

1920

PROHIBITION ENFORCEMENT ACT

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

Recommended Citation

PROHIBITION ENFORCEMENT ACT California Proposition 2 (1920).
http://repository.uchastings.edu/ca_ballot_props/131

This Proposition 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 Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

property rights previously acquired. As agricultural laborers in California, they could earn much more than in any occupation in their own land. The birth rate will insure increase, rather than decrease, of the Japanese population in this state.

The measure provides that any alien ineligible to citizenship may acquire, use, transmit, and inherit interest in real property to the extent, and for the purposes prescribed by treaty with his respective nation, and not otherwise.

Various safeguards, suggested by experience, are provided, and certain penalties (including forfeiture of the property) for deliberate violation or evasion. The equities of innocent holders are fully protected.

The measure was carefully prepared by the State Legislative Counsel Bureau, after the proposed provisions had been criticised by various leading legal and civic organizations of the state.

California should vote overwhelmingly for the measure, for the additional reason that her polled verdict as to the gravity of the problem will influence the nation in endorsing necessary federal legislation.

V. S. McCLATCHY.

ARGUMENT AGAINST PROPOSED ALIEN LAND LAW.

This initiative raises questions of cold law, to which I invite the very thoughtful attention of the voters.

Our treaty with Japan provides that the Japanese here "may own or hire and occupy houses, manufactories, warehouses, shops and premises and lease land for residential and commercial purposes." In its economic definition commerce consists of production, transmutation and exchange; production is the ranking element, because without it there can be no commerce.

The treaty protects the right of Japanese to hire or own manufactories, for transmutation, warehouses, necessary to exchange, and to lease land for commercial purposes. Land employed in agricultural production is employed in a commercial purpose. The treaty is intended, then, to give the Japanese privilege to enter upon complete commerce, and therefore protects their right to lease land for production. Any other interpretation twists the plain language of the treaty into vain repetition.

Considered in the light of the fourteenth amendment to the Constitution of the United

States, which says, "No state shall deny to any person within its jurisdiction the equal protection of the laws," we find the initiative in conflict with our own constitution, since it proposes a discriminatory classification of aliens, conferring upon one class the protection of the law which it denies to another class.

This discrimination applies also to the leasing of land denied to Japanese and permitted to other aliens. It also applies to the feature of the initiative which subjects Japanese minors who own land to the guardianship of the public administrator, but exempts other alien minors who own land from such guardianship.

These proposed discriminations against classes of aliens were adopted by the people of another state by the initiative and were voided by the United States Supreme Court as unconstitutional. That court held that "equal protection of the laws is applicable to all persons, without regard to any differences of race, color or nationality," and that discrimination under the pretense of "promoting the health, safety, morals and welfare," is unconstitutional, and denies "the very essence of personal freedom and opportunity it was the purpose of the fourteenth amendment to secure." And "if such freedom could be refused upon the ground of race or nationality, the prohibition of the denial to any person of the equal protection of the laws would be a barren form of words."

In the foregoing I have stripped the initiative of its cryptic and involved language and technicalities, so that it is naked in its two purposes: First, to forbid the leasing of land to Japanese and Chinese; and, second, to take land-owning minors of those races from the natural guardianship of the parents and commit them to the control of the public administrators.

All the other confusing propositions of the initiative, respecting holdings in corporations etc., are subordinate to these two.

Considered in its effect upon the land owners in the state, the initiative, under penalty of confiscation, prohibits them from leasing land to a certain class of persons. If the state can do that it can also compel land owners, under penalty of confiscation, to lease their land to a certain class of persons. It will be seen at once that the claim of such power in the state is a destructive blow at the liberty of American citizens.

JOHN P. IRISH.

PROHIBITION ENFORCEMENT ACT. Submitted to electors by referendum.

2 Defines intoxicating liquor as that containing over one-half of one per cent of alcohol; with certain exceptions relating to religious, medicinal and home use, prohibits the manufacture, possession, receiving, serving, gift and transportation thereof, and also the advertising and soliciting the sale thereof, for beverage purposes; declares nothing therein shall authorize anything prohibited by any act of Congress, nor limit the power of any city or county to prohibit the manufacture and sale of such liquor; regulates the dealing in intoxicating liquor for nonbeverage purposes; and prescribes penalties.

