

General Law in California is NOT Codified.
Codes are not part of General Law, i.e. Statutes

[This page is a companion piece to [A legal History of The California Codes](#).
[This is a partial explanation of when and where this "codification" process started: [The History of the Field Codes:](#)]

The courts tell us that it is our responsibility to know the law and that ignorance of the law is no excuse.

It is an emphatic postulate of both civil and penal law that ignorance of a law is no excuse for a violation thereof. Of course it is based on a fiction, because no man can know all the law, but is a maxim which the law itself does not permit any one to gainsay. ... The rule rests on public **necessity**; the welfare of society and the **safety of the state** depend upon its enforcement.

If a person accused of a crime could shield himself behind the defense that he was ignorant of the law which he violated, immunity from punishment would in most cases result.

People v. O'Brien (1892), 96 Cal. [California Supreme Court Reports] 171, 176.

With the possible exception of "civics" or "government" classes in high school, most of us have never been formally taught **anything** at all about "the law". Generally, the average citizen can take college or community college classes on Criminal Law, Business Law, and Real Estate Law; but little is available on the Principles behind the Law unless one goes to Law School [and maybe not even then].

Wonder who benefits from that state of affairs?
Could it be the lawyers?

So what exactly **is** "the law"?
Who exactly does "the law" apply to?
You are more than welcome to help me find out.

Notice of Applicable California Law concerning General Law.

Official Notice Requested (West's Ann.Cal.Gov. Code (2003), § 11515)
JUDICIAL NOTICE REQUIRED (West's Ann.Cal.Evid. Code (2003), §§ 451, 453, 459).

**Declarant, _____ a natural born, adult white Man,
one of the People of the united States of America and of California does Solemnly state that:**

1. I had occasion to investigate the differences between General Law and The California Codes in California. Some of my research results are presented here:

2. From West's Ann.Cal.Civ. Code (1982), p. V, Foreword:

The present system of Codes in California was anticipated by the enactment in **1872** of the Civil Code, the Code of Civil Procedure, the Penal Code, and the Political Code. The first three of these Codes are still in existence, but the subject matter of the Political Code is now largely covered by the Government Code.

The intensive codification program which produced the current set of Codes was launched in 1929 with the enactment of Stats. 1929, c. 750, and was completed in 1953 with the enactment of the Unemployment Insurance Code. The set then consisted of twenty-five Codes including the three enacted in 1872. The total was increased to twenty-seven with the adoption of the Commercial Code in 1963, and of the Evidence Code in 1965. In 1981, the twenty-eighth code was added when the Public Contract Code was enacted.

Stats. 1929, c. 750, which launched the codification program, created the **California Code Commission**, and charged it with the duty of revising all laws of the state. The work of revision was to comprehend the preparation of a statutory record showing the status and disposition of acts theretofore adopted, the codification, consolidation, compilation or revision of all statutes theretofore repealed by implication, held unconstitutional, or rendered obsolete by the revision. The final report of the Code Commission was submitted September 1, 1953.

An essential preliminary part of the Code Commission's work was the preparation of a **statutory record** showing origin, amendments, and repeals of state laws enacted since 1850. The first volume of **Statutory Record** was published in 1933. Thereafter a supplementary volume was published for the period 1933-1948, another for the period 1949-1958, and another for the period 1959-1968. The Record is supplemented and brought to date in each volume of the session laws [Statutes and Amendments to the Codes].

The **California Law Revision Commission** was created in 1953 (Government Code sec. 10300) and charged with the duty of recommending changes deemed necessary to eliminate defects and anachronisms, to modify or eliminate antiquated and inequitable rules of law, and to bring the law into harmony with modern conditions (Government Code sec. 10330). The recommendations of the Commission have resulted in the enactment of numerous revisions of, as well as additions to, the law.

Publication of West's California Codes was announced in 1954. This is a completely annotated edition which is supplemented by means of pocket parts and pamphlets.

The official [not necessarily West's] Codes incorporate all the general and permanent legislative law of California. West's Annotated Codes contain additionally the text of--

Initiative Measures--

...
Usury Law (Civil Code secs. 1916-1 et seq.)

