

ACTS AMENDATORY
OF THE
CODES OF CALIFORNIA

PASSED AT THE
TWENTY-SECOND SESSION OF THE LEGISLATURE,
1877-8.

BEGAN ON MONDAY, DECEMBER THIRD, EIGHTEEN HUNDRED AND SEVENTY-
SEVEN, AND ENDED ON MONDAY, APRIL FIRST, EIGHTEEN
HUNDRED AND SEVENTY-EIGHT.



SACRAMENTO:
STATE OFFICE : : : F. P. THOMPSON, SUPT. STATE PRINTING.
1878.



CONTENTS.

Chap.	TITLE OF ACT.	No. of bill and where introduced.	Page.
POLITICAL CODE.			
596	An Act to amend section one hundred and fifty-seven of the Political Code, relative to legal distances in this State—approved March 14, 1878-----	A. B. 335-----	1
355	An Act to amend section one hundred and eighty-one of the Political Code, in relation to mileage—approved March 27, 1878-----	A. B. 555-----	1
66	An Act to amend section one hundred and ninety-nine of the Political Code, concerning the legal distances of this State—approved February 15, 1878-----	A. B. 287-----	2
634	An Act to amend certain sections of the Political Code, to repeal certain other sections thereto—approved April 1, 1878-----	A. B. 46-----	2
560	An Act to amend an Act entitled an Act to establish a Political Code, approved March eleventh, eighteen hundred and seventy-six—approved April 1, 1878-----	S. B. 621-----	6
566	An Act to amend the Political and Penal Codes, concerning public printing, and for other purposes, approved April third, eighteen hundred and seventy-six—approved April 1, 1878-----	S. B. 620-----	7
623	An Act to amend the Political and Penal Codes, concerning public printing, and for other purposes, approved April third, eighteen hundred and seventy-six—approved April 1, 1878-----	S. B. 620-----	12
604	An Act to amend the Political Code in relation to insurance—approved April 1, 1878-----	S. S. B. 153, 156-----	12
406	An Act to amend section six hundred and forty-two of the Political Code, respecting the duties of the Fish Commissioners—approved March 28, 1878-----	S. B. 532-----	21
142	An Act to amend sections forty-nine and fifty of the Code of Civil Procedure, to add an additional section thereto, to be numbered section fifty-one, and to amend section seven hundred and fifty-one of the Political Code, all relative to the terms and officers of the Supreme Court—approved March 8, 1878-----	A. B. 180-----	21
350	An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-three, seven hundred and fifty-four, and seven hundred and fifty-six of the Political Code—approved March 26, 1878-----	A. B. 136-----	23
270	An Act to amend section seven hundred and ninety-one of the Political Code—approved March 18, 1878-----	S. B. 299-----	24
355	An Act to amend section eight hundred of the Political Code of California, relative to the oath of office of Notaries Public—approved March 26, 1878-----	A. B. 424-----	24

Chap.	TITLE OF ACT.	No. of bill and where introduced.	Page.
476	An Act to amend section nine hundred and nine of the Political Code of California, relative to oath of office of County Judges—approved March 30, 1878.....	A. B. 425.....	25
13	An Act to amend sections one thousand and fifty-three and one thousand and fifty-five of the Political Code...approved January 11, 1878.....	S. B. 131.....	25
480	An Act to amend an Act entitled an Act to establish a Political Code, in relation to elections—approved March 30, 1878.....	A. B. 315.....	26
307	An Act to amend section one thousand five hundred and seventy-six (1576) of the Political Code—approved March 22, 1878.....	S. B. 31.....	28
562	An Act to amend section sixteen hundred and seventeen of the Political Code, relating to the general powers of Boards of Trustees and of Education—approved April 1, 1878.....	A. B. 636.....	28
368	An Act to amend section seventeen hundred and forty-six of the Political Code—approved March 26, 1878.....	S. B. 114.....	29
229	An Act to amend section one thousand seven hundred and seventy of the Political Code, relating to County Boards of Examination—approved March 16, 1878.....	S. B. 285.....	30
477	An Act to amend certain sections of the Political Code, relating to the school law of California—approved March 30, 1878.....	A. B. 302.....	30
466	An Act to amend section one thousand seven hundred and ninety of the Political Code—approved March 30, 1878.....	S. B. 682.....	31
585	An Act to amend the Political Code of the State of California, and other Acts, concerning the National Guard—approved March 12, 1878.....	S. A. B. 34, 52.....	31
527	An Act to amend section one thousand nine hundred and thirteen, one thousand nine hundred and sixty-two, one thousand nine hundred and sixty-nine, of the Political Code, and to add a new section thereto, and to amend section thirty-eight of an Act entitled an Act to amend the Political Code of the State of California, and other Acts, concerning the National Guard, approved March twelfth, eighteen hundred and seventy-eight—approved March 30, 1878.....	S. B. 619.....	42
489	An Act to amend section nineteen hundred and thirty-seven of the Political Code, relative to returns of militia to County Assessors—approved March 30, 1878.....	A. B. 494.....	43
638	An Act to add certain sections to the Political Code, concerning the State Militia, and to be known as sections numbers nineteen hundred and seventy-five and nineteen hundred and seventy-six—approved April 1, 1878.....	A. B. 283.....	44
645	An Act to amend section two thousand one hundred and forty of the Political Code, in relation to the compensation of Directors of the State Insane Asylum located at Stockton—approved April 1, 1878.....	A. B. 698.....	45
357	An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the navigable waters of this State—approved March 26, 1878.....	A. B. 475.....	45
430	An Act to amend certain sections of the Political Code, and to enact and add certain sections thereto, relating to pilots and pilot regulation—approved March 29, 1878.....	S. B. 489.....	46

CONTENTS.

V

Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
269	An Act to amend sections two thousand five hundred and twenty-seven and two thousand five hundred and thirty-six of the Political Code, concerning the construction of the sea-wall of San Francisco—approved March 19, 1878-----	S. S. B. 212--	48
436	An Act to amend section twenty-five hundred and forty-eight of the Political Code—approved March 29, 1878-----	S. B. 566----	50
268	An Act to amend section twenty-five hundred and fifty-two of an Act entitled an Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a certain new section thereto, approved February twenty-eighth, eighteen hundred and seventy-six—approved March 18, 1878-----	S. B. 141----	50
56	An Act to amend sections two thousand five hundred and sixty-seven and two thousand five hundred and sixty-eight of the Political Code—approved February 12, 1878-----	A. B. 25-----	51
193	An Act to amend section two thousand eight hundred and seventy-two of the Political Code—approved March 14, 1878-----	A. B. 202----	52
156	An Act to amend the Political Code respecting the health and quarantine regulations for the City and County of San Francisco—approved March 9, 1878-----	S. B. 217----	52
275	An Act to amend section three thousand and sixty-one of the Political Code, relative to local Boards of Health—approved March 19, 1878-----	S. B. 138--	59
239	An Act to amend sections three thousand and seventy-four, three thousand and seventy-seven, three thousand and seventy-nine, and three thousand and eighty-one of the Political Code, and to add a new section thereto, to be numbered section three thousand and eighty-three—approved March 16, 1878-----	S. B. 356----	60
603	An Act to amend sections three thousand three hundred and thirty-five and three thousand three hundred and thirty-seven of the Political Code—approved April 1, 1878-----	S. S. B. 148--	61
465	An Act to amend section three thousand (3489) four hundred and eighty-nine of the Political Code—approved March 30, 1878---	S. S. B. 494---	62
568	An Act to amend section three thousand five hundred and seventy-two of the Political Code, in regard to the restitution of money paid for land not the property of the State—approved March 30, 1878-----	A. B. 539----	63
28	An Act to amend section three thousand six hundred and seventeen of the Political Code, defining certain terms—approved January 24, 1878-----	A. B. 17-----	64
422	An Act to amend sections three thousand six hundred and ninety-six, three thousand eight hundred and sixteen, three thousand eight hundred and twenty-nine, three thousand eight hundred and sixty-six, three thousand eight hundred and sixty-eight, and four thousand and eighty-three of the Political Code, in relation to delinquent taxes and settlements of County Treasurers with the Controller of State—approved March 28, 1878---	A. B. 326----	65
671	An Act to amend section thirty-seven hundred and thirteen of the Political Code—approved April 1, 1878-----	A. B. 855----	67
200	An Act to amend section three thousand seven hundred and forty-seven of the Political Code, in relation to the collection of taxes in the County of Los Angeles—approved March 14, 1878-----	A. B. 399----	68
22	An Act to amend section three thousand seven hundred and sixty-		

Chap.	TITLE OF ACT.	No. of bill and where introduced.	Page.
	four of the Political Code of this State—approved January 22, 1878-----	A. B. 58-----	68
644	An Act to amend sections three thousand seven hundred and sixty-six and four thousand and forty-seven of the Political Code, relating to publication of delinquent tax lists—approved April 1, 1878-----	A. B. 630-----	69
589	An Act to amend section three thousand eight hundred and fifty- seven and three thousand eight hundred and fifty-eight of the Political Code—approved April 1, 1878-----	S. B. 277-----	69
421	An Act to amend section thirty-eight hundred and sixty-two of the Political Code, relative to the collection of poll taxes—approved March 28, 1878-----	A. B. 724-----	70
636	An Act to amend section three thousand nine hundred and twenty-eight of the Political Code, relating to the boundary line between the Counties of Sacramento and San Joaquin— approved April 1, 1878-----	A. B. 262-----	70
197	An Act to amend section three thousand nine hundred and fifty- one of the Political Code, in reference to the boundary line between the Counties of San Mateo and Alameda—approved March 14, 1878-----	A. B. 380-----	71
CIVIL CODE.			
519	An Act to amend section forty of the Civil Code—approved March 30, 1878-----	S. B. 108-----	75
51	An Act to add another section to the Civil Code—approved Feb- ruary 6, 1878-----	S. B. 67-----	75
298	An Act to amend section one hundred and thirty-seven of the Civil Code, in reference to the husband providing for the support of the wife during unlawful desertion or proceedings for divorce— approved March 20, 1878-----	A. B. 386-----	76
315	An Act to amend section two hundred and ninety-nine of the Civil Code—approved March 22, 1878-----	S. B. 26-----	76
452	An Act to add a new section to the Civil Code, relating to corpora- tions—approved March 20, 1878-----	A. B. 375-----	77
45	An Act to amend section three hundred and seven of the Civil Code, in relation to corporations—approved February 1, 1878-----	S. B. 6-----	78
639	An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, relative to the election of Directors of corporations—approved April 1, 1878-----	A. B. 496-----	79
605	An Act to amend the Civil Code, relative to insurance—approved April 1, 1878-----	S. S. B. 155-----	80
606	An Act to amend the Civil Code, and to repeal certain Acts rela- tive to insurance—approved April 1, 1878-----	S. S. B. 153, 156-----	82
621	An Act to repeal section four hundred and seventy-one of the Civil Code—approved April 1, 1878-----	S. B. 571-----	84
35	An Act to amend section five hundred [and] ninety-six (596) of the Civil Code—approved January 25, 1878-----	S. B. 16-----	84
522	An Act to add a section to Title Twelfth, of Part Fourth, of the First Division, of the Civil Code—approved March 30, 1878-----	S. B. 303-----	84

Chap.	TITLE OF ACT.	No. of bill and where introduced.	Page.
615	An Act to amend section one thousand one hundred and sixty of the Civil Code, relative to recording transcripts of letters patent—approved April 1, 1878 -----	S. B. 274 -----	85
165	An Act to amend section sixteen hundred and twenty-four of the Civil Code—approved March 9, 1878 -----	S. B. 49 -----	86
73	An Act to amend section nineteen hundred and seventeen of the Civil Code—approved February 15, 1878 -----	A. B. 150 -----	87
159	An Act to amend section twenty-one hundred and eighty of the Civil Code—approved March 9, 1878 -----	S. B. 193 -----	87
74	An Act to amend section two thousand eight hundred and seventy-two of the Civil Code—approved February 15, 1878 -----	A. B. 133 -----	88
595	An Act to amend section two thousand nine hundred and fifty-five of the Civil Code, relating to chattel mortgages—approved April 1, 1878 -----	S. B. 435 -----	88
602	An Act to amend the Civil Code, concerning the mortgage of ground crops—approved April 1, 1878 -----	S. S. B. 109, 293 -----	89
451	An Act to amend section three thousand and fifty-one of the Civil Code, in reference to liens for services—approved March 29, 1878 -----	A. B. 363 -----	89
20	An Act to amend the Civil Code with respect to the measure of damages in certain cases—approved January 22, 1878 -----	A. B. 140 -----	89
93	An Act to amend section three thousand four hundred and sixty-five of the Civil Code, relative to the omission to record certain assignments—approved February 25, 1878 -----	A. B. 253 -----	90
<p>CODE OF CIVIL PROCEDURE.</p>			
142	An Act to amend sections forty-nine and fifty of the Code of Civil Procedure, to add an additional section thereto, to be numbered section fifty-one, and to amend section seven hundred and fifty-one of the Political Code, all relative to the terms and officers of the Supreme Court—approved March 8, 1878 -----	A. B. 180 -----	93
668	An Act to amend section sixty of the Code of Civil Procedure, relative to the terms of the District Court of the Third Judicial District—approved April 1, 1878 -----	A. B. 834 -----	93
250	An Act to regulate certain Acts in relation to the terms of the County and Probate Courts in certain counties, and to amend sections eighty-eight and eighty-nine of the Code of Civil Procedure—approved March 18, 1878 -----	A. B. 41 -----	94
100	An Act to amend section one hundred and thirteen of the Code of Civil Procedure, so as to change the time for the election of Justices of the Peace in the several counties of the State—approved February 25, 1878 -----	S. B. 42 -----	97
154	An Act to amend section two hundred and fifty-nine of the Code of Civil Procedure of the State of California—approved March 9, 1878 -----	A. B. 107 -----	98
600	An Act to amend sections two hundred and seventy-five and two hundred and seventy-nine of the Code of Civil Procedure, relating to attorneys and counselors at law—approved April 1, 1878 -----	S. B. 66 -----	99
590	An Act to amend section three hundred and twenty-five of the Code of Civil Procedure—approved April 1, 1878 -----	S. B. 292 -----	99

Chap.	TITLE OF ACT.	No. of bill and where introduced.	Page.
85	An Act to amend section five hundred and eighty-one of the Code of Civil Procedure, in reference to when cases in Court may be dismissed or nonsuit entered—approved February 25, 1878-----	A. B. 188-----	100
166	An Act to amend section six hundred and sixty-three of the Code of Civil Procedure—approved March 9, 1878-----	S. B. 32-----	100
579	An Act to amend section six hundred and ninety of the Code of Civil Procedure, in reference to property exempt from execution and forced sale—approved April 1, 1878-----	A. B. 178-----	101
125	An Act to amend section eight hundred and ninety-five of the Code of Civil Procedure—approved March 2, 1878-----	S. B. 118-----	103
91	An Act to add section nine hundred and twenty-six to the Code of Civil Procedure—approved February 25, 1878-----	A. B. 248-----	103
164	An Act to amend section nine hundred and sixty-nine of the Code of Civil Procedure—approved March 9, 1878-----	S. B. 87-----	104
596	An Act to amend section eleven hundred and sixty-one of the Code of Civil Procedure of the State of California—approved April 1, 1878-----	S. B. 442-----	104
627	An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure—approved April 1, 1878-----	S. B. 665-----	106
163	An Act to amend section eleven hundred and sixty-six (1166) of the Code of Civil Procedure, in relation to forcible or unlawful detainer—approved March 9, 1878-----	S. B. 112-----	107
94	An Act to amend sections twelve hundred and twenty-seven, twelve hundred and thirty, twelve hundred and thirty-two, and twelve hundred and thirty-three of the Code of Civil Procedure, relative to the voluntary dissolution of corporations—approved February 25, 1878-----	A. B. 265-----	107
651	An Act to amend sections twelve hundred and fifty-four and twelve hundred and fifty-seven of the Code of Civil Procedure, relating to condemnation of land for public uses—approved April 1, 1878-----	A. B. 759-----	108
413	An Act to amend section one thousand two hundred and seventy-six (1276) of the Code of Civil Procedure, relative to change of name of persons and corporations—approved March 28, 1878-----	S. B. 366-----	110
585	An Act to amend certain sections, numbers one thousand three hundred and fifty, one thousand three hundred and sixty-five, one thousand three hundred and sixty-nine, and one thousand three hundred and seventy-nine, of the Code of Civil Procedure—approved April 1, 1878-----	S. B. 260-----	111
167	An Act to amend section two thousand and twenty-one of the Code of Civil Procedure, by adding a new subdivision thereto relative to depositions of material witnesses—approved March 9, 1878-----	A. B. 339-----	112
PENAL CODE.			
566	An Act to amend the Political and Penal Codes, concerning public printing, and for other purposes, approved April third, eighteen hundred and seventy-six—approved April 1, 1878-----	S. B. 620-----	115
623	An Act to amend the Political and Penal Codes, concerning public printing, and for other purposes, approved April third, eighteen hundred and seventy-six—approved April 1, 1878-----	S. B. 620-----	115

Chap.	TITLE OF ACT.	No. of bill and where introduced.	Page.
661	An Act to amend the Penal Code with respect to the punishment of persons guilty of cheating, under pretense of playing at games of chance—approved April 1, 1878-----	A. B. 606----	115
158	An Act to amend section three hundred and seventy-six of the Penal Code—approved March 9, 1878-----	S. B. 216----	116
228	An Act to add a new section to the Penal Code, in relation to the adulteration of candies—approved March 16, 1878-----	S. B. 281----	116
299	An Act amending section four hundred and fifteen of the Penal Code, in relation to crimes against the public peace—approved March 20, 1878-----	A. B. 384----	117
18	An Act to amend the Penal Code—approved January 29, 1878----	S. B. 199----	117
616	An Act to add another section to the Penal Code, to be designated as section five hundred and ninety-two—approved April 1, 1878-----	S. B. 276----	118
467	An Act to amend section six hundred and two of the Penal Code—approved March 30, 1878-----	S. B. 418----	118
464	An Act to amend Chapter One, Title Fifteen, of the Penal Code, relating to violations of the laws for the preservation of fish and game—approved March 30, 1878-----	S. B. 503----	119
190	An Act to amend section eight hundred and eighty-two of the Penal Code, concerning the detention of witnesses—approved March 14, 1878-----	A. B. 80----	122
89	An Act to amend section twelve hundred and ninety-one of the Penal Code, in reference to what Magistrate may admit prisoners to bail—approved February 25, 1878-----	A. B. 220----	122
577	An Act to amend the Penal Code—approved April 1, 1878-----	A. B. 806----	123
438	An Act to amend section one thousand five hundred and ninety of the Penal Code—approved March 29, 1878-----	S. B. 577----	124



POLITICAL CODE.



ACTS AMENDATORY
OF
THE POLITICAL CODE

PASSED AT THE
TWENTY-SECOND SESSION OF THE LEGISLATURE.

CHAP. CXCVI.—*An Act to amend section one hundred and fifty-seven of the Political Code, relative to legal distances in this State.*

[Approved March 14, 1878.]

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

SECTION 1. Section one hundred and fifty-seven of the Political Code is amended to read as follows:

✓ 157. From the county seat of Contra Costa County to Sacramento, eighty-nine miles; to Napa, twenty-seven miles; to Stockton, one hundred and twenty-one miles; to San Quentin, forty-one miles. Legal distances, Contra Costa.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCCXCV.—*An Act to amend section one hundred and eighty-one of the Political Code, in relation to mileage.*

[Approved March 27, 1878.]

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

SECTION 1. Section one hundred and eighty-one of the Political Code is hereby amended to read as follows:

✓ 181. From the county seat of San Diego County to Sacramento, five hundred and sixty-six miles; to Napa, five hundred and twenty-one miles; to Stockton, five hundred and seventy-four miles; to San Quentin, four hundred and ninety-four miles. Legal distances, San Diego.

SEC. 2. This Act shall be in force and effect from and after its passage.

SEC. 6. Section four hundred and eighteen of said Code is amended to read as follows:

Deputy Secretary. ✓ **418.** The annual salary of the Deputy Secretary of State is two thousand four hundred dollars.

SEC. 7. Section four hundred and nineteen is hereby amended to read as follows:

Book-keeper. ✓ **419.** That the annual salary of the Book-keeper shall be twenty-four hundred dollars.

SEC. 8. Section four hundred and twenty of said Code is amended to read as follows:

Recording Clerks. ✓ **420.** The annual salary of each Recording Clerk for the Secretary of State is one thousand eight hundred dollars.

SEC. 9. Section four hundred and thirty-eight of said Code is amended to read as follows:

Controller. ✓ **438.** The annual salary of the Controller, to include all services rendered ex officio as member of any Board or Commission as now required, or which may be by law hereafter devolved upon him, is four thousand dollars.

SEC. 10. Section four hundred and thirty-nine of said Code is amended to read as follows:

Deputy Controller. ✓ **439.** The annual salary of the Deputy Controller is two thousand four hundred dollars.

SEC. 11. Section four hundred and forty of said Code is amended to read as follows:

Book-keeper. ✓ **440.** The annual salary of the Book-keeper for the Controller is two thousand four hundred dollars.

SEC. 12. Section four hundred and forty-one of said Code is amended to read as follows:

Clerks. ✓ **441.** The annual salary of each Clerk in the Controller's office is one thousand eight hundred dollars.

SEC. 13. Section four hundred and fifty-five of said Code is amended to read as follows:

State Treasurer. ✓ **455.** The annual salary of the State Treasurer, to include all services rendered ex officio as member of any Board or Commission, as now required, or which may be hereafter by law devolved upon him, is four thousand dollars.

SEC. 14. Section four hundred and fifty-six of said Code is amended to read as follows:

Deputy State Treasurer. ✓ **456.** The annual salary of the Deputy State Treasurer is two thousand four hundred dollars. The annual salary of the Clerk of the Treasurer shall be one thousand eight hundred dollars.

SEC. 15. Section four hundred and seventy-one of said Code is amended to read as follows:

Attorney-General. ✓ **471.** The annual salary of the Attorney-General is four thousand dollars, to include all services rendered ex officio as member of any Board or Commission, as now required, or which may be hereafter devolved upon him by law.

SEC. 16. Section four hundred and seventy-two of said Code is amended to read as follows:

Clerk. ✓ **472.** The annual salary of the Clerk for the Attorney-General is one thousand eight hundred dollars.

SEC. 17. Section six hundred and eighty-four of said Code is hereby repealed.

SEC. 18. Section four hundred and eighty-four of said Code is amended to read as follows:

✓ **484.** The annual salary of the Surveyor-General is two thousand dollars. Surveyor-General.

SEC. 19. Section four hundred and ninety-nine of said Code is amended to read as follows:

✓ **499.** The annual salary of the Surveyor-General, in his ex officio capacity as Register of the State Land Office, is two thousand dollars. Surveyor-General as Register.

SEC. 20. Section four hundred and eighty-five of said Code is amended to read as follows:

✓ **485.** The annual salary of the Deputy Surveyor-General, including his services as ex officio Deputy Register of the State Land Office, is two thousand four hundred dollars. Deputy Surveyor-General.

SEC. 21. Section four hundred and eighty-six of said Code is amended to read as follows:

✓ **486.** The annual salary of each Clerk in the Surveyor-General's office is one thousand eight hundred dollars. Clerks.

SEC. 22. Section five hundred of said Code is amended to read as follows:

✓ **500.** The annual salary of each Clerk to the Register of the State Land Office is one thousand eight hundred dollars. Clerks to Register.

SEC. 23. Section five hundred and thirteen of said Code is amended to read as follows:

✓ **513.** The annual salary of the Superintendent of Public Instruction is three thousand dollars. Superintendent of Public Instruction.

✓ SEC. 24. Section five hundred and fifteen of said Code is hereby repealed.

SEC. 25. Section two thousand one hundred and fourteen of said Code is amended to read as follows:

✓ **2114.** The annual salary of the Assistant Adjutant-General is one thousand eight hundred dollars. Assistant Adjutant-General.

SEC. 26. A new section of the Political Code, to be numbered, and named, and known as section four hundred and twenty-four, shall be added to said Code, to read as follows:

✓ **424.** All State officers and appointees shall produce itemized accounts for all moneys, other than salaries, expended by them, accompanied by affidavit that the money has been expended. Itemized account of expended moneys.

SEC. 27. Section two hundred and sixty-six of said Code is amended to read as follows:

✓ **266.** Members of the Legislature shall receive eight dollars per day, payable weekly, and three dollars for each twenty miles of travel, to and from their residences, to the place of holding the session. Salary of members of Legislature.

SEC. 28. Section two hundred and sixty-seven of said Code is amended to read as follows:

✓ **267.** The President of the Senate and Speaker of the Assembly shall receive twelve hundred dollars each for each regular session. President and Speaker.

SEC. 29. This Act shall take effect and be in force from and after the first day of December, A. D. one thousand eight hundred and seventy-nine.

CHAP. DLX.—*An Act to amend an Act entitled "An Act to establish a Political Code," approved March eleventh, eighteen hundred and seventy-six.*

[Approved April 1, 1878.]

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

SECTION 1. Section three hundred and thirty-three of said Code is amended to read as follows:

Reports, ✓ 333. The Superintendent of State Printing must print printing of. such reports before the last Monday in November next after the receipt thereof.

SEC. 2. Section three hundred and thirty-four of said Code is amended to read as follows:

Number to ✓ 334. There must be printed: Of the report of the Secre- be printed. tary of State, twelve hundred copies; of the report of the Controller of State, two thousand copies; of the report of the State Treasurer, six hundred and fifty copies; of the report of the Surveyor-General, two thousand five hundred copies; of the report of the Superintendent of Public Instruction, four thousand five hundred copies; of the report of the Attorney-General, one thousand copies; of the report of the Adjutant-General, six hundred copies; of the report of the State Librarian, six hundred copies; of the report of the Fish Commissioners, fifteen hundred copies; of the report of the Directors, Resident Physician, Visiting Physicians of the Insane Asylum, twenty-five hundred copies; of the report of the Directors of the State Prison, eighteen hundred copies; of the report of the State Board of Harbor Commissioners, twelve hundred copies; of the report of Regents of the University, twelve hundred copies; of the report of the Trustees of the Asylum for the Deaf, Dumb, and [the] Blind, eight hundred copies; of the report of the State Board of Equalization, two thousand copies; of the report of the State Board of Health, one thousand copies; of the report of the Commissioners to manage the Yosemite Valley and Mariposa Big Tree Grove, five hundred copies; of the report of the Superintendent of State Printing, seven hundred and fifty copies.

SEC. 3. Section three hundred and thirty-five of said Code is amended to read as follows:

Distribution ✓ 335. The reports must be delivered by the Superintend- of. ent of State Printing as follows: To the Governor, fifty copies of each report; to the State Librarian, ten copies of each report; to the Secretary of State, thirty copies of each report; to the Superintendent of Public Instruction, two thousand copies of his report for distribution to School Trustees and teachers, and for exchange with other States; to the Surveyor-General, one thousand copies of his report for distribution to the County Surveyors, Assessors, and County Clerks for the several counties, and for exchange with other States; to the Adjutant-General, two hundred and fifty copies of his report, to be distributed at his discretion; to the Attor-

ney-General, one hundred copies of his report for distribution to the several District Attorneys of the State; to the Controller, two hundred copies of his report; to the Secretary of State, two hundred copies of his report; to the State Treasurer, two hundred copies of his report; to the State Librarian, one hundred and fifty copies of his report; to the officers of each of the Insane Asylums, five hundred copies of their reports; to the Directors of the State Prison, one hundred copies of their report; to the Regents of the University, three hundred copies of their report; to the Trustees of the Asylum for the Deaf, Dumb, and Blind, three hundred copies of their report; to the Fish Commissioners, five hundred copies of their report; to the Superintendent of State Printing, two hundred copies of his report; to the State Board of Health, two hundred copies of their report; to the Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, two hundred copies of their report. And the remaining copies thereof: One-third to the order of [the] Sergeant-at-Arms of the Senate, and two-thirds to the order of the Sergeant-at-Arms of the Assembly, to be by them distributed pro rata to the members of the Senate and Assembly next to convene.

SEC. 4. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. DLXVI.—*An Act to amend the Political and Penal Codes, concerning public printing, and for other purposes, approved April third, eighteen hundred and seventy-six.*

[Approved April 1, 1878.]

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

SECTION 1. Section five hundred and twenty-six of the Political Code is amended to read as follows:

✓ 526. It is the duty of the Superintendent of State Printing:

General duties of Superintendent State Printing.

One—To print the laws; the Journals of the Legislature; reports of State officers; public documents ordered to be printed by the Legislature; blanks for the Supreme Court, the offices of Governor, Secretary of State, Controller, Treasurer of State, Superintendent of Public Instruction, Attorney-General, Surveyor-General, and Register of the Land Office; the bills, resolutions, and other job printing which may be ordered by either of the two Houses of the Legislature, and all other public printing for the State, unless otherwise expressly ordered by law.

Two—To publish, prefixed to each volume of the laws, the names and place of residence of the Governor, and other executive officers of the State, Lieutenant-Governor, Sen-

General
duties of
Superintend-
ent State
Printing.

ators, and Representatives in the Legislature, the presiding officers of the Senate and Assembly, and of Commissioners of the State of California residing out of the State, and in office at the time of such publication.

Three—To perform the duties required by the provisions of Article Twelve, Chapter Two, Title One, Part Three, of this Code, and such other duties as are imposed upon him by law.

Four—He shall keep in his office, open to public inspection, a time-book, containing the name of every employé connected with the State Printing Office, the time employed, the rate of wages, and amount paid; and he shall certify, under oath, to the correctness of all claims for services rendered and materials furnished, which certificate shall be attached to and presented with each claim that shall be presented to the Board of Examiners for allowance, and no such claim shall be certified or allowed unless it be fully itemized.

Five—He shall file in the office of the Secretary of State, all proposals, bids, contracts, bonds, and other papers appertaining to the awarding of contracts now in his possession, or which may hereafter come into his possession, retaining in his office copies of the same; and the Secretary of State shall promptly furnish the Board of Examiners, for their use, certified copies of all such papers.

Six—All printing required by any of the State Departments, Boards, or any State officer, for the State, the order for the same shall be made out upon a printed blank, with voucher attached, to be furnished by the Superintendent of State Printing, and forwarded to the office of said Superintendent, who shall enter upon a book kept in his office for that purpose, a transcript of said orders; and shall return with the work, when completed, to the person ordering the same, the original order, with duplicate voucher attached: said voucher to be signed by the person receiving the work, and returned to the Superintendent of State Printing, and both original and duplicate orders shall be kept on file in his office, and shall be a sufficient voucher for said work. The Superintendent of State Printing shall enter upon a book to be kept for said purpose, the name, quantity, and weight of paper used for each order printed. He shall also, certify, under oath, that all materials, stock, and paper furnished the office under contracts are of the quality, kind, and weight required by such contracts; and no claim arising under any contract shall be allowed or paid unless accompanied by such certificate. He shall also, retain and file in his office one copy or sample of each blank, circular, pamphlet, book, legislative bill, file, or report, or any other work emanating from the State Printing Office, excepting blank books, of which he shall file only sample sheets. Said copies or samples shall bear a uniform number and date with the voucher.