YES

NO

Whereas, the legislature of the State of California, in regular session in April, 1919, passed, and the governor of the State of California, on the fifteenth day of April, 1919, approved a certain act, which act, together with its title, is in the words and figures following, to wit:

PROPOSED LAW.

An act enforcing the provisions of article eighteen of the constitution of the United States; prohibiting the manufacture, sale, storage, service, gift, transportation, impor-

tation or exportation of intoxicating liquors for beverage purposes; regulating all other traffic in such liquors; and providing penalties for violations hereof.

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

Section 1. This entire act shall be deemed to be an exercise of the power granted by article eighteen of the constitution of the United States and of the police power of the state for the protection of the public health, peace, safety, and morals of the people of the state, and all of its

provisions shall be liberally construed for the accomplishment of these purposes.

Sec. 2. The words "intoxicating liquors" or "intoxicating liquor," wherever used in this act, shall be construed to include any distilled, malted, vinous, vinous, fermented or alcoholic liquor, which contains more than one-half of one per cent by volume of alcohol, and all alcoholic liquids and compounds whether proprietary, patented or not, which are potable or capable of being used as a beverage, and which contain more than one-half of one per cent by volume of alcohol.

For the purposes of this act a wholesale druggist is one who sells drugs at wholesale and not to the general public.

A retail druggist is a registered pharmacist, authorized to practice in this state, conducting a regular retail business in drugs and who sells to the general public.

Sec. 3. In the interpretation of this act words of the singular number shall be deemed to include their plurals, and words of the masculine gender shall be deemed to include the feminine and neuter, as the case may be.

The word "person," wherever used in this act, shall be construed to mean and include natural persons, firms, copartnerships, corporations, clubs, and all associations or combinations of persons, whether acting by themselves or by a servant, agent or employee.

Sec. 4. It shall be unlawful for any person, directly or indirectly, to manufacture, receive, sell, serve, give away, transport, or otherwise dispose of any intoxicating liquor within the State of California, or to import any such liquor into or to export any such liquor from said state, except as provided herein.

Sec. 5. It shall be unlawful for any person, while on any street, alley, park, road, or highway, or in any car, aeroplane, boat, motor, or other vehicle or means of transportation, or in any club, hotel, hall, theater, store, or other public or semipublic place, to have on his person or in his possession any intoxicating liquor, except as provided herein.

Sec. 6. It shall be unlawful for any person to manufacture, keep, or store any intoxicating liquor in any public or semipublic place, except as provided herein.

Sec. 7. It shall be unlawful for any person to solicit, take or receive any order for intoxicating liquor, or to give information how such liquors may be obtained or where such liquors are; except that persons holding valid permits to manufacture or sell intoxicating liquors for nonbeverage purposes, may accept orders for such liquors on the premises where they may be legally sold, and representatives of such manufacturers and of wholesale druggists may take orders for such liquors from persons holding valid permits to purchase same.

Sec. 8. It shall be unlawful for any person to advertise any intoxicating liquor by means of any sign or billboard, or by circular, poster, price list, newspaper, periodical, or otherwise, or to advertise the manufacture, sale, keeping for sale, or furnishing of such liquors, or the person from whom, or the place where, or the price at which, or the method by which any such liquors may be obtained; provided, that manufacturers and wholesale druggists, holding valid permits under this act, may send price lists to those to whom they may legally sell such liquors.

It shall be unlawful to permit any sign or billboard, painted, erected or otherwise constructed after the thirtieth day of June, 1919, containing any advertisement, rendered unlawful by this section, to remain upon one's premises, or to circulate or distribute any circulars, price list or other advertisement rendered unlawful by this section, and it shall be the duty of every peace officer to remove and destroy any such advertisement when it comes to his notice or upon demand of any citizen.

Sec. 9. Nothing in this act shall be construed to render unlawful:

1. The manufacture of intoxicating liquors for nonbeverage purposes by any person holding

a valid permit so to do, obtained as herein provided.

(b) The keeping or storing of intoxicating liquors on the premises where lawfully manufactured or in any place where such liquors may legally be sold, or in cellars, vaults or warehouses owned or leased by persons holding valid permits to manufacture, keep or sell such liquors for nonbeverage purposes, or the keeping of wine for sacramental purposes in any church or in the residence of the pastor or priest of any church, or the distributing and use of wine at any sacramental service.