Uncodified laws of general interest--

See, for example, the Appendixes to the Public Utilities Code and the Harbors and Navigation Code
[In Deering's Codes, see the Volume Uncodified Measures]

General and permanent laws are enacted in California as additions to or amendments of the Codes. The code section numbers, as well as Title, Division, Part, Chapter, and Article headings, where appropriate, are included in the laws as enacted. However, section headings for West's Codes are prepared by the West editorial staff, except for certain headings which are supplied by the Office of Legislative Counsel [so section headings are not "Official"]. **Subsequent to their original enactment several of the Codes have been repealed in their entirety and reenacted. These are--**

Agricultural

(Renamed the "Food and Agriculture Code" in 1972 enacted 1933 reenacted 1967

Education enacted 1943 reenacted 1976

Elections enacted 1939 reenacted 1961

Fish and Game enacted 1933 reenacted 1957

Vehicle enacted 1933 reenacted 1959

Research has been complicated in California by the enactment and reenactment of new Codes, Divisions, Parts, and Chapters in which subject matter is revised, transferred or repealed, and the same section numbers are used over again to identify different text. The problem thus created is solved in West's California Codes by the inclusion of Conversion Tables, italicized notes, and historical notes containing explanatory matter and derivation credits, all of which combine to trace the law from its origin to the present, and from the present law to its source. Depending on their size and scope, the Tables are inserted at the beginning of volumes or at the head of chapters.

The user of the General Index should examine both main volume and pocket part, and having found his reference, should look for his section in both pocket part and main volume of the Code cited.

The pocket parts for West's California Codes supplement both the text and the annotative materials in the main volumes. ... Cumulative Tables and an Index in each legislative service pamphlet enable the user to find amendments of existing sections and to identify and locate newly enacted laws.

The development of the California Codes reflects the progressive [socialist?] posture of the California Legislators and of other energetic and enlightened individuals [co-conspirators?] with an interest in the future of the state. ... The legislative solutions, to the extent that control and regulation can be effective, are found in the pages of the California Codes.

3. The California Supreme Court has held:

It is a well-recognized rule that for purposes of statutory construction the codes are to be regarded as blending into each other and constituting but a single statute. (*Proctor v. Justice's Court* (1940), 209 Cal. 39, 43 [285 P. 213]; *County of Butte v. Merrill* (1903), 141 Cal. 396, 399 [74 P. 1036]; *Clarke v. Mead* (1894), 102 Cal. 516, 520 [39 P. 862].)

In re Porterfield (1946), 28 Cal.2d 91, 168 P.2d 706.

4. From Index to the Laws of California, 1850-1920, Including the Statutes, the Codes, and the Constitution of 1879, together with Amendments thereto (1921), PREFACE:

This work, authorized by the Legislature and assigned to the Legislative Counsel for preparation, was initiated by my predecessor, Arthur P. Will, Esq.

It is the aim of this book to furnish in a single volume ready reference to any and all statutes and constitutional provisions adopted in California from 1850 to date. This includes charters, concurrent and joint resolutions, **special laws** and appropriate measures, as well as **general laws** and code sections.

In addition to the alphabetical index, tables have been prepared giving the complete statutory history of code sections and **general laws**, supplemented, in the case of **general laws**, by cross-references indicating new acts and code provisions upon the same subject. ...

This book is commended to the public with the feeling that it will be more valuable than we had hoped.
George B. Bush, *Legislative Counsel*.

5.a. From Statutory Record Supplement to the Index to the Laws of California, 1850-1920 (1933):

The **statutory record** prepared by the California Code Commission is a **complete history of every act passed by the Legislature from 1850 to 1932**, showing all sections amended, added, repealed, supplemented or superseded. ...

The statutory record was prepared by the California Code Commission primarily in connection with its revision of all the California law, and considerable time and effort were expended to assure completeness and accuracy. It is hoped that the usefulness of the record to judges, attorney and laymen warrants its publication for general distribution. ...

This index supplements the "Index to the Laws of California, 1850-1920," published by the State, and indexes all statutes, constitutional amendments and resolutions adopted from 1920 to 1932 as they appear in the official statute volumes.

During the period of time covered by this index, a **large proportion of the law of the State has**

undergone a thorough overhauling, so that perhaps **seventy-five per cent of the law** in force in this State is included in this index although but **eleven years** of legislation are involved....

5.b. From Statutory Record Supplement (1933-1948), p. iii, PREFACE:

The original statutory record (1850-1932) was prepared by the California Code Commission primarily for use in connection with its **revision of all the California law**. It is a **complete history** of every act passed by the Legislature from 1850 to 1932, showing all sections amended, added, repealed, supplemented or superseded.

