

CHAPTER 740.

An act to amend an act entitled, "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain act approved March 19, 1909, by amending section six thereof, and by adding a new section to said act which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice, medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and providing penalties for a violation of any of the provisions of said act, or of any of the provisions of section 13a hereby added thereto.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section six of an act entitled, "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain act approved March 19, 1909, is hereby amended to read as follows:

Section 6. Three forms of certificate shall be issued by said board under the seal thereof and signed by the president and the secretary: First, a certificate authorizing the holder thereof to practice medicine and surgery; second, a certificate authorizing the holder thereof to practice osteopathy; third, a certificate authorizing the holder thereof to practice any other system or mode of treating the sick or afflicted not referred to in this section.

Forms of
certificate
issued.

In order to procure a certificate to practice medicine and surgery, the applicant for such certificate must file with said board at least two weeks prior to a regular meeting thereof, satisfactory testimonials of good moral character, and a diploma issued by some legally chartered medical school, the requirements of which shall have been at the time of granting such diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, or satisfactory evidence of having possessed such diploma, and he must also file with said diploma an application sworn to before some person authorized to administer oaths, and attested by the hand and seal of such officer, if he have a seal, stating that he is the person named in said diploma, that he is the lawful

Applica-
tion for
certificate.

holder thereof, and that the same was procured in the regular course of instruction and examination, without fraud or misrepresentation. The said application shall be made upon a blank furnished by said board, and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as said board may by rule provide. Applicants who have failed to meet the above requirements must be rejected.

Applica-
tion for
certificate
to practice
oste-
opathy,
etc.

Applicants for a certificate to practice osteopathy shall be subject to the above regulations, except that in place of the diploma hereinbefore referred to, they shall be required to file a diploma from a legally chartered college of osteopathy, having a course of instruction of at least twenty months, requiring actual attendance, and after 1908, of three years of nine months each, and including the studies examined upon under this act. Applicants for a certificate to practice any other system or mode of treatment not in this act referred to, shall be subject to the above regulations, except that in place of the diplomas hereinbefore referred to, they shall be required to file a diploma from a legally chartered college of the system or mode of treatment which the applicant claims or intends to follow; provided, however, that the state board of medical examiners may issue a certificate, to any person who has practiced a special branch of medicine and surgery, at the time this act goes into effect, for a period of not less than thirty-five years, fifteen years of which time shall have been within the State of California; an applicant to practice a special branch of medicine and surgery must file an affidavit with the board of medical examiners, sworn to before some person authorized to take and administer an oath and attested by the hand and seal of such person, stating that he has successfully and effectively practiced the special branch of medicine and surgery for the term of years as hereinbefore mentioned; and such applicant to practice a special branch of medicine and surgery, shall not be required to file a diploma, as hereinbefore referred to, but such applicant may be required to take an examination, which shall be practical in character and shall consist of a practical demonstration in the special branch of medicine and surgery set forth in the affidavit of such applicant; and such practical demonstration shall be for the purpose of ascertaining an applicant's fitness to practice the special branch of medicine and surgery set forth in the affidavit of the applicant; and in addition thereto, such applicant may be required to produce testimony to the effect that he has successfully and effectively practiced the special branch of medicine and surgery as set forth in the affidavit hereinabove referred to; and if after such practical demonstration an applicant shall qualify, by effecting a cure, the state board of medical examiners shall issue a certificate to such applicant to practice the special branch of medicine and surgery set forth in the affidavit of such applicant.

Personal
examina-
tion.

In addition to the requirements above set forth, except as otherwise stated all applicants for a certificate must be per-

sonally examined by said board as to their qualifications. The examination shall be conducted in the English language, shall be practical in character and designed to discover the applicant's fitness to practice his profession, and shall be, in whole or in part, in writing on the following fundamental subjects, to wit: Anatomy, histology, gynecology, pathology, bacteriology, chemistry and toxicology, physiology, obstetrics, general diagnosis, hygiene. Examinations in each subject shall consist of not less than ten questions, answers to which shall be marked upon a scale of zero to ten. But all applicants must obtain not less than a general average of seventy-five per cent and not less than sixty per cent in any one subject; provided, that applicants, who can show at least ten years of reputable practice shall be granted a credit of five per cent upon the general average, and five per cent, additional for each subsequent ten years of such practice. Provided further, that any applicant obtaining seventy-five per cent each, in seven subjects, shall be subsequently re-examined in those subjects only in which he failed, and without additional fee.

