

CLM

CALIFORNIA
STATUTES
AND
AMENDMENTS
TO CODES

1895

WITH NOTES OF DECISIONS FROM
VOLUMES 97 TO 104, INCLUSIVE, OF
CALIFORNIA REPORTS.

SAN FRANCISCO:
BANCROFT-WHITNEY CO.
1895.

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LA
BANCROFT-WHITNEY CO.
ASS'N

AMENDMENTS
TO THE
CIVIL CODE

AND
STATUTES RELATING TO THE SUBJECT
MATTERS EMBRACED THEREIN,

ENACTED AT THE
LEGISLATIVE SESSION OF 1895,
TOGETHER WITH CITATIONS THEREOF FROM VOLUMES 97 TO 104
INCLUSIVE OF THE CALIFORNIA REPORTS.

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4. Cited 98 Cal. 551; 104 Cal. 299, 302.
 5. Cited 98 Cal. 33; 104 Cal. 584.
 12. Cited 100 Cal. 132.
 18. Cited 97 Cal. 584.
 19. Cited 97 Cal. 584.
 47. A privileged publication is one made—
 1. In the proper discharge of an official duty.
 2. In any legislative or judicial proceeding, or in any other official proceeding authorized by law.
 3. In a communication, without malice, to a person interested therein, by one who is also interested, or by one who stands in such relation to the person interested as to afford a reasonable ground for supposing the motive for

to have been issued under or by virtue of any or all of the following sections, to wit: sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, and one thousand eight hundred and eighty-eight, of the Political Code, shall be valid in the same manner and to the same extent as if said sections used the words "board of education, board of trustees, or other governing body," in place of the words "board of trustees," whenever the words "board of trustees" occur in said sections. [In effect March 27, 1895.]

1887. School law, issue of school bonds by supervisors of county: 99 Cal. 150, 151.

CHAPTER CLXVIII.

An act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and nineteen, one thousand nine hundred and twenty-three, one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty-two, one thousand nine hundred and forty-two, one thousand nine hundred and sixty-two, one thousand nine hundred and seventy, one thousand nine hundred and eighty, one thousand nine hundred and eighty-three, one thousand nine hundred and eighty-four, one thousand nine hundred and eighty-five, one thousand nine hundred and ninety, two thousand and three, two thousand and four, two thousand and seven, two thousand and twenty-two, two thousand and twenty-four, two thousand and twenty-seven, two thousand and forty, two thousand and forty-eight, two thousand and seventy-six, two thousand and eighty-three, and two thousand and ninety-

four of the Political Code of the state of California, and to add one new section thereto, to be known and numbered as section one thousand nine hundred and ninety-one, and to repeal sections one thousand nine hundred and eighty-seven, one thousand nine hundred and eighty-eight, one thousand nine hundred and eighty-nine, and two thousand and five of said code, all relating to the National Guard of California.

[Approved March 26, 1895.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

1912. The organized uniformed militia of the state of California are known as the National Guard of the state of California. This force shall not exceed sixty-nine companies, of which sixty companies shall be infantry or artillery, as the board of location may direct, and five companies of the Naval Battalion, and the other four companies shall be distributed to such arms of the service as the board of location may direct. The National Guard must be located throughout the state with reference to the military wants thereof, means of concentration, and other military requirements. [In effect March 26, 1895.]

1919. All staff officers shall be citizens of the state of California, and except surgeons, judges-advocate, and chaplains shall be examined as prescribed for elective officers in section one thousand nine hundred and seventy-four of this code before being commissioned. This provision shall not apply to appointees on the staff of the commander-in-chief. [In effect March 26, 1895.]

1923. All moneys hereafter appropriated for the purchase of service uniforms or equipments shall be devoted entirely to the purchase of uniforms and necessary equipments, which shall be the same as worn by similar corps in the United States army, and nothing further shall be expended upon dress uniforms or equipments. Any regi-

ment, unattached battalion, or unattached company may, however, adopt, subject to the approval of the commander in chief, a distinctive dress uniform and equipments, which may be worn on all occasions, unless otherwise ordered; but the expense of providing and maintaining such uniforms and equipments shall be borne entirely by the organization so adopting. There shall be a board of three officers, to be detailed by the commander in chief, which board shall meet from time to time, but at least once in each year, for the purpose of considering and recommending to the commander in chief what in its judgment is most urgently required for the uniforming and equipping of the guard from time to time. [In effect March 26, 1895.]

1929. Any enlisted man may be discharged before the expiration of his term of service, by order of the commanding officer of the regiment or unattached battalion, or, if a member of an unattached company, troop, or battery, by the brigade commander, on the recommendation of his company commander, and also for any of the following reasons: To accept promotion by commission; upon removal of residence from the state, or out of the bounds of the command to which he belongs to so great a distance that, in the opinion of the commanding officer, he cannot properly perform his military duty; upon disability, established by certificate of a medical officer; whenever such commanding officer shall approve the application of two-thirds of the members of a company requesting the discharge of an enlisted man thereof, and if, at a regular meeting of a company, or of a meeting called for that purpose, two-thirds of the members of a company desire by vote the discharge of one of their members, an application for the discharge of such soldier shall be made by the company commander. Or he may be dishonorably dis.

charged for either of the following reasons: Upon conviction of felony in a civil court; by sentence of a court-martial. A character shall be attached to all discharges. Every member of the National Guard dishonorably discharged from the military service of the state of California shall be disfranchised for the period of one year next ensuing such discharge. The discharges herein provided shall be made by the commanding officer of the regiment or unattached battalion, and in the case of members of unattached companies, troops, or batteries by the brigade commander. [In effect March 26, 1895.]