(c) The sale and delivery of intoxicating liquors, by those lawfully manufacturing the same or by wholesale druggists holding valid permits so to do, to other manufacturers of such liquors or to other wholesale druggists or to retail druggists holding valid permits under this act; provided, the person so selling such liquors shall keep a record of all liquors so sold in which shall be entered the date of the sale, the kind of liquor sold, the quantity of each kind, and the name and address of the person to whom sold, such record to be open to public inspection; provided, however, that where spirituous liquors are sold the records required to be kept by the United States internal revenue department shall be sufficient record; and provided, further, that the person so selling such liquor shall securely fasten to the container holding it a legibly written or printed statement, in English, signed by said person and giving the following information: kind and quantity of contents, by whom sold (giving name and address), to whom sold (giving name and address), and date of sale.

It shall be unlawful for any person to remove such statement from such container, until said container and contents have been delivered to the purchaser at the address stated in such statement, and it shall be unlawful to empty all or part of the contents from any such container anywhere except at the address stated in aforesaid statement, and when the contents of any such package have been emptied from it, said statement shall immediately be removed and destroyed.

(d) The sale or furnishing of wine for sacramental purposes by the manufacturer of the same or by retail druggists, holding valid permits so to do obtained under this act; provided, such wine is furnished only to a regularly ordained priest or minister or upon the written order of the local official board or governing body of a religious organization, and that the person furnishing such wine shall keep a record in which shall be entered the date of the furnishing, the quantity furnished and the signature of the person obtaining the same, such record to be open to public inspection; and provided, further, that the person so furnishing such wine shall securely fasten to the container holding it a legibly written or printed statement, in English, signed by said person and giving the following information: kind and quantity of contents, by whom furnished (giving name and address), to whom furnished (giving name and address), date of furnishing, and a statement that it was furnished for sacramental purposes.

It shall be unlawful for any person to remove from any container holding wine obtained for sacramental purposes the statement provided for in this section or to use all or part of said wine for any purpose other than sacramental purposes.

(e) The dispensing of intoxicating liquors by retail druggists, holding valid permits so to do, for medicinal purposes only, upon a prescription issued, signed and dated by a duly licensed physician regularly practicing his profession; provided, that the name of the person applying for the prescription, and the name and address of the person for whose use the prescription is made shall be inserted therein by the physician issuing the same at the time the prescription is made or given, and that not more than one sale or furnishing is made upon such prescription, that not more than eight ounces of spirituous liquor, and not more than sixteen

ounces of vinous or malt liquor is sold on any one prescription, and that all such prescriptions are kept on file at the place of business of said druggist, open to public inspection; and provided, further, that said druggist shall paste upon or securely fasten to the container holding such liquor a legibly written or printed copy of the prescription on which such liquor was furnished.

It shall be unlawful for any person to remove said copy of such prescription from said container until all of the liquor has been removed therefrom, and it shall be unlawful to empty all or part of said liquor from said container until it has been delivered at the address mentioned in said prescription or to use said liquor for any purpose other than the medicinal purpose for which it was furnished.

(f) The sale and delivery by any person, holding a valid permit so to do obtained as herein provided, of ethyl alcohol to manufacturers of toilet, medicinal, antiseptic, culinary, or other nonbeverage preparations, or to the superintendent or authorized officer of a hospital, museum or laboratory or of an art, educational or public institution; provided, such manufacturer, superintendent or other person has a valid permit, obtained as herein provided, to receive and possess such alcohol; and provided, further, that the person selling such alcohol shall keep a record of all such sales in which shall be entered the date of the sale, kind and quantity of liquor sold, and the name and address of the person to whom sold; such record to be open to public inspection; and provided, further, that the person selling such alcohol shall securely fasten to the container holding it a legibly written or printed statement in English, signed by said person, and giving the following information: kind and quantity of contents, by whom sold (giving name and address), to whom sold (giving name and address), purpose for which sold and date of sale.