The examination papers shall form a part of the records of the board, and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the board has finally voted upon the application. The secretary of the board shall in no instance participate as an examiner in any examination held by the board.

Examina
tion papers
preserved.

SEC. 2. A new section to be numbered section 13a, is hereby added to that certain act entitled "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation." Approved March 14, 1907, as amended by a certain act approved March 19, 1909, which section shall be in the words and figures following, to wit:

Section 13a. Any person, company or association shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by imprisonment in the county jail not less than ten (10) days nor more than one (1) year, or by a fine of not less than one hundred (100) dollars, nor more than one thousand (1000) dollars, or by both such fine and imprisonment, who (1) shall sell or barter or offer to sell or barter any medical or osteopathic degree or any certificate or transcript, made or purporting to be made pursuant to any laws regulating the license and registration of physicians, osteopathic physicians or persons lawfully engaged in practicing any other system or mode of treating the sick or afflicted; or, (2) shall purchase or procure by barter, any such diploma, certificate or transcript, with intent that the same shall be used as evidence of the holder's qualification to practice medicine, surgery, osteopathy, or any other system or mode of treating

Sale of
medical
degree a
misdemeanor.

Diploma,
etc.

the sick or afflicted, or in fraud of the laws regulating such practice; or, (3) shall, with fraudulent intent, alter in material regard any such diploma, certificate or transcript; or, (4) shall use or attempt to use any such diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a certificate, or color of certificate, to practice medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted; or, (5) shall practice medicine, surgery, osteopathy or any other system or mode of treating the sick or afflicted under a false or assumed name, or under any name other than that inscribed by the board of medical examiners of the State of California, in its certificate issued to such person entitling, or which is claimed to entitle, such person to practice medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted; or, (6) shall assume the degree of "doctor of medicine," or shall append the letters "M.D." to his or her name not having duly conferred upon him or her, by diploma from a recognized medical college or school legally empowered to confer the same, the right to assume said title; or shall assume any title, or append any letters to his or her name with the intent to represent falsely that he or she has received a degree, or a certificate to practice medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted; or, (7) shall in an affidavit, required of an applicant for examination, license, or registration under this act, willfully make a false statement in a material regard; or, (8) shall engage in the practice of medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted without causing to be displayed in a conspicuous manner and in a conspicuous place in her or his office the name of each and every person employed in the practice of medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted therein; or, (9) shall within ten days after demand made by the secretary of the board, fail to furnish to said board the name and address of all persons practicing or assisting in the practice of medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted, in the office of said person, company or association, at any time within sixty (60) days prior to said notice, together with a sworn statement showing under and by what license or authority said person or persons, or said employee, or employees, is or are, or has or have been practicing medicine or surgery, osteopathy or any other system or mode of treating the sick or afflicted, but such affidavit shall not be used as evidence against such person or employee in any proceeding under this section; or, (10) is practicing medicine, surgery, osteopathy, or any other system or mode of treating the sick or afflicted in this state without a certificate from the board of medical examiners of the State of California, or whose certificate has been revoked or suspended by said board; or, (11) shall in any sign displayed by him or her, or in any advertisement

Altering diploma.

Fraudulent use of diploma.

Practicing under assumed name.

Assuming degree.

False statement.

Display of names in office.

Failure to furnish names of assistants.

Practicing without certificate.

Advertising as doctor.

published in any newspaper by him or her, use the word "doctor" as indicating or implying that he is a doctor of medicine either before or after his or her name, or shall append the letters "M.D." to his or her name in any such sign, or in any such advertisement, without having, at the time of so doing, a valid, unrevoked certificate, as provided in this act. Nothing, however, in this section shall be construed as repealing or in any manner affecting section 17 of an act entitled "An act for the regulation of the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14th, 1907, as amended by a certain act approved March 19th, 1909. Not repealed.

