

1934

MUNICIPAL COURTS

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<p>MUNICIPAL COURTS. Assembly Constitutional Amendment 35. Amends Constitution, Article VI, section 11. Declares Legislature shall provide for establishing a municipal court in any chartered city or city and county of over forty thousand inhabitants, and for the procedure, jurisdiction, number, term and qualifications of judges and attaches thereof; upon establishment thereof directs transfer thereto of all pending business, records, judges and attaches of inferior courts; prohibits all other courts inferior to superior court within such city or city and county unless established by Legislature. Requires Legislature fix compensation of justices and judges of all courts of record.</p>	YES
	NO

(For full text of measure, see page 31, part II)

Argument in Favor of Assembly Constitutional Amendment No. 35

Section 11 of Article VI of the Constitution was amended in 1924 at the time the municipal courts were established. It defines in detail the jurisdiction of the municipal courts and makes certain specific provisions as to the jurisdiction of the inferior courts. In 1928 sections 5, 11a and 13 of Article VI were amended to give the Legislature power to fix the jurisdiction of these courts. The Legislature has done this by appropriate legislation in 1929, 1931 and 1933. As a result of these later constitutional amendments, and legislative enactments,

a very large part of section 11 of Article VI has been superseded and rendered obsolete. The presence of all this obsolete matter in the section is, however, very confusing to attorneys and others consulting the Constitution and Statutes.

The sole object of Assembly Constitutional Amendment No. 35 is to eliminate this obsolete material from section 11. No "live" law is eliminated or changed.

VOTE YES.

PERCY G. WEST,
 Assemblyman, Ninth District.

CHARLES W. LYON,
 Assemblyman, Fifty-ninth District.

MUNICIPAL COURTS. Assembly Constitutional Amendment 35.

Amends Constitution, Article VI, section 11. Declares Legislature shall provide for establishing a municipal court in any chartered city or city and county of over forty thousand inhabitants, and for the procedure, jurisdiction, number, term and qualifications of judges and attaches thereof; upon establishment thereof directs transfer thereto of all pending business, records, judges and attaches of inferior courts; prohibits all other courts inferior to superior court within such city or city and county unless established by Legislature. Requires Legislature fix compensation of justices and judges of all courts of record.

YES

NO

Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California, an amendment to section 11, of Article VI of the Constitution of the State of California, relating to courts.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its fiftieth regular session commencing on the second day of January, 1933, two-thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section 11 of Article VI of the Constitution of the State of California be amended to read as follows:

(This proposed amendment expressly amends an existing section of the Constitution; therefore ~~EXISTING PROVISIONS~~ proposed to be DELETED are printed in STRIKE-OUT TYPE; and NEW PROVISIONS proposed to be INSERTED are printed in BLACK-FACED TYPE.)

PROPOSED AMENDMENT TO THE CONSTITUTION.

Sec. 11. In any city and county and in any of city and county which is governed under a charter framed and adopted under the authority of this Constitution, containing a population of more than forty thousand inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States, a municipal court may be established as in this article provided, anything in this Constitution to the contrary notwithstanding. For each such municipal court at least one judge with such additional judges as may be determined by the Legislature, shall be elected by the qualified electors of the city or city and county at the general municipal election; and such additional judges as shall be determined by the Legislature. In any city, or city and county, in which such municipal court shall be established for which there shall be more than one judge of a municipal court, the judges of such court may hold as many sessions of such court thereof at the same time as there are judges thereof, and the business thereof shall be apportioned among the such judges thereof in the manner

prescribed by law. Municipal courts shall have original jurisdiction, except as hereinafter provided, in all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to one thousand dollars or less; and of actions of forcible or unlawful entry or detainer where the rental value is one hundred dollars or less per month; and where the whole amount of damages claimed is one thousand dollars or less; and in cases to enforce and foreclose liens on personal property where the amount of such liens or the value of the property is one thousand dollars or less; and in all criminal cases amounting to misdemeanor punishable by fine and imprisonment in the city or city and county or county jail, or punishable by fine or such imprisonment. The Legislature may, however, provide for the establishment of courts inferior to municipal courts in cities and cities and counties where municipal courts are established; provided, however, that the jurisdiction of such inferior courts shall not extend to cases in which the claim or demand is more than fifty dollars.