This 1933-1948 Supplement is a **complete history** of all sections of codes and of all sections of **statutes other than codes (general laws)** amended, added, repealed, or supplemented during the years 1933 to 1948, inclusive.

...Only sections affected by legislation **subsequent** to the enactment of a **code or a general law** have been entered in the record.

The statutory record of "**Statutes Other Than Codes**" (**general laws**) appears in this supplement following that of the Codes, commencing at page 417. Each act is entered in its chronological sequence, and in the second column each statute affecting the one listed in the first column is also listed chronologically. In the "Effect" column, the sections affected are listed, and the effect upon them indicated. ...

5.c. From Statutory Record Supplement (1949-1958), p. iv, INTRODUCTION:

From the third session of the Legislature of California in 1852, when a bill was introduced for the creation of a commission to revise the law, to the creation of the California Law Revision Commission in 1953, **the Legislature has shown a constant awareness of the need for the revision and compilation of the statute law of California**. [ftnt 1. Kleps, "The Revision and Codification of California Statutes 1849-1953" 42 Cal. L. R. 766.]...

... Finally, the State publishes a statute-finder entitled the "Statutory Record." [ftnt 2. For description of the origin and uses of the Statutory Record, see 1930, 1933 and 1949 Reports of the California Code Commission. See also, the following articles by two chairmen of the Code Commission: Ridgway, "The Statutory Record," 8 Calif. State Bar J. 190 (1933); Hagar, "Helpful Statute Finders," 16 Calif. State Bar J. 325 (1941).]...

...The three volumes [of the Supplement] together constitute **an officially authorized and published history** of all statutes enacted in California. ...

This Statutory Record Supplement for 1949 to 1958 will be supplemented by a cumulative Statutory Record appearing in the back part of the official statutes published by the State Printer after each general session of the Legislature beginning in 1959....

5.d. From Statutory Record Supplement (1969-1978) compiled by Bion M. Gregory, Legislative Counsel, p. v:

USE OF BOOK

What This Book Supplements

This book covers the period 1969 to 1978, and supplements the *Statutory Record, 1850-1932*, *Statutory Secord Supplement, 1933-1948*, *Statutory Record Supplement, 1949-1958* and the *Statutory Record Supplement, 1959-1968*.

Combined, the five volumes constitute a history of all legislation enacted in California from the first legislative session in 1850 through the 1977-78 Session.

Codes

...

Statutes Other Than Codes

Statutes other than codes are listed chronologically by the year of enactment and by chapter number.

...

6. What these documents very clearly state is that a "code" is something distinctly different from a "general law" and that "Statutes Other than Codes" are the general law in California.

What they further say is that a group of people have been knowingly, and probably unlawfully, "revising" our law, since at least 1852.

[See CALIFORNIA JURISPRUDENCE, 3d Ed., STATUTES, § 7, for an explanation of who these people are.]

7.a. This section covers distinct differences in the formal captioning of California statutes.

Up until 1911, the chaptered statutes in Statutes and Amendments to the Code were captioned by:

"*The People of California, represented in Senate and Assembly, do enact ...*".

Then, in 1911 something major changed.

After 1911, I have not found any statute so captioned.

Since 1911, each chaptered statute in Statutes and Amendments to the Code has been captioned:

"*The people of the State of California do enact as follows: ...*"

My reasonable inference from the written record of the acts of the Legislature is that, after 1911 the Legislature no longer "Represent" the People of California; they **claim to be** "the people of the State of California".

[So where did "Representative" Government in California go, and why?]

7.b.1. From LAWs OF THE STATE OF CALIFORNIA (1854), George Kerr & Co., State Printers, San Francisco, 1854 [the earliest Official edition that I have found so far] an exemplar:

"CHAPTER I.

"AN ACT

"To amend an Act entitled "An Act concerning Jurors," approved

"May 3, 1852.

"[Passed January 28, 1854.]

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

7.b.2. From STATUTES OF CALIFORNIA (1911 Extra Sessions), Friend Wm. Richardson, Superintendent of State Printing, Sacramento, 1912, a second exemplar:

"CHAPTER 1.

"*An act to legalize registrations of electors.*

"[Approved December 4, 1911.]