SEC. 3. Any surgeon honorably discharged from the medical department of the U. S. army or navy, regular or volunteers, is herewith authorized to practice medicine and surgery in the State of California, by filing a sworn copy of his discharge with the state board of medical examiners and paying said board a fee of fifty dollars (\$50.00). Surgeon from United States army.

SEC. 4. This act shall take effect and be in force from and after July 1st, 1911.

CHAPTER 741.

An act to amend the Political Code of the State of California by amending sections 1094, 1097, 1109, 1145 and 1216 of said Political Code, and by adding to said Political Code two new sections to be known and numbered as section 1106a, and section 1072a of said Political Code, all relating to elections.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1094 of the Political Code is hereby amended to read as follows:

1094. There shall be, in each even-numbered year in each of the counties of the state, a new and complete registration of the voters of such counties and cities and counties, who are entitled thereto. Such registration shall begin on the first day of January of such years, and shall be in progress at all times except during the thirty days immediately preceding any election. The board having charge and control of elections in the several counties and cities and counties, may provide by resolution, for the registration of voters in their respective precincts, by the officer charged with the registration of voters and may also provide by resolution for the registration of voters at specified times and places, other than the office of the county clerk or registrar of voters deemed Complete registration of voters.

absence of evidence can only be made upon affidavit showing the materiality of the evidence expected to be obtained, and that due diligence has been used to procure it. Motion to postpone a trial.

A trial shall be postponed when it appears to the court that the attorney of record, party, or principal witness is actually engaged in attendance upon a session of the legislature of this state as a member thereof.

The court may require the moving party, where application is made on account of the absence of a material witness, to state upon affidavit the evidence which he expects to obtain; and if the adverse party thereupon admits that such evidence would be given, and that it be considered as actually given on the trial, or offered and overruled as improper, the trial must not be postponed.

In actions involving the title to mining claims, or involving trespass for damage upon mining claims, if it be made to appear to the satisfaction of the court that, in order that justice may be done and the action fairly tried on its merits, it is necessary that further developments should be made, underground or upon the surface of the mining claims involved in said action, the court shall grant the postponement of the trial of the action, giving the party a reasonable time in which to prepare for trial and to do said development work. Involving title to mining claim.

CHAPTER 745.

An act to amend an act entitled "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending section one of said act.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, is hereby amended to read as follows:

Section 1. The governor shall appoint a board of medical examiners, to be known as the board of medical examiners of the State of California, consisting of eleven members. Such appointments shall be made as follows: Five members from the school or system commonly known and designated as the regular or allopathic, two members from the homeopathic school or system, two members from the eclectic school or Board of medical examiners.

system and two members from the osteopathic school or system. Said members of the medical profession at the time of such appointment, shall have been residents of the State of California, and citizens of the United States, and practicing the principles of medicine, in accordance with the system or school from which they are appointed, for at least five years next preceding their appointment. All vacancies shall be filled by appointment from the school or system in which the vacancy occurs. The appointment of each member shall be for a term of two years, and until his successor is appointed and qualified; provided, however, that no professor, instructor, or other person in any manner connected with or financially interested in any college or school of medicine, or surgery, or osteopathy, shall be appointed a member of said board. It shall require the affirmative vote of seven members of said board to carry any motion or resolution, to adopt any rule to pass any measure, or to authorize the issuance of any certificate as in this act provided. Provided further, the governor of the State of California shall have, at all times, the power to remove from office any member of the board for continual neglect of duty required by this act, or for incompetency, or unprofessional or dishonorable conduct.

SEC. 2. This act shall take effect immediately.

CHAPTER 746.

An act to amend section four thousand and forty-one of the Political Code of California, relating to the general, permanent powers of the board of supervisors.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand and forty-one of the Political Code of California is hereby amended to read as follows:

4041. The boards of supervisors, in their respective counties, shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law:

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county charged with the assessing, collecting, safe-keeping, management, or disbursement of the public revenues; to see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection.

2. To divide the counties into townships, election, school, road, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires.

Powers of supervisors.

Supervise conduct of county officers.

Divide counties into townships.