

1922

## JUDGES' SALARIES

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and extravagance avoided. The proposed measure will also enable the Governor to reduce 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.

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.

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-loading and other car companies operating upon railroads in this state; companies doing express business on any railroad, steamboat, vessel or stage line in this state; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for

state purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint stock associations, companies, and corporations.

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

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawingroom car, palace car companies, refrigerator, oil, stock, fruit, and other car-loading and other car companies, three per cent; on all companies doing express business on any railroad, 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