providing for fees to be charged for permits, certificates or other papers required by this act; but no ordinance, law, regulation or ruling of any municipal department, authority, officer or officers, shall repeal, amend, modify or dispense with any of the provisions of this act.

All statutes of the state and all ordinances of incorporated towns, incorporated cities and incorporated 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 ordinance or law of any incorporated town, incorporated city, or incorporated city and county, in the state which further restricts the percentage of the lot to be covered by a dwelling, the occupation thereof, the materials to be used in its construction, or *increasing the floor space, to each person occupying a room*, the requirements as to sanitation, ventilation, light and protection against fire.

Nothing in this act contained shall be construed as abrogating, diminishing, minimizing or denying the power of any incorporated town, incorporated city, or incorporated city and county, by ordinance or law, to further restrict the percentage of the lot to be covered by a dwelling within said municipality, the occupation thereof, the materials to be used in its construction, or *increasing the floor space to each person occupying a room*, the requirements as to sanitation, ventilation, light and protection against fire.

Sec. 34. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Sec. 35. This act shall take effect and be in force from and after September 1 1917.

ARGUMENT IN FAVOR OF STATE HOUSING ACT.

Senate Bill No. 285, known as the State Housing Act, was referred to the people to vote for it or against it because it contains a provision prohibiting the use of wooden shingles which have not been treated to render them fire resisting in the construction of roofs of dwellings, hotels, lodging houses, apartment houses and tenement houses hereafter built or erected in incorporated towns or incorporated cities in the State of California.

The above was the only reason why the act was referred to the people.

The provisions of the act respecting fire resisting roofs, which means merely the elimination of the untreated wooden shingle, applies only to dwellings, hotels, and tenement and apartment houses hereafter erected in incorporated towns and incorporated cities and to no other class of buildings, and does not apply to dwellings, hotels, tenement and apartment houses now existing, and such existing buildings may have their roofs repaired with wooden shingles or may have an entirely new roof of wooden shingles to replace the present roof.

This provision was placed in the act because of the great fire hazard arising from wooden shingle roofs and the great destruction of homes due to the inflammable nature of wooden shingle roofs in towns and cities where houses used for human habitation are in close proximity to one another.

It is thought that by providing dwellings hereafter erected in cities with fire resisting roofs, that is, by eliminating wooden shingle roofs on dwellings, hotels, tenement houses and apartment houses hereafter erected in cities, as years go by and more and more of them are erected, such dwellings will afford more and more protection against fire and particularly prevent general conflagrations.

The wooden shingle roof is the greatest fire hazard and fire spreader known to the insurance companies and the fire departments as affecting homes and houses used for human habitation for sleeping purposes in cities where such buildings are in close proximity to one another.

The above was the question upon which the bill was referred to the people and the only question.

A vote "Yes" is a vote for the act.

A vote "No" is a vote against the act.

LESTER G. BURNETT,
State Senator Nineteenth District.

ARGUMENT AGAINST STATE HOUSING ACT.

Limitation of space forbids even a brief reference to all the bad features of the "State Housing Act." Following are the most objectionable parts:

1. The definition of the word "approval" in this act gives unchecked authority to municipal building inspectors and other municipal inspection agencies as to the class of building materials to be used. You may wish to use a certain kind of roofing on your building, for example, a kind that is nationally known and approved by the National Board of Fire Underwriters. Nevertheless, you will not be permitted to use such roofing if the building inspector fails to "approve."

2. Sections 10 and 68 of the act virtually prohibit the use of wooden shingles on small dwell-

ings in unincorporated areas in incorporated cities and towns. Of course, shingles "may" be used if coated with some "approved" fire resistive compound. As has been pointed out, no standards are set as to what constitutes "approval" other than the whim of various officials. It will be readily seen, therefore, that owners would either be compelled to purchase useless, so-called fire resistive compounds, or the use of shingles for roofing would be entirely prohibited.

As shingles have been extensively used in this state for many years arguments in favor of this type of construction should be unnecessary.

3. Section 11 of the act permits tenement houses and hotels to be built in the rear of other buildings. The exit provision from the rear tenement house to the street constitutes a frightful fire menace. The act states that the passageway need only be five feet wide by seven feet high and lined with metal lath and plaster or galvanized iron. No one familiar with the fire resistive properties of the above named materials would sponsor a law under the terms of which people are likely to be trapped in burning buildings.

It need hardly be pointed out that the size of the exit is entirely inadequate and that this sort of construction makes for slum conditions on the rear of lots.

4. The act lowers the sanitary and plumbing requirements for hotels, tenement houses, and dwellings below what is the minimum of good practice. For example, this act states that the walls enclosing a water-closet compartment shall be well plastered, or constructed of, or painted with, some nonabsorbent material. This permits of any material as a partition provided it be painted with some "nonabsorbent material," i. e., ordinary paint. For instance, tongue and groove wooden boards which transfer odors, vermin, and sound, if painted will fulfill the requirements of this act. The principal danger is that such partition may form the only separation of a toilet from a hall, kitchen, pantry, cooler, or living room, for nothing in the act requires the partitions of these rooms to be plastered. Again, the separation of toilets for both sexes may be nothing more than a wooden partition. Finally, the act makes no provision for employes' toilets in hotels.

All right thinking citizens favor reasonable and proper building restrictions. But it must be conceded that this act goes far beyond the bounds of reason in some respects. And, as a whole, the act does not set forth building restrictions in a fair or equitable manner.

PAUL SCHARRENBERG,
Member California Commission of Immigration and Housing.

TITLE INSURANCE. Assembly Constitutional Amendment 19 adding Section 5½ to Article XII of Constitution. Authorizes the legislature to provide for the classification by population of counties (including any city and county) for the purpose of regulating the business of issuing guarantees or policies of insurance upon the title to real or personal property.

6

YES

NO

Assembly Constitutional Amendment No. 19—A resolution to propose to the people of the State of California, to amend the constitution of said state by adding to article twelve thereof a new section to be numbered five and one-half, relative to the regulation of the business of issuing guarantees or policies of insurance upon the title to real or personal property.

Resolved by the assembly, the senate concurring, That the legislature of the State of California at its regular session commencing on the third day of January, one thousand nine hundred twenty-one, two-thirds of the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to amend the constitution of said state by adding to article twelve thereof a new section, to be numbered five and one-half and to read as follows:

PROPOSED AMENDMENT.

Sec. 5½. The legislature may provide for the classification by population, of counties (including any city and county) for the purpose of regulating the business of issuing guarantees or policies of insurance upon the title to real or personal property.

ARGUMENTS IN FAVOR OF ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 19.

The object of Assembly Constitutional Amendment No. 19 is to give the legislature the same power to classify by population, counties (including any city and county) for the purpose of regulating the business of issuing guarantees or policies of insurance upon the title to real or personal property by the formation of title insurance corporations as now applies to a banking corporation.

The law, at the present time, permits the formation of title insurance companies upon complying with all the requirements of the insurance laws and the rules and regulations of the Insurance Department of this state, and gives the Insurance Commissioner supervisory powers over such corporations.

Before a title insurance company can issue any guarantee or policy of title insurance it shall deposit with the state treasurer, a guarantee fund of one hundred thousand dollars as security for the protection of the holders of, or beneficiaries under, such guarantees or policies of title insurance.

It must also have a capital stock paid in, in cash, of at least one hundred thousand dollars not to exceed 50 per cent of which may be invested in the purchase of materials or plant necessary to enable it to engage in the title insurance business.

The present law works a hardship on smaller communities by making no distinction between a locality containing five hundred thousand and one containing ten thousand, for instance, in the amount necessary to start a title insurance corporation, while it does make a distinction in the case of a banking corporation. All this constitutional amendment seeks to do is to do away with this discrimination against the less populous locality, at the same time retaining all the present safeguards.

PERCY G. WEST,
Assemblyman Fifteenth District.

This is an enabling act. If adopted, the legislature will be empowered to provide by statute for the classification of counties for the purpose of regulating the business of insuring and guaranteeing titles to real property.

The measure should be adopted for the following reasons:

1. State supervision. All title companies coming under its provisions will be placed under the strict control and careful regulation of the State Insurance Commissioner, the same as other insurance companies.

2. Financial responsibility. A minimum deposit of $100,000 must now be made with the state treasurer before companies may engage in the business of title insurance. This insures financial responsibility to the guaranties and policies issued by title companies. This constantly maintained deposit, coupled with state supervision, offers the greatest safeguard to all property owners and investors.

3. Present law discriminates. At present, because of the minimum deposit of $100,000, only large centers of population enjoy the benefits of title insurance. Smaller communities are

deprived of this modern and essential method of guaranteeing titles.

4. Benefits to be extended. By classifying counties according to population, as contemplated by this amendment, the legislature may prescribe a smaller deposit than $100,000 in less populous communities. The legislature will provide a sum sufficiently large, however, to insure adequate financial responsibility. By this means, title companies in practically every county will qualify to write title insurance, eliminating the present control of the title business by large cities. All companies, so qualifying under the proposed law, would be subject to state supervision.

5. Invites healthy competition. By permitting more companies to engage in the business of title insurance, competition will be more keen.

6. On equality with banks. Fifteen years ago counties were classified according to population in order that every community might enjoy banking privileges. The results accomplished completely justified that procedure. By this proposed amendment, every community may likewise enjoy the benefits to be derived from state-supervised title insurance. Both banking and title insurance are equally essential to modern business.

7. No additional taxes. Neither the adoption of this amendment nor any action of the legislature pursuant thereto, will cause the creation of any new state offices or departments.

The foregoing are a few of the many reasons why the voters should vote "Yes" on this measure.

SIDNEY T. GRAVES,
Assemblyman Sixty-third District.

ARGUMENT AGAINST ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 19.

I can see no valid reason for the classification by population of counties for the purpose of regulating the business of issuing guarantees or policies of insurance upon the title to real or personal property.

Such business should be conducted alike in all parts of the state, and if any regulation is required it should be general and applicable to each county and city and county alike, wherever the property is situate.

The title to property is protected by laws which are uniform in their operation and which are applicable to all parts of the state, and why should the business of issuing guarantees or policies of insurance upon such titles differ according to the population of the respective counties?

The value of any property or title involved is in no way affected by the population of the county in which it may be situate. A property of very great value may be situate within the borders of a county of small relative population. Some of the most valuable properties in the state are in the rural districts and away from the centers of population; among these are oil, mining and agricultural properties, timber, and lumber manufacturing properties, and other properties too numerous to mention. And again, a county of smaller population may have greater property wealth than another county of greater population.

There is no reason why any different rule or regulation should apply to the insurance of the title to my property on one side of the county line than should apply to my neighbor's property on the other side.

If such classification is permitted there may be as many different acts regulating the business as there are counties of the state, which would necessarily lead to confusion and would likely result in much litigation.

This amendment should be defeated at the polls.

J. C. WEBSTER,
Assemblyman Forty-seventh District.

EXEMPTING VETERANS FROM TAXATION. Assembly Constitutional Amendment 24 amending Section 1¼ of Article XIII of Constitution. Extends tax exemption provisions of present section to include those veterans who have been released from active duty under honorable conditions.

7

YES	
NO	

Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to section one and one-quarter of the constitution of the State of California, relating to exemption from taxation all veterans of the army, navy or marine corps, and revenue marine service of the United States in time of war.

The legislature of the State of California at its regular session commencing on the third day of January A. D. one thousand nine hundred twenty-one, two-thirds of the members elected to each of the two houses of said legislature voted in favor thereof, hereby proposes that section one and one-quarter of article thirteen of the constitution of the State of California be amended to read as follows:

PROPOSED AMENDMENT.

(Proposed changes in provisions are printed in black-faced type.)

Sec. 1¼. The property to the amount of one thousand dollars of every resident of this state who has served in the army, navy, marine corps or revenue marine service of the United States in time of war, and received an honorable discharge therefrom or who has been released from active duty under honorable conditions, or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and property to the amount of one thousand dollars of the widow resident in this state, or if there be no such widow, of the widowed mother resident in this state, of every person who has so served and has died either during his term of service or after receiving an honorable discharge from said service, or who has been released from active duty under honorable conditions, and the property to the amount of one thousand dollars of pensioned widows, fathers, and mothers, resident in this state, of soldiers, sailors and marines who served in the army, navy or marine corps or revenue marine service of the United States shall be exempt from taxation; provided, this exemption shall not apply to any person named herein owning property of the value of five thousand dollars or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars or more. No exemption shall be made under the provisions of this act of the property of a person who is not a legal resident of the state.

EXISTING PROVISIONS.

(Provision proposed to be repealed is printed in italics.)

Sec. 1¼. The property to the amount of one thousand dollars of every resident in this state who has served in the army, navy, marine corps, or revenue marine service of the United States in time of war, and received an honorable discharge therefrom; or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and property to the amount of one thousand dollars of the widow resident in this state, or if there be no such widow, of the widowed mother resident in this state, of every person who has so served and has died either during his term of service or after receiving honorable discharge from said service; and the property to the amount of one

thousand dollars of pensioned widows, fathers, and mothers, resident in this state, of soldiers, sailors, and marines who served in the army, navy, or marine corps, or revenue marine service of the United States, shall be exempt from taxation; provided, that this exemption shall not apply to any person named herein owning property of the value of five thousand dollars or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars or more. No exemption shall be made under the provisions of this act of the property of a person who is not a legal resident of *this* state.

ARGUMENT FOR ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 24.

Article XIII, section 1¼ of the constitution of California now reads, so far as it pertains to this proposed constitutional amendment, as follows:

"The property to the amount of one thousand dollars ($1,000) of every resident in this state who has served in the army, navy, marine corps, or revenue marine service of the United States in time of war, and received an honorable discharge therefrom; * * * shall be exempt from taxation."

The part that is inserted by this proposed constitutional amendment is after the word "therefrom" and inserts the following: "or who has been released from active duty under honorable conditions."

This same addition has been inserted in another place in this section, so as to make it uniform. The reason for this insertion is that as the constitution now stands, it is necessary that a person, or his heirs as now designated in the constitution, to be entitled to the one thousand dollar exemption, must have a discharge from some branch of the service above mentioned.

A great many men, during the last war, enlisted for a period of four years with the provision that they were to be released from active duty at the end of the war, but as a result do not get their final discharge until the enlistment period has been completed, while, on the other hand, the thousands of men who were drafted into the service, immediately received their discharge at the close of the war and are entitled to their exemption when back in civil life, while the men who enlisted in the navy and marine corps, and some other branches of the service, are only released from active duty, and as a result, can not claim the exemption that they should have until they have received their discharge.

This constitutional amendment will make it possible that such a condition does not exist in the future, and that all service men can be treated alike.

HERBERT MCDOWELL,
Assemblyman Fifty-first District.

ISAAC JONES,
Assemblyman Fifty-seventh District.

MUNICIPALITIES. Senate Constitutional Amendment 13 adding Section 7½b to Article XI of Constitution. Declares that no incorporated city or town shall ever be transferred or annexed to, or consolidated with, any other municipality, or consolidated city and county, without the consent of a majority of the voters of such incorporated city or town voting at an election called for that purpose.

8

YES	
NO	

Senate Constitutional Amendment No. 13—A resolution proposing to the people of the State of California, an amendment to article eleven of the constitution of the state, by adding a new section thereto, to be known as section seven and one-half b of said article eleven, relating to the annexation or consolidation of municipalities.

Be it resolved by the senate, the assembly concurring, That the legislature of the State of California, at its regular session, commencing on the third day of January, one thousand nine hundred twenty-one, 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 article eleven of the constitution of the State of California be amended by adding to said article eleven a new section to be known as section seven and one-half b, of said article eleven, and to read as follows:

PROPOSED AMENDMENT.

Sec. 7½b. No incorporated city or town shall ever be transferred or annexed to, or consolidated with, any other municipality, or consolidated city and county, without the consent of a majority of the voters of such incorporated city or town voting at an election called for that purpose.

The provisions of section 7½a of Article XI of the constitution affected by the proposed amendment read as follows:

Sec. 7½a. * * * If under the provisions of this section, any city and county is formed which does not include the whole of the original county, and by reason of the separation of the territory comprising the new city and county, any incorporated city or town or any unincorporated territory is separated from the largest area of the remainder of the county, by reason of its exterior boundary not being contiguous thereto, the legislature shall provide for the transfer of such portion or portions to an adjoining county or counties whose exterior boundary or boundaries may be contiguous thereto, or it may transfer such portion or portions to the new consolidated city and county; provided, however, if there be formed and established under the provisions of this section, a consolidated city and county government of a lesser area than that of the whole county, and there be any incorporated city having a population of forty thousand inhabitants or over, within the county, as ascertained by the last preceding census taken under the authority of the congress of the United States, which is not included therein, or if by the formation and establishment of any lesser area than that of the whole county into a consolidated city and county, any such incorporated city having such population is separated and detached from the largest area of the remainder of the original county, by reason of its exterior boundaries not being contiguous thereto, then such incorporated city, together with all other incorporated cities or towns or unincorporated territory in such original county, which if said new city and county is formed and established would likewise be so separated and detached, and which are contiguous to each other and form one compact area, may organize and establish a consolidated city and county government for the whole of such detached territory under the provisions of section eight of this article, by adopting a freeholders charter in accordance with the provisions of said section, and to have all of the powers conferred by said section; * * * The legislature shall enact such general or special laws as may be necessary to carry out the provisions of this section, and such general or special laws as may be necessary to effect city and county consolidation hereunder, or as may be necessary to provide for any period after such consolidation, by reason of the separation from the original county of such consolidated city and county, or to provide for the government of the remainder of the original county from which separation was had.

ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 13.

This amendment should be adopted because it reserves to all cities and towns without discrimination the right to determine for themselves whether or not such cities or towns shall be transferred or annexed to any other city or county.

At the time our nation was first established, its founders took the occasion to announce that, in their opinion, all just governments rested upon certain basic principles, among the most important of which is one which declares that "governments derive their just powers from consent of the governed." Ever since that time, whenever and wherever the occasion demanded, that principle has been reaffirmed and strictly observed. It has been consistently followed and adopted down through all the various political subdivisions into which our country is divided, the states, counties and cities, and even the lesser units of government.

And so we find that in the organization, annexation and consolidation of cities or other political subdivisions, this principle has been carefully adhered to and faithfully observed, in order that no people should ever have imposed on them a government not of their own choosing.

However, it appears that in November, 1918, certain interested parties were able to secure the adoption of an amendment to article XI, section 7½a, of the constitution, which involves a violation of this principle, by providing that, under certain conditions, a city of less than forty thousand inhabitants may be transferred by the legislature to some other adjacent city and county without consent of the electors of such city being first obtained. An interesting and illuminating point in connection with the matter is the fact that the amendment alone contains about 8000 words and is fifteen pages in length, being two pages longer than the original constitution of the United States, and this, together with the fact that the world war was still holding first place in the public mind, is responsible for the failure of the people to discover the objectionable provision.

Under the law of this state as it now stands, no community can organize into a municipality without the consent of a majority of the people of that community. Neither can any community be annexed to an adjacent city or town without the consent of a majority in that community and also a majority in the adjacent city or town. Why, then, under any set of circumstances, should the legislature be permitted to transfer one city to another without consent of the people of that city being first obtained?

Principles are fundamental, and should never be departed from, no matter how strong the provocation may seem. The future welfare of our nation depends upon the faithful adherence, at all times, to the fundamental principles upon which it was founded, and no violation of them can ever be justified under any circumstances. The adoption of this constitutional amendment would prevent any city from being transferred bodily to another until the people interested have had something to say about it.

Vote *"yes."*

EDWIN M. OTIS,
State Senator Fourteenth District.
FRANK M. CARR,
State Senator Thirteenth District.

MUNICIPAL CHARTERS. Senate Constitutional Amendment 4 amending Section 8 of Article XI of Constitution dealing with adoption of municipal charters. Authorizes creation of boroughs in municipalities by amendments to municipal charters as well as by original charters as now provided. Adds proviso that after creation of any borough, whether by original charter or by amendment thereto, the powers thereof shall not be modified, amended or abridged in any manner, without consent of majority of qualified electors of such borough voting at a regular or special election.

9

YES	
NO	

Senate Constitutional Amendment No. 4—Relative to the framing and ratifying of municipal charters.

Resolved by the senate, the assembly concurring, That the legislature of the State of California at its forty-fourth regular session, beginning on the third day of January, 1921, two-thirds of all the members elected to each of the houses voting in favor thereof, propose to the people of the state that section eight of article eleven of the constitution be amended to read as follows:

PROPOSED AMENDMENT.

(Proposed changes in provisions are printed in black-faced type.)

Sec. 8. Any city or city and county 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 or of the legislature of California, may frame a charter for its own government, consistent with and subject to this constitution; and any city, or city and county having adopted a charter may adopt a new one. Any such charter shall be framed by a board of fifteen freeholders chosen by the electors of such city at any general or special election, but no person shall be eligible as a candidate for such board unless he shall have been, for the five years next preceding, an elector of said city. An election for choosing freeholders may be called by a two-thirds vote of the legislative body of such city, and, on presentation of a petition signed by not less than fifteen per cent of the registered electors of such city, the legislative body shall call such election at any time not less than thirty nor more than sixty days from date of the filing of the petition. Any such petition shall be verified by the authority having charge of the registration records of such city or city and county and the expenses of such verification shall be provided by the legislative body thereof. Candidates for the office of freeholders shall be nominated either in such manner as may be provided for the nomination of officers of the municipal government or by petition, substantially in the same manner as may be, provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections. The board of freeholders shall, within one hundred twenty days after the result of the election is declared, prepare and propose a charter for the government of such city; but the said period of one hundred twenty days may with the consent of the legislative body of such city be extended by such board not exceeding a total of sixty days. The charter so prepared shall be signed by a majority of the board of freeholders and filed in the office of the clerk of the legislative body of said city. The legislative body of said city shall within fifteen days after such filing cause such charter to be published once in the official paper of said city; (or in case there be no such paper, in a paper of general circulation); and 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 papers of general circulation published in said city a notice that such copies may be had upon application therefor.

such charter shall be submitted to the electors of such city at a date to be fixed by the board of freeholders, before such filing and designated in such charter, either at a special election held not less than sixty days from the completion of the publication of such charter as above provided, or at the general election next following the expiration of said sixty days. If a majority of the qualified voters 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 submitted to the legislature, if then in session, or at the next regular or special session of the legislature. The legislature shall by concurrent resolution approve or reject such charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city or city and county, and supersede any existing charter and all laws inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the secretary of state, one with the recorder of the county in which such city is located, and one in the archives of the city; and thereafter the courts shall take judicial notice of the provisions of such charter. The charter of any city or city and county may be amended by proposals therefor submitted by the legislative body of the city on its own motion or on petition signed by fifteen per cent of the registered electors, or both. Such proposals shall be submitted to the electors only during the six months next preceding a regular session of the legislature or thereafter and before the final adjournment of that session and at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city or city and county not less than sixty days prior to the general election next preceding a regular session of the legislature. The signatures on such petition shall be verified by the authority having charge of the registration records of such city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted shall be advertised in the same manner as herein provided for the advertisement of a proposed charter, and the election thereon held at a date to be fixed by the legislative body of such city, not less than forty and not more than sixty days after the completion of the advertising in the official paper. If a majority of the qualified voters voting on any such amendment vote in favor thereof it shall be deemed ratified, and shall be submitted to the legislature at the regular session next following such election; and approved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a charter. In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be voted on by the electors separately, and, as between those so related, if more than one receive a majority of the votes, the proposition receiving the larger number of votes shall control as to all matters in conflict. It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. It shall be competent in any such charter, or amendment thereof, to provide for the creation of boroughs in all or any part of the territory of the city or city and county governed thereby, and to provide that each such borough may exercise such general or special municipal powers, and to be administered in such manner, as may be prescribed for each such borough in such charter; provided, however, that after the creation of any such borough, the powers thereof shall not be modified, amended or abridged in any manner, without the consent of a majority of the qualified electors of such borough voting at a regular or special election.

The percentages of the registered electors herein required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general state election; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of such city or city and county shall, so far as applicable, govern all elections held under the authority of this section.

EXISTING PROVISIONS.

(Provisions proposed to be repealed are printed in italics.)

Sec. 8. Any city or city and county 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 or of the legislature of California, may frame a charter for its own government, consistent with and subject to this constitution; and any city, or city and county having adopted a charter may adopt a new one. Any such charter shall be framed by a board of fifteen freeholders chosen by the electors of such city at any general or special election, but no person shall be eligible as a candidate for such board unless he shall have been, for the five years next preceding, an elector of said city. An election for choosing freeholders may be called by a two-thirds vote of the legislative body of such city, and, on presentation of a petition signed by not less than fifteen per cent of the registered electors of such city, the legislative body shall call such election at any time not less than thirty nor more than sixty days from date of the filing of the petition. Any such petition shall be verified by the authority having charge of the registration records of such city or city and county and the expenses of such verification shall be provided by the legislative body thereof. Candidates for the office of freeholders shall be nominated either in such manner as may be provided for the nomination of officers of the municipal government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections. The board of freeholders shall, within one hundred and twenty days after the result of the election is declared, prepare and propose a charter for the government of such city; but the said period of one hundred and twenty days may with the consent of the legislative body of such city be extended by such board not exceeding a total of sixty days. The charter so prepared shall be signed by a majority of the board of freeholders and filed in the office of the clerk of the legislative body of said city. The legislative body of said city shall within fifteen days after such filing cause such charter to be published once in the official paper of said city; (or in case there be no such paper, in a paper of general circulation); and 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 papers of general circulation published in said city a notice that such copies may be had upon application therefor. Such charter shall be submitted to the electors of such city at a date to be fixed by the board of freeholders, before such filing and designated on such charter, either at a special election held not less than sixty days from the completion of the publication of such charter as above provided, or at the general election next following the expiration of said sixty days. If a majority of the qualified voters 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 submitted to the legislature, if then in session, or at the next

regular or special session of the legislature. The legislature shall by concurrent resolution approve or reject such charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city or city and county, and supersede any existing charter and all laws inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the secretary of state, one with the recorder of the county in which such city is located, and one in the archives of the city; and thereafter the courts shall take judicial notice of the provisions of such charter. The charter of any city or city and county may be amended by proposals therefor submitted by the legislative body of the city on its own motion or on petition signed by fifteen per cent of the registered electors, or both. Such proposals shall be submitted to the electors only during the six months next preceding a regular session of the legislature or thereafter and before the final adjournment of that session and at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city or city and county not less than sixty days prior to the general election next preceding a regular session of the legislature. The signatures on such petitions shall be verified by the authority having charge of the registration records of such city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted shall be advertised in the same manner as herein provided for the advertisement of a proposed charter, and the election thereon held at a date to be fixed by the legislative body of such city, not less than forty and not more than sixty days after the completion of the advertising in the official paper. If a majority of the qualified voters voting on any such amendment vote in favor thereof it shall be deemed ratified, and shall be submitted to the legislature at the regular session next following such election; and approved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a charter. In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be voted on by the electors separately, and, as between those so related, if more than one receive a majority of the votes, the proposition receiving the larger number of votes shall control as to all matters in conflict. It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. It shall be competent in any charter to provide *for the division of the city or city and county governed thereby into boroughs or districts*, and to provide that each such borough *or district* may exercise such general or special municipal powers, and to be administered in such manner, as may be provided for each such borough *or district* in the charter *of the city or city and county*.

The percentages of the registered electors herein required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general state election; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of such city or city and county shall, so far as applicable, govern all elections held under the authority of this section.

ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 4.

Senate Constitutional Amendment No. 4, being an amendment of section 8 of article XI of the state constitution, is designed to permit cities, in their charters, to provide a satisfactory scheme for the creation of boroughs within their limits. The supreme court of the state has decided, in a case entitled *Cross vs. The City of Los Angeles*, reported in 175 California Reports, at page 774, that, as the constitution now stands, if a city desires to establish such a scheme, its plan is only valid if it provides for the division of the entire city into boroughs. This decision has practically rendered the borough schemes in many city charters valueless, for while many cities might desire to create a borough in a specified section of the city, very few cities would want to carry the scheme to the extent of creating boroughs covering the entire city.

Not only does the scheme contemplated by the proposed amendent appear to be just and proper, but it is consistent with the scheme now existing in the constitution for the creation of boroughs in city and county governments, such as exists in San Francisco. There is of course no reason why one scheme should obtain in a municipality having a city and county government and another in an ordinary charter city, and the proposed amendment, if adopted, will remove this inequality and make one plan for borough governments which will be consistent throughout the entire state.

Not only is the proposed amendment of interest to inhabitants of cities, but it should also interest persons living in unincorporated territory adjacent to cities who might, for certain purposes, such as the securing of a water supply or sewage facilities or fire or police protection, desire annexation to the city but, at the same time, wish to retain jurisdiction over their strictly local affairs. There is at present no law in this state under which such a plan could be worked out, excepting through the division of the entire city into boroughs, while if the proposed amendment is adopted any charter city will be enabled to provide a scheme whereby communities desiring annexation or consolidation may have the benefits of incorporation with the larger city and at the same time retain full control over their own local affairs.

It must be remembered also that the amendment is permissive only. It does not compel any city to take advantage of its provisions, but simply provides the necessary constitutional authority for a city which may desire, through amendment to its charter, to provide itself with a workable plan for a borough government.

The section of the constitution proposed to be amended is a long section, but the entire amendment is contained in the portion near the end which relates to the formation of boroughs, and no other part of the section is affected. It is an amendment which can not possibly affect the public interests of any community adversely, but which is calculated to benefit cities desiring to avail themselves of its provisions through the extension of the California doctrine of municipal home rule, and its adoption by the people is urged upon that ground.

CHARLES W. LYON,
State Senator Thirty-fourth District.

M. B. JOHNSON,
State Senator Eleventh District.

TAXATION OF PUBLICLY OWNED PUBLIC UTILITIES. Initiative measure adding Section 15 to Article XIII of Constitution. Declares all property owned, operated, managed or controlled by any municipality, county, district or other public agency, created and existing under laws of California, **10** and held or used for supplying the public with light, power, heat, transportation, telegraph or telephone service, shall be assessed and taxed in same manner, to same extent and for same purposes, as like property held or used for like purposes by private corporations and natural persons shall be assessed and taxed under the State Constitution and laws.

YES	
NO	

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed measure is as follows:

[The proposed section fifteen of article thirteen reads as follows:]

All property, works, plant and equipment owned, operated, managed or controlled by any city, city and county, county, district, or other public agency, created and existing under and by virtue of the constitution and laws of this state, and held or used for supplying the public with light, power, heat, transportation or telegraph or telephone service, shall be assessed and taxed in the same manner, to the same extent, and for the same purposes, as like property held or used for like purposes by private corporations and natural persons shall be assessed and taxed under authority of this constitution and laws enacted pursuant thereto.

Section one of article thirteen of constitution, a portion of which will be rendered inoperative by the proposed amendment, reads as follows:

(The provision affected is printed in italics.)

Section 1. All property in the state except as otherwise in this constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; provided, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; and further provided, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county, city and county, or municipal corporation within this state shall be exempt from taxation, except such lands and the improvements thereon located outside of the county, city and county, or municipal corporation owning the same as were subject to taxation at the time of the acquisition of the same by said county, city and county, or municipal corporation; *provided, that no improvements of any character whatever constructed by any county, city and county or municipal corporation shall be subject to taxation. All lands or improvements thereon, belonging to any county, city and county, or municipal corporation, not exempt from taxation, shall be assessed by the assessor of 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 board of equalization. The legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.*

ARGUMENT IN FAVOR OF TAXATION OF PUBLICLY OWNED PUBLIC UTILITIES.

The effect of this amendment will be to subject publicly owned utility properties to state taxation and thereby to prevent further shifting of the burden of state taxes from the inhabitants of municipalities owning public utility systems to the inhabitants of the rest of the state.

Under the existing constitution and statutes of this state, seven and one-half per cent of the gross receipts derived from the operation of gas and electric properties, five and one-fourth per cent of the gross receipts derived from the operation of street and interurban railroad properties, and five and one-half per cent of the gross receipts derived from telephone properties, when such properties are owned by private persons or corporations, must be paid as taxes into the state treasury; and these taxes paid by private persons and corporations are, under the Public Utilities Act, allowed as operating expenses and included in the rates paid by their consumers.

On the other hand gas, electric, telephone and street railroad properties, if owned and operated by a county or municipal corporation, are exempt from taxation, except such lands and improvements thereon located outside of the county or municipal corporation owning the same as were subject to taxation at the time of the acquisition of the same by such county or municipality.