When any container is emptied the aforesaid statement shall forthwith be removed therefrom and destroyed. It shall be unlawful for any person to remove aforesaid statement from such container until all of the alcohol has been removed therefrom, and it shall be unlawful to empty all or part of said alcohol from said container at any place other than the address of the purchaser as given in said statement, or for any purpose other than that for which it was sold.

(g) The manufacture and sale of such preparations as flavoring extracts, essences, tinctures and perfumes, which do not contain more alcohol than is necessary for legitimate purposes of extraction, solution or preservation, and of remedies which do not contain more alcohol than is necessary for extraction, solution or preservation and which do contain drugs in sufficient quantities to medicate the compound; provided, that when any of the aforesaid preparations are manufactured in California, they shall be manufactured only by persons holding valid permits to keep alcohol for nonbeverage purposes, and such preparations, whether made in California or imported, shall be sold only for lawful purposes and not as beverages.

(h) The keeping of any intoxicating liquor obtained before this act goes into effect at a time when and place where such liquor can be legally sold by any person at his home and the serving of same to members of his family or to guests, as an act of hospitality, when nothing of value or representative of value is received in return therefor, and when such home is not a place of public resort.

(i) The transportation out of or into the State of California of intoxicating liquor for nonbeverage purposes when such liquor is shipped or received by a person holding a valid permit, obtained as herein provided, to manufacture, sell or receive such liquors; and provided, there is securely fastened to the container holding such liquor a legibly written or printed statement in English, signed by the shipper and giving the following information: kind and quantity of liquor therein, by whom sold (giving name and address), to whom sold

(giving name and address), purpose for which sold and date of sale.

It shall be unlawful to remove aforesaid statement from said container while in transit within the State of California.

Sec. 10. It shall be unlawful for any person to carry or transport any intoxicating liquor within, into or out of the State of California without having on the outside of the container holding such liquors the written or printed statement required in the various paragraphs of section nine of this act, and said statement must be so attached that the words thereon may at all times be easily seen and read.

Sec. 11. Permits to sell intoxicating liquor for nonbeverage purposes, subject to the limitations and provisions herein provided, shall be issued by the state board of pharmacy of California to wholesale and retail druggists.

Permits to manufacture, import, sell and export intoxicating liquor for nonbeverage purposes, subject to the limitations and provisions herein provided, shall be issued by the state board of pharmacy to such persons as make sufficient showing that they have a legitimate demand, under this act, for intoxicating liquors for nonbeverage purposes.

Permits to buy and keep alcohol for nonbeverage purposes shall be issued by the state board of pharmacy to manufacturers of toilet, medicinal, antiseptic, culinary or other nonbeverage preparations, and to the superintendent or authorized officer of any hospital, museum or laboratory or of any art, educational or public institution.

Sec. 12. Any person desiring to obtain a permit as provided herein, shall file written application with the state board of pharmacy, giving his name and address, nature of his business or official position and full statement of grounds on which application is made. With each such application shall be sent a filing fee of five dollars, which shall be deposited in a special fund to be known as the "prohibition enforcement fund," which fund is hereby created for the payment of all expenses of said board in administering this act in the manner provided herein.

The state board of pharmacy shall issue permit when it is shown by applicant for such permit that he has a legitimate demand for intoxicating liquors and that he will observe all laws relating to the sale of such liquors. Such permits shall be for two years; provided, that any such permit may be revoked by the state board of pharmacy, if after a hearing, notice of which has been given to the holder of such permit, said board shall be satisfied that said holder has not observed the law relating to sale of intoxicating liquor. When any such permit shall have been revoked, it shall be discretionary with the state board of pharmacy whether or not any new permit shall thereafter be issued to the holder of the permit revoked.

Sec. 13. Any person holding a permit, obtained as herein provided, who manufactures, sells or furnishes intoxicating liquor in violation of this act shall, for a first offense, be fined not more than one thousand dollars and for a second offense shall be fined not less than two hundred dollars nor more than two thousand dollars and be imprisoned in the county jail for a term not exceeding six months; for a third and each subsequent offense he shall be fined not less than five hundred dollars nor more than five thousand dollars and be imprisoned in the state prison for a term not exceeding two years.

Any other person violating this act shall, for a first offense, be fined not more than six hundred dollars; for a second offense not less than two hundred dollars nor more than one thousand dollars and be imprisoned in the county jail for a term not exceeding six months; for a third and each subsequent offense he shall be fined not less than three hundred dollars nor more than one thousand dollars and be imprisoned in the state prison for a term not exceeding one year.