Seven—No printing for the Senate, or any committee of the same, shall be executed except upon an official order of the Secretary, and no order for any printing shall be made by that officer unless the same is ordered by a majority vote of the Senate. All printing done for the Senate shall be

delivered to the Sergeant-at-Arms of that body, whose duty it shall be to distribute one-third of the copies of any document printed to the members of the Senate and two-thirds to the Sergeant-at-Arms of the Assembly, who shall receipt therefor, for distribution to the members thereof. There shall be printed two hundred and forty copies of all bills, resolutions, and reports ordered printed by the Senate.

Eight—No printing for the Assembly, or any committee of the same, shall be executed except upon an official order of the Chief Clerk, and no order for any printing shall be made by that officer unless the same is ordered by a majority vote of the Assembly. All printing done for the Assembly shall be delivered to the Sergeant-at-Arms of that body, whose duty it shall be to distribute two-thirds of the copies of any document printed to the members of the Assembly, and one-third to the Sergeant-at-Arms of the Senate, who shall receipt therefor, for distribution to the members thereof. There shall be printed two hundred and forty copies of all bills, resolutions, and reports ordered printed by the Assembly.

Nine—The receipts of the respective Sergeant-at-Arms of the Senate and Assembly shall be a sufficient voucher to the Superintendent of State Printing for all work done for either House.

SEC. 2. Section five hundred and twenty-eight of said Code is amended to read as follows:

✓ **528.** There must be printed of the laws of each session of the Legislature, twenty-two hundred and fifty copies, in English, to be deposited with the Secretary of State, who, after retaining a sufficient number of said volumes for distribution, in accordance with the provisions of section four hundred and nine of the Political Code, shall deposit one hundred and fifty copies with the State Librarian; the remaining copies to be sold at a price not to exceed three dollars per bound volume; the moneys thus received to be paid into the State treasury at the end of each month, as other fees are paid by the said Secretary of State, and for the same purposes. Whenever any bill, joint or concurrent resolution, is passed to enrollment, by either the Senate or Assembly, the Committee on Enrollment of the House in which the bill, joint or concurrent resolution originated, shall transmit the same, without delay, to the Superintendent of State Printing, who shall receipt for all such bills and resolutions, and proceed at once to have the same printed, in the order in which received, in the measure prescribed by law for the Statutes. So soon as printed, one copy, with proper blanks for the signatures of the officers whose duty it is to sign enrolled bills, shall be printed on bond paper, which, together with the engrossed bill, shall be sent to the Committee on Enrollment of the House in which the bill originated. Said committee shall compare such copy with the engrossed bill, and if it is found to be correct shall present it to the proper officers for their signatures. When such officials shall have signed their names thereon, as required by law, it shall be an enrolled bill, and shall be transmitted

Laws and
Journals to
be printed.

Laws and
Journals to
be printed.

to the Governor for his approval. If the same is signed by the Governor, and becomes a law, the printed law shall go to the Secretary of State and become the official record.

Second—Whenever a law is signed by the Governor, official notice shall be forwarded, in writing, to the Superintendent of State Printing of the fact. Upon the receipt of said official notice, the Superintendent of State Printing shall cause to be printed, for the use of the Legislature, two hundred and forty copies of said law, joint or concurrent resolution, to be distributed, one-third to the Senate and two-thirds to the Assembly, the Sergeant-at-Arms of the respective Houses to receipt to the Superintendent of State Printing for the same, whose receipt shall be a proper voucher for the work. He shall also cause to be printed the requisite number of sheets to make the number of copies of the Statutes required by law to be printed, the one composition of type to answer the purpose of printing the three editions; and of such laws, resolutions, and memorials as may be designated by the Legislature, two hundred and forty copies in Spanish. Of the Journals and Appendices of the Senate and Assembly there must be printed four hundred and eighty copies, in one volume or more, as may be required by the size thereof. The Superintendent of State Printing shall have the laws, Journals of Senate and Assembly, and the Appendices thereto, properly indexed and bound, the laws in full law sheep binding, and Journals and Appendices in half law sheep binding, marble sides, and deliver the same to the Secretary of State for distribution as soon as practical after the final adjournment of the Legislature, and the receipt of the Secretary of State shall be his voucher therefor.

SEC. 3. Section five hundred and thirty-one of the Political Code is hereby amended to read as follows:

Duties of
Superintendent
of State
Printing.

531. The duties of the Superintendent of State Printing shall be as follows: He shall have the entire charge and superintendence of State printing. He shall take charge of and be responsible on his bond for all manuscripts and other matter which may be placed in his hands to be printed, engraved, or lithographed, and shall cause the same to be promptly executed. He shall receive from the Senate or Assembly all matter ordered by either House to be printed and bound, or either printed or bound, and shall keep a record of the same, and of the order in which it may be received, and when the work shall have been executed, he shall deliver the finished sheets or volumes to the Sergeant-at-Arms of the Senate or Assembly, or of any department authorized to receive them, whose receipts therefor shall be a sufficient voucher to the said Superintendent of State Printing for their delivery. He shall receive and promptly execute all orders for printing required to be done for the various State offices. He shall employ such compositors, pressmen, and assistants as the exigency of the work from time to time requires, and may at any time discharge such employes; *provided*, that at no time shall he pay said compositors, pressmen, or assistants a higher rate of wages than is paid by those employing printers in Sacramento for like work. He

shall at no time employ more compositors or assistants than the absolute necessities of the State printing may demand, and he shall not permit any other than State work to be done in the State Printing Office. The Superintendent of State Printing shall, on or before the first day of September of each year, make a report, in writing, to the Governor, embracing a record of the complete transactions of his office for the preceding fiscal year, which report shall show, in detail, all the items of expense attending the State printing, and all the expenses of the office, including repairs and the purchase of materials of all kinds. Said report shall also state the number of reams and various kinds of paper delivered to him, and the amount and quality remaining on hand, which report shall be printed for the use of the Legislature.

SEC. 4. Section ninety-nine of the Penal Code is hereby amended to read as follows:

✓ 99. The Superintendent of State Printing shall not, during his continuance in office, have any interest, directly or indirectly, in any printing of any kind, or in any binding, engraving, or lithographing, or in a contract for furnishing paper or other printing stock or material connected with the State printing; and any violation of these provisions shall subject him, on conviction before a Court of competent jurisdiction, to imprisonment in the State Prison for a term of not less than two years, nor more than five years, and a fine of not less than one thousand dollars, nor more than three thousand dollars, or by both such fine and imprisonment.

Superintendent to be disinterested in State printing contracts.

SEC. 5. Section five hundred and thirty-two of the Political Code is hereby amended to read as follows:

✓ 532. In July of each year the Superintendent of State Printing shall submit to the State Board of Examiners samples of the various kinds, sizes, and qualities of paper that will probably be required in his office during the year commencing on the then next first Monday in October, an estimate of the probable quantity of each kind, size, and quality that will be so required. Upon being satisfied that the kind, sizes, quantities, and qualities of paper so suggested will be required, they shall direct the Superintendent of State Printing to advertise for thirty days in one daily newspaper published in the City of San Francisco, and one daily newspaper published in the City of Sacramento, for proposals to furnish such paper, or so much thereof as may be required during the year commencing as aforesaid, which bids shall be opened in his office at twelve o'clock M. on the day appointed, in the presence of the said Superintendent, and at least two of the State Board of Examiners; and the State Board of Examiners and the said Superintendent of State Printing shall constitute a Board to award the contract to the lowest responsible bidder. No bill [bid] shall be considered unless accompanied by a certified check, in the sum of two thousand dollars, gold coin, payable to the Governor for the use of the people of the State of California, conditioned that if the bidder receives the award of the contract he will, within thirty days, enter into bonds in the sum of ten thousand dollars, with two or

Advertisement for proposals to furnish paper for use of State Printing Office.

more sureties, to be approved by the Governor of the State, that he will faithfully perform the conditions of his contract; all bids must be for the furnishing and delivery of the paper and materials at the State Printing Office, in the City of Sacramento, so that the State shall not be charged with any cost of transportation or delivery, which must be specified in the advertisement for bids. If all the bids opened shall be deemed too high by said Board, they may decline them and advertise again. If the second set of bids are considered too high, the said Board may again decline them, and the Superintendent of State Printing may purchase such paper in open market. The prices paid shall, in no case, be higher than the lowest price at which such paper was offered to be furnished by the bids so rejected.

SEC. 6. Section five hundred and thirty-six of the Political Code is hereby amended to read as follows:

Contingent
expenses

✓ 536. Whenever any money is appropriated for the support of the State Printing Office, a sum not exceeding the sum of one thousand dollars thereof shall, in each fiscal year for which the appropriation is made, be applied to and used for the purpose of paying contingent expenses of State Printing Office. The Superintendent of State Printing shall keep an itemized account of all moneys expended out of the contingent fund hereby created, and shall furnish the Governor with a copy of the same, under oath, at the end of each fiscal year.

SEC. 7. Section five hundred and thirty-eight of the Political Code is hereby amended to read as follows:

Engraving
and litho-
graphing.

✓ 538. When any chart, map, diagram, or other engraving shall be required to illustrate any document ordered to be printed, such chart, map, diagram, or engraving shall be procured by the Superintendent of State Printing. No bills for engraving, or lithographing, or lithograph printing, other than the above, shall be allowed by the Board of Examiners. All State printing shall be done in the State Printing Office.

SEC. 8. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAP. DCXXIII.—[Duplicate of Chap. DLXVI.]

CHAP. DCIV.—*An Act to amend the Political Code in relation to insurance.*

[Approved April 1, 1878.]

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

SECTION 1. Section five hundred and ninety-five of said Code is amended to read as follows:

✓ **595.** The Insurance Commissioner must receive all bonds and securities of persons engaged in the transaction of insurance business in this State, and file and safely keep the same in his office, or deposit them as provided in this Article. He must examine and inspect the financial condition of all persons engaged, or who desire to engage, in the business of insurance; issue a certificate of authority to transact insurance business in this State to any persons in a solvent condition, who have fully complied with the laws of this State, and are in nowise in arrears to the State, or to any county or city of the State, for fees, licenses, taxes, or penalties accrued upon business previously transacted in the State; determine the sufficiency and validity of all bonds and other securities required to be given by persons engaged, or to be engaged, in insurance business, and cause the same to be renewed in case of the insufficiency or invalidity thereof; and perform all other duties imposed upon him by the laws regulating the business of insurance in this State, and enforce the execution of such laws; prepare and furnish, on demand, to all persons engaged in the insurance business, blank forms for such statements or reports as may by law be required of them; make, on or before the first day of August in each year, a report to the Governor of this State, containing a tabular statement and synopsis of the reports which have been filed in his office, showing, generally, the condition of the insurance business and interests in this State, and other matters concerning insurance, and a detailed statement, verified by oath, of the moneys and fees of office received by him, and for what purpose. And whenever any insurance company, doing business in this State, shall voluntarily surrender to the Insurance Commissioner its certificate of authority previously granted, thereby withdrawing from business in this State, the Commissioner must make due publication of such surrender and withdrawal daily for the period of one week, in each of two daily newspapers, the one published in the City of San Francisco, and the other in the City of Sacramento. It is further enacted, that if any action hereafter commenced in any District Court of this State, by a citizen thereof, against a foreign corporation or company doing insurance business in this State, such corporation or company shall transfer, or cause to be transferred, such action to the United States Circuit Court, the right of such corporation or company to transact insurance business in this State shall thereupon and thereby cease and determine; and the Insurance Commissioner shall immediately revoke the certificate of such corporation or company authorizing it to do business in this State, and publish such revocation daily, for the period of two weeks, in each of some two daily newspapers, the one published in the City of San Francisco, and the other in the City of Sacramento.

SEC. 2. Section five hundred and ninety-six of the Political Code is amended to read as follows:

✓ **596.** No person must transact insurance business in this State without first procuring from the Insurance Commissioner a certificate of authority, as in this Chapter provided;

Insurance
Commis-
sioner;
duties of.

Persons to
procure
certificates.

Agent to file
report;
penalty for
failure.

and any person who, as agent, or pretended agent, of a foreign insurance company, or other person, shall, without the possession of such certificate of authority, solicit, issue, or procure to be issued, in this State, any policy of insurance by such foreign insurance company, shall forfeit to the people of this State the sum of two hundred dollars for each and every policy so issued or procured to be issued. But any company or corporation belonging to any other State or count[r]ly having policies of life insurance outstanding in this State, and that were issued in accordance with the laws of the State, shall have the right to maintain a special agent in this State for the collection of renewal premiums on such policies, and the Commissioner is hereby authorized to issue to the duly appointed special agent of such company or corporation a certificate authorizing him to collect such renewal premiums; such certificate to be issued on the production to the Commissioner of satisfactory evidence that such company or corporation is authorized to transact life insurance business in the State or count[r]ly to which it belongs. And any person who, as agent of either the insurer or the insured, shall collect such renewal premiums, must, on or before the tenth day of February, annually, file with the Commissioner a statement, under oath, showing the gross amount of such annual premiums collected by him during the year ending on the thirty-first day of December next preceding, and pay into the office of the Commissioner the sum of twenty dollars. Failing to make such statement and payment within the time named, such person shall forfeit to the people of the State of California the sum of one hundred dollars for each and every policy so renewed, by the payment to him of such renewal premium. All penalties and forfeitures under this section must be collected by the Insurance Commissioner, and, for the purposes of such collections suits may be instituted by him, in the name of the people of the State of California, in any Court of competent jurisdiction.

SEC. 3. Section six hundred and two of said Code is amended to read as follows:

Persons
when
declared
insolvent.

602. Whenever provision for the liabilities of any person engaged in the business of fire, marine, or inland navigation insurance in this State, for losses reported, expenses, taxes, and re-insurance of all outstanding risks, estimated at fifty per cent. of the premiums received and receivable on all fire risks and marine time risks, at the full premiums received and receivable on all other marine risks, would so far impair his capital stock paid in as to reduce the same below two hundred thousand dollars, or below seventy-five per cent. of said capital stock paid in, such person is insolvent; and in the case of a person engaged in such insurance in this State, on the mutual plan, if the available cash assets of such person shall not exceed his liabilities, as hereinbefore enumerated, in the full sum of two hundred thousand dollars, such person is insolvent; and whenever provision for the liabilities of any person engaged in any kind of insurance business in this State, other than life, provided for in section four hundred and twenty of the Civil Code of this State, for losses

reported, expenses, taxes, and re-insurance of all outstanding risks, estimated at such rates as are accepted by the insurance authorities of the State of New York, would so far impair his capital stock paid in as to reduce the same below one hundred thousand dollars, or below seventy-five per cent. of said capital stock paid in, such person is insolvent; and in case of a person engaged in such insurance business in this State, on the mutual plan, if his available cash assets shall not exceed his liabilities, as hereinbefore enumerated, in the full sum of one hundred thousand dollars, such person is insolvent. In the case of a company or corporation engaged in the business of life insurance, whenever its liabilities for losses reported, expenses, taxes, and re-insurance of all its outstanding risks, at rates based upon the American Experience Table of Mortality, and interest at the rate of four and one-half per centum per annum, exceeds its assets, such company or corporation is insolvent.

SEC. 4. Section six hundred and eleven of said Code is amended to read as follows:

✓ **611.** The statements mentioned in the preceding section must exhibit the condition and affairs of every such corporation, person, firm, or association, on the thirty-first day of December then next preceding, and must be filed with the Commissioner; and as adjusted by the Commissioner, upon a proper examination of the same, must be published by such corporation, person, firm, or association, daily, for the period of one week, in some newspaper published in the city where the principal office is located. Such statement, if made by a person or corporation organized under the laws of this State, must be filed with the Commissioner on or before the first day of February of each year. If made by a person or corporation organized under the laws of any other of the States or Territory of the United States, it must be filed on or before the tenth day of March of each year. And if made by a person, or corporation organized under the laws of any country foreign to the United States, it must be filed on or before the first day of May of each year.

Commissioner to publish condition of persons and corporations.

SEC. 5. Section six hundred and twelve of said Code is amended to read as follows:

✓ **612.** Such statement, if made by fire, marine, and inland insurance companies, or by companies organized under section four hundred and twenty of the Civil Code, must show:

Statement; what to show.

First—The amount of the capital stock of the company.

Second—The property or assets held by the company, specifying:

1. The value of real estate held by such company.
2. The amount of cash on hand and deposited in banks to the credit of the company, specifying the same.
3. The amount of cash in the hands of agents, and in course of transmission.
4. The amount of loans secured by bonds and mortgages, constituting the first lien on real estate, on which there is less than one year's interest due or owing.
5. The amount of loans on which interest has not been paid within one year previous to such statement.

Statement;
what to
show.

6. The amount due the company on which judgments have been obtained.

7. The amount of stocks of this State, of the United States, or any incorporated city of this State; and of any other stocks owned by the company, specifying the amount, number of shares, and par and market value of each kind of stocks.

8. The amount of stocks held as collateral security for loans, with the amount loaned on each kind of stock, its par value and market value.

9. The amount of interest due and unpaid.

10. The amount of all other loans made by the company, specifying the same.

11. The amount of premium notes on hand on which policies are issued.

12. All other property belonging to the company, specifying the same.

Third—The liabilities of such company, specifying:

1. The amount of losses due and unpaid.

2. The amount of claims for losses resisted by the company.

3. The amount of losses in process of adjustment, or in suspense, including all reported or supposed losses.

4. The amount of dividends declared, due and remaining unpaid.

5. The amount of dividends declared, but not due.

6. The amount of money borrowed and security given for the payment thereof.

7. Gross premiums (without any deduction) and receivable upon all unexpired fire risks running one year or less from date of policy, re-insurance thereon at fifty per cent.

8. Gross premiums (without any deduction) received and receivable upon all unexpired fire risks running more than one year from date of policy, re-insurance thereon pro rata.

9. Gross premiums (without any deductions) received and receivable upon all unexpired marine and inland navigation risks, except time risks, re-insurance thereon at one hundred per cent.

10. Gross premiums (without any deductions) received and receivable on marine time risks, re-insurance thereon at fifty per cent.

11. Amount reclaimable by the insured on perpetual fire insurance policies, being ninety-five per cent. of the premiums or deposit received.

12. Re-insurance fund and all other liabilities, except capital, under the life insurance or any other special department.

13. Unused balances of bills and notes taken in advance for premiums on open marine and inland policies, or otherwise, returnable on settlement.

14. Principal unpaid on scrip or certificates of profits, which have been authorized or ordered to be redeemed.

15. Amount of all other liabilities of the company, specifying the same.

Fourth—The income of the company during the preceding year, specifying:

1. The amount of cash premiums received.

2. The amount of notes received for premiums.
3. The amount of interest money received, specifying the same.
4. The amount of income received from all other sources, specifying the same.

Fifth—The expenditures of the preceding year, specifying:

1. The amount of losses paid.
2. The amount of dividends paid.
3. The amount of expenses paid, including commissions and fees to agents and officers of the company.
4. The amount paid for taxes.
5. The amount of all other payments and expenditures.

Sixth—1. The amount of risks written during the year.

2. The amount of risks expired during the year.
3. The amount of risks written during the year in the State of California.

4. The amount of premiums thereon.

SEC. 6. Section six hundred and sixteen of said Code is amended to read as follows:

- ✓ **616.** The Insurance Commissioner must require, as a condition precedent to the transaction of insurance business in this State by any foreign corporation or company, that such corporation or company must file in his office the name of an agent, and his place of residence in this State, on whom summons and other process may be served in all actions or other legal proceedings against such corporation or company. All process so served gives jurisdiction over the person of such corporation or company. The agent so appointed and designated shall be deemed in law a general agent, and must be the principal agent or chief manager of the business of such corporation or company in this State. Any such foreign corporation or company shall, as a further condition precedent to the transaction of insurance business in this State, and in consideration of the privilege to transact such insurance business in this State, make and file with the Insurance Commissioner an agreement or stipulation, executed by the proper authorities of such corporation or company, in form and substance as follows: The (giving name of corporation or company) does hereby stipulate and agree, that in consideration of the permission granted by the State of California to it to transact insurance business in this State, that if at any time said corporation or company shall be without an agent in said State, on whom summons or other legal process may be served, service of such summons or other legal process may be made upon the Insurance Commissioner, such service upon the Commissioner to have the same force and effect as if made upon the corporation or company. Whenever such service of summons or other legal process shall be made upon the Insurance Commissioner, he must, within ten days thereafter, transmit by mail, postage paid, a copy of such summons or other legal process to the company or corporation, addressed to the President or Secretary thereof, at its home or principal office. Such copy must be certified by the Commissioner, under his hand

Condition
required
by Commis-
sioner.

Service of
Summons.

and official seal, and the sending of such copy by the said Commissioner shall be a necessary part of the service of summons or other legal process.

SEC. 7. Section six hundred and seventeen of said Code is amended to read as follows:

Penalty.

✓ **617.** The Commissioner must collect the sum of one thousand dollars from any company or corporation engaged in the business of insurance in this State for a failure to make and file in his office, within the time prescribed by law, the statements and stipulations required by sections six hundred and ten, six hundred and eleven, six hundred and twelve, six hundred and thirteen, and six hundred and sixteen of this Code, and an additional penalty of two thousand dollars for each and every month thereafter that such company or corporation continues to transact the business of insurance, until such statements and stipulations are filed, and for that purpose suits may be instituted, in the name of the people of the State of California, in any Court of competent jurisdiction. This section shall take effect and be in force from and after the fifteenth day of May, eighteen hundred and seventy-eight.

SEC. 8. Section six hundred and eighteen of said Code is amended to read as follows:

Company to
deposit
securities.

✓ **618.** Whenever the laws of any State of the United States, or of any country foreign to the United States, require any insurance company or corporation organized under the laws of this State to deposit with some officer of this State securities in trust for and for the benefit of the policy holders of such company or corporation, as a prerequisite to transacting insurance business in such other State or foreign country, and whenever, under any laws of this State, any insurance company or corporation is required to deposit with any officer of this State securities in trust for and for the benefit of policy holders of such company or corporation, the Insurance Commissioner of this State must receive from such company or corporation securities in the amount required by the law under which such deposit is made, on deposit and in trust for the policy holders of such company or corporation. The value of such securities must be equal to the value of interest bearing stocks and bonds of the United States Government, but none of such securities must be estimated above the par value of the same, nor above their market value. The Commissioner must, upon the receipt of such securities, forthwith make a special deposit of the same in the State treasury, in packages marked with the name of the company or corporation from whom received, where they must remain as security for policy holders in the company or corporation to which they respectively belong; but so long as the company or corporation continues solvent, he must permit it to collect the interest or dividends on the securities so deposited, and from time to time to withdraw any such securities on depositing other securities in the stead of those to be withdrawn; such new securities to be of the same value mentioned in this section, but such securities must not be withdrawn from the State treasury unless upon the

The kind
and nature
of.

written order of the acting President and Secretary of the corporation making the deposits, which order must be indorsed by the Commissioner, or upon the order and authority of some Court of competent jurisdiction.

SEC. 9. Section six hundred and nineteen of said Code is amended to read as follows:

✓ **619.** Whenever any insurance company or corporation has deposited with the Commissioner the requisite security, in conformity with the requirements of the preceding section, the Commissioner must issue to such company or corporation a certificate, under his official seal, of such deposit, for each State or country requiring the same; which said certificate must state the items and amount of securities so deposited, and that they are of the value therein represented.

Commissioner to issue certificate.

SEC. 10. Section six hundred and twenty of said Code is amended to read as follows:

✓ **620.** Whenever any insurance company or corporation so depositing securities with the Commissioner, has paid, canceled, or re-insured all its unexpired policies outstanding in the State, satisfactorily to the holders thereof, and all its liabilities under such policies are extinguished or assumed by other responsible companies or corporations, then, if on application of such company or corporations, verified by the oaths of its President and Secretary, and from an examination of the books of the corporation, and of its officers, under oath, the Insurance Commissioner is satisfied that all of its policies are so paid, canceled, extinguished, or re-insured, he must deliver up to the corporation the securities deposited. And whenever the laws of any other State or country, by reason of which section six hundred and twenty-two of the Political Code of this State is brought into force, shall be repealed and abrogated, and any deposit which shall have been made with the Commissioner, under and by reason of said section six hundred and twenty-two of the Political Code, must be delivered up to the company or corporation making the deposit.

Commissioner to deliver up securities.

SEC. 11. Section six hundred and twenty-one of said Code is amended to read as follows:

✓ **621.** The Commissioner must make an annual examination of the securities received by him from each insurance company or corporation, and if it appear at any time that the securities deposited by any such company or corporation amount to less than the sum required for the purposes for which the deposit was made, he must notify the company or corporation thereof, and unless the deficiency is made up within thirty days after notice the Commissioner must countermand all the certificates he may have issued to the company or corporation under this Chapter, and give notice thereof to the officers of the several States to whom the certificate may have been transmitted: and he must also publish the notice for three weeks successively, in some daily newspaper published in the City of San Francisco, at the expense of the company or corporation, to be collected by assessment upon the company or corporation, or its duly appointed agent in this State.

Examination to be made.

SEC. 12. Section six hundred and twenty-two of said Code is amended to read as follows:

Licenses
and fees
required
in different
countries.

✓ **622.** When, by the laws of any other State or country, any taxes, fines, penalties, licenses, fees, deposits of money or of securities, or other obligations or prohibitions, are imposed on insurance companies of this State doing business in such other State or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of securities, or other obligations or prohibitions imposed upon insurance companies of such other State or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind must be imposed upon insurance companies of such other State or country doing business in this State. And whenever, under this section, any deposit of securities shall be made in this State, such deposit must be made in stocks or bonds of the United States Government, or in those of the State of California; which said securities must be estimated at not exceeding their par value, nor their market value.

SEC. 13. A new section is added to said Code, to be known as section six hundred and thirty-four, to read as follows:

Company to
register
policies.

✓ **634.** It shall be lawful for any company or corporation transacting the business of life insurance in this State, to register with the Insurance Commissioner such of its policies as may be agreed upon by the company and the insured; such registration to consist in a written or printed list of such policies, filed with the Commissioner, showing the name and age of the insured, number and date of the policy, and the kind and amount of insurance in each case. Such list must be filed with the Commissioner within thirty days after the issuance of the first registered policy, and must contain all such policies issued up to the date of filing. After that date, the company must, within three days after the first day of each calendar month, file a statement embracing all its registered policies issued since the filing of its last preceding list. Upon filing such lists of policies, from time to time, the company must deposit with the Commissioner, as a special deposit for the benefit of such registered policies, securities of the denominations stated in section four hundred and twenty-seven of the Civil Code, as permissible for the investment of the capital and accumulations of life insurance companies. Such deposit must be in an amount equal to the full net value of all policies registered up to the time of making the deposit, and must at all times be equal to such net value of all the registered policies. Upon receipt of such securities, the Commissioner must immediately deposit them in the State treasury, in accordance with the provisions of section six hundred and eighteen of the Political Code, where they must remain as a special security for the benefit of said registered policies. Such company may at any time withdraw any excess of securities above the net present value hereinbefore specified, upon satisfying said Commissioner, by written proof, that such excess exists, and shall be allowed to receive the interest on all securities deposited, and to exchange such securities, by substituting

Deposits to
be made.

other securities of the character in which, by the laws of this State, it may invest its funds.

SEC. 14. This Act shall be in force from and after its passage.

CHAP. CCCCVI.—*An Act to amend section six hundred and forty-two of the Political Code, respecting the duties of the Fish Commissioners.*

[Approved March 28, 1878.]

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

SECTION 1. Section six hundred and forty-two of the Political Code is amended to read as follows: Amended.

✓ 642. It is the duty of the Fish Commissioners:

One (1)—To see that the laws for the preservation of fish and game are strictly enforced; and for that purpose they may from time to time employ such assistants as they shall deem necessary, which persons so appointed as assistants shall have all powers and authority of Sheriffs to make arrests for violation of such laws throughout the State. Powers of Commissioner.

Two (2)—To establish fish breederies for stocking the waters of this State with foreign and native fish.

Three (3)—To purchase and import the spawn or ova of fish suitable for food.

Four (4)—To stock with such spawn the waters of this State.

Five (5)—To employ persons skilled in fish breeding to assist them in their duties.

Six (6)—To furnish plans for and direct and compel the construction and repair of fish ladders and ways upon dams and obstructions.

Seven (7)—To provide for the distribution and protection of game birds imported into this State for purposes of propagation.

Eight (8)—To report biennially to the Governor a statement of all their transactions and disbursements.

CHAP. CXLII.—*An Act to amend sections forty-nine and fifty of the Code of Civil Procedure, to add an additional section thereto, to be numbered section fifty-one, and to amend section seven hundred and fifty-one of the Political Code, all relative to the terms and officers of the Supreme Court.*

[Approved March 8, 1878.]

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

SECTION 1. Section forty-nine of the Code of Civil Procedure is amended so as to read as follows:

Terms of
Court.

✓ **49.** There must be six terms in each year for the hearing of causes, to commence on the second Monday of January, April, May, July, October, and November; additional terms may also be held by order of the Court.

SEC. 2. Section fifty of said Code is hereby amended so as to read as follows:

Terms;
where held.

✓ **50.** The January and July terms of this Court shall be held at the City and County of San Francisco, the April and October term at the City of Los Angeles, and the May and November terms at the State Capitol. If proper rooms in which to hold the Court, and for the accommodation of the officers thereof, are not provided by the State, together with attendants, furniture, fuel, lights, and stationery suitable and sufficient for the transaction of business, the Court may direct the Sheriff of the county in which it is held to provide such rooms, attendants, furniture, fuel, lights, and stationery, and the expenses thereof, certified by a majority of the Justices to be correct, must be paid out of the State treasury for which expenses, and to defray the traveling expenses of the Justices and officers of the Court, as specified in section fifty-one of this Code, a sufficient sum shall be annually appropriated out of any funds in the State treasury not otherwise appropriated; said moneys shall be subject to the order of the Clerk of said Court, and by him disbursed on proper vouchers, and the same shall be accounted for by him, in annual settlements with the Controller of State, on the first Monday of December of each year.

New section.

SEC. 3. A new section, to be numbered section fifty-one, is hereby added to said Code of Civil Procedure to read as follows:

Traveling
expenses
allowed.

✓ **51.** The Justices and officers of the Court shall be allowed their actual traveling expenses in going to and from San Francisco, Los Angeles, and the State Capitol for the purpose of holding terms of Court, as prescribed in sections forty-nine and fifty of this Chapter.

SEC. 4. Section seven hundred and fifty-one of the Political Code is amended so as to read as follows:

Deputies.

✓ **751.** He may appoint three deputies, one to reside at San Francisco, one at Los Angeles, and one at the State Capitol, and separate records shall be made and preserved at the several places for holding said Court.

SEC. 5. This Act shall take effect on the first day of October, A. D. eighteen hundred and seventy-eight.

Repealed.

SEC. 6. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed so far as they conflict with the provisions hereof.

CHAP. CCCL.—*An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-three, seven hundred and fifty-four, and seven hundred and fifty-six of the Political Code.*

[Approved March 26, 1878.]

