

1954

## LAND TITLES. TORRENS ACT

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crimes and penalties for them; it is the board of directors for a business that expends annually at least one billion four hundred million dollars.

Members of the Legislature attend sessions each year, when to give adequate representation to their constituents they frequently must be on the job fourteen or more hours in the day. Between sessions they serve on interim committees charged with formulating legislation for the next general session. The members between sessions are also the closest source of communication between the citizen and the several departments of the State Government.

The election and retention in the Legislature of able citizens is of the utmost importance to all of the people of California. This measure will aid in attaining this objective by increasing the salary of members of the Legislature from \$300 to \$500 per month. This will be less than half that paid to a member of Congress and will compare with \$600 per month paid to Los Angeles city councilmen, \$1,395 per month paid to Los Angeles County Supervisors, and \$500 or more per month paid to supervisors in nine additional counties.

Good government demands good men. Here is a practical means of achieving that result. Vote "yes" on Proposition No. 6.

JOHN F. MCCARTHY  
Senator, 13th District

**Argument Against Assembly Constitutional Amendment No. 13**

Only four years have passed since the Legislators pay was upped from \$100 to \$300 per month. During sessions \$14 per diem is paid in addition. Individual Legislators electing to serve on interim committees also are allowed \$15 per diem plus mileage.

The latest tabulation lists 76 out of 80 Assemblymen and 34 out of 39 State Senators as having various occupations. No doubt, many of them devote their main attention to their profession, business or job, between sessions. Others are primarily concerned with their legislative duties, and make these a full time job.

If you voters desire highly competent Legislators \$500 per month is none too high.

However, if you prefer the traditional Citizen-Legislator, keep the pay at \$300 per month. This is currently attracting fine young lawyers, businessmen and farmers. These usually only serve a few years. They bring much to Sacramento and they take a great deal back home with them. One former Legislator has said that his best public service was rendered during his first and his last terms. At first, he didn't know enough to vote expediently and during his last, he didn't have to worry about getting reelected.

Keep our Legislature close to the People.  
Keep it free of the so-called "Career Politician."  
Keep the pay at \$300 per month.  
Vote "No" on Amendment Number 13.

FRANK LUCKEL  
Assemblyman, State Legislature, 1036  
Savoy Street, San Diego 7

**LAND TITLES. TORRENS ACT. Amendment of Initiative Act. Authorizes Legislature to amend or repeal the Land Title Law (Torrens Act) adopted by initiative in 1914.**

YES	
NO	

(For Full Text of Measure, See Page 7, Part II)

**Analysis by the Legislative Counsel**

This measure would add Section 116 to the initiative act adopted in 1914 which is commonly referred to as the Torrens Land Title Registration Law. That law provides for the optional registration of title to land under its provisions. The section to be added by this measure would authorize the Legislature to amend or repeal all or any part of the act at any time.

Under Article IV, Section 1, of the California Constitution an initiative act adopted by the people cannot be amended or repealed except by vote of the electors, unless otherwise provided in the initiative act. No provision for amendment or repeal is contained in the 1914 initiative act.

**Argument in Favor of Amendment of Initiative Act**

This measure amends the California Land Registration Act, an initiative act (commonly known as Torrens Title) by adding a section which would permit the Legislature to amend or repeal all or any part of this act at any time.

The cost of maintaining operation of the Land Title Act throughout the State runs into hundreds of thousands of dollars per year which must be borne by the general taxpayer.

Less than one-tenth of one percent of the land in California, in acreage, value or number of parcels, is registered under this act. With the adoption of this measure by the voters the Legislature will be given the right (which it does not now have) to amend or repeal the act. Any such action by the Legislature will preserve and protect all rights that owners of registered land may now possess under the act.

The Assurance Fund which was set up by the act for the purpose of reimbursing an owner who suffers a loss because of an error or defect in his registered title has been in solvent for years and the insurance features of the act serve only as a trap to the unwary.

Owners dealing with registered land cannot rely upon the certificate as showing the true status of title, because in addition to the exceptions set forth in Section 34 of the Land Title Act, the current certificate does not show

- current taxes and assessments
- federal tax liens
- Many state tax liens

- Bankruptcies and receiverships
- Dissolution or forfeiture of corporations
- Incompetency proceedings
- Actions in federal and state courts such as divorce, probate proceedings, etc.

As a result of these defects, title insurance by private title companies is relied upon for security in dealing with registered land and repeal of the act would not affect the status of the registered owner in this respect.

The Registration System is unsatisfactory to registered owners because it requires court actions when certificates of title are lost; to terminate joint tenancies; life estates and homestead interests; to clear tax title, liens ineffective under the Statute of Limitations and numerous other proceedings which are rarely or never required under the recordation system.

The act was superimposed on the State's normal recording procedure and has caused endless confusion. Court procedures required by the act are adding more burdens to our already overloaded courts.

