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NO. 23

OPINION SUSTAINED

District Attorney Eshleman's Opinion Upheld by Att. Gen.

MEANS BIG SAVING

To the New County of Imperial.
San Diego County Will Pay for Data

At the joint meeting of the boards of supervisors of San Diego and Imperial counties last week there was some disagreement as to which county was to pay for transcribing the assessment roll. It was passed up to the district attorneys and John M. Eshleman took the ground that it was the duty of San Diego county to pay the bill. San Diego's district attorney took exceptions to this opinion and to quickly settle the matter it was agreed to lay the matter before the Attorney General, which was done in the following telegram:

SAN FRANCISCO, September 5, 1907.
J. M. ESHLEMAN, ESQ.,
District Attorney Imperial Co.
Imperial, California.

DEAR SIR:
I have your telegram which reads as follows:

"For purpose making tax levy for new county Imperial we are short necessary data from old county San Diego. Advise quickly whose duty under section ten, chapter two twenty-seven statute nineteen seven it is to furnish copy of assessment rolls and necessary data to supervisors Imperial county and who shall settle necessary expense for preparing same."

A few days ago I received from the District Attorney of San Diego the same request and I have this day mailed to District Attorney Kirby an opinion covering such question, a copy of which opinion I am pleased to hand you herewith.

Very truly yours,
U. S. WEBB,
Attorney General.

Replying the attorney general gave it as his opinion that it was incumbent upon the county of San Diego to furnish the necessary data at their expense in the following letter:

SAN FRANCISCO, September 5, 1907.
LOUIS R. KIRBY, ESQ.,
District Attorney San Diego Co.,
San Diego, California.

DEAR SIR:
I have your letter of August 29, 1907, in which you state:

"An election was recently held pursuant to the provisions of an act of the legislature found on page 275 of the statutes of 1907, entitled 'An act to provide for the formation, organization and classification of new counties for locating the county seats, for the election and appointment of officers and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.' Pursuant to this statute an election was held at which the necessary number of votes voted in favor of creating the county of Imperial from a portion of the territory of the county of San Diego. A resolution reciting the proceedings was passed by the board of supervisors of this county and the same was duly filed in the office of the Secretary of State as required by the provisions of this act.

Section 10 of said statute, page 286, provides that
"Upon the creation of the new county it shall be the duty of the officers of the old county to immediately execute and deliver to the

board of supervisors of such new county copies of all assessments or other proceedings relative to the assessment and collection of the current State and county taxes of property in such new county. Such copies shall be filed with the respective officers of the new county who would have the custody of the same if the proceeding had been originally had in the new county and such certified copies shall be taken and deemed as originals, and original proceedings in the new county and all proceedings therein recited shall be taken and deemed, etc." Compliance with this provision on the part of the old officers of this county will entail a large expense and will necessitate the employment of a large clerical force immediately. Such old officers have reported to this office their unwillingness to pay out of their own pockets the cost of preparing copies provided for in said section. Nothing is said in the statute itself concerning the payment of the cost of furnishing the new county with the necessary data upon which it is evidently contemplated the new board of supervisors of said new county shall fix the tax rate of said new county."

Upon the question thus presented you ask the advice of this office. The same question has also been submitted to me by J. M. Eshleman, District Attorney of the County of Imperial.

Section 10 of the statute under which the County of Imperial was created, and hereinabove quoted, makes it the duty of the officers of the County of San Diego "to immediately execute and deliver to the Board of Supervisors of 'the County of Imperial 'copies of all assessments or other proceedings relative to the assessment and collection of the current State and County taxes of property in such new county.'"

In the light of a statutory provision so clear, direct, and certain, it is a matter of some wonderment that questions as to its meaning should arise.

The officers of San Diego affected by this provision are within the control of the Legislature and it is entirely competent for the Legislature to prescribe their duties and these duties may be increased or diminished during the term of the incumbent. That a statute imposing new and additional duties upon an incumbent officer does not provide an additional compensation is not a legal objection to the validity of such statute. That new and additional duties may be imposed upon an incumbent officer has been distinctly held by the Supreme Court of this State, in Miller vs. Kister, 68 Cal. 144; it was said:

"But it is well settled that salaried public officers, created by the legislature, are not held by contract or grant. The legislature has full control over them, unless restricted by the constitution, and may abolish them altogether, or impose upon them new duties or reduce their salaries."

The language just quoted is approved and adopted in Pennie vs. Reis, 80 Cal. 269.

The statute in question provides additional duties for certain officers of San Diego County but does not provide an additional compensation and we must assume that it was the judgment of the legislature that the salary fixed by law for these officers was sufficient to compensate them for the performance of all official duty, including the new duties cast upon them by this Act. It is, therefore, my opinion that it is the duty of the proper officers of San Diego County to comply strictly with the provisions of the Act in question and that such officers are not entitled to additional compensation for such compliance.

Very truly yours,
U. S. WEBB,
Attorney General

The opinion as rendered upholds attorney Eshleman's views in the matter, and comes as a matter of gratifying news to the people of Imperial county, in as much as it means a saving of approximately \$1200, which is no small item to a new county, just starting.

C. E. Bangs, a retired merchant of San Diego, was in Ramona last week on his way to Pamo valley, where he had purchased a band of horses for his Imperial ranch. — San Diego Herald.

TELEPHONE EXCHANGE

El Centro Will Have Exchange by October 1st.

Manager Yeakle of the Imperial Telephone company was in El Centro yesterday completing arrangements for putting in a switch at this place. He was also adding several new phones to the list. The addition to the valley system of a switch board at El Centro will improve the system, especially the town system. Several changes on the trunk lines are contemplated.