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

SECTION 1. Section seven hundred and fifty-two of the Political Code is hereby amended so as to read as follows:

✓ 752. He must collect in advance, in United States gold ^{Fees.} coin, the following fees: For filing the transcript on appeal, in each civil case appealed to the Supreme Court, fifteen dollars, in full for all services rendered in each case up to the rendering of the judgment or issuing of the remittitur, when no petition for rehearing has been filed; for filing petition for rehearing, five dollars, in full for all services in said cause thereafter, up to and including the remittitur to the Court below; for filing motion to dismiss appeal, upon Clerk's certificate, two dollars and fifty cents; for filing petitions for writs of mandate, prohibition, review, and all other original proceedings, ten dollars, in full for all services rendered in each cause; for filing orders extending the time to file transcripts, one dollar; for certificate of admission as attorney and counsellor, ten dollars; for filing each paper in writs of error to the Supreme Court of the United States, fifty cents; for making record in writs of error to the Supreme Court of the United States, and for copies of any record or document in his office, the sum of fifteen cents per folio, but this fee must not be taxed against the parties to suits for any paper or copies of papers necessary up to and including the remittitur; for comparing any document requiring a certificate, ten cents per folio; for each certificate under seal, one dollar.

SEC. 2. Section seven hundred and fifty-three of the Political Code is hereby amended so as to read as follows:

✓ 753. All fees collected by him must be paid into the ^{Fees; how} State treasury, eighty per cent. thereof to the credit of the ^{disposed of.} General Fund, and twenty per cent. thereof to the credit of the Supreme Court Library Fund.

SEC. 3. Section seven hundred and fifty-four of the Political Code is hereby amended so as to read as follows:

✓ 754. He is responsible and must account for, and in his ^{Settlement} settlement with the Controller must be charged, with the full ^{with Con-} amount of all fees collected or chargeable, and accruing in ^{troller.} causes brought into the Court, for services rendered therein up to the time of each settlement, and must, at the end of every month, pay the same into the State treasury. He must also, at the end of every month, render to the Controller of State, in such form as that officer prescribes, an account in detail, under his own oath, of all fees chargeable and accruing in causes brought into Court and not included in his previous accounts rendered. His salary must not be

allowed or paid until all fees so accruing, and for which he is chargeable, have been accounted for and paid over.

Amended.

SEC. 4. Section seven hundred and fifty-six of the Political Code is hereby amended so as to read as follows:

✓ **756.** The annual salary of each of the Deputy Clerks is eighteen hundred dollars.

CHAP. CCLXX.—*An Act to amend section seven hundred and ninety-one of the Political Code.*

[Approved March 18, 1878.]

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

SECTION 1. Section seven hundred and ninety-one of the Political Code is amended so as to read as follows:

Governor to
appoint and
commission
Notaries.

✓ **791.** The Governor must appoint and commission Notaries Public as follows: Fifteen for each of the Counties of Alpine, Del Norte, Lake, Lassen, Marin, Mariposa, Modoc, Mono, Plumas, San Benito, San Diego, San Mateo, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, and Ventura. Twenty for each of the Counties of Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Humboldt, Inyo, Kern, Mendocino, Merced, Monterey, Napa, Placer, San Bernardino, San Luis Obispo, Santa Barbara, Santa Cruz, Solano, Stanislaus, Tuolumne, Yolo, and Yuba. Twenty-five for each of the Counties of San Joaquin, Sonoma, and Tulare, and Nevada. Thirty for each of the Counties of Alameda, Los Angeles, Sacramento, San Francisco, and Santa Clara. Fifteen for each of the counties created subsequently to the passage of this Act.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCLV.—*An Act to amend section eight hundred of the Political Code of California, relative to the oath of office of Notaries Public.*

[Approved March 26, 1878.]

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

SECTION 1. Section eight hundred of the Political Code is amended to read as follows:

Notary to
transmit
certificate.

✓ **800.** Each Notary, so soon as he has taken his official oath and filed his official bond, must transmit a certificate of the facts, under the hand and seal of the County Clerk, together with a copy of his official oath, signed by him with his own proper signature, to the office of the Secretary of State.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXVI.—*An Act to amend section nine hundred and nine of the Political Code of California, relative to oath of office of County Judges.*

[Approved March 30, 1878.]

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

SECTION 1. Section nine hundred and nine of the Political Code is amended to read as follows:

✓ 909. Every oath of office, certified by the officer before whom the same was taken, must be filed within the time required by law, except when otherwise specially provided, as follows:

Oaths must be filed.

First—The oath of all officers, whose authority is not limited to any particular county, in the office of the Secretary of State.

Oaths filed with Secretary of State.

Second—The oath of all officers elected or appointed for any county, and of all officers whose duties are local or whose residence in any particular county is prescribed by law, in the offices of the Clerks of their respective counties.

County officers to file with Clerk.

Third—Each County Judge and County Clerk must, so soon as he has taken and subscribed his official oath, file a copy thereof, signed with his own proper signature, in the office of the Secretary of State.

Oath of Judge; where filed.

CHAP. XIII.—*An Act to amend sections one thousand and fifty-three and one thousand and fifty-five of the Political Code.*

[Approved January 11, 1878.]

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

SECTION 1. Section one thousand and fifty-three of the Political Code is hereby amended so as to read as follows:

✓ 1053. At least thirty days before each general or judicial election, and whenever he orders a special election to fill a vacancy in the office of State Senator or member of Assembly, at least ten days before such special election, the Governor must issue an election proclamation under his hand and the great seal of the State, and transmit copies thereof to the Board of Supervisors of the counties in which such elections are to be held.

Proclamation.

SEC. 2. Section one thousand and fifty-five of the Political Code is hereby amended so as to read as follows:

Duties of Supervisors on receiving proclamation.

✓ 1055. The Board of Supervisors, upon receipt of such proclamation, may, in case of general or judicial elections, in their discretion, cause a copy of the same to be published in some newspaper printed in the county (if any), and to be posted at each place of election at least ten days before the election, or may cause written or printed notices of the election to be posted at each election precinct at least ten days before the election, and in case of special elections to fill a vacancy in the office of State Senator or member of Assembly, the Board of Supervisors, upon receipt of such proclamation, may, in their discretion, cause a copy of the same to be published or posted as hereinabove provided, except that such publication or posting need not be made for a longer period than five days before such election.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXX.—*An Act to amend an Act entitled an Act to establish a Political Code in relation to elections.*

[Approved March 30, 1878.]

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

SECTION 1. Section twelve hundred and twenty-five of said Code is amended so as to read as follows:

Voter to hand ballot to Inspector.

✓ 1225. The person offering to vote must hand his ballot to the Inspector, or to one of the Judges acting as Inspector, and announce his name and the number affixed to it on the register in use at the precinct where he offers his vote; *provided*, that in incorporated cities and towns the said person shall also give the name of the street, avenue, or location of his residence, and the number thereof, if it be numbered, or such clear and definite description of the place of such residence as shall definitely fix the same.

SEC. 2. Section twelve hundred and twenty-six of said Code is amended so as to read as follows:

Duty of Inspector on receiving ballot.

✓ 1226. The Inspector, or Judge acting as such, must receive the ballot, and before depositing it in the ballot-box, must, in an audible tone of voice, announce the name and register number; *provided*, that in incorporated towns and cities the said Inspector, or Judge acting as such, shall also announce the residence of the person voting, and the same shall be recorded on the poll-list by the Poll Clerk.

SEC. 3. Section twelve hundred and twenty-seven of said Code is amended so as to read as follows:

Ballot to be placed in box.

✓ 1227. If the name be found on the register in use at the precinct where the vote is offered, and the vote is not rejected upon a challenge taken, the Inspector, or Judge acting as such, must, in the presence of the Board of Election, place

the ballot, without opening or examining the same, in the ballot-box; and no person shall be allowed to vote whose name is not on said register in use at the precinct.

SEC. 4. Section twelve hundred and twenty-eight of said Code is amended so as to read as follows:

✓ **1228.** When the ballot has been placed in the box, one of the Judges must write the word "voted" opposite the number of the person on the register. Judge to write.

SEC. 5. Section ten hundred and ninety-four of said Code is amended so as to read as follows:

✓ **1094.** There must be kept, in the office of the County Clerk of each county, a Great Register; whenever deemed necessary the Board of Supervisors of any county may, by order, require a re-registration of the voters of said county, which said order shall be published in at least one newspaper published in said county for not less than six months preceding the next ensuing general election. Such re-registration shall conform in all respects to the provisions of this Code concerning original registration, except that any person applying for re-registration shall be entitled thereto upon showing that his name was enrolled and uncanceled on the former Great Register. Re-registration required.

SEC. 6. Section eleven hundred and thirteen of said Code is amended so as to read as follows:

✓ **1113.** Before the fifth day of August, in each year in which there shall be a general or Presidential election, each County Clerk must make a copy of the uncanceled entries existing on the Great Register on the preceding first day of August. The Board of Supervisors of any county may, by order, provide for the preparation and distribution of township or precinct registers for each township, instead of copies of the Great Register. For the purposes of registration and preparation of a new Great Register, or of township or precinct registers and copies thereof, if ordered by the Board of Supervisors, the County Clerk must employ such assistants, and for such times, and at such compensation, as shall, from time to time, be authorized by said Board, which shall be paid out of the county treasury. Such order may be repealed and reenacted as often as the Board of Supervisors may deem expedient. Supervisors to prepare registers.

SEC. 7. Nothing in this Act shall be so construed as to repeal by implication any special election or registration law applicable to the City and County of San Francisco alone; but this Act shall be so construed as if passed prior thereto. How construed.

CHAP. CCCVII.—*An Act to amend section one thousand five hundred and seventy-six (1576) of the Political Code.*

[Approved March 22, 1878.]

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

SECTION 1. Section fifteen hundred and seventy-six of the Political Code is hereby amended so as to read as follows:

School district; what constitutes.

✓ **1576.** Each county, city, or incorporated town, unless subdivided by the legislative authority thereof, forms a school district; *provided*, the Board of Supervisors may include more territory than that now included within the boundaries of any incorporated town.

CHAP. DLXII.—*An Act to amend section sixteen hundred and seventeen of the Political Code, relating to the general powers of Boards of Trustees and of Education.*

[Approved April 1, 1878.]

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

SECTION 1. Section sixteen hundred and seventeen of the Political Code is hereby amended so as to read as follows:

Powers of Trustees.

✓ **1617.** The powers of Boards of Trustees of School Districts, and of Boards of Education in cities, are as follows:

First—To prescribe and enforce rules not inconsistent with law, or those prescribed by the State Board of Education, for their own government, and the government of schools.

Second—To manage and control the school property within their districts.

Third—To purchase school furniture and apparatus, and such other things as may be necessary for the use of schools.

Fourth—To rent, furnish, repair, and insure the school property of their respective districts.

Fifth—When directed, by vote of their district, to build school houses, or to purchase or sell school lots.

Sixth—To make, in the name of the district, conveyances of all property belonging to the district and sold by them.

Seventh—To employ the teachers, janitors, and employes of school, to fix and order paid their compensation.

Eighth—To suspend or expel pupils for misconduct.

Ninth—To exclude from schools children under six years of age.

Tenth—To enforce in the schools the course of study and the use of the text-books prescribed and adopted by the State Board of Education.

Eleventh—To appoint District Librarians, and enforce the rules prescribed for the government of district libraries.

Twelfth—To exclude from schools and school libraries ^{Powers of Trustees.} all books, publications, or papers of a sectarian, partisan, or denominational character.

Thirteenth—To furnish books for the children of parents unable to furnish them.

Fourteenth—To keep a register, open to the inspection of the public, of all children applying for and entitled to be admitted in the schools, and to notify the parent or guardian of such children when vacancies occur, and receive such children in the schools in the order in which they are registered.

Fifteenth—To make arrangements with the Trustees of any adjoining district for the attendance of any such children in the school of either district as may be best accommodated therein, and to transfer the school moneys due by apportionment to such children to the district in which they may attend school; and in case the Trustees fail to agree, the parents of such children may appeal to the County Superintendent, whose decision shall be final.

Sixteenth—On or before the first day of June, in each year, to appoint a School Census Marshal, and notify the School Superintendent thereof.

Seventeenth—To make an annual report, on or before the first day of July, to the School Superintendent, in the manner and form, and on the blanks prescribed by the Superintendent of Public Instruction.

Eighteenth—To make a report, whenever required, directly, to the Superintendent of Public Instruction, of the text-books used in their schools.

Nineteenth—To visit every school in their district at least once in each term, and examine carefully into its management, condition, and wants—this clause to apply to each and every member of the Board of Trustees.

SEC. 2. This Act shall take effect immediately upon its passage and approval.

CHAP. CCCLXVIII.—*An Act to amend section seventeen hundred and forty-six of the Political Code.*

[Approved March 26, 1878.]

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

SECTION 1. Section seventeen hundred and forty-six is amended so as to read as follows:

✓ 1746. State educational diplomas must be issued to such persons only as have been employed in teaching five years, and who have held a first grade State certificate for at least a year, or a first grade city or county certificate for at least five years. ^{Diplomas; to whom issued.}

CHAP. CCXXIX.—*An Act to amend section one thousand seven hundred and seventy of the Political Code, relating to County Boards of Examination.*

[Approved March 16, 1878.]

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

SECTION 1. Section one thousand seven hundred and seventy of the Political Code is amended to read as follows:

Meetings of
Board.

✓ 1770. The County Board must meet and hold examinations as follows: Commencing on the last Wednesday of June and November of each year. The place of meeting must be designated by the Chairman.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCLXXVII.—*An Act to amend certain sections of the Political Code, relating to the school law of California.*

[Approved March 30, 1878.]

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

SECTION 1. Section seventeen hundred and seventy-five of the Political Code is amended to read as follows:

Board to
renew cer-
tificates.

✓ 1775. The Board may, without examination, renew first grade county certificates, upon the application of the persons who have held them for three years; also, second grade county certificates, upon the application of the persons who have held them for two years; and also, third grade county certificates, upon the application of the persons who have held them for one year; to remain in full force and effect so long as such persons follow the occupation of teaching; *provided*, that the Board may revoke any county certificate for immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching.

SEC. 2. Section seventeen hundred and ninety-three of the Political Code is amended to read as follows:

Holders of
city certi-
ficates to
teach in
counties.

✓ 1793. The holders of city certificates are eligible to teach in the cities in which such certificates were granted, and also in the several counties of the State, in schools of grades corresponding to the grades of such certificates.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXVI.—*An Act to amend section one thousand seven hundred and ninety of the Political Code.*

[Approved March 30, 1878.]

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

SECTION 1. Section seventeen hundred and ninety* of the Political Code is hereby amended to read as follows:

✓ 1790. The Board must meet and hold examinations, as follows: Commencing on the last Wednesday of June and November of each year. The place of meeting must be designated by the Chairman. Board to hold examination when.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CLXXXV.—*An Act to amend the Political Code of the State of California, and other Acts, concerning the National Guard.*

[Approved March 12, 1878.]

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

SECTION 1. Section one thousand nine hundred and twelve of the Political Code of the State of California is hereby amended so as to read as follows:

✓ 1912. The organized uniformed militia of the State of California are known as the National Guard of California. This force shall not exceed forty companies, and must be located throughout the State with reference to the military wants thereof, means of concentration, and other military requirements. National Guard; of what it consists.

SEC. 2. Section one thousand nine hundred and seventeen is hereby amended to read as follows:

✓ 1917. His staff consists of one Adjutant-General, with the rank of Brigadier-General, one Chief Engineer, one Paymaster-General, one Judge Advocate-General, one Inspector-General of Rifle Practice, and one Surgeon-General, each with the rank of Colonel, and six Aids-de-Camp, with the rank of Lieutenant-Colonel, appointed by and holding office at the pleasure of the Commander-in-Chief, or until their successors are appointed and qualified. Staff of Commander-in-Chief.

SEC. 3. Section one thousand nine hundred and eighteen is hereby amended to read as follows:

✓ 1918. The Commander-in-Chief, by and with the advice and consent of the Senate, must appoint one Major-General, and for each brigade of the National Guard of California one Brigadier-General, who must be citizens of the United States and of the State, and the Brigadier-Generals must be residents of localities within the brigades for which they are Appointment and term of office of Generals.

appointed. They hold their offices until their successors are appointed and qualified.

SEC. 4. Section one thousand nine hundred and twenty-two is hereby amended to read as follows:

System of
instruction.

✓ **1922.** The systems of instruction prescribed for the different arms of the United States Army must be followed in the military drills and instruction by the National Guard, and by the enrolled militia when called into active service.

SEC. 5. Section one thousand nine hundred and twenty-five is hereby amended to read as follows:

Officers re-
elected not
to be recom-
missioned.

✓ **1925.** When an officer is reelected no new commission issues, but a certificate of such election must be issued to him by the Adjutant-General. In the event of a commission being lost or destroyed, on satisfactory proof being given of the same, the Commander-in-Chief shall issue a new commission, with rank from date of former commission.

SEC. 6. Section one thousand nine hundred and twenty-six is hereby amended to read as follows:

Resignation;
how made.

✓ **1926.** Any officer resigning his commission must do so in writing, addressing the Adjutant-General, giving his reasons therefor, and transmit the same through his immediate commanding officer, who will make his indorsement thereon, and the resignation takes effect when accepted by the Commander-in-Chief and announced in orders.

SEC. 7. Section one thousand nine hundred and twenty-seven is hereby amended to read as follows:

Vacancies in
elective
offices; how
filled.

✓ **1927.** Vacancies in elective offices of the National Guard, not in active service, are filled by election. When vacancies occur at an election through the promotion of any officer, such vacancies may then and there be filled without further order. Election of company officers shall be presided over by an officer appointed for that purpose by the brigade commander, and such presiding officer shall give ten days' notice of his appointment to all parties interested, by causing the order appointing him to be posted in the company armory and read to the company. He shall, within five days following the election, report the result of the said election to the brigade commander.

SEC. 8. Section one thousand nine hundred and twenty-eight is hereby amended to read as follows:

Absence or
removal;
when
deemed
resignation.

✓ **1928.** Any commissioned officer who removes from the limits of his brigade is deemed to have resigned, and the Major-General, Brigadier-General, or any commissioned officer who absents himself from the State for more than thirty days, without the permission of the Commander-in-Chief, is deemed to have resigned, and such resignation shall be announced in orders from the Adjutant-General's office, immediately after the fact of such absence becomes officially known.

SEC. 9. Section one thousand nine hundred and thirty is hereby amended to read as follows:

Disobedi-
ence of
orders, un-
soldierlike
conduct;
penalty.

✓ **1930.** Any officer, non-commissioned officer, musician, or private who disobeys the orders of his superior, uses reproachful or abusive language to his superior, or misbehaves or demeans himself in an unofficer or unsoldierlike manner

whilst under military orders, must be immediately arrested. If a non-commissioned officer or soldier on military duty, he must be disarmed and put under guard, and tried and punished by a Court-martial, according to law and military usage.

SEC. 10. Section one thousand nine hundred and thirty-two is hereby amended to read as follows:

✓ **1932.** No dishonorably discharged non-commissioned officer, artificer, musician, or private, or member of a company discharged from the National Guard for any disgraceful cause, must be permitted to again enter any company of the National Guard except the offense is pardoned by the Commander-in-Chief.

Expulsion
for disgrace-
ful cause bar
to reentry.

SEC. 11. Section one thousand nine hundred and thirty-six is hereby amended to read as follows:

✓ **1936.** All officers, musicians, and privates of the National Guard who comply with all military duties as provided in this Chapter, are entitled to the following privileges and exemptions, viz.: Exemption from payment of poll tax, road tax, and head tax of every description, exemption from jury duty, and from service on any posse comitatus. All officers, non-commissioned officers, musicians, and privates who have faithfully served in the military service of this State for the space of seven consecutive years, and receive the certificate of the Adjutant-General certifying the same, are thereafter exempted from further military and jury duty, except in time of war, and the Adjutant-General must issue such certificate of exemption when it appears that the party applying is entitled to the same.

Exemption
from poll
tax.

SEC. 12. Section one thousand nine hundred and thirty-eight is hereby amended to read as follows:

✓ **1938.** The Commander-in-Chief may, at any time, for good and sufficient cause, disband any portion of the National Guard.

Commander-
in-Chief may
disband, etc.

SEC. 13. Section one thousand nine hundred and sixty-two is hereby amended to read as follows:

✓ **1962.** The companies of the National Guard are composed of the following officers and privates, viz.:

Number of
officers and
privates.

Part One—Each company of cavalry, of one Captain, one First Lieutenant, one Senior and one Junior Second Lieutenant, one First Sergeant, one Quartermaster-Sergeant, three Sergeants, four Corporals, one Trumpeter, one Farrier, and not less than thirty nor more than eighty privates.

Part Two—Each company of infantry, of one Captain, one First Lieutenant, and one Second Lieutenant, one First Sergeant, five Sergeants, eight Corporals, one Marker, two Drummers, one Fifer, and not less than forty nor more than one hundred and twenty privates.

Part Three—Light Batteries, of one Captain, two First Lieutenants, two Second Lieutenants, one First Sergeant, one Quartermaster-Sergeant, six Sergeants, twelve Corporals, two Musicians, one Wagoner, and not less than fifty-four nor more than one hundred privates.

Part Four—A Gatling Battery of four guns attached to a

company of infantry will entitle that company to a Junior First Lieutenant and a Junior Second Lieutenant, two Sergeants, and four Corporals, in addition to those already provided in paragraph two, and to an allowance for each gun, in addition to the allowance for infantry companies, of twenty-five dollars per month. Claims for this allowance shall be made out the same as provided in section two thousand and ninety-four of the Political Code, which claim must be audited and allowed by the Board of Military Auditors, and paid out of the appropriation for military purposes.

SEC. 14. Section one thousand nine hundred and sixty-eight is hereby amended to read as follows:

Inspection
of arms.

✓ **1968.** All arms, equipments, and military stores, books, accounts, and records of all kinds, are subject to examination by the Inspectors and Ordnance Officers of the State, and of any other officer designated by the Commander-in-Chief or other commanding officer for that purpose.

SEC. 15. Section one thousand nine hundred and seventy is hereby amended to read as follows:

Musters and
muster rolls.

✓ **1970.** There must be an annual inspection and muster of all the troops of the National Guard in the month of September in each year, by brigade, regiment, battalion, or company, as may be deemed advisable by the brigade commander, and the commanding officer of each company must make out and certify triplicate muster rolls, showing the names and number of the members of the company, the officers in the order of their rank, and the privates in alphabetical order; and he must also attach to each roll a list of the ordnance, ordnance stores, arms, accouterments, clothing, and other property of the State in possession of the company, together with such other information as the Adjutant-General or brigade commander may require. He must transmit, through the proper military channels, one copy of the roll, and list attached, to the Major-General, one copy to the Brigadier-General of his brigade, and one copy to the Adjutant-General.

SEC. 16. Said Code is further amended by adding three sections thereto, to be known and numbered as sections one thousand nine hundred and seventy-three, one thousand nine hundred and seventy-four, and one thousand nine hundred and seventy-five, to read respectively as follows:

Disabled
officers
placed on
retired list.

✓ **1973.** Any commissioned officer who has become disabled and incapable of performing the duties of his office, and any commissioned officer, who shall have served as such in the National Guard of this State for the continuous period of ten years, may, upon his own application, be placed upon the retired list and withdrawn from active service and command, with the rank held by him at the time of retirement. Upon being officially notified by the brigade commander, attested by the Adjutant-General of the State, the Commander-in-Chief shall cause orders to be issued, retiring the officer who makes application therefor, in accordance with the provisions of this section.

Elective offi-
cers to ap-
pear before
Examining
Board.

✓ **1974.** Every elected officer of the National Guard shall at once, upon being notified thereof by the officer appointed to preside at his election, appear before an Examining Board,

to consist of three commissioned officers not beneath him in rank, to be designated by the Commander-in-Chief. If the officer elected and duly notified does not appear before the said Examining Board when summoned by them, he shall be deemed to have declined his commission, and there shall be another election ordered by the brigade commander. The filing of the proper certificate of said Board with the brigade commander, that the officer has failed to pass an examination, or has declined to appear before the Board, shall be deemed sufficient for ordering a new election.

- ✓ 1975. The Board shall thoroughly examine the candidate for a commission as to his military and general qualifications, and if, in the opinion of the majority of the Board, he is duly qualified, the fact shall be duly certified to the Commander-in-Chief. Candidate to be thoroughly examined.

SEC. 17. Section one thousand nine hundred and eighty-four is hereby amended to read as follows:

- ✓ 1984. The field officers of a regiment are one Colonel, one Lieutenant-Colonel, and one Major. A cavalry regiment may have two Majors. The field officers of a battalion, when composed of less than six companies and more than three, are one Lieutenant-Colonel and one Major. When composed of two or three companies, then one Major only. Field officers; number and designation.

SEC. 18. Section one thousand nine hundred and eighty-five is hereby amended to read as follows:

- ✓ 1985. Such officers are elected by the commissioned officers of the different companies comprising the regiment or battalion, and if the regiment or battalion is already formed, by all the commissioned officers thereof, excepting staff officers, and hold office for the term of four years. Upon application of the officers entitled to elect, the General of Brigade to which such regiment or battalion is attached, or to be attached, must appoint a suitable person to preside at the election, who must give notice of his appointment, of the time and place of holding the election, and of the office to be filled, which notice must be published at least ten days in some newspaper published within the limits of the brigade, or, if no paper is published within such limits, by posting notices in at least three conspicuous places. The brigade commander may order an election for field or line officers, if application is not made for an order for election within two months after the vacancy occurs, or after the expiration of the term for which the officer was last elected. Mode of election.

SEC. 19. Section one thousand nine hundred and ninety is hereby amended to read as follows:

- ✓ 1990. The staff of a Colonel of a regiment, and of a Lieutenant-Colonel, or a Major commanding a battalion, consists of one Adjutant, one Quartermaster, one Commissary, one Paymaster, one Inspector of Rifle Practice, and one Surgeon, each with the rank of First Lieutenant, and one Sergeant-Major, one Quartermaster-Sergeant, one Commissary-Sergeant, to be appointed by such commanding officer, and holding office at his pleasure, and until their successors are appointed and qualified. Staff of Colonel, Lieutenant-Colonel, and Major

SEC. 20. Section two thousand and six is hereby amended to read as follows:

Staff of
Major-
General.

✓ **2006.** The staff of the Major-General consists of one Assistant Adjutant-General, who shall be Chief of Staff, one Engineer Officer, one Ordnance Officer, one Quartermaster, one Commissary, one Inspector of Rifle Practice, one Paymaster, one Division Inspector, one Judge Advocate, and one Surgeon, with the rank of Lieutenant-Colonel, two Aids-de-Camp, with the rank of Major, and four Staff Orderlies, with the rank of Sergeant-Major, who are appointed by and hold office at the pleasure of the Major-General, or until their successors are appointed and qualified.

SEC. 21. Section two thousand and seven is hereby amended to read as follows:

Staff of
Brigadier-
General.

✓ **2007.** The staff of each General of Brigade consists of one Assistant Adjutant-General, who shall be Chief of Staff, one Engineer Officer, one Ordnance Officer, one Quartermaster, one Commissary, one Paymaster, one Brigade Inspector, one Judge Advocate, one Inspector of Rifle Practice, and one Surgeon, with the rank of Major, one Aid-de-Camp, with the rank of Captain, and two Staff Orderlies, with the rank of Sergeant-Major, who are appointed by the Brigadier-General and hold office at his pleasure, or until their successors are appointed and qualified.

SEC. 22. Section two thousand and eighteen is hereby amended to read as follows:

Parades;
time of.

✓ **2018.** The National Guard of California must parade at least three times in each year.

First—On the fourth day of July.

Second—On the ninth day of September.

Third—In the month of May, for target practice, under the supervision of the Inspectors of Rifle Practice.

Fourth—These parades must be made by brigade, regiment, battalion, or company, as may be deemed most advisable by the Commander-in-Chief, who shall issue orders to the National Guard to carry out the provisions of this section.

SEC. 23. Section two thousand and twenty-one is hereby amended to read as follows:

Exemption
from arrest.

✓ **2021.** No person belonging to the military forces is subject to arrest, on civil process, while going to, remaining at, or returning from any place at which he may be required to attend for military duty.

SEC. 24. Section two thousand and twenty-eight is hereby amended to read as follows:

Penalty for
absence from
company
drills.

✓ **2028.** All officers or members who absent themselves from three consecutive assemblages without an excuse acceptable to the commanding officer, are debarred from the privileges and exemptions provided for members of the National Guard; and if a non-commissioned officer or private is reported to the commanding officer of the regiment or battalion as having so absented himself, he may, with the approval of the regimental or battalion commander and the Commander-in-Chief, upon the recommendation of the com-

manding officer of the company to which he belongs, be dishonorably discharged the service.

SEC. 25. Section two thousand and twenty-nine is hereby amended to read as follows:

✓ **2029.** Commanders of companies must keep a book, in which must be entered the names and number of officers, non-commissioned officers, and privates, respectively, present at each drill, and must therefrom make monthly returns to the commanding officer of the regiment or battalion, and if unattached, to the brigade commander, the excuses of absentees recorded, and marked approved or otherwise. These books must be carefully preserved, and when filled forwarded to the Adjutant-General's office.

Book to be kept showing who was present at drills.

SEC. 26. Section two thousand and seventy-six is hereby amended to read as follows:

✓ **2076.** The following officers may appoint Courts-martial: Who may appoint Courts-martial.
First—The Commander-in-Chief, for the trial of general officers, and all officers of the staff of the Commander-in-Chief.

Second—The Major-General, for the trial of all staff officers of the division and brigades, and for the field officers of battalions and regiments.

Third—Brigadier-Generals, for the trial of officers and soldiers in their respective brigades.

Fourth—Commanding officers of regiments and battalions, for the trial of all enlisted men of their respective commands. Commanding officers of batteries or of unattached companies, for the trial of all enlisted men of their respective commands. For the trial of enlisted men, the commanding officer of each brigade, regiment, battalion, or unattached company, may, at any time, appoint a Regimental, Battalion, or Company Court-martial, to consist of one officer whose rank is not below that of Captain, or in an unattached company, that of First Lieutenant.

Fifth—The officer appointing said Court shall fix the day on which it shall convene, and, when convened, the Court may adjourn from time to time as shall become necessary for the transaction of business; but the whole session of the Court, from the day on which it shall convene until its dissolution, shall not exceed three weeks, and in case any vacancy shall happen in the Court or a new Court shall be required, the officer ordering the Court, or his successor in command, may fill such vacancy or order a new Court.

Sixth—The officer constituting such Court, shall, before he enters on his duties as such, take the following oath: I ——— do swear (or affirm) that I will well and truly try and determine, according to evidence, all matters between the people of the State of California and any person or persons who may come before the Regimental (or Battalion) Court-martial to which I have been appointed; and such oath shall be taken by him before a Justice of the Peace of the county in which he resides, or a field officer of his regiment or battalion, and it shall be the duty of such Justice of the Peace or field officer to administer the oath without fee or reward.

Seventh—Such Court shall direct a non-commissioned officer,

Who may
appoint
Courts-
martial.

or other fit person or persons to be by him designated, to summon all delinquents and parties accused to appear before the Court at a time and place to be by him appointed, which service shall be personal or by leaving such summons at the residence of such delinquents and parties accused.