"*The people of the State of California do enact as follows: ...*"

7.b.3. From STATUTES AND AMENDMENTS TO THE CODES (1991), Volume 1, Compiled by Bion M. Gregory, Legislative Counsel [the most recent Official edition to which I had access], a third exemplar:

"CHAPTER 1

"An act to amend Section 26506.2 of, and to repeal Section 26506.5 of, the Health and Safety Code, relating to the Sherman Food, Drug, and Cosmetic Law, and declaring the urgency thereof, to take effect immediately.

"[Approved by Governor December 10, 1990. Filed with
Secretary of State December 11, 1990.]

"The people of the State of California do enact as follows;..."

7.c. I reasonably infer that it may be that General Laws are enacted by the formula, "The People of California, represented in Senate and Assembly, do enact ..." and that Code Sections are enacted by the formula, "The people of the State of California do enact ..."

7.d. I reasonably infer that it may also be that General Laws are Numbered in Roman Numerals and Code Sections are Numbered in Arabic Numerals.

8. From CALIFORNIA JURISPRUDENCE 3d Ed., STATUTES, § 8:

The Code of Civil Procedure provides that all statutes are public or private and defines a private statute as one that concerns only designated individuals and affects only their private rights. All other statutes, including those creating or affecting corporations, are public statutes. [fnt. 90. Code of Civil Procedure, sec. 1898.] A **valid** private act is as conclusive **within its particular scope** as is a public statute [fnt. 91. People ex rel McLane v Bond, 10 C 563] and the courts are as much bound to observe and enforce the one as the other. [fnt. 92. People v Oakland Water Front Co. 118 C 234, 50 P 305.]

With respect to the scope or extent of their application, statutes are classified as either "general or public," or as "special, private, or local." A general or public act affects the whole community, whereas a special or private act affects only particular persons or private concerns, [fnt. 93. Ex parte Burke, 59 C 6.] a selected class, or a particular subject. [fnt. 94. Earle v Board of Education, 55 C 489; Smith v McDermott, 93 C 421, 29 P 34.]

As to the applicability of a general statute to activities which are regulated or proscribed under a special statute, see sec. 109, infra.

As to restrictions on local or special laws, see [CalJur3d] CONSTITUTIONAL LAW, secs. 308 et seq.

For an in-depth discussion of what constitutes a general or special law, for purposes of the constitutional prohibition against enactment of local or special statutes in any case in which a general statute can be made applicable, see CONSTITUTIONAL LAW, secs. 310-312.]

9. From CALIFORNIA JURISPRUDENCE 3d Ed., STATUTES, § 70:

... But a **code provision will yield to a general law subsequently passed**, relating to the same subject, when they are necessarily in conflict, wherever the general law may be placed --whether in one of the codes or in **a separate act**. [fnt. 37. People ex rel. Richardson v Cobb, 133 C 74, 65 P 325; People v Bank of San Luis Obispo, 154 C 194, 97 P 306.] However, relevant to resolving seeming inconsistencies in separate codes is the rule declaring that **the codes blend into each other and constitute a single statute for purposes of statutory construction**. [fnt. 38. Sacramento Newspaper Guild, etc. v Sacramento County Board of Supervisors (3d Dist) 263 CA2d 41, 69 Cal Rptr 480; Cannon v American Hydrocarbon Corp. (2d Dist) 4 CA3d 639, 84 Cal Rptr 575.]

10. From CALIFORNIA JURISPRUDENCE 3d Ed., STATUTES, § 109:

Unless repealed expressly or by necessary implication, [fnt. 23. secs. 58, 61, 69, supra.] a special statute dealing expressly with a particular subject constitutes an exception so as to control and take precedence over a conflicting general statute on the same subject, [fnt. 24. Re Shull, 23 C2d 745, 146 P2 417; Division of Labor Law Enforcement v Moroney, 28 C2d 344, 170 P2d 3; Burum v State Compensation

Ins. Fund, 30 C2d 575, 184 P2d 505; Re Williamson, 43 C2d 651, 276 P2d 593; People v Gilbert, 1 C3d 475, 82 Cal Rptr 724; Agricultural Labor Relations Board v Superior Court of Tulare County, 16 C3d 392, 128 Cal Rptr 183, 545 P2d 687, app dismd 429 US 802, 50 L Ed 2d 63, 97 S Ct 33, 97 S Ct 34; People v Ruster, 16 C3d 690, 129 Cal Rptr 153, 548 P2d 353, 80 ALR3d 1269; People v Earnest (3d Dist) 53 CA3d 734, 126 Cal Rptr 107; People v Calban (5th Dist) 65 CA3d 578, 135 Cal Rptr 441; Kennedy v Ukiah (1st Dist) 69 CA3d 545, 138 Cal Rptr 207.