The exhaustive report of the State Lands Commission made pursuant to the Budget Act of 1949 recommends as follows: "It is therefore recommended that the Land Title System of California, as provided for by the initiative enactment of November 3, 1914, be abolished, and that the State Legislature recommend to the electorate the adoption of a measure that will accomplish this end." This measure follows such recommendation.

State Associations of County Recorders, County Tax Collectors, County Auditors and County Boards of Supervisors have all passed resolutions favoring immediate repeal of the act. The general public should welcome this opportunity of repealing an act that costs them hundreds of thousands of dollars a year in tax money and accomplishes no practical purpose.

Vote Yes on this amendment.

STANFORD C. SHAW  
Member of Assembly, 72nd District

STANLEY T. TOMLINSON  
Member of Assembly, 36th District

vide for the granting of aid to the aged in amounts greater than the amounts specified in Section 1 of this article, but shall have no power to provide for the granting of such aid in lesser amounts than the amounts specified in Section 1 of this article.

Sec. 3. Out of any money in the State Treasury not otherwise appropriated there is hereby appropriated each month such sum as is necessary to pay the state share, as determined by law, of the cost of the grant pursuant to Section 1 of this article, to each aged person eligible therefor under the Welfare and Institutions Code, after deducting from the grant the amount of any sum received from the United States Government as assistance in respect

to such person, and after deducting from the state share any sum otherwise appropriated or made available by law for such aid to such person.

The purpose of this section is to make avail the money required to provide aid to eligible persons in the amounts specified in Section 1 of this article. Nothing in this section is intended to prevent the Legislature from determining the extent, if any, to which the counties of the State shall be required to participate in the cost of such aid.

Sec. 4. This article shall become operative on the first day of the fourth month next succeeding the month in which it is adopted by the people of the State.

**5** **TAXATION: EXEMPTION OF VESSELS. Senate Constitutional Amendment No. 23.** Continues exemption of California-registered freight and passenger ships of more than 50 tons burden from local property taxation, such exemption otherwise due to expire January 1, 1955.

YES

NO

(This proposed amendment expressly amends an existing section of the Constitution, therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**.)

PROPOSED AMENDMENT TO ARTICLE XIII

Sec. 4. All vessels of more than 50 tons burden registered at any port in this State and engaged in the transportation of freight or passengers shall be exempt from taxation except for state purposes until and including the first day of January, 1955.

**6** **PAY OF LEGISLATORS. Assembly Constitutional Amendment No. 13.** Sets salaries of members of the State Legislature at \$500 per month.

YES

NO

(This proposed amendment expressly amends existing sections 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 ARTICLE IV

Sec. 2. (a) The sessions of the Legislature shall be annual, but the Governor may, at any time, convene the Legislature, by proclamation, in extraordinary session.

All regular sessions in odd-numbered years shall be known as general sessions and no general session shall exceed 120 calendar days, exclusive of the recess required to be taken in pursuance of this section, in duration.

All regular sessions in even-numbered years shall be known as budget sessions, at which the Legislature shall consider only the Budget Bill for the succeeding fiscal year, revenue acts necessary therefor, the approval or rejection of charters and charter amendments of cities, counties, and cities and counties, and acts necessary to provide for the expenses of the session.

All general sessions shall commence at 12 o'clock m., on the first Monday after the first day of January, and shall continue for a period not exceeding 30 calendar days thereafter; whereupon a recess of both houses must be taken for not less than 30 calendar days. On the reassembling of the Legislature, no bill shall be introduced in either house with-

out the consent of three-fourths of the members thereof, nor shall more than two bills be introduced by any one member after such reassembling.

All budget sessions shall commence at 12 m. o. the first Monday in March and no budget session shall exceed 30 calendar days in duration.

(b) Each Member of the Legislature shall receive for his services the sum of ~~three hundred dollars~~ **five hundred dollars (\$500)** for each month of the term for which he is elected.

No Member of the Legislature shall be reimbursed for his expenses, except for expenses incurred (1) while attending a regular, special or extraordinary session of the Legislature (the expense allowances for which may equal but not exceed the expense allowances at the time authorized for other elected state officers), not exceeding 120 calendar days of any general session or 30 calendar days of any budget session or the duration of a special or extraordinary session or (2) while serving after the Legislature has adjourned or during any recess of the two houses of the Legislature as a member of a joint committee of the two houses or of a committee of either house, when the committee is constituted and acting as an investigating committee to ascertain facts and make recommendations, not exceeding, during any calendar year, 40 days as a member of one or more committees of either house, or 60 days as a member of one or more joint committees, but not exceeding 60 days in the aggregate for all such committee work. The limitations in this subsection (b) are not applicable to mileage allowances.

**7** **LAND TITLES. TORRENS ACT. Amendment of Initiative Act.** Authorizes Legislature to amend or repeal the Land Title Law (Torrens Act) adopted by initiative in 1914.

YES

NO

(This proposed law expressly amends provisions of existing law; therefore, **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED LAW

Sec. 116. The Legislature may amend or repeal all or any part of this act at any time.