Eighth—Such non-commissioned officer, or other person or persons so designated, shall make the like returns, and with like effect as commissioned and non-commissioned officers are authorized and required to make in cases of warning to a company or regimental parade, and shall be subject to the like penalties for neglect of duty.

Ninth—The Court, when organized, 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 troops or batteries attached to the same brigade, and the said Court 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.

Tenth—The proceedings and sentence of any such Court shall, without delay, be delivered to the officer ordering the Court, who shall approve or disapprove of 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.

SEC. 27. Said Code is further amended by adding three sections thereto, to be known and numbered as sections two thousand and eighty-five, two thousand and eighty-six, and two thousand and eighty-seven, to read respectively as follows:

Penalty for
disobedience
to orders, etc.

✓ **2085.** In time of peace every commissioned officer, for disobedience of orders, neglect, or ignorance of duty, unofficerlike conduct, or disrespect to a superior officer, or for neglecting to comply with any of the requirements of this Chapter, shall be arrested and brought to trial before a Court-martial, which may, on conviction, sentence him to be cashiered, incapacitated from holding any military commission, fined to an amount not exceeding one hundred dollars, or reprimanded, or may sentence him to all or either of such fines and penalties, in their discretion.

Penalty for
refusal to
pay over cer-
tain moneys.

✓ **2086.** Every commissioned officer refusing to pay over moneys in his hands, which came into his possession by virtue of his position as an officer of the National Guard, shall be liable to be tried and cashiered, or otherwise punished therefor, by a Court-martial.

Fines and
penalties.

✓ **2087.** Every commissioned officer, and every enlisted man shall, on due conviction, be subject for the following offenses to the fines and penalties thereto annexed.

First—Every commissioned officer, for non-attendance at any parade or encampment, and every such officer or enlisted

man neglecting or refusing to obey the orders of his superior officers on any day of parade or encampment, or to perform such military duty or exercise as may be required, or departing from his colors, post, or guard, or leaving his place or ranks without permission, a fine not more than one hundred nor less than five dollars.

Second—Every enlisted man, for non-appearance when duly warned or summoned at a troop, battery, or company drill or parade, a fine of two dollars for each offense, and in case of a troop parading mounted, a fine of six dollars for each officer; at a regimental or battalion parade, not less than three nor more than six dollars for each offense, and at a place of rendezvous, when called into actual service in case of war, insurrection, or invasion, or imminent danger thereof, a sum not exceeding twelve months' pay nor less than one month's pay; and for disobedience of orders or disrespectful or insubordinate conduct, a fine not exceeding fifty dollars; and also in the discretion of the Court, the offender shall be liable to dishonorable discharge from the command to which he belongs.

Third—Every commissioned officer, or non-commissioned officer, for neglecting or refusing to obey any order or warrant to him lawfully given or directed, or to make a proper return, or neglecting or refusing, when required, to summon a delinquent before a Court-martial, or duly to return such summons, a fine of not more than one hundred nor less than five dollars.

SEC. 28. Section two thousand and ninety-five is hereby amended to read as follows:

- ✓ **2095.** No claim must be allowed under the provisions of the preceding section, unless an itemized account of the expenditures is made out, accompanied with the vouchers, signed and sworn to in duplicate by the officer claiming the same, before any field officer of the National Guard, or Notary Public, and transmitted through the proper military channel to the Adjutant-General of the State, one copy to be filed in the office of the Adjutant-General, and one to be sent to the Board of Military Auditors.

Claims not allowed unless what.

SEC. 29. Section two thousand and ninety-seven is hereby amended to read as follows:

- ✓ **2097.** The Controller of State must draw his warrants for any amount audited and allowed by the Board, and the Treasurer of State must pay the same out of the appropriation for military purposes.

SEC. 30. Section two thousand and ninety-nine is hereby amended to read as follows:

- ✓ **2099.** The annual sum of one hundred and fifty dollars must be audited by the Board and paid out of the appropriation for military purposes to each company of the National Guard of over sixty members, and an amount in proportion to every company of less than sixty members. The amount so audited and allowed must be paid to the commanding officers of such companies, for the use thereof. A statement of the manner in which sums have been expended must be made by such officers to the Adjutant-

Allowance to companies.

General, on the thirtieth day of May of each year, together with a statement of the manner in which all moneys received by him from the State, during the past year, have been expended, and such statement shall be sworn to before a Notary Public, or any field officer of the National Guard.

SEC. 31. Paragraph four, section two thousand one hundred and seven, is hereby amended to read as follows:

✓ **Duty of Adjutant-General.**

2107. Paragraph Four. To cause so much of the militia laws as shall be in force to be printed and bound in proper form, and distributed, one copy to each commissioned officer, Supervisors' Clerk, and County Assessor in the State, and also to prepare and cause to be furnished to the National Guard, at the expense of the State, all necessary blank books, blank forms, and notices to carry into full effect the provisions of this section; and the Controller is hereby directed to draw his warrant on the Treasurer of the State for the expenses incurred under this section, after having the approval of the Board of Military Auditors.

SEC. 32. Section two thousand one hundred and eleven is hereby amended to read as follows:

✓ **Transportation of arms.**

2111. The transportation of arms, equipments, and military stores issued to troops, or received by the State, and all other military transportation, must be contracted for by the Adjutant-General, under the direction of the Commander-in-Chief, and vouchers for such transportation, when audited by the State Board of Military Auditors, must be paid from the appropriation for military purposes, on the warrant of the Controller.

SEC. 33. Said Code is further amended by adding a new section thereto, to be known and numbered as section one thousand nine hundred and forty-two, to read as follows:

✓ **Regiments to have colors; description of.**

1942. Each regiment of infantry shall have two silken colors—the first, or the national color, of stars and stripes, the number and arms of service of the regiment to be embroidered or painted on the center stripe; the second, or regimental color, to be blue, with the arms of the State embroidered in silk or painted in the center, the number and arm of service of the regiment in a scroll underneath; the size of each color to be six feet six inches fly, and six feet deep on the pike; the length of the pike, including the eagle and ferule to be nine feet ten inches; the fringe yellow, cord and tassels blue and white silk intermixed. The camp colors shall be of bunting, eighteen inches square, white for infantry, with the number of the regiment on them; the pole eight feet long. No other flags, colors, or standards than these above mentioned shall be used by the National Guard of this State while acting on duty under orders from General or Brigade Headquarters.

SEC. 34. Section two thousand and ninety-four of the Political Code is hereby amended so as to read as follows:

✓ **Allowance and payment of company expenses.**

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 company of cavalry or infantry of the National Guard, for armory rent

and proper incidental expenses of a company, care and cleansing of arms and military property in charge of such company, the sum of seventy-five dollars per month; to the commanding officer of each light battery, the sum of thirty-seven and one-half dollars per month for each gun under their command; and to the commanding officer of each regiment or battalion, for incidental expenses, the sum of four and one-half dollars per month for each company under their command; to each Brigadier-General the sum of four and one-half dollars per month for each company in his brigade; to the division commander the sum of twenty-five dollars per month.

SEC. 35. Section two thousand and twenty-seven is hereby amended to read as follows:

✓ **2027.** The companies located in the City and County of San Francisco, and in Sacramento, Oakland, Vallejo, San José, and Los Angeles, must assemble once a week for drill. Company drills.

SEC. 36. Said Code is further amended by adding three new sections thereto, to be known and numbered as sections one thousand nine hundred and forty-three, one thousand nine hundred and forty-four, and two thousand one hundred.

✓ **1943.** Every officer or soldier wounded or disabled in the service of the State shall have reasonable expenses paid him, and the widow and children of every officer or soldier killed in the service of the State shall be suitably provided for by the Legislature. Pension.

✓ **1944.** All claims against any appropriation made for military purposes payable to commanding officers, shall, at the discretion of the Board of Military Auditors, be forfeited to the State unless the demand is presented within six months after the time it becomes due. Forfeiture of claims.

✓ **2100.** All military property paid for out of moneys allowed by the State shall be held to be the property of the State, and must be enumerated in the annual muster roll next following its purchase. State property.

SEC. 37. Section one thousand nine hundred and twenty-one is hereby amended to read as follows:

✓ **1921.** All officers and soldiers of the National Guard, on becoming members, and before performing duty, and at each subsequent reenlistment, must take and subscribe the following oath, which all commissioned officers thereof are authorized to administer: I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and will maintain and defend the laws and all officers employed in administering the same. Which oath, certified by the officer administering the same, must be returned to the Adjutant-General, and be preserved with the rolls of companies. Oaths of reenlistment shall show on the margin the number of reenlistment. Oath of officers and members.

SEC. 38. This Act shall take effect immediately.

CHAP. DXXVII.—*An Act to amend section one thousand nine hundred and thirteen, one thousand nine hundred and sixty-two, one thousand nine hundred and sixty-nine, of the Political Code, and to add a new section thereto, and to amend section thirty-eight of an Act entitled an Act to amend the Political Code of the State of California, and other Acts, concerning the National Guard, approved March twelfth, eighteen hundred and seventy-eight.*

[Approved March 30, 1878.]

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

SECTION 1. Section one thousand nine hundred and thirteen of the Political Code is hereby amended so as to read as follows:

Board of
location and
organiza-
tion.

✓ 1913. The Commander-in-Chief, Major-General, Adjutant-General, and the Brigadier-General of each brigade, constitute a Board for location and organization of the National Guard within such brigade, with power to transfer, attach, consolidate, or disband companies, and to reorganize, at pleasure, regiments and battalions.

SEC. 2. Section one thousand nine hundred and sixty-two of the Political Code is hereby amended so as to read as follows:

Number of
officers and
privates.

✓ 1962. The companies of the National Guard are composed of the following officers and privates, viz.:

I. Each company of cavalry, of one Captain, one First Lieutenant, one Senior and one Junior Second Lieutenant, one First Sergeant, one Quartermaster-Sergeant, three Sergeants, four Corporals, one Trumpeter, one Farrier, and not less than thirty nor more than eighty privates.

II. Each company of infantry, of one Captain, one First Lieutenant, and one Second Lieutenant, one First Sergeant, five Sergeants, eight Corporals, one Marker, two Drummers, one Fifer, and not less than forty or more than one hundred and twenty privates.

III. Light batteries, of one Captain, two First Lieutenants, two Second Lieutenants, one First Sergeant, one Quartermaster-Sergeant, six Sergeants, twelve Corporals, two Musicians, one Wagoner, and not less than thirty-five nor more than one hundred privates.

IV. A Gatling battery of four guns attached to a company of infantry will entitle that company to a Junior First Lieutenant, and a Junior Second Lieutenant, two Sergeants, and four Corporals, in addition to those already provided in paragraph two, and to an allowance for each gun, in addition to the allowance for infantry companies, of twenty-five dollars per month. Claims for this allowance shall be made out the same as provided in section two thousand and ninety-four of the Political Code, which claim must be audited and allowed by the Board of Military Auditors, and paid out of the appropriation for military purposes.

SEC. 3. Section one thousand nine hundred and sixty-

nine of the Political Code is hereby amended so as to read as follows:

✓ **1969.** If such officer finds any of such property out of repair, injured, or defective, he must immediately notify the facts to the Commander-in-Chief, through the proper channel, who, if the damages is not repaired and the defects and losses supplied within a reasonable time, must order the same to be done under the direction of some officer, and the vouchers for the expenses thereof, when audited by the State Board of Military Auditors, must be paid, on the on the warrant of the Controller, out of the appropriation for military purposes. Repair of arms, etc.

SEC. 4. There is added to the Political Code a new section, to read as follows:

✓ **1941.** The Commander-in-Chief is hereby authorized to establish and prescribe such rules, regulations, forms, and precedents as he may deem proper for the use, government, and instruction of the National Guard, and to carry into full effect the provisions of this Title. Power of Commander-in-Chief.

SEC. 5. Section thirty-four of an Act entitled an Act to amend the Political Code of the State of California, and other Acts concerning the National Guard, approved March twelfth, eighteen hundred and seventy-eight, shall take effect on the first day of July, eighteen hundred and seventy-eight.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXXIX.—*An Act to amend section nineteen hundred and thirty-seven of the Political Code, relative to returns of militia to County Assessors.*

[Approved March 30, 1878.]

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

SECTION 1. Section nineteen hundred and thirty-seven of the Political Code is hereby amended so as to read as follows:

✓ **1937.** Each commander of a company of the National Guard must make out a list, certified under oath before a Notary Public, on or before the first Monday in March of each year, of every officer, non-commissioned officer, musician, and private of the company entitled to exemptions, as provided by law, with the residence of each, which list must be transmitted to the Colonel, or commanding officer, of the regiment or battalion to which such company belongs, who must transmit the same, together with a list of his field and staff, and non-commissioned staff, made out in like manner, and certified by him under oath before a Notary Public, to the Brigadier-General, which list, if correct and approved by the Brigadier-General, must, by him, be served upon the County Assessor of the county in which such regiments, battalion, or companies are located; and the County Assessor List of persons exempted to be given to Assessor.

must thereupon note opposite the names of all persons such exemptions.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DCCXXXVIII.—*An Act to add certain sections to the Political Code, concerning the State Militia, and to be known as sections numbers nineteen hundred and seventy-five and nineteen hundred and seventy-six.*

[Approved April 1, 1878.]

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

SECTION 1 A new section is hereby added to the Political Code, to be known as section nineteen hundred and seventy-five, and to read as follows :

Companies
to have cer-
tain officers;
duties of.

✓ 1975. Each company of the National Guard shall have a Recording Secretary, Financial Secretary, Treasurer, and a Finance Committee consisting of three members. They shall be elected by a vote of the company, by ballot, and serve for a term of one year, or until their successors shall be elected and qualified. The Recording Secretary shall keep a record of all meetings and proceedings of the company. The Financial Secretary shall receive all moneys, other than State appropriations, coming to the company, receipt for the same, and pass it to the Treasurer, taking his receipt therefor. He shall draw warrants on the Treasurer for the payment of all bills when authorized to do so by the company, and perform such other duties as may be imposed on him by the Code or company by-laws. The Finance Committee shall audit all bills of the company. They shall examine the Treasurer's, Secretary's, and Quartermaster's books and accounts semi-annually, and report thereon, in writing, at a regular monthly meeting of the company. The Treasurer shall be the custodian of the company funds. He shall make a detailed quarterly report of his accounts to the company at a regular monthly meeting of such company, and a detailed semi-annual report, in triplicate, countersigned by the Finance Committee. He shall give bonds for the faithful performance of his duty, in a sum equal to double the amount of the yearly income of the company, said bonds to be approved by a majority vote of the company at a regular meeting. No money shall be disbursed until the bills therefor have been audited by the Finance Committee and approved by the company, and then only on a warrant drawn by the Financial Secretary on the Treasurer for the amount, and countersigned by the company commander. At all inspections of companies the inspecting officers shall inspect the books, papers, reports, statements, and accounts of the company, as well as the men and equipments.

SEC. 2. A new section is hereby added to the Political

Code, to be known as section nineteen hundred and seventy-six, and to read as follows:

- ✓ **1976.** Applications or propositions for membership in any company of the National Guard shall only be made at a regular weekly meeting or assemblage of such company, and the names of such applicants shall be posted in a conspicuous place in the company quarters, or armory, until the next succeeding regular weekly meeting or assemblage of such company, at which time, and not before, such applicants may be balloted for by the company.
- Applications for membership; when made.

CHAP. DCXLV.—*An Act to amend section two thousand one hundred and forty of the Political Code, in relation to the compensation of Directors of the State Insane Asylum located at Stockton.*

[Approved April 1, 1878.]

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

SECTION 1. Section twenty-one hundred and forty is hereby amended so as to read as follows:

- ✓ **2140.** The Directors shall not be directly or indirectly interested in any contract or contracts for supplies furnished said Asylum, but shall receive, as their compensation, the sum of ten dollars per day for their services in attending monthly or called meetings of said Board, and such mileage as is provided by law for members of the Legislature of this State, payable out of any moneys set apart by law for the use and benefit of said Asylum, as other bills and accounts against the Asylum are paid; *provided*, the amount so received as per diem compensation for services shall not exceed the sum of one hundred and forty dollars per year to each Director.
- Compensation of Directors.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCLVII.—*An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the navigable waters of this State.*

[Approved March 26, 1878.]

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

SECTION 1. A new section is hereby added to said Code, to be numbered section twenty-three hundred and fifty-one:

- ✓ **2351.** The streams known as First Napa Creek, Second Napa Creek, and Third Napa Creek, in the County of
- Waters declared navigable.

Sonoma, and between the Napa and Sonoma Rivers, in the County of Sonoma, are hereby declared navigable waters of the State, in pursuance of Title Sixth, Chapter One, Article One, of Part Three, of said Code.

CHAP. CCCCXXX.—*An Act to amend certain sections of the Political Code, and to enact and add certain sections thereto, relating to pilots and pilot regulation.*

[Approved March 29, 1878.]

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

SECTION 1. Section two thousand four hundred and thirty of said Code is amended so as to read as follows:

Commissions
and license.

✓ 2430. Pilots appointed by Commissioners must be carefully examined as to their qualifications, and, if found to be qualified and worthy, must receive license as pilots for the term of twelve months, which license shall be thereafter annually renewed until the Commissioners have good cause to withhold such renewal; and whenever the Commissioners deem they have such cause, or intend for any reason to withhold such renewal, the Secretary of the Board of Commissioners shall serve notice, in writing, on such pilot, specifying the causes, at least ten days before the expiration of his license; and such pilot shall thereupon be entitled to a full hearing before said Board.

SEC. 2. Section two thousand four hundred and fifty-seven of said Code is hereby amended so as to read as follows:

To examine
and license
pilots.

✓ 2457. The Board of Commissioners must examine and license, in the manner prescribed, not less than fifteen nor more than twenty pilots for the Port of San Francisco, and not more than two pilots for the Ports of Mare Island, Vallejo, and Benicia.

SEC. 3. Section two thousand four hundred and fifty-eight of said Code is hereby amended so as to read as follows:

Pilots to
keep boats.

✓ 2458. Pilots must at all times keep, for their exclusive use, boats of such description and good condition as directed by the Board.

SEC. 4. Section two thousand four hundred and sixty-four of said Code is hereby amended so as to read as follows:

Pilots entitled
to trial
and hearing.

✓ 2464. Whenever any pilot has been notified that his license will not be renewed, as provided in section two thousand four hundred and thirty of this Code, he shall be entitled to a trial and hearing thereon, in the same manner that other charges and complaints are tried under the provisions of section two thousand four hundred and sixty-three of this Code, and in all such cases, and in all cases of revocation of license, or suspension of a pilot for any cause, the Board may, in its discretion, upon written application setting forth the grounds thereof, verified by the party aggrieved, grant a rehearing; and in all cases the final decision of the Board shall be sub-

ject to review in the County Court of the City and County of San Francisco, to which Court any such case, with all the papers and proceedings therein, shall be immediately certified by the Secretary of said Board, when so required by the pilot interested therein. Any case so certified to the County Court shall be then tried *de novo*. The judgment of said Court shall be final and conclusive. If the decision of the Board be reversed, the judgment shall operate directly to restore the pilot to all his former rights, status, and privileges without further action of the Board. But the Board shall nevertheless, upon being served with a certified copy of such judgment, restore or renew the license of such pilot as the judgment may direct.

Judgment of Court to be final.

SEC. 5. Section two thousand four hundred and sixty-six of said Code is hereby amended so as to read as follows:

✓ **2466.** The following shall be the rates of pilotage into or out of the Harbor of San Francisco: All vessels under five hundred tons, five dollars per foot draught; all vessels over five hundred tons, five dollars per foot draught, and four cents per ton for each and every ton registered measurement. When a vessel is spoken inward or outward bound, and the services of a pilot are declined, one-half of the above rates shall be paid. In all cases where inward bound vessels are not spoken until inside of the bar, the rates of pilotage and one-half pilotage above provided shall be reduced fifty per cent. Vessels engaged in the whaling or fishing trades shall be exempt from all pilotage, except where a pilot is actually employed.

Rates of pilotage.

SEC. 6. Section two thousand four hundred and sixty-seven of said Code is hereby amended so as to read as follows:

✓ **2467.** Any vessel in tow of a steam-tug, between the Harbor of San Francisco and the Ports of Mare Island, Vallejo, or Benicia, shall be exempt from all charges for pilotage, unless a pilot be actually employed.

Vessels exempt from pilotage where.

SEC. 7. Section two thousand four hundred and sixty-eight of said Code is hereby amended so as to read as follows:

✓ **2468.** All vessels coasting between San Francisco and any port in Oregon, or in Washington or Alaska Territories, and all vessels coasting between ports of this State, are exempt from all charges for pilotage, unless a pilot be actually employed.

Coasting vessels exempt from pilotage.

SEC. 8. The following sections are hereby enacted and added to said Political Code, to be designated and numbered as sections two thousand four hundred and sixty-nine and two thousand four hundred and seventy thereof:

✓ **2469.** When two or more pilots shall offer their services to any vessel inward bound, the pilot first offering, or one connected with the same boat, shall have preference, and if the services of another be accepted, the vessel, her appurtenances, and the master and owner thereof, shall be jointly and severally liable to the pilot entitled to such preference for one-half the amount of pilotage he would have been entitled to had his services been accepted.

When two pilots offer services.

✓ **2470.** Any pilot bringing a vessel into the Harbor of San Francisco (or one connected with his boat) shall be entitled

Pilot bringing in vessel entitled to take same out.

to take such vessel to sea again when she next departs; *provided*, such pilot and those connected with his boat have not in the meantime become in any manner disqualified or incapacitated; and if such preference be disregarded by the master of such vessel, the vessel, master, and owner shall be liable to the pilot entitled to such preference for one-half the amount to which he would be entitled if his services had been accepted.

SEC. 9. All provisions of said Code, in so far as the same conflict with the provisions of this Act, and no further, are hereby repealed.

SEC. 10. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXIX.—*An Act to amend sections two thousand five hundred and twenty-seven and two thousand five hundred and thirty-six of the Political Code, concerning the construction of the sea-wall of San Francisco.*

[Approved March 19, 1878.]

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

SECTION 1. Section two thousand five hundred and twenty-seven of the Political Code is amended to read as follows:

Contracts valid only upon what.

✓ **2527.** No contract or obligation entered into by the Harbor Commissioners, which creates a liability or authorizes the payment of money, shall be valid or of binding force, unless signed by all three of the Commissioners and countersigned by the Secretary of the Board; nor shall any contract involving the payment of money be made by the said Commissioners, unless the amount then to the credit of the Harbor Improvement Fund, together with the revenue estimated to accrue up to the time of the maturity of such contract, over and above the current expenses of the Commission, be sufficient to meet the payments to become due thereon; *provided*, such estimate of revenue shall be limited as to time, to one year, and as to amount, to the amount of revenue of the preceding year.

SEC. 2. Section two thousand five hundred and thirty-six of the Political Code is amended to read as follows:

Advertisement for proposals to perform contracts.

✓ **2536.** When the Commissioners determine to construct any part of the sea-wall, they must advertise for sealed proposals for not less than thirty days in not less than two daily papers in San Francisco. The advertisement must give a full and accurate description of the work to be done, the place where to be done, and the material to be used. On the day stated in the advertisement, the bids must be opened in the presence of such bidders as are present, and the contract awarded to the lowest bidder, who shall give a bond, with two or more responsible sureties, to be approved by the Commissioners, for the due performance of the work. Their approval

must be indorsed on said bond. If, in the opinion of the Commissioners, the bids are too high, they shall reject them and advertise anew, in like manner as before. And if, in the opinion of the Commissioners, the second bids are also too high, they shall reject them likewise, and may enter into a contract with responsible parties without giving further notice.

The parties entering into a private contract with the Commissioners must give a bond, with two or more responsible persons as sureties, to be approved by the Commissioners, which approval shall be by writing indorsed upon said bond, conditioned for the faithful performance of the contract. But the consideration agreed to be paid in any contract entered into without giving public notice must be five per cent. lower than the lowest responsible bid rejected. The work to be performed under any one contract shall not exceed one thousand lineal feet of harbor embankment or sea-wall. But the Commissioners may enter into as many contracts at the same time as they deem expedient, provided the amount in the Harbor Improvement Fund, together with the revenue estimated to accrue pursuant to section two thousand five hundred and twenty-seven of the Political Code shall be sufficient to meet the contract price of such work, after deducting the current expenses of the Commission and the amount required for the erection and repair of the wharves, dredging the docks and slips, and for incidental expenses; but in no event shall the State be liable on such contracts for any deficiency in the Harbor Improvement Fund. Separate contracts may be entered into for the dredging of a channel for the reception of the rock required for the construction of a harbor embankment; *provided*, that the advertising of sealed proposals, the receiving and opening of bids, and the awarding of contracts required in this section, shall be complied with in the letting of such work in separate contracts. The Commissioners may, if in their opinion it will be more economical, dredge, with the dredge belonging to the State, the channel necessary for the reception of the stone used in the construction of the sea-wall. No contractor who enters into a contract to construct any portion of said sea-wall shall be required to commence the work in less than thirty days after the awarding of the contract. The Board shall, at least ten days previous to the holding of any meeting, as provided in this section, notify the Governor of the State, and Mayor of the City and County of San Francisco, of the time and place and object of the meeting, and request them to be present and take part therein; and at said meeting the Governor and Mayor shall be deemed additional members of said Board, with like powers and rights as the other members thereof; and no contract shall be entered into under the authority of this section without the consent of either the Governor or Mayor. Neither the Commissioners, nor their appointees, shall be interested in any contract for the erection or repairing of any work upon the premises described in this Article. Any Commissioner or appointee who shall be interested is guilty of a felony. Every proposal shall be accompanied by a certified check for an amount equal to

Contractors
to give bond.

Contracts for
dredging
channel.

Felony.

five per cent. of the amount of such proposal, to be made payable to the order of the Secretary of the Board, conditioned, that if the proposal is accepted and the contract awarded, and if the bidder shall fail or neglect to execute the contract and give the bond required within six days after the award is made, in that case said sum mentioned in said check shall be deemed liquidated damages for such failure and neglect, and shall be paid into the San Francisco Harbor Improvement Fund, and all contracts made pursuant to this Title shall provide, under penalties of forfeiture of contract, at the option of the Commissioners, that no Chinese or Mongolian labor shall be employed on the work.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCCXXXVI.—*An Act to amend section twenty-five hundred and forty-eight of the Political Code.*

[Approved March 29, 1878.]

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

SECTION 1. Section two thousand five hundred and forty-eight of the Political Code is hereby amended so as to read as follows:

Certain persons and property exempt from tolls and wharfage.

2548. No tolls or wharfage shall be collected from travelers going on board or leaving any steamer or ferry, or upon their carriages or baggage, nor from any person or vehicle employed to transport or convey said baggage to or from any steamer or ferry; nor for empty packages returned to the wharf or any vessel; nor for domestic supplies for private individuals, intended for consumption and not for sale, weighing less than one hundred pounds.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXVIII.—*An Act to amend section twenty-five hundred and fifty-two of "An Act entitled" an Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a certain new section thereto, approved February twenty-eighth, eighteen hundred and seventy-six.*

[Approved March 18, 1878.]

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

SECTION 1. Section two thousand five hundred and fifty-two of an Act entitled an Act to amend an Act entitled an

Act to establish a Political Code, and to add a certain new section thereto, approved March twelfth, eighteen hundred and seventy-two, approved February twenty-eighth, eighteen hundred and seventy-six, is hereby amended so as to read as follows:

✓ **2552.** The salary of each Commissioner, except the Governor and Mayor, is two hundred and fifty dollars per month; the salary of the Attorney at Law and the Secretary is two hundred dollars per month each; the salary of the Chief Wharfinger is two hundred and fifty dollars per month; the salary of the Chief Engineer is two hundred and fifty dollars per month; the salary of the Assistant Secretary and the Assistant Chief Wharfinger is one hundred and fifty dollars per month each; the salary of the Wharfingers is one hundred and twenty-five dollars per month each; and the salary of the Toll Collectors is one hundred dollars per month each. All of which salaries shall be payable monthly; *provided*, that no ex officio officer or consulting engineers shall receive any compensation except traveling and other incidental expenses.

Salaries of officers.

SEC. 2. This Act shall take effect on and after its passage.

CHAP. LVI.—*An Act to amend section two thousand five hundred and sixty-seven and two thousand five hundred and sixty-eight of the Political Code.*

[Approved February 12, 1878.]

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

SECTION 1. Section two thousand five hundred and sixty-seven of the Political Code is hereby amended so as to read as follows:

✓ **2567.** "There is a Board of three Commissioners known as the Board of Harbor Commissioners of the Port of Eureka." The Mayor of the City of Eureka, in the County of Humboldt, is an ex officio member thereof, and one of said Commissioners shall be appointed by the Governor of this State, and shall hold his office for two years, and until his successor is appointed and qualified; and the other of said Commissioners shall be appointed by the Governor, and shall hold his office for the term of four years, and until his successor is appointed and qualified. And appointments to fill vacancies, which may hereafter occur in the Board of Harbor Commissioners of the Port of Eureka, shall be for the term of four years, and no person shall be eligible to the office of Harbor Commissioner of said Port of Eureka unless he be a resident of the City of Eureka.

Harbor Commissioners for the Port of Eureka.

SEC. 2. Section two thousand five hundred and sixty-eight is amended so as to read as follows:

✓ **2568.** The Board of Harbor Commissioners of the Port

Power of Board.

of Eureka are authorized and empowered to make such rules and regulations, and take such action as may be necessary or proper for the protection of navigation in Humboldt Bay, or in any slough or creek emptying into the same so far as the tide ebbs and flows:

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CXCIII.—*An Act to amend section two thousand eight hundred and seventy-two of the Political Code.*

[Approved March 14, 1878.]

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

SECTION 1. Section two thousand eight hundred and seventy-two of the Political Code is hereby amended so as to read as follows:

Action of
Board of
Supervisors.

2872. If the Board are of opinion that the public interests will be promoted thereby, it may, by the assent of a majority of all the members of the Board, grant the application by an order entered in its minutes, and particularly describing the bridge. The applicant must cause a certified copy of the order, with a copy of the application, to be recorded in the office of the Clerk of the county before proceeding under it; *provided*, that the Board of Supervisors shall not have power to license bridges across the Sacramento or San Joaquin Rivers, the Suisun Bay, or Carquinez Straits, the Petaluma, Napa, or Sonoma Creeks, except at points above the head of navigation on said streams.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CLVI.—*An Act to amend the Political Code respecting the health and quarantine regulations for the City and County of San Francisco.*

[Approved March 9, 1878.]

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

SECTION 1. Section three thousand and eight of said Code is amended to read as follows:

Power of
Health
Officer.

3008. The Health Officer is the executive officer of the Health Department, and he may, in his discretion, cause the removal to a hospital of any and all persons, within the limits of the City and County of San Francisco, infected with variola.

