

1924

KLAMATH RIVER FISH AND GAME DISTRICT

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11 KLAMATH RIVER FISH AND GAME DISTRICT. Initiative measure. Creates Klamath River Fish and Game District consisting of Klamath River and waters thereof following its meanderings from confluence of Klamath and Shasta rivers in Siskiyou County to mouth of Klamath River in Del Norte County. Prohibits the construction or maintenance of any dam or other artificial obstruction in waters of said district, prescribes penalties therefor, and declares any such artificial obstruction to be a public nuisance.	YES	
	NO	

(For full text of Measure see page 17, Part II.)

Argument in Favor of Klamath River Fish and Game District Initiative Measure.

This measure proposes establishing by popular vote in the quickest practicable way, a fish and game district prohibiting any dam obstructing passage of salmon and trout up Klamath River to mouth of Shasta River, where their eggs sufficiently mature for the Fish and Game Commission to collect and hatch them, artificially, thereby maintaining these finest of fish in behalf of every wild-life lover and other food-consumer throughout California.

Klamath River flows over 200 miles down a narrow, steep gorge, traversing Siskiyou and dividing Del Norte from Humboldt County. It fills the wildest large canyon in northwestern California. The proposed district has just been opened up to automobile angling. Forever impossible for irrigation with so little tillable land tributary—unnavigable and unpolluted, Klamath River is by nature California's best stream for salmon and trout reproduction. Therefore it must be saved for all the people: first, as a perpetual propagating seedbed to continue restocking the entire state; second, as a vast public playground wherein recreation seekers and resident Indians may keep on freely enjoying these wonderful fish under existing laws.

This is the same measure recommended by over 105,000 registered voters who filed the record initiative petition placing before everybody this opportunity to determine whether the people shall hold for themselves not only the vast resource represented by these peerless food and game fishes, but also what their opponents frankly admit to be the last large hydro-electric power development possibility left to the state. This is what a "no" vote now would tie up in private hands until the "trust" is ready to sell it back to us at their own price. By the time northwestern California really needs to sacrifice her birthright of salmon and trout by turning over their last stand to further power development, these lower Klamath dam sites would have grown into a first mortgage upon the state for all time. Many who care little about angling and less for fish are interested in preventing such giving away of a natural source whose income might reduce taxes for posterity, instead of piling up private profits.

Abundant power awaits development above the proposed district. Trinity River, tributary to and near protested sites threatening salmon and trout on lower Klamath, offers 250,000 horsepower without imperiling all California's future fish resources. Sea-run fishes can not be passed over high dams.

California now suffers from shortage of water, not of storage projects. Power plants thirty years in excess of present demands await normal rainfall to turn off designed capacity. In the south, Colorado River offers enormous possibility without sacrificing California's outdoor attractions.

Duties of the Fish and Game Commission demand conservation of wild life. Cooperate by voting "YES" to preserve in its primitive charm the magnificent Klamath, foundation of future fishing, essential to keeping salmon and trout henceforth for all Californians, a duty we owe posterity as well as ourselves.

J. A. AGER,
Chairman, Board of Supervisors,
Siskiyou County.

FRANK M. NEWBERT,
President, Fish and Game Commission of California.

Argument Against Klamath River Fish and Game District Initiative Measure.

Conservation and development of California's resources demand a vote of "NO" on initiative number 11.

The purpose of the measure is to forever prevent any power development on the Klamath River from the mouth of the Shasta River to the sea for the ostensible protection of commercial and sport fishing. This includes all of the undeveloped and unappropriated water power projects on the Klamath River in California, covering a distance of one hundred seventy-five miles.

Passage of this measure will not further conserve fishing. The United States government now requires that when any power development is undertaken on the Klamath River "existing conditions" of fish migration and fish culture must be maintained. The run of fish and the culture of fish must be maintained by such means as shall be ordered by the Federal Bureau of Fisheries, of the Department of Commerce, and without cost to the people.

A vote of "yes" would not improve fishing, but would prevent forever any development of the river by the state or by individuals. The power resources that would thus be rendered useless and wasted aggregate the huge total of 500,000 horsepower.

Within forty miles of ocean transportation on the lower Klamath River, there can be developed about 200,000 horsepower, better in quality and greater in quantity than the Muscle Shoals project in Tennessee. Practically every industry possible of development at Muscle Shoals can be developed in connection with these lower Klamath water powers in even greater degree.

The development of the Klamath River water powers will require expenditures for construction in excess of \$75,000,000 and the power when developed will add \$25,000,000 yearly to the taxable wealth of the state. Many millions of dollars will be spent by industries taking advantage of the cheap power thus available right at tidewater.

California industries and California farms, crying for additional cheap power can not be shut off from this great source.

California has little or no coal, its oil production has passed its peak, and is diminishing, and its future hope for industrial and agricultural prosperity depends not merely on hydro-electric power, but on cheap hydro-electric power.

The State Division of Water Rights and the Federal Power Commission, expert bodies created by law, to pass judgment on these matters, are on record favoring power development on the Klamath. Both, after exhaustive hearings and investigations, have satisfied themselves that fishing can be protected, perhaps even improved by the great lakes created by dams necessary to develop the river.

The catch of salmon on the Klamath represents only about eleven per cent of the total taken in California and only one-seventh of the total pack of the Pacific coast.