Sec. 14. In case of an unlawful sale when a shipment or delivery of intoxicating liquors

is made by a common or other carrier, the sale or delivery thereof shall be deemed to be made in the county wherein the delivery is made by such carrier to the consignee, his agent or employee. A prosecution for such sale or delivery may likewise be had in the county wherein the sale is made or from which the shipment is made or in any county through which the shipment is made.

Sec. 15. Nothing in this act shall be construed as limiting the power of any city or county, or city and county, to prohibit the manufacture, or sale of intoxicating liquors for beverage purposes within its corporate limits; neither shall anything in this act be construed as authorizing anything prohibited by any act of congress, now in force or hereafter adopted, relating to the liquor traffic.

Sec. 16. This act shall take effect and be in force on the same day as the provisions of article eighteen of the constitution of the United States, prohibiting the manufacture, sale, transportation, importation or exportation of intoxicating liquors for beverage purposes, take effect.

And whereas, said regular session of the said legislature finally adjourned April 22, 1919, and ninety days having not expired since said final adjournment:

Now, therefore, sufficient qualified electors of the State of California have presented to the secretary of state their petition asking that said act, hereinbefore set forth, so passed by the legislature and approved by the governor, as hereinbefore stated, be submitted to the electors of the State of California for their approval or rejection.

ARGUMENT IN FAVOR OF PROHIBITION ENFORCEMENT ACT.

The eighteenth amendment to the national constitution became effective January, 1920. It was submitted to the states by a vote of more than two-thirds of each house of congress and was ratified by the legislatures of 45 of the 48 states, 9 more than the 36 required.

It prohibits the manufacture, sale, transportation, etc., of all intoxicating liquors for beverage purposes within the United States, and provides that congress and the legislatures of the several states shall concurrently, by appropriate legislation, enforce its terms.

In obedience to the constitution and for enforcement purposes, congress, by a vote of more than two-thirds of each house, passed the Volstead Act, and California's legislature enacted the Harris Law, designated No. 2 on the ballot.

These laws are substantially the same. Both define intoxicating liquors as those containing more than one-half of one per cent of alcohol by volume (thus following a governmental precedent established many years), and prohibit, under penal provisions, the manufacture, sale, transportation, etc., thereof, for beverage purposes, but permit the same under reasonable safeguards, for sacramental, medicinal, scientific and industrial purposes. The Volstead Law puts in operation the federal courts and officers, the Harris those of the state.

The reason for these laws is that the constitution is not self-executing. It declares rules of conduct but provides neither penalties nor means of enforcement. Without these laws patriotic citizens would voluntarily obey the constitution but others would contemptuously violate it.

Both the amendment and the Volstead Act have been upheld by the unanimous decision of the United States Supreme Court. Liquor attorneys now admit their validity. It follows that the Harris Law is also valid.

The referendum on the Harris Law is an attack on the national constitution itself, for the

purpose of preventing or crippling its enforcement in California.

There is but one lawful way to attack the constitution and that is by amending it.

It is nullification and defiance of the constitution to defeat the laws which enforce it.

No attack could be more vicious, not even that of the imported Bolshevik who refuses to recognize our constitution as binding him.

For this reason ex-President Taft, who opposed ratifying the amendment, now advocates its vigorous enforcement, and members of congress who opposed the amendment voted for the Volstead Law. Senator Hiram Johnson voted for it.

As the Harris Law is California's only enforcement law, its defeat would be a refusal by California to obey the constitution and would make California a nullification state.

Light wines and beers with an alcoholic kick are intoxicants and are so held by the courts. The Supreme Court holds that any law permitting them would be violative of the constitution and void.

The court says: "The section of the amendment embodying prohibition invalidates any legislative act—whether by congress or a state legislature—which authorizes or sanctions what the section prohibits."

The patriotic citizen may favor amending the constitution, but never votes against its enforcement.

The question is not prohibition, but law and order.

Vote "Yes" on No. 2 on the ballot.

M. B. HARRIS,
State Senator Twenty-sixth District.

ARGUMENT AGAINST PROHIBITION ENFORCEMENT ACT.