SEC. 2. Section three thousand and nine (3009) of said Code is amended to read as follows:

✓ **3009.** The Board of Health must appoint a Quarantine Officer, who shall be a physician in good standing, a Secretary, one Assistant Secretary, six Health Inspectors, one Market Inspector, and one Messenger, whose duties must be fixed by the Board of Health. They must also appoint one Superintendent Physician, one Resident Physician, one Steward, one Matron, one Apothecary, two Visiting Physicians, two Visiting Surgeons, as officers of the City and County Hospital in and for the City and County of San Francisco, one each of said Visiting Physicians and Surgeons to be nominated by the Faculty of the Medical Department of the University of California, and one each of said Visiting Physicians and Surgeons to be nominated by the Medical College of the Pacific. Said Board may also appoint one Engineer for the City and County Hospital. They may also appoint one Superintendent, one Resident Physician, one Matron, and such other employés as are now authorized by law to be employed in and for the Alms-house of said city and county. They shall also have power to appoint and prescribe the duties of one City Physician and one Assistant City Physician, who shall be designated as Police Surgeons, and whose duty it shall be to make all autopsies required of them by the Coroner of said city and county. And said Board is also empowered to appoint such employés and such medical attendants as they may deem necessary in the Health Department, and in all the various institutions which are by law placed under their supervision; and the compensation of such employés and medical attendants shall be fixed by the Board of Health. The appointing power aforesaid is vested solely in said Board of Health, and said Board shall have power to prescribe the duties of said appointees, and shall not remove the same without just cause. The heads of departments appointed by the Board of Health, to wit, the Health Officer, Resident Physician of City and County Hospital, and Superintendent of Alms-house, shall not be removed except by a concurrence of four members of said Board of Health.

Board to appoint certain officers and employés.

SEC. 3. Section three thousand and ten of said Code is amended to read as follows:

✓ **3010.** The following annual salaries are hereby allowed to the officers of the Health Department, and such other officers and employés as are mentioned in the preceding section, viz.: Health Officer, three thousand dollars; Quarantine Officer, eighteen hundred dollars; Secretary, twenty-one hundred dollars; Assistant Secretary, twelve hundred dollars; Health Inspectors, twelve hundred dollars each; Market Inspector, twelve hundred dollars; Messenger, nine hundred dollars; City Physician, eighteen hundred dollars; Assistant City Physician, twelve hundred dollars; all of said salaries, together with the salaries of such other employés of the Health Department as may be appointed by the Board of Health, must be paid in equal monthly installments out of the General Fund of the City and County of San Francisco, in the same manner as the salaries of the other officers of said city and county are paid. There shall be paid to the

Salaries allowed to officers and employés of Health Department.

officers and employes of the City and County Hospital and Alms-house the following annual salaries, viz.: Superintendent Physician, twenty-four hundred dollars; Resident Physician, fifteen hundred dollars; Steward, fifteen hundred dollars; Matron, seven hundred and twenty dollars; one Apothecary, twelve hundred dollars; Visiting Physicians and Surgeons, twelve hundred dollars each; Engineer, twelve hundred dollars; Superintendent of Alms-house, twenty-four hundred dollars; Resident Physician of Alms-house, fifteen hundred dollars; Matron of Alms-house, seven hundred and twenty dollars; and all other medical attendants and employes of said institutions are to be paid such sums as may be authorized by law, and as provided in the preceding section; all to be paid in equal monthly installments out of the Hospital and Alms-house Fund of said City and County of San Francisco; and the Auditor of said city and county is hereby directed to audit the said demands, payable out of the funds aforesaid, upon the approval of the same by the said Board of Health, and also to audit all demands for salaries of medical attendants and employes appointed by the Board of Health in accordance with this Chapter, for the amounts authorized to be paid, when the same shall have been approved by said Board; and the Treasurer of said city and county must pay said demands out of said funds. The Clerk of the Mayor of the City and County of San Francisco shall not receive any compensation as Clerk of the Board of Health.

SEC. 4. Section three thousand and thirteen (3013) of said Code is amended to read as follows:

Shipmasters
to report
infected
vessels.

3013. Shipmasters bringing vessels into the Harbor of San Francisco, and masters, owners, or consignees having vessels in the harbor which have on board any cases of Asiatic cholera, small-pox, yellow, typhus, or ship fever, must report the same, in writing, to the Quarantine Officer before landing any passengers, casting anchor, or coming to any wharf, or as soon thereafter as they, or either of them, become aware of the existence of either of the diseases on board of their vessels.

SEC. 5. Section three thousand and fourteen (3014) of said Code is amended to read as follows:

Passengers
and freight
not to be
landed with-
out permit.

3014. No captain or other officer in command of any vessel sailing under a register, arriving at the Port of San Francisco, nor any owner, consignee, agent, or other person having charge of such vessel, must, under a penalty of not less than one hundred dollars nor more than one thousand dollars, land, or permit to be landed, any freight, passengers, or other persons from such vessel until he has reported to the Quarantine Officer, presented his bill of health, and received a permit from that officer to land freight, passengers, or other persons.

SEC. 6. Section three thousand and fifteen (3015) of said Code is amended to read as follows:

Duties of
pilots.

3015. Every pilot who conducts into the Port of San Francisco any vessel subject to quarantine or examination by the Quarantine Officer, must:

One—Bring the vessel no nearer the city than is allowed by law.

Two—Prevent any person from leaving, and any communication being made with the vessel under his charge, until the Quarantine Officer has boarded her and given the necessary orders and directions.

Three—Be vigilant in preventing any violation of the quarantine laws, and report, without delay, all such violations that come to his knowledge to the Quarantine Officer.

Four—Present the master of the vessel with a printed copy of the quarantine laws, unless he has one.

Five—If the vessel is subject to quarantine, by reason of infection, place at the mast-head a small yellow flag.

Sec. 7. Section three thousand and sixteen (3016) of said Code is amended to read as follows:

3016. Every master of a vessel subject to quarantine or visitation by the Quarantine Officer, arriving in the Port of San Francisco, who refuses or neglects either:

Penalty for neglect of masters of vessels to comply with sanitary regulations.

One—To proceed with and anchor his vessel at the place assigned for quarantine, when legally directed so to do; or,

Two—To submit his vessel, cargo, and passengers to the Quarantine Officer, and furnish all necessary information to enable that officer to determine what quarantine or other regulations they ought respectively to be subject; or,

Three—To report all cases of disease and of deaths occurring on his vessel, and to comply with all the sanitary regulations of the bay and harbor—

Is liable in the sum of five hundred dollars for every such neglect or refusal.

Sec. 8. Section three thousand and seventeen (3017) is amended to read as follows:

3017. All vessels arriving off the Port of San Francisco from ports which have been legally declared infected ports, and all vessels arriving from ports where there is prevailing, at the time of their departure, any contagious, infectious, or pestilential diseases, or vessels with decaying cargoes, or which have unusually foul or offensive holds, are subject to quarantine, and must be, by the master, owner, pilot, or consignee, reported to the Quarantine Officer without delay. No such vessel must cross a right line drawn from Meiggs' Wharf to Alcatraz Island until the Quarantine Officer has boarded her and given the order required by law.

Vessels from infected ports subject to quarantine.

Sec. 9. Section three thousand and eighteen (3018) of said Code is amended to read as follows:

3018. The Quarantine Officer must board every vessel, subject to quarantine or visitation by him, immediately on her arrival, make such examination and inspection of vessel, books, papers, or cargo, or of persons on board, under oath, as he may judge expedient, and determine whether the vessel should be ordered to quarantine, and if so, the period of quarantine.

Examination and inspection of infected vessels.

Sec. 10. Section three thousand and nineteen (3019) of said Code is amended to read as follows:

3019. No Captain or other officer in command of any passenger-carrying vessel of more than one hundred and

Passengers not to be landed without permit.

fifty tons burden, nor of any vessel of more than one hundred and fifty tons burden, having passengers on board, nor any owner, consignee, agent, or other person having charge of such vessel or vessels, must, under a penalty of not less than one hundred dollars nor more than one thousand dollars, land or permit to be landed, any passenger from the vessel until he has presented his bill of health to the Quarantine Officer and received a permit from that officer to land such passenger, except in such cases as the Quarantine Officer deems it safe to give the permit before seeing the bill of health.

SEC. 11. Section three thousand and twenty (3020) of said Code is amended to read as follows:

Fees of
Health
Officer.

✓ **3020.** The following fees may be collected by the Quarantine Officer: For giving a permit to land freight or passengers, or both, from any sailing vessel of less than five hundred tons burden, from any port out of this State, two dollars and fifty cents; over five hundred and under one thousand tons burden, five dollars; each additional one thousand tons burden or fraction thereof, an additional two dollars and fifty cents; for steam vessels, propelled in whole or in part by steam, of one thousand tons burden or less, five dollars, and two dollars and fifty cents for each additional one thousand tons burden or fraction thereof; but vessels not propelled in whole or in part by steam, sailing to and from any port or ports of the Pacific States, of the United States, or Territories, and whaling vessels, entering the Harbor of San Francisco, are excepted from the provisions of this section.

SEC. 12. The following is restored and added as a new section to said Code, and shall be inserted in said Code after section three thousand and twenty-three, and designated as section three thousand and twenty-four:

Returns of
births,
deaths, etc.

✓ **3024.** Physicians and midwives must, on or before the fourth day of each month, make a return to the Health Officer of all births, deaths, and the number of still-born children occurring in their practice during the preceding month. In the absence of such attendants, the parent must make such report within thirty days after the birth of the child. Such returns must be made in accordance with rules adopted, and upon blanks furnished by the Board of Health.

SEC. 13. Section three thousand and twenty-five (3025) of said Code is amended to read as follows:

No bodies to
be buried
without
permit.

✓ **3025.** No person shall deposit in any cemetery, or inter in the City and County of San Francisco, any human body without first having obtained and filed with the Health Officer a certificate, signed by a physician or midwife, or a Coroner, setting forth as near as possible, the name, age, color, sex, place of birth, occupation, date, locality, and the cause of death of the deceased, and obtain from such Health Officer a permit; nor shall any human body be removed or disinterred without the permit of the Health Officer, or by order of the Coroner. Physicians, when deaths occur in their practice, must give the certificate herein mentioned. Hereafter it shall be the duty of the Assistant City Physi-

cian, or Police Surgeons, to perform all autopsies which may be required in the Coroner's office of the City and County of San Francisco, all such autopsies being made without charge to the city. It shall be the duty of the Health Officer to see that the dead body of a human being is not allowed to remain in any public receiving vault for a longer period than five days. At the expiration of that time he shall cause the body to be placed in a vault or niche constructed of brick, stone, or iron, and hermetically sealed. It shall also be his duty to require all persons having in charge the digging of graves and burial of the dead to see that the body of no human being who had reached ten years of age shall be interred in a grave less than six feet deep, or if under the age of ten years the grave to be not less five feet deep.

Duty of Assistant City Physician and Health Officer.

SEC. 14. Section three thousand and twenty-six (3026) of said Code is amended to read as follows:

3026. Superintendents of cemeteries, within the boundaries of the City and County of San Francisco, must return to the Health Officer, on each Monday, the names of all persons interred or deposited within their respective cemeteries for the preceding week.

Return of interments to be made.

SEC. 15. Section three thousand and twenty-eight (3028) of said Code is amended so as to read as follows:

3028. Whenever a nuisance shall exist on the property of any non-resident or any property, the owner or owners of which cannot be found by either Health Inspector, after diligent search, or on the property of any owner or owners, upon whom due notice may have been served, and who shall, for three days, refuse or neglect to abate the same, or on any city property, it shall be the duty of the Board of Health to cause the said nuisance to be at once removed or abated, and to draw upon the General Fund for such sums as may be required for its removal or abatement, not to exceed two hundred dollars; *provided*, that whenever a larger expenditure is found necessary to be made for the removal or suppression of any nuisance, the Board of Supervisors of said city and county shall, upon the written application of the Board of Health, by ordinance, appropriate, allow, and ordered paid out of the General Fund, such sum or sums as may be necessary for that purpose, and the Auditor shall audit, and the Treasurer shall pay all appropriations of money made in pursuance of this section, in the same manner as is now provided by law for auditing and paying demands upon the treasury; said sum or sums so paid shall become a lien on the property from which said nuisance has been removed or abated in pursuance of this section, and may be recovered by an action against such property. And it shall be the duty of the City and County Attorney to foreclose all such liens in the proper Court, in the name of and for the benefit of said city and county, and when the property is sold enough of the proceeds shall be paid into the city and county treasury to satisfy the lien and costs, and the overplus, if any there be, shall be paid to the owner of the property, if he be known, and if not, then into the Court for

Nuisances on premises of non-residents; how abated.

Power of
Board of
Health.

his use when ascertained. The Board of Health is hereby vested with power to act upon, define, determine, and adjudge what shall constitute a nuisance in said city and county, and to require the same to be abated in a summary manner. Any person who maintains, permits, or allows a nuisance to exist upon his or her property or premises, after the same has been determined by said Board to be a nuisance, and after notice to remove the same has been served upon such person, is guilty of a misdemeanor, and shall be punished accordingly; and each day of such existence, after notice, shall be deemed a separate and distinct offense, and it is the duty of the Health Officer to prosecute all persons guilty of violating this law by continuous prosecutions until the same is abated and removed.

SEC. 16. Section three thousand and thirty-one (3031) of said Code is amended to read as follows:

Officers em-
powered to
administer
oaths.

✓ **3031.** Any member of the Board of Health, Health Officer, or Quarantine Officer, or Secretary, or Assistant Secretary of the Health Department, is empowered to administer oaths on business connected with that department.

SEC. 17. The following is added as a new section to said Code, and shall be inserted in said Code after section three thousand and thirty-two (3032) and designated as section three thousand and thirty-three (3033):

Vacation of
infected and
dangerous
houses.

✓ **3033.** Whenever it shall be certified to the Board of Health, by the Health Officer, that any building, or part thereof, is unfit for human habitation, by reason of its being so infected with disease as to be likely to cause sickness among the occupants, or by reason of its want of repair has become dangerous to life, said Board may issue an order, and cause the same to be affixed conspicuously on the building, or part thereof, and to be personally served upon the owner, agent, or lessee, if the same can be found in this State, requiring all persons therein to vacate such building, for the reasons to be stated therein as aforesaid. Such building, or part thereof, shall, within ten days thereafter be vacated, or within such shorter time, not less than twenty-four hours, as in said notice may be specified; but said Board, if it shall become satisfied that the danger from said house, or part thereof, has ceased to exist, may revoke said order, and it shall thenceforward become inoperative.

SEC. 18. The following is added as a new section to said Code, and shall be inserted in said Code in its numerical order, designated as section three thousand and thirty-four (3034):

Physicians
to report
certain cases
immedi-
ately.

✓ **3034.** *One*—Every physician in the city and county shall report to the Health Officer, in writing, every patient he shall have laboring under Asiatic cholera, variola, diphtheria, or scarlatina, immediately thereafter, and report to the same officer every case of death from such disease, immediately after it shall have occurred.

Households
to report
certain cases
in house.

Two—Every household in said city and county shall forthwith report, in writing, to the Health Officer, the name of every person boarding or an inmate at his or her house, whom he or she shall have reason to believe sick of cholera

or small-pox, and any deaths occurring at his or her house from such disease.

SEC. 19. The following is added as a new section to said Code, and shall be inserted in said Code in its numerical order, designated as section three thousand and thirty-five (3035):

✓ **3035.** The Board of Health shall have entire charge of the City Cemetery, and shall employ a Superintendent, at a salary of seventy-five dollars per month, the same to be paid as the salaries of other employés are paid. Board of Health to have charge of City Cemetery.

SEC. 20. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 21. This Act shall take effect from and after its passage.

CHAP. CCLXXV.—*An Act to amend section three thousand and sixty-one of the Political Code, relative to local Boards of Health.*

[Approved March 19, 1878.]

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

SECTION 1. Section three thousand and sixty-one of the Political Code is hereby amended so as to read as follows:

✓ **3061.** It shall be the duty of the Board of Trustees, Council, or other corresponding Board, of every incorporated town and city of this State, to establish, by ordinance, a Board of Health for such town or city, to consist of five persons, one at least of whom shall be a practicing physician and a graduate of some reputable school of medicine, and one, if practicable, a civil engineer. The members of the Board shall hold their offices at the pleasure of the appointing power. Every local Board of Health established in this State must: Board of Health to be established in incorporated towns and cities.

First—Supervise all matters pertaining to the sanitary condition of their town or city, and make such rules and regulations relative thereto as are necessary and proper, and not contrary to law.

Second—Report to the Secretary of the State Board of Health, at Sacramento, at such times as the State Board of Health may require:

a. The sanitary condition of their locality.

b. The number of deaths, with the cause of each, as near as can be ascertained within their jurisdiction, during the preceding month.

c. The presence of epidemic or other dangerous, contagious, or infectious disease, and such other matters, within their knowledge or jurisdiction, as the State Board may require.

The Trustees, Council, or other legislative Board, by whatever name known, of any incorporated city or town of this State may, by ordinance, adopt any portion of Article Trustees may adopt Articles III and IV.

III and IV of this Chapter, or either of them, for some definite period of time, as may seem proper for the regulation of sanitary matters within their town or city.

SEC. 2. This Act shall not extend to any incorporated city or town, or city and county, for which health regulations and [are?] provided by special statutes.

SEC. 3. This Act shall take effect immediately.

CHAP. CCXXXIX.—*An Act to amend sections three thousand and seventy-four, three thousand and seventy-seven, three thousand and seventy-nine, and three thousand and eighty-one of the Political Code, and to add a new section thereto, to be numbered section three thousand and eighty-three.*

[Approved March 16, 1878.]

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

SECTION 1. Section three thousand and seventy-four of said Code is amended so as to read as follows:

Registry of
marriages.

✓ **3074.** All persons who perform the marriage ceremony must keep a registry of the time of each marriage so celebrated, the residence, the names in full, the place of birth, the age of each party, and whether either party has ever been before married.

SEC. 2. Section three thousand and seventy-seven of said Code is amended so as to read as follows:

Register of
births and
deaths to be
filed with
Recorder.

✓ **3077.** All persons registering marriages, births, or deaths, must quarterly file with the County Recorder a certified copy of their register. All such certificates must specify, as near as may be ascertained, the name in full, age, occupation, term of residence in the city or county, birth place, condition, whether single or married, widow or widower, sex, race, color, last place of residence, and cause of death of all decedents.

SEC. 3. Section three thousand and seventy-nine of said Code is amended so as to read as follows:

Duties of
Recorder.

✓ **3079.** The Recorder must keep separate registers, to be known as the "Register of Marriages," the "Register of Births," and the "Register of Deaths," in which the marriages, births, and deaths certified to him must be numbered in the order in which they are reported to him. There must be stated in each register, in separate columns, properly headed, the various facts contained in the certificates, and the name and official or clerical position of the person making the report. The Recorder must carefully examine each report and register the same marriage, birth, or death but once, although it may be reported by different persons.

SEC. 4. Section three thousand and eighty-one of said Code is amended so as to read as follows:

Fees.

✓ **3081.** County Recorders, in those counties where their

compensation is by fees, shall be allowed by the Board of Supervisors a fee of not exceeding ten cents for each name reported, to be paid out of the General Fund of the county; and in those counties where their compensation is by a fixed salary the duties in this Chapter provided shall be performed without compensation other than such salary.

SEC. 5. The following section, number three thousand and eighty-three, is added to said Code, to be inserted therein immediately following section three thousand and eighty-two:

✓ **3083.** The Secretary of the State Board of Health must prepare blank forms of said registers for the State Printer, who must print as many copies as the said Secretary shall direct, and deliver the same to the Secretary of State, who shall forward the same, from time to time, and in such numbers as shall be directed by the Secretary first mentioned to the County Recorders of the several counties, who must carefully keep and distribute the same to the persons in the county who are required to keep the registers and make the reports provided in this Chapter.

Printing and distribution of blank forms of register.

SEC. 6. This Act shall take effect immediately.

CHAP. DCIII.—*An Act to amend sections three thousand three hundred and thirty-five and three thousand three hundred and thirty-seven of the Political Code.*

[Approved April 1, 1878.]

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

SECTION 1. Section three thousand three hundred and thirty-five of the Political Code is hereby amended so as to read as follows:

✓ **3335.** Fire companies in incorporated cities and towns are formed and organized under special laws, or under authority conferred upon the city or town government. Those in incorporated towns and villages are organized by filing, with the Recorder of the county in which they are located, a certificate in writing, signed by the foreman or presiding officer and Secretary, setting forth the date of the organization, name, officers, and roll of active and honorary members, which certificate and filing must be renewed every six months. There shall not be allowed to any such cities, towns, or villages more than one company for each one thousand inhabitants, but one company shall be allowed in any city, town, or village where the population is less than one thousand. There shall not be allowed to any engine company more than sixty-five certificate members, to any hook and ladder company more than sixty-five certificate members, to any hose company more than twenty-five certificate members.

Fire companies; how organized.

SEC. 2. Section three thousand three hundred and thirty-seven is hereby amended so as to read as follows:

Firemen
exempt from
what.

✓ **3337.** The officers and members of unpaid fire companies regularly organized, and exempt firemen, are entitled to the following privileges and exemptions, viz.: Exemption from payment of poll tax, road tax, and head tax of every description; exemption from jury duty; exemption from military duty, except in case of war, invasion, or insurrection.

CHAP. CCCCLXV.—*An Act to amend section three thousand (3489) four hundred and eighty-nine of the Political Code.*

[Approved March 30, 1878.]

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

SECTION 1. Section three thousand four hundred and eighty-nine of the Political Code is hereby amended so as to read as follows:

Manner of
reorganizing
swamp land,
levee, and
reclamation
districts.

✓ **3489.** Swamp land, levee, and reclamation districts formed, organized, or erected into districts under special or general laws heretofore or now in force, may reorganize and consolidate in the manner following: Whenever the owners of a majority of acres of land in each of two or more swamp land, levee, or reclamation districts, shall desire to consolidate and reorganize, they may do so by filing a notice with the County Recorder of the county in which the greatest portion of the land of the districts is situated, setting forth that they desire to consolidate and reorganize. The notice must give the exterior boundaries of the said districts, the name and number of each of them, the number of acres of land that each contains, and must be signed by the persons owning the majority of acres of land in each district, and shall designate the number of acres owned by each signer in the district in which the same is situated. The County Recorder shall record and [said?] notice in a book kept for the purpose of recording papers in relation to swamp land and levee districts. He shall make a certified copy of said notice, and forward the same to the State Land Register, who shall designate a number for the reorganized district, the same as provided for in original organizations; after which time the district shall be known as Reclamation District Number —, and shall be under the operation and governed by the general reclamation laws of the State, as provided in "Title Eight, Chapter One," of the Political Code, and the Acts amendatory thereof; and all proceedings thereafter shall be the same as though said district was organized upon an original petition and granted by the Board of Supervisors; *provided, however*, that such consolidation and reorganization shall in no manner invalidate the indebtedness of the original districts; and all the laws, rules,

and regulations for the assessing, levying, and collecting taxes or assessments in said district shall remain and be in full force, and all levies, assessments, and collections required for the payment of the then outstanding indebtedness in said districts, shall be the same as though they had not consolidated and reorganized until such indebtedness shall be paid and liquidated. The owners of a majority of acres of land in a compact form, capable of being embraced in a swamp land or reclamation district contiguous thereto and not a part of another district, may, by consent of the Trustees of such district, have such land embraced within such district, by filing a notice with the County Recorder of the county in which such district is organized; the notice must give the exterior boundaries of said land, the number of acres of land therein, as near as may be, and must be signed by the persons owning the majority of acres of land therein; and there shall be attached thereto or indorsed thereon a written consent of the Trustees of said district that said land be embraced therein. Said notice shall be filed with the County Recorder of the county aforesaid, and recorded by him in a book kept for that purpose. From the time of filing of such notice, said land shall become and be held as a part of such district; *provided*, that the reorganization and consolidation of any two or more districts under the provisions of this Act shall not be so construed as to legalize the original organization of any said districts reorganized and consolidated under this Act; nor shall any indebtedness or any act of any of said districts, or the officers thereof, prior to the act of reorganization and consolidation, be legalized by this Act; *provided further*, that no land not included in some of the original districts shall be included in the reorganization and consolidation without the consent of the owner. Nor shall any land purchased of the United States Government be included in the reorganization and consolidation without the consent of the owner thereof, although the said government land may have been included in some of the original districts.

CHAP. DLXVIII.—*An Act to amend section three thousand five hundred and seventy-two of the Political Code, in regard to the restitution of money paid for land not the property of the State.*

[Approved March 30, 1878.]

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

SECTION 1. Section three thousand five hundred and seventy-two is amended to read as follows:

✓ **3572.** If the land sold was swamp and overflowed, the County Auditor of the county in which the land is situated must, upon the surrender to him of the certificate mentioned in section three thousand five hundred and seventy-one,

If land sold is swamp and overflowed, Auditor to draw warrant for sum specified.

draw his warrant in favor of the person surrendering such certificate for the amount therein specified, upon the Treasurer of the county, who must pay the same out of the Swamp and Overflowed Land Fund of the district in which the land is situated. If the land sold was not swamp and overflowed, the Controller of State, upon the surrender to him of such certificate, must draw his warrant in favor of the person surrendering the same, for the amount therein specified, upon the Treasurer of State, who must pay the same out of the fund into which the purchase money was paid.

SEC. 2. This Act shall take effect immediately.

CHAP. XXVIII.—*An Act to amend section three thousand six hundred and seventeen of the Political Code, defining certain terms.*

[Approved January 24, 1878.]

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

SECTION 1. Section three thousand six hundred and seventeen of the Political Code of this State is hereby amended so as to read as follows:

Certain
terms and
phrases
defined.

✓ **3617.** Whenever the terms mentioned in this section are employed in this Title, they are employed in the sense hereafter affixed to them:

First—The term “real estate” includes:

1. The ownership or claim to possession of, or rights to possession of land and trees, vines, growing crops, and plants while growing and rooted in the ground, except plants and trees grown in nurseries for propagation and sale.

2. All mines, minerals, and quarries in and under the land, and all rights and privileges appertaining thereto.

3. Improvements.

Second—The term “improvements” includes all buildings, structures, fixtures, fences, and improvements erected upon or affixed to the land.

Third—The term “personal property” includes every thing which is the subject of ownership, not included within the meaning of the term real estate.

Fourth—The term “full cash value” means the amount at which the property would be appraised if taken in payment of a just debt due from a solvent debtor.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCXXII.—*An Act to amend sections three thousand six hundred and ninety-six, three thousand eight hundred and sixteen, three thousand eight hundred and twenty-nine, three thousand eight hundred and sixty-six, three thousand eight hundred and sixty-eight, and four thousand and eighty-three of the Political Code, in relation to delinquent taxes and settlements of County Treasurers with the Controller of State.*

[Approved March 28, 1878.]

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

SECTION 1. Section three thousand six hundred and ninety-six is amended to read as follows:

✓ **3696.** Between the first and third Mondays in September, of each year, the Board must determine the rate of State tax to be levied and collected upon the assessed valuation of the property of the State, which, after allowing twelve per cent. for delinquencies in and costs of collection of taxes, must be sufficient to raise the specific amount of revenue directed to be raised by the Legislature for State purposes. The Board must immediately thereafter transmit to the Board of Supervisors and County Auditor of each county a statement of such rate, and upon its receipt the Clerk of said Board and County Auditor must each, in writing, notify the State Board of Equalization thereof.

Board to notify Supervisors of amount of tax to be levied.

SEC. 2. Section three thousand eight hundred and sixteen is amended to read as follows:

✓ **3816.** Whenever property sold to the State, pursuant to the provisions of this Chapter, shall be redeemed as herein provided, the moneys received on account of such redemption shall be distributed as follows: The original tax and the fifty per cent. paid in redemption shall be apportioned between the State and county in the same proportion that the State tax bears to the county tax; the five per cent. additional, and the money received for delinquent poll tax, shall be paid to the county; the percentage allowed for the collection of the delinquent poll tax shall be paid to the Collector, and the costs to the parties entitled thereto. The County Treasurer shall keep an accurate account of all money paid in redemption of property sold to the State, and shall, on the first Monday of June, in each year, make a detailed report, verified by his affidavit, of each account, year for year, to the Controller of State, in such form as the Controller may desire. Whenever the State shall receive from the Tax Collector any grant of property so sold for taxes, the same shall be recorded, at the request of the County Treasurer, free of charge by the County Recorder, and shall be immediately reported by the County Treasurer to the State Board of Equalization.

Distribution of moneys received on redemption of property sold to State.

SEC. 3. Section three thousand eight hundred and twenty-nine is amended to read as follows:

✓ **3829.** For services rendered in the collection of taxes

Compensation of Assessors.

under section three thousand eight hundred and twenty, the Assessors of the several counties shall receive six per cent. on the amount by him collected; *provided*, that all fees or commissions collected, under this or any other Act, by the salaried officers, except in the collection of poll taxes in and for the City and County of San Francisco, shall be, by said officers, paid into the county treasury for the use of said city and county.

SEC. 4. Section three thousand eight hundred and sixty-six is amended to read as follows:

Time when certain Treasurers shall make settlement.

✓ **3866.** The Treasurers of the Counties of Alameda, Amador, Contra Costa, Calaveras, El Dorado, Nevada, Placer, Sierra, Solano, Yolo, San Francisco, Sacramento, San Joaquin, Santa Clara, Tuolumne, and Yuba, respectively, must, between the fifteenth and thirtieth days of January, April, July, and October, of each year, and the County Treasurers of the Counties of Humboldt, Del Norte, and Modoc must, between the fifteenth and thirtieth days of October and April, in each year, and the County Treasurers of other counties of this State must, between the fifteenth and thirtieth days of January and June, respectively, in each year, proceed to the State Capital and settle in full with the Controller of State, and pay over in cash to the Treasurer of State, all funds which have come into their hands, as County Treasurers, before the close of business at the end of the previous month. If, in the opinion of the Controller of State, it appears from the report of the County Auditor that sufficient property tax has not been collected to make it for the interest of the State that a settlement should be made, the Controller shall defer the settlement until the next regular settlement. No mileage, fees, or commissions shall be allowed any officer for any deferred settlement; *provided*, that in case any settlement is so deferred that the County Auditor, in his next report to the Controller of State, shall include therein all moneys required to be reported since the date of his last report upon which a settlement was made.

SEC. 5. Section three thousand eight hundred and sixty-eight is amended to read as follows:

Settlement of Auditors with Controller.

✓ **3868.** The Auditor of each county, between the first and tenth day of each month in which the Treasurer of his county is required to settle with the Controller, must make, in duplicate, and verify by his affidavit, a report to the Controller of State, in such form as the Controller may desire, showing specifically the amount due the State from each particular source of revenue at the close of business on the last day of the preceding month.

SEC. 6. Section four thousand and eighty-three is amended to read as follows:

Annual statement; when made, and what to contain.

✓ **4083.** The Board must have prepared by the Clerk, and when he is not also Auditor, then by that officer, and under their direction, prior to their regular November meeting, a statement, in duplicate, showing:

First—The indebtedness of the county, funded and floating, the amount of each class, and the rate of interest borne by each class of such indebtedness, or any part thereof.

Second—A concise description of all property owned by the county, with an approximate estimate of the value thereof, and the amount of cash in the county treasury subject to the payment of such indebtedness.

Third—The rate of taxation for county purposes as shown by the last levy made by the Board.