Practically all of the Klamath to be developed is in the United States Forest Reserves, which insures the privilege of fishing to the people for all time.

Development of great industries on the Klamath will mean work for thousands of salary and wage earners, the addition of scores of millions of dollars to the state's wealth.

Constructive conservation demands a vote of "NO."

R. J. WADE,

Secretary, Eureka Chamber of Commerce.

FRED M. KAY,

County Clerk, Humboldt County.

MUNICIPAL COURTS. Senate Constitutional Amendment 25. Amends Sections 1, 5, 11, 12, 14, 18, 23 and 24 of Article VI of Constitution, relating to courts and their jurisdiction, by providing therein for the establishment of municipal courts as courts of record in any city or city and county and for their jurisdiction for the establishment of appellate departments of the superior court in any county or city and county wherein any municipal court is established.

YES

NO

(For full text of Amendment see page 17, Part II.)

Argument in Favor of Senate Constitutional Amendment No. 25.

The purpose of this amendment is to afford the more populous cities of the state the opportunity to relieve the congestion of the superior courts of the counties in which they are situated and to economically expedite the administration of law and justice therein by the establishment of municipal courts. Such courts, under the proposed amendment would be available only to chartered cities of a population of 40,000 or over, and their establishment could be optional and could only be affected by a vote of the people in such cities.

The amendment, if adopted, would have no effect whatever upon any of the courts of other cities or any city within the designated class which did not by popular vote elect to establish a municipal court, careful attention having been paid in the drafting of the amendment to avoid any interference with, or disturbance of, the existing judicial system

of the state and the present jurisdiction of the courts in those cities which do not seek to avail themselves of the advantages offered by the proposed municipal courts.

It is proposed that municipal courts shall be courts of record and have original civil jurisdiction of \$1,000 or less, including actions for the foreclosure of liens on personal property and unlawful detainer actions in which the monthly rental value of the property is \$100 or less and the damage claimed is \$1,000 or less, and of all misdemeanor crimes committed within the city and punishable by a fine or jail sentence or both.

Upon any municipal court, with such number of departments as may be required, being established in any eligible city pursuant to a vote of the people thereof, the justices' court and police courts of such city with their present limited jurisdiction would automatically become merged in the municipal court and the justices of the peace and police judges of the former court would thereupon become judges of the municipal court until the expira-

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 a 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.

KLAMATH RIVER FISH AND GAME DISTRICT. Initiative measure. Creates Klamath River Fish and Game District consisting of Klamath River and waters thereof following its meanderings from confluence of Klamath and Shasta rivers in Siskiyou County to mouth of Klamath River in Del Norte County. Prohibits the construction or maintenance of any dam or other artificial obstruction in waters of said district, prescribes penalties therefor, and declares any such artificial obstruction to be a public nuisance.

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.

Initiative act to create the Klamath River Fish and Game District, and prohibit the construction or maintenance of any dam or other artificial obstruction in the waters of said district, provide penalties and declare such obstructions a public nuisance.

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

Section 1. The Klamath River Fish and Game District is hereby created and shall consist of the Klamath river and the waters thereof, following its meanderings from the confluence of the Klamath river and the Shasta river in the county of Siskiyou to the mouth of the Klamath river in Del Norte county.

Sec. 2. Every person, firm, corporation or company who constructs or maintains any dam or other artificial obstruction in any of the waters of said Klamath River Fish and Game District is guilty of a misdemeanor and upon conviction must be fined not less than five hundred dollars (\$500.00) or be imprisoned in the county jail of the county in which the conviction shall be had, not less than one hundred days, or by both such fine and imprisonment, and any artificial obstruction constructed, placed or maintained in said district is hereby declared to be a public nuisance.

MUNICIPAL COURTS. Senate Constitutional Amendment 25. Amends Sections 1, 5, 11, 12, 14, 18, 23 and 24 of Article VI of Constitution, relating to courts and their jurisdiction, by providing therein for the establishment of municipal courts as courts of record in any city or county and for their jurisdiction for the establishment of appellate departments of the superior court in any county or city and county wherein any municipal court is established.

YES	
NO	

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, by amending sections one, five, eleven, twelve, fourteen, eighteen, twenty-three and twenty-four of article six thereof, relating to the judicial department, and providing for the establishment of municipal courts.

The legislature of the State of California, at its regular session commencing on the eighth day of January, one thousand nine hundred twenty-three, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby propose that sections one, five, eleven, twelve, fourteen, eighteen, twenty-three and twenty-four of article six 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.)

Section 1. The judicial power of the state shall be vested in the senate, sitting as a court of impeachment, in a supreme court, district

courts of appeal, superior courts, such municipal courts as may be established in any city or county, and such inferior courts as the legislature may establish in any incorporated city or town, township, county or city and county.

Sec. 5. The superior courts shall have original jurisdiction in all cases in equity and in all cases at law, which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases, except as hereinafter provided, in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and in all criminal cases amounting to a felony, and in all cases of misdemeanor not otherwise provided for; of actions for forcible or unlawful entry or detainer, except as otherwise provided in this article; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for; and said courts shall have the power of naturalization, and to issue papers therefor.

The superior courts shall have appellate jurisdiction in such cases arising in municipal and other inferior courts in their respective counties