The Legislature shall determine the number of each of the inferior courts in incorporated towns; and in townships or counties, or in incorporated cities or cities and counties, where there is no municipal court, according to the population thereof, and the number of judges or justices thereof, and shall fix by law the powers, jurisdiction, duties and responsibilities of each of such inferior courts and of the judges or justices thereof, and until such inferior courts are otherwise so determined and provided for, such inferior courts now existing shall, until otherwise provided by law, continue in all respects as established at the time of the adoption of this amendment; provided, that the powers of such inferior courts shall not in any case trench upon the jurisdiction of the several courts of record, except that the legislature shall provide that said courts shall have concurrent jurisdiction with the superior courts in cases of forcible or unlawful entry or detainer, when the rental value does not exceed seventy-five dollars per month; and where the whole amount of damages claimed does not exceed three hundred dollars; and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars.

The Legislature shall provide by general law for the constitution, regulation, government and procedure establishment of such municipal courts; in cities or cities and counties in this section specified, and for the constitution, regulation, government, procedure and jurisdiction thereof, and for the jurisdiction thereof except in the particulars otherwise specified in this section; and for the establishment of municipal courts in cities or cities and counties governed under charters framed and adopted under the authority of this Constitution, and having the population hereinbefore in this section specified. Upon the taking effect of such general law, a municipal court may be established in any such city or city and county whenever the charter thereof or amendment to such charter shall provide that there shall be a municipal court therein, or whenever the assent of a majority of the qualified electors of such city or city and county voting upon the question of the establishment of such municipal court, and expressed in such manner and form as the Legislature shall by general law prescribe, is given to the establishment thereof.

The manner in which, the time at which, the term for which the judges, clerks and other attaches of municipal courts shall be elected or appointed, the number and qualifications of said judges and of the clerks and other attaches, except as such matters are otherwise provided in this article, shall be prescribed by the Legislature. The compensation of the justices or judges of all courts of record, shall be fixed and the payment thereof prescribed by the Legislature.

In any city or in any city and county where such municipal court has been established, and in townships situated in whole or in part in such city or city

and county, there shall be no other court inferior to the superior court, except as herein provided, and that the Legislature may provide for the establishment of such inferior courts.

Pending actions, trials, and all pending business of inferior courts within such a city or city and county or township, upon the establishment of any such municipal court therein, shall, unless otherwise provided by law, be transferred to and become pending in such municipal court, and all records of such inferior courts shall be transferred to, and thereafter be and become records of, such municipal court.

Upon the establishment of any such municipal court, and until the first election and the qualification of the judge or judges thereof, and the first appointment and the qualification of the clerks and other attaches thereof, the judges or justices, and the clerks and other attaches, of any existing inferior courts in such city, or city and county, or township shall become and act as the judges, clerks and attaches respectively of such municipal court. Whenever any city having a municipal court is formed into a consolidated city and county with the combined powers of a city and county, under proceedings therefor as elsewhere in this Constitution provided, such municipal court shall thereupon and thereby be and become the municipal court of such city and county; and the provisions of this article applicable to municipal courts in cities shall be applicable to the municipal court of such city and county.

The compensation of the justices or judges of courts of record shall be fixed, and the payment thereof prescribed, by the Legislature.

NATUROPATHIC ACT. Initiative. Creates Naturopathic Association of California, a public corporation; provides for its organization, government, membership and powers; regulates practice and licensing of naturopathy; provides for investigation and approval of naturopathic colleges; fixes educational requirements and other qualifications for licensees; fixes license fees; provides for issuance, suspension and revocation of licenses; provides licensees shall have in practice of their profession all rights and privileges of practicing physicians of any school or class in treatment of diseases, injuries and other mental or physical conditions; gives licensees equal rights with physicians in institutions supported by public funds; provides penalties for violations.

YES	
NO	

Sufficient qualified electors of the State of California have presented to the Secretary of State a petition and request that the proposed measure 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:

[Thirty-two]

(This proposed law does not expressly amend any existing law; therefore, the provisions thereof are printed in BLACK-FACED TYPE to indicate that they are NEW.)

PROPOSED LAW.

An act to create a public corporation to be known as the "Naturopathic Association of California," to