One of the statements mentioned in this section must be filed with the Board on the first day of the November meeting, and the other forwarded immediately, by mail or express, to the Controller of State. The Controller of State shall include in his biennial reports to the Governor a digest and synopsis, in tabular form, of all reports received by him under the provisions of this section, and shall name therein the counties, if any, which have failed to make the reports as herein provided.

SEC. 7. This Act shall take effect immediately.

CHAP. DCLXXI.—*An Act to amend section thirty-seven hundred and thirteen of the Political Code.*

[Approved April 1, 1878.]

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

SECTION 1. Section thirty-seven hundred and thirteen of the Political Code is hereby amended to read as follows:

✓ 3713. The State Board of Equalization must, for State purposes, for the thirtieth and thirty-first fiscal years, fix such an ad valorem rate of taxation upon each one hundred dollars of taxable property of this State as will raise, for the thirtieth fiscal year: Rate of taxation.

First—For the General Fund, one million three hundred and twenty thousand dollars. Amounts required for the several funds.

Second—For the School Fund, one million two hundred thousand dollars.

Third—For the Interest and Sinking Fund, three hundred and fifteen thousand dollars.

And for the thirty-first fiscal year:

First—For the General Fund, one million four hundred and fifty thousand dollars.

Second—For the School Fund, one million two hundred and fifty thousand dollars.

Third—For the Interest and Sinking Fund, three hundred and fifteen thousand dollars.

SEC. 2. This Act, and the section of the Political Code herein amended, shall be in force and effect from and after its passage.

CHAP. CC.—*An Act to amend section three thousand seven hundred and forty-seven of the Political Code, in relation to the collection of taxes in the County of Los Angeles.*

[Approved March 14, 1878.]

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

SECTION 1. Section three thousand seven hundred and forty-seven of the Political Code is hereby amended so as to read as follows:

Taxes payable at Collector's office.

✓ **3747.** In the City and County of San Francisco, and in the County of Los Angeles, the notice must specify the office of the Collector as the place where taxes may be paid.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. XXII.—*An Act to amend section three thousand seven hundred and sixty-four of the Political Code of this State.*

[Approved January 22, 1878.]

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

SECTION 1. Section three thousand seven hundred and sixty-four of the Political Code is hereby amended so as to read as follows:

Publication of delinquent list; when made, what to contain.

✓ **3764.** On or before the first Monday in February of each year the Tax Collector in each of the counties other than San Francisco, and on or before the first Monday in March of each year in the City and County of San Francisco the Tax Collector of said city and county, must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of taxes and costs due, opposite each name and description, with the taxes due on personal property added to taxes on real estate, where the real estate is liable therefor, or the several taxes are due from the same person. The expense of the publication to be a charge against the county.

SEC. 2. This Act shall take effect immediately.

CHAP. DCXLIV.—*An Act to amend sections three thousand seven hundred and sixty-six and four thousand and forty-seven of the Political Code, relating to publication of delinquent tax lists.*

[Approved April 1, 1878.]

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

SECTION 1. Section three thousand seven hundred and sixty-six of the Political Code is amended to read as follows: Manner of making publication.

✓ 3766. The publication must be made once a week for three successive weeks in some newspaper, or supplement thereto, published in the county, and the publication must be contracted for with the lowest bidder, and after ten days' public notice that such will be let. The bidding must be by sealed proposals. If there is no newspaper published in the county, then by posting a copy of the list in three public places in each township.

SEC. 2. Section four thousand and forty-seven of said Code is amended to read as follows:

✓ 4047. The Supervisors must contract for:

First—All county printing.

Second—All books and stationery.

Third—All supplies for county institutions.

Supervisors must contract for what.

And all contracts must be made with the lowest bidder, and after ten days' public notice that such contract will be let. The bidding must be by sealed proposals.

SEC. 3. This Act shall take effect and be in full force on and after its passage.

CHAP. DLXXXIX.—*An Act to amend section three thousand eight hundred and fifty-seven and three thousand eight hundred and fifty-eight of the Political Code.*

[Approved April 1, 1878.]

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

SECTION 1. Section three thousand eight hundred and fifty-seven of the Political Code is hereby amended so as to read as follows:

✓ 3857. The Assessor must keep a roll of the names and local residence, or place of business, of all persons subject to or liable for poll tax, and, if paid, date and amount of each payment, and, if not paid, cause of non-payment; *provided*, that no person shall be returned as delinquent on such roll unless a demand has been made upon him in person or through the post-office. Assessor to keep roll of persons liable for poll tax.

SEC. 2. Section three thousand eight hundred and fifty-eight of the Political Code is amended to read as follows:

Roll to be
returned to
Auditor.

✓ **3858.** On the third Monday in January of each year the Assessor must deliver to the Auditor the roll so made up, and the Auditor must add to the total poll tax delinquent on such roll thirty-three and one-third per centum additional, and without delay deliver such list to the Tax Collector, and charge the Collector therewith.

CHAP. CCCCXXI.—*An Act to amend section thirty-eight hundred and sixty-two of the Political Code, relative to the collection of poll taxes.*

[Approved March 28, 1878.]

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

SECTION 1. Section number thirty-eight hundred and sixty-two of the Political Code is hereby amended to read as follows :

Compensa-
tion of
Assessor.

✓ **3862.** The Assessor, for services rendered in the collection of poll taxes, shall receive the sum of fifteen per cent.; and the Collector, for services rendered in the collection of poll taxes on the delinquent list (including the publication), shall receive the sum of twenty-five per cent. on all delinquent poll tax collected by him.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DCXXXVI.—*An Act to amend section three thousand nine hundred and twenty-eight of the Political Code, relating to the boundary line between the Counties of Sacramento and San Joaquin.*

[Approved April 1, 1878.]

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

SECTION 1. Section three thousand nine hundred and twenty-eight of said Code is amended to read as follows :

Sacramento.

✓ **3928.** Beginning on the northern line of the county, at a point ten miles north of a point which was, on the thirtieth of March, eighteen hundred and fifty-seven, the mouth of the American River; thence easterly to the junction of the north and south forks of said river; thence up the principal channel of the south fork to a point one mile above Mormon Island, so as to include said island in Sacramento County, forming the northeast corner; thence southerly to a point on the Cosumnes River, eight miles above the house of William Daylor; thence south to Dry Creek, forming south-

east corner; thence down said Dry Creek to its entrance into the Mokelumne River; thence down the Mokelumne River to a point where said river divides into east and west branches; thence down the west branch to its junction with the east branch; thence down said river to its junction with the San Joaquin River; thence down the San Joaquin River to the mouth of the Sacramento River, at the head of Suisun Bay, forming southwest corner; thence up the Sacramento River to the mouth of Merritt Slough; thence up said slough to the mouth of Sutter Slough; thence up said Sutter Slough to the Sacramento River; thence up the Sacramento River to a point west of the place of beginning, forming the northeast corner of Sacramento County; thence east to the place of beginning.

CHAP. CXCVII.—*An Act to amend section three thousand nine hundred and fifty-one of the Political Code, in reference to the boundary line between the Counties of San Mateo and Alameda.*

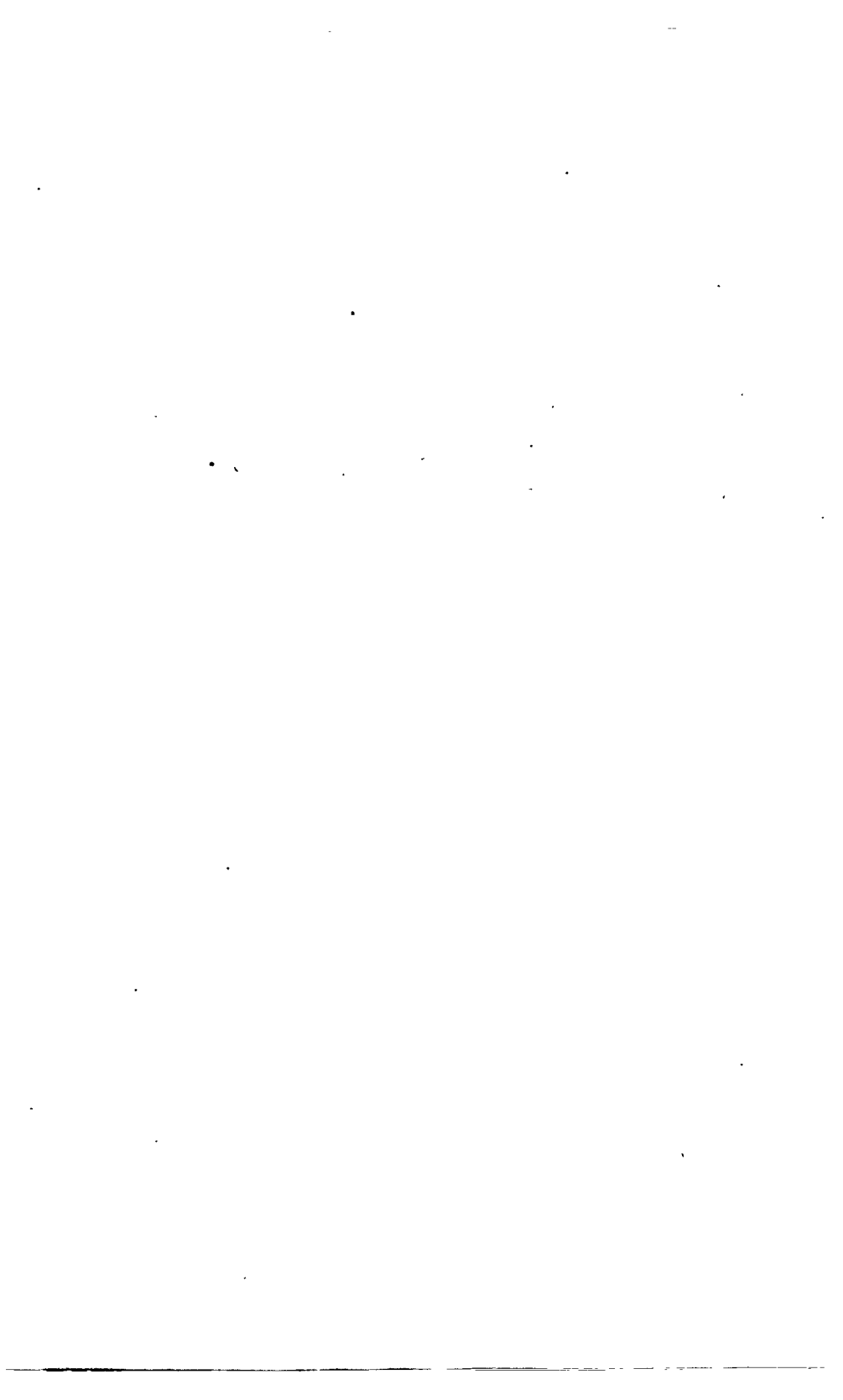
[Approved March 14, 1878.]

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

SECTION 1. Section three thousand nine hundred and fifty-one of the Political Code is hereby amended so as to read as follows:

✓ 3951. Beginning at the southwest corner, being the west corner of Santa Cruz County, as established in section thirty-nine hundred and forty-nine; thence on northwestern line of Santa Cruz, as established in said section, to the southwestern line of Santa Clara, being the summit line of the Santa Cruz Mountains; thence northwesterly by said summit line to the source of San Francisquito Creek; thence down the south branch thereof and down said creek to its mouth; thence to a point in the middle of San Francisco Bay, opposite said mouth, forming common corner of San Mateo, Santa Clara, and Alameda; thence in a direct line to a point in the center of ship channel in the Bay of San Francisco, west of and opposite to Dumbarton Point; thence in a direct line to the southeast corner of San Francisco City and County, as established in section thirty-nine hundred and fifty; thence due west, on the southern line of San Francisco City and County, to the southwest corner thereof; thence southerly along the ocean shore to the point of beginning. The eastern boundary of San Mateo County shall be the western boundary of Alameda County, in so far as the same borders on San Mateo County; county seat, Redwood City.

SEC. 2. This Act shall take effect and be in force from and after its passage.



CIVIL CODE.



ACTS AMENDATORY
OF
THE CIVIL CODE

PASSED AT THE
TWENTY-SECOND SESSION OF THE LEGISLATURE.

CHAP. DXIX.—*An Act to amend section forty of the Civil Code.*

[Approved March 30, 1878.]

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

SECTION 1. Section forty (40) of the Civil Code is amended so as to read as follows:

✓ 40. After his incapacity has been judicially determined, a person of unsound mind can make no conveyance or other contract, nor delegate any power or waive any right, until his restoration to capacity. But a certificate from the Medical Superintendent or Resident Physician of the Insane Asylum to which such person may have been committed, showing that such person had been discharged therefrom, cured and restored to reason, shall establish the presumption of legal capacity in such person from the time of such discharge.

Powers of persons whose incapacity has been adjudged.

CHAP. LI.—*An Act to add another section to the Civil Code.*

[Approved February 6, 1878.]

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

SECTION 1. Another section is hereby added to the Civil Code, to be known as section seventy-nine, to read as follows:

✓ 79. When unmarried persons, not minors, have been living together as man and wife, they may, without a license, be married by any clergyman. A certificate of such marriage must, by the clergyman, be made and delivered to the

Marriage without license.

parties, and recorded upon the records of the church of which the clergyman is a representative. No other record need be made.

SEC. 2. This Act shall be in force and effect from and after its passage.

CHAP. CCXCVIII.—*An Act to amend section one hundred and thirty-seven of the Civil Code, in reference to the husband providing for the support of the wife during unlawful desertion or proceedings for divorce.*

[Approved March 20, 1878.]

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

SECTION 1. Section one hundred and thirty-seven of the Civil Code of California is hereby amended to read as follows:

Expense of
action.

✓ 137. While an action for divorce is pending, the Court may, in its discretion, require the husband to pay, as alimony, any money necessary to enable the wife to support herself, or her children, or to prosecute or defend the action. When the husband willfully deserts the wife she may, without applying for a divorce, maintain in the District Court an action against him for permanent support and maintenance of herself, or of herself and children. During the pendency of such action, the Court may, in its discretion, require the husband to pay, as alimony, any money necessary for the prosecution of the action, and for support and maintenance. The final judgment in such action may be enforced by the Court by such order or orders as in its discretion it may, from time to time, deem necessary, and such order or orders may be varied, altered, or revoked at the discretion of the Court.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCCXV.—*An Act to amend section two hundred and ninety-nine of the Civil Code.*

[Approved March 22, 1878.]

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

SECTION 1. Section two hundred and ninety-nine of Civil Code is amended to read as follows:

Filing of
articles of in-
corporation.

✓ 299. No corporation hereafter formed shall purchase, locate, or hold property in any county in this State without filing a copy of the copy of its articles of incorporation filed

in the office of the Secretary of State, duly certified by such Secretary of State, in the office of the County Clerk of the county in which such property is situated, within sixty days after such purchase or location is made. Every corporation now in existence, whether formed under provisions of this Code or not, must, within ninety days after the passage of this section, file such certified copy of the copy of its articles of incorporation in the office of the County Clerk of every county in this State in which it holds any property, and if any such corporation hereafter acquires any property in a county other than that in which it now holds property, it must, within ninety days thereafter, file with the Clerk of such county such certified copy of the copy of its articles of incorporation. The copies so filed with the several County Clerks, and certified copies thereof, shall have the same force and effect in evidence as would the originals. Any corporation failing to comply with the provisions of this section shall not maintain or defend any action or proceeding in relation to such property, its rents, issues, or profits. Any corporation which has not heretofore filed a certified copy of the certificate of its articles of incorporation may avail itself of the provisions of this Act with the same effect as if it had filed such certified copy of such certificate; *provided*, that this Act shall not affect any pending litigation, or any suit now pending in Court.

CHAP. CCCCLII.—*An Act to add a new section to the Civil Code, relating to corporations.*

[Approved March 29, 1878.]

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

SECTION 1. A new section is hereby added to the Civil Code, to be known as section three hundred, to read as follows:

✓ **300.** Every corporation that has been or may be created under the general laws of this State, doing a banking business therein, and which has no capital stock, may elect to have a capital stock, and may issue certificates of stock therefor, in the same manner as corporations formed under the provisions of Chapter One, Article One, of the Civil Code, relating to the formation of corporations; *provided*, that no such corporation shall use or convert any moneys or funds theretofore belonging to it, or under its control, into capital stock; but such funds or moneys must be held and managed only for the purposes and in the manner for which they were created. Before such change is made, a majority of the members of such corporation present at a meeting called for the purpose of considering the proposition whether it is best to have a capital stock, its amount, and the number of shares into which it shall be divided, must vote in favor of having

Capital stock
of banking
corporations.

a capital stock, fix the amount thereof, and the number of shares into which it shall be divided. Notice of the time and place of holding such meeting, and its object, must be given by the President of such corporation, by publication in some newspaper printed and published in the county, or city and county, in which the principal place of business of the corporation is situated, at least once a week for three successive weeks prior to the holding of the meeting. A copy of the proceedings of this meeting, giving the number of persons present, the votes taken, the notice calling the meeting, the proof of its publication, the amount of capital actually subscribed, and by whom, all duly certified by the President and Secretary of the corporation, must be filed in the offices of the Secretary of State and Clerk of the county where the articles of incorporation are filed. Thereafter such corporation is possessed of all the rights and powers, and is subject to all the obligations, restrictions, and limitations, as if it had been originally created with a capital stock; and *provided further*, that no bank in this State shall ever pay any dividend upon so called guaranty notes, nor upon any stock, except upon the amount actually paid in money into said capital upon such stock, and any payment made in violation of this provision shall render all officers and Directors consenting to the same jointly and severally liable to the depositors to the extent thereof.

Dividends.

CHAP. XLV.—*An Act to amend section three hundred and seven of the Civil Code, in relation to corporations.*

[Approved February 1, 1878.]

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

SECTION 1. Section three hundred and seven (307) of the Civil Code of this State is hereby amended so as to read as follows:

Elections;
how con-
ducted.

✓ 307. All elections must be by ballot, and every stockholder shall have the right to vote in person or by proxy the number of shares standing in his name, as provided in section three hundred and twelve of this Code, for as many persons as there are Directors to be elected, or to cumulate said shares and give one candidate as many votes as the number of Directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall think fit. In corporations having no capital stock, each member of the corporation may cast as many votes for one Director as there are Directors to be elected, or may distribute the same among any or all of the candidates. In either case, the Directors receiving the highest number of votes shall be declared elected.

CHAP. DCXXXIX.—*An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, relative to the election of Directors of corporations.*

[Approved April 1, 1878.]

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

SECTION 1. Section three hundred and twelve of said Code is hereby amended so as to read as follows :

✓ 312. At all elections, or votes had for any purpose, there must be a majority of the subscribed capital stock, or of the members, represented either in person or by proxy in writing. Every person acting therein (in person, or by proxy, or representative) must be a member thereof, or a bona fide stockholder, having stock in his own name on the stock books of the corporation at least ten days prior to the election. Any vote or election had other than in accordance with the provisions of this Article is voidable at the instance of absent (or any) stockholders or members, and may be set aside by petition to the District Court of the county where the same is held. Any regular or called meeting of the stockholders or members may adjourn from day to day, or from time to time, if, for any reason, there is not present a majority of the subscribed stock or members, or no election had, such adjournment and the reasons therefor being recorded in the journal of proceedings of the Board of Directors.

Majority of stock must be represented.

SEC. 2. Section three hundred and fifteen of said Code is hereby amended so as to read as follows :

✓ 315. Upon the application of any person, or body corporate, aggrieved by any election held by any corporate body, the District Court of the district in which such election is held must proceed forthwith to hear the allegations and proofs of the parties, or otherwise inquire into the matters of complaint, and thereupon confirm the election, order a new one, or direct such other relief in the premises as accords with right and justice. Upon filing the petition, and before any further proceedings are had under this section, five days' notice of the hearing must be given, under the direction of the Court, or the Judge thereof, to the adverse party, or those to be affected thereby.

Complaints and proceedings regarding elections.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. DCV.—*An Act to amend the Civil Code, relative to insurance.*

[Approved April 1, 1878.]

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

SECTION 1. Section four hundred and nineteen of the Civil Code is amended to read as follows:

Certain
insurance
companies
to have a
capital stock
of at least
two hundred
thousand
dollars.

✓ 419. Every company, corporation, or association hereafter formed or organized under the laws of this State for the transaction of business in fire, marine, inland navigation, or life insurance, must have a subscribed capital stock equal to at least two hundred thousand dollars, twenty-five per cent. of which must be paid in previous to the issuance of any policy, and the residue within twelve months from the day of filing the certificate of incorporation. No person, corporation, or association, organized or formed under the laws of any other State or country as a stock company, must transact any such insurance business in this State, unless such person, corporation, or association has a paid-up capital stock equal to at least two hundred thousand dollars in available cash assets, over and above all liabilities for losses reported, expenses, taxes, and re-insurance of all outstanding risks, as provided in section six hundred and two of the Political Code of this State. Nor must any person, corporation, or association, organized or formed under the laws of any other State or country as a mutual insurance company, transact any such insurance business in this State unless such person, corporation, or association possesses available cash assets equal to at least two hundred thousand dollars over and above all liabilities for losses reported, expenses, taxes, and re-insurance of all outstanding risks, as provided in said section six hundred and two of the Political Code of this State.

SEC. 2. The following is added as a new section to said Code, to be known as section four hundred and twenty:

Certain
insurance
companies
to have capital stock of
at least one
hundred
thousand
dollars.

✓ 420. Every company, corporation, or association, hereafter formed or organized under the laws of this State, for the transaction of business in any kind of insurance not enumerated in section four hundred and nineteen of the Civil Code, must have a subscribed capital stock equal to at least one hundred thousand dollars, which must be paid in at the times and in the manner prescribed for the payment of the capital stock of a corporation organized under section four hundred and nineteen of said Civil Code. No company, corporation, or association, formed or organized under the laws of any other State or country as a stock company, must transact any such insurance business in this State without a paid-up capital stock of not less than one hundred thousand dollars, in available cash assets, over and above all liabilities for losses reported, expenses, taxes, and re-insurance of all outstanding risks, as provided in section six hundred and two of the Political Code of this State. Nor

must any company, corporation, or association, formed or organized under the laws of any other State or country as a mutual insurance company, transact any such insurance business in this State, unless such company, corporation, or association possesses available cash assets equal to at least one hundred thousand dollars over and above all liabilities for losses reported, expenses, taxes, and re-insurance of all outstanding risks, as provided in said section six hundred and two of the Political Code of this State.

SEC. 3. Section four hundred and twenty-seven of the Civil Code is amended to read as follows:

✓ **427.** Corporations hereafter organized under the laws of this State for the transaction of business in any kind of insurance, may invest their capital and accumulations in the following named securities: Funds may be invested how.

One—In the purchase of, or loans upon, interest bearing bonds of the United States Government.

Two—In the purchase of, or loans upon, interest bearing bonds of any of the States of the United States not in default for interest on such bonds.

Three—In the purchase of, or loans upon, interest bearing bonds of any of the countries and incorporated cities and towns of the State of California not in default for interest on such bonds.

Four—In loans upon unincumbered real property, or upon merchandise in warehouse, worth at least one hundred per cent. more than the amount loaned. But no investment in the securities named in subdivisions one, two, and three, of this section, must be made in amount exceeding the par value of such securities, nor exceeding their market value.

SEC. 4. Section four hundred and twenty-nine of said Code is amended to read as follows:

✓ **429.** No corporation, formed hereafter under the laws of this State and transacting fire, marine, inland navigation insurance business, or insurance provided for by section four hundred and twenty of this Code, must make any dividends, except from profits remaining on hand after retaining unimpaired— Amounts to be reserved before making dividends.

One—The entire subscribed capital stock.

Two—All the premiums received or receivable on outstanding marine or inland risks, except marine time risks.

Three—A fund equal to one-half of the amount of all premiums on all other risks not terminated at the time of making such dividend.

Four—A sum sufficient to pay all losses reported, or in course of settlement, and all liabilities for expenses and taxes.

SEC. 5. The following is added as a new section to said Code, to be known as section four hundred and thirty-one:

✓ **431.** No corporation, formed under the laws of this State, Same. and transacting life insurance business, must make any dividends, except from profits remaining on hand after retaining unimpaired—

One—The entire capital stock.

Two—A sum sufficient to pay all losses reported, or in course of settlement, and all liabilities for expenses and taxes.

Three—A sum sufficient to re-insure all outstanding policies, as ascertained and determined upon the basis of the American Experience Table of Mortality, and interest at the rate of four and one-half per cent. per annum.

SEC. 6. This Act shall be in force from and after its passage.

CHAP. DCVI.—*An Act to amend the Civil Code, and to repeal certain Acts relative to insurance.*

[Approved April 1, 1878.]

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

SECTION 1. Section four hundred and fifty of said Code is amended to read as follows:

Insurance policies to contain certain written evidence.

4 450. Every policy of insurance upon life hereafter issued and delivered within the limits of the State of California, whether by a person, or corporation organized under the laws of this State, or under those of any other State or country, or by the agent of such person or corporation, must contain written evidence that it was issued in this State, and the person or corporation, and the agent thereof, issuing and delivering such policy, without the evidence hereinbefore required, shall forfeit to the people of the State of California the sum of one hundred dollars for cash and every policy so issued, to be recovered by the Insurance Commissioner by suit, in the name of the people of the State of California, in any Court of competent jurisdiction.

SEC. 2. Section four hundred and fifty-one of said Code is amended to read as follows:

Policy holders entitled to recover condition of forfeiture.

4 451. Under any policy of insurance on life hereafter issued and delivered in this State, whether by a person, or corporation organized under the laws of California, or under those of any other State or country, the holder thereof, at any time during the continuance of the policy, shall be entitled to claim and recover of the insurer, any stipulation or condition of forfeiture contained in the policy or elsewhere to the contrary notwithstanding, a surrender value to be determined as follows: The net value of the policy, at the time of demand upon the insurer for settlement and liquidation of the same, shall be ascertained according to the American Experience Rate of Mortality, with interest at four and one-half per centum per annum; from such value shall be deducted and canceled any indebtedness of the assured growing out of the policy, and a surrender charge to the company, to be ascertained as follows: Assuming the rates of mortality and interest as aforesaid, the present value of all the future contributions of the policy to pay death claims, or, in other words, of all the normal future yearly costs of insurance which by its terms it is exposed to pay, in case of its continuance, shall be calculated, and eight per centum of this sum

Surrender value; how determined.

shall be the legal surrender charge, and the remainder of the net value of the policy ascertained as aforesaid, after deducting this surrender charge, and any debts due the insurer, as aforesaid, shall be payable to the insured, in cash, "within sixty days after the amount is ascertained." If there shall not have been a settlement and liquidation of the policy as hereinbefore provided, and it shall have lapsed by reason of the non-payment of a premium, the insurer must nevertheless continue it in force as provided in the next ensuing section.

SEC. 3. The following is added as a new section to said Code, to be known as section four hundred and fifty-two:

✓ 452. The net value of the policy, at the expiration of the term for which the full amount of premiums shall have been paid, must be ascertained and determined in accordance with the formula set forth in the preceding section, after deducting from such net value any indebtedness to the insurer growing out of the policy, and canceling the same, and deducting also a surrender charge, as ascertained in accordance with the provisions of said preceding section, the remainder of such net value shall be considered as a net single premium of insurance, and in the case of any policy, other than an endowment, the amount which it will insure as a life policy shall be determined according to the age of the insured at the time of the lapse of the policy, and the rates of mortality and interest assumed in determining the net value of the same. In the case of an endowment payable at a certain time, or at death, if it should previously occur, the remainder of the net value of the policy, ascertained as hereinbefore required, shall be considered as a net single premium of endowment insurance, and the amount which it will insure as an endowment for the unexpired term of the policy, shall be determined according to the age of the insured, and the rates of mortality and interest assumed in determining the net value of the policy. As thus adjusted the policy is to be considered as continued in force, in accordance with its original terms, except for a smaller amount, which said amount shall be, by the company, indorsed on the policy as paid up insurance.

Net value of policy at expiration of term to be determined.

SEC. 4. An Act to regulate the forfeiture of policies of life insurance, approved February second, eighteen hundred and seventy-two, and an Act to amend an Act to provide for official valuation of life insurance policies, approved April fourth, eighteen hundred and seventy, approved February thirteenth, eighteen hundred and seventy-two, are hereby repealed.

Repeal.

SEC. 5. This Act shall be in force from and after its passage.

CHAP. DCXXI.—*An Act to repeal section four hundred and seventy-one of the Civil Code.*

[Approved April 1, 1878.]

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

Repeal. ✓ SECTION 1. Section four hundred and seventy-one of the Civil Code is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAP. XXXV.—*An Act to amend section five hundred ninety-six (596) of the Civil Code.*

[Approved January 25, 1878.]

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

SECTION 1. Section five hundred and ninety-six of the Civil Code is amended so as to read as follows:

How much
and certain
associations
may hold

✓ 596. In addition to that provided for in the preceding section, Masons, Odd Fellows, Good Templars, and Pioneer incorporated associations, may hold such real estate as may be necessary to carry out their charitable purposes, or for the establishment and endowment of institutions of learning connected therewith. In case any such corporation is the owner, by donation or purchase, of more lands than herein or in preceding section provided for, such surplus must be sold and conveyed by the corporation within five years after its acquisition. Such sale may be made without the order or decree of the District Court, as hereinafter provided.

CHAP. DXXII.—*An Act to add a section to Title Twelfth, of Part Fourth, of the First Division, of the Civil Code.*

[Approved March 30, 1878.]

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

Rules, etc.,
of religious
denominations
requiring adminis-
tration of
temporal-
ties.

SECTION 1. The following section is added to Title Twelfth, of Part Fourth, of the First Division, of the Civil Code, viz.:

✓ 602. Whenever the rules, regulations, or discipline of any religious denomination, society, or church, require for the administration of the temporalities thereof, and the management of the estate and property thereof, it shall be lawful

for the bishop, chief priest, or presiding elder of such religious denomination, society, or church, to become a sole corporation, in the manner prescribed in this Title, as nearly as may be, and with all the powers and duties, and for the uses and purposes in this Title provided for religious incorporations, and subject to all the conditions, limitations, and provisions in said Title prescribed. The articles of incorporation to be filed shall set forth the facts authorizing such incorporation, and declare the manner in which any vacancy occurring in the incumbency of such bishop, chief priest, or presiding elder is required by the rules, regulations, or discipline of such denomination, society, or church to be filled, which statement shall be verified by affidavit, and for proof of the appointment or election of such bishop, chief priest, or presiding elder, or of any succeeding incumbent of such corporation, it shall be sufficient to record with the Clerk of the county in which such bishop, chief priest, or presiding elder resides, the original or a copy of his commission, or certificate, or letters of election, or appointment, duly attested; *provided*, all property held by such bishop, chief priest, or presiding elder, shall be in trust for the use, purpose, and behoof of his religious denomination, society, or church. The limitation in section five hundred and ninety-five shall not apply to corporations formed under this section, when the land is held or used for churches, hospitals, schools, colleges, orphan asylums, parsonages, or cemetery purposes. The District Judge of the district in which any corporation is formed under this Chapter, shall, at all times, have access to the books of such incorporation.

Articles of incorporation shall set forth what.