The central office here will be in the library room and Albert Durham will act as agent for the company here. Mr. Yeakle says the capacity of this switch board is quite large and several more subscribers can be accommodated

JUSTICE'S COURT

Peace Disturbers and the Turkey Case Threshed Out This Week

Monday morning Sheriff Meadows and Constable Eslow brought in three disturbers of the peace from Calexico. One of them was an educated Indian, while the other two were merely Indians. They had tanked up pretty freely on Mescal on Sunday and became too jubilant and were put under arrest.

They were brought before Justice Payne Monday and two of the Indians were fined \$10 and \$25 respectively. The one that incurred a debt to the county of \$25 paid nine dollars on account and together with the other one was sent to jail until the fine was paid. The \$10 Indian managed to get the required amount a couple of days later and was allowed to go. The third one could not talk English, so his case was continued until Tuesday when an interpreter came from Calexico. His proved to be another case of poor dog Tray getting into bad company, so the judge imposed a respectful fine and let him go, with the understanding that as long as he was a good Indian he would not have to pay.

This leaves the one in jail yet, the county waiting for a further payment on account.

The case of Wittenberg vs. Hucklebridge came up for hearing in justice court Tuesday afternoon at 3 o'clock. Mrs. Wittenberg alleged in her complaint that Hucklebridge stole some turkeys from her, but at the trial she was unable to bring out a sufficient amount of substantial evidence to warrant the court in committing the defendant for petty larceny. Case was dismissed.

Blanks! Blanks!

Attorneys, real estate men will do well to come to the Press office for their blanks. Most all kinds in stock. You can buy one or as many as you like. Correct forms only in stock. Prices right.

Robt. Stratton and family are back from their visit to Julian. They drove over from there by team. Bob says they had a fine six week's outing.

A Party From Long Beach

The valley was visited by quite a party from Long Beach this week. They took in Calexico, Holtville, El Centro and Brawley. Those in the party were: C. H. Heoge, Dr. P. G. Kimball, Mr. and Mrs. Sprague, W. L. Dawes and Mrs. Geo. Larson. Mr. Heoge is a real estate man of Long Beach and owns some land at Brauley. While the party was in El Centro they were shown the town by A. B. Steeley, recently from Long Beach. They were somewhat surprised to find such splendid accommodations as are to be had in the valley. They were deeply interested in what would grow here and how early the products of the valley could be put on the market, and the possible returns.

No More Slot Machines

Last Thursday was the last day for the slot machine. The ordinance against all forms of gambling and games of chance went into effect on and after the 12th day of September. There were a number of the machines in El Centro and there are yet, for that matter, but the cranks are all taken off and every slot machine in the town is absolutely out of commission. No doubt this is the case in every town in the valley, as the county law is very stringent and covers the ground fully.

REPORTED ARREST

Unverified Report Comes to Hand That Skinner Has Been Arrested

The report comes to the Press that the much talked of Skinner, who has had his name connected with land frauds and contests to a considerable extent in the past few weeks, has been arrested in Los Angeles along with an Imperial Valley resident, charged with filing fraudulent contests throughout the Imperial Valley, and inciting others to doing so. The report comes to hand in such a way that the truth of the matter cannot be absolutely verified, as it was claimed that the matter was being kept as still as possible so that at least two more people could be put under arrest on practically the same charge.

That there will be a stir in the line of contests in the near future is not to be wondered at, for the settler in the valley who has been here for three or four years and has gone through the hardships of reclaiming the desert and who has fulfilled the requirements of the law does not in the least relish the idea of being compelled to go before the land office and proving that he has already done so, to satisfy malicious contesters.

Recently a traveling salesman for a Los Angeles wholesale grocery house made his rounds to the valley towns, and he afterwards said the merchants were give orders for twice and three times the quantity of goods than previously. The El Centro Mercantile company put in an order for a full carload of new-crop canned goods.

Lumber is on the ground to build a dancing pavilion here.

HOUSES BUILDING

Many New Dwelling Houses Are Going Up Here

OTHERS TO FOLLOW

New Business Blocks are in Contemplation. Business is Seeking Quarters

The building of houses has started early this fall. Reports from all over the valley indicate that there is going to be a boom in the building this fall and winter. The lumber yards are putting in large orders and contractors are busy figuring. Both dwelling houses and business blocks are receiving their attention, and the plans for the future seem to be quite extensive.

In El Centro the building of dwelling houses is steadily progressing, and carpenters say there is any amount of building in sight.

J. Stanley Brown has carpenters at work on his new residence on Olive street, between Sixth and Seventh. This is going to be a very fine cottages, planned especially for this country by Mr. Brown who is overseeing its construction.

F. D. Boyer has his new residence in the northwest part of town nearly finished.

The Wash Bros. are erecting a cottage of comfortable dimensions just west of Mr. Fuller's.

J. W. Lindsay is building another house on Brighton street between Sixth and Seventh.

Mrs. Sarah H. King is having built in the western part of town a neat cottage, and may put up several more in the same neighborhood this fall and winter.

H. C. Griswold reports that he will have his new house completed just as soon as he can secure carpenters to do the work. Mr. and Mrs. Griswold expect to move to town to live as soon as they can get a house ready.

Excavation was started yesterday for the foundation for the new county jail. Brick will commence arriving from Holtville probably today and contractor Peterson will begin laying the foundation Monday or Tuesday. The jail will be located on Main street about 75 feet west of the postoffice.

As soon as brick can be burned work will commence on the addition of the ice plant. An additional freezing room is to be built on the north, which will increase the capacity of this already large plant.

Geo. A. Long, of Imperial, has been appointed live stock inspector of the county.

The board of Supervisors this week appointed A. E. Eslow as constable for Calexico township acting upon a petition from the voters there.