Where a statute provides a special remedy for use in specified cases, a party seeking the remedy is entitled to look to the special statute for the definition of his rights, and need not satisfy a condition not named in the special statute. Brill v County of Los Angeles, 16 C2d 726, 108 P2d 443.]...

The fundamental test for ascertaining conflict between general and special statutes is legislative intent, [fnt. 34. People v Lustman (2d Dist) 13 CA3d 278, 91 Cal Rptr 548, cert den 405 US 932, 30 L Ed 2d 807, 92 S Ct 989 and (disapproved on other grounds People v Ruster 16 C3d 690, 129 Cal Rptr 13, 548 P2d 353, 80 ALR3d 1269); Lara v Board of Supervisors (5th Dist) 59 CA3d 399, 130 Cal Rptr 668; Gilbert v Municipal Court for North Orange County Judicial District (4th Dist) 73 CA3d 723, 140 Cal Rptr 897.] for statutes are not irreconcilable and may stand together if it appears they are designed for different purposes. [fnt. 35. People v Lustman (2d Dist) 13 CA3d 278, 91 Cal Rptr 548, cert den 405 US 932, 30 L Ed 2d 807, 92 S Ct 989 and (disapproved on other grounds People v Ruster 16 C3d 690, 129 Cal Rptr 13, 548 P2d 353, 80 ALR3d 1269).]

Whether a specific statute supplants a general statute is basically a matter of legislative intent and, absent an express legislative intent, such intent is evidenced by whether the two statutes deal with the same subject matter and whether all the elements of the general statute are included in the special statute. People v Hopkins (2d Dist) 78 CA3d 316, 142 Cal Rptr 572.] But upon finding conflict between a general and a special statute, both treating at least one common subject, the special statute operates exclusively on its subject so far as it deals therewith, [fnt. 36. People v Ross, 38 C 76.] and excludes from its field the operation of the general law unless the two can occupy the same domain without inherent conflict. [fnt. 37. Cohn v Isensee 45 CA 531, 188 P 279; Chilson v Jerome 102 CA 635, 283 P 862.]...

11.a. The California courts have explained these concepts thus:

The grandest principle of our law, rightly termed the safe-guard of our liberties and institutions, is that firmly fixed but sometimes misunderstood rule against discrimination between persons or classes merely because they are such. "Misunderstood," we say, because it is sometimes difficult to understand what constitutes discrimination between persons or classes of persons. The reason--aptly termed the "soul" of a law--furnishes an unerring guide to its proper interpretation. Knowing that the reason supporting this rule is the idea that "all men stand equal before the law," we readily see that, in a broad sense, this means equal rights, duties, privileges, and burdens, under laws bearing equally upon all **citizens**. But when we stop to consider the rights of **persons**, in view of their relations to other persons and to organized society, and think of the varied conditions arising from vocations and circumstances, creating variant necessities, responsibilities, and duties, we can as readily see that this cannot mean that *every law must at all times apply to every person in the same way*. [Italics in original.]

Nothing could bring about more inequality or create more onerous burdens than the strict application of such a rule as this. ... It would be burdensome in the extreme, as well as impracticable and unnecessary, to compel the ordinary laborer to submit to regulation in the conduct of his calling, and to examination, in order that he might be certified *a la* the teacher, physician, and lawyer. ...

Hence, we have an infinite variety of laws, based upon the **necessity** for regulating the conduct of **professional men and public servants**, and placing restrictions upon **business** according to its harmful or beneficial relation toward public health, safety, convenience, or happiness, *ad infinitum*. ... hence the

necessity for special rules as to the conduct of such **business** and touching damage for lack of special precautions and care. All men have a right to use public streets and roads, but all [my note: commercial users?] must submit to **special** rules regulating the use thereof. ...

From these considerations we evolve the **rule and necessity for classification, according to conditions, vocations, circumstances, duties, and responsibilities, attending the relations of individuals toward the public and toward government** in any or all of its branches. Nor are we left groping as to *restrictions* upon such classification. They flow as a logical sequence from the very *necessity* which compels separation into classes. That *necessity* rests upon essential differences in the relations of men toward their fellows and the state, and so do the *restrictions*.