SEC. 2. Any corporation sole, heretofore organized and existing under the laws of this State, may elect to continue its existence under this Act by filing a certificate to that effect, under its corporate seal and the hand of its incumbent, or amended articles of incorporation, in the form required by the preceding section, as prescribed by section two hundred and eighty-seven (287) of the Civil Code; and from and after the filing of such certificate, or amended articles, such corporation shall be entitled to the privileges and subject to the duties, liabilities, and provisions of this Act expressed.

Continuance of existence.

SEC. 3. This Act shall take effect immediately.

CHAP. DCXV.—*“An Act to amend section one thousand one hundred and sixty of the Civil Code, relative to recording transcripts of letters patent.”*

[Approved April 1, 1878.]

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

SECTION 1. Section one thousand one hundred and sixty (1160) of the Civil Code is amended to read as follows:

Letters patent may be recorded without acknowledgment.

✓ **1160.** Letters patent from the United States, or from the State of California, executed and authenticated pursuant to existing law, may be recorded without acknowledgment or further proof, and where letters patent have been lost, or are beyond the control of any party deraining title therefrom, or for any reason they remain unrecorded, any person claiming title thereunder may cause a transcript of the copy of such letters patent kept by the government issuing the same, duly certified by the officer or individual having lawful custody of such copy, to be recorded in lieu of the original; and such recorded copy shall have, prima facie, the same force and effect as the original, for title or for evidence, until said original letters patent be recorded.

CHAP. CLXV.—*An Act to amend section sixteen hundred and twenty-four of the Civil Code.*

[Approved March 9, 1878.]

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

SECTION 1. Section sixteen hundred and twenty-four of the Civil Code is hereby amended so as to read as follows:

What contracts must be written.

✓ **1624.** The following contracts are invalid, unless the same, or some note or memorandum thereof, be in writing, and subscribed by the party to be charged, or by his agent:

First—An agreement that by its terms is not to be performed within a year from the making thereof.

Second—A special promise to answer for the debt, default, or miscarriage of another, except in the cases provided for in section twenty-seven hundred and ninety-four of this Code.

Third—An agreement, made upon consideration of marriage, other than a mutual promise to marry.

Fourth—An agreement for the sale of goods, chattels, or things in action, at a price not less than two hundred dollars, unless the buyer accept or receive part of such goods and chattels, or the evidences, or some of them, of such things in action, or pay at the time some part of the purchase money; but when a sale is made at auction, an entry by the auctioneer in his sale book, at the time of the sale, of the kinds of property sold, the terms of the sale, the price, and the names of the purchaser and person on whose account the sale is made, is a sufficient memorandum.

Fifth—An agreement for the leasing for a longer period than one year, or for the sale of real property, or for an interest therein; and such agreement, if made by an agent of the party sought to be charged, is invalid, unless the authority of the agent be in writing, subscribed by the party sought to be charged.

Sixth—An agreement authorizing or employing an agent or broker to purchase or sell real estate for compensation or a commission.

CHAP. LXXIII.—*An Act to amend section nineteen hundred and seventeen of the Civil Code.*

[Approved February 15, 1878.]

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

SECTION 1. Section nineteen hundred and seventeen of the Civil Code of the State of California is hereby amended so as to read as follows:

✓ **1917.** Unless there is an express contract in writing, fixing a different rate, interest is payable on all moneys at the rate of seven per cent. per annum after they become due, on any instrument of writing, except a judgment, and on moneys lent, or due on any settlement of account, from the day on which the balance is ascertained, and on moneys received to the use of another and detained from him. In the computation of interest for a period less than a year, three hundred and sixty days are deemed to constitute a year. Legal interest.

CHAP. CLIX.—*An Act to amend section twenty-one hundred and eighty of the Civil Code.*

[Approved March 9, 1878.]

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

SECTION 1. Section twenty-one hundred and eighty of the Civil Code is hereby amended so as to read as follows:

✓ **2180.** A common carrier of persons, unless his vehicle is fitted for the reception of persons exclusively, must receive and carry a reasonable amount of luggage for each passenger, without charge, except for an excess of weight over one hundred pounds to a passenger; *provided*, that if such carrier be a proprietor of a stage line, he may not receive and carry for each passenger by such stage line, without charge, more than sixty pounds of luggage. Obligation to carry luggage.

CHAP. LXXIV.—*An Act to amend section two thousand eight hundred and seventy-two of the Civil Code.*

[Approved February 15, 1878.]

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

SECTION 1. Section two thousand eight hundred and seventy-two of the Civil Code of the State of California is amended so as to read as follows:

Lien; what. ✓ **2872.** A lien is a charge imposed in some mode other than by a transfer in trust upon specific property by which it is made security for the performance of an act.

CHAP. DXCV.—*An Act to amend section two thousand nine hundred and fifty-five of the Civil Code, relating to chattel mortgages.*

[Approved April 1, 1878.]

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

SECTION 1. Section two thousand nine hundred and fifty-five of the Civil Code is hereby amended to read as follows:

What personal property may be mortgaged. ✓

2955. Mortgages may be made upon:

One—Locomotives, engines, and other rolling stock of a railroad.

Two—Steamboat machinery, the machinery used by machinists, foundrymen, and mechanics.

Three—Steam engines and boilers.

Four—Mining machinery.

Five—Printing presses and material.

Six—Professional libraries.

Seven—Instruments of a surveyor, physician, or dentist.

Eight—Upholstery and furniture used in hotels, lodging or boarding houses, when mortgaged to secure the purchase money of the articles mortgaged.

Nine—Growing crops.

Ten—Vessels of more than five tons burden.

Eleven—Instruments, negatives, furniture, and fixtures of a photograph gallery.

Twelve—The machinery, casks, pipes, tubs, and utensils used in the manufacture of wine, fruit brandy and fruit syrup, or sugar.

CHAP. DCII.—*An Act to amend the Civil Code, concerning the mortgage of ground crops.*

[Approved April 1, 1878.]

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

SECTION 1. The Civil Code of the State of California is hereby amended by adding a new section thereto, to be numbered two thousand nine hundred and seventy-two, to read as follows:

✓ 2972. The lien of a mortgage on a growing crop continues on the crop after severance, whether remaining in its original state or converted into another product, so long as the same remains on the land of mortgagor. Continuance of lien of mortgage on crops.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLI.—*An Act to amend section three thousand and fifty-one of the Civil Code, in reference to liens for services.*

[Approved March 29, 1878.]

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

Section three thousand and fifty-one of the Civil Code is hereby amended so as to read as follows:

✓ 3051. Every person who, while lawfully in possession of an article of personal property, renders any service to the owner thereof, by labor or skill employed for the protection, improvement, safe keeping, or carriage thereof, has a special lien thereon, dependent on possession, for the compensation, if any, which is due to him from the owner for such service; and livery or boarding or feed stable proprietors, and persons pasturing horses or stock, have a lien, dependent on possession, for their compensation in caring for, boarding, feeding, or pasturing such horses or stock. Lien for services.

CHAP. XX.—*An Act to amend the Civil Code with respect to the measure of damages in certain cases.*

[Approved January 22, 1878.]

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

SECTION 1. Section three thousand three hundred and thirty-six of the Civil Code is hereby amended so as to read as follows:

Conversion
of personal
property. ✓

3336. The detriment caused by the wrongful conversion of personal property is presumed to be:

First—The value of the property at the time of the conversion, with the interest from that time, or, where the action has been prosecuted with reasonable diligence, the highest market value of the property at any time between the conversion and the verdict, without interest, at the option of the injured party; and

Second—A fair compensation for the time and money properly expended in pursuit of the property.

SEC. 2. This Act takes effect immediately.

CHAP. XCIII.—*An Act to amend section three thousand four hundred and sixty-five of the Civil Code, relative to the omission to record certain assignments.*

[Approved February 25, 1878.]

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

SECTION 1. [Section] three thousand four hundred and sixty-five of the Civil Code of the State of California is hereby amended so as to read as follows:

Effect of
omitting to
record.

3465. An assignment for the benefit of creditors is void against creditors of the assignor, and against purchasers and incumbrancers in good faith and for value, unless it is recorded, and unless the inventory required by section three thousand four hundred and sixty-one is filed, pursuant to section three thousand four hundred and sixty-three, within twenty days after the date of the assignment.

SEC. 2. This Act shall take effect from and after its passage.

CODE OF CIVIL PROCEDURE.



ACTS AMENDATORY
OF
THE CODE OF CIVIL PROCEDURE

PASSED AT THE
TWENTY-SECOND SESSION OF THE LEGISLATURE.

CHAP. CXLII.—*An Act to amend sections forty-nine and fifty of the Code of Civil Procedure, to add an additional section thereto, to be numbered section fifty-one, and to amend section seven hundred and fifty-one of the Political Code, all relative to the terms and officers of the Supreme Court.*

[Approved March 8, 1878.]

[Amends sections forty-nine and fifty of the Code of Civil Procedure, and adds a new section thereto, to be numbered fifty-one. See *Amendments to the Political Code*, page 21.]

CHAP. DCLXVIII.—*An Act to amend section sixty of the Code of Civil Procedure, relative to the terms of the District Court of the Third Judicial District.*

[Approved April 1, 1878.]

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

SECTION 1. Section sixty of the Code of Civil Procedure is amended so as to read as follows :

✓ 60. The terms of the District Court of the Third Judicial District, in and for the County of Alameda, shall commence as follows: On the third Monday of April, the second Monday of August, and the second Monday of December, of each year. Third District.

SEC. 2. This Act shall take effect from and after the fifteenth day of April, A. D. eighteen hundred and seventy-eight.

CHAP. CCL.—*An Act to regulate certain Acts in relation to the terms of the County and Probate Courts in certain counties, and to amend sections eighty-eight and ninety-nine of the Code of Civil Procedure.*

[Approved March 18, 1878.]

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

Repeal.

SECTION 1. An Act entitled "An Act to fix the terms of the County and Probate Courts in and for the County of Amador," approved March twenty-third, eighteen hundred and seventy-six; an Act entitled "An Act to fix the terms of the County and Probate Courts of Calaveras, approved March seventh, eighteen hundred and seventy-six;" an Act entitled "An Act to provide for the time of holding terms of the County Court and Probate Court in the County of Colusa, approved February twenty-fourth, eighteen hundred and seventy-four;" an Act entitled "An Act to fix the terms of the County Court in the County of El Dorado, approved March twenty-eighth, eighteen hundred and seventy-six;" an Act entitled "An Act to amend an Act entitled an Act changing the terms of the County Court and Probate Court in the County of Marin, approved February ninth, eighteen hundred and sixty-six, approved March thirty-first, eighteen hundred and seventy-six;" an Act entitled "An Act to fix the terms of the County and Probate Courts in the County of Merced, approved March eleventh, eighteen hundred and seventy-six;" an Act entitled "An Act to fix the terms of the County and Probate Courts in and for the County of Modoc, approved March ninth, eighteen hundred and seventy-six;" an Act entitled "An Act to fix the terms of the County Court of the County of Monterey, approved March thirtieth, eighteen hundred and seventy-two;" an Act entitled "An Act to fix the terms of the County Court of San Benito County, approved March eighteenth, eighteen hundred and seventy-six;" an Act entitled "An Act to fix the terms of the County and Probate Courts in and for the County of San Luis Obispo, approved January twenty-fifth, eighteen hundred and seventy-two;" the second section of an Act entitled "An Act to fix the terms of several Courts of record in the County of San Mateo, approved February thirteenth, eighteen hundred and seventy-two;" the second section of an Act entitled "An Act fixing the time and places of holding the District and County Courts in and for the County of Siskiyou, approved March twenty-sixth, eighteen hundred and seventy-two;" an Act entitled "An Act to fix the terms of the County and Probate Courts in the County of Solano, approved March thirty-first, eighteen hundred and seventy-six;" an Act entitled "An Act to regulate the terms of the County Court of the County of Stanislaus, approved April first, eighteen hundred and seventy-six;" an Act entitled "An Act to fix the terms of the County Court of the County of Tulare, approved January nineteenth, eighteen hundred and seventy-four;" an Act entitled "An Act concerning the terms of the County

Court of the County of Ventura, approved March thirtieth, eighteen hundred and seventy-six;" and an Act entitled "An Act to regulate the terms of the County Court and Probate Court of the several counties of this State, approved March first, eighteen hundred and seventy-two," are hereby repealed.

SEC. 2. Section eighty-eight of the Code of Civil Procedure is hereby amended so as to read as follows:

88. The terms of the County Courts in the respective counties must be held as follows: Terms of
County
Courts.

One—In the County of Alameda, on the first Monday of January, April, and July, and third Monday of September.

Two—In the County of Alpine, on the first Monday of February, June, and October.

Three—In the County of Amador, on the third Monday of March, second Monday of August, and first Monday of December.

Four—In the County of Butte, on the first Monday of January, March, May, July, September, and November.

Five—In the County of Calaveras, on the first Monday of December, April, and August.

Six—In the County of Colusa, on the first Monday of January and April, and the third Monday of July and October.

Seven—In the County of Contra Costa, on the first Monday of March, August, and November.

Eight—In the County of Del Norte, on the first Monday of April, July, and October.

Nine—In the County of El Dorado, on the second Monday of February, May, September, and November.

Ten—In the County of Fresno, on the first Monday of January, March, May, July, September, and November.

Eleven—In the County of Humboldt, on the first Monday of January, March, May, July, September, and November.

Twelve—In the County of Inyo, on the first Monday of January, March, May, July, September, and November.

Thirteen—In the County of Kern, on the first Monday of January, March, May, July, September, and November.

Fourteen—In the County of Lake, on the first Monday of February, May, August, and November.

Fifteen—In the County of Lassen, on the first Monday of February, May, August, and November.

Sixteen—In the County of Los Angeles, on the first Monday of January, March, May, July, September, and November.

Seventeen—In the County of Marin, on the first Monday of March and June, and the third Monday of September, and the second Monday of December.

Eighteen—In the County of Mariposa, on the first Monday of January, March, May, July, September, and November.

Nineteen—In the County of Mendocino, on the first Monday of March, June, September, and December.

Twenty—In the County of Merced, on the first Monday of March, August, and December.

Twenty-one—In the County of Modoc, on the first Monday of February, April, June, August, and November.

Terms of
County
Courts.

Twenty-two—In the County of Mono, on the first Monday of January, May, and September.

Twenty-three—In the County of Monterey, on the third Monday of February, April, June, and September, and the first Monday of December.

Twenty-four—In the County of Napa, on the first Monday of March, September, and December, and the third Monday of June.

Twenty-five—In the County of Nevada, on the first Monday of February, May, August, and November.

Twenty-six—In the County of Placer, on the first Monday of January, March, May, July, September, and November.

Twenty-seven—In the County of Plumas, on the first Monday of March, June, September, and December.

Twenty-eight—In the County of Sacramento, on the first Monday of January, April, July, and October.

Twenty-nine—In the County of San Benito, on the second Monday of February and May, third Monday of August, and second Monday of November.

Thirty—In the County of San Bernardino, on the first Monday of January, March, May, July, September, and November.

Thirty-one—In the County of San Diego, on the first Monday of January, March, May, July, September, and November.

Thirty-two—In the County of San Francisco, on the first Monday of January, March, May, July, September, and November.

Thirty-three—In the County of San Joaquin, on the first Monday of January, April, July, and October.

Thirty-four—In the County of San Luis Obispo, on the first Monday of March and June, the third Monday of August, and the first Monday of December.

Thirty-five—In the County of San Mateo, on the second Monday of March, June, September, and December.

Thirty-six—In the County of Santa Barbara, on the first Monday of March, June, September, and December.

Thirty-seven—In the County of Santa Clara, on the third Monday of February, May, August, and November.

Thirty-eight—In the County of Santa Cruz, on the first Monday of January, March, May, July, September and November.

Thirty-nine—In the County of Shasta, on the first Monday of January, May, and September.

Forty—In the County of Sierra, on the third Monday of April, June, and September, and second Monday of December.

Forty-one—In the County of Siskiyou, on the first Monday of January, March, May, September, and November.

Forty-two—In the County of Solano, on the first Monday of April, August, and December.

Forty-three—In the County of Sonoma, on the first Monday of January, April, July, and October.

Forty-four—In the County of Stanislaus, on the second Monday of February, May, August, and November.

Forty-five—In the County of Sutter, on the first Monday of January, April, July, and October. Terms of
County
Courts.

Forty-six—In the County of Tehama, on the first Monday of January, March, May, July, September, and November.

Forty-seven—In the County of Trinity, on the first Monday of January, March, May, July, September, and November.

Forty-eight—In the County of Tulare, on the first Monday of March, June, September, and December.

Forty-nine—In the County of Tuolumne, on the first Monday of January, May, and September.

Fifty—In the County of Ventura, on the first Monday of February, June, and October.

Fifty-one—In the County of Yolo, on the first Monday of January, April, July, and October.

Fifty-two—In the County of Yuba, on the first Monday of January, April, and July, and second Monday of October.

Fifty-three—Each of the regular terms of each County Court shall continue until the next regular term, unless the business of the Court is sooner disposed of.

SEC. 3. Section ninety-nine of the Code of Civil Procedure is hereby amended so as to read as follows:

✓ 99. The terms of the Probate Courts in and for the several counties of this State shall commence at the same time fixed by law for the holding of the County Court in the several counties, and shall be always open for the transaction of business. Terms of
Probate
Courts.

CHAP. C.—*An Act to amend section one hundred and thirteen of the Code of Civil Procedure, so as to change the time for the election of Justices of the Peace in the several counties of the State.*

[Approved February 25, 1878.]

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

SECTION 1. Section one hundred and thirteen of the Code of Civil Procedure is amended so as to read as follows:

✓ 113. Justices of the Peace are elected by the electors of their respective cities or townships at the general elections, and hold their offices for two years from the first day of January next following their election. Justices;
election and
term.

CHAP. CLIV.—*An Act to amend section two hundred and fifty-nine of the Code of Civil Procedure of the State of California.*

[Approved March 9, 1878.]

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

✓ SECTION 1. Section two hundred and fifty-nine of the Code of Civil Procedure is hereby amended so as to read as follows :

Powers of
Court Com-
missioners.

First—To hear and determine ex parte motions for orders and writs, except orders or writs of injunction in the District and County Courts of the county for which he is appointed.

Second—To take proof and report his conclusions thereon, as to any matter of fact (other than an issue of fact raised by the pleadings) upon which information is required by the Court; but any party to the proceedings may except to such report within four days after written notice that the same has been filed, and may argue his exceptions before the Court, on giving notice of motion for that purpose.

Third—To take and approve bonds and undertakings, whenever the same may be required in actions or proceedings in such District and County Courts, and to examine the sureties thereon, when an exception has been taken to their sufficiency, and to administer oaths and affirmations, and take affidavits and depositions, in any action or proceeding in any of the Courts of this State, or in any matter or proceeding whatever; and to take acknowledgments and proof of deeds, mortgages, and other instruments requiring proof or acknowledgment for any purpose under the laws of this State.

Fourth—To charge and collect the same fees for the performance of official acts as are now or may hereafter be allowed by law to Notaries Public in this State for like services; *provided*, that this subdivision shall not apply to any services of such Commissioner, the compensation for which is now expressly fixed by law.

Fifth—To provide, at the expense of the proper county, an official seal, upon which must be engraved the arms of this State, the words "Court Commissioner," and the name of the county in which such Commissioner resides.

Sixth—To authenticate, with his official seal, his official acts.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DC.—*An Act to amend sections two hundred and seventy-five and two hundred and seventy-nine of the Code of Civil Procedure, relating to attorneys and counselors at law.*

[Approved April 1, 1878.]

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

SECTION 1. Section two hundred and seventy-five of the Code of Civil Procedure is amended to read as follows:

✓ 275. Any citizen or person resident of this State who has bona fide declared his or her intention to become a citizen in the manner required by law, of the age of twenty-one years, of good moral character, and who possesses the necessary qualifications of learning and ability, is entitled to admission as attorney and counselor in all the Courts of this State. Who may be admitted as attorneys.

SEC. 2. Section two hundred and seventy-nine of the Code of Civil Procedure is amended to read as follows:

✓ 279. Every citizen of the United States who has been admitted to practice law in the highest Court of a sister State, may be admitted to practice in the Courts of this State, upon the production of their license, and satisfactory evidence of good moral character, but the Court may examine the applicant as to their qualifications. Attorneys of other States.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. DXC.—*An Act to amend section three hundred and twenty-five of the Code of Civil Procedure.*

[Approved April 1, 1878.]

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

SECTION 1. Section three hundred and twenty-five of the Code of Civil Procedure is hereby amended so as to read as follows:

✓ 325. For the purpose of constituting an adverse possession by a person claiming title, not founded upon a written instrument, judgment, or decree, land is deemed to have been possessed and occupied in the following cases only: What constitutes adverse possession under claim of title not written.

First—Where it has been protected by a substantial inclosure.

Second—Where it has been usually cultivated or improved.

Provided, however, that in no case shall adverse possession be considered established under the provision of any section or sections of this Code, unless it shall be shown that the land has been occupied and claimed for the period of five years continuously, and the party or persons, their predecessors and grantors, have paid all the taxes, State, county, or municipal, which have been levied and assessed upon such land.

CHAP. LXXXV.—*An Act to amend section five hundred and eighty-one of the Code of Civil Procedure, in reference to when cases in Court may be dismissed or nonsuit entered.*

[Approved February 25, 1878.]

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

SECTION 1. Section five hundred and eighty-one of the Code of Civil Procedure is amended to read as follows:

✓ Action may
be dismissed
or nonsuit
entered.

✓ 581. An action may be dismissed, or a judgment of nonsuit entered, in the following cases:

First—By the plaintiff himself, at any time before trial, upon payment of costs; *provided*, a counter claim has not been made or affirmative relief sought by the cross complaint or answer of defendant. If a provisional remedy has been allowed, the undertaking must thereupon be delivered by the Clerk to the defendant, who may have his action thereon.

Second—By either party, upon the written consent of the other.

Third—By the Court, when the plaintiff fails to appear on the trial and the defendant appears and asks for the dismissal.

Fourth—By the Court, when, upon the trial and before the final submission of the case, the plaintiff abandons it.

Fifth—By the Court, upon motion of the defendant, when, upon the trial, the plaintiff fails to prove a sufficient case for the jury.

The dismissal mentioned in the first two subdivisions is made by an entry in the Clerk's register. Judgment may thereupon be entered accordingly.

CHAP. CLXVI.—*An Act to amend section six hundred and sixty-three of the Code of Civil Procedure.*

[Approved March 9, 1878.]

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

SECTION 1. Section six hundred and sixty-three of the Code of Civil Procedure is amended so as to read as follows:

✓ Motion for
new trial.

✓ 663. A motion for a new trial may be brought to a hearing in the county where the action is tried, or in an adjoining county, or by consent in any other county in the State.

CHAP.—DLXXIX.—*An Act to amend section six hundred and ninety of the Code of Civil Procedure, in reference to property exempt from execution and forced sale.*

[Approved April 1, 1878.]

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

SECTION 1. Section six hundred and ninety of the Code of Civil Procedure is hereby amended so as to read as follows, viz.:

✓ 690. The following property is exempt from execution, except as herein otherwise specially provided: What exempt from execution.

First—Chairs, tables, desks, and books, to the value of two hundred dollars, belonging to the judgment debtor.

Second—Necessary household, table, and kitchen furniture belonging to the judgment debtor, including one sewing machine, stoves, stove pipes, and furniture, wearing apparel, beds, bedding, and bedsteads, hanging pictures, oil paintings, and drawings drawn or painted by any member of the family, and family portraits and their necessary frames, provisions actually provided for individual or family use sufficient for three months, and three cows and their sucking calves, four hogs with their sucking pigs, and food for such cows and hogs for one month.

Third—The farming utensils or implements of husbandry of the judgment debtor; also, two oxen, or two horses, or two mules, and their harness, one cart or wagon, and food for such oxen, horses, or mules for one month; also, all seed, grain, or vegetables actually provided, reserved, or on hand for the purpose of planting or sowing at any time within the ensuing six months, not exceeding in value the sum of two hundred dollars, and seventy-five bee hives, and one horse and vehicle belonging to any person who is maimed or crippled, and the same is necessary in his business.

Fourth—The tools or implements of a mechanic or artisan necessary to carry on his trade; the notarial seal, records, and office furniture of a Notary Public; the instruments and chest of a surgeon, physician, surveyor, or dentist necessary to the exercise of their profession, with their professional libraries and necessary office furniture; the professional libraries of attorneys, judges, ministers of the gospel, editors, school teachers, and music teachers, and their necessary office furniture; also, the musical instruments of music teachers actually used by them in giving instructions, and all the indexes, abstracts, books, papers, maps, and office furniture of a searcher of records, necessary to be used in his profession.

Fifth—The cabin or dwelling of a miner, not exceeding in value the sum of five hundred dollars; also, his sluices, pipes, hose, windlass, derrick, cars, pumps, tools, implements, and appliances necessary for carrying on any mining operations, not exceeding in value the aggregate sum of five hundred dollars, and two horses, mules, or oxen, with their

What ex-
empt from
execution.

harness, and food for such horses, mules, or oxen for one month, when necessary to be used in any whim, windlass, derrick, car, pump, or hoisting gear, and also his mining claim actually worked by him, not exceeding in value the sum of one thousand dollars.

Sixth—Two horses, two oxen, or two mules, and their harness, and one cart or wagon, one dray or truck, one coupé, one hack or carriage for one or two horses, by the use of which a cartman, drayman, truckman, huckster, peddler, hackman, teamster, or other laborer habitually earns his living, and one horse, with vehicle and harness, or other equipments, used by a physician, surgeon, constable, or minister of the gospel, in the legitimate practice of his profession or business, with food for such oxen, horses, or mules for one month.

Seventh—Poultry not exceeding in value twenty-five dollars.

Eighth—The earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution or attachment, when it appears by the debtor's affidavit, or otherwise, that such earnings are necessary for the use of his family residing in this State, supported in whole or in part by his labor, but where debts are incurred by any such person, or his wife or family, for the common necessities of life, the one-half of such earnings above mentioned are, nevertheless, subject to execution, garnishment, or attachment to satisfy debts so incurred.

Ninth—The shares held by a member of a homestead association duly incorporated, not exceeding in value one thousand dollars, if the person holding the shares is not the owner of a homestead under the laws of this State. All the nautical instruments and wearing apparel of any master, officer, or seaman of any steamer or other vessel.

Tenth—All moneys, benefits, privileges, or immunities accruing, or in any manner growing out of any life insurance on the life of the debtor, if the annual premiums paid do not exceed five hundred dollars.

Eleventh—All fire engines, hooks and ladders, with the carts, trucks, and carriages, hose, buckets, implements, and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under any law of this State.

Twelfth—All arms, uniforms, and accouterments required by law to be kept by any person, and, also, one gun to be selected by the debtor.

Thirteenth—All Court-houses, jails, public offices, and buildings, lots, grounds, and personal property, the fixtures, furniture, books, papers, and appurtenances belonging and pertaining to the jail and public offices belonging to any county, or to any city and county of this State, and all cemeteries, public squares, parks, and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health,

ornament, or public use, or for the use of any fire or military company organized under the laws of this State.

No article, however, or species of property mentioned in this section, is exempt from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage thereon.

CHAP. CXXV.—*An Act to amend section eight hundred and ninety-five of the Code of Civil Procedure.*

[Approved March 2, 1878.]

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

SECTION 1. Section eight hundred and ninety-five of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

✓ 895. If the defendant, at any time before the trial, offer, in writing, to allow judgment to be taken against him for a specified sum, the plaintiff may immediately have judgment therefor, with the costs then accrued; but if he do not accept such offer before the trial, and fail to recover in the action a sum in excess of the offer, he cannot recover costs, but costs must be adjudged against him, and, if he recover, be deducted from his recovery. The offer and failure to accept it cannot be given in evidence nor affect the recovery, otherwise than as to costs.

offer to compromise before trial.

CHAP. XCI.—*An Act to add section nine hundred and twenty-six to the Code of Civil Procedure.*

[Approved February 25, 1878.]

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

SECTION 1. The following section is hereby added as a new section to said Code, and must be inserted in said Code after section nine hundred and twenty-five, and designated as section nine hundred and twenty-six:

✓ 926. In all civil cases arising in Justices' Courts, wherein an undertaking is required as prescribed in this Code, the plaintiff or defendant may deposit with said Justice a sum of money in United States gold coin equal to the amount required by the said undertaking, which said sum of money shall be taken as security in place of said undertaking.

In cases where undertaking is required.

CHAP. CLXIV.—*An Act to amend section nine hundred and sixty-nine of the Code of Civil Procedure.*

[Approved March 9, 1878.]

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

SECTION 1. Section nine hundred and sixty-nine of the Code of Civil Procedure is hereby amended so as to read as follows:

✓ Appeal may
be taken
when.

✓ **969.** An appeal may be taken to the Supreme Court from a judgment or order of the Probate Court—

First—Granting, or refusing, or revoking letters testamentary, or of administration, or of guardianship.

Second—Admitting, or refusing to admit, a will to probate.

Third—Against or in favor of the validity of a will, or revoking the probate thereof.

Fourth—Against or in favor of setting apart property, or making an allowance for a widow or child.

Fifth—Against or in favor of directing the partition, sale, or conveyance of real property.

Sixth—Settling an account of an executor, or administrator, or guardian.

Seventh—Refusing, allowing, or directing the distribution or partition of an estate, or any part thereof, or the payment of a debt, claim, legacy, or distributive share.

Eighth—Granting or overruling a motion for a new trial.

Ninth—Confirming, or refusing to confirm, a report of an appraiser setting apart the homestead.

CHAP. DXCVI.—*An Act to amend section eleven hundred and sixty-one of the Code of Civil Procedure of the State of California.*

[Approved April 1, 1878.]

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

SECTION 1. Section eleven hundred and sixty-one of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

✓ Unlawful
detainer
defined

✓ **1161.** A tenant of real property, for a term less than life, is guilty of unlawful detainer—

One—When he continues in possession, in person or by sub-tenant, of the property, or any part thereof, after the expiration of the term for which it is let to him, without the permission of his landlord, or the successor in estate of his landlord, if any there be; but in case of a tenancy at will, it must first be terminated by notice, as prescribed in the Civil Code.

Two—Where he continues in possession, in person or by sub-tenant, without permission of his landlord, or the successor in estate of his landlord, if any there be, after default in the payment of rent, pursuant to the lease or agreement under which the property is held, and three days' notice, in writing, requiring its payment, stating the amount which is due, or possession of the property, shall have been served upon him, and if there be a sub-tenant in actual occupation of the premises, also upon such sub-tenant. Such notice may be served at any time within one year after the rent becomes due. In all cases of tenancy upon agricultural lands, where the tenant has held over and retained possession for more than sixty days after the expiration of his term without any demand of possession or notice to quit by the landlord, or the successor in estate of his landlord, if any there be, he shall be deemed to be holding by permission of the landlord, or the successor in estate of his landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during said year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of a tenant to hold for another year.

Unlawful
detainer
defined.

