

1922

## SCHOOL DISTRICTS

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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 Oiney, Superior Court Judges Emmet Seawell, R. L. Thomson, 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 likely 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 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.

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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 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