1932. No dishonorably discharged noncommissioned officer, artificer, musician, or private, or member of a company dishonorably discharged from the National Guard, shall be permitted to again enter any company of the National Guard, except the offense is pardoned by the commander in chief. No dishonorably discharged officer of the National Guard of California shall be permitted to hold any office of trust or emolument, nor be permitted to again enter any company of the National Guard, except the offense be pardoned by the commander in chief. [In effect March 26, 1895.]

1942. The colors carried by organizations of the National Guard shall be such as are borne by similar organizations of the United States army, except that the regimental or battalion color shall have thereon the state coat-of-arms, instead of the arms of the United States; and no military organization provided for by the constitution and laws of the state, and receiving state support, shall, while under arms, either for ceremony or duty, carry any device, banner, or flag of any state or nation, except that of the United States or of the state of California. It shall not be lawful for any body of men whatever, other than the regular organized National Guard of this

state, and the troops of the United States, to associate themselves together as a military company or organization, to drill or parade with arms in this state, without the license of the governor thereof, which license may at any time be revoked; *provided*, that students in educational institutions where military science is a part of the course of instruction may, with the consent of the governor, drill and parade with arms, in public under the superintendence of their instructor; *and provided further*, that nothing herein contained shall be so construed as to prevent benevolent or social organizations from wearing swords. Any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor and subject to arrest and punishment therefor. [In effect March 26, 1895.]

1962. The companies, troops, and batteries of the National Guard shall be composed of officers and men as follows:

1. Each company of infantry shall have not less than fifty nor more than one hundred and three officers, non-commissioned officers, and privates, which must include one commissioned officer, and may include one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, and two musicians.
2. Each troop of cavalry shall have not less than fifty nor more than one hundred and three officers, non-commissioned officers, and privates, which must include one commissioned officer, and may include one captain, two first lieutenants, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, two trumpeters, two farriers, and one saddler.
3. Each foot battery shall have not less than fifty nor more than one hundred and three officers, noncommis-

9. The court shall be conducted in the same manner as summary courts-martial are in the service of the United States, and shall have the trial of all offenses, delinquencies, and deficiencies that occur in the regiment or battalion for which it shall have been appointed, and also of any that occur in the separate companies, troops, or batteries; and the said courts shall have power to impose and direct to be levied all the fines or penalties to which enlisted men are declared to be subject by the provisions of this chapter.

10. The proceedings and sentence of any such court shall, without delay, be delivered to the officer ordering the court, who shall approve or disapprove the same within fifteen days thereafter, and shall give notice of his approval or disapproval to the president thereof; and from the sentence of any such court imposing a fine or penalty for any offense, delinquency, or deficiency, an appeal, if made within twenty days after the fine or penalty was made known to the person fined, shall be allowed to the officer ordering the court, or to his successor in command, and he may remit or mitigate such penalty or fine. [In effect March 26, 1895.]

2083. Courts of inquiry are governed by the same rules as similar courts in the army of the United States. They shall have the same power to compel the attendance of witnesses when summoned by them, to preserve order in and about the courtroom during sessions, and to punish for contempt, as judges of the superior court have under the laws of this state. [In effect March 26, 1895.]

2094. There must be audited and allowed by the board of military auditors, and paid out of the appropriation for military purposes, upon the warrant of the state controller, to the commanding officer of each infantry or artillery

company of the National Guard, the sum of one hundred dollars per month; to the commanding officer of each light battery, having not less than four guns, with which they regularly drill and parade, and to the commanding officer of each troop of cavalry, the sum of two hundred dollars per month; and to the commanding officer of each company of the naval battalion the sum of one hundred dollars per month, the sum so paid to be used for armory rent, care of arms, and proper incidental expenses of the company. There must also be audited, allowed, and paid out of the same appropriations, to the commanding officer of each regiment or battalion, the sum of five dollars per month for each company in his command for clerical expenses, stationery, printing, and postage; and if the regiment or battalion has more than four companies, and has attached to it an organized and uniformed band of not less than twenty people, the additional sum of thirty-five dollars per month for such band; to the major general four hundred dollars per annum; to the brigadier general of each brigade three dollars per month for each company in his brigade, and to each company a sum necessary for uniforms, and to keep the same in repair, not to exceed one hundred and fifty dollars per annum; and to the adjutant general four thousand dollars per annum, to be expended by him in promoting rifle practice. There shall also be paid from the military appropriations of the state a sum not exceeding five hundred dollars for the first year of its existence, to the brigadier generals for a hospital and ambulance corps in their respective brigades, which sum shall be expended in the purchasing of proper supplies, equipments, and medicines for such corps, and thereafter to such corps there shall be paid a sum, for the same purpose, of not exceeding five hundred dollars per annum. [In effect March 26, 1895.]