Consequently the acquisition by a county or municipal corporation of a public utility system has the result, under the existing provisions of the constitution of this state, of shifting a part of the burden of state taxes from the consumers served by such county or municipal corporation to consumers served by private persons or corporations in other municipalities and in country districts—a result manifestly unfair to the majority of the inhabitants of this state. If this shifting process shall go much further, it will soon become necessary to resort to a general property tax to provide necessary state revenue.

The adoption of this amendment is urged on the ground that it is necessary to protect the state's revenues and to prevent an obviously unfair shifting of the burden of state taxation.

W. A. SUTHERLAND,
Vice President Los Angeles Trust and Savings Bank, Managing Director Fidelity of Fresno Branch.

ARGUMENT AGAINST TAXATION OF PUBLICLY OWNED PUBLIC UTILITIES.

Under the constitution as it now reads (Sec. 1, Art. XIII): "property belonging to the state or to any county, city and county or municipal corporation within the state shall be exempt from taxation."

The purpose of the amendment is to change this so that certain public property, when used by a municipality to furnish light, heat, power, transportation, telegraph or telephone service, shall be taxed, and by this means discourage public ownership of public utilities and fasten the tentacles of private monopoly more securely upon the people of the state.

The proponents of this measure evidently assume that the present method of raising state revenue by imposing a tax upon the gross revenues of the privately owned public utility companies is a *just* system and therefore it should be extended to the publicly owned utilities;

whereas it is a well known law of economics that a tax which will increase the cost of things essential to human existence or happiness is an *unjust* system.

An unjust system should not be extended and made more unjust; rather should the remedy be to lessen its unjustness. There are 132 municipally-owned waterworks in California. Why were they omitted? Is it planned to first secure an entering wedge before extending it to waterworks?

Our friends, the public service corporations, have mistaken their remedy. If they find that they can not compete with municipally owned plants (which they will not admit in public), they should apply for an exempting provision rather than extend injustice.

The proposed amendment is doubly unjust in this: Many municipalities buy electricity wholesale from private companies, and they are charged a state tax in the price that they pay. The resale of this same electricity to consumers would therefore carry two taxes, one on the wholesale price to the municipality and another on the retail price to the consumer.

It is also unjust because its effect is discriminatory against smaller municipalities. Possibly the city of Los Angeles could afford to pay such tax, but how about the little towns such as Loyalton, Healdsburg or Tehachapi? In these places the margin of profit is proportionately small and a tax on the gross revenue would be a grievous burden. It is a general rule everywhere that all public property is exempt from taxation, and it is based upon the fact that the public would merely be taxing itself to raise money to pay over to itself, or as stated in an early California case (*People vs. Doe*, Vol. 36, California Reports, page 220) would be merely taking money out of one pocket and putting it into another, so that there would be no gain in revenue, but on the contrary a loss to the extent of the cost of assessing and collecting the tax.

The tax is unscientific. It is illogical. We might just as well say that because buildings used for private schools are taxed, therefore we should tax all public school buildings. It is almost as illogical as a tax imposed by Uncle Sam on the gross income of the post office.

What we want to do is to make electricity, gas, transportation and like services cheaper and not more costly. Extend their benefits to everybody. If public ownership will do this (and the very submission of this amendment admits this), then we should encourage public ownership, and not discourage it, as this amendment proposes.

H. A. MASON,
W. J. LOCKE,
Secretaries of the League of California Municipalities.

REGULATION OF PUBLICLY OWNED PUBLIC UTILITIES. Initiative measure adding Section 23b to Article XII of Constitution. Declares every municipality, county, district and other public agency, created and existing under California laws, owning, operating, managing or controlling any property for supplying light, power, heat, transportation, telegraph or telephone service, to or for the public, shall, as to such property and the business conducted therewith, be a public utility, regulated by the State Railroad Commission in all respects, except issuance of securities, as private corporations and natural persons owning, operating or controlling like property for like purposes.

11

YES

NO

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed measure is as follows:

[The proposed section twenty-three b of article twelve reads as follows:]

Every city, city and county, county, district, and other public agency, created and existing under and by virtue of the constitution and laws of this state, which shall at any time own, operate, manage or control any property, works, plant or equipment for supplying light, power, heat, transportation or telegraph or telephone service, either directly or indirectly, to or for the public, shall henceforth, in respect of such property, works, plant and equipment, and the business conducted by means thereof, be a public utility, and be supervised and regulated by the railroad commission of the State of California in the same manner and to the same extent in all respects, except the issuance of securities, as private corporations and natural persons owning, operating, managing or controlling like property, works, plant or equipment for like purposes.

Section nineteen of article eleven of constitution which will be superseded in part by the proposed amendment reads as follows:

Sec. 19. Any municipal corporation may establish and operate public works for supplying its inhabitants with light, water, power, heat, transportation, telephone service or other means of communication. Such works may be acquired by original construction or by the purchase of existing works, including their franchises, or both. Persons or corporations may establish and operate works for supplying the inhabitants with such services upon such conditions and under such regulations as the municipality may prescribe under its organic law, on condition that the municipal government shall have the right to regulate the charges thereof. A municipal corporation may furnish such services to inhabitants outside its boundaries; provided, that it shall not furnish any service to the inhabitants of any other municipality owning or operating works supplying the same service to such inhabitants, without the consent of such other municipality, expressed by ordinance.

ARGUMENT IN FAVOR OF REGULATION OF PUBLICLY OWNED PUBLIC UTILITIES.

The object sought to be accomplished by the regulation of publicly owned utilities by the Railroad Commission is to insure to the consumers served by them the same benefits which are now secured to the consumers of privately owned utilities through the enforcement of the Public Utilities Act, viz:

(a) The establishment of uniform classifications of accounts insuring uniform and honest accounting.

(b) The establishment of just and reasonable rates.

(c) The elimination of preferential rates and discriminating practices; the inhibition of rebates and refunds.

(d) The establishment of uniform, just and reasonable rules and regulations governing service and the making of service extensions.

(e) The establishment of rules relating to the safe construction and operation of plants and works.

(f) The creation of a fair and impartial tribunal to which consumers may appeal under a uniform and simplified procedure for the redress of their complaints and grievances.

The principles of regulation as applied by the state to public utilities owned by private corporations are fair and just to the utility and to the public. There can be no sound argu-

ment against the application of these principles to publicly owned utilities. In California a publicly owned utility is not subject to any control that can be properly termed "regulation," even though it does business and serves consumers beyond the territorial limits of the political body owning and operating the plant or system. It is fallacious to assume that because a utility is publicly owned that its consumers do not need protection respecting rates and service to the same extent as do those who are served by private utilities. A plant may make little by way of net return and yet the rates to different classes of consumers may be unreasonable and discriminatory. One class of consumers may be charged rates so high that they will be contributing a part of the cost of the service rendered to some other class; again the plant may be extravagantly and inefficiently operated as an analysis of operating costs and a comparison with other plants under state regulation will disclose. All classes of consumers may be paying too much for service and yet the plant may be operated at small profit. A plant or system that is efficiently and wisely operated has nothing to fear from investigation and regulation by the state whether privately or publicly owned. Inefficiency and wastefulness alone shrink from the light of publicity. State regulation of publicly owned utilities is in operation in the State of Wisconsin and other states of the Union. In Wisconsin, where the state regulates publicly owned utilities to the fullest extent, municipal operations of public utilities has attained its highest efficiency.

As regulation by the Railroad Commission of California of privately owned public utilities has resulted in securing for the patrons of those utilities improved service, just and reasonable rates, the elimination of discriminatory practices, the establishment of fair and equitable rules and regulations governing standards of service, and the creation of a tribunal to which they may appeal for the redress of their grievances, it would seem that the people of this state would be acting wisely by extending to the patrons of municipally owned utilities the same rights and safeguards enjoyed by the consumers supplied by privately owned and operating utilities.

W. A. SUTHERLAND,
Vice President Los Angeles Trust and Savings Bank, Managing Director Fidelity of Fresno Branch.

ARGUMENT AGAINST REGULATION OF PUBLICLY OWNED PUBLIC UTILITIES.

This proposes to deprive cities and other political subdivisions of control over their own public utilities, and place it with the Railroad Commission. It does not include 119 municipal water works, all in successful operation, as this would invite too much opposition. It does include light, power, heat, transportation, telegraph and telephone service, when supplied by cities or other public agencies. There are 21 cities successfully supplying light and power. Few furnish any of the other services. The purpose of this measure is to make it difficult or impossible for cities to embark in or conduct these enterprises. It was put upon the ballot by the power company interests. The League of California Municipalities, consisting of officials of all the cities of the state, is unanimously opposed to it. It would prevent cities from installing their own electric systems without a "certificate of convenience" from the Railroad Commission. Ordinarily these are not granted when a company already occupies the field, and so a city might have difficulty in putting in a plant of its own to reduce rates, as was done by Los Angeles.

One great reason for having the Railroad Commission regulate public utilities was that they often serve several communities and should be regulated by one body and not by several. In a municipal enterprise, however, there is but one community served, and that community manages the project.

Cities can sell electricity more cheaply than private companies, chiefly because this business requires large capital, which can be obtained by the sale of municipal bonds bearing a rate of interest from 3 to 4 per cent lower than the earnings allowed the private companies by the Railroad Commission. For instance, the Southern California Edison Company is allowed to earn $8,466,000 a year, or 8.3 per cent on its invested capital of $102,000,000, in addition to taxes, cost of operation, depreciation, etc. The state, or the City of Los Angeles, could borrow the same sum for so much less interest that the users of electricity would save in their rates over three and one-half million dollars yearly.

The cities should be allowed to decide for themselves, as they do now, what to do with these savings. Thus Alameda, owning its electric light plant, has rates averaging 21 per cent less than those charged by the private companies in Oakland for identical services. It charges nothing for street lighting, and still had a surplus last year of $78,000 which it applied to reducing the tax rate. Redding charges the same rates as were charged by the Pacific Gas and Electric Company before the purchase of the distributing system last January, but is making a profit sufficient to pay off the entire cost of its system in two and one-half years, and is spending that profit on building highways. Los Angeles has applied its savings almost entirely to rate reduction, and has rates approximately two-thirds of those charged in San Francisco by the Pacific Gas and Electric and Great Western Power Companies.

San Francisco has a municipal railway, charging a 5-cent fare, which keeps down the rate on the private system. In Los Angeles, where there is no municipally owned line, the fare has been raised to 6 cents.

Vote "No" on this amendment.

MAYOR LOUIS BARTLETT, Berkeley.
President, League of California Municipalities.

STATE BUDGET. Initiative measure amending Section 34 and repealing Section 29, Article IV of Constitution. Requires Governor to submit to legislature, within first thirty days of each regular session, budget containing itemized statement of all proposed expenditures and estimated revenues for each fiscal year of next biennial period, with comparison, item by item, for each year of existing biennial period. Prescribes procedure for passage of budget bill; permits referendum against items thereof except those for usual current expenses; prohibits other appropriations, with certain exceptions, until such passage. Authorizes Governor to reduce or eliminate any item of appropriation.

12

YES

NO

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed measure is as follows:

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

Section thirty-four of article four of the constitution of the State of California is hereby amended to read as follows:

PROPOSED AMENDMENT.

(Proposed changes in provisions are printed in black-faced type.)

Article IV.

Sec. 34. The governor shall, within the first thirty days of each regular session of the legislature and prior to its recess, submit to the legislature, with an explanatory message, a budget containing a complete plan and itemized statement of all proposed expenditures of the state provided by existing law or recommended by him, and of all its institutions, departments, boards, bureaus, commissions, officers, employees and other agencies, and of all estimated revenues, for each fiscal year of the ensuing biennial period; together with a comparison, as to each item of revenues and expenditures, with the actual revenues and expenditures for the first fiscal year of the existing biennial period and the actual and estimated revenues and expenditures for the second fiscal year thereof. If the proposed expenditures for the ensuing biennial period shall exceed the estimated revenues therefor, the governor shall recommend the sources from which the additional revenue shall be provided. The governor, and also the governor-elect, shall have the power to require any institution, department, board, bureau, commission, officer, employee or other agency to furnish him with any information which he may deem necessary in connection with the budget or to assist him in its preparation. The budget shall be accompanied by an appropriation bill covering the proposed expenditures, to be known as the budget bill. The budget bill shall be introduced immediately into each house of the legislature by the respective chairmen of the committees having to do with appropriations, and shall be subject to all the provisions of section fifteen of this article. The governor may at any time amend or supplement the budget and propose amendments to the budget bill before or after its enactment, and each such amendment shall be referred in each house to the committee to which the budget bill was originally referred. Until the budget bill has been finally enacted, neither house shall place upon final passage any other appropriation bill, except emergency bills recommended by the governor, or appropriations for the salaries, mileage and expenses of the senate and assembly. No bill making an appropriation of money, except the budget bill, shall contain more than one item of appropriation, and that for one single and certain purpose to be therein expressed. In any appropriation bill passed by the legislature, the governor may reduce or eliminate any one or more items of appropriation of money while approving other portions of the bill, whereupon the effect of such action and the further procedure shall be as provided in section sixteen of this article. Section twenty-nine of this article is hereby repealed. In case of conflict between this section and any other portion of this constitution, the provisions of this section shall govern, except that any item of appropriation in the budget act, other than for the usual current expenses of the state, shall be subject to the referendum. The legislature shall enact all laws necessary or desirable to carry out the purposes of this section, and may enact additional provisions not inconsistent herewith.

EXISTING PROVISIONS.

Section twenty-nine of article four which is to be repealed and section thirty-four of article four which is amended read as follows:

(Provisions proposed to be repealed are printed in italics.)

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

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

Sections fifteen and sixteen of article four, referred to in the proposed amendment, read as follows:

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

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

ARGUMENT IN FAVOR OF THE STATE BUDGET AMENDMENT.

The proposed amendment to the constitution providing for a state budget was initiated by the Commonwealth Club of California, whose chief object is the public welfare. This club financed the placing of the measure on the ballot because it is convinced that the budget system is the most vital need of the state at this time.

Government is a business, and the state should be run on business principles. The administrative machinery is definitely established, and the cost of running various departments should be accurately estimated and expenditures conform to such estimates. Under the budget system, every state department would submit in advance its estimated requirements and these estimates would be correlated by trained economists under the direction of the Governor. The extravagant and wasteful practice of having the legislature appropriate specific amounts for definite purposes without consideration of available funds to meet these costs would be done away with, and the taxpayers would know fairly accurately just what the state will spend in any year and where the funds will go.

The budget system will save the taxpayer money, because all state appropriations will be handled in a business way, duplications pre-

waste and extravagance avoided. The proposed measure will also enable the Governor to reduce an appropriation to meet the financial condition of the treasury, which under our present system he can not do. Frequently a worthy measure is vetoed because the legislature passes a bill carrying an appropriation for which sufficient funds are not available. Under present conditions the Governor is compelled to veto the act, no matter how meritorious, because of the excessive appropriation, whereas, if he had the power given by the proposed constitutional amendment, he could approve the bill with a modified appropriation to meet the condition of the treasury.

The federal government has adopted the budget system and has already saved many millions, and during the next fiscal year it is expected this system will effect a saving to the United States of approximately two billion dollars. Thirty-nine states have already adopted some form of the budget system, of which twenty-two states follow the executive type plan outlined for California. Three states, Maryland, Massachusetts and West Virginia, amended their constitutions to permit of the budget system, and similar measures will appear on the ballots of several additional states this year. It is only by amending our constitution that California can establish the budget system. The Maryland budget plan, used as a model for California, was adopted in 1916 by a vote of two to one, and in 1918 Massachusetts adopted a similar constitutional amendment by a vote of almost the same majority.

Many of the leading civic and improvement clubs of California are heartily in favor of the budget plan and the newspapers of the state, with hardly an exception, are advocating its adoption.

The budget system in business and the home makes for efficiency; it has saved hundreds of millions of dollars for the federal government and for the states now using it, and it will save millions of dollars to the voters of California if Proposition No. 12 is adopted.

ALBERT E. BOYNTON,
San Francisco, Cal.

JUDGES' SALARIES. Senate Constitutional Amendment 28 amending Section 17 of Article VI of Constitution. Eliminates present provision therein prohibiting increase or decrease of salaries of Superior Court Judges after their election or during their term of office, in counties having but one judge and in counties wherein the terms of such judges expire at the same time. In place of present provision that State shall pay half and county half of salary of each Superior Court Judge declares State shall pay three thousand dollars of such salary and county balance thereof.

13

YES	
NO	

Senate Constitutional Amendment No. 28 — A resolution to propose to the people of the State of California an amendment to the constitution of said state, by amending section seventeen of article six, relating to the salaries of the justices of the supreme court, the justices of the district courts of appeal, and of the judges of the superior courts.

Resolved by the senate, the assembly concurring, That the legislature of the State of California at its regular session commencing on the third day of January, one thousand nine hundred twenty-one, two-thirds of the members elected to each of the two houses of the said legislature voting therefor, hereby proposes to the people of the State of California that the constitution of said state be amended by amending section seventeen of article six to read as follows:

PROPOSED AMENDMENT.

(Proposed changes in provisions are printed in black-faced type.)

Sec. 17. The salaries of the justices of the supreme court and of the district courts of appeal shall be paid by the state. **Of the salary of each judge of the superior court the state shall pay three thousand dollars;** the remaining portion thereof shall be paid by the county for which the judge is elected, **and in an amount to be determined by the legislature.** The justices of the supreme court shall each receive an annual salary of eight thousand dollars, and the justices of the several district courts of appeal shall each receive an annual salary of seven thousand dollars; the said salaries to be payable monthly.

EXISTING PROVISIONS.

Section seventeen, article six, proposed to be amended, now reads as follows:

(Provisions proposed to be repealed are printed in italics.)

Sec. 17. The justices of the supreme court and of the district courts of appeal, and the judges of the superior courts, shall severally, at stated times during their continuance in office, receive for their service such compensation as is or shall be provided by law. The salaries of the judges of the superior court, in all counties having but one judge and in all counties in which the terms of the judges of the superior court expire at the same time, shall not hereafter be increased or diminished after their election, nor during the term for which they shall have been elected. Upon the adoption of this amendment the salaries then established by law shall be paid uniformly to the justices and judges then in office. The salaries of the justices of the supreme court and of the district courts of appeal shall be paid by the state. *One half of the salary of each superior court judge shall be paid by the state;* and the other half thereof shall be paid by the county for which he is elected. *On and after the first day of January, A. D., one thousand nine hundred and seven,* the justices of the supreme court shall each receive an annual salary of eight thousand dollars, and the justices of the several district courts of appeal shall each receive an annual salary of seven thousand dollars; the said salaries to be payable monthly.

ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 28.

Affects Only Superior Courts.

This proposed amendment does not affect judges of the supreme court, nor of the appellate courts, but applies only to judges of the superior courts.

Purpose of Amendment.

The main purpose of the proposed amendment is to place salaries of superior court judges, so far as concerns the state's portion thereof, on a uniform basis.

At the present time the salaries of superior court judges vary from $2,000 a year in some counties to $7,000 a year in other counties. Of these salaries the state now pays one-half, that is to say, the state's share varies in different counties from $1,000 to $3,500.

Identical Service Required.

Yet, so far as concerns the work required of judges in different counties, the state places them all on the same basis. All are subject to being transferred or ordered by the governor from one county to another county where court work may happen to be congested. The state requires of all equal qualifications and imposes equal duties and equal responsibilities.

Identical Compensation from State.

It is therefore plain that in fairness the state, so far as concerns its share or contribution toward the salaries of superior court judges, should pay all the same.

Practical Advantages.

The present system invites a constant race or scramble between different counties to get the salaries of the judges raised, as half of the load is shouldered by the state. Under the proposed amendment, counties that desire to be economical in the matter of salaries could do so without feeling that they were being penalized in favor of other counties that got the state to pay half of the larger salaries.

Uniformity, fairness and practical considerations alike recommend the adoption by the voters of this proposed amendment.

E. P. SAMPLE,
State Senator Fortieth District.
HERBERT C. JONES,
State Senator Twenty-eighth District.

LOCAL TAXATION. Senate Constitutional Amendment 31 adding Section 12½ to Article XIII of Constitution. Authorizes legislation, subject to initiative and referendum, for taxation of notes, debentures, shares of stock, bonds or mortgages, not exempt from taxation, in manner or at rate or in proportion to value different from other property, such taxes to be in lieu of all other property taxes, state, county, municipal or district, upon such property, and to be equitably distributed to the county, municipality or district wherein such property is taxed; declares taxation under Section 14 of same article unaffected hereby.

14

YES	
NO	

Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California that the constitution of said state be amended by adding to article thirteen thereof a new section, to be numbered twelve and one-half, relative to revenue and taxation.

Resolved by the senate, the assembly concurring, that the legislature of the State of California at its forty-fourth regular session, beginning on the third day of January, one thousand nine hundred twenty-one, 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 thirteen of the constitution of the State of California to be known and designated as section twelve and one-half of article thirteen of the constitution of the State of California and to read as follows:

PROPOSED AMENDMENT.

Sec. 12½. The legislature, subject to section one of article four hereof, shall have power to provide for the assessment, levy and collection of taxes upon all notes, debentures, shares of capital stock, bonds or mortgages, not exempt from taxation under the provisions of this constitution, in a manner, at a rate or rates or in proportion to value different from any other property in this state subject to taxation. Taxes imposed by any act of the legislature adopted pursuant to the powers hereby conferred shall be in lieu of all other property taxes, state, county, municipal or district, upon such property. The legislature shall provide for an equitable distribution of such taxes to the county, municipality or district in which such property is taxed. The exercise of the powers hereby conferred shall in no way affect the assessment, levy and collection of taxes under the provisions of section fourteen of this article.

Section fourteen of article thirteen of constitution, referred to in the proposed amendment, reads as follows:

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

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

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

(b) Every insurance company or association doing business in this state shall annually pay to the state a tax of one and one half per cent upon the amount of the gross premiums received upon its business done in this state, less return premiums and reinsurance in companies, or

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

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

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

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

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

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

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

(g) No injunction shall ever issue in any suit, action or proceeding in any court against this state or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section; but after pay-

[Right-ed]

ment action may be maintained to recover any tax illegally collected in such manner and at such time as may now or hereafter be provided by law.

The initiative and referendum provisions of the constitution (section one, article four) referred to in the proposed amendment read as follows:

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. The enacting clause of every law shall be "The people of the State of California do enact as follows:".

(The Initiative.)

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 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. 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."

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 yea 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."

(The 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.

(Miscellaneous Provisions.)

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.

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 amendment 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.

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.

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. 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 cities and counties having charters adopted under the provisions of section eight of article eleven of this constitution. 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, but in no way limiting or restricting either the provisions of this section or the powers herein reserved.

ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 31.

Domestic stocks and bonds (stocks and bonds based on property within the State of California) are not taxable in this state. Stocks and bonds issued outside of California (known as "foreign" stocks and bonds) and evidences of indebtedness including real estate mortgages on real property located outside of California, when held by individual residents of the state, are taxable at their full value and have to pay the same tax rate as that applied to other property.

Under this law, the combined city and county tax often equals the entire amount of interest or dividend earned by the property. Naturally then, the owners of "foreign" stocks are careful to avoid acquiring legal residence in California or, if they acknowledge legal residence, seldom list for assessment, the "foreign" securities they own. Under our present system then, injustice is done either to the owners of this type of property or to the state.

If this proposed amendment is adopted, the legislature will be enabled to provide a method of taxing foreign securities which is both more just to the owner and will produce more revenue for our state.

Taxing authorities everywhere recognize the difficulty of securing a just tax on this kind of property. Certain other states, notably New York and Connecticut, have proved that when a moderate tax was levied on "foreign" stocks and bonds, the owners in steadily increasing numbers listed their holdings on the tax rolls. Consequently, the amount of revenue collected from this type of property under a moderate tax levy far exceeded that produced by the high rate such as that imposed by our present system.

This proposed amendment, like that found so desirable in these other states, will not only produce more revenue by bringing more of these holdings to light, but will encourage many who have thus far avoided it, to acquire legal residence in California.

You can see clearly, that any action of the legislature pertaining to these foreign securities will be subject to the referendum like all other legislative acts. Moreover, this proposed amendment specifically provides that the taxes raised by the state on this type of property shall not go to the general funds of the state but will be distributed to the municipalities and counties where they are owned.

This amendment was very carefully prepared in cooperation with Mr. Clyde L. Seavey, formerly a member of the State Board of Control, and of the State Tax Commission; Mr. M. D. Lack, Secretary of the State Board of Equalization, and Mr. John S. Chambers, formerly State Controller, and has their approval, as well as that of Mr. John Ginty, City and County

Assessor of San Francisco; Mr. B. C. Erwin, Assessor of Sacramento County; Mr. Louis Kennedy, Assessor of Alameda County; Mr. G. P. Cummings, Assessor of Fresno County, and Mr. Ed. W. Hopkins, Assessor of Los Angeles County. Each and every one of them concur in the provisions and recommend to their friends that they support this amendment at the polls in November, 1922.

Vote *Yes* on this amendment.

WM. J. CAREY,
State Senator Thirty-sixth District.
A. H. BREED,
State Senator Fifteenth District.

STATE TAXATION. Senate Constitutional Amendment 35 amending Section 14 of Article XIII of Constitution. Permits public utility paying state tax to deduct from gross receipts from operation of its business any amount it pays to another public utility when that amount is included in gross receipts from which tax of latter utility is computed; with certain exceptions, subjects to state taxation exclusively, at rate of two per cent upon their gross receipts from operation, companies operating motor vehicles for transportation of persons or property for compensation; increases bank stock rate; authorizes legislature to classify utilities for taxation purposes.

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YES	
NO	

Senate Constitutional Amendment No. 35—Relative to taxation.

Resolved by the senate, the assembly concurring, That the legislature of the State of California at its forty-fourth regular session, two-thirds of the members elected to each of the houses thereof, voting in favor hereof, hereby proposes to the people to amend section fourteen of article thirteen of the constitution of the state to read as follows:

PROPOSED AMENDMENT.

(Proposed changes in provisions are printed in black-faced type.)

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

(a) All railroad companies, street railway companies, interurban electric railway companies and gasoline propelled interurban railway companies, 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 carloaning and other car companies, operating upon the railroads in this state; all companies doing express business on any railroads, 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; provided, that whenever any company taxed under the provisions of this section shall pay to any other such company for any commodity furnished by the latter, any money which shall upon its receipt add to and become a part of such other company's gross receipts from operation as herein defined, said sum so paid shall be deducted from the gross receipts from operation of the company paying same and the tax as herein provided shall be computed on the net amount of such company's receipts remaining after such deduction.

The business of said companies as herein used shall be deemed to also include the production, transmission or sale of by-products, and steam and hot water service, resulting from the operation of any of the properties reasonably necessary in the conduct of the businesses herein enumerated.

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

(b) Every company engaged in the operation of motor vehicles for the transportation of persons or property for compensation, other than taxicabs, hotel busses, local drays, or delivery service, operated within city limits, or any bus operated exclusively for the transportation of pupils to or from any public school, sight-seeing busses, and companies operating motor vehicles as a part of or incidental to a commercial, industrial, or agricultural enterprise, when the compensation thereof is charged or absorbed in the amount paid for the product furnished by such enterprise, shall annually pay to the state a confined license and property tax of two per cent upon its gross receipts within this state, as defined in this section. Said tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property used

property in such transportation business except as otherwise in this section provided; provided, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this state.

(c) Every insurance company or association doing business in this state shall annually pay to the state a tax of two and sixty-hundredths 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 and sixty-hundredths per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this state. This tax shall be in lieu of all other taxes and licenses, state, county, and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise in this section provided; provided, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money or of securities, or other obligations or prohibitions, are imposed on insurance companies of this state, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money or of securities, or other obligations or prohibitions, are imposed on insurance companies of this state, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the legislature upon insurance companies of such other state or country doing business in this state.

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

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

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

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

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

(g) All the provisions of this section shall be self executing, and the legislature shall pass all laws necessary to carry this section into effect, and shall prescribe the procedure for the determination of the question of whether property shall be classed as operative or non-operative, and shall provide for the valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the state board of equalization and any officers, state, county, and municipal in connection with the administration of this section and of all laws enacted to carry the same into effect.

The rates of taxation fixed in this section shall remain in force until changed by the legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof. The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section, and shall become due and payable on the first Monday in July thereafter. The gross receipts and gross premiums herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied

be assessed prior to the adoption of this section; and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the legislature. The legislature shall provide for reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for state purposes only.

(h) The legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, in fixing the rates of taxation pursuant to the provisions of this section may classify and reclassify, divide and subdivide the several group of utilities or companies mentioned therein, and fix such rates as it may determine for the respective classes, subclasses, divisions or subdivisions so established by it from time to time.

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

EXISTING PROVISIONS.

Section fourteen, article thirteen, proposed to be amended, now reads as follows:

(Provisions proposed to be repealed are printed in italics.)

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

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

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

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

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

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this state, or held by any bank located in this state which has no shares of capital stock, or employed in this state by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said board of equalization, in the manner to

provided by law and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business, together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value *as assessed for county taxes* of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of the banks and bankers mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said state board of equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

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

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

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

(f) All the provisions of this section shall be self-executing, and the legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the state board of equalization and any other officers in connection with the administration *thereof*. The rates of taxation fixed in this section shall remain in force until changed by the legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof. The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter. The gross receipts and gross premiums herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section; and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the legislature. *Until the year 1928 the state shall reimburse and and all counties which sustain loss of revenue by the withdrawal of railroad property from county taxation for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation.* The legislature shall provide for reimbursement from the several funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for state purposes only.

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

ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 55.

This is the constitutional amendment which it is customary to adopt following upon the passage of a tax bill by the legislature, the rates of taxes assessed against the public service corporations, the changing banks and the insurance companies.

Our tax laws raising money for the support of the state are found in the constitution of the state; the rates originally fixed were placed in the constitution, in Amendment No. 1. It is usual, therefore, when the rates are changed by statute, by a two-thirds vote of the legislature, to submit to the people a constitutional amendment placing in the constitution the revised rates.

This amendment places in the constitution the rates adopted by the legislature in the so-called King Tax Bill. That tax bill places upon the corporations which pay taxes for the support of the state, the same rates of taxation which the average individual taxpayer in California pays for the support of the county and municipality in which he lives and owns property—no more than that; no less than that.

This amendment, however, goes just a little further. It clears up two cases of double taxation by those who contribute to state support. One of these has to do with the sale of the product of a company, which sells to another company for retailing, as happens sometimes in dealing in electric power. That power should be taxed but once. The other case of double taxation has to do with banks owning real estate. While this real estate has been doubly taxed in the past, an allowance for it was made in the several tax bills, so the banks have not suffered.

One new principle—an important one—is set up. It is that motor busses and trucks shall pay taxes for state support. The rate of this new tax is 2 per cent on their gross receipts. Probably this is not enough, in view of the use by them of state-constructed highways, and with the idea of placing them on a parity with other taxpayers. But it establishes the principle and the next legislature which revises tax rates can with greater knowledge determine an adequate rate.

There is one correction to the statement made above that the amendment adopts the rates of the King Tax Bill. There is an exception in the case of the banks, which pay a slightly higher rate (in the amendment) because of the relief from the double taxation on real estate. This is a mere equalization.

LYMAN M. KING,
State Senator Thirtieth District.

16	CHIROPRACTIC. Initiative Act. Creates Board of Chiropractic Examiners, appointed by Governor and paid from receipts under act; prescribes powers and duties thereof; prohibits practice of chiropractic without license therefrom, authorizing issuance thereof to certain chiropractic graduates and establishing prerequisites of study and other conditions to such issuance; provides for revocation of such licenses; declares chiropractic licentiates shall observe and be subject to all state and municipal regulations relating to all matters pertaining to public health, shall sign death certificates and make reports as required by law; prescribes penalties and repeals conflicting legislation.	YES	
		NO	

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed measure is as follows:

PROPOSED LAW.

(Proposed changes from provisions of present laws are printed in black-faced type.)

An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the state board of chiropractic examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith.

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

Section 1. A board is hereby created to be known as the "state board of chiropractic examiners," hereinafter referred to as the board, which shall consist of five members, citizens of the State of California, appointed by the governor. Each member must have pursued a resident course in a regularly incorporated chiropractic school or college, and must be a graduate thereof and hold a diploma therefrom.

Each member of the board first appointed hereunder shall have practiced chiropractic in the State of California for a period of three years next preceding the date upon which this act takes effect, thereafter appointees shall be licentiates hereunder. No two persons shall serve simultaneously as members of said board, whose first diplomas were issued by the same school or college of chiropractic, nor shall more than two members be residents of any one county of the state. And no person connected with any chiropractic school or college shall be eligible to appointment as a member of the board. Each member of the board, except the secretary, shall receive a per diem of ten dollars for each day during which he is actually engaged in the discharge of his duties, together with his actual and necessary traveling expenses incurred in connection with the performance of the duties of his office, such per diem traveling expenses and other incidental expenses of the board or of its members to be paid out of the funds of the board hereinafter defined and not from the state's taxes.