Proposition No. 2, the Harris State Prohibition Enforcement Act, does not represent true California sentiment. The measure itself is the product of the last legislature, which absolutely misrepresented the majority wish of the people of this state on the question of prohibition.

In 1914, 1916 and 1918 California voted down prohibition by very decisive majorities. Within sixty days after the people had rejected the third attempt of the prohibitionists, a legislature dominated by radical "drys" performed the startling feat of placing this state in the prohibition column by ratifying the eighteenth amendment and passing the Harris Act in California by way of enforcement.

In the rush to take advantage of a favorable legislature, upon the personnel of which the prohibition element had worked at the preceding election, the Harris bill was devised and adopted eight months before the Volstead National Enforcement Act was passed by congress.

The grape-growing interests of California availed themselves of the right of referendum and promptly presented a widely-signed petition to the Secretary of State. This brings the question of prohibition again before the voters.

Men and women who believe in democracy in government should unhesitatingly vote "No" on Proposition No. 2. In the annals of political history in this state, there is no more glaring perversion of the law of justice or thwarting of the will of the people than was exemplified in the passing of this particular state measure. Even a prohibitionist who would profess to love justice, would vote down this legislation with conscience clear. The conservative reasoning voter really has no other course to pursue if he analyzes the facts.

Let it be explained further that this act would foist on this state a bone-dry prohibition law from which the people of California could get no relief even if congress in its judgment later on saw fit to modify the Volstead Act by permitting the use of light wines and beers in the home. If Proposition No. 2 becomes the law in our state, we would find ourselves under rigid radical prohibition while other states in the union could enjoy any modifications that might come through congress by amendment of the Volstead Act. This would make a laughing stock of California which produces ninety per cent of all the grapes grown in the United States.

Proposition No. 2, being of premature birth, is unnecessary legislation. If it becomes the

law, it compels those who purchase liquor for nonbeverage purposes to obtain double sets of permits—one from the United States prohibition enforcement department and another from the California State Board of Pharmacy.

I trust the great majority of voters of this state will mark "X" opposite the word "No" on this measure and thereby again defeat prohibition in California and for the fourth time. I repeat that the proposed law is superfluous, would bar light wines and beer in the home, and does not reflect the true sentiment of our glorious hospitable California.

E. M. SHEEHAN,
President California Grape
Growers' Exchange.

SALARIES OF JUSTICES. Initiative measure amending Section 17 of Article VI of Constitution. Increases the salary of each Justice of the Supreme Court from \$8,000 a year to \$10,000 a year, and of each Justice of the District Courts of Appeal from \$7,000 a year to \$9,000 a year.		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:

Section seventeen of article six of the constitution is hereby amended so as to read as follows:

PROPOSED AMENDMENT.

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

Section 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. 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. The salaries of the justices of the supreme court shall be ten thousand dollars a year, each, payable monthly. The salaries of the justices of the district courts of appeal shall be nine thousand dollars a year, each, 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.)

Section 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 adop-*

tion 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 INCREASE OF SALARIES OF JUSTICES.

The present salaries of the Justices of the Supreme Court (\$8,000 per annum) and of the Justices of the District Courts of Appeal (\$7,000 per annum) were fixed in 1906; and since then these salaries have been reduced in purchasing power to less than one-half of their former value. At the time they were fixed, the salaries were regarded as moderate compensation for members of the highest courts of the state; and the primary purpose of the proposed amendment is not to provide any actual increase in compensation, but to offset in part the loss caused by the diminished purchasing power of the present salaries.

The justices affected by the amendment are the Chief Justice and six Associate Justices of the Supreme Court and fifteen Justices of the District Courts of Appeal—six at Los Angeles, six at San Francisco, and three at Sacramento. The adoption of the amendment will increase the salary of each of these justices \$2,000 per annum, making the additional annual cost to the state \$44,000.

The professional attainment and industry necessary to a proper discharge of the duties of an appellate justice would command in private practice a much greater financial return than the proposed increase affords; but the amendment is not designed to measure official salaries by private compensation. Its purpose is to maintain the independence and efficiency of the judiciary by making the compensation of the justices at least approach the values of 1906; and an independent and efficient judiciary is of first importance to the people of the state.

BRADNER W. LEE.