These restrictions may be briefly described by saying that **classification must not be arbitrary** nor result from **mere caprice** or the desire or ability to separate and classify. ... It must rest upon some substantial, inherent, intrinsic difference or distinction in the relation of the particular class toward the **lives, safety, property, health, happiness, or convenience of the public**, when contrasted with the relation, duties, responsibilities, position, or situation of other persons or classes toward the same matters of public concern. (*Missouri v. Mackey*, 127 U.S. 209, [8 Sup. Ct. 1161]; *Mugler v. Kansas*, 123 U.S. 667-669, [8 Sup. Ct. 273]; *Minneapolis v. Beckwith*, 129 U.S. 33 [9 Sup. Ct. 207]; *Holden v. Hardy*, 169 U.S. 366, [18 Sup. Ct. 383]; *Atchison etc. R. R. Co. v. Matthews*, 174 U.S. 96, [19 Sup. Ct. 609]; *St. P. R.R. Co. v. Matthews*, 165 U.S. 25; *L'Hote v. New Orleans*, 177 U.S. 597, [17 Sup. Ct. 788]; *Gulf etc. R.R. Co. v. Ellis*, 165 U.S. 155, [17 Sup. Ct. 255]; *Estate of Campbell*, 143 Cal. 623, [77 Pac. 674]; *Ex parte Jentzsch*, 112 Cal. 474, [44 Pac. 8092]; *Pasadena v. Stimson*, 91 Cal. 238, [27 Pac. 604]; *State v. Fraternal Order*, 35 Wash. 338, [77 Pac. 502]; *Ex parte Northrup*, 41 Or. 489, [69 Pac. 445]; *Atkinson v. Woodmansie*, 68 Kan. 71, [74 Pac. 641]; Sutherland's Notes on U. S. Constitution, p. 728 et seq.; Story on the Constitution, sec. 1961; Cooley on Constitutional Limitations, p. 562 et seq. Brannan on Fourteenth Amendment, p. 323 et seq.) These authorities not only sustain the proposition to which they are cited, but throw much light on the question to be hereafter determined. ...

"Class legislation discriminating against some and favoring others is prohibited, but legislation which, in carrying out a public purpose, is limited in its application, if *within the sphere of its operation* it affects all persons *similarly situated*, is not within the [fourteenth] amendment." (*Barbier v. Connolly*, 113 U. S. 27, [5 Sup. Ct. 357]; *French v. Davidson*, 143 Cal. 662, [77 Pac. 663].) "The fourteenth amendment to the constitution of the United States does not prohibit legislation which is limited either in the objects to which it is directed, or by the territory within which it is to operate. It merely requires that all persons *subjected to such legislation* shall be *treated alike under like circumstances and conditions*, both in the privileges conferred and in the liabilities imposed. [Emphasis in original]" (*Hayes v. Missouri*, 120 U. S. 71, [7 Sup. Ct. 350]; *Brown v. New Jersey*, 175 U. S. 177, [20 Sup. Ct. 77]; *Marchant v. Pennsylvania*, 153 U. S. 389, [14 Sup. Ct. 894]; *Giozza v. Tiernan*, 148 U. S. 662, [13 Sup. Ct. 721]; *Cody v. Murphy*, 89 Cal. 524, [26 Pac. 1081]; *Smith v. McDermott*, 93 Cal. 425, [29 Pac. 34]; *In re Converse*, 137 U. S. 631, [11 Sup. Ct. 191]; *Missouri v. Lewis*, 101 U. S. 22.)

In *Leeper v. Texas*, 139 U. S. 467, [11 Sup. Ct. 577], it is said that "By the fourteenth amendment the powers of states in dealing with crime within their borders are not limited, except that no state can deprive particular persons or classes of persons of equal and impartial justice under the law; *that law in its regular course of administration through the courts of justice is due process*, and when secured by the law of the state the constitutional requirement is satisfied." (*People v. Coleman*, 145 Cal. 615, [79 Pac. 283].) "An act to be general in its scope need not include all classes of individuals in the state. It answers constitutional requirements if it relates to and operates upon the *whole of any single class*." (*Abeel v. Clark*, 84 Cal. 230, [24 Pac. 383].) ...