Sec. 2. Within sixty days of the date upon which this act takes effect, the governor shall appoint the members of the board. Of the members first appointed, one shall be appointed for a term of one year, two for two years, and two for three years. Thereafter, each appointment shall be for the term of three years, except that an appointment to fill a vacancy shall be for the unexpired term only. Each member shall serve until his successor has been appointed and qualified. The governor may remove a member from the board after receiving sufficient proof of the inability or misconduct of said member.

Sec. 3. The board shall convene within thirty days after the appointment of its members, and shall organize by the election of a president, vice-president and secretary, all to be chosen from the members of the board. Thereafter elections of officers shall occur annually at the January meeting of the board. A majority of the board shall constitute a quorum.

It shall require the affirmative vote of three members of said board to carry any motion or resolution, to adopt any rule, or to authorize the issuance of any license provided for in this act. The secretary shall receive a salary to be fixed by the board in an amount not exceeding one thousand dollars per annum, but not per diem, together with his actual and necessary traveling expenses incurred in connection with the performance of the duties of his office, and shall give bond to the state in such sum with such sureties as the board may deem proper. He shall keep a record of the proceedings of the board, which shall at all times during business hours be open to the public for inspection. He shall keep a true and accurate account of all funds received and of all expenditures incurred or authorized by the board, and on the first day of December of each year he shall file with the governor a report of all receipts and disbursements and of the proceedings of the board for the preceding fiscal year.

Sec. 4. The board shall have power:

(a) To adopt a seal, which shall be affixed to all licenses issued by the board.

(b) To adopt from time to time such rules and regulations as the board may deem proper and necessary for the performance of its work, copies of such rules and regulations to be filed with the secretary of state for public inspection.

(c) To examine applicants and to issue and revoke licenses to practice chiropractic, as herein provided.

(d) To summon witnesses and to take testimony as to matters pertaining to its duties; and each member shall have power to administer oaths and take affidavits.

(e) To do any and all things necessary or incidental to the exercise of the powers and duties herein granted or imposed.

Sec. 5. It shall be unlawful for any person to practice chiropractic in this state without a license so to do. Any person wishing to practice chiropractic in this state shall make application to the board fifteen days prior to any meeting thereof, upon such form and in such manner as may be provided by the board. Each application must be accompanied by a license fee of twenty-five dollars and a certificate showing good moral character of the applicant. Except in the cases herein otherwise prescribed, each applicant shall be a graduate of an incorporated chiropractic school or college which teaches a course of not less than two thousand four hundred hours, extended over a period of three school terms of at least six months each, and must give satisfactory proof of having attended not less than ninety per cent of said two thousand four hundred hours, and shall present to the board at the time of making such application, a diploma from a high school, or proof satisfactory to the board of education equivalent in training power to a high school course.

The schedule of minimum educational requirements to enable any person to practice chiro-

...state is as follows, to wit, except ...erwise provided:

...y	600 hours
...chemistry and toxicology	100 hours
...y	200 hours
...ology	100 hours
...ene and sanitation	100 hours
...y	200 hours
...nosis or analysis	400 hours
...chiropractic theory and practice	500 hours
...etrics and gynecology	100 hours
Total	2400 hours

Sec. 6. (a) The board shall meet as a board of examiners on the first Tuesday following the second Monday of January and July of each year, and at such other times and places as may be found necessary for the performance of their duties. 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.

(b) Each applicant shall be designated by a number instead of the name, so that the identity will not be disclosed to the examiners until the papers are graded.

(c) All examinations shall be in writing, except in cases herein otherwise prescribed, and shall be practical in character, as taught in chiropractic schools or colleges, and designed to ascertain the fitness of the applicant to practice chiropractic. Said examinations shall be in each of the subjects as set forth in section five hereof.

A license shall be granted to any applicant who shall make a general average of seventy-five per cent, and not fall below sixty per cent in more than two subjects or branches of said examination. Any applicant failing to make the required grade shall be given credit for the branches passed, and may, without further cost, take the examination at the next regular examination on the subjects in which he failed. For each year of actual practice since graduation the applicant shall be given a credit of one per cent on the general average.

Sec. 7. One form of certificate shall be issued by the board of chiropractic examiners, which said certificate shall be designated "License to practice chiropractic," which license shall authorize the holder thereof to practice chiropractic in the State of California as taught in chiropractic schools or colleges; and, also, to use all necessary mechanical, and hygienic and sanitary measures incident to the care of the sick, but shall not authorize the practice of medicine, surgery, osteopathy, dentistry or osteometry, nor the use of any drug or medicine now or hereafter included in materia medica.

Sec. 8. Any person who shall have practiced chiropractic for two years after graduation from a chiropractic school or college, one year of which shall have been in this state preceding the date upon which this act takes effect, or any person who graduated from a chiropractic school or college prior to January 1, 1922, and who shall present to the board satisfactory proof of good moral character and having pursued a resident course of not less than two thousand hours in a legally incorporated chiropractic school or college, shall be given a practical and clinical examination in chiropractic philosophy and practice, and if he, or she, make a grade of seventy-five per cent in such examination, the board shall grant a license to said applicant to practice chiropractic in this state under the provisions of this act; provided, however, that application for said license is made within six months of the date upon which this act takes effect and that each applicant shall pay to the secretary of the board the sum of twenty-five dollars.

Sec. 9. Notwithstanding any provision contained in any other section of this act the board, upon receipt of the fee of twenty-five dollars, shall issue a license to any of the following named persons:

(a) To each member of the board.

(b) To any person licensed to practice chiropractic under the laws of another state having the same general requirements as prescribed in this act; and provided, further, that such other state in like manner grants reciprocal registration to chiropractic practitioners of this state.

Sec. 10. (a) The board shall refuse to grant, or may revoke, a license to practice chiropractic in this state, or may cause a licensee's name to be removed from all records of licensed practitioners of chiropractic in this state, upon any of the following grounds, to wit:

The employment of fraud or deception in applying for a license or in passing an examination as provided in this act; the practice of chiropractic under a false or assumed name; or the personation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate him for the performance of his professional duties; the advertising of any means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed; or the advertising, directly, indirectly or in substance, upon any card, sign, newspaper advertisement, or other written or printed sign or advertisement, that the holder of such license or any other person, company or association by which he or she is employed, or in whose service he or she is, will treat, cure, or attempt to treat or cure, any venereal disease, or will treat or cure, or attempt to treat or cure, any person afflicted with 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, company or association so advertising. Any person who is licentiate, or who is an applicant for a license to practice chiropractic, against whom any of the foregoing grounds for revoking or refusing a license is presented to the board with a view of having the board revoke or refuse to grant a license, shall be furnished with a copy of the complaint, and shall have a hearing before the board in person or by an attorney, and witnesses may be examined by the board respecting the guilt or innocence of the accused. The secretary on all cases of revocation shall enter on his register the fact of such revocation, and shall certify the fact of such 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: "This certificate was revoked on the _____ day of _____," giving the day, month and year of such revocation in accordance with said certification to him by said secretary. The record of such revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all proceedings of said board in the matter of said revocation.

(b) At any time after two years following the revocation or cancellation of a license or registration under this section, the board may, by a majority vote, reissue said license to the person affected, restoring him to, or conferring on him all the rights and privileges granted by his original license or certificate. Any person to whom such rights have been restored shall pay to the secretary the sum of twenty-five dollars upon the issuance of a new license.

Sec. 11. (a) Every person who shall receive a license from the board shall have it recorded in the office of the county clerk of the county in which he resides, and shall have it likewise recorded in the counties into which he shall subsequently move for the purpose of practicing chiropractic.

(b) The failure or the refusal on the part of the holder of a license to have it recorded before he shall begin to practice chiropractic in this state, after having been notified by the board to do so, shall be sufficient ground to revoke or cancel a license and to render it null and void.

(c) The county clerk of each county in this state shall keep for public inspection, in a book provided for that purpose, a complete list and

description of the licenses recorded by him. When any such license shall be presented to him for record he shall stamp upon the face thereof his signed memorandum of the date when such license was presented for record.

Sec. 12. Each person practicing chiropractic within this state shall, on or before the first day of January of each year, after a license is issued to him as herein provided, pay to said board of chiropractic examiners a renewal fee of two dollars. The secretary shall, on or before November first of each year, mail to all licensed chiropractors in this state a notice that the renewal fee will be due on or before the first day of January next following. Nothing in this act shall be construed to require the receipts to be recorded in like manner as original licenses. The failure, neglect or refusal of any person holding a license or certificate to practice under this act in the State of California to pay said annual fee of two dollars during the time his or her license remains in force shall, after a period of sixty days from the first day of January of each year, ipso facto, work a forfeiture of his or her license or certificate, and it shall not be restored except upon the written application therefor and the payment to the said board of a fee of ten dollars, except that such licentiate who fails, refuses or neglects to pay such annual tax within a period of sixty days after the first day of January of each year shall not be required to submit to an examination for the reissuance of such certificate.

Sec. 13. Chiropractic licentiates shall observe and be subject to all state and municipal regulations relating to all matters pertaining to the public health, and shall sign death certificates and make reports as required by law to the proper authorities, and such reports shall be accepted by the officers of the departments to which the same are made.

Sec. 14. All moneys received by the board under this act shall be paid to the secretary of said board, who shall give a receipt for the same and shall at the end of each month report to the state controller the total amount of money received by him on behalf of said board from all sources, and shall at the same time deposit with the state treasurer the entire amount of such receipts, and the state treasurer shall place the money so received in a special fund, to be known as the "state board of chiropractic examiners' fund," which fund is hereby created. Such fund shall be expended in accordance with law for all necessary and proper expenses in carrying out the provisions of this act, upon proper claims approved by said board or a finance committee thereof.

Sec. 15. Any person who shall practice or attempt to practice chiropractic, or any person who shall buy, sell or fraudulently obtain a license to practice chiropractic, whether recorded or not, or who shall use the title "chiropractor" or "D. C." or any word or title to induce, or tending to induce belief that he is engaged in the practice of chiropractic, without first complying with the provisions of this act; or any licensee under this act who uses the word "doctor" or the prefix "Dr." without the word "chiropractor," or "D. C." immediately following his name, or the use of the letters "M. D." or the words "doctor of medicine," or the term "surgeon," or the term "physician," or the word "osteopath," or the letters "D. O." or any other letters, prefixes or suffixes, the use of which would indicate that he or she was practicing a profession for which he held no license from the State of California, or any person 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 of not less than fifty dollars and not more than two hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, or both.

Sec. 16. Nothing in this act shall be construed to prohibit service in case of emergency, or the domestic administration of chiropractic, nor shall this act apply to any chiropractor from any other state or territory who is actually consulting with a licensed chiropractor in this state; provided, that such consulting chiropractor shall not open an office or appoint a place to receive patients within the limits of the state; nor shall this act be construed so as to discriminate against any particular school of chiropractic, or any other treatment; nor to regulate, prohibit or apply to any kind of treatment by prayer; nor to interfere in any way with the practice of religion. Nor shall this act apply to persons who are licensed under other acts.

Sec. 17. It shall be the duty of the several district attorneys of this state to prosecute all persons charged with the violation of any of the provisions of this act. It shall be the duty of the secretary of the board, under the direction of the board, to aid attorneys in the enforcement of this act.

Sec. 18. Nothing herein shall be construed as repealing the "medical practice act" of June 2, 1913, or any subsequent amendments thereof, except in so far as that act or said amendments may conflict with the provisions of this act as applied to persons licensed under this act, to which extent any and all acts or parts of acts in conflict herewith are hereby repealed.

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 portion of this act. The electors hereby declare that they 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.

EXISTING PROVISIONS.

Sections seven, nine, ten, eleven, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-two and twenty-four of the state medical practice act, approved June 2, 1913, as amended, which is proposed to be modified in so far as the act relates to issuance of certificates to chiropractics and regulation of the practice of chiropractic, read as follows:

(Provisions differing from proposed chiropractic act are printed in italics.)

Sec. 7. Every applicant for a certificate shall pay to the secretary of the board a fee of *twenty-five* dollars (*$25*), which shall be paid to the treasurer of the board by said secretary. *In case the applicant's credentials are insufficient or in case he does not desire to take the examination, the sum of ten dollars ($10) shall be retained, the remainder of the fee being returnable on application.*

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 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, 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, * * *.*

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 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. * *

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:

* * * * * * *

For a "Drugless Practitioner Certificate."

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

* * * * * * *

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 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. 11. In addition to above requirements, * * *:

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.

* * * * * * *

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. *The board in its discretion upon the submission of satisfactory proof from the applicant that he is unable to meet the requirements of the examination in the English language, may allow the use of an interpreter either to be present in the examination room or to thereafter interpret and transcribe the answers of the applicant. The selection of such interpreter is to be left entirely to the board and the expenses thereof to be borne by the applicant, the payment therefor to be made before such examination is held. There shall be at least ten questions on each subject, the answers to which shall be marked on a scale of zero 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 * * * *"drugless practitioner* certificate" *obtaining seventy-five per cent each in five subjects* * * * shall be subsequently 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 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; * * * *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;* * * *.

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.*

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.

Sec. 18. 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 one hundred 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 for 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 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 4, 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. * *

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's 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 that the certificate upon which a reciprocity certificate has been issued was 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 the board and the board shall have power to suspend the right of the holder of said certificate to practice for a period not exceeding one year or to place the holder of said certificate upon probation or suspend judgment in such cases or revoke his certificate, or take such other action in relation to the punishment of the holder of said certificate as in its discretion it may deem proper. 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 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; *provided, further, that the holder of any certificate which has been revoked or suspended by the board of medical examiners, may within twenty days after receiving notice of said revocation or suspension of his said license, appeal to the superior court of the State of California in the county or city and county in which such suspension or revocation was made by the board of medical examiners. Upon such appeal being taken by such person whose license has been revoked or suspended by the board of medical examiners in accordance with the provisions of this act, the said superior court shall have full power to review all of the proceedings and testimony taken in said hearing before the board of medical examiners, and to inquire into the sufficiency of the evidence upon which such suspension or revocation was made. If the court finds the evidence sufficient to sustain the judgment of the board, said judgment shall be upheld and affirmed, and if the court deems such evidence insufficient to justify the judgment of the board of medical examiners in revoking or suspending the license of the petitioner, said superior court shall have full power to annul or reverse said judgment. The words "unprofessional conduct" as used in this act, are hereby declared to mean:*

First—The procuring or aiding or abetting or attempting or agreeing or offering to procure a criminal abortion.

Second—The wilfull 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 reestablished 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, beta eucaine, novocaine 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 a 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.*

Seventh (a)—Employing directly or indirectly any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted or the aiding or abetting any unlicensed person to practice 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.

Eleventh—The use by the holder of any 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" or other persons in procuring practice for a practitioner for a system or mode of treating the sick or afflicted provided for in this act.

* * * * * * *

Sec. 15. Every person holding a certificate under the laws of this state authorizing him to practice *any system or mode of treating the sick or afflicted* in this state must have it recorded in the office of the county clerk of the county or counties in which the holder of said certificate is practicing his profession, *and the fact of such recordation shall be endorsed on the certificate by the county clerk recording the same.* Any person holding a certificate as aforesaid, who shall practice or attempt to practice *any system or mode of treating the sick or afflicted* in this state, without having first filed his certificate with the county clerk, as herein provided, shall be *deemed guilty of a misdemeanor and shall be* punished *as hereinafter designated in this act.*

Sec. 16. The county clerk shall keep in a book provided for the purpose a complete list of the certificates recorded by him, with the date of the record; and said book shall be open to public inspection during his office hours.

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, physician, surgeon or practitioner, 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 as designated in this act.

Sec. 18. Any person, or any member of any firm, or official of any company, association, organization or corporation shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as designated in this act, 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 regis-

tration 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 action.

Sec. 19. Every person filing for record, or attempting to file for record, the certificate issued to another, falsely claiming himself to be the person named in or entitled to, such certificate, shall be guilty of a felony, and, upon conviction thereof, shall be subject to such penalties as are provided by the laws of this state for the crime of forgery.

Sec. 22. Nothing in this act shall be construed to prohibit service in the case of emergency, or the domestic administration of family remedies; nor shall this act apply to any commissioned medical officer in the United States army, navy or marine hospital, or public health service, in the discharge of his official duties; nor to any licensed dentist when engaged exclusively in the practice of dentistry. Nor shall this act apply to any *practitioner* from another state or territory, when in actual consultation with a licensed *practitioner* of this state, if such practitioner is, at the time of such consultation, a licensed *practitioner* in the state or territory in which he resides; provided, that such *practitioner* shall not open an office or appoint a place to meet patients or receive calls within the limits of this state. Nor shall this act be construed so as to discriminate against any particular school of *medicine* or *surgery*, or any other treatment, nor to regulate, prohibit or to apply to, any kind of treatment by prayer, nor to interfere in any way with the practice of religion. *Nothing in this act shall be construed to prevent a student regularly matriculated in any legally chartered school or schools approved by the board from treating without compensation to such student the sick or afflicted as a part of his course of study.*

Sec. 24. This act when referred to, cited or amended may be designated as the state medical practice act, and for a violation of any provision of this act, the said violator shall be guilty of a misdemeanor, unless otherwise specifically provided in this act, and 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 eighty days or by both such fine and imprisonment. The fines or forfeitures of bail in any case wherein any person is charged with a violation of the provisions of this act shall be paid upon the collection by the proper officer of the court seventy-five per cent thereof to the state treasurer to be deposited to the credit of the contingent fund of the board of medical examiners and such payment to said treasurer shall be made without placing such fine or forfeiture of bail in any special or contingent or general fund of any county, city and county, city, or township. The balance or twenty-five per cent of such fines or forfeitures of bail shall be paid to the county wherein the case is pending.

ARGUMENT IN FAVOR OF PROPOSED CHIROPRACTIC ACT.

Your vote "Yes" on the Chiropractic Initiative Bill is urged for many reasons, some of which are set forth herein, and all of which are consistent with American ideals, just to all and do injury to none.

Under this bill there will be a board of five competent chiropractors, appointed by the Governor, to examine and license chiropractors. No chiropractor will be licensed without examination. The board will be self-sustaining, incurring no additional expense to the taxpayers. It provides for high and proper standards of chiropractic education, a high school diploma or its equivalent, requires four hundred hours more than drugless section of present Medical Act, conforms to all general health laws administered by the board of health and prohibits the use of drugs, surgery or the practice of obstetrics by chiropracters, thus guaranteeing to the people competency of chiropractors and protection from the ignorant or unscrupulous, which the medical law, administered by medical men, does not and can not do.

The teachings and practice of chiropractic are admittedly different from those of medicine, therefore, the members of the Medical Board, who are without training in the science of chiropractic, have never studied it, do not practice it, brand it as unscientific and absurd, are its competitors, and desire only to destroy it, can not intelligently and without prejudice examine the chiropractor in his system of practice.

To illustrate: It would be as reasonable to permit the Mikado to direct our shipbuilding and examine U. S. Naval officers as to permit the Medical Board, dominated by M.D.'s, to examine and control their chief competitors.

The progress of chiropractic, little short of marvelous, has been made under extremely unfavorable conditions. Denied ordinary freedom from oppression by political medicine, having no hospital facilities, no endowments of their schools or other institutions, no support of society except the commercial side resulting from the good they have done, they have reached the point where within the last seven years twenty-two states have enacted laws similar to the one now proposed in California.

The Medical Board, empowered, as it now is, to exercise unlimited authority over the practice of chiropractic, is using the medical law to throttle chiropractic and prohibit its practice in California.

The medical law, as administered by the Medical Board, has no reasonable tendency to promote the public safety and welfare.

The people of California demand that anyone who proposes to serve them in matters of health shall possess proper qualifications; therefore the demand for a board of chiropractic examiners to examine chiropractors and intelligently consider their qualifications. In this way only may the will and best interests of the people of California be served.

The following facts should be remembered:

The only opposition to this bill is by political doctors.

No chiropractic examinations were ever held in California.

No chiropractic licenses were ever issued in California.

No chiropractic licenses CAN be issued under present law.

In view of the foregoing, and in the interests of right and justice, vote "Yes."

G. A. LYNCH.

ARGUMENT AGAINST PROPOSED NEW CHIROPRACTIC BOARD.

To create two new boards, not only to duplicate but to triplicate the work now being done effectively and economically by one responsible board of examiners, is the extravagant purpose of Number 16, the Chiropractic Initiative, and Number 20, the Osteopathic Initiative. Both measures should be defeated as unnecessary and unsafe legislation.

California already has a competent Board of Examiners created by law, charged with the duty of determining, by impartial examination, the qualifications of all applicants, including chiropractors, who desire to treat diseases, injuries, deformities, physical or mental afflictions of human beings. Examinations are necessary to safeguard the lives and health of the people from incompetents, impostors and quacks. Citizens have the right to expect that anyone the state licenses shall possess a certain amount of knowledge of the causes and courses of diseases and the complex functions of the intricate human machine.

Examinations are open to all qualified applicants. Many chiropractors have taken and passed the examination and are are now legally licensed and practicing in California. Any applicant who can meet the reasonable requirements of the present state law and pass a 75% examination can receive a license.

To create a new board for the special benefit of those who are unable or unwilling to take the state examination is to approve ignorance and license lawlessness.

Chiropractors and osteopaths constitute only two of the twenty-seven drugless cults of California. If a new board is created for chiropractors and another new board for osteopaths, it is obvious that the other twenty-five drugless cults are equally entitled to special boards. This would result in a chaotic condition constantly menacing the public health.

The California legislature at five different sessions carefully investigated and considered chiropractic demands for a new board based upon charges that the present board of medical examiners is incompetent and unfair. Each time the chiropractic charges were found untrue and the chiropractic bill was consequently rejected five times as without merit.

Some of the many dangerous features of the chiropractic act are: It lowers educational standards; it removes vital public health safeguards; under its provisions thousands of graduates of "fly by night" schools may be licensed with practically no examination at all; it neglects to define "chiropractic." To create a new board and grant powers to it, to license those of inferior education to practice an undefined and uncertain thing is unsafe.

The law governing the Board of Medical Examiners has been upheld by our courts as valid, reasonable and enforceable without one dissenting opinion. Governor Johnson and Governor Stephens selected an able board. If the present board becomes incompetent or unfair the governor has authority to select a new board. The courts can review and reverse the Board's decisions. Such a well-selected, responsible board assures all applicants of impartial and competent consideration and assures the people of California adequate protection.

To maintain educational standards and public health safeguards, vote "No" on Number 16.

HOMER R. SPENCE,
Assemblyman Thirty-fifth Assembly District.

USE OF STREAMS. Assembly Constitutional Amendment 41 adding Section 19a to Article XI of Constitution. Authorizes the state, or any political subdivision empowered to establish public works for such purpose, to provide itself or its inhabitants, in the manner therein provided, with water, electricity, or protection against flood by utilizing or controlling the waters of any stream outside this state or partly within this state, and to incur bonded indebtedness therefor as provided by law; these powers not limited by Section 31 of Article IV or Section 13 of Article XI of Constitution.

17

YES	
NO	

Assembly Constitutional Amendment No. 41—A resolution to propose to the people of the State of California an amendment to the constitution by adding a new section to article eleven thereof to be designated section nineteen a, authorizing the state, or municipal corporations or political subdivisions thereof to provide water, electric energy, or protection from flood, by utilizing, or controlling, the waters of any stream situate outside this state, or partly within and partly without this state.

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its forty-fourth regular session, beginning on the third day of January, one thousand nine hundred twenty-one, two-thirds of all the members elected to each of the houses voting in favor thereof, proposes to the people of the state that a new section be added to article eleven of the constitution, to be numbered section nineteen a, and to read as follows:

[Note. The resolution as filed with the secretary of state shows the new section to be numbered 19a in the preamble and 20 at the beginning of the amendment as shown here.]

PROPOSED AMENDMENT.

Sec. 20. The State of California, or any district, municipal corporation or political subdivision of said state, authorized by law to establish public works for the purpose of supplying itself, or its inhabitants, with water, electric energy or means of protection from flood, may, for any such purpose, provide for utilizing or controlling the waters of any stream situated outside of this state, or partly within and partly without this state, and, to that end, may do and perform each, any or all of the following acts and things, to wit:

(a) Acquire, establish, construct, own, maintain and operate, either alone or in common with any other political organization or organizations, any works, plants or structures, whether within this state or outside thereof, or partly within and partly without this state, necessary or convenient for any such purpose;

(b) Make and enter into contracts with any political organization, or organizations, with reference to the acquisition, establishment, construction, ownership, maintenance or operation of such works, plants or structures, including contracts for participating in the cost and benefits of the acquisition, establishment, construction, maintenance or operation of such works, plants or structures, provided, or to be provided, by any other political organization, or organizations, and contracts for the participation by any other political organization, or organizations, in the cost and benefits of such works, plants, or structures, provided, or to be provided, by the State of California, or any district, municipal corporation, or corporations, or political subdivision, or subdivisions, of said state, and contracts with any person, or persons, firm, or firms, corporation, or corporations, for participation by them, or any of them, in the cost, and, subject to the limitations hereinafter expressed, in the benefits, of any such works, plants, or structures, or for the furnishing to them, or any of them, of water or electric energy, but no person, firm or corporation, other than a political organization, shall ever own or operate, or hold any interest in, any such works, plants or structures;

(c) Become a member, associate or shareholder in any organization, association or corporation now or hereafter provided for under the laws of the United States, or of any state or states, and which shall be formed solely for the

purpose of acquiring, establishing, constructing, owning, maintaining or operating any such works, plants or structures, and membership, association or shareholding in which shall be limited strictly to the United States, or any agency thereof, states, municipal corporations and political subdivisions thereof; and

(d) Incur bonded indebtedness under such restrictions and limitations as to amount as may be imposed by law, for the purpose of providing for paying, or participating in, the cost of acquiring, establishing or constructing any such works, plants or structures, either directly or under any contract arrangement with any other political organization, or organizations, as provided in this section, or by participation in providing capital funds for any organization, association or corporation contemplated by subdivision (c) of this section.

The words "political organization" as used in this section shall be understood to include the United States, or any agency thereof, the State of California, any other state, any district, municipal corporation or political subdivision of the State of California, or of any other state, and any organization, association or corporation contemplated by subdivision (c) of this section.

Nothing contained in section thirty-one of article four or in section thirteen of article eleven of this constitution, or in any other provision thereof, shall prevent, or interfere with, the doing by the state, or any municipal corporation or political subdivision thereof, of any act permitted by the terms of this section.

PROVISIONS REFERRED TO.

Section thirty-one, article four, to which reference is made in the proposed amendment, reads as follows:

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

Section thirteen, article eleven, to which reference is made in the proposed amendment, reads as follows:

Sec. 13. The legislature shall not delegate to any special commission, private corporation, company, association or individual any power to make, control, appropriate, supervise or in any way interfere with any county, city, town or municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or assessments or perform any municipal function whatever, except that the legislature shall have power to provide for the supervision, regulation and conduct, in such manner as it may determine, of the affairs of irrigation districts, reclamation districts or drainage districts, organized or existing under any law of this state.

ARGUMENT IN FAVOR OF ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 41.

The proposed amendment is designed to remove possible uncertainty concerning the right of cities, counties irrigation districts and other political subdivisions to cooperate with each other, with political subdivisions of other states, and with the federal government, in utilizing and controlling interstate streams. It was proposed primarily in view of the contemplated Colorado River development, but would lay the foundation for cooperatively developing other interstate streams. The Secretary of the Interior has recommended that the United States construct a dam on the Colorado River, at Boulder Canyon, under plans contemplating national, state and local cooperation. It is important that lack of adequate constitutional authority should not exclude California from participating in the undertaking, which will protect Imperial and Palo Verde valleys from floods which annually threaten their destruction; reclaim over a million acres of desert land, utilizing flood waters now wasted, and supply electricity needed for the commercial and agricultural development of the entire southwest.

While southern California communities are most likely to exercise the powers granted, other communities will be equally benefited. If southern California, now supplied principally by companies which obtain power from streams tributary to San Joaquin Valley, can be supplied from the Colorado River, the developed and undeveloped power in central and northern California will be available for the exclusive use of those portions of the state.

The amendment does not compel any subdivision to enter into any project, nor provide for expending any moneys. Existing charters and laws grant various subdivisions powers similar to those proposed but in varying forms. A uniform scheme applicable to all subdivisions is desirable to facilitate cooperation and prevent the years of litigation which would probably result from proceeding under charters and laws drawn when no comprehensive undertaking, such as the construction of the Boulder Canyon Dam, was contemplated.

FRANK F. MERRIAM,
Assemblyman Seventieth District.
ED LEWIS,
Assemblyman Eighth District.

ARGUMENT AGAINST ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 41.

Many false issues are being injected into this controversy. The question is not whether we believe in government ownership or whether we believe in municipal ownership, but whether the plan presented here is practicable.

When introduced into the legislature, its purpose, as represented by its proponents, was to provide a legal basis for the cooperation of municipalities with other municipalities, irrigation districts, etc., in the development of electric power from the Colorado River. While the general proposition of having the power possibilities of the Colorado River developed for the benefit of the people is one that commands universal support, the plan of procedure provided for in this measure is seriously objectionable on the following grounds:

1. The partnership arrangement among participating political organizations contemplated by this measure is bound to result in serious disagreements, jealousies and difficulties such as to defy solution and adjustment. The provisions of our constitution which this measure is designed to avoid, namely, Section 31 of Article IV, which forbids the loaning of credit from one municipality to another, and Section 13 of Article XI, which forbids the legislature to delegate to any special commission or association any power to interfere with any municipal improvement, or to perform any municipal func-

tion, have been in our constitution ever since it was adopted in 1879. The policy they represent is a wise one, and should not, at this late date, be abandoned. Municipalities and districts should be independent and uncontrolled, except by some higher power, in the matter of the operation of public utilities.

It is contrary to the fundamental principles of home rule that any municipality should surrender to another any jurisdiction or control over its public utilities, or place its credit at the disposal of another municipality. If a hydro-electrical enterprise is too large for one municipality to handle, the remedy is not in the loose cooperation of several municipalities, lighting districts, irrigation districts and the like, but in the construction and management of the enterprise by a higher political power or by a larger independent political district.

2. Neither the State of California, nor any of its political subdivisions is a suitable agency for power development in neighboring states. It is illogical and against the best public policy that this sovereign state or any of its political subdivisions should be subject to regulations or control by another state and its authorities. Where interstate relations are involved, the controlling authority should be the United States government or some instrumentality licensed by the United States government.

The question involved in this amendment, therefore, is not whether the Colorado River should be developed by private capital or as a government enterprise, but rather whether a loose partnership of such heterogeneous elements as cities, irrigation districts, public utility districts, lighting districts and the like, is a feasible plan for government ownership.

SIDNEY T. GRAVES,
Assemblyman Sixty-third District.

MUNICIPAL PUBLIC WORKS. Senate Constitutional Amendment 29, adding Section 20 to Article XI of Constitution. Authorizes two or more municipalities to acquire or control, by contract, public works for supplying inhabitants with light, water, power, heat, transportation, telephone or other utility service, or other matter of common municipal concern, subject to approval by two-thirds of electors in each city if contract provides for bonded indebtedness, otherwise by majority thereof, and thereafter by legislature without alteration or amendment; declares these powers supplement present powers and do not limit those granted by constitution to state or its political subdivisions.

18

YES	
NO	

Senate Constitutional Amendment No. 29—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 eleven thereof a new section to be known as section twenty.

The legislature of the State of California at its regular session commencing on the third day of January, in the year one thousand nine hundred twenty-one, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that article eleven of the constitution of the State of California, be amended by adding thereto a new section to read as follows:

PROPOSED AMENDMENT.

Sec. 20. Any two or more cities may enter into any contract, in the manner herein provided, for the acquisition, construction, ownership, operation or control of any public works for supplying their respective inhabitants, or the inhabitants of any such city, with light, water, power, heat, transportation, telephone service or other utility service, or other matter relating to any municipal affair determined by the contracting cities to be of common concern. Such contract may include provision for the assumption, adjustment or creation of bonded or other indebtedness. Any such proposed contract shall be published once in a newspaper of general circulation published in each city, or if no such newspaper is so published in any city, such contract shall be posted in three public places therein. Such contract shall be submitted to the electors in each city at any general or special election or elections held not less than thirty nor more than ninety days after such publication or posting therein. In all instances in which the assumption, adjustment or creation of bonded indebtedness is incident to the approval of such contract, the affirmative vote of two-thirds of the qualified electors voting thereon in each city proposing to assume or create such indebtedness shall be necessary to approve such contract and authorize such bonded indebtedness. In all other instances the affirmative vote of a majority of such electors shall be necessary to approve such contract. When approved in the manner herein required in each city, such contract shall be submitted to the legislature at its current or next succeeding session and approved or rejected without power of alteration or amendment in the same manner as is provided for approval or rejection of municipal charters in section eight of this article. When so approved by the legislature and until the expiration of such contract by its terms, or as herein provided, such contract shall become a part of the organic law of the cities which are parties thereto, subject to amendment or termination in the same manner as herein provided for the adoption of the original contract.

