

9-4-1912

Prohibition on Bookmaking and Pool Rooms

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_inits

Recommended Citation

Prohibition on Bookmaking and Pool Rooms California Initiative 1912-t-1 (1912).
http://repository.uchastings.edu/ca_ballot_inits/3

This Initiative is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Initiatives by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

file: 1912-P-1

CERTIFICATE OF SECRETARY OF STATE.

DEPARTMENT OF STATE,
SACRAMENTO, CALIFORNIA, September 4, 1912.

To the County Clerk of ALL Counties California.
and the Registrar of Voters SAN FRANCISCO, CAL.

I, FRANK C. JORDAN, Secretary of State, do hereby certify that heretofore, to wit, on the third day of August, 1912, there was presented to, received by, and filed in the office of the Secretary of State, an initiative petition, in due form, in accordance with the provisions of section 1 of Article IV of the Constitution of the State of California, said petition being duly certified as in said Constitution provided.

That attached to said petition and to each section thereof there was a certificate of each of the County Clerks and of the Registrar of Voters, in whose respective counties said petition was circulated and who had respectively transmitted the same to the Secretary of State, properly dated, showing that he had examined such petition and the sections thereof and the signatures thereto and had determined from said examination and from the records of registration in his office the number of qualified electors who had signed the same, and showing the result of his said examination;

And I further certify that the number of qualified electors so certified as having signed the said petition or sections thereof is equal in number to at least eight per cent of all the votes cast for all candidates for Governor at the last preceding general election prior to the filing of said petition as aforesaid at which a Governor was elected.

That the said initiative petition, so filed as aforesaid, is entitled as follows, to wit:

An act to prohibit bookmaking and pool-selling, and to provide for the appointment of a state racing commission to grant licenses for horse racing in the State of California, for a limited period, and the permitting of wagering upon such races by the Paris Mutual and Auction Pool systems only.

Said petition having been presented to, received by, and filed in the office of the Secretary of State on said August 3, 1912, as aforesaid, and said petition proposing a law which is set forth in full therein, and the next general election occurring subsequent to ninety days after the presentation as aforesaid of said petition being the general election to be held on Tuesday, the 5th day of November, 1912, I, FRANK C. JORDAN, as Secretary of State do hereby submit the said proposed law to the electors of the State of California at the said election to be held on said November 5, 1912, and you are hereby directed to take all steps and perform all duties required in order to so submit the same.

Attached hereto, marked Exhibit "B" and made a part hereof, is a full, true, and correct copy of the initiative petition and proposed law above referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal this fourth day of September,
1912.



Frank C. Jordan
Secretary of State.

EXHIBIT "B."

Initiative Measure to be Submitted Directly to the Electors.

INITIATIVE PETITION.

WHEREAS, it is the desire of all racing and breeding associations of horses in the State of California, to prohibit bookmaking upon horse races, or any other event, and to prevent the conducting or maintaining of pool rooms in the State of California; and

WHEREAS, it is also the desire of many persons engaged in the breeding of blooded stock, and the owners of breeding farms in the State of California, to foster and encourage the enterprise and business of breeding and racing blooded horses, and to encourage capital in the investment in such enterprises in the State of California; and

WHEREAS, to that end an amendment to the existing laws of the State of California is deemed desirable;

The undersigned duly registered and qualified electors of the State of California, by this their petition do hereby petition and propose the adoption of the following law, under the initiative provisions of the Constitution of the State of California:

An act to prohibit bookmaking and pool-selling, and to provide for the appointment of a state racing commission to grant licenses for horse racing in the State of California, for a limited period, and the permitting of wagering upon such races by the Paris Mutual and Auction Pool systems only.

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

SECTION 1. Any association or corporation formed for the purpose of racing and breeding or improving or encouraging the breed of horses and conducting races and contests of speed between horses, shall have the right and power, subject to the provisions of this act, to hold one or more race meetings in each year, and to hold, maintain and conduct horse races at such meetings. At such meetings the corporation or association or the owners of the horses engaged in such races, or others who are not participants in the racing, may contribute purses, prizes, premiums or stakes to be contested for, but no person or persons other than the owners of a horse or horses contesting in a race shall have any pecuniary interest in a purse, prize, premium or stakes contested for in such races or be entitled to or receive any portion thereof after such races shall have been finished.

SECTION 2. A state racing commission is hereby established to consist of five persons to be appointed by the Governor within twenty days after this law shall be in force, all of whom shall have been breeders and raisers of horses for five years preceding their appointment, none of whom shall be an officer in any corporation or association or race track engaged in giving race meetings. The members of said commission shall hold their offices for four years.