...yet profit could be derived from consulting *Pace v. Alabama*, 106 U. S. 583; *Jones v. Brim*, 165 U. S. 183, 184, [17 Sup. Ct. 281]; *L'Hote v. New Orleans*, 177 U. S. 597, [20 Sup. Ct. 788]; *Minder v. Georgia*, 183 U. S. 562, [22 Sup. Ct. 224]; *McDonald v. Connell*, 99 Cal. 386, [34 Pac. 71]; *Aikins v. Wisconsin*, 195 U. S. 205, [25 Sup. Ct. 3]; *West v. Louisiana*, 194 U. S. 263, [24 Sup. Ct. 650]; *Turner v.*

Williams, 194 U. S. 293, [24 Sup. Ct. 719]; *M. K. T. Ry v. May*, 194 U. S. 269, [24 Sup. Ct. 638]; *Cincinnati St. Ry. v. Snell*, 193 U. S. 37, [24 Sup.Ct. 319]; *Detroit Ry. Co. v. Osborn*, 189 U. S. 389, [23 Sup Ct. 540]; *Hager v. Reclamation Dist.*, 111 U. S. 708, [4 Sup. Ct. 663]; *Otis v. Parker*, 187 U. S. 609, [23 Sup. Ct. 167].

In Re Finley (1905), 1 Cal.App. 198, 205-207, 210-211.

11.b. A further explanation is provided by a later California decision:

"A law is general when it applies equally to all persons embraced in a class founded on some natural, intrinsic, or constitutional distinction. It is special if it confers particular privileges or imposes peculiar disabilities or burdensome conditions in the exercise of a common right on a class of persons arbitrarily selected from the general body of those who stand in precisely the same relation to the subject of the law.[Citation.] The prohibition against special legislation does not preclude classification, but only requires that the classification be reasonable.[Citation.] A legislative determination as to what is a sufficient distinction to warrant a classification will not be overthrown unless it is palpably arbitrary. [Citation.] It must be clear beyond reasonable doubt that no sound reason for the classification exists. [Citation.]" (*Sawyer v. Barbour*, 142 Cal.App.2d 827, 838 [300 P.2d 187].

Beamon v. Dept. of Motor Vehicles (1960), 180 Cal.App.2d 200, 4 Cal.Rptr. 396.

12. From CALIFORNIA JURISPRUDENCE 3d Ed., CONSTITUTIONAL LAW, § 303:

In general; state constitutional provisions:

The state constitution contains several provisions aimed at limiting the legislature's power to pass **special or local** legislation. Thus, a local or special statute is invalid in any case if a general statute can be made applicable. [11. Cal Const Art IV sec. 16(b) (this provision was enacted on November 8, 1966, and **supersedes former Cal Const Art IV**, sec. 25 which contained 32 subdivisions specifying particular matters in relation to which the legislature was forbidden to pass local or special laws, in addition to another subdivision containing a blanket prohibition of such laws essentially identical to the present provision).]

The constitutional prohibition against special legislation does not affect special laws enacted before its adoption. *Ex parte Burke* (1881) 59 C 6; *Ex parte Carson* (1881) 59 C 429; *Board of Education v Hyatt* (1907) 152 C 515, 93 P 117.

13. From CONSTITUTION OF THE UNITED STATES and CONSTITUTION OF THE STATE OF CALIFORNIA, 1879, as last amended to November 5, 1996 (1997-98):

California Constitution, Article IV, Sec. 16.

(a) All laws of a general nature have uniform operation.

(b) A local or special statute is **invalid in any case if a general statute can be made applicable**. [*As amended November 5, 1974*]

14. From CALIFORNIA JURISPRUDENCE 3d Ed., CONSTITUTIONAL LAW, § 304:

Purposes of limitations:

The **evils perpetrated** by means of special and local acts were appreciated at the time of the adoption of the constitution of 1879, and inspired a strong purpose to **prevent such evils in the future**. [16.

Denman v Broderick (1896) 111 C 96, 43 P 516.] This purpose is evidenced by clear and unmistakable language. [17. *Thomason v Ashworth* (1887) 73 C 73, 14 P 615; *Boca Mill Co. v Curry* (1908) 154 C 326, 97 P 1117.] The result is that special legislation is not generally permissible, but is only allowable, when permitted at all, where the **exigency** of the occasion imperatively calls for a special law. [18.

Sacramento v Swanston (1915) 29 CA 212, 155 P 101.]