The term "cities" as used in this section, shall include cities and cities and counties.

The powers granted by this section shall be in addition to all powers which may now or hereafter exist in cities, and nothing contained in this section shall in anywise limit any power now or hereafter granted to the state, or to any district, municipal corporation, or political subdivision of the state, by any other provision of this constitution, or in anywise apply to or affect the method of exercising the same.

Section eight of article eleven, made applicable to proceedings under the provisions of the proposed amendment, reads as follows:

Section 8. Any city or city and county 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 or of the legislature of California, may frame a charter for its own government, consistent with and subject to this constitution; and any city, or city and county having adopted a charter may adopt a new one. Any such charter shall be framed by a board of fifteen freeholders chosen by the electors of such city at any general or special election, but no person shall be eligible as a candidate for such board unless he shall have been, for the five years next preceding, an elector of said city. An election for choosing freeholders may be called by a two-thirds vote of the legislative body of such city, and, on presentation of a petition signed by not less than fifteen per cent of the registered electors of such city, the legislative body shall call such election at any time not less than thirty nor more than sixty days from date of the filing of the petition.

Any such petition shall be verified by the authority having charge of the registration records of such city or city and county and the expenses of such verification shall be provided by the legislative body thereof. Candidates for the office of freeholders shall be nominated either in such manner as may be provided for the nomination of officers of the municipal government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections. The board of freeholders shall, within one hundred and twenty days after the result of the election is declared, prepare and propose a charter for the government of such city; but the said period of one hundred and twenty days may with the consent of the legislative body of such city be extended by such board not exceeding a total of sixty days. The charter so prepared shall be signed by a majority of the board of freeholders and filed in the office of the clerk of the legislative body of said city. The legislative body of said city shall within fifteen days after such filing cause such charter to be published once in the official paper of said city; (or in case there be no such paper, in a paper of general circulation); and 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 papers of general circulation published in said city a notice that such copies may be had upon application therefor. Such charter shall be submitted to the electors of such city at a date to be fixed by the board of freeholders, before such filing and designated on such charter, either at a special election held not less than sixty days from the completion of the publication of such charter as above provided, or at the general election next following the expiration of said sixty days. If a majority of the qualified voters 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 submitted to the legislature, if then in session, or at the next regular or special session of the legislature. The legislature shall by concurrent resolution approve or reject such charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city or city and county, and supersede any existing charter and all laws inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the secretary of state, one with the recorder of the county in which such city is located, and one in the archives of the city; and thereafter the courts shall take judicial notice of the provisions of such charter. The charter of any city or city and county may be amended by proposals therefor submitted by the legislative body of the city on its own motion or on petition signed by fifteen per cent of the registered electors, or both. Such proposals shall be submitted to the electors only during the six months next preceding a regular session of the legislature or thereafter and before the final adjournment of that session and at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city or city and county not less than sixty days prior to the general election next preceding a regular session of the legislature. The signatures on such petitions shall be verified by the authority having charge of the registration records of such city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted shall be advertised in the same manner as herein provided for the advertisement of a proposed charter, and the election thereon held at a date to be fixed by the legislative body of such city, not less than forty and not more than sixty days after the completion of the advertising in the official paper. If a majority of the qualified voters voting on any such amendment vote in favor thereof it shall be deemed ratified, and shall be submitted to the legislature at the regular session next following such election; and approved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a charter. In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be voted on by the electors separately, and, as between those so related, if more than one receive a majority of the votes, the proposition receiving the larger number of votes shall control as to all matters in conflict. It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. It shall be competent in any charter to provide for the division of the city or city and county governed thereby into boroughs or districts, and to provide that each such borough or district may exercise such general or special municipal powers, and to be administered in such manner, as may be provided for each such borough or district in the charter of the city or city and county.

The percentages of the registered electors herein required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general state election; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of such city or city and county shall, so far as applicable, govern all elections held under the authority of this section.

ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 29.

With the rapid growth of cities in California, the natural community of interest between them, particularly in respect to public utilities, has given rise to a demand for joint action. This demand in the past has evoked a considerable amount of legislation extending to municipalities authority to act in conjunction in many matters of common concern. Each such law is usually framed to meet a particular situation. These situations are varied in the extreme. Hence no little confusion has arisen.

This proposed amendment offers a different, and, it is believed, a much fairer and more workable plan for authorizing such joint activities. When two or more cities desire to cooperate, instead of rushing to the legislature, they will enter into an appropriate contract containing the details and provisions of the plan under which they desire to work. This contract must then be submitted separately to the voters of each city. If it provides for the "assumption, adjustment or creation of bonded indebtedness," it must be approved by a two-thirds vote of the voters of each city. Otherwise, a majority vote in each such city will approve. The contract so ratified by the voters must then be ratified by the legislature, just as in the case of new charters or charter amendments. When thus ratified by the voters and by the legislature, the contract becomes a part of the organic law of each city.

The advantages of this plan are:

(a) It will give to our municipalities full opportunity to work out their common problems.

(b) It will reduce the amount of legislation necessary to this end

(c) By a carefully worked out contract, cities

can better express their purposes than by a statute which ordinarily would not receive the same consideration as a contract.

(d) The voters in each city are given a voice in the adoption of the plan, and are given full protection.

(e) It is in harmony with the "home rule" system of city government which has worked so well in California.

While at the present time, cities, generally speaking, have power to contract with each other, they do not have adequate authority to make the necessary financial arrangements to make the contract effective. This amendment makes it possible to make these essential financial arrangements as an integral part of the contract.

The amendment was very carefully prepared by the representatives of many of our cities, to meet a real and growing need for machinery to permit them to handle their common problems.

Vote "Yes" on the amendment.

W. J. CARR,
State Senator Thirty-sixth District.
L. J. FLAHERTY,
State Senator Twenty-fourth District.

19	WATER AND POWER. Initiative Measure adding Article XIVa to constitution. Creates board appointed by Governor and subject to recall, chairman receiving fifteen thousand dollars annually, other members twenty dollars per day when acting. Authorizes issuance of bonds not exceeding $500,000,000. Empowers board to develop and distribute water and electric energy (giving state and political subdivisions certain preferential rights), do anything convenient therefor, fix rates to meet cost thereof and retire bonds in fifty years, use state waters and lands, and require reservation of water from appropriation and, when necessary in board's opinion, public lands from sale.	YES	
		NO	

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election.

PROPOSED AMENDMENT.

The full text of the proposed amendment is:

Article XIVa—Water and Power Development.

Section 1. It is hereby declared to be the policy and purpose of the state to conserve, develop and control the waters of the state for the use and benefit of the people.

Sec. 2. The California water and power board, hereinafter called the board, is hereby established, composed of five members who shall be appointed by the governor, one of whom he shall designate as chairman and executive officer, who shall devote all his time to the duties of the office. The members shall be qualified electors of the state and shall be so appointed as to be fairly representative of the state geographically and of its irrigation and municipal interests. Members shall hold office for four years, except that of those first appointed, one shall hold office until January 1, 1924, one until January 1, 1925, one until January 1, 1926, and two until January 1, 1927. The chairman shall receive a salary of fifteen thousand dollars per annum. The other members shall receive a per diem of twenty dollars while engaged in the performance of duty and all members shall receive their necessary expenses. The legislature may increase their compensation. Each member shall execute to the state such bonds as the governor may require. The legislature shall have power by a two-thirds vote of all its members to remove any one or more of the members of the board from office for dereliction of duty or corruption or incompetency; and it shall be the duty of the legislature to provide by law for the removal of members by recall, following so far as pertinent the provisions of article twenty-three of the constitution, except that a successor of any member recalled shall be appointed by the governor for the unexpired term, as shall be done in the case of a vacancy otherwise arising. A majority of the members shall constitute a quorum for the transaction of business and no vacancy in the board shall impair the right of the remaining members to exercise all powers of the board. The board shall maintain its office at Sacramento.

Sec. 3. The board shall have power:

(a) To acquire by purchase, lease, condemnation, gift or other legal means, land, water, water rights, easements, electric energy and any other property necessary or convenient for the purposes of this article, and likewise to acquire, and also to construct, complete and operate, works, dams, reservoirs, canals, pipe-lines, conduits, power-houses, transmission lines, structures, roads, railroads, machinery and equipment, and to do any and all things necessary or convenient for the conservation, development, storage and distribution of water, and the generation, transmission and distribution of electric energy. No electric energy shall be purchased by the board at a price to exceed one-half of one cent per kilowatt hour at the power plant, based upon a fifty per cent load factor, except for standby service as provided in section twelve hereof;

(b) To purchase, acquire, produce, manufacture or otherwise provide facilities, materials and supplies, raw or finished, and any property or thing necessary or convenient to the accomplishment of the purposes of this article;

(c) To supply water or electric energy or both to the state, political subdivisions and other users, and, subject to the provisions of this article, to prescribe the terms of contracts, and fix the price therefor and collect the same;

(d) To use the waters and the lands of the state, or any material therein or thereon, and to require the reservation from sale or other disposition of such lands and material as, in the opinion of the board, will be required for the purposes of this article;

(e) To require the reservation of water from appropriation for such periods as it may provide;

(f) In the name of the state to apply for and accept, under the provisions of the laws of the United States or of any state, grants, permits, licenses and privileges in the opinion of the board necessary for the accomplishment of the purposes of this article;

(g) To cooperate and contract with political subdivisions of this state and, with the approval of the governor, with the United States and other states, concerning the conservation and use of interstate and other waters and the generation and use of electric energy and the acquisition, construction, completion, maintenance and operation of works necessary or convenient for the accomplishment of the purposes of this article;

(h) To acquire or construct for political subdivisions distributing systems for water or electric energy bought from the state, upon terms that, in the opinion of the board, will repay to the state within twenty-five years the cost thereof with interest. The title to or interest of the state in such systems shall vest in the political subdivision when paid for;

(i) To sue and be sued, and to exercise in the name of the state the power of eminent domain for the purpose of acquiring any property, or the use or joint use of any property,

deemed by the board necessary for the purposes of this article;

(j) To provide itself with suitable office and field facilities, and to appoint, define the duties and fix the compensation of such expert and technical officers, legal and clerical assistants and other employees as it may require, subject to such civil service regulations as the board may provide;

(k) To define projects and to adopt rules and regulations to govern its activities;

(l) To exercise all powers needful for the accomplishment of the purposes of this article and such additional powers as may be granted by the legislature.

Sec. 4. The California water and power finance committee, herein called the committee, is hereby established, composed of the governor, controller, treasurer, chairman of the board of control and chairman of the California water and power board, all of whom shall serve thereon without compensation. A majority of the committee shall constitute a quorum for the transaction of business.

Sec. 5. Bonds of the State of California, not exceeding the sum of five hundred million dollars (unless additional bonds are duly authorized by law), may be issued and sold from time to time to carry out the purposes of this article, and the full faith and credit of the State of California is hereby pledged for the payment of the principal of said bonds as the same mature, and the interest accruing thereon as the same falls due.

Sec. 6. Bonds herein authorized shall be issued and sold by the committee as herein provided and shall be serial bonds, payable in not more than fifty years from date of issuance, and shall be in such form or forms and denomination or denominations, and subject to such terms and conditions of issue, conversion, redemption, maturities, payment, and rate or rates of interest, not exceeding six per cent per annum payable semi-annually, and time or times of payment of interest, as the committee from time to time at or before the issue thereof may prescribe. The principal and interest thereof shall be payable in United States gold coin. Said bonds shall be signed by the treasurer and countersigned by the governor by his engraved signature, and the great seal of the State of California shall be impressed thereon; all coupons thereto shall be signed by the treasurer by his engraved or lithographed signature. The board shall pay, from funds available to it, the expense of issuing and selling such bonds and the necessary expenses of the committee in connection therewith.

Bonds herein authorized may from time to time first be offered at not less than par as a popular loan, under such regulations prescribed by the committee from time to time, as will in its opinion give the people as nearly as may be an equal opportunity to participate therein, but the committee may make allotment in full upon applications for smaller amounts of bonds in advance of any date which it may set for the closing of subscriptions and may reject or reduce allotments upon later applications and applications for larger amounts, and may reject or reduce allotments upon applications from incorporated banks and trust companies for their own account and make allotment in full or larger allotments to others, and may establish a graduated scale of allotments, and may from time to time adopt any or all of said methods, should any such action be deemed by it to be in the public interest; provided, that such reduction or increase of allotments of such bonds shall be made under general rules to be prescribed by said committee and shall apply to all subscribers similarly situated. Any portion of the bonds so offered and not taken may be otherwise disposed of by the committee in such manner and at such price or prices, not less than par, as it may determine. The committee may cancel any of the bonds so offered and not taken and reissue them in different denominations.

Sec. 7. Bonds herein authorized shall be issued and sold only for the acquisition of such property and rights, and for the acquisition, construction, development, completion, operation and maintenance of such projects as the board may deem necessary or convenient to the accomplishment of the purposes of this article; provided, that from time to time upon written requisition of the board the committee shall issue and sell bonds not exceeding in the aggregate five million dollars, the proceeds of which shall be placed in the water and power revolving fund in the state treasury, which fund is hereby created, to be used by the board for the purpose of defraying its expenses, acquiring property, rights, facilities, materials and supplies, carrying charges during construction and meeting other costs incurred in carrying out the purposes of this article; provided further, that if at any time the revenues from projects shall be insufficient to pay the interest on and principal of outstanding bonds as the same fall due the committee with the consent of the governor, in order to avoid appropriations from the general fund and resulting taxation, may issue and sell bonds to provide funds required to make such payments of interest or principal.

Except as otherwise provided in this article, the committee shall issue and sell bonds only upon the written requisition of the board stating the amount of money required and the purpose for which it is to be used and accompanied by a duly authorized certificate of the board describing the property or rights to be acquired or the project proposed, and stating the estimated cost thereof and showing the same to have been investigated and approved and, in the case of a project, that plans and estimates therefor, a copy of which shall be annexed to such certificate, have been prepared and adopted by the board and further certifying that, in the opinion of the board, the revenue from the property or rights to be acquired or from the proposed project, together with available revenues from other projects, will be sufficient to pay within fifty years in addition to other necessary expenses, the principal and interest of the bonds requested to be issued. The proceeds of the sale of such bonds shall be placed in the treasury and shall be used by the board exclusively for the purposes for which the same were issued.

Sec. 8. The board shall establish such rates for service as in its judgment will provide, in addition to the expenses of operation, maintenance, depreciation, insurance and reserve for losses, funds to pay the principal and interest of all bonds issued under this article as the same fall due, together with all sums which may be advanced from the general fund and interest thereon as herein provided.

Each project, as the same may be defined by the board, shall be charged by the board with its cost, which shall include its proper share as fixed by the board of all expenditures from the water and power revolving fund and the share so charged shall be credited to such revolving fund which shall be replenished, to the extent of the amount so credited, from the proceeds of bonds sold to provide funds for the cost of such project. The board shall establish such rates for the service furnished by each project as in its judgment will pay, within fifty years, such cost thereof, and the expenses of operation, maintenance, depreciation, interest, insurance and reserve for losses; provided that where the rates are intended to provide for the repayment of expenditures made in acquiring or constructing distributing systems for political subdivisions, they shall be so fixed as in the judgment of the board will repay the amount of such expenditures with interest within twenty-five years. The board may change rates when in its opinion advisable to meet changed conditions and shall always keep its rates as near the amount required to pay such cost and expenses as practicable, and shall fix similar rates under substantially similar conditions.

Sec. 9. All revenues of the board, except proceeds from the sale of bonds, shall be paid into the state treasury and shall be applied first, to payment of the expenses of the board, costs of operation, maintenance, depreciation, insurance and losses, and second, to the payment of interest on and principal of said bonds.

If at any time the moneys in the state treasury applicable to the payment of interest or principal of said bonds, shall be insufficient to pay the same as it falls due, moneys shall be temporarily advanced from the general fund for that purpose, and there is hereby appropriated from the general fund in the state treasury such sum annually as will be necessary to pay such interest and principal, and there shall be collected each year in the same manner and at the same time as other state revenue is collected such sum in addition to the other revenues of the state as shall be required to pay the sums appropriated for payment of interest and principal as herein provided, and it is hereby made the duty of all officers charged by law with any duty with regard to the levy and collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

All moneys paid from the general fund in the state treasury for principal of or interest on such bonds shall be returned into said general fund out of the revenues of the board as soon as the same become available, together with interest thereon from the several dates of such advances until so returned at the rate of six per cent per annum compounded semiannually.

Sec. 10. Out of any money in the state treasury not otherwise appropriated, the sum of two hundred and fifty thousand dollars is hereby appropriated to be credited to the board and an equivalent amount shall be returned into the general fund in the state treasury out of the first moneys available in the water and power revolving fund.

Sec. 11. The committee may establish such funds in the state treasury as in its judgment may be required to carry out the purposes of this article.

Moneys herein provided for the board shall be drawn from the treasury by warrants of the controller on demands made by the board and allowed and audited by the state department of finance.

The board, the controller, the treasurer and the committee shall keep full and particular account and record of all their proceedings under this article, and shall transmit to the governor annually a report thereof, not less than one thousand copies of which shall be printed, to be by the governor laid before the legislature biennially, and all books and papers pertaining to the matters provided for in this article, shall at all times be open to the inspection of any officer or citizen of the state. All accounts of receipts and disbursements shall be audited annually by the state department of finance.

Sec. 12. The state and political subdivisions shall have a preferred right to water and electric energy controlled by the board as against privately owned public utilities selling water or electric energy to the public and no contract or act of the board shall interfere with such preferred right. As between those otherwise equally entitled, the board shall supply water or electric energy to political subdivisions near the source of supply, to the extent of their reasonable needs, in preference to those more remote.

The board shall not supply water to a privately owned public utility for the production of electric energy and shall not supply directy or indirectly to privately owned public utilities which sell electric energy or water to the public more than twenty per cent of the total amount of electric energy or water under its control, and contracts therefor shall not extend over a longer period than five years, or be renewed before one year prior to their expiration. Before making or renewing such a contract, the board shall publish a notice of its intention so to do, at least six days each week for a period of sixty days, in at least one newspaper published and circulated in this state, and designated by order of the board for that purpose; and at least thirty days' prior notice shall be mailed to the legislative bodies of all counties and incorporated municipalities and to irrigation districts situate within the territory which, in the opinion of the board, may use such electric energy. Public utilities taking such contracts shall be required to provide the board with standby service at reasonable rates.

Sec. 13. Nothing contained in this article shall prevent any political subdivision itself, or in cooperation with other political subdivisions, from developing any water or electric energy owned or controlled by it; but plans for any such development hereafter proposed shall be submitted to the board for suggestions and criticism, so that the cooperation of the board may be secured, if practicable, for the fullest development of the proposed project. The board may acquire and develop any such project unless the political subdivision claiming the same shall have adopted plans and estimates for the development, and authorized bonds or made other provision to cover the cost thereof, or shall do so, within two years after the board shall have notified such political subdivision of its readiness to proceed with such development.

Sec. 14. In any proceeding in eminent domain brought by the board under the provisions hereof, the determination of the board that the taking of the property described in the complaint is necessary for the purposes hereof, shall be conclusive evidence of such necessity. In any such proceeding the state may take immediate possession and use of any property required for the purposes of this article, by paying into the court such amount of money as the court, upon five days' notice to the adverse party, may determine as reasonably adequate to secure to the owner of the property sought to be taken immediate payment of just compensation for such taking and any damages incident thereto.

In any such proceeding, trial by jury may be demanded and secured by any party thereto, and any proceeding begun under the provisions of section twenty-three a of article twelve of this constitution shall be dismissed on the filing therein of a written demand by such party. Such demand must be filed within thirty days after service upon such party of process in such proceeding.

Property appropriated to public use may be taken under the power of eminent domain for the purposes hereof, but, except as otherwise herein provided, this article shall not confer power to take the property or works owned or controlled by any political subdivision used or proposed to be used for supplying water or electric energy, or both, without its consent.

Sec. 15. All public officers, boards, commissions and agencies shall make available to the board all data and information in their possession required by the board, and shall render every assistance in their power in carrying out the provisons of this article.

Sec. 16. As far as practicable, consistent with the speedy development of its operations, the board shall so shape its plans as to furnish work during periods of unemployment.

Sec. 17. The term political subdivision, as used in this article, is hereby defined to mean and include any public board, public quasi corporation, public corporation, water district, lighting district, municipal utility district, public utility district, irrigation district, municipal corporation, town, city and county, city or county, having authority to contract for the purchase, sale or use of water, water power, or electric energy, but shall not be construed to include any privately owned public utility.

Sec. 18. This article is self-executing, but legislation may be enacted in furtherance of its purpose and to facilitate its operation.

Section twenty-three a of article twelve, referred to in the proposed amendment, reads as follows:

Sec. 23a. The railroad commission shall have and exercise such power and jurisdiction as shall be conferred upon it by the legislature to fix the just compensation to be paid for the taking of any property of a public utility in eminent domain proceedings by the state or any county, city and county, incorporated city or town, or municipal water district, and the right of the legislature to confer such powers upon the railroad commission is hereby declared to be plenary and to be unlimited by any provision of this constitution. All acts of the legislature heretofore

adopted, which are in accordance herewith, are hereby confirmed and declared valid.

Article twenty-three of the constitution, referred to in the proposed amendment, reads as follows:

Section 1. Every elective public officer of the State of California may be removed from office at any time by the electors entitled to vote for a successor of such incumbent, through the procedure and in the manner herein provided for, which procedure shall be known as the recall, and is in addition to any other method of removal provided by law.

The procedure hereunder to effect the removal of an incumbent of an elective public office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twelve per cent of the entire vote cast at the last preceding election for all candidates for the office, which the incumbent sought to be removed occupies (provided that if the officer sought to be removed is a state officer who is elected in any political subdivision of the state, said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies) demanding an election of a successor to the officer named in said petition, shall be addressed to the secretary of state and filed with the clerk, or registrar of voters, of the county or city and county in which the petition was circulated; provided, that if the officer sought to be removed was elected in the state at large such petition shall be circulated in not less than five counties of the state, and shall be signed in each of such counties by electors equal in number to not less than one per cent of the entire vote cast, in each of said counties, at said election, as above estimated. Such petition shall contain a general statement of the grounds on which the removal is sought, which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review.

When such petition is certified as is herein provided to the secretary of state, he shall forthwith submit the said petition, together with a certificate of its sufficiency, to the governor, who shall thereupon order and fix a date for holding the election, not less than sixty days nor more than eighty days from the date of such certificate of the secretary of state.

The governor shall make or cause to be made publication of notice for the holding of such election, and officers charged by law with duties concerning elections shall make all arrangements for such election and the same shall be conducted, returned, and the result thereof declared, in all respects as are other state elections. On the official ballot at such election shall be printed, in not more than two hundred words, the reasons set forth in the petition for demanding his recall. And in not more than three hundred words there shall also be printed, if desired by him, the officer's justification of his course in office. Proceedings for the recall of any officer shall be deemed to be pending from the date of the filing with any county, or city and county clerk, or registrar of voters, of any recall petition against such officer; and if such officer shall resign at any time subsequent to the filing thereof, the recall election shall be held notwithstanding such resignation, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law, but the person appointed to fill such vacancy shall hold his office only until the person elected at the said recall election shall qualify.

Any person may be nominated for the office which is to be filled at any recall election by a petition signed by electors, qualified to vote at such recall election, equal in number to at least one per cent of the total number of votes cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Each such nominating petition shall be filed with the secretary of state not less than twenty-five days before such recall election.

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 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 after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Any recall petition may be presented in sections, but each section shall contain a full and accurate copy of the title and text of the petition. 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 appended 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 such 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 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 an oath. Such petition so verified shall be prima facie evidence that the signatures thereto appended are genuine and that the persons signing the same are qualified electors. Unless and until it is otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of electors. 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 such sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the date of filing such petition, the clerk, or registrar of voters, shall finally determine from the records of registration what number of qualified electors have signed the same, and, if necessary, the board of supervisors shall allow such 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 exam-

ination, shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination, and submit said petition, except as to the signatures appended thereto, to the secretary of state and 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 of voters 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 conclusion of such examination shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination, and shall forthwith transmit such supplemental petition, except as to the signatures thereon, together with his said 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 a certificate showing such fact; and such clerk or registrar of voters shall thereupon file said certificate for record in his office.

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 the said petition to be signed by the requisite number of electors of the state.

No recall petition shall be circulated or filed against any officer until he has actually held his office for at least six months; save and except it may be filed against any member of the state legislature at any time after five days from the convening and organizing of the legislature after his election.

If at any recall election the incumbent whose removal is sought is not recalled, he shall be repaid from the state treasury any amount legally expended by him as expenses of such election, and the legislature shall provide appropriation for such purpose, and no proceedings for another recall election of said incumbent shall be initiated within six months after such election.

If the governor is sought to be removed under the provisions of this article, the duties herein imposed upon him shall be performed by the lieutenant governor; and if the secretary of state is sought to be removed, the duties herein imposed upon him shall be performed by the state controller; and 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 recall shall also be exercised by the electors of each county, city and county, city and town of the state, with reference to the elective officers thereof, under such procedure as shall 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 such recall powers in such counties, cities and counties, cities and towns, but shall not require any such recall petition to be signed by electors more in number than twenty-five per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Nothing herein contained shall be construed as affecting or limiting the present or future powers of cities or counties or cities and counties having charters adopted under the authority given by the constitution.

In the submission to the electors of any petition proposed under this article all officers shall be guided by the general laws of the state, except as otherwise herein provided.

This article is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting the provisions of this article or the powers herein reserved.

The provisions of sections one and two of article fourteen, which will be modified by the adoption of the proposed amendment, read as follows:

Section 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the state, in the manner to be prescribed by law; provided, that the rates or compensation to be collected by any person, company, or corporation in this state for the use of water supplied to any city and county, or city, or town, or the inhabitants thereof, shall be fixed, annually, by the board of supervisors, or city and county, or city, or town council, or other governing body of such city and county, or city, or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Any board or body failing to pass the necessary ordinances or resolutions fixing water rates, where necessary, within such time, shall be subject to peremptory process to compel action, at the suit of any party interested, and shall be liable to such further processes and penalties as the legislature may prescribe. Any person, company, or corporation collecting water rates in any city and county, or city, or town in this state, otherwise than as so established, shall forfeit the franchises and waterworks of such person, company, or corporation to the city and county, or city, or town, where the same are collected, for the public use.

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

The following provisions of the water commission act of 1913, as amended, will be modified, if not superseded, by the proposed amendment:

Sec. 11. All water or the use of water which has never been appropriated, or which has been heretofore appropriated and which has not been in process, from the date of the initial act of appropriation, of being put, with due diligence in proportion to the magnitude of the work necessary properly to utilize for the purpose of such appropriation such water or the use of water, or which has not been put, or which has ceased to be put to some useful or beneficial purpose, or which may hereafter be appropriated and ceased to be put, to the useful or beneficial purpose for which it was appropriated, or which in the future may be appropriated and not be, in the process of being put, from the date of the initial act of appropriation, to the useful or beneficial purpose for which it was appropriated, with due diligence in proportion to the magnitude of the work necessary properly to utilize for the purpose of such appropriation such water or the use of water, is hereby declared to be unappropriated. And all waters flowing in any river, stream, canyon, ravine or other natural channel, excepting so far as such waters have been or are being applied to useful and beneficial purposes upon, or in so far as such waters are or may be reasonably needed for useful, and beneficial purposes upon lands riparian thereto, or otherwise appropriated, is and are hereby declared to be public waters of the State of California and subject to appropriation in accordance with the provisions of this act. If any portion of the waters of any stream shall not be put to a useful or beneficial purpose to or upon lands riparian to such stream for any continuous period of ten consecutive years after the passage of this act, such nonapplication shall be deemed to be conclusive presumption that the use of such portions of the waters of such stream is not needed upon said riparian

lands for any useful or beneficial purpose; and such portion of the waters of any stream so nonapplied, unless otherwise appropriated for a useful and beneficial purpose is hereby declared to be in the use of the state and subject to appropriation in accordance with the provisions of this act; provided, however, that where there is pending any action or proceeding to condemn any lands riparian to any stream or any rights, powers or privileges to use the waters of any stream upon lands riparian to such stream or to condemn rights essential to use the waters of any stream which action or proceeding was commenced prior to the sixteenth day of June, 1913, said period of ten consecutive years shall be exclusive of the period of time during which such action or proceeding is pending. In any case where a reservoir or reservoirs have been or shall hereafter under the provisions of this act be constructed or surveyed, laid out and proposed to be constructed for the storage of water for a system, which water is to be used at one or more points under appropriations of water heretofore or hereafter made, which appropriations and rights thereunder are now, or shall hereafter be held and owned by the person or corporation owning such reservoir site or sites and constructing such reservoir or reservoirs, such reservoir or reservoirs and appropriations and rights shall, in the discretion of the state water commission, constitute a single enterprise and unit, and work of constructing such reservoir or reservoirs, or any of them, or work on any one of such appropriations shall, in the discretion of said commission, be sufficient to maintain and preserve all such applications for appropriations and rights thereunder.

Sec. 12. The state water commission shall have authority to, and may, for good cause shown, upon the application of any appropriator or user of water under an appropriation made and maintained according to law prior to the passage of this act, prescribe the time within which the full amount of the water appropriated shall be applied to a useful or beneficial purpose; provided, that said appropriator or user shall have proceeded, with due diligence in proportion to the magnitude of the project, to carry on the work necessary to put the water to a beneficial use; and in determining said time said commission shall grant a reasonable time after the construction of the works or canal or ditch or conduits or storage system used for the diversion, conveyance or storage of water; and in doing so said commission shall also take into consideration the cost of the application of such water to the useful or beneficial purpose, the good faith of the appropriator, the market for water or power to be supplied, the present demand therefor, and the income or use that may be required to provide fair and reasonable returns upon the investment and any other facts or matters pertinent to the inquiry. Upon prescribing such time the state water commission shall issue a certificate showing its determination of the matter. For good cause shown, the state water commission may extend the time by granting further certificates. And, for the time so prescribed or extended, the said appropriator or user shall be deemed to be putting said water to a beneficial use.

And if at any time it shall appear to the state water commission, after a hearing of the parties interested and an investigation, that the full capacity of the works built or constructed, or being built or constructed, under an appropriation of water or the use thereof made under the provisions of this act has not developed or can not develop the full capacity of the stream at the point where said works have been or are being built or constructed, and that the holder of the said appropriation will not or can not, within a period deemed to be reasonable by the commission, develop the said stream at said point to such a capacity as the commission deems to be required by the public good, then and in that case the said commission, in its discretion, may permit the joint occupancy and use, with the holder of the appropriation, to the extent necessary to develop the stream to its full capacity or to such portion of said capacity as may appear to the state water commission to be advisable, by any and all persons, firms, associations, or corporations applying therefor, of any dam, tunnel, diversion works, ditch, or other works or constructions already built or constructed or in process of being built or constructed under this act, provided, that said commission shall take into consideration the reasonable cost of the original and new work, the good faith of the applicant, the market for water or power to be supplied by the original and the new work, and the income or use that may be required to provide fair and reasonable returns upon such cost; provided, further, that the applicant or applicants shall be required to pay to the party or parties owning said dam, tunnel, diversion works, ditch, or other works or constructions a pro rata portion of the total cost of the old and the new works, said pro rata portion to be based upon the proportion of the water used by the original and the subsequent users of said dam, tunnel, diversion works, ditch, or other works or constructions, if the water is used or to be used for irrigation or domestic purposes; or, if the water is used or to be used for the generation of electricity, or electrical or other power, the said pro rata portion shall be based upon the relative amount of electricity or electrical or other power capable of being developed by the original and the new works; or, if a portion of the water utilized under a joint occupancy of any dam, tunnel, diversion works, ditch, or other works or construction, shall be used for the purpose of irrigation and another portion of said water shall be used for the generation of electricity or electrical or other power, then and in that case the applicant or applicants for joint occupancy shall be required to pay to the party or parties owning said dam, tunnel, diversion works, ditch, or other works or constructions a pro rata portion of the total cost of the old and new works, said pro rata portion to be based upon the proportion of the relative amount of water used by each joint occupant and the income derived by each said joint occupant from said joint occupancy; or, if any of the waters used under such joint occupancy shall be utilized for purposes other than those specified above, then and in that case the applicant or applicants for such joint occupancy shall be required to pay to the party or parties owning said dam, tunnel, diversion works, ditch, or other works or constructions, such a pro rata portion of the total cost of the old and new works as shall appear to the state water commission to be just and equitable. Said applicant or applicants shall also be required to pay a proper pro rata share, based as above, of the cost of maintaining said dam, tunnel, diversion works, ditch or other works or constructions, on and after beginning the occupancy and use thereof. Furthermore, the state water commission if it appears to the said commission that the full capacity of the works built or constructed, or being built or constructed, under an appropriation of water or the use thereof under this act, will not develop the full capacity of the stream at that point, and it appears to the commission that the public good requires it, and the commission specifically so finds after investigation and hearing of the parties interested, may permit any person, firm, association or corporation to repair, improve, add to, supplement, or enlarge, at his or its proper cost, charge and expense, any dam, tunnel, diversion works, ditch, or other works or constructions already built or constructed or in process of being built or constructed under the provisions of this act, and to use the same jointly with the owners thereof; provided, that the said repairing, improving, adding to, supplementing, or enlarging, shall not materially interfere with the proper use thereof by the owner of said dam, tunnel, diversion works, ditch, or other works or constructions or shall not materially injure said dam, tunnel, diversion works, ditch or other works or constructions. And the state water commission shall determine the pro rata and other costs provided for in this section.

Sec. 13. All rights granted or declared by this act shall be ascertained, adjudicated and determined in the manner and by the tribunals as provided in this act.

Sec. 14. This act shall not be held to bestow, except as expressly provided in this act, upon any person, firm, association or corporation, any right where no such right existed prior to the time this act takes effect.

Sec. 15. The state water commission shall allow, under the provisions of this act, the appropriation for beneficial purposes of unappropriated water under such terms and conditions as in the judgment of the commission will best develop, conserve and utilize in the public interest the water sought to be appropriated. It is hereby declared to be the established policy of this state that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation. In acting upon applications to appropriate water the commission shall be guided by the above declaration of policy. The commission shall reject an application when in its judgment the proposed appropriation would not best conserve the public interest.

Sec. 15a. The state water commission shall allow the appropriation of water in this state for beneficial use in another state only when, under the laws of the latter, water may be lawfully diverted therein for beneficial use in the state of California. Upon any stream flowing across the state boundary a right of appropriation having the point of diversion and the place of use in another state and recognized by the laws of that state, shall have the same force and effect as if the point of diversion and the place of use were in this state; provided, that the laws of that state give like force and effect to similar rights acquired in this state; provided, that nothing in this act be so construed as to apply to interstate lakes, or streams flowing in or out of such lakes.

Sec. 16. Every application for a permit to appropriate water shall set forth the name and post-office address of the applicant, the source of water supply, the nature and amount of the proposed use, the location and description of the proposed headworks, ditch, canal and other works; the proposed place of diversion and the place where it is intended to use the water; the time within which it is proposed to begin construction, the time required for completion of the construction, and the time for the complete application of the water to the proposed use. If for agricultural purposes; the application shall, besides the above general requirements, give the legal subdivisions of the land and the acreage to be irrigated, as near as may be; if for power purposes, it shall give, besides the general requirements prescribed above, the nature of the works by means of which the power is to be developed, the head and amount of water to be utilized, and the use to which the power is to be applied; if for storage in a reservoir, it shall give, in addition to the general requirements prescribed above, the height of dam, the capacity of reservoir, and the use to be made of the impounded waters; if for municipal water supply, it shall give, besides the general requirements specified above, the present population to be served, and, as near as may be, the future requirements of the city; if for mining purposes, it shall give, in addition to the general requirements prescribed above, the nature and location of the mines to be served, and the methods of supplying and utilizing the water. All applications shall be accompanied by as many copies of such maps, drawings, and other data as may be prescribed or required by the state water commission, and such maps, drawings, and other data shall be considered as part of the application. If any permittee or licensee, or the heirs, successors, or assigns of any permittee or licensee, desire to change the point of diversion, or place of use, from the point of diversion, or place of use, specified in the original application, or after the granting of any permit or license, such change or changes may be made only upon the permission of the state water commission; provided, that, before granting such permission, such applicant must establish, to the satisfaction of the state water commission, and such commission must so find, that such change in the place of diversion, or place of use, will not operate to the injury of any other appropriator or legal user of such waters before permitting such change in the place of the diversion or place of use. Upon receipt of application for permission to make such change in the place of diversion, or place of use, the commission shall, by order, fix a time within which any person interested may appear in opposition to such application, and such applicant shall, if the commission so require, cause to be published at least once a week for four consecutive weeks, in a newspaper or newspapers of general circulation in the county in which is situated both the old and new points of diversion or place of use, a copy of said order. Proof of such publication shall be by affidavit of the publisher of such newspaper. Should any objection be made to the change in point of diversion, or place of use, so applied for, the state water commission shall fix a time for the hearing of said application and of the objections thereto, which time shall be not less than thirty days nor more than sixty days after the period of said publication, and upon such hearing the said commission shall grant or refuse, as the facts shall warrant, such permission to change place of diversion or place of use.

ARGUMENT IN FAVOR OF WATER AND POWER ACT.

The California Water and Power Act will enable California to lend its credit not to exceed $500,000,000 for conservation, development and distribution of water, light and power and sell it at cost to cities, other political subdivision and private consumers throughout the state. Bonds will be issued to construct feasible projects only and when the board created by this act, has secured contracts for purchase of water, light and power at rates, which will return all costs of operation and depreciation and pay off bonds within fifty years, without taxation.

The taxation provision was inserted merely to insure a ready market for bonds at lowest interest rates.

It offers rational means to prevent complete monopoly of water, light and power by private interests. It will bring to the people in other communities advantages that the Los Angeles Municipal Water, Light and Power system has given the people of that prosperous and progressive city.

It is far more safe to intrust the control and operation of the state's remaining water and power resources to a public board whose every act is open to the inspection of every citizen of California and whose members are recallable by the people and the legislature, than to directors of privately owned public utility companies who are beyond the reach of the people.

The California water and power companies have securities outstanding in excess of $500,000,000 and they have announced that they will expend over $1,000,000,000 additional during the next ten years to care for the light and power needs of the state. Water and power development under this act can not, therefore, deprive existing power companies of their business, but it will relieve them of considerable costly financing and save to the people the difference in interest and other gains possible under public ownership.

The state can borrow money at much lower interest rates than private corporations and this item alone will insure a saving of over $15,000,000 annually to consumers under this act. This amendment will enable the state to prevent flood damage by storing storm waters and bring millions of acres of unproductive lands into profitable use by releasing those waters during the irrigation season. It will insure greater opportunity for continuous employment of labor.

Corporation monopoly of natural resources leads to extravagant, wasteful methods, exploitation of the people, high salaries to corporation officials, low wages to employees, and

political domination by small groups of selfish men who control the corporations and who often make wrongful use of their concentrated wealth. There is no adequate control in the interest of the people except through public ownership. A vote for California's water and power act is a declaration of freedom from corporation dictation in our political, business and financial affairs and insurance against monopolistic rates for water, light and power in the home, factory and on the farm.

Protect yourself and future generations from merciless demands of organized greed. Vote Yes, constitutional amendment number 19 on the ballot.

RUDOLPH SPRECKELS.
CLYDE L. SEAVEY,
City Manager of the City of Sacramento.

ARGUMENT AGAINST THE WATER AND POWER ACT.

The proposed Water and Power constitutional amendment pledges the state credit to a bond issue of $500,000,000, the proceeds to be expended in the unrestrained discretion of a political board in Sacramento in doing anything it thinks convenient to carry out the intent of the act in controlling all water in California used in irrigation, domestic consumption, power, mining or other purposes.

If estimates are faulty and projects do not pay the board is given the unheard of authority, without appropriation or approval of the governor, to draw upon the state treasury without limit in addition to the $500,000,000. Additional taxes must be levied to repay money so drawn.

The citizens of the state in effect are asked to sign a blank check on their bank accounts in favor of the board for a period of fifty years.

The cheapest sources of water supply have been appropriated. Present day costs of construction are far greater than in 1914. Because of these greatly increased costs of construction and operation the state can not successfully install and operate water powers in competition with those already developed.

There will be no financial benefit to the public. On the contrary, there will be added costs due to higher cost of present day installation and inevitable inefficiency of government operation.

If existing plants are condemned full value based on present day reproduction costs must be paid after endless litigation, and efficiently run corporations will be consigned to a political board to be politically run, with all the inefficiency of politics.

The right of municipalities under "home rule" to acquire and develop their own power and water resources is in effect subordinated to that of the board, and if the amendment carries, such right of "home rule" will be lost.

Had the amendment been first presented to and considered by the legislature its many serious defects would have been recognized. Without permitting such consideration the amendment is presented directly to the people in the hope that it might pass unchallenged. Such attempt at direct legislation without first appealing to the legislature is in utter contravention of the theory of the initiative and the complete negation of representative government.

The amendment violates the fundamental that the function of government is government and not industry; it creates an army of political employees in addition to the 212,000 already existing; it withdraws ultimately $500,000,000 from tax rolls and creates an equal amount of tax free securities for the benefit of the very rich, with added taxation for people of modest income. It places this enormous sum of the people's money beyond legislative control and at the disposal of a board that may be appointed by an incompetent governor.

We are asked to substitute unsound theory for the proved experience of generations. To prove the wisdom of it all, we are inundated with a mass of glittering generalities and comparisons largely untrue and meaningless when critically analyzed.

The amendment is socialistic, autocratic, bureaucratic, undemocratic. It should be defeated.

MARK L. REQUA,
Former President Tax Association of Alameda County.

OSTEOPATHIC ACT. Initiative. Creates Board of Osteopathic Examiners appointed by Governor; prescribes powers and duties thereof; authorizes said board in respect to graduates of osteopathic schools to carry out provisions of Medical Practice Act of 1913, and acts amendatory thereof, and issue to them any form of certificate authorized thereunder; confers upon said board all functions relating to such graduates heretofore exercised by State Board of Medical Examiners; creates contingent fund from receipts under act, requiring compensation of members of board, and of persons appointed thereby, and all expenses incurred under act, to be paid only therefrom.

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YES	
NO	

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed measure is as follows:

PROPOSED LAW.

An act to establish a board of osteopathic examiners, to provide for their appointment, and to prescribe their powers and duties; to regulate the examination of applicants, who are graduates of osteopathic schools, for any form of certificate to treat disease, injuries, deformities, or other physical or mental conditions; to regulate the practice of those so licensed, who are graduates of osteopathic schools; to impose upon said board of osteopathic examiners all duties and functions, relating to graduates of osteopathic schools, holding or applying for any form of certificate or license, heretofore exercised and performed by the board of medical examiners of the State of California under the provisions of the state medical practice act, approved June 2, 1913, and acts amendatory thereof.

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

Section 1. A self-sustaining board of osteopathic examiners to consist of five members and to be known as the "board of osteopathic examiners of the State of California" is hereby created and established. The governor shall appoint the members of the board, each of whom shall have been a citizen of this state for at least five years next preceding his appointment. Each of the members shall be appointed from among persons who are graduates of osteopathic schools who hold unrevoked licenses or certificates to practice in this state. The governor shall fill by appointment all vacancies on the board. The term of office of each member shall be three years; provided, that of the first board appointed, one shall be appointed for one year, two for two years, and two for three years, and

that thereafter all appointments shall be for three years, except that appointments to fill vacancies shall be for the unexpired term only. The governor shall have power to remove from office any member of the board for neglect of duty, for incompetency, or for unprofessional conduct. Each member of the board shall, before entering upon the duties of his office, take the constitutional oath of office. All fees collected on behalf of the board of osteopathic examiners and all receipts of every kind and nature, shall be reported at the beginning of each month for the month preceding, to the state controller and at the same time the entire amount must be paid into the state treasury and shall be credited to a fund to be known as the board of osteopathic examiners contingent fund, which fund is hereby created. Such contingent fund shall be for the use of the board of osteopathic examiners and out of it and not otherwise shall be paid all expenses of the board. Necessary traveling expenses and a per diem of not to exceed ten dollars ($10.00) for each day of actual service in the discharge of official duties may be paid each member of the board, provided the fees and other receipts of the board are sufficient to meet this expense.

The governor shall appoint the members of said board within thirty days after this act takes effect. The board shall be organized within sixty days after the appointment of its members by the governor 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 with power of adjournment from time to time until its business is concluded. 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 preceeding 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 the 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 to be issued by said board and shall, on or before the first day of January in each year, transmit to the governor a full report of all its proceedings together with a report of its receipts and disbursements.

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.

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 three members of said board to carry any motion or resolution, to adopt any rules, pass any measure or to authorize the issuance or the revocation of any certificate. 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 shall keep an official record of 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.

The board shall have the power to employ legal counsel to advise and assist it in connection with all matters cognizable by the board or in connection with any litigation or legal proceedings instituted by or against said board 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 services and may incur such other expense as it may deem necessary; provided, however, that all of such expense shall be payable only from the said fund hereinbefore provided for and to be known as the board of osteopathic examiners contingent fund.

Every applicant for any form of certificate shall pay to the secretary-treasurer of the board the fees prescribed by law. Every licentiate, or certificate holder, subject to the jurisdiction of this board, shall on or before the first day of January of each year pay to the secretary-treasurer the annual tax and registration fee prescribed by law.

Sec. 2. All persons who are graduates of osteopathic schools and who desire to apply for any form of certificate mentioned or provided for in the state medical practice act, approved June 2, 1913, and all acts amendatory thereof, shall make application therefor, to said board of osteopathic examiners and not to the board of medical examiners of the State of California. The board of osteopathic examiners in respect to graduates of osteopathic schools, applying for any form of certificate mentioned or provided for in the state medical practice act, approved June 2, 1913, and all acts amendatory thereof, is hereby authorized and directed to carry out the terms and provisions of the state medical practice act, approved June 2, 1913, and all acts amendatory thereof, and all laws hereafter enacted prescribing and regulating the approval of schools, the qualifications of applicants for examination for any form of certificate, the applications for any form of certificate, the admission of applicants to examinations for any form of certificate, the conduct of examinations, the issuance of any form of certificate, the collection of fees from applicants, the collection of an annual tax and registration fee, the compilation and issuance of a directory, the revocation of any form of license or certificate, the prosecution of persons who attempt to practice without a certificate, and all other matters relating to the graduates of osteopathic schools, holding or applying for any form of certificate or license. Every applicant to said board of osteopathic examiners for any form of certificate shall pay to the secretary-treasurer of the board the fees prescribed for such application by said state medical practice act, approved June 2, 1913, or any acts amendatory thereof or laws hereafter enacted. Said board of osteopathic examiners shall, in respect to all the matters aforesaid, relating to graduates of osteopathic schools, applying for or holding any form of certificate or license, take over, exercise and perform all the functions and duties imposed upon and heretofore exercised or performed by the board of medical examiners of the State of California under the provisions of the state medical practice act, approved June 2, 1913, and acts amendatory thereof. The provisions of said state medical practice act, approved June 2, 1913, and acts amendatory thereof are hereby declared to be applicable to said board of osteopathic examiners in respect to all of the aforesaid matters and all other matters now or hereafter prescribed by law relating to the graduates of osteopathic colleges holding or applying for any form of certificate or license. In no other respects than as herein provided shall the jurisdiction, duties or functions of said board of medical examiners of the State of California be in any wise limited or changed; nor shall the board of osteopathic examiners have any power or jurisdiction over the graduates of any other than osteopathic schools. From and after the time of the organization of the board of osteopathic examiners said board of medical examiners of the State of California, shall have no further jurisdiction, duties or functions with respect to graduates of osteopathic schools holding or applying for any form of certificate or license and the said jurisdiction duties and functions shall be assumed and performed by said board of osteopathic examiners.

Sec. 3. This act shall be known and cited as the "osteopathic act."

[The Medical Practice Act of 1913, as amended, which is referred to in the proposed act, and which is made applicable to the board of osteopathic examiners therein created so far as said Medical Practice Act applies to graduates of osteopathic schools, reads as follows:]

Section 1. A board of medical examiners to consist of ten members, and to be known as the "board of medical examiners of the State of California," is hereby created and established. The governor shall appoint the members of the board, each of whom shall have been a citizen of this state for at least five years next preceding his appointment. Each of the members shall be appointed from among persons who hold licenses under any of the medical practice acts of this state. The governor shall fill by appointment all vacancies on the board. The term of office of each member shall be four years; provided, that of the first board appointed, three members shall be appointed for one year, two for two years, two for three years and three for four years, and that thereafter all appointments shall be for four years, except that appointments to fill vacancies shall be for the unexpired term only. No person in any manner owning any interest in any college, school or institution engaged in medical instruction shall be appointed on the board, nor shall more than one member of the board be appointed from the faculty of any one university, college, or other educational institution. The governor shall have power to remove from office any member of the board for neglect of duty required by this act, for incompetency, or for unprofessional conduct. Each member of the board shall, before entering upon the duties of his office, take the constitutional oath of office.

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 third Monday in October 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 may 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 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. To comply with the provisions of this section relating to the compilation, publication and sale of a directory in addition to the fee required for the filing of any application, or the issuance of any certificate hereinafter provided for, each licentiate granted a certificate under the provisions of this act, or any preceding medical practice act of the State of California, shall, on or before the first day of January of each year, pay to the secretary-treasurer of the board of medical examiners an annual tax and registration fee of two dollars ($2.00). Receipt or acknowledgment of payment by the secretary-treasurer shall be evidence that the holder and possessor of such certificate is entitled to practice the particular system for which he was granted such certificate for a period of one year from the first day of January; but notwithstanding the possession by any certificate holder of such receipt or acknowledgment of payment, the license or certificate issued to such licentiate to practice any system recognized by this or any preceding medical practice act of the State of California, may, at any time, be forfeited or revoked for a violation of the further provisions and requirements of this act. The failure, neglect and refusal of any person holding a license or certificate to practice a system under this or any preceding medical practice act of the State of California, to pay said annual tax of two dollars ($2.00) during the time his or her license remains in force, shall, after a period of sixty days from the first day of January of each year, ipso facto, work a forfeiture of his or her license or certificate, and it shall not be restored except upon the written application therefor, and the payment to the said board of a fee of ten dollars ($10.00) except that such licentiate who fails, refuses or neglects to pay such annual tax within a period of sixty days after the first day of January of each year shall not be required to submit to an examination for the reissuance of such certificate. It shall be the duty of the executive officer herein designated as the secretary-treasurer of said board of medical examiners to mail to the last known address of each licentiate who has paid said annual tax a copy of the said directory, and all new issues thereof and copies of all supplements thereto. The receipts of the said annual tax referred to herein shall be paid into the contingent fund of the board of medical examiners of California, and after the expenses of issuing said directories have been paid, in the event that there shall be a surplus of such funds, the board may from time to time, in its discretion, apply said surplus for any other expenses incurred by the board under the provisions of this act.

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. 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 mea-

ure, 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.

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, and also the sum to be paid to other 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.

Sec. 6. All fees collected on behalf of the board of medical examiners, and all receipts of every kind and nature, shall be reported at the beginning of each month, for the month preceding, to the state controller, and at the same time the entire amount of such collections shall be paid into the state treasury, and shall be credited to a fund to be known as the board of medical examiners' contingent fund, which fund is hereby created. Such contingent fund shall be for the uses of the board of medical examiners and out of it shall be paid all salaries and all other expenses necessarily incurred in carrying into effect the provisions of this act. An amount not to exceed three thousand dollars ($3,000) may be drawn from the contingent fund herein created, to be used as a revolving fund where cash advances are necessary; but expenditures from such revolving fund must be substantiated by vouchers and itemized statements at the end of each fiscal year, or at any other time when demand therefor is made by the board of control.

Sec. 7. Every applicant for a certificate shall pay to the secretary of the board a fee of twenty-five dollars ($25), which shall be paid to the treasurer of the board by said secretary. In case the applicant's credentials are insufficient or in case he does not desire to take the examination, the sum of ten dollars ($10) shall be retained, the remainder of the fee being returnable on application.

Sec. 8. Four 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 medical 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 medical 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's certificate"; third, a certificate authorizing the holder thereof to practice chiropody; for the purpose of this act chiropody shall be held to be the medical, mechanical or surgical treatment of the human feet.

(a) Medical treatment shall be held to be the local application or recommendation of any therapeutic agent or remedy for the relief of foot ailments.

(b) Mechanical treatment shall be held to be the employment of any forcible means for the correction of any deformity of the foot or feet and shall not permit the treatment of fractures of the bones of the foot or feet or the application of splints or casts; provided, however, that mechanical treatment shall not include or prohibit the manufacture, the recommendation or sale of either corrective shoes or appliances for human feet.

(c) Surgical treatment shall be held to mean the surgical treatment of abnormal nails, corns, callosities, bunions, and other minor foot ailments, not involving the bony structure, and does not confer the right of amputation of toes or joints thereof except as hereinbefore specified, or any portion of the foot or the severing of any tendon, or the use of anaesthetic other than local; fourth, a certificate to practice midwifery, which shall be in the form designated by the board and in conformity with this act. Such certificate shall entitle the holder thereof to attend cases of childbirth. As used in this act, the practice of midwifery means the furthering or undertaking by any person to assist a woman in normal childbirth, but does not include at any childbirth the use of any instrument, except such instrument as is necessary in severing the umbilical cord, nor the assisting of childbirth by any artificial, forcible or mechanical means, nor the performance of any version, nor the removal of adherent placenta, nor the administering, prescribing, advising or employing in childbirth of any drug, other than a disinfectant or cathartic. The provisions hereof shall not authorize any midwife to practice medicine and surgery. 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.

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 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; 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; 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, further, that an applicant for a certificate to practice midwifery must show that the applicant has attended a one-year course in a

hospital recognized as reputable by the board, and that a course of instruction in anatomy, physiology, obstetrics and hygiene and sanitation as set forth in section ten hereof has been taken, covering a period of one year; provided, further, that in lieu thereof, an applicant who can submit satisfactory proof of the possession of a diploma from a recognized reputable hospital, and who in addition thereto has attended a course of instruction in the subjects enumerated in section ten hereof and satisfactory proof that such instruction has been taken covering a period of at least three months; and provided, further, that in lieu thereof an applicant may present proof satisfactory to the board that the applicant has taken a course of instruction with the minimum requirements as designated in section ten of any school or schools approved by the board as giving a course of instruction in said subjects for a certificate to practice medicine and surgery; 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.

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.

The preliminary or basic educational qualifications for an applicant to practice midwifery in this state shall be the completion of one year of high school work or its equivalent, and after October, 1918, the presentation to the board of a diploma from a California high school giving a full four years' standard high school course or its equivalent.

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:

For a "Physician and Surgeon Certificate."

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	468 hours
Anesthesiology	32 hours
Orthopedic surgery	30 hours
Physical therapy, including electro-therapy, X-ray, radiography, hydro-therapy	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."

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

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
Total	664 hours

For a Certificate to Practice Midwifery.

Group 1. 150 hours.	
Anatomy	75 hours
Physiology	75 hours
Group 2. 265 hours.	
Hygiene and sanitation	100 hours
Obstetrics	165 hours
Total	415 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 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. 10½. The board must approve every school which shall comply with the requirements of section ten of this act and must admit to the examination every applicant who shall comply with the requirements of sections nine and ten of this act. Nothing in this act shall prohibit the board from considering the quality of the course of instruction outlined in section ten hereof. If any school should be disapproved by the board or any applicant for examination rejected by it, then such school so disapproved or such applicant so rejected may commence an action in the superior court against said board to compel the board to approve such school or to admit such applicant to examination or for any other appropriate relief. In any such action, the court shall have full power to investigate and decide all facts anew without regard to any previous determination of the board thereon. Such action shall be speedily determined by said court and shall take precedence over all matters pending therein save and except criminal cases, applications for injunction or other matters to which special precedence may be given by law.

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 certificate" must pass an examination in the following subjects:

1. Anatomy and histology.
2. Physiology.
3. General diagnosis.
4. Elementary pathology and elementary bacteriology.
5. Obstetrics.
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 ten 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 reexamined in "drugless practitioner" subjects.

The subjects for such examination shall be:

1. Advanced chemistry.
2. Advanced bacteriology and pathology.
3. Surgery.
4. Materia medica and therapeutics, pharmacology, including prescription writing.
5. General medicine, including clinical microscopy.
6. Advanced obstetrics and gynecology.

All applicants for a certificate to practice chiropody 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. Chiropody and therapeutics.

All applicants for a certificate to practice midwifery must pass an examination in the following subjects:

1. Anatomy and physiology.
2. Obstetrics.
3. Hygiene and sanitation.

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. The board in its discretion upon the submission of satisfactory proof from the applicant that he is unable to meet the requirements of the examination in the English language, may allow the use of an interpreter either to be present in the examination room or to thereafter interpret and transcribe the answers of the applicant. The selection of such interpreter is to be left entirely to the board and the expenses thereof to be borne by the applicant, the payment therefor to be made before such examination is held. There shall be at least ten questions on each subject, the answers to which shall be marked on a scale of zero 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 chiropody obtaining over seventy-five per cent in seven subjects, and an applicant for a certificate to practice midwifery obtaining seventy-five per cent in one subject, shall be subsequently reexamined 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 less than one thousand hours in a legally chartered school approved by the board and satisfactory proof of three years of actual prac-

tice 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 nine and ten 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 nine and ten hereof.

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.

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.

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 and any commissioned officer, viz: surgeon general, assistant surgeon general, senior surgeon, surgeon, passed assistant surgeon and assistant surgeon of the United States public health service on active duty with such service, temporarily detached or who has honorably severed all connection with the United States public health 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 left the service of either the army or navy, and paying said board a fee of fifty dollars; provided, that when it appears to the satisfaction of the board, that in the year in which the applicant was appointed or commissioned in the United States army, navy or public health service, that the requirements of such service for such appointment or commission, were in any degree or particular less than those which were required for the issuance of a similar certificate to practice in California at the date of such issuance, then the board in its discretion may refuse to issue such certificate; provided, further, that the provisions of this section shall not apply to any contract surgeon in the United States army, navy or public health service, and shall not apply to any officer of the medical reserve corps of said army, navy or public health service.

Sec. 12½. 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.

Any person who at any time within one hundred eighty days from and after the passing of this act shall pay to said board the registration fee of twenty dollars as herein provided, and furnish to said board satisfactory proof that such applicant has been actually engaged in the practice of midwifery in the State of California for at least a period of one year, and that such applicant possesses a good moral character and competency in the practice of midwifery, shall be entitled to practice midwifery, and said board must issue to such applicant a midwifery certificate.

The actual practice referred to herein shall consist in satisfactory proof that the applicant has attended at least twenty-five cases of labor and has had the care of at least twenty-five mothers and new-born infants during the lying-in period. The lying-in period referred to herein shall consist of a period of ten days following delivery. The good moral character referred to herein shall be evidenced by the certificates of two physicians and surgeons or practitioners licensed under this or any preceding medical practice act of this state, and the certificate of one layman, preferably a clergyman, priest, rabbi or recognized minister of the gospel. The competency referred to herein shall be evidenced by affidavits of reputable citizens preferably physicians of the vicinity wherein the applicant has recently resided. The board, however, may disregard such certificates and in its discretion may give an oral, practical or clinical examination. The proof of the attendance and completion of the twenty-five cases of labor referred to herein shall be evidenced, if the board shall so require of any applicant, by the submission of the name of the mother, and a reference to the birth certificate required under the law. The board shall have the power to disregard the certificates of moral character referred to herein and may order that an investigation under the direction of the board be held upon the moral character of the applicant. If the said investigation should result in an adverse report to applicant, the applicant shall be entitled to a hearing before said board and after such hearing the board shall be the judges of the moral fitness of the applicant to receive a certificate to practice midwifery. In the event that a certificate to practice midwifery shall not be granted under the provisions of this section, the applicant will be entitled to a refund of ten dollars. Any person who files an application for a "physician and surgeon certificate" two weeks prior to a regular or special meeting, and who submits satisfactory proof to the board that the applicant has been licensed to practice osteopathy under the provisions of an act entitled "An act to regulate the practice of osteopathy in the State of California and to provide for the state board of osteopathic examiners, and to license osteopaths who practice in this state, and to punish persons violating the provisions of this act," which became a law under constitutional provision without the governor's approval March 9, 1901, or who submits satisfactory proof that the applicant has been licensed to practice osteopathy under an act entitled "An act to provide for the regulation of the practice of medicine and surgery, osteopathy and other systems or mode 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 who submits satisfactory testimonials of good moral character and a diploma or diplomas issued by some legally chartered school or schools approved by the board, or satisfactory evidence of having possessed such 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, and that the applicant has complied with the provisions of sections nine, ten and eleven of this act, may be granted an oral, practical or clinical examination for the "physician and surgeon certificates"; provided, that the board must accept in lieu thereof the educational qualifications enumerated in this section or in sections nine, ten and eleven of this act satisfactory proof to the board of actual practice in the system of treatment known and designated as osteopathy for a period of four years, and upon the presentation of such proof the applicant will be entitled to an oral, practical or clinical examination for a "physician and surgeon certificate." The fee for filing such application shall be twenty-five dollars, fifteen dollars to be returned to the applicant in the event that a certificate is not issued under the provisions hereof.

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 one hundred 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 for 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 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 4, 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 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 one hundred dollars, which shall be paid to the treasurer of the board, of which sum ninety 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." Any person granted a "reciprocity certificate" to

practice any system or mode for treating the sick or afflicted recognized by this or any preceding medical practice act in this state, such certificates not being of equal scope with the certificates known and designated as the "physician and surgeon certificate," will not be eligible for the "physician and surgeon certificate" as designated in this act without a full and complete compliance with the terms and provisions of sections nine, ten and eleven hereof.

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 subpœnas issued by the secretary of the board under its seal. Said citation and said subpœnas shall be served in accordance with the statutes of this state then in force as to the service of citation and subpœnas generally, and all the provisions of the statutes of this state then in force relating to subpœnas and to citations are hereby made applicable to the subpœnas and citations provided for herein. Upon the secretary's certifying to the fact of refusal of any person to obey a subpœna 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 subpœna 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 that the certificate upon which a reciprocity certificate has been issued was 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 the board and the board shall have power to suspend the right of the holder of said certificate to practice for a period not exceeding one year or to place the holder of said certificate upon probation or suspend judgment in such cases or revoke his certificate, or take such other action in relation to the punishment of the holder of said certificate as in its discretion it may deem proper. 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 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; provided, further, that the holder of any certificate which has been revoked or suspended by the board of medical examiners, may within twenty days after receiving notice of said revocation or suspension of his said license, appeal to the superior court of the State of California in the county or city and county in which such suspension or revocation was made by the board of medical examiners. Upon such appeal being taken by such person whose license has been revoked or suspended by the board of medical examiners in accordance with the provisions of this act, the said superior court shall have full power to review all of the proceedings and testimony taken in said hearing before the board of medical examiners, and to inquire into the sufficiency of the evidence upon which such suspension or revocation was made. If the court finds the evidence sufficient to sustain the judgment of the board, said judgment shall be upheld and affirmed, and if the court deems such evidence insufficient to justify the judgment of the board of medical examiners in revoking or suspending the license of the petitioner, said superior court shall have full power to annul or reverse said judgment. The words "unprofessional conduct" as used in this act, are hereby declared to mean:

First—The procuring or aiding or abetting or attempting or agreeing or offering to procure a criminal abortion.

Second—The wilful 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 reestablished 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, beta eucaine, novocaine 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 a 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.

Seventh (a)—Employing directly or indirectly any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted or the aiding or abetting any unlicensed person to practice 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.

Eleventh—The use by the holder of any certificate or 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" or other persons in procuring practice for a practitioner for a system or mode of treating the sick or afflicted provided for in this act.

Thirteenth—The certificate issued herein for the practice of midwifery may be revoked when it appears to the satisfaction of the board that in any case or cases that the licentiate may have treated, that due caution and circumspection was not used or that the holder of said certificate in its treatment of any case or cases had not used proper aseptic and antiseptic precautions.

Fourteenth—The certificate to practice midwifery herein may be revoked upon conviction for the violation of any health statute, order or ordinance or for the neglect or refusal to comply with the health rules and regulations of any state, county, city and county, city or township.

Fifteenth—The certificate issued herein for the practice of midwifery may be revoked for the treatment by any midwife in any case of labor in which case there is a complicated vertex presentation in which said licentiate did not call or attempt to call a licentiate licensed to practice a system including the practice of obstetrics under this act or any preceding medical practice act in this state.

Sixteenth—The certificate issued herein for the practice of midwifery may be revoked for a failure to refer to a licentiate under this act or any preceding act in the State of California licensed to practice a system including obstetrics, a case which during pregnancy has, or develops any of the following conditions: a contracted pelvis or other deformity that will interfere with labor; bleeding from the uterus; swelling of the face and hands; excessive vomiting; persistent headache; dimness of vision; convulsions; or for failure to call or summons a physician if any of the following conditions exist or develop at the beginning of or during labor: Complicated presentation of a vertex (head); convulsions, excessive bleeding; prolapse of the cord; a swelling or tumor that obstructs the birth of the child; signs of exhaustion or collapse; unduly prolonged labor; or the failure to refer to a licentiate in this act or any preceding act in the State of California licensed to practice a system including obstetrics, a case, which during the lying-in period, develops the following conditions: Convulsions; excessive bleeding; foul smelling discharge (lochia); persistent rise of temperature to one hundred one degrees Fahrenheit for twenty-four hours; swelling and redness of the breast; severe chill (rigor) with rise of temperature; inability to nurse the child; or for a failure to refer to a licentiate under this act or any preceding act in the State of California licensed to practice a system including obstetrics, a case where the child has or develops any of the following conditions: Deformities or malformations or injuries; inability to suckle or nurse; inflammation around or discharge from the navel; swelling and redness of the eyelids with a discharge of pus from the eyes (ophthalmia neonatorum); bleeding from the mouth, navel or bowels, inability to urinate.

Seventeenth—The certificate issued herein for the practice of midwifery may be revoked for the treatment by the said midwife licentiate known as the introduction of the hand into the vagina or uterus to remove placenta or membranes.

Eighteenth—The certificate issued herein for the practice of midwifery may be revoked for the failure to have the following equipment (in each case): Nail brush; wooden or bone nail cleaner; jar of green or soft castile soap; rubber gloves; tube of sterile vaseline; clinical thermometer; agate or glass douche reservoir; two rounded vaginal douche nozzles; two rectal nozzles, large and small; one soft rubber catheter; blunt scissors for cutting cord; either lysol, carbolic acid or bichloride of mercury tablets; boric acid powder; one per cent solution of nitrate of silver; medicine dropper; narrow tape or soft twine for tying cord; absorbent cotton (preferably in one-quarter pound packages); no other instruments are to be used by a midwife.

Sec. 15. Every person holding a certificate under the laws of this state authorizing him to practice any system or mode of treating the sick or afflicted in this state must have it recorded in the office of the county clerk of the county or counties in which the holder of said certificate is practicing his profession, and the fact of such recordation shall be endorsed on the certificate by the county clerk recording the same. Any person holding a certificate as aforesaid, who shall practice or attempt to practice any system or mode of treating the sick or afflicted in this state, without having first filed his certificate with the county clerk, as herein provided, shall be deemed guilty of a misdemeanor and shall be punished as hereinafter designated in this act.

Sec. 16. The county clerk shall keep in a book provided for the purpose a complete list of the certificates recorded by him, with the date of the record; and said book shall be open to public inspection during his office hours.

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, physician, surgeon or practitioner,

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 as designated in this act.

Sec. 18 Any person, or any member of any firm, or official of any company, association, organization or corporation shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as designated in this act, 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 action.

Sec. 19. Every person filing for record, or attempting to file for record, the certificate issued to another, falsely claiming himself to be the person named in or entitled to, such certificate, shall be guilty of a felony, and, upon conviction thereof, shall be subject to such penalties as are provided by the laws of this state for the crime of forgery.

Sec. 20. Any person not a member of the state board of medical examiners who shall sign, or issue, or cause to be signed or issued, any certificate authorized by this act, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than six hundred ($600.00), or by imprisonment for a term not less than sixty (60) nor more than one hundred and eighty (180) days, or by both such fine and imprisonment.

Sec. 21. Nothing in this act shall be construed to prohibit the practice by any person holding an unrevoked certificate heretofore issued under or validated by any medical practice act of this state, but all such certificates may be revoked for unprofessional conduct in the same manner and upon the same grounds as if they had been issued under this act.

Sec. 22. Nothing in this act shall be construed to prohibit service in the case of emergency, or the domestic administration of family remedies; nor shall this act apply to any commissioned medical officer in the United States army, navy or marine hospital, or public health service, in the discharge of his official duties; nor to any licensed dentist when engaged exclusively in the practice of dentistry. Nor shall this act apply to any practitioner from another state or territory, when in actual consultation with a licensed practitioner of this state, if such practitioner is, at the time of such consultation, a licensed practitioner in the state or territory in which he resides; provided, that such practitioner shall not open an office or appoint a place to meet patients or receive calls within the limits of this state. Nor shall this act be construed so as to discriminate against any particular school of medicine or surgery, or any other treatment, nor to regulate, prohibit or to apply to, any kind of treatment by prayer, nor to interfere in any way with the practice of religion. Nothing in this act shall be construed to prevent a student regularly matriculated in any legally chartered school or schools approved by the board from treating without compensation to such student the sick or afflicted as a part of his course of study.

Sec. 23. 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 mater of said regulation," approved March 14, 1907, as amended by a certain act approved March 19, 1909, as amended by a certain act approved May 1, 1911, is hereby repealed, and also, all other acts and parts of acts in conflict with this act are hereby repealed.

Sec. 24. This act when referred to, cited or amended may be designated as the state medical practice act, and for a violation of any provision of this act, the said violator shall be guilty of a misdemeanor, unless otherwise specifically provided in this act, and 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 fines or forfeitures of bail in any case wherein any person is charged with a violation of the provisions of this act shall be paid upon the collection by the proper officer of the court seventy-five per cent thereof to the state treasurer to be deposited to the credit of the contingent fund of the board of medical examiners and such payment to said treasurer shall be made without placing such fine or forfeiture of bail in any special or contingent or general fund of any county, city and county, city, or township. The balance or twenty-five per cent of such fines or forfeitures of bail shall be paid to the county wherein the case is pending.

ARGUMENT IN FAVOR OF THE PROPOSED OSTEOPATHIC ACT.

This proposed act and board must operate without expense to the taxpayers.

The purpose of this act is to provide just and wise administration of the present law regulating osteopathic colleges and graduates.

Osteopathy is a complete and comprehensive system of healing. Our college teaches every subject and every hour of every subject—including materia medica and surgery—that the M.D. colleges teach; and in addition it teaches osteopathy.

From 1907 to 1919 osteopathic graduates took exactly the same examination for licenses to practice that medical graduates took. In 1919

the biased medical doctors, who rule the examining board by a vote of 8 to 2, arbitrarily refused to examine any more osteopaths for physician and surgeon licenses.

The osteopathic college brought suit to compel the medical board to again admit its graduates to the physician and surgeon examination. Judge Wellborn found that the college complied in every respect with the requirements of the law for a physician and surgeon college and ordered the board to again examine its graduates. This decision was affirmed by the appellate and the supreme courts.

Notwithstanding this verdict of the court, and notwithstanding the fact that several hundred osteopaths had previously proved their competency by passing the physician and surgeon examination, our profession has obtained no relief from this medical tyranny. The medical board is determined to kill our college and suppress osteopathy in California.

We appeal to the people for relief. We can not get justice from medical doctors. They are biased and prejudiced against osteopathy. They are competitors of osteopathic physicians and surgeons and therefore they should not have the legal power to license, or to refuse to license or to revoke the licenses of osteopaths.

The sole function of the medical examining board is to license and to revoke licenses to practice. Voters should not be deceived by false claims that this board has anything whatever to do with the "conservation of the public health" or with "protecting the public" or with any health matters whatsoever.

The State Board of Health has full charge of all health laws. This act does not in any way change the power of the Board of Health, or of the federal and state narcotic enforcement boards, or of any board: except, that it removes osteopaths from the power of medical doctors and puts them under the jurisdiction of competent osteopaths, selected by the Governor. Medical colleges and graduates are left as now, under the jurisdiction of medical doctors.

This act does not change the standards of education and examination now required by law. It leaves the legislature free to change these standards at any session.

The only issue is fair and intelligent administration. The present physician and surgeon law is all right. Its administration is all wrong. The law is nonpartisan. Its administration is deadly partisan.

Vote "Yes" and guarantee to the people the highest standard of osteopathic service.

Vote "Yes" and give justice to osteopathy without doing injustice to any other system.

DR. CHAS. H. SPENCER.

ARGUMENT AGAINST CREATING NEW BOARD OF OSTEOPATHIC EXAMINERS.

This "Osteopathic Act" is a misnomer. It has practically nothing to do with osteopathy. It is self-contradictory and wholly at variance with the well-settled definitions of osteopathy in court decisions, in dictionaries and in osteopathic literature. In combination with Number 16, the Chiropractic Act, it proposes to create two new boards of medical examiners in California which would divide and confuse the licensing and regulation of physicians and surgeons and drugless practitioners.

This Osteopathic Act nullifies essential jurisdiction, duties and functions of the present state board; it repeals vital public health safeguards and educational requirements and grants a board of five drugless osteopaths the inconsistent and dangerous power of licensing osteopathic graduates, without adequate training and education, as physicians and surgeons.

Under the loose and lavish terms of this Osteopathic Act, all graduates of osteopathic schools and drugless practitioners graduated from osteopathic schools, may be licensed as physicians and surgeons with the full legal privilege to administer the most dangerous drugs and perform the most serious surgical operations. This offers a very easy but a very dangerous way to make physicians and surgeons.

WHAT IS OSTEOPATHY?

The supreme court of California states, "License to practice osteopathy should not be deemed to authorize the practice of medicine and surgery—requirements for a license to practice osteopathy and for a physician's and surgeon's license have always been different." Another supreme court decision says: "Osteopathy administers no drugs; it uses no knife." The Standard Dictionary defines osteopathy: "The treatment of disease without drugs or knife * * *." The Society for the Advancement of Osteopathy says: "Osteopathy is the original science of spinal adjustment." The founder of osteopathy, Dr. A. T. Still, declares: "We are opposed to the use of drugs."

In 1920 the people of California defeated the osteopathic referendum on the sale of poison act by a majority of 209,090 votes. This emphatic verdict of the people against the osteopathic referendum specifically upheld the law prohibiting osteopaths from prescribing narcotics.

Despite this decisive defeat an Osteopathic Act was presented to the 1921 legislature. The California legislature considered the absurd accusations of incompetency and unfairness lodged by osteopathic partisans against the present Board of Medical Examiners, analyzed the inconsistent features of the measure and rejected the osteopathic contention by a two-thirds majority as needless and dangerous legislation. Since 1901 osteopaths have been examined and licensed to practice their drugless method in California. Any osteopathic or other drugless practitioner who has adequate education can now secure a physician and surgeon certificate by passing the higher examination required for physicians and surgeons. During the past eight years 48% of the graduates of osteopathic schools who have taken this examination have failed to pass. In impressive contrast—100% of the graduates of the University of California, of Stanford and the College of Medical Evangelists have passed. The Osteopathic Act would benefit "the 48% graduates" but endanger the public.

Applicants who fail to pass the state examination need more education, not more boards.

Vote "No" on Number 20.

DR. W. T. MCARTHUR,
Secretary, League for the Conservation of Public Health.

PROHIBITING SPECIAL LAWS. Senate Constitutional Amendment 36, adding Section 25a to Article IV of Constitution. Declares that the legislature shall not pass any special or local laws creating irrigation, reclamation, drainage or flood control districts, but shall provide for the organization and government of such districts by general law.

21

YES	
NO	

Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California that the constitution of said state be amended by adding to article four a new section to be numbered twenty-five a, relative to special laws.

Resolved by the senate, the assembly concurring, That the legislature of the State of California at its forty-fourth regular session, commencing on the third day of January, one thousand nine hundred twenty-one, two-thirds of the members elected to each of the houses thereof voting in favor hereof, hereby proposes to the people of the State of California to amend the constitution of the state by adding a new section

to article four of the constitution to be numbered twenty-five a and to read as follows:

PROPOSED AMENDMENT.

Sec. 25a. The legislature shall not pass any special or local laws creating irrigation, reclamation, drainage or flood control districts but shall provide for the organization and government of such districts by general law.

ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 36.

By section 6 of article II, the legislature is now forbidden by special act to create corporations for municipal purposes. Originally the legislature could create by special acts cities and towns, but the liability to the abuse of this power and the time taken upon such matters to the exclusion of important legislation led very early in our history to the prohibition of the creation of such corporations by special act.

Originally, irrigation, reclamation and similar districts were not often created and no occasion until recently has arisen for prohibiting the creation of such districts by special legislation. Within the past few years, every session of the legislature has been called upon to create by special acts (or to enact special legislation with regard to) such districts, and it is very evident that the same argument which justified the prohibition of the creation of cities by special acts applies equally to these semi-municipal bodies. There is even greater danger of abuse because of the greater variety of circumstances that may arise in connection with these districts, and there would appear to be no argument against the requirement of the enactment of uniform laws under which the people residing in these districts and charged with their support, familiar with the circumstances, could themselves determine upon the organization of such districts, without interference by the legislature. The effect of this amendment will be to compel the legislature to enact such general laws as will be sufficiently flexible to permit the people residing in any locality requiring the organization of such districts themselves to provide for and determine upon the organization.

J. L. O'Irwin,
State Senator Thirty-second District.
L. L. Dennett,
State Senator Twelfth District.

ARGUMENT AGAINST SENATE CONSTITUTIONAL AMENDMENT NO. 36.

There is no necessity for this constitutional amendment and it can serve no useful purpose. If adopted, neither the legislature nor the people themselves, through the initiative power, will be able to establish any irrigation, reclamation, drainage or flood control district except by a law applicable to all parts of the state. No matter how urgent the need for such a district in some part of the state and no matter what special circumstances arise making desirable the passage of a special act creating such a district, the legislature and the people themselves would be rendered powerless to act by the adoption of this amendment, except by the tedious process of another constitutional amendment.

California has a very extensive area and includes a great many communities with a very great variety of conditions as to sources of water supply, drainage facilities, crop possibilities, etc. It is impossible that any one can foresee what legislation may become desirable for the best development of our several communities and it is entirely improbable that such a variety of conditions can always be met by general laws.

We already have many reclamation, drainage and flood control districts created by special acts. In fact most of the reclamation districts of the state have been either established or validated by special acts. The Los Angeles County Flood Control District was created by special act. None of these districts could have been established except by general law had the proposed amendment been a part of the constitution, and doubtless some of the districts would either have never been established or established at a later date had it been necessary to overcome the opposition to general laws affecting all communities of the state.

California has much undeveloped land and whenever the drainage or irrigation of any such land can be brought about by the establishment of a district by special act, such an act should be passed and no constitutional bar should be set up.

This amendment, if adopted, would make our constitution, already too restrictive, still more restrictive. It is fundamental that a constitution should be limited to general principles and should neither contain detailed statutory provisions nor restrict beyond a necessary minimum the power of the legislature to legislate upon any subject. It is generally conceded that the constitution of California, unlike the constitution of the United States, violates both of these fundamental principles. Our effort, therefore, should be to simplify our state constitution by removing restrictions rather than to make it worse by imposing still more restrictions upon the legislature.

Vote "No" on this amendment.

L. D. Bohnett,
Member of Assembly 1909–11–13.
Attorney for State Water Commission 1916–21.

22	**ABSENT VOTERS.** Assembly Constitutional Amendment 13, amending Section 1 of Article II of Constitution. Adds to present section proviso authorizing legislative provision permitting registered voters, absent from their voting precincts at any primary or general election because of occupation requiring travel or federal or state military or naval service, to vote in home precinct prior to election, or at any municipality within this state on election day, or at any place if engaged in such service, all votes cast elsewhere than in home precinct to be received by county clerk of home precinct within two weeks of election.	YES	
		NO	

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section one of article two thereof, relating to the right of suffrage.

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its regular session commencing on the third day of January, one thousand nine hundred twenty-one, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section one of article two of the constitution of this state be amended to read as follows:

PROPOSED AMENDMENT.

(Proposed changes in provisions are printed in black-faced type.)

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of

the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the state one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this state; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was sixty years of age and upwards on October 10, 1911; provided, further, that the legislature may, by general law, provide for the casting of votes by duly registered voters who, by reason of their occupation, are regularly required to travel about the state and who, by such affidavit as the legislature may prescribe, show that they will be absent from their respective precincts on the day on which any primary or general election is held, or who, by reason of their being engaged in the military or naval service of the United States or of the state, may be absent from their respective precincts on the day on which any primary or general election is held; which votes (a) may be cast in the office of the registrar of voters, or of the county clerk of the county or city and county in which such voters respectively reside, and on a day prior to the date of such election, under such provisions as the legislature may see fit to make; or (b) may be cast in the city, city and county or town within this state in which such voters may be on the day on which such election is held, under such provisions as the legislature may see fit to make, and shall be forwarded in such manner as the legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots cast at such election; or (c) in cases where said voters are engaged in such military or naval service, may be cast at any place, under such provisions as the legislature may see fit to make, and shall be forwarded in such manner as the legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots at such election; all of which votes shall be kept in such manner and counted by such methods as the legislature may prescribe; provided, that it must be required that all ballots cast in any other place than the precinct of the voter must be received by the county clerk of the county, in which the voter is registered, within two weeks of the election, in which such ballots are to be counted.

EXISTING PROVISIONS.

Section one, article two, proposed to be amended, now reads as follows:

(Provisions proposed to be changed are printed in italics.)

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

ARGUMENT IN FAVOR OF ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 13.

It is significant that California is of record as being extremely conservative in the matter of permitting voters who are compelled by virtue of their callings to be absent from their home precinct to vote at other places. Propositions similar to Assembly Constitutional Amendment No. 13 have three times been defeated by the people. It is even more significant, however, that each time the defeat has been by a decidedly decreased majority. This majority dwindled from approximately 150,000 in 1914 to approximately 60,000 in 1918 and approximately 15,000 in 1920, showing a greatly increased sentiment in favor of the principle of "Absent Voting." This is due in part no doubt to the success of the plan in other states, and in part to the growth in the proportionate number of people whom our increasingly complex social and industrial life compels to be absent from home on election day, particularly traveling men, railroad men, soldiers and sailors.

The strongest objection which was raised at the last election to the proposition as then submitted, was that it would have been impossible to know when an election was complete, as ballots from absent voters might come in for an indefinite period after the date of election. Assembly Constitutional Amendment No. 13 has been expressly drafted to meet this objection. It will be noted that there has been added at the end a clause which requires that all ballots from absent voters must be in the hands of the county clerk of the county in which they are to be counted not less than TWO WEEKS from the date of the election. This added safeguard will definitely terminate the election. It will also mean that ballots can not be received from such distant points that there will be occasion for fraud such as was practiced in connection with the British Columbia elections during the Great War. Seldom does it happen that the official canvass of the election is held within two weeks of the election, consequently the adoption of Assembly Constitutional Amendment No. 13 would not delay the final determination of an election at all.

With the inclusion of the safeguard of the time limit, it would seem that California should be glad to adopt a reasonable law, permitting large numbers of persons, variously estimated at from forty to sixty thousand, to vote who are now denied the ballot. Approximately three-fifths of the states now have similar legislation. It would therefore seem that California should be ready to accept this progressive principle, applied with adequate safeguards, and enable the legislature to work out the details of the plan which will bring the government closer to a considerable number of our most intelligent citizens.

CLIFTON E. BROOKS,
Assemblyman Thirty-seventh District.

OSCAR C. PARKINSON,
Assemblyman Twentieth District.

23	**DEPOSIT OF PUBLIC MONEYS.** Assembly Constitutional Amendment 26. Amends Section 16½ of Article XI of Constitution by extending the provisions permitting the deposit in banks in this state of moneys belonging to the state, county or municipality, to include moneys in the custody thereof; also extends to other political subdivisions the provisions permitting the state or any county, city and county, city, town or municipality issuing bonds, to deposit moneys in banks outside this state for payment of such bonds at place where payable.	YES	
		NO	

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section sixteen and one-half of article eleven thereof, relating to deposits of public moneys.

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its forty-fourth session, commencing on the third day of January, one thousand nine hundred twenty-one, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, proposes to amend section sixteen and one-half of article eleven of the constitution of the state to read as follows:

PROPOSED AMENDMENT.

(Proposed additional provisions are printed in black-faced type.)

Sec. 16½. All moneys belonging to, or in the custody of, the state or 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; and provided, further, that the state or any county, city and county, city, town, municipality, or other political subdivision issuing bonds under the laws of this state, may deposit moneys in any bank or banks outside this state for the payment of the principal or interest of such bonds at the place or places at which the same are payable.

EXISTING PROVISIONS.

Section sixteen and one-half, article eleven, proposed to be amend d. now reads as follows:

(Provision proposed to be repealed is printed in italics.)

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; and provided, further, that the state or any county, city and county, city, town or municipality, issuing bonds under the laws of this state, may deposit moneys in any bank or banks outside this state for the payment of the principal or interest of such bonds at the place or places at which the same are payable.

ARGUMENT IN FAVOR OF AMENDMENT RELATIVE TO DEPOSIT OF PUBLIC MONEYS.

It is proposed to amend section 16½ of article XI of the constitution in two particulars. As the section now reads, there is no authority for the deposit in local banks of any moneys belonging to school districts. The section does provide for the deposit of moneys belonging to the state, counties and municipalities, and through an oversight, moneys belonging to other political subdivisions of the state were not provided for.

It often occurs that moneys resulting from the sale of school bond issues, or otherwise, are not immediately spent and they lay in the county treasury unproductive, while at the same time the school district is paying interest on the bond issue. To correct this condition, the amendment permits the deposit of such moneys under the same conditions as state, county and city moneys are deposited, and the means therefor is provided, whereby this idle money may now earn interest until required.

The second amendment permits the payment through banks in other states of the interest and principal upon bonds issued by school districts and other political subdivisions of the state. As the section now reads, the state and its counties and municipalities may pay their bond obligations through banks in other states, and the section should be amended, as proposed, to extend this privilege to our school districts. Experience has shown that bonds may often times be marketed more favorably if this privilege of receiving payment in another jurisdiction than the State of California is extended.

There is no reason why our school districts should not be placed in as favorable a position as the state, its counties and municipalities in this regard. It is readily seen that bonds payable in eastern banks are for that reason more attractive to eastern investors.

The amendment, as provided, was voted for unanimously in both the senate and assembly. No good reason appears why it should not receive the indorsement of the electors of the state.

C. C. SPALDING,
Assemblyman Forty-fifth Assembly District.
ARTHUR A. WEBER,
Assemblyman Sixty-second Assembly District.

REGULATING PRACTICE OF LAW. Submitted to electors by referendum. Adds Section 164 to Penal Code. Prohibits unlicensed person from practicing law, appearing as attorney for another before judicial body, making it a business to render legal services, or advertising as lawyer or to furnish legal advice; declares section shall not prevent any person from preparing ordinary business agreements and conveyances, insuring titles, holding escrows, or advising relative thereto, nor apply to benevolent, charitable or legal aid organizations, or non-profit organizations dealing with affairs of their members or embarrassed debtors, nor to proceedings in justices' or police courts.

24

YES	
NO	

Whereas, the legislature of the State of California, in regular session, in April, 1921, passed, and the governor of the State of California, on the second day of June, 1921, approved a certain act, which act, together with its title, is in the words and figures following to wit:

PROPOSED LAW.

An act to add a new section to the Penal Code, to be numbered one hundred sixty-four, relating to the practice of law by persons not licensed to practice law; to the furnishing of legal advice, services and counsel, and advertising in connection therewith; providing a penalty for violation of the provisions of this act, and making certain exemptions from the operation thereof.

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

Section 1. A new section is hereby added to the Penal Code to be numbered one hundred sixty-four and to read as follows:

164. It shall be unlawful for any person not licensed as an attorney and counselor to practice law; or to appear as an attorney at law for any person other than himself in or before any court or other judicial body in this state; or to make it a business or a practice to render or furnish legal advice or services; or in any manner to assume to be entitled to practice law, or to assume, use, or advertise the title of lawyer, attorney at law, counselor or counselor at law, or similar terms, in any language, in such manner as to convey the impression that he is entitled to practice law, draw wills, or furnish other legal advice or services; or to advertise that, either alone or together with, or by, or through any person, whether a duly and regularly admitted attorney at law or not, he has, owns, conducts or maintains a law office or an office for practice of law, or that he will furnish legal advice or services.

It shall be unlawful for any person, whether a licensed attorney and counselor or not, to assist any person in the performance of such prohibited acts.

This section shall not prevent any person from preparing ordinary business agreements and conveyances and giving advice incidental to the preparation thereof; nor from examining, certifying, guaranteeing or insuring titles to property, real or personal, or an interest therein, or a lien or incumbrance thereon; nor from acting as escrow holder; nor from furnishing information and advice relative to any such title or escrow; nor from preparing any document necessary or essential for use in connection either with such escrow or title employment; nor from employing an attorney and counselor in and about his own immediate affairs or in any litigation to which he is or may be a party; nor shall it apply to organizations organized solely for benevolent or charitable purposes, or for the purpose of assisting persons without means in the pursuit of any civil remedy; nor shall it apply to associations or corporations organized upon a non-profit basis when dealing with the affairs of their members or of embarrassed or insolvent debtors; nor shall it apply to actions or proceedings in justice's or police courts. Nothing in this act shall be held to prohibit any person from performing any act authorized by an existing state or federal statute.

Nothing herein contained shall be construed to prevent any person from furnishing to an attorney and counselor information or clerical services in and about his professional work; provided, that at all times the attorney and counselor receiving such information or such services shall maintain full professional and direct responsibility to his clients for the information and services so received.

The word "person" in this section includes natural persons, copartnerships, any member of which is not licensed as an attorney and counselor, corporations and voluntary associations.

Any person violating any provision hereof is guilty of a misdemeanor and, on conviction thereof, shall be punished by imprisonment in the county jail for not more than six months, or by a fine of not less than one hundred ($100) dollars and not more than five thousand ($5000) dollars, or by both such fine and imprisonment.

ARGUMENT IN FAVOR OF PROPOSITION NO. 24, REGULATING THE PRACTICE OF THE LAW.

This act was adopted by the legislature and approved by the governor to protect the public by regulating the practice of law. It now comes before the voters by referendum invoked by certain trust companies which are profiting by the continuance of present abuses.

This law is necessary to protect the public against the practice of law by two classes of unauthorized persons: First—lawyers, disbarred by the courts as unworthy of confidence, who under the guise of office practice impose upon the public; second—certain trust companies engaged in the practice of law for the purpose of securing control of large estates for their own profit by writing wills wherein they name themselves executors and trustees.

A form will prepared and used by these trust companies shows the character of this abuse. This will ties up the estate in the hands of the trust company for a long period of time; it permits the trust company to exchange securities owned by it which may be of doubtful value for sound securities accumulated by the deceased. In this and other ways it attempts to nullify provisions of the law made for the protection of widows and orphans. To doubly secure the trust company's grasp on the estate, the will further provides that any heir who contests the will or the trust shall forfeit his interest in the estate. It attempts to cut off the widow with one dollar if she dares to claim her share of the community property. The testator is thus induced to deprive his heirs of ordinary safeguards which the law provides against the unfairness and greed of the trustee, and the widow and children are made dependents of the trust company.

The trust officer who advises customers to sign such wills obviously is promoting the interests of the corporation which hires and pays him, and is not safeguarding the maker of the will. For no man can serve two masters.

The act expressly recognizes the right of any person to prepare ordinary business agreements and conveyances and give advice incidental thereto. Any person may draw a deed, lease, note, contract or any other kind of business instrument for himself or his neighbor. No bank or trust company is adversely affected in the transaction of its authorized and legitimate business.

The act does not prevent real estate agents, bankers, notaries public or other persons from drawing deeds, mortgages, options, leases, notes, escrows or any ordinary business instruments. Statements to the contrary are false and misleading, as any person can see by reading the act.

The act does prohibit disbarred attorneys, trust companies and other unauthorized persons from imposing upon the public by carrying on the practice of law as a business.

Similar laws in force in twenty-four states, including New York, Massachusetts, Illinois, Iowa and Missouri, have met with public approval.

Vote "Yes."

MAURICE E. HARRISON,
Dean of Hastings College of the Law.

ARGUMENT AGAINST THE LAWYERS' BILL.

This act, commonly known as The Lawyers' Bill, was not proposed in response to any public demand or for the purpose of purifying the bar, but solely in the interest of lawyers, sponsored only by a group of lawyers.

It is part of a national campaign by lawyers to compel people to patronize them.

It creates a monopoly of the law for lawyers.

This act makes it a crime for any person not a licensed lawyer to practice law or to make it a practice to furnish legal advice or service. A new crime is created but is not defined, because the proposed law does not state what is meant by the words "to practice law."

For generations the exclusive functions and privileges of licensed attorneys at law have been recognized by the public and protected by courts. No additional legislation is necessary.

Until recently it was never claimed that lawyers possessed exclusive knowledge of the law and the sole right to give legal advice. Men and women have been free to consult their chosen advisers on any subject and no man committed a crime when, out of his knowledge and experience of a particular subject, he answered questions relating thereto.

The test has been and should be a knowledge of the subject.

Tax money is used to print law books, maintain law libraries, and afford legal instruction in the schools, yet this Lawyers' Bill would forbid any one not a licensed lawyer to communicate his knowledge of law to anyone—and a knowledge of the law is the only knowledge which every man is presumed to possess.

Many men, not lawyers, possess a good working knowledge of some branch of law—realtors of real estate law, insurance men of the laws of insurance, architects of building law, credit men of the laws of credits and bankruptcy, bankers of commercial law. Attorneys of trust companies are well versed in the laws of trusts, and many public accountants are expert in income tax law.

If this Lawyers' Bill is approved by the voters, none of these business men will be permitted to give the public the benefit of their experience and knowledge of certain kinds of law, and what is now done well and at no cost to the public will, of necessity, be done only by lawyers and at a considerable cost. It is preferable to receive freely, from one you know and trust, the simple legal advice you want rather than to be forced by this bill to pay a fee to some lawyer who may not be so well posted as your business friend, upon the particular law in which you are interested.

It is true certain exemptions are placed in the act, but they are misleading.

As originally drawn the act was all-inclusive in its prohibitions. No one except a licensed lawyer could draw a simple mortgage or collect a bad account, but so much opposition developed that the lawyer advocates of the bill in the legislature were forced to make some exemptions, more apparent than real. Among these exemptions it is provided that any one may prepare "ordinary business agreements and conveyances," and give advice incidental to the preparation thereof; hence no advice may be given unless an agreement or conveyance is actually prepared. In most cases where simple legal advice is sought, no agreement or conveyance is prepared or contemplated. There is no definition of what constitutes "ordinary business agreements and conveyances," and even lawyers can not agree as to what the act means or how it might be construed by courts.

Do the people want to give a monopoly to a special class, or muzzle well-informed business men, or place a burden of useless expense upon the public, or make of simple service a crime?

Then vote "No" on Proposition No. 24.

SYLVESTER L. WEAVER,
Los Angeles, California.

JUDGES PRO TEMPORE. Senate Constitutional Amendment 34. Amends Section 8 of Article VI of Constitution by requiring that though the parties **25** to any cause in the Superior Court, or their attorneys of record, may agree upon any member of the bar to try their cause as judge pro tempore, such judge must be first approved by the Superior Court in which he acts.

YES ☐

NO ☐

Senate Constitutional Amendment No. 34—Relative to judges pro tempore.

Resolved by the senate, the assembly concurring, That the legislature of the State of California at its forty-fourth regular session, two-thirds of all the members elected to each of the houses thereof voting in favor hereof, proposes to the people of the State of California to amend section eight of article six of the state constitution, to read as follows:

PROPOSED AMENDMENT.

(Proposed additional provision is printed in black-faced type.)

Sec. 8. A judge of any superior court may hold a superior court in any county, at the request of a judge of the superior court thereof, and upon the request of the governor it shall be his duty so to do. But a cause in the superior court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the cause, and the person so selected shall be empowered to act in such capacity in all further proceedings in any suit or proceedings tried before him until the final determination thereof. There may be as many sessions of a superior court at the same time as there are judges thereof, including any judge or judges acting upon request, or any judge or judges pro tempore. The judgments, orders, acts and proceedings of any session of any superior court held by one or more judges acting upon request, or judge or judges pro tempore, shall be equally effective as if the judge or all of the judges of such court presided at such session.

EXISTING PROVISIONS.

Section eight, article six, proposed to be amended, now reads as follows:

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

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

ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 34.

Senate Constitutional Amendment No. 34 proposes to amend the present constitution providing for the appointment of judges pro tempore in the superior courts of the State of California and prescribing the powers and duties conferred upon said pro tempore judges. It is proposed to amend the constitution by providing that the appointment of judges pro tempore shall be made "with the approval" of the regularly constituted judge or judges of the particular court in which they are to sit. The proposed amendment merely adds to the present constitution the following four words: "approved by the court." This provision was formerly in the constitution but the words sought now to be reinserted have in some manner been amended out.

Without the proposed words, "approved by the court," it can readily be seen that a great temptation is held out to bring about collusion whereby the ends of justice might be defeated. Collusion in divorce proceedings is the one evil which our statutory laws attempt to make impossible. The necessity of this amendment was strongly shown sometime since when in two or more counties of the state a number of divorce cases were tried, adjudicated and decrees granted by judges pro tempore without the knowledge of the regular judge by whom such cases are regularly determined and without said judge being advised of what was transpiring. Much discussion and indignation was aroused throughout the state, and it was the general feeling that the amendment now proposed was absolutely imperative.

The proposed amendment readily passed both houses of the last legislature and has received the endorsements of high authorities of the law, the church and citizenry of California. Such able jurists as former Chief Justice Angellotti, Appellate Justices Albert G. Burnett, W. H. Waste, ex-Justice Warren Olney, Superior Court Judges Emmet Seawell, R. L. Thompson, F. V. Wood, E. A. Luce, J. E. Prewett and many other jurists of high standing all agree that this amendment is necessary and is calculated to safeguard the home and property rights. Surely there can be no reasonable objection to again restoring the protective provision that a judge pro tempore, after selection by the parties litigant, should be "approved by the court," especially in divorce where the welfare of children and property rights are frequently at stake. This would bring the matter directly to the attention of the regular judge of the court and would give notice to the public that such proceedings are in progress.

In addition to the endorsements given to the proposed amendment by the judges of the various courts of this state and ecclesiastical authorities, many organizations and individuals have written the author urging strongly the passage of the amendment. They take the view that nothing should be left undone to prevent a further abuse of the practice that at one time seemed likey to become general in the disposition of divorce cases and which, if continued, would have surely scandalized judicial proceedings.

The present amendment does not seek to abolish judges pro tempore but is merely regulatory of their appointment. In short, it gives to the judges, whom the people have elected and whom the laws have charged with judicial duties, reasonable supervision over grave judicial decisions.

It would indeed be difficult, if not wholly impossible, to present a sound argument against the adoption of the proposed amendment.

We submit that in the interest of the material and moral welfare of the people of the state you should vote "Yes" on Senate Constitutional Amendment No. 34.

HERBERT W. SLATER,
State Senator Eighth Senatorial District.
J. M. INMAN,
State Senator Seventh Senatorial District.

SCHOOL DISTRICTS. Senate Constitutional Amendment 32, adding Section 6½ to Article IX of Constitution. Declares nothing in Constitution shall forbid formation of school districts situated in more than one county or issuance of bonds by such districts under general laws; authorizes officers

26 mentioned in such laws to levy and assess such taxes and perform all such other acts as may be prescribed therein for purpose of paying such bonds and carrying out other powers conferred upon such districts; all such bonds to be issued subject to limitations prescribed in Section 18 of same article.

YES	
NO	

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the constitution of said state by adding a new section to article nine thereof, to be known as section six and one-half, relating to the formation of school districts situated in more than one county, and the issuance and payment of bonds of such districts.

Resolved by the senate, the assembly concurring, that the legislature of the State of California, at its regular session, commencing on the third day of January, one thousand nine hundred twenty-one, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that a new section be added to article nine of the constitution of said state, to be known as section six and one-half, and to read as follows:

PROPOSED AMENDMENT.

Sec. 6½. Nothing in this constitution contained shall forbid the formation of districts for school purposes situate in more than one county or the issuance of bonds by such districts under such general laws as have been or may hereafter be prescribed by the legislature; and the officers mentioned in such laws shall be authorized to levy and assess such taxes and perform all such other acts as may be prescribed therein for the purpose of paying such bonds and carrying out the other powers conferred upon such districts; provided, that all such bonds shall be issued subject to the limitations prescribed in section eighteen of article eleven hereof.

PROVISION REFERRED TO.

Section eighteen, article eleven, to which reference is made in the proposed new section six and one-half, reads as follows:

Sec. 18. No county, city, town, township, board of education, or school district, shall incur

any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; provided, however, that the city and county of San Francisco may at any time pay the unpaid claims, with interest thereon at the rate of five per cent per annum, for materials furnished to and work done for said city and county during the forty-first, forty-second, forty-third, forty-fourth, and fiftieth fiscal years, and for unpaid teachers' salaries for the fiftieth fiscal year, out of the income and revenue of any succeeding year or years, the amount to be paid in full of said claims not to exceed in the aggregate the sum of five hundred thousand dollars, and that no statute of limitations shall apply in any manner to these claims; and provided, further, that the city of Vallejo, of Solano county, may pay its existing indebtedness, incurred in the construction of its waterworks, whenever two-thirds of the electors thereof, voting at an election held for that purpose, shall so decide, and that no statute of limitations shall apply in any manner; provided, further, that the city of Venice may pay all of its indebtedness incurred during the years nineteen hundred fourteen, nineteen hundred fifteen and nineteen hundred sixteen in excess of the income and revenue for said years, the amount to be paid in full of said indebtedness not to exceed in the aggregate the sum of sixty thousand dollars, whenever two-thirds of the voters thereof voting at an election held for that purpose shall so decide, and that no statute of limitations shall apply in any manner. Any indebtedness or liability incurred contrary to this provision, with the exceptions hereinbefore recited, shall be void The city and county of San Francisco, the city of San Jose, and the town of Santa Clara may make provision for a sinking fund, to pay the principal of any indebtedness incurred, or to be hereafter incurred by it, to commence at a time after the incurring of such indebtedness of no more than a period of one-fourth of the time of maturity of such indebtedness, which shall not exceed seventy-five years from the time of contracting the same. Any indebtedness incurred contrary to any provision of this section shall be void; and provided, further, that the county of Alameda may, upon the assent of two-thirds of the qualified electors thereof voting at an election to be held for that purpose, incur a bonded indebtedness of not to exceed one million dollars, and the legislative authority of said county of Alameda shall issue bonds therefor and grant and turn over to the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California, March 22, 1910, the proceeds of said bonds for stock in said company or under such other terms and conditions as said legislative authority may determine, the same to be used and disbursed by said exposition company for the purposes of an exposition to be held in the city and county of San Francisco to celebrate the completion of the Panama canal; said bonds, so issued, to be of such form and to be redeemable, registered and converted in such manner and amounts, and at such times not later than forty years from the date of their issue as the legislative authority of said county of Alameda shall determine; the interest on said bonds not to exceed five per centum per annum, and said bonds to be exempt from all taxes for state, county and municipal purposes, and to be sold for not less than par at such times and places, and in such manner, as shall be determined by said legislative authority; the proceeds of said bonds, when sold, to be payable immediately upon such terms or conditions as said legislative body may determine, to the treasurer of said Panama-Pacific International Exposition Company, upon demands of said treasurer of said exposition company, without the necessity of the approval of such demands by other authority, than said legislative authority of Alameda county, the same to be used and disbursed by said Panama-Pacific International Exposition Company for the purposes of such exposition, under the direction and control of said exposition company; and the legislative authority of said county of Alameda is hereby empowered and directed to levy a special tax on all taxable property in said county each year after the issue of said bonds to raise an amount to pay the interest on said bonds as the same become due, and to create a sinking fund to pay the principal thereof when the same shall become due.

ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 32.

The object of this amendment is to remove doubt as to the validity of bonds issued by joint districts for school purposes (districts which lie in two or more counties), and to permit the issue and sale of bonds by such districts in the future. Over one hundred joint school districts in the state are affected. The necessary correction can not be made by statute since the questions involved are constitutional ones. Bond attorneys are well agreed upon this point and have advised that the weakness in the law can not be overcome by changes in statute, but requires an amendment to the constitution such as is being submitted.

WILL R. SHARKEY,
State Senator Ninth Senatorial District.

WALTER EDEN,
State Senator Thirty-ninth Senatorial District.

INITIATIVE. Initiative measure amending Article IV, Section 1 of Constitution. Inserts proviso therein increasing the number of signatures of qualified electors necessary to initiative petition presented to Secretary of State under that section when such petition relates to assessment or collection of taxes, or provides for modification or repeal of this proviso; requires such number to be fifteen per cent of all votes cast for all gubernatorial candidates at last preceding election at which governor was elected, instead of eight per cent thereof as now required. Makes no other substantial change in section.

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YES	
NO	

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed measure is as follows:

PROPOSED AMENDMENT.

(Proposed changes in provisions are printed in black-faced type.)

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. The enacting clause of every law shall be "The people of the State of California do enact as follows."

(The Initiative.)

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 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, however, that if said proposed law or amendment to the constitution relates to the assessment or collection of taxes, or provides for the modification or repeal of this proviso, it shall not be submitted to the electors under the provisions of this section, unless the petition proposing it is certified as herein provided to have been signed by qualified electors, equal in number to fifteen per cent of all of the votes cast for all candidates for governor at the last preceding general election at which a governor was elected. All such initiative petitions prepared under this paragraph shall have printed across the top thereof in twelve point black-face type the following: "Initiative measure to be submitted directly to the electors."

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 yea 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."

(The 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.

(Miscellaneous Provisions.)

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.

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 amendment 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.

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.

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. 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 cities and counties having charters adopted under the provisions of section eight of article eleven of this constitution. 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, but in no way limiting or restricting either the provisions of this section or the powers herein reserved.

EXISTING PROVISIONS.

Section one, article four, proposed to be amended, now reads as follows:

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. The enacting clause of every law shall be "The people of the State of California do enact as follows:".

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 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. 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."

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 yea 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."

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.

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.

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 amendment 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.

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.

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 peti-

tion 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. 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 cities and counties having charters adopted under the provisions of section eight of article eleven of this constitution. 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, but in no way limiting or restricting either the provisions of this section or the powers herein reserved.

ARGUMENT IN FAVOR OF THE AMENDMENT TO THE INITIATIVE.

The reason for this proposed amendment to the initiative is to prevent the abuse of the initiative law as it now stands and to protect the people of this state from the activities of the advocates of single tax and the necessity of combatting their efforts every two years to place "single tax" in our state constitution.

Our proposed amendment to the initiative has been submitted to the best lawyers of the state, and they assert that it affects matters of taxation only, and can not be made to apply to anything else. It requires a fifteen per cent petition, instead of as at present only eight per cent of the total vote at the last general election to be attached to any initiative petition and applies to no other subject of legislation and affects no other interest of the people in legislative matters.

This amendment proposes nothing but to increase the number of signatures on initiative measures affecting the assessment and collection of taxes—fifteen per cent of the voters signatures is not difficult to secure for any worthy or sane measure. Whenever any change or amendment to the charter of any city or county in the state is necessary, the law provides that an initiative petition for such amendment must have fifteen per cent of the number of votes at the last general election in any such city or county in order to have such amendment placed on the ballot; this prevents the abuse of the initiative in its use in city and county elections but the State of California has no such protection under its constitution.

The opponents to this initiative measure argue that it is a deadly attack on democracy in California and its sole purpose to take away valuable rights of the people. On the contrary its sole purpose is to protect the people in their rights under the initiative, which the following opinion hereby confirms:

OFFICE OF ATTORNEY GENERAL,
August 8, 1922.

Mrs. B. A. Johnson, Los Angeles, California.

I have your communication of July 27, 1922, in which you ask first, would it require fifteen per cent to place the prohibition enforcement act on the ballot in case the corresponding act passed by the legislature is not carried at the coming election. Secondly, whether the proposed amendment affects any moral measure not relating to the assessment and collection of taxes.

In reply, the proposed amendment changes the present law by increasing the number of names on a petition from eight to fifteen per cent only when it relates to the assessment and collection of taxes, or provides for the modification or repeal of that proviso, and notwithstanding the adoption of the proposed amendment, any of the measures you suggest would require signatures equal to but eight per cent and not fifteen per cent.

(Signed) U. S. Webb, Attorney General,
By Robert W. Harrison, Chief Deputy.

The object of the proposed amendment is to protect the state from the disastrous effects of the single tax menace.

The Single Tax official organ, a publication called "Everyman" dated January, 1918, had these words: "* * * Out of darkest Russia has come the great light of actual freedom; that is what we are striving to do in California but we will not stop with the land, we will only begin there. We could not stop there."

Russia today is the object lesson.

Vote yes on Amendment No. 27 and save our state.

ELI P. CLARK.

ARGUMENT AGAINST AMENDMENT OF INITIATIVE PROVISIONS.

"All political power is inherent in the people."
—Constitution of the State of California.
(Adopted in 1849 and reaffirmed 1879.)

This amendment is a deadly attack upon democracy in California. It asks the people to surrender control over taxation—the most important function of government.

To raise the percentage of signatures on initiative petitions from eight per cent, the present number, to fifteen per cent, would make such petitions impossible to obtain except by the richest and most powerful interests. Eight per cent will require about 85,000 signatures; fifteen per cent will require 160,000, or from 200,000 to 225,000 gross. Experience has shown that forty per cent more signatures than are legally required must be secured to overcome the errors natural to such petitions. If adopted, the amendment can not be modified or repealed except by a fifteen per cent petition.

It applies to all petitions relating to the assessment and collection of taxes. Since our whole state government is dependent upon taxation, the courts might rule that it would apply to all initiative legislation, and thus our whole initiative procedure would be destroyed.

The people of the state adopted the initiative, referendum and recall in 1911, by a vote of three to one. In the eleven years since the adoption of the initiative, but forty measures have been initiated, and of these but eleven were adopted. The large majority of amendments on the ballot are submitted by the legislature. Not one of the eleven laws initiated by the people has proved injurious or unwise. The people have used the initiative intelligently and cautiously, and can be trusted to legislate even upon such an important matter as taxation!

If this amendment should carry, all power of direct legislation concerning taxation would be taken from the common people as a whole and vested in the richest and most powerful interests, and the legislature, where fourteen senate votes can prevent and defeat any plan of taxation, even though the people as a whole might desire changes in our tax laws.

The argument that the amendment is intended to defeat single tax is misleading and unwarranted by facts. Single tax has been repeatedly defeated in California by large majorities. It is not necessary to destroy the initiative in order to defeat single tax.

Practically this same amendment has been introduced in the legislature for several sessions and overwhelmingly defeated. In 1921 it was not even voted upon. A similar proposition

which was on the ballot in 1920 was defeated by a majority of 123,598. Every county in the state but one voted "No," and that one cast but thirty votes on the proposition.

Twenty-two states have adopted the initiative. In most states the percentage is the same as in California. Even a conservative state like Massachusetts requires but eight per cent. No state or municipality having adopted the initiative has repealed it.

California is a pioneer state in democratic legislation. If this amendment is adopted it will be a backward step and will take from the people of the state a right of self-government which is recognized throughout the world today, and is being adopted by all progressive peoples.

California has prospered under democratic institutions. Its securities sell to better advantage than the securities of any other state.

Preserve government of, by, and for the people. Vote "No" on Proposition No. 27.

JOHN R. HAYNES,
Los Angeles, California.

PROHIBITING VIVISECTION. Initiative Act. Prohibits the vivisection or torture of human beings, animals, or other living creatures, for experimental or pathological investigations, or other purposes; authorizes Justice of the Peace to issue warrant for entry into places where such acts have been, or are about to be, performed, for arrest of persons and seizure of instruments engaged therein; excepts certain acts relating to animals and fowls and surgical operations, or medical aid to, human beings, animals and other living creatures, to relieve or cure actual injury, deformity or disease; prescribes penalties and repeals conflicting acts.

28

YES	
NO	

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed measure is as follows:

PROPOSED LAW.

(Proposed changes from provisions of present laws are printed in black-faced type.)

An act prohibiting the vivisection or torture of human beings or animals; providing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith.

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

Section 1. Any person who vivisects or tortures, or aids or abets any person in the vivisection or torture of any human being, animal, or other living creature, for experimental, physiological or pathological investigation, or for any other purpose, either with or without the use of anesthetics, except as hereinafter provided for, in or at any university, college, public or private school, institute, hospital, sanitarium, meeting place of any society, medical or surgical laboratory, or in or at any other place in the State of California, is guilty of a violation of this act.

Sec. 2. A justice of the peace, or other committing magistrate, on information on oath, that there is reasonable ground to believe that an experiment or demonstration or operation in contravention of this act has been, is being, or is intended to be performed in any place, shall issue his warrant authorizing any police officer, sheriff, constable, or humane officer, either alone or in company with others, to enter with any necessary assistance and force, and to take the names and addresses of the persons found therein, and to search for, seize and take away all subjects, materials and instruments used in such unlawful ways as are prohibited by this act, and to make arrest of any person or persons conducting or participating in any such unlawful practices. The police officer, sheriff, constable or humane officer so authorized, if he shall find in such a place a living animal or creature inferior to mankind, upon which a vivisection shall have been performed, may cause some competent person to kill it in as painless a manner as possible. Any person who shall refuse admission on demand to an officer so authorized and to the persons accompanying him, or who shall obstruct such officer or his assistants in the discharge of duty pursuant to this act, or who shall refuse on demand to disclose his name and address, or who shall give a false name or address, shall be guilty of a violation of this act.

Sec. 3. No part of this act shall be construed:

(a) As prohibiting the branding of animals, the dehorning of cattle or goats, or the sterilization, gelding, spaying or castration of animals, or the caponizing of fowls; or

(b) As prohibiting the dissection of the bodies of the dead, whether the mortal remains of human beings or otherwise; or

(c) As prohibiting the performance of surgical operations upon, or the rendition of medical aid to any human being, animal or other living creature, for the relief or curing of actual injury, deformity, sickness or disease; but the intentional injury of, or the causing of any deformity, sickness or disease in or to any living creature, for experimental purposes, or for the purpose, either express or implied, of affording a pretext for subsequent operation thereon, or other administration thereon, or on any other pretext, shall be punished as a violation of this act.

Sec. 4. Any violation of any provision of this act shall be punishable, if it be the first offense of the person accused, by a fine of not less than fifty (50) dollars nor more than three hundred (300) dollars, or by imprisonment for not less than thirty (30) days nor more than ninety (90) days, or by both such fine and imprisonment; but, if it be after a prior conviction of any offense punishable by virtue of this act, each and every subsequent offense shall be punishable by a fine of not less than one hundred (100) dollars nor more than five hundred (500) dollars, or by imprisonment for not less than sixty (60) days nor more than six (6) months, or by both such fine and imprisonment, and in addition thereto the offender shall be debarred forever thereafter from the practice of medicine or surgery in this state.

Sec. 5. The final clause of section 599c of the Penal Code (forbidding interference with experiments or investigations performed under the authority of the faculty of a medical college or university of this state) and all other acts or parts of acts in conflict with the provisions of this act, are hereby repealed.

EXISTING PROVISIONS.

Sections five hundred ninety-seven and five hundred ninety-nine b of the Penal Code, which define cruelty to animals, read as follows:

597. Every person who maliciously kills, maims, or wounds an animal, the property of another, or who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink or shelter, cruelly beats, mutilates, or cruelly kills

any animal, or causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink or shelter, or to be cruelly beaten, mutilated or cruelly killed; and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the same, or in any manner abuses any animal, or fails to provide the same with proper food, drink, shelter or protection from the weather, or who drives, rides or otherwise uses the same when unfit for labor, is for every such offense, guilty of a misdemeanor.

599b. In this title* the word "animal" includes every dumb creature; the words "torment," "torture," and "cruelty" include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted; and the words "owner" and "person" include corporations as well as individuals; and the knowledge and acts of any agent of, or person employed by, a corporation in regard to animals transported, owned, or employed by, or in the custody of, such corporation, must be held to be the act and knowledge of such corporation as well as such agent or employee.

Section five hundred ninety-nine c of the Penal Code, which exempts medical colleges and universities from certain provisions of the laws relating to cruelty to animals, reads as follows: (Provisions which will be repealed by proposed vivisection act are printed in italics.)

599c. No part of this title* shall be construed as interfering with any of the laws of this state known as the "game laws," or any laws for or against the destruction of certain birds, nor must this title be construed as interfering with the right to destroy any venomous reptile, or any animal known as dangerous to life, limb, or property, or to interfere with the right to kill all animals used for food, *or with properly conducted scientific experiments or investigations performed under the authority of the faculty of a regularly incorporated medical college or university of this state.*

*NOTE.—Title referred to is Title XIV of Part I; includes cruelty to animals.

ARGUMENT IN FAVOR OF PROHIBITING VIVISECTION.

The initiative measure "Prohibiting Vivisection" is not the instrument of sentimentalists or ignoramusses, but the expression of red-blooded men and women who seek to abolish a system that involves a violation of the inalienable rights of humans and animals alike. We oppose a system that employs the unrestricted use of instruments and methods of torture to probe and lacerate the living, quivering flesh of sentient animals for the throbbing nerves of pain; that uses with abandon the homeless, friendless inmates of almshouses, insane hospitals, prisons and orphanages for experimental purposes, which involves prolonged and exquisite suffering.

From the Moral Standpoint.

You have no right to do evil that good may come; the strong have no right to take advantage of the weak.

From the Scientific Standpoint.

You can not argue from animals to men; the anatomical and physiological distinctions are so diverse that you can never arrive at any definite conclusion by experiments upon animals.

Standardization of Drugs.

The standardization of drugs by first trying them out on animals is absurdly fallacious. For instance, a rabbit can eat freely of belladonna and thrive and grow plump. The same if given to a child would kill it. A goat grows fat on hemlock which is fatal to a human. Thirty-seven grains of Morphia given to a dog would rarely poison it and yet one grain given to a human would cause death. A hedgehog can take as much opium as a Chinaman can smoke in a fortnight and wash it down with as much prussic acid as would kill a whole regiment of soldiers.

Diphtheria and Other Serums.

Doctor Walter R. Hawden, the eminent physician, double gold medalist in surgery of the Royal College, says:

"Of all the senseless, superstitious, filthy, absurd things ever imagined in the brain of mortal man, this anti-toxin or serum business takes the bun. Diphtheria serum has killed, without doubt, thousands of children directly, though it has never had the slightest effect in preventing or curing diphtheria itself. It is based upon statistical jugglery whereby large numbers of common sore throats are thrown into the count and called diphtheria on the basis of the fallacious germ theory of disease. The serum and vaccine theory is based upon superstition—it is built upon unscientific theories; it is manufactured at the expense and the torture of sentient animal life and it is the greatest disgrace to the medical profession that the world has witnessed in the course of centuries."

Hog Cholera.

Bulletin No. 229, issued by the Agricultural Experiment Station of the University of California, tells us that hog cholera is caused by improper feeding, etc. Common sense should tell us that these causes with the addition of unsanitary pens and yards which are the rule most everywhere, could not fail to knock out any hog. A law abolishing vivisection would tend to drive raisers of hogs to depend upon preventive measures. Sanitation, not vaccination, prevents human and animal diseases.

Vote Yes on No. 28 on the Ballot.

ROSEMONDE RAE WRIGHT.

ARGUMENT AGAINST PROHIBITING VIVISECTION.

The people of California defeated the anti-vivisection initiative two years ago by a majority of 254,000. Every county and every community of California voted overwhelmingly against such absurd and harmful legislation. Anti-vivisectionists, however, are not impressed by overwhelming evidence and are again insulting the intelligence of the people with a more vicious initiative.

Even people who irrationally place the rights of animals above the welfare of the human race can not intelligently vote for this anti-vivisection measure, because it would injure animals as much as man. Animals have received as much benefit from animal experimentation (vivisection) as have human beings.

This anti-vivisection initiative would prohibit the manufacture of serums and vaccines against hog cholera, anthrax, blackleg and other animal diseases, as well as serums and vaccines for the treatment and prevention of diphtheria, smallpox, hydrophobia and lockjaw. It would stop the production of certified milk, the standardization of dangerous drugs and the safeguarding of canned and other foods. It would close laboratories in medical schools and make it impossible to train students in modern scientific practice. It would completely cripple hygienic public health and veterinary laboratories, serum institutes and the Wassermann laboratories for the diagnosis of syphilis.

Effective measures used for the prevention of disease—sanitation, isolation, immunization—have been discovered and developed by animal experimentation. The practice of modern medicine is based upon it. The conquest of cancer, the prevention and cure of influenza, the cure of tuberculosis, pneumonia, infantile paralysis and many other diseases are dependent upon animal experimentation.

Two years ago anti-vivisectionists misled some people with tales of terrible torture and imaginary pictures of fiendish operations. They falsely claimed that such operations were inflicted upon little children in orphanages, the friendless poor in almshouses, prisons and other state institutions, and upon helpless animals

and human beings in universities, laboratories and hospitals.

The bad faith of those circulating such slander is proven by the fact that they have not invoked the law in a single instance to prevent or punish such alleged atrocious cruelty.

Present laws of California adequately protect animals and prohibit inhuman treatment.

There is no cruelty to animals in the laboratories of California. Much of the work is being done by refined young women, and all the scientific workers are devoted to advancing the welfare of man and animals.

This anti-vivisection act is directed against scientific education, scientific practice and scientific progress, and has no practical relation to the protection or humane treatment of animals. It permits branding, trapping, wounding, dehorning, without anesthesia, but it prohibits scientific workers from performing any experiment on an animal, even under anesthetic or without pain.

Beneficient scientific methods for the promotion of health, the saving of life and the relief of suffering, for the study, prevention, cure and control of diseases that attack man and animals are practically prohibited by this preposterous initiative. It would injure the people, animals and resources of every community of California without benefiting anybody or anything.

Vote "No" and defeat this destructive anti-vivisection initiative.

WALTER V. BREM, M.D.,
Los Angeles.

LAND FRANCHISE TAXATION. Initiative measure amending Article XIII of Constitution. Abolishes present system of taxation; declares private property rights attach only to products of labor and not to land; defines franchises as special privileges granted by government permitting use or monopoly of land; requires that such franchises be assessed annually at their full rental value independent of improvements, and prohibits all other taxes and license fees; prescribes procedure for such assessments, decreeing forfeiture of franchise for non-payment thereof; requires that money derived from such assessments be apportioned between state and its subdivisions, and that all governmental expenses be paid therefrom.

29

YES	
NO	

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed measure is as follows:

PROPOSED AMENDMENT.

(Proposed changes from provisions of present laws are printed in black-faced type.)

Article XIII.

Section 1. It is hereby proclaimed that private property rights attach only to products of labor and not to land; that the holding of land in private monopoly by virtue of a franchise or title deed is a special privilege; that the full rent of such privileges belongs to the people collectively; that paying such rent to the whole people is, in principle, not a tax, but a moral obligation for value received on the part of the holders of such privileges; and that to secure to all fully and equally their rights to life, liberty and the pursuit of happiness, it is the duty of the state to collect such rent in full and not violate the rights of private property by any tax on improvements, business, labor, or capital.

Sec. 2. Franchises are hereby defined to be special privileges granted by government permitting the use or monopoly of land. Titles to all special privileges to use land for any certain defined purpose are franchises.

Sec. 3. All franchises shall be assessed annually their full rental value.

Sec. 4. This rental assessment as made each year shall be paid in full each year by all franchise holders; in one payment or in installments as shall be provided by law; provided that where franchise rights to land are leased at a rental that is less than the assessment the difference shall be paid by the lessee, or forfeit lease; and, that that part of all contracts and leases requiring lessees to pay all taxes in addition to a certain fixed rental, is hereby declared null and void and against public policy; and no other tax or taxes whatsoever shall be levied, collected or paid, nor shall any fee or charge be made, collected or paid for any license or permit.

Sec. 5. This rental assessment shall exactly measure the advantage of the inequality of franchise rights and privileges, and is hereby defined to be an amount of money just sufficient to make the purchase price or selling price of the franchise, independent of improvements on the land held thereby, approximate zero, or only enough to wholly prevent the capitalization of the franchise.

Sec. 6. This assessment, if not paid by the time and in the manner required by law shall work absolute forfeiture of the franchise, and if there are improvements upon land held by the franchise so forfeited, shall constitute a lien upon same for the amount, and said improvements, if salable and of more than nominal value, shall be sold at public sale to the highest bidder, who shall thereby acquire possession of the franchise rights.

Sec. 7. On each separate and distinct piece of land held under a title deed franchise there shall be maintained by the assessor in a conspicuous place, a notice, that can be easily read, stating the names of those who hold the franchise to the land, the area or dimensions and assessment for the current year; also, after an assessment is due, if not paid, an additional notice stating that the franchise is forfeited, and if there are salable improvements, of more than nominal value, upon the land, announcing the date and the place of public sale of same, the conditions and specifications for these notices—also penalties for neglect or interfering with same shall be fixed by law.

Sec. 8. A franchise to unimproved land that has been forfeited for the nonpayment of the assessment may be acquired by anyone who offers the highest rent by sealed bid, conditions of which are to be fixed by law. Unimproved land is that without salable improvements of more than nominal value.

Sec. 9. The money derived from this single tax shall be apportioned by law between the state and all the subdivisions of the state and out of such apportionments shall all the expenses of the government be paid. Any surplus money or any other money that may be acquired shall be used to pay indebtedness or to make improvements, or distributed, or used for any purpose that the state or any subdivision thereof having such money shall by majority vote decide.

Sec. 10. The legislature shall pass all laws necessary to carry out the provisions of this article; and all laws and provisions of this constitution in conflict with this article are hereby repealed.

EXISTING PROVISIONS.

[All of the following provisions of the constitution will be repealed by the proposed amendment.]

Article XIII.

REVENUE AND TAXATION.

Section 1. All property in the state except as otherwise in this constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; provided, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; and further provided, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this state, or to any county, city and county, or municipal corporation within this state shall be exempt from taxation, except such lands and the improvements thereon located outside of the county, city and county, or municipal

corporation owning the same as were subject to taxation at the time of the acquisition of the same by said county, city and county, or municipal corporation; provided, that no improvements of any character whatever constructed by any county, city and county or municipal corporation shall be subject to taxation. All lands or improvements thereon, belonging to any county, city and county, or municipal corporation, not exempt from taxation, shall be assessed by the assessor of 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 board of equalization. The legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this state.

Sec. 1½. The property to the amount of one thousand dollars of every resident in this state who has served in the army, navy, marine corps, or revenue marine service of the United States in time of war, and received an honorable discharge therefrom; or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and property to the amount of one thousand dollars of the widow resident in this state, or if there be no such widow, of the widowed mother resident in this state, of every person who has so served and has died either during his term of service or after receiving honorable discharge from said service; and the property to the amount of one thousand dollars of pensioned widows, fathers, and mothers, resident in this state, of soldiers, sailors, and marines who served in the army, navy, or marine corps, or revenue marine service of the United States, shall be exempt from taxation; provided, that this exemption shall not apply to any person named herein owning property of the value of five thousand dollars or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars or more. No exemption shall be made under the provisions of this act of the property of a person who is not a legal resident of this state.

Sec. 1¾. All buildings, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship shall be free from taxation; provided, that no building so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation.

Sec. 1¾a. All buildings, and so much of the real property connected therewith as may be required for the occupation of institutions sheltering more than twenty orphan or half-orphan children, receiving state aid shall be free from taxation; provided, that no building or real or personal property so used which may be rented and the rent received by the owner therefor shall be exempt from taxation under the terms of this act.

Sec. 1¾. All bonds hereafter issued by the State of California, or by any county, city and county, municipal corporation, or district (including school, reclamation, and irrigation districts) within said state, shall be free and exempt from taxation.

Sec. 1a. 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.

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

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

Sec. 4. All vessels of more than fifty tons burden registered at any port in this state and engaged in the transportation of freight or passengers, shall be exempt from taxation except for state purposes, until and including the first day of January, nineteen hundred thirty-five.

Sec. 5. [Repealed November 6, 1906.]

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

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

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

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

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

Sec. 10½. The personal property of every householder to the amount of one hundred dollars, t articles to be selected by each householder, shall be exempt from taxation.

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

Sec. 12. The legislature shall provide for the levy of an annual poll tax, and the collection thereof by assessors, of not less than four dollars on every alien male inhabitant of this state over twenty-one and under sixty years of age, except paupers, idiots and insane persons. Said tax shall be paid into the county school fund in which county it is collected.

Sec. 12¾. Fruit and nut bearing trees under the age of four years from the time of planting in orchard form, and grapevines under the age of three years from the time of planting in vineyard form, shall be exempt from taxation, and nothing in this article shall be construed as subjecting such trees and grapevines to taxation.

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

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

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

within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state.

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

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

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

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 bank or bankers by the said board of equalization, in the manner to be provided by law and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business, together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value, as assessed for county taxes of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of the banks and bankers, mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said state board of equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

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

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

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

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

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

Article IX.

Sec. 6. The public school system shall include day and evening elementary schools, and such day and evening secondary schools, technical schools, kindergarten schools and normal schools or teachers' colleges, as may be established by the legislature, or by municipal or district authority.

The legislature shall add to the state school fund such other means from the revenues of the state as shall provide in said fund for distribution in each school year in such manner as the legislature shall provide an amount not less than thirty dollars per pupil in average daily attendance in the day and evening elementary schools in the public school system during the next preceding school year.

The legislature shall provide a state high school fund from the revenues of the state for the support of day and evening secondary and technical schools, which for each school year, shall provide for distribution in such manner as the legislature shall provide an amount not less than thirty dollars per pupil in average daily attendance in the day and evening secondary and technical schools in the public school system during the next preceding school year.

The legislature shall provide for the levying of a county, and city and county, elementary school tax, by the board of supervisors of each county, and city and county, sufficient in amount to produce a sum of money not less than the amount of money to be received during the current school year from the state for the support of the public day and evening elementary schools of the county, or city and county; provided that said elementary school tax levied by any board of supervisors shall produce not less than thirty dollars per pupil in average daily attendance in the public day and evening elementary schools of the county, or city and county, during the next preceding school year.

The legislature shall provide for the levying of a county, and city and county, high school tax by the board of supervisors of each county, and city and county sufficient in amount to produce a sum of money not less than twice the amount of money to be received during the current school year from the state for the support of the public day and evening secondary and technical schools of the county, or city and county; provided that the high school tax levied by the board of supervisors shall produce not less than sixty dollars per pupil in average daily attendance in the public day and evening secondary schools of the county, or city and county, during the next preceding school year.

The legislature shall provide for the levying of school district taxes by the board of supervisors of each county, and city and county, for the support of public elementary schools, secondary schools, technical schools, and kindergarten schools, or for any other public school purpose authorized by the legislature.

The entire amount of money provided by the state, and not less than sixty per cent of the amount of money provided by county, or city and county, school taxes shall be applied exclusively to the payment of public school teachers' salaries.

The revenues provided for the public school system for the school year ending June 30, 1921, shall not be affected by this amendment except as the legislature may provide.

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

Sec. 12. All property now or hereafter belonging to the "California Academy of Sciences," an institution for the advancement of science and maintenance of a free museum, and chiefly endowed by the late James Lick, and incorporated under the laws of the State of California, January sixteenth, eighteen hundred and seventy-one, having its buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the governor. The legislature may modify, suspend, and revive at will the exemption from taxation herein given.

Sec. 13. All property now or hereafter belonging to the Cogswell Polytechnical College, an institution for the advancement of learning, incorporated under the laws of the State of California, and having its buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the governor. The legislature may modify, suspend, and revive at will the exemption from taxation herein given.

[The provisions of sections 3607 to 3613, both inclusive, of the Political Code, relating to property liable to taxation; the provisions of sections 3627 to 3671, both inclusive, of the Political Code, relating to the assessment of property; the provisions of sections 3672 to 3705, both inclusive, of the Political Code, relating to the equalization of taxes; the provisions of sections 3713 to 3719, both inclusive, of the Political Code, relating to the levy of taxes; the provisions of Sections 3727 to 3739, both inclusive, of the Political Code, relating to the duties of the auditor in relation to the collection of taxes; the provisions of sections 3746 to 3819, both inclusive, of the Political Code, relating to the collection of property taxes; the provisions of sections 3820 to 3831, both inclusive, of the Political Code, relating to the collection of taxes by the assessor on certain personal property, and the provisions of sections 3887 to 3900, both inclusive, of the Political Code (miscellaneous provisions relative to revenue and taxation), being in conflict with the provisions of the proposed amendment, will be repealed.]

ARGUMENT IN FAVOR OF LAND FRANCHISE TAXATION.

To the infant belongs its mother's milk; to grown man belongs an equal chance with all others to secure a living from Mother Earth. But when stronger tribes and individuals grab for themselves lands upon which other men must live, these must pay tribute to masters for using their own heritage. This evil is the prime cause of poverty, want and starvation.

Land values arise from the presence of people working, trading, living in a community. They disappear if the people depart and increase as they arrive. Hence land values belong to the community which creates them. And they should be taxed annually into the public treasury for roads, schools and other public necessities.

But now, land profiteers, big and little, get for nothing this steady rise in values which, collected annually, would pay all public expenses as paving, fire stations, parks, various public buildings, and be sufficient to establish and maintain all public utilities from cash in the treasury. No bonds would be needed.

But since the community is robbed of its own fund, it must, in turn, rob the individual by taxing personal property, houses, goods, etc., to which it has no moral right.

Our present taxing products of labor makes them dear, while insufficiently taxing land keeps great tracts out of use waiting for higher prices.

Though taxing things makes them dear, taxing land makes it cheap so less capital need be invested. To tax land to its full rental value would leave no selling price, and traffic in land for profit would disappear.

Commodities raised on land without price would be cheap. Exemption from taxation would cheapen them again. But not at the expense of labor.

Labor no longer paying tribute to land profiteers would get returns equal to what it could earn employing itself singly or cooperatively on land free of price farming, building, mining, lumbering, oil-producing, etc.

Vacant lots would be outside of towns in truck farms instead of inside covered with weeds piling up to consumers the cost of public utilities passing them by.

Business would no longer suffer from the enforced economy of inhabitants straining every nerve to pay triple prices and interest for building lots, but would have a market for its goods. The cash now needed to buy a lot would be used by people to build untaxed homes from untaxed lumber, hardware and other materials, equipped with untaxed furniture. For their lots they would pay only their annual value into the public treasury in whose benefits they themselves have a share.

The air would be cleared of the "get-something-for-nothing" spirit bred by "pulling off big deals" in land; raking off thousands of dollars without doing a lick of work or putting a spade to the ground.

Our opponents say: "Under single tax nobody would want land except for use." True, but why should they?

Only this will abolish poverty and lay the foundation for a better world to live in.

LONA INGHAM ROBINSON.

ARGUMENT AGAINST LAND FRANCHISE TAXATION.

The proposed amendment entitled, "Land Franchise Taxation," requires no argument in opposition. A simple reading of the proposed amendment will convince all thinking people that it is so radical as to be absurd. It is the most drastic measure which the believers in the doctrine of single tax have yet proposed though at each general election since 1912 the disciples of Henry George have presented to the people of California by the initiative, a form of single tax amendment, the last one of which, presented in 1920, was decisively voted down by the overwhelming majority of over 350,000 votes.

This amendment would confiscate all land value.

Declares that "Private property rights attach only to products of labor and not to land." That is the whole story in a nutshell. That is Single Tax, and single tax has been a failure wherever tried. Henry George, the founder of the single tax, wrote, "private ownership in land is a bold, enormous wrong." His aim and ambition, as is the hope of the proponents of this measure, was to tax the value out of land and reduce the owners of all land to vassals of the state. For it is their belief that the state should own all land, and the people should become vassals of the commonwealth. This system is now practiced in Soviet Russia and the results of Sovietism are now well known to all the world.

That the amendment attempts to confiscate all privately owned land is best expressed in the language of the amendment itself. It declares in Section one "* * * That the

holding of land in private monopoly by virtue of a franchise or title deed is a special privilege; that the full rent of such privilege belongs to the people collectively; that paying such rent to the whole people is, in principle, not a tax, but a moral obligation for value received on the part of the holder of such privilege * * *." In other words, the proponents of this vicious measure believe that all land in California is wrongfully acquired and held, therefore the taking of it by the state is not a principle of tax but a moral obligation on the part of the present owner to give it to the people.

But it might be argued that the land would not immediately be confiscated by the state, though this is the inevitable result, and the confessed goal of every true single taxer. Let us see what would happen first upon the passage of this pernicious proposal.

1. It would destroy the loan value on real estate.
2. Every resident in California who has succeeded, no matter by what sacrifice, in acquiring a home of his own, will, if this is passed, lose title to his land.
3. It would free entirely from all taxation approximately two billions of dollars worth of stocks, bonds, railroads, money and every other kind of personal property and place the entire burden of taxation for state and city and county purposes on the owner of the land—all improvements would go scot-free.
4. It would render bonds based upon real estate valueless, and would bankrupt our financial institutions which have large sums loaned upon real estate securities. It would result in the greatest financial crisis experienced in the history of the state. It would be a backward step from which we would not recover in a generation. It would mean that Bolshevism had gained a foothold in this, the fairest state in the Union.

Vote "No" on Number 29.

ALBERT E. KERN,
President, Anti Single Tax Association of California.

FRANCHISES. Initiative measure adding section 23c to Article XII of Constitution. Gives Railroad Commission exclusive power to grant determinate or indeterminate franchises for street, interurban and suburban railways, and motor vehicle transportation for compensation upon streets and highways, prescribe terms and conditions thereof, regulate rates thereunder, and accept surrender of all such franchises now or hereafter outstanding; franchises granted hereunder to terminate whenever the state, or its political subdivisions, acquires the property owned or operated thereunder, and to have no pecuniary value in rate fixing or condemnation proceedings thereby; publicly owned public utilities unaffected by provisions hereof.

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YES

NO

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that there be submitted to the electors of the state for their approval or rejection, at the next general election, an amendment to the constitution of the State of California adding a new section twenty-three c to article twelve of said constitution, the full text of said proposed amendment being as follows:

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

A new section to be called section twenty-three c is hereby added to article twelve of the constitution of the State of California, said section to read as follows:

PROPOSED AMENDMENT.

(Proposed changes in provisions are printed in black-faced type.)

Section 23c. Exclusive power is hereby conferred upon the Railroad Commission (a) to grant franchises, determinate or indeterminate as to time, for the construction and operation of street, interurban and suburban railways, and for the operation of motor vehicles for the transportation of persons or property for compensation upon the public streets and highways; (b) to prescribe the terms and conditions of such franchises, provided, however, that rates and fares charged thereunder shall at all times be subject to regulation by the Railroad Commission; (c) to accept the surrender of all such franchises granted by it, and of all such franchises heretofore granted.

In proceedings for fixing rates and fares and for taking property under the power of eminent domain for public use by the state or any municipality or other political subdivision thereof, franchises granted pursuant to this section shall be deemed to have no pecuniary value; and all such franchises shall terminate as prescribed by the Railroad Commission and, in any event, upon the acquisition by the state, or any municipality or other political subdivision thereof, of the property owned or operated thereunder.

The acquisition, ownership, operation and management of public utilities by the state, or any municipality or other political subdivision thereof, shall be governed as now or hereafter provided by law, notwithstanding the provisions of this section.

EXISTING PROVISIONS.

Section twenty-three of article twelve, affected by the proposed amendment, reads as follows:

[The provisions which will be made inoperative by the proposed amendment are printed in italics.]

Sec. 23. Every private corporation, and every individual or association of individuals, owning, operating, managing, or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe line, plant, or equipment, or any part of such railroad, canal, pipe line, plant, or equipment within this state, for the transportation or conveyance of passengers, or express matter, or freight of any kind, including crude oil, or for the transmission of telephone or telegraph messages, or for the production, generation, transmission, delivery or furnishing of heat, light, water or power or for the furnishing of storage or wharfage facilities, either directly or indirectly, to or for the public, and every common carrier, is hereby declared to be a public utility subject to such control and regulation by the railroad commission as may be provided by the legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the legislature to be public utilities shall likewise be subject to such control and regulation. The railroad commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities, in the State of California, and to fix the rates to be charged for commodities furnished, or services rendered by public utilities as shall be conferred upon it by the legislature, and the right of the legislature to confer powers upon the railroad commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this constitution. From and after the passage by the legislature of laws conferring powers upon the railroad commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or municipal councils, or other governing bodies of the several counties, cities and counties, cities and towns, in this state, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the railroad commission; provided, however, that this section shall not affect such powers of control over public utilities as relate to the making and enforcement of local, police, sanitary and other regulations, other than the fixing of rates, vested in any city and county or incorporated city or town as, at an election to be held pursuant to law, a majority of the qualified electors of such city and county, or incorporated city or town, voting thereon, shall vote to retain, and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers they shall thereafter rest in the railroad commission as provided by law; and provided, further, that where any such city and county, or incorporated city or town, shall have elected to continue any of its powers to make and enforce such local, police, sanitary and other regulations, other than the fixing of rates, it may, by vote of a majority of its qualified electors voting thereon, thereafter surrender such powers to the railroad commission in the manner prescribed by the legislature; *and provided, further, that this section shall not affect 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. Nothing in this section shall be construed as a limitation upon any*

power conferred upon the railroad commission by any provision of this constitution now existing or adopted concurrently herewith.

ARGUMENT IN FAVOR OF FRANCHISE AMENDMENT TO CONSTITUTION.

This measure is sponsored by the California Real Estate Association after a careful study of transportation conditions throughout California.

Property values throughout the state have suffered from lack of adequate transportation facilities. "Own Your Own Home" and community development programs have broken down from the same cause.

Our electric railways were built form ten to thirty years ago, and no extensions have been made in years. Our cities have grown far beyond the limits of their car lines.

Under existing conditions no extensions can or will be made, because it is impossible to finance extensions under the burdensome franchise requirements imposed by local laws and authorities.

Street railways frequently operate in several communities. A single, continuous system is thus subject to the franchises of each community it serves.

Individual franchises expire at varying times, and limit the life of the system as a unit to the term of the franchise that expires at the earliest date.

This cripples the borrowing power of the company, and prevents the system making any extensions or improvements in service.

Franchises also contain varying and often contradictory terms, which also handicap the company and impair its credit.

The net result is that all over California the electric railways have not branched out to meet the growing needs of their communities.

Car systems have not grown with the cities and towns they serve.

The only remedy is regulation on a statewide basis. Control over the electric railways is now divided. The commission controls rates and approves the franchises after they are granted by local authority. It also grants the preliminary certificate without which no city can grant a franchise.

But the commission can not get at the root of the trouble today—it can not originate a franchise.

We need unified and simplified control instead of divided control; divided control has given us the present condition of stagnation in electric railway development.

The people of California have already returned to the state the power to regulate and control all public utilities. The state also controls all traffic on the public highways, has charge of public health in every community, regulates the construction of all buildings, establishes uniform labor laws and conditions, and in many other ways exercises functions formerly delegated by it to local authorities.

Motor vehicles are also an important part of our transportation system. Bus and truck lines belong under the same jurisdiction as other forms of transportation.

The only competent body to exercise this power is the commission already established, which has functioned efficiently in regulating and controlling the various forms of public utility service.

This measure does not apply to individual trucks, taxicabs, and similar motor vehicles not operated over fixed routes between fixed termini.

Our cities need new car lines; the country needs more interurban railways and more bus and truck lines; but transportation extensions can not be made without uniform and reasonable franchise provisions.

There is nothing new or novel in this proposal; it is already the law in several states.

This amendment will give us transportation line extensions, and no other practical solution of the problem has been proposed.

Opposition to the measure is largely confined to certain officials in a few minor municipalities, who object to an encroachment upon their own power.

They admit that existing conditions are bad; they admit that new car lines are needed; they admit that the growth of the state is endangered by this situation; but they offer no solution.

The real estate men believe that this amendment will operate to enhance the value of every foot of land in California. They urge its passage at this time because transportation facilities are years behind in their development and because this is the only practical plan for securing these much needed extensions in transportation service.

C. C. C. TATUM,
President California Real Estate Association.

ARGUMENT AGAINST FRANCHISE AMENDMENT TO CONSTITUTION.

The amendment is undesirable in that it would empower a state commission, already possessing very extensive powers and overburdened with its present duties, to control certain purely municipal affairs. After years of effort, the cities of California achieved the full recognition of their right to exercise home rule in municipal matters and when the powers of the railroad commission were extensively broadened this principal was adhered to, so that the right of municipalities to grant franchises for street railroads and motor vehicle transportation systems was preserved.

The amendment would be distinctly a backward step. Under its provisions a railroad commission which might be unfavorable to public ownership could, by granting franchises along the most important streets of a city, absolutely shackle the creation or extension of publicly owned street railroads even though the city were committed to municipal ownership. The amendment therefore would enable a state commission to insist upon a policy utterly at variance with the wishes of a community.

The amendment moreover is fundamentally unsound in that it deprives cities of local control of streets. The highways outside of the corporate limits of a municipality may properly be state controlled. The streets within a city not. The granting or termination of franchises for street railroads or motor vehicles within a city is no more a matter of statewide concern than is the granting of permits to conduct laundries or stables within the city limits. Yet the amendment would give the commission the exclusive power to parcel out any or all of the streets of a city to jitneys or motor busses even though the people of the municipality, as they have in many cities, had denied to jitneys or motor busses by popular vote the right to use certain streets. In many cities there are streets in which for legitimate local reasons the citizens would be almost unanimously opposed to the construction of street railroads or the operation of motor busses, yet under the proposed amendment the railroad commission could grant a franchise covering such streets and the people of the municipality would be powerless to prevent their use. Furthermore in the matter of the regulation of traffic in the streets it is often imperative that the local authorities who have sole control over and who are solely responsible for traffic conditions in a municipality should have the right to designate the streets in which street railways may be constructed.

It is unwise to divest the cities of California of their power of local control over such purely municipal matters and to place their policy of street railroad development, whether publicly or privately owned, at the mercy of a state commission which is composed of five men who can not possibly be acquainted with local conditions and local sentiment in all of the cities of the state. The amendment should be defeated.

JESS E. STEPHENS,
City Attorney of Los Angeles.
GEORGE LULL,
City Attorney of San Francisco.

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GENERAL LAWS.

CODE SECTIONS.

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MANNER IN WHICH PROPOSED CONSTITUTIONAL AMENDMENTS AND OTHER MEASURES WILL BE DESIGNATED AND APPEAR ON THE BALLOT.

1 **VETERANS' VALIDATING ACT.** Initiative measure adding proviso to Section 31, Article IV of Constitution. Permits state aid with money or credit to United States Army or Navy Veterans who served during war time, in acquiring or developing farms or homes or in land settlement projects; validates, irrespective of vote thereon at November, 1922, election, "California Veterans' Welfare Bond Act" as enacted by 1921 legislature, authorizing ten million dollars state bonds to effectuate "California Veterans' Welfare Act," providing land settlement, and "Veterans' Farm and Home Purchase Act," providing farm and home aid, for veterans; declares section self-executing.

YES ☐

NO ☐

2 **PROHIBITION ENFORCEMENT ACT.** Submitted to electors by referendum. Declares unlawful all acts and omissions prohibited by the Eighteenth Amendment to the Federal Constitution and by the Volstead Act, adopting the penalties therein prescribed; vests state courts with jurisdiction and imposes upon prosecuting officers, grand juries, magistrates and peace officers, the duty to enforce said laws; permits local enforcement of ordinances prohibiting the manufacture, sale, transportation or possession of intoxicating liquors; this act to conform, automatically, to changes in said federal laws.

YES ☐

NO ☐

3 **FOR THE VETERANS' WELFARE BOND ACT OF 1921.** This act provides for a bond issue of ten million dollars to be used by the Veterans' Welfare Board in assisting California war veterans to acquire farms or homes. ☐

AGAINST THE VETERANS' WELFARE BOND ACT OF 1921. This act provides for a bond issue of ten million dollars to be used by the Veterans' Welfare Board in assisting California war veterans to acquire farms or homes. ☐

4 **FOR THE LAND SETTLEMENT BOND ACT OF 1921.** This act provides for a bond issue of three million dollars to carry out the purposes of the land settlement act. ☐

AGAINST THE LAND SETTLEMENT BOND ACT OF 1921. This act provides for a bond issue of three million dollars to carry out the purposes of the land settlement act. ☐

5 **STATE HOUSING ACT.** Sumbitted to electors by referendum. Regulates the construction, alteration, maintenance, use and occupancy of tenement houses and hotels throughout California and of dwellings in incorporated municipalities, repeals "State Tenement House Act," "State Hotel and Lodging House Act," and "State Dwelling House Act," combining provisions thereof in this act with changes and additions, defining fireproof, semifireproof and wooden buildings; requires roofs of all semifireproof buildings, and of wooden buildings in incorporated municipalities, to be constructed of approved incombustible materials or be well covered with an approved composition, fire resistive or fire retardent material.

YES ☐

NO ☐

6 **TITLE INSURANCE.** Assembly Constitutional Amendment 19 adding Section 5½ to Article XII of Constitution. Authorizes the legislature to provide for the classification by population of counties (including any city and county) for the purpose of regulating the business of issuing guarantees or policies of insurance upon the title to real or personal property.

YES ☐

NO ☐

7 **EXEMPTING VETERANS FROM TAXATION.** Assembly Constitutional Amendment 24 amending Section 1¼ of Article XIII of Constitution. Extends tax exemption provisions of present section to include those veterans who have been released from active duty under honorable conditions.

YES ☐

NO ☐

8	**MUNICIPALITIES.** Senate Constitutional Amendment 13 adding Section 7½b to Article XI of Constitution. Declares that no incorporated city or town shall ever be transferred or annexed to, or consolidated with, any other municipality, or consolidated city and county, without the consent of a majority of the voters of such incorporated city or town voting at an election called for that purpose.	YES	
		NO	
9	**MUNICIPAL CHARTERS.** Senate Constitutional Amendment 4 amending Section 8 of Article XI of Constitution dealing with adoption of municipal charters. Authorizes creation of boroughs in municipalities by amendments to municipal charters as well as by original charters as now provided. Adds proviso that after creation of any borough, whether by original charter or by amendment thereto, the powers thereof shall not be modified, amended or abridged in any manner, without consent of majority of qualified electors of such borough voting at a regular or special election.	YES	
		NO	
10	**TAXATION OF PUBLICLY OWNED PUBLIC UTILITIES.** Initiative measure adding Section 15 to Article XIII of Constitution. Declares all property owned, operated, managed or controlled by any municipality, county, district or other public agency, created and existing under laws of California, and held or used for supplying the public with light, power, heat, transportation, telegraph or telephone service, shall be assessed and taxed in same manner, to same extent and for same purposes, as like property held or used for like purposes by private corporations and natural persons shall be assessed and taxed under the State Constitution and laws.	YES	
		NO	
11	**REGULATION OF PUBLICLY OWNED PUBLIC UTILITIES.** Initiative measure adding Section 23b to Article XII of Constitution. Declares every municipality, county, district and other public agency, created and existing under California laws, owning, operating, managing or controlling any property for supplying light, power, heat, transportation, telegraph or telephone service, to or for the public, shall, as to such property and the business conducted therewith, be a public utility, regulated by the State Railroad Commission in all respects, except issuance of securities, as private corporations and natural persons owning, operating or controlling like property for like purposes.	YES	
		NO	
12	**STATE BUDGET.** Initiative measure amending Section 34 and repealing Section 29, Article IV of Constitution. Requires Governor to submit to legislature, within first thirty days of each regular session, budget containing itemized statement of all proposed expenditures and estimated revenues for each fiscal year of next biennial period, with comparison, item by item, for each year of existing biennial period. Prescribes procedure for passage of budget bill; permits referendum against items thereof except those for usual current expenses; prohibits other appropriations, with certain exceptions, until such passage. Authorizes Governor to reduce or eliminate any item of appropriation.	YES	
		NO	
13	**JUDGES' SALARIES.** Senate Constitutional Amendment 28 amending Section 17 of Article VI of Constitution. Eliminates present provision therein prohibiting increase or decrease of salaries of Superior Court Judges after their election or during their term of office, in counties having but one judge and in counties wherein the terms of such judges expire at the same time. In place of present provision that State shall pay half and county half of salary of each Superior Court Judge declares State shall pay three thousand dollars of such salary and county balance thereof.	YES	
		NO	
14	**LOCAL TAXATION.** Senate Constitutional Amendment 31 adding Section 12½ to Article XIII of Constitution. Authorizes legislation, subject to initiative and referendum, for taxation of notes, debentures, shares of stock, bonds or mortgages, not exempt from taxation, in manner or at rate or in proportion to value different from other property, such taxes to be in lieu of all other property taxes, state, county, municipal or district, upon such property, and to be equitably distributed to the county, municipality or district wherein such property is taxed; declares taxation under Section 14 of same article unaffected hereby.	YES	
		NO	

STATE TAXATION. Senate Constitutional Amendment 35 amending Section 14 of Article XIII of Constitution. Permits public utility paying state tax to deduct from gross receipts from operation of its business any amount it pays to another public utility when that amount is included in gross receipts from which tax of latter utility is computed; with certain exceptions, subjects to state taxation exclusively, at rate of two per cent upon their gross receipts from operation, companies operating motor vehicles for transportation of persons or property for compensation; increases bank stock rate; authorizes legislature to classify utilities for taxation purposes.	15	YES	
		NO	
CHIROPRACTIC. Initiative Act. Creates Board of Chiropractic Examiners, appointed by Governor and paid from receipts under act; prescribes powers and duties thereof; prohibits practice of chiropractic without license therefrom, authorizing issuance thereof to certain chiropractic graduates and establishing prerequisites of study and other conditions to such issuance; provides for revocation of such licenses; declares chiropractic licentiates shall observe and be subject to all state and municipal regulations relating to all matters pertaining to public health, shall sign death certificates and make reports as required by law; prescribes penalties and repeals conflicting legislation.	16	YES	
		NO	
USE OF STREAMS. Assembly Constitutional Amendment 41 adding Section 19a to Article XI of Constitution. Authorizes the state, or any political subdivision empowered to establish public works for such purpose, to provide itself or its inhabitants, in the manner therein provided, with water, electricity, or protection against flood by utilizing or controlling the waters of any stream outside this state or partly within this state, and to incur bonded indebtedness therefor as provided by law; these powers not limited by Section 31 of Article IV or Section 13 of Article XI of Constitution.	17	YES	
		NO	
MUNICIPAL PUBLIC WORKS. Senate Constitutional Amendment 29, adding Section 20 to Article XI of Constitution. Authorizes two or more municipalities to acquire or control, by contract, public works for supplying inhabitants with light, water, power, heat, transportation, telephone or other utility service, or other matter of common municipal concern, subject to approval by two-thirds of electors in each city if contract provides for bonded indebtedness, otherwise by majority thereof, and thereafter by legislature without alteration or amendment; declares these powers supplement present powe , and do not limit those granted by constitution to state or its political bdivisions.	18	YES	
		NO	
WATER AND POWER. Initiative Measure adding Article XIVa to constitution. Creates board appointed by Governor and subject to recall, chairman receiving fifteen thousand dollars annually, other members twenty dollars per day when acting. Authorizes issuance of bonds not exceeding $500,000,000. Empowers board to develop and distribute water and electric energy (giving state and political subdivisions certain preferential rights), do anything convenient therefor, fix rates to meet cost thereof and retire bonds in fifty years, use state waters and lands, and require reservation of water from appropriation and, when necessary in board's opinion, public lands from sale.	19	YES	
		NO	
OSTEOPATHIC ACT. Initiative. Creates Board of Osteopathic Examiners appointed by Governor; prescribes powers and duties thereof; authorizes said board in respect to graduates of osteopathic schools to carry out provisions of Medical Practice Act of 1913, and acts amendatory thereof, and issue to them any form of certificate authorized thereunder; confers upon said board all functions relating to such graduates heretofore exercised by State Board of Medical Examiners; creates contingent fund from receipts under act, requiring compensation of members of board, and of persons appointed thereby, and all expenses incurred under act, to be paid only therefrom.	20	YES	
		NO	

21	**PROHIBITING SPECIAL LAWS.** Senate Constitutional Amendment 36, adding Section 25a to Article IV of Constitution. Declares that the legislature shall not pass any special or local laws creating irrigation, reclamation, drainage or flood control districts, but shall provide for the organization and government of such districts by general law.	YES	
		NO	
22	**ABSENT VOTERS.** Assembly Constitutional Amendment 13, amending Section 1 of Article II of Constitution. Adds to present section proviso authorizing legislative provision permitting registered voters, absent from their voting precincts at any primary or general election because of occupation requiring travel or federal or state military or naval service, to vote in home precinct prior to election, or at any municipality within this state on election day, or at any place if engaged in such service, all votes cast elsewhere than in home precinct to be received by county clerk of home precinct within two weeks of election.	YES	
		NO	
23	**DEPOSIT OF PUBLIC MONEYS.** Assembly Constitutional Amendment 26. Amends Section 16½ of Article XI of Constitution by extending the provisions permitting the deposit in banks in this state of moneys belonging to the state, county or municipality, to include moneys in the custody thereof; also extends to other political subdivisions the provisions permitting the state or any county, city and county, city, town or municipality issuing bonds, to deposit moneys in banks outside this state for payment of such bonds at place where payable.	YES	
		NO	
24	**REGULATING PRACTICE OF LAW.** Submitted to electors by referendum. Adds Section 164 to Penal Code. Prohibits unlicensed person from practicing law, appearing as attorney for another before judicial body, making it a business to render legal services, or advertising as lawyer or to furnish legal advice; declares section shall not prevent any person from preparing ordinary business agreements and conveyances, insuring titles, holding escrows, or advising relative thereto, nor apply to benevolent, charitable or legal aid organizations, or non-profit organizations dealing with affairs of their members or embarrassed debtors, nor to proceedings in justices' or police courts.	YES	
		NO	
25	**JUDGES PRO TEMPORE.** Senate Constitutional Amendment 34. Amends Section 8 of Article VI of Constitution by requiring that though the parties to any cause in the Superior Court, or their attorneys of record, may agree upon any member of the bar to try their cause as judge pro tempore, such judge must be first approved by the Superior Court in which he acts.	YES	
		NO	
26	**SCHOOL DISTRICTS.** Senate Constitutional Amendment 32, adding Section 6½ to Article IX of Constitution. Declares nothing in Constitution shall forbid formation of school districts situated in more than one county or issuance of bonds by such districts under general laws; authorizes officers mentioned in such laws to levy and assess such taxes and perform all such other acts as may be prescribed therein for purpose of paying such bonds and carrying out other powers conferred upon such districts; all such bonds to be issued subject to limitations prescribed in Section 18 of same article.	YES	
		NO	
27	**INITIATIVE.** Initiative measure amending Article IV, Section 1 of Constitution. Inserts proviso therein increasing the number of signatures of qualified electors necessary to initiative petition presented to Secretary of State under that section when such petition relates to assessment or collection of taxes, or provides for modification or repeal of this proviso; requires such number to be fifteen per cent of all votes cast for all gubernatorial candidates at last preceding election at which governor was elected, instead of eight per cent thereof as now required. Makes no other substantial change in section.	YES	
		NO	

28	**PROHIBITING VIVISECTION.** Initiative Act. Prohibits the vivisection or torture of human beings, animals, or other living creatures, for experimental or pathological investigations, or other purposes; authorizes Justice of the Peace to issue warrant for entry into places where such acts have been, or are about to be, performed, for arrest of persons and seizure of instruments engaged therein; excepts certain acts relating to animals and fowls and surgical operations, or medical aid to, human beings, animals and other living creatures, to relieve or cure actual injury, deformity or disease; prescribes penalties and repeals conflicting acts.	YES	
			NO
29	**LAND FRANCHISE TAXATION.** Initiative measure amending Article XIII of Constitution. Abolishes present system of taxation; declares private property rights attach only to products of labor and not to land; defines franchises as special privileges granted by government permitting use or monopoly of land; requires that such franchises be assessed annually at their full rental value independenet of improvements, and prohibits all other taxes and license fees; prescribes procedure for such assessments, decreeing forfeiture of franchise for non-payment thereof; requires that money derived from such assessments be apportioned between state and its subdivisions, and that all governmental expenses be paid therefrom.	YES	
			NO
30	**FRANCHISES.** Initiative measure adding section 23c to Article XII of Constitution. Gives Railroad Commission exclusive power to grant determinate or indeterminate franchises for street, interurban and suburban railways, and motor vehicle transportation for compensation upon streets and highways, prescribe terms and conditions thereof, regulate rates thereunder, and accept surrender of all such franchises now or hereafter outstanding; franchises granted hereunder to terminate whenever the state, or its political subdivisions, acquires the property owned or operated thereunder, and to have no pecuniary value in rate fixing or condemnation proceedings thereby; publicly owned public utilities unaffected by provisions hereof.	YES	
			NO

CERTIFICATE OF SECRETARY OF STATE.

STATE OF CALIFORNIA, DEPARTMENT OF STATE,
SACRAMENTO, CALIFORNIA.

I, Frank C. Jordan, Secretary of State of the State of California, do hereby certify that the foregoing thirty measures will be submitted to the electors of the State of California at the general election to be held throughout the State on the seventh day of November, 1922.

Witness my hand and the great seal of State, at office in Sacramento, California, the seventh day of October, A. D. 1922.

Frank C. Jordan

Secretary of State.