SECTION 3. Such commission shall appoint a secretary, who shall hold such office during the pleasure of the commission. The duty of such secretary shall be to keep a full and faithful record of the proceedings of the commission and preserve at its general office all books, maps, documents and papers entrusted to its care, and perform such other duties as the commission shall prescribe. He shall be paid a salary to be fixed by the commission at a rate not exceeding eighteen hundred dollars per annum, which shall be paid by such racing corporations or associations who shall obtain licenses from said commission, the amounts to be paid by each to be apportioned by the commission, which shall on or before the first day of January of each year assess upon each of said corporations or associations its proportion of such salary. The commission shall biennially make a full report to the Governor of its proceedings for the two-year period ending with the first day of January preceding the meeting of the legislature. All other expenses of the said racing commission shall be paid by the racing corporations or associations obtaining licenses under this act, and shall be pro-rated in the same manner. Said commission shall have the power to make rules, regulations and conditions which shall govern the actual trotting, pacing and running races held upon the track of any corporation or association who shall obtain a license under the provisions of this act.

SECTION 4. Any association or corporation formed for the purpose of raising and breeding or improving or encouraging the breed of horses and conducting races and contests of speed, shall have the power and right, subject to the provisions of this act, to hold one or more race meetings in each year, and to hold, maintain and conduct pacing, trotting and running races at such meetings. No races are authorized, or shall be permitted between sunset and sunrise, or on Sundays.

SECTION 5. No such races shall be conducted except by a corporation or association duly licensed by said commission as herein provided. Licenses shall be granted by said commission to such corporations and associations to hold races or race meetings for such period of time as such corporations and associations shall desire, but not to exceed one hundred days in any calendar year in any one county in this State. No one corporation or association shall hold race meetings to exceed in the aggregate one hundred days within the boundaries of this State during any calendar year. The commission shall not issue licenses permitting running races between horses to be conducted in any one county in this State for a period exceeding one hundred days per calendar year.

In the event that the said commission shall refuse any such license, the said commission shall publicly state its reasons for so doing, and said reasons shall be written in full in the minute book of said commission, which shall at all times be subject to inspection upon application by any one desiring so to do, and said finding of said commission shall be subject to review by courts of general jurisdiction of this State, and the revocation of any license by said commission shall likewise be subject to the review of the courts of this State. No association or corporation shall be entitled to a license who shall violate any of the provisions of this act, and the said commission may, by a majority vote, rescind and revoke any license granted to any association or corporation who shall violate the provisions of this act, after a fair and impartial hearing.

SECTION 6. Every race meeting held or conducted, except as allowed by this act, is hereby declared to be a public nuisance, and every person acting or aiding therein is punishable by imprisonment in the county jail or in the state prison for a period of not less than thirty days, and not exceeding one year, and in addition thereto in a suit brought for that purpose by the said racing commission in the superior court of the county where it may be proposed to conduct such unauthorized racing, an injunction may be obtained against the same.

SECTION 7. The provisions of this act relative to the payment to the said racing commission of proportionate moneys to pay the entire expenses of conducting said commission shall not apply to race meetings conducted by any State Fair Association, or Agricultural Society, or County Fair, or any association to which State aid is given, who shall hold a meeting for a period of not exceeding ten days.

SECTION 8. Every person,

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

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

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

4. Who, whether for gain, hire, reward, or gratuitously, or otherwise, at any time or place, records, or registers any bet or bets, wager or wagers, upon the result, or purported result, of any trial, or purported trial, or contest, or purported contest, of skill, speed or power of endurance of man or beast, or between men, beasts, or mechanical apparatus, or upon the result, or purported result, of any lot, chance, casualty, unknown or contingent event whatsoever; or

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

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

This section shall apply, not only to persons who may commit any of the acts designated in subdivisions one to six inclusive of this section, as a business or occupation, but shall also apply to every person or persons who may do in a single instance any one of the acts specified in said subdivisions one to six, inclusive, save and except that any and all racing associations and corporations which shall obtain licenses to conduct race meetings in the State of California pursuant to and under this act, may conduct and carry on and permit within the enclosure where horse racing is held betting upon the races conducted within said enclosure by and through the Paris Mutual and Auction Pool systems of betting.

SECTION 9. All acts and parts of acts in conflict with this act are hereby repealed.

This petition is presented under the provisions of the Constitution providing for the enactment of a law by the electors of the State of California in direct manner under the eight per cent initiative provisions of the constitution of the State of California, and the same is presented to the Secretary of State to be submitted to the electors of the State of California for their approval or rejection.

This petition is prepared and is to be presented in sections, and this section is for the county of _____, State of California.