It was the object of the framers of the constitution to **prevent vicious legislation for private ends** which might be passed in an apparently harmless provision of a local or private statute. [19. Brunch v Colombet (1894) 104 C 347, 38 P 45; Tulare v Hevren (1899) 126 C 226, 58 P 530.] It was also intended that the laws for the protection of the citizens and their property should be made uniform, consistent, and harmonious, in order that privileges given to one should be enjoyed by all alike. [20. Tulare v Hevren (1899) 126 C 226, 58 P 530.] Another purpose of the inhibition of special and local legislation is to make as many as possible interested in every act passed. [21. Brunch v Colombet (1894) 104 C 347, 38 P 45.] However, as in the case with other constitutional guaranties of equality, the requirement that laws be general wherever possible does not prevent reasonable classifications of persons and things for legislative purposes. [22. See secs. 313 et seq.]

15. From CALIFORNIA JURISPRUDENCE 3d Ed., CONSTITUTIONAL LAW, § 305:

What constitutes general or special law:

Precise definition of the distinction between a general law and one which is special or local is not easy. [23. Earle v Board of Education (1880) 55 C 489.] The distinction was known to the common law, and the terms as used in the constitution were intended to be understood in the sense that was at the time recognized by the courts. [24. Ex parte Burke (1881) 59 C 6.] Since there is no accurate standard by which the general or special nature of an act may readily be determined, the question must be decided in each particular case, taking into consideration the purpose and character of the act and the individuals on whom it is to operate. [25. People v Central P. R. Co. (1895) 105 C 576, 38 P 905, aff'd 162 US 91, 40 L Ed 903, 16 S CT 766.]

It may be said that general laws are those that operate alike on all persons to whom they apply and apply equally to all persons in the same category within the jurisdiction of the lawmaking power. [26. Cody v Murphey (1891) 89 C 522, 26 P 1081; McDonald v Conniff (1893) 99 C 386, 34 P 71; Glashoff v Glashoff (1943) 57 CA2d 108, 134 P2d 316. A special law is one relating to a selected class as well as to a particular object, and an act not relating to a selected class but extending to and binding all within the jurisdiction is not a special law. Smith v McDermott (1892) 93 C 421, 29 P 34.] Generally speaking, a general act is applicable everywhere in the state. [27. Keech v Joplin (1909) 157 C 1, 106 P 222; Ex parte Beck (1912) 162 C 701, 124 P 543; Re Gilstrap (1915) 171 C 108, 152 P 42.]

Ordinarily, a law that applies to all of a class is held to be a general law. By the same token, one that applies only to a part of a class is held to be special, and void as being within the constitutional inhibition. [28. McDonald v Conniff (1893) 99 C 386, 34 P 71; Sanchez v Fordyce (1903) 141 C 427, 75 P 56.] Thus every act that deals with a general subject is not necessarily a law of a general nature, since the subject may be general though the law and the rule it prescribes are special. Nor is a statute that is special in its aim and object converted into a general statute by the fact that the subject which it deals with might have been made the subject of a general law. [32. People v Central P. R. Co. (1872) 43 C 398.] It is obvious that a special act cannot be converted into a general act by declaration of the legislature, wherever found, that it shall be considered a general act. [33. San Francisco v Spring Valley Water Works (1874) 48 C 493.] It is equally plain that legislative enactments special in nature are not made general by combining them in a single act, [34. Mundell v Lyons (1920) 182 C 289, 187 P 950.] or by inserting them in the most general of public acts. [35. County of San Luis Obispo v Graves (1890) 84 C 71, 23 P 1032.] An act creating an unconstitutional exception to a prior general law does not affect the constitutionality of the prior law. [Ex parte Smith (1870) 40 C 419.] In this connection it has been observed that the framers of the constitution and the people who adopted it did not **hedge the legislature about with restraints in the matter of special and local legislation** and at the same time leave the door wide open for **the same abuses to be practiced under the guise** of general legislation. [36. Re Estate of Stanford (1899) 126 C 112, 58 462.]

16. I reasonably infer from the foregoing information and the associated research that:

- a. Both the Constitution for the United States of America and the Constitution of the State of California should fall into the category of Organic Law as well as of General Law; and, as they were originally intended, would automatically supersede any contrary Special or General Law of any State.
- b. The only extant General Law of this State is now identified in The Statutory Record, styled as "Statutes Other than Codes", and has been rendered very difficult to find as well as to verify.
- c. Much of that contained in The California Codes is only Special or Private Law and legally applies only to those classes or persons to which it actually applies [if we can ever determine what those classes or who those persons are].

I Certify within the Law of these united States of America and the Law of the California state, that the foregoing is true, complete, and accurate.

Signed: _____

Dated: _____

At: _____

END