Three—When he continues in possession, in person or by sub-tenant, after a neglect or failure to perform other conditions or covenants of the lease or agreement under which the property is held, including any covenant not to assign or sublet, than the one for the payment of rent, and three days' notice, in writing, requiring the performance of such conditions or covenants, or the possession of the property, shall have been served upon him, and if there be a sub-tenant in actual occupation of the premises, also upon such sub-tenant. Within three days after the service of the notice, the tenant, or any sub-tenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform the conditions or covenants of the lease or pay the stipulated rent, as the case may be, and thereby save the lease from forfeiture. A tenant may take proceedings, similar to those prescribed in this Chapter, to obtain possession of the premises let to an under-tenant, in case of his unlawful detention of the premises underlet to him.

Four—Any tenant or sub-tenant assigning or subletting or committing waste upon the demised premises, contrary to the covenants of his lease, thereby terminate the lease, and the landlord, or his successor in estate, shall, upon service of three days' notice to quit, upon the person or persons in possession, be entitled to restitution of possession of such demised premises under the provisions of this Act.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DCXXVII.—*An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure.*

[Approved April 1, 1878.]

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

[SECTION 1.] Section one thousand one hundred and sixty-one is hereby amended to read as follows, to wit:

Unlawful
detainer
defined.

✓ **1161.** A tenant of real property, for a term less than life, is guilty of an unlawful detainer:

First—When he continues in possession, in person or by sub-tenant, of the property, or any part thereof, after the expiration of the term for which it is let to him, without permission of his landlord; but in case of a tenancy at will, it must first be terminated by notice, as prescribed in the Civil Code.

Second—Where he continues in possession, in person or by sub-tenants, without permission of his landlord, after default in the payment of rent, pursuant to the lease or agreement under which the property is held, and three days' notice, in writing, requiring its payment, stating the amount which is due, or possession of the property, shall have been served upon him; and if there be a sub-tenant in actual occupation of the premises, also upon such sub-tenant. Such notice may be served at any time within one year after the rent becomes due. In all cases of tenancy upon agricultural lands, where the tenant has held over and retained possession for more than sixty days after the expiration of his term, without any demand of possession or notice to quit by the landlord, he shall be deemed to be holding by permission of the landlord, and shall be entitled to hold, under the terms of the lease, for another full year, and shall not be guilty of an unlawful detainer during said year, and such holding over for the period aforesaid shall be taken and construed as a consent, on the part of a tenant, to hold for another year.

Third—When he continues in possession, in person or by sub-tenants, after a neglect or a failure to perform other conditions or covenants of the lease or agreement under which the property is held, than the one for the payment of rent, and three days' notice, in writing, requiring the performance of such conditions or covenants, or the possession of the property, shall have been served upon him; and if there be a sub-tenant in actual occupation of the premises, also upon such sub-tenant. Within three days after the service of the notice, the tenant or any sub-tenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in the continuance, may perform the conditions or covenants of the lease, or pay the stipulated rent, as the case may be, and thereby save the lease from forfeiture; *provided*, if the covenants and conditions of lease, violated by the lessee, cannot afterward be performed, then no notice, as last prescribed herein, need be given to said lessee or his sub-tenant demanding the performance of the violated cove-

nant or conditions of the lease. A tenant may take proceedings similar to those prescribed in this Chapter to obtain possession of the premises let to an under-tenant, in case of his unlawful detention of the premises underlet to him.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CLXIII.—*An Act to amend section eleven hundred and sixty-six (1166) of the Code of Civil Procedure, in relation to forcible or unlawful detainer.*

[Approved March 9, 1878.]

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

SECTION 1. Section one thousand one hundred and sixty-six of the Code of Civil Procedure is hereby amended so as to read as follows:

✓ **1166.** The plaintiff must file with the Clerk of the County Complaint. Court his written complaint, setting forth therein the facts on which he seeks to recover, and describe the premises with reasonable certainty, and may set forth therein any circumstances of fraud, force, or violence which may have accompanied the alleged forcible entry, or forcible or unlawful detainer, and claim damages therefor. In case the unlawful detainer charged be after default in the payment of rent, the complaint must state the amount of such rent. On filing the complaint the Clerk must issue a summons thereon, returnable at a day designated therein, which shall not be less than three days nor more than twelve days from its date, except in cases when the publication of the summons is necessary, in which cases the Court, or Judge thereof, may order that the summons be made returnable at such time as may be deemed proper, and the summons shall specify the return day so fixed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. XCIV.—*An Act to amend sections twelve hundred and twenty-seven, twelve hundred and thirty, twelve hundred and thirty-two, and twelve hundred and thirty-three of the Code of Civil Procedure, relative to the voluntary dissolution of corporations.*

[Approved February 25, 1878.]

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

SECTION 1. Section twelve hundred and twenty-seven of the Code of Civil Procedure is hereby amended so as to read as follows:

How dis-
solved.

✓ **1227.** A corporation may be dissolved by the County Court of the county where its office or principal place of business is situated, and upon its voluntary application for that purpose.

SEC. 2. Section twelve hundred and thirty of said Code is hereby amended so as to read as follows:

Filing appli-
cation and
publication
of notice.

✓ **1230.** If the Court is satisfied that the application is in conformity with this Title, the Judge thereof must order it to be filed with the Clerk, and that the Clerk gives not less than thirty nor more than fifty days' notice of the application, by publication in some newspaper published in the county, and if there are none such, then by advertisements posted up in three of the principal public places in the county.

SEC. 3. Section twelve hundred and thirty-two of said Code is hereby amended so as to read as follows:

Hearing of
application.

✓ **1232.** After the time of publication has expired, the Court may, upon five days' notice to the persons who have filed objections, or without further notice, if no objections have been filed, proceed to hear and determine the application, and if all the statements therein made are shown to be true, must declare the corporation dissolved.

SEC. 4. Section twelve hundred and thirty-three of said Code is hereby amended so as to read as follows:

Judgment
roll and
appeals

✓ **1233.** The application, notices, and proof of publication, objections (if any), and declaration of dissolution, constitutes the judgment roll, and from the judgment an appeal may be taken as from other judgments of the County Courts.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. DCLI.—*An Act to amend sections twelve hundred and fifty-four and twelve hundred and fifty-seven of the Code of Civil Procedure, relating to condemnation of land for public uses.*

[Approved April 1, 1878.]

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

SECTION 1. Section twelve hundred and fifty-four of the Code of Civil Procedure is hereby amended so as to read as follows:

Putting
plaintiff in
possession.

✓ **1254.** At any time after trial by jury and judgment entered upon their verdict, or pending an appeal from the judgment to the Supreme Court, whenever the plaintiff shall have paid into Court, for the defendant, the full amount of the judgment, and such further sum as may be required by the Court, or Judge thereof at Chambers, as a fund to pay any further damages and costs that may be recovered in said action, as well as all damages that may be sustained by the defendant, if, for any cause, the property shall not be finally taken for public use. The District Court in which the action was tried, or the Judge thereof at Chambers, may, upon notice

of not less than ten days, authorize the plaintiff, if already in possession, to continue therein, and if not, then to take possession of and use the property during the pendency of and until the final conclusion of the litigation, and may, if necessary, stay all actions and proceedings against the plaintiff on account thereof. The defendant, who is entitled to the money paid into Court for him upon any judgment, shall be entitled to demand and receive the same at any time thereafter, upon obtaining an order therefor of the Court, or Judge thereof at Chambers. It shall be the duty of the Court or Judge, upon application being made by such defendant, to order and direct that the money, so paid into Court for him, be delivered to him upon his filing a satisfaction for the judgment, or upon filing a receipt therefor, and an abandonment of all defenses to the action, except as to the amount of damages that he may be entitled to in the event that a new trial shall be granted. A payment to a defendant, as aforesaid, shall be held to be an abandonment, by such defendant, of all defenses interposed by him, excepting his claim for further compensation. In ascertaining the amount to be paid into Court, the Court, or Judge thereof at Chambers, shall take care that the same be sufficient and adequate. The payment of the money into Court, as hereinbefore provided for, shall not discharge the plaintiff from liability to keep the said fund full and without diminution; but such money shall be and remain, as to all accidents, defalcations, or other contingencies (as between the parties to the proceedings), at the risk of the plaintiff, and shall so remain until the amount of the compensation or damages is finally settled by judicial determination, and until the Court awards the money, or such part thereof as shall be determined upon, to the defendant, and until he is authorized or required by rule of Court to take it. If, for any reason, the money shall at any time be lost, or otherwise abstracted, or withdrawn, through no fault of the defendant, the Court shall require the plaintiff to make and keep the sum good at all times until the litigation is finally brought to an end, and until paid over or made payable to the defendant by order of Court, as above provided. The Court, or the Judge thereof at Chambers, shall order the money to be deposited in the State treasury, and it shall be the duty of the State Treasurer to receive all such moneys, duly receipt for and safely keep the same in a special fund, to be entered on his books as a condemnation fund for such purpose, and for such duty he shall be liable to the State upon his official bond. The State Treasurer shall pay out such money, so deposited, in such manner and at such times as the Court, or Judge thereof at Chambers, may, by order or decree, direct.

Putting
plaintiff in
possession.

SEC. 2. Section twelve hundred and fifty-seven of the Code of Civil Procedure is amended so as to read as follows:

✓ **1257.** The provisions of Part Two of this Code, relative to new trials and appeals, except in so far as they are inconsistent with the provisions of this Title, apply to the proceedings mentioned in this Title; *provided*, that upon the payment of the sum of money assessed, and upon the exe-

New trials
and appeals

cution of the bond to build the fences and cattle-guards, as provided in section twelve hundred and fifty-one, the plaintiff shall be entitled to enter into, improve, and hold possession of the property sought to be condemned (if not already in possession, as provided in section twelve hundred and fifty-four, and devote the same to the public use in question; and no motion for new trial or appeal shall, after such payment and filing of such bond, as aforesaid, in any manner retard the contemplated improvement. Any money which shall have been deposited, as provided in section twelve hundred and fifty-four, may be applied to the payment of the money assessed, and the remainder, if any there be, shall be returned to the plaintiff.

SEC. 3. The provisions of this Act shall apply to all actions now pending in any of the Courts of this State.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. CCCCXIII.—*An Act to amend section one thousand two hundred and seventy-six (1276) of the Code of Civil Procedure, relative to change of name of persons and corporations.*

[Approved March 28, 1878.]

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

SECTION 1. Section one thousand two hundred and seventy-six (1276) of the Code of Civil Procedure is hereby amended so as to read as follows:

Application
for change
of name;
how made.

✓ 1276. All applications for change of names must be made to the County Court of the county where the person whose name is proposed to be changed resides, by petition, signed by such person; and if such person is under twenty-one years of age, if a male, and under the age of eighteen years, if a female, by one of the parents, if living, or if both be dead, then by the guardian, and if there be no guardian, then by some near relative or friend. The petition must specify the place of birth and residence of such person, his or her present name, the name proposed, and the reason for such change of name, and must, if the father of such person be not living, name, as far as known to the petitioner, the near relatives of such person, and their place of residence. Any religious, benevolent, literary, or scientific corporation may, by petition, apply to the County Court of the county in which the property of said corporation is situated for a change of its corporate name. Such petition must be signed by the Trustees of the corporation, or by a majority of them, and must specify the date of the formation of the corporation, its present name, the name proposed, and the reason for such change of name. Upon filing such petition on behalf of such corporation, the same proceedings shall be

had as upon applications for changes of names of natural persons.

SEC. 2. This Act shall take effect immediately.

CHAP. DLXXXV.—*An Act to amend certain sections, numbers one thousand three hundred and fifty, one thousand three hundred and sixty-five, one thousand three hundred and sixty-nine, and one thousand three hundred and seventy-nine, of the Code of Civil Procedure.*

[Approved April 1, 1878.]

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

SECTION 1. Section thirteen hundred and fifty of said Code is amended to read as follows:

1350. No person is competent to serve as executor who, at the time the will is admitted to probate, is:

Who are incompetent as executors.

1. Under the age of majority.

2. Convicted of an infamous crime.

3. Adjudged by the Court incompetent to execute the duties of the trust by reason of drunkenness, improvidence, or want of understanding or integrity.

If the sole executor or all the executors are incompetent, or renounce, or fail to apply for letters, or to appear and qualify, letters of administration, with the will annexed, must be issued as designated and provided for the grant of letters in cases of intestacy.

SEC. 2. Section thirteen hundred and sixty-five of said Code is amended to read as follows:

1365. Administration of the estate of a person dying intestate must be granted to some one or more of the persons hereinafter mentioned, the relatives of the deceased being entitled to administer only when they are entitled to succeed to his personal estate, or some portion thereof; and they are, respectively, entitled thereto in the following order:

Order of persons entitled to administer.

1. The surviving husband or wife, or some competent person whom he or she may request to have appointed.

2. The children.

3. The father or mother.

4. The brothers.

5. The sisters.

6. The grandchildren.

7. The next of kin entitled to share in the distribution of the estate.

8. The Public Administrator.

9. The creditors.

10. Any person legally competent.

If the decedent was a member of a partnership at the time of his decease, the surviving partner must in no case be appointed administrator of his estate.

SEC. 3. Section thirteen hundred and sixty-nine of said Code is amended to read as follows:

Not competent; when.

✓ **1369.** No person is competent or entitled to serve as administrator or administratrix who is:

1. Under the age of majority.
2. Not a bona fide resident of the State.
3. Convicted of an infamous crime.
4. Adjudged by the Court incompetent to execute the duties of the trust by reason of drunkenness, improvidence, or want of understanding or integrity.

SEC. 4. Section thirteen hundred and seventy-nine of said Code is amended to read as follows:

Court may grant; when.

✓ **1379.** Administration may, in the discretion of the Court, be granted to one or more competent persons, although not entitled to the same, at the written request of the person entitled, filed in the Court.

CHAP. CLXVII.—*An Act to amend section two thousand and twenty-one of the Code of Civil Procedure, by adding a new subdivision thereto relative to depositions of material witnesses.*

[Approved March 9, 1878.]

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

SECTION 1. Section two thousand and twenty-one of the Code of Civil Procedure is hereby amended so as to read as follows:

Testimony of a witness in the State; when taken.

✓ **2021.** The testimony of a witness in this State may be taken by deposition in an action at any time after the service of the summons on the appearance of the defendant, and in a special proceeding after a question of fact has arisen therein, in the following cases:

First—When the witness is a party to the action or proceeding, or an officer or member of a corporation which is a party to the action or proceeding, or a person for whose immediate benefit the action or proceeding is prosecuted or defended.

Second—When the witness resides out of the county in which his testimony is to be used.

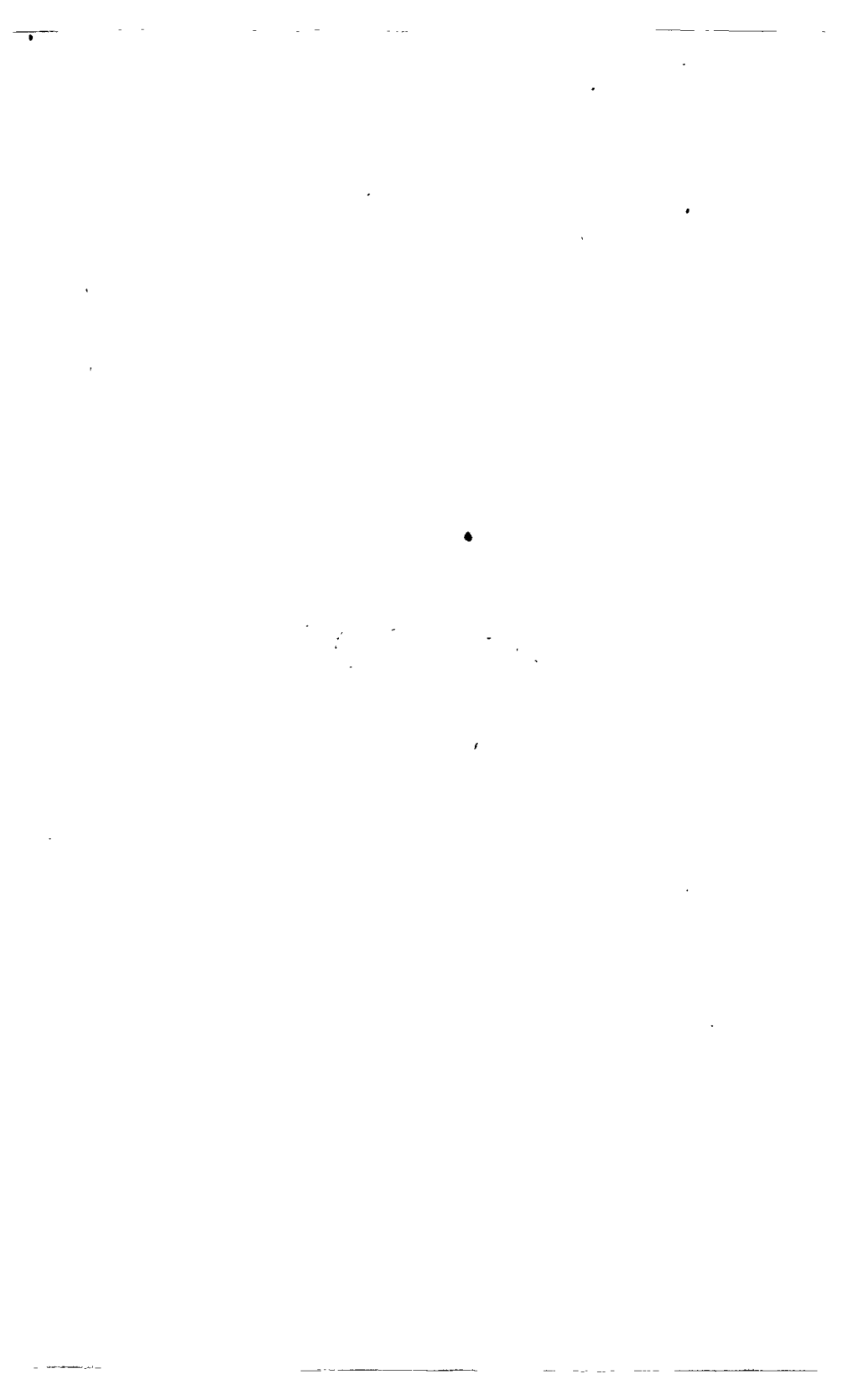
Third—When the witness is about to leave the county where the action is to be tried, and will probably continue absent when the testimony is required.

Fourth—When the witness, otherwise liable to attend the trial, is nevertheless too infirm to attend.

Fifth—When the testimony is required upon a motion, or in any other case where the oral examination of the witness is not required.

Sixth—When the witness is the only one who can establish facts or a fact material to the issue; *provided*, that the deposition of such witness shall not be used if his presence can be procured at the time of the trial of the cause.

PENAL CODE.



ACTS AMENDATORY
OF
THE PENAL CODE

PASSED AT THE
TWENTY-SECOND SESSION OF THE LEGISLATURE.

CHAP. DLXVI.—*An Act to amend the Political and Penal Codes, concerning public printing, and for other purposes, approved April third, eighteen hundred and seventy-six.*

[Approved April 1, 1878.]

[Amends section ninety-nine of the Penal Code. See *Amendments to the Political Code*, page 11.]

CHAP. DCXXIII.—[Duplicate of Chap. DLXVI.]

CHAP. DCLXI.—*An Act to amend the Penal Code with respect to the punishment of persons guilty of cheating, under pretense of playing at games of chance.*

[Approved April 1, 1878.]

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

SECTION 1. Section three hundred and thirty-two of the Penal Code of this State is hereby amended so as to read as follows:

✓ 332. Every person who, by fraud, device, cheat, trick, or any false pretense whatsoever, while playing or pretending to play at any game of chance, or while bearing any share in a wager or wagers played for, or while betting on sides or hands of such play or pretended play; or who, by means of bunko, string game, three card monte, thimble-rig, top and

Winning at
play by
fraudulent
means.

bottom, or other pretended game of chance, or cheating game, or device, or acquires to himself or another, any sum of money or valuable thing, is guilty of a felony, and on conviction shall be punished accordingly.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CLVIII.—*An Act to amend section three hundred and seventy-six of the Penal Code.*

[Approved March 9, 1878.]

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

SECTION 1. Section three hundred and seventy-six of said Code is amended to read as follows:

Violation of
quarantine
laws by
masters of
vessels.

✓ 376. Every master of a vessel subject to quarantine or visitation by the Quarantine Officer, arriving in the Port of San Francisco, who refuses or omits:

1. To proceed with and anchor his vessel at the place assigned for quarantine at the time of his arrival; or

2. To submit his vessel, cargo, and passengers to the examination of the Quarantine Officer, and to furnish all necessary information to enable that officer to determine to what length of quarantine and other regulations they ought, respectively, to be subject; or

3. To remain with his vessel at the quarantine during the period assigned for her quarantine, and while at quarantine to comply with the regulations prescribed by law, and with such as any of the officers of health, by virtue of authority given them by law, shall prescribe in relation to his vessel, his cargo, himself, his passengers or crew—

Is punishable by imprisonment in the County Jail not exceeding one year, or by fine not exceeding two thousand dollars, or both.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCXXVIII.—*An Act to add a new section to the Penal Code, in relation to the adulteration of candies.*

[Approved March 16, 1878.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered four hundred and one (401), and to read as follows:

Adultera-
tion of
candies.

✓ 401. Every person who adulterates candy, by using in its manufacture terra alba, or any other deleterious substance

or substances, or who sells or keeps for sale any candy or candies adulterated with terra alba or any other deleterious substance or substances, is guilty of a misdemeanor.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCXCIX.—*An Act amending section four hundred and fifteen of the Penal Code, in relation to crimes against the public peace.*

[Approved March 20, 1878.]

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

SECTION 1. Section four hundred and fifteen of the Penal Code of this State is hereby amended so as to read as follows :

✓ 415. Every person who maliciously and willfully disturbs the peace or quiet of any neighborhood or person, by loud or unusual noise, or by tumultuous or offensive conduct, or threatening, traducing, quarreling, challenging to fight, or fighting, or who, on the public streets of any unincorporated town, or upon the public highways in such unincorporated town, run any horse race, either for a wager or for amusement, or fire any gun or pistol in such unincorporated town, or use any vulgar, profane, or indecent language within the presence or hearing of women or children, in a loud and boisterous manner, is guilty of a misdemeanor, and upon conviction by any Court of competent jurisdiction shall be punished by fine not exceeding two hundred dollars, or by imprisonment in the County Jail for not more than ninety days, or by both fine and imprisonment, or either, at the discretion of the Court. Disturbing
the peace.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. XVIII.—*An Act to amend the Penal Code.*

[Approved January 19, 1878.]

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

SECTION 1. The following is added as a new section to the Penal Code, and must be inserted in said Code after section four hundred and nineteen, and designated as section four hundred and twenty, as follows :

✓ 420. Any person who, in the presence or hearing of twenty-five or more persons, shall utter any language with intent either to incite a riot at the present or in the future, or any act or acts of criminal violence against person or property, or who shall suggest, or advise, or encourage any Inciting
riots.

act or acts of criminal violence against any person, or persons, or property, or shall advise or encourage forcible resistance to any of the laws of this State, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by imprisonment in the State Prison, or in a County Jail, not exceeding two years, or by fine not exceeding five thousand dollars, or by both.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DCXVI.—*An Act to add another section to the Penal Code, to be designated as section five hundred and ninety-two.*

[Approved April 1, 1878.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be designated as section five hundred and ninety-two, to read as follows:

Taking
water from
canals, and
obstructing
same.

✓ 592. Every person who shall, without authority of the owner or managing agent, and with intent to defraud, take water from any canal, ditch, flume, or reservoir, used for the purpose of holding or conveying water for manufacturing, agricultural, mining, or domestic uses, or who shall, without like authority, raise, lower, or otherwise disturb any gate or other appurtenance thereof used for the control or measurement of water, or who shall empty or place, or cause to be emptied or placed into any such canal, ditch, flume, or reservoir, any rubbish, filth, or obstruction to the free flow of the water, is guilty of a misdemeanor.

CHAP. CCCCLXVII.—*An Act to amend section six hundred and two of the Penal Code.*

[Approved March 30, 1878.]

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

SECTION 1. Section six hundred and two of the Penal Code is hereby amended so as to read as follows:

Malicious
injuries to
freehold.

✓ 602. Every person who willfully commits any trespass by either:

1. Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another; or
2. Carrying away any kind of wood or timber lying on such lands; or
3. Maliciously injuring or severing from the freehold of

another anything attached thereto, or the produce thereof; or

4. Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, or stone; or

5. Digging, taking, or carrying away from any land in any of the cities of the State, laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil, or stone; or

6. Putting up, affixing, fastening, printing, or painting upon any property belonging to the State, or to any city, county, town, or village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention thereto; or

7. Entering upon any lands owned by any other person or persons whereon oysters or other shell fish are planted or growing; or injuring, gathering, or carrying away any oysters or other shell fish planted, growing, or being on any such lands, whether covered by water or not, without the license of the owner or legal occupant thereof; or destroying or removing, or causing to be removed or destroyed, any stakes, marks, fences, or signs intended to designate the boundaries and limits of any such lands, is guilty of a misdemeanor.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCLXIV.—*An Act to amend Chapter One, Title Fifteen, of the Penal Code, relating to violations of the laws for the preservation of fish and game.*

[Approved March 30, 1878.]

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

SECTION 1. Section six hundred and twenty-six of the Penal Code is hereby amended so as to read as follows:

✓ 626. Every person who, in the Counties of San Bernardino or Los Angeles, between the first day of April of any year, and the first day of August of the same year, or who, in any other of the counties of this State, except the Counties of Lassen, Plumas, and Sierra, between the fifteenth day of March and the fifteenth day of September in each year, hunts, pursues, takes, kills, or destroys quail, partridge, or grouse, mallard, wood, or summer duck, red-head, gadwell, or gray duck, or blue-winged teal, is guilty of a misdemeanor. Every person who, in the County of San Joaquin, between the first day of January and the first day of July in each year, hunts, pursues, takes, kills, or destroys doves, is guilty

Destruction of grouse, ducks, etc., when prohibited.

of a misdemeanor. Every person who, at any time, takes, gathers, or destroys the eggs of any mallard, wood, or summer duck, red-head, teal, gadwell, or gray duck, or any other species of wild duck, is guilty of a misdemeanor. Every person who shall have any of the aforesaid game in his possession at a time when it is unlawful to kill the same is guilty of a misdemeanor.

SEC. 2. Section six hundred and twenty-eight of said Code is hereby amended so as to read as follows:

✓ Destruction of deer, etc.; when prohibited.

✓ **628.** Every person who, between the first day of November in each year, and the first day of July of the following year, hunts, pursues, takes, kills, or destroys any male deer or buck, is guilty of a misdemeanor. Every person who shall, for the period of four years from and after the passage of this Act, pursue, hunt, take, kill, or destroy any antelope, elk, or mountain sheep, or female deer or doe, shall be guilty of a misdemeanor. Every person who, after the passage of this Act, shall kill any spotted fawn, shall be guilty of a misdemeanor. Every person who, after the passage of this Act, shall take, kill, or destroy any of the animals mentioned in this section, at any time, unless the carcass of such animal is used or preserved by the person slaying it, or is sold for food, is guilty of a misdemeanor.

SEC. 3. Section six hundred and thirty-three of said Code is hereby amended so as to read as follows:

✓ Taking trout; when prohibited.

✓ **633.** Every person who takes, catches, or kills any speckled trout, brook, or salmon trout, or any variety of trout, between the first day of November and the first day of April in the following year, is guilty of a misdemeanor.

SEC. 4. Section six hundred and thirty-four of the Penal Code is hereby amended so as to read as follows:

✓ Taking salmon; when prohibited.

✓ **634.** Every person who, between the first day of August and the fifteenth day of September of each year, takes or catches, buys, sells, or has in his possession, any fresh salmon, is guilty of a misdemeanor. Every person who shall set or draw, or shall assist in setting or drawing, any net or seine, for the purpose of taking or catching salmon, in any of the waters of this State, at any time between sunrise of each Saturday and twelve o'clock noon of the following Sunday, is guilty of a misdemeanor. Every person who, between the first day of April and the thirty-first day of December in each year, takes or catches, buys, sells, or has in his possession, any fresh shad, is guilty of a misdemeanor. Nothing in this Chapter shall be so construed as to prohibit any person from catching fish with hook and line; at any time, in the tide waters of this State.

SEC. 5. Section six hundred and thirty-six of said Code is hereby amended so as to read as follows:

✓ Permanent contrivances for catching fish prohibited.

✓ **636.** Every person who shall set, use, or continue, or who shall assist in setting, using, or continuing any pound, weir, set net, trap, or other fixed or permanent contrivance for catching fish in the waters of any of the rivers, creeks, or sloughs of this State, are guilty of a misdemeanor. Every person who shall draw, or who shall assist in drawing, any net or seine for the purpose of taking fish in any of the waters

of this State, the meshes of which are less than one and one-fourth inches in size, is guilty of a misdemeanor; *provided*, that nets with a mesh of a smaller size may be used in the catching of shrimps. Every person who shall cast, extend, or set any seine or net of any kind, for the catching of fish, in any river, stream, or slough of this State, which shall extend more than one-third across the width of said river, stream, or slough, at the time and place of such fishing, is guilty of a misdemeanor. Every person who, by seine or any other means, shall catch any fish so small as to be able to escape through a mesh of one and one-half inches in size, or the young of fish of any species, but which, at the time of capture, are too small to be marketed, and who shall not return the same to the water immediately and alive, or who shall sell, or offer for sale, any such fish, fresh or dried, is guilty of a misdemeanor. Every person convicted of violation of any of the provisions of this Chapter shall be punished by fine of not less than fifty dollars, and not more than three hundred dollars, or imprisoned in the County Jail of the county where the offense was committed for not less than thirty days nor more than six months, or by both such fine and imprisonment. One-half of all moneys collected for fines for violation of the provisions of this Chapter shall be paid to informers, and one-half thereof to the District Attorney of the county in which the action is prosecuted; all other costs shall be a charge against the county in which the action is prosecuted. Nothing in this Chapter shall be construed to prohibit the United States Fish Commissioners, or the Fish Commissioners of the State of California, from taking such fish as they shall deem necessary for the purpose of artificial hatching, nor at any time. All nets, seines, fishing tackle, boats, or other implements used in catching or taking fish in violation of the provisions of this Chapter, shall be forfeited, and may be seized by the peace officer of the county, or assistant, or person acting under the authority of the Fish Commissioners, and may be by them destroyed, or may be sold at public auction by the party making such seizure, upon notice posted in said county for five days. The person making such seizure and sale shall be entitled to retain one-half of the proceeds of such sale, and the balance shall be paid into the School Fund of the county, in case the seizure and sale is made by a peace officer thereof, or to the Fish Commissioners, if made by a person appointed by them; *provided*, that all nets having meshes of less than one and a half inches in size, when seized under the provisions of this section, must be destroyed.

Extension
of seines
limited.

Forfeiture
of fishing
tackle.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CXC.—*An Act to amend section eight hundred and eighty-two of the Penal Code, concerning the detention of witnesses.*

[Approved March 14, 1878.]

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

SECTION 1. Section eight hundred and eighty-two of the Penal Code is hereby amended to read as follows:

Witness
unable to
give security
may be con-
ditionally
examined.

882. When, however, it satisfactorily appears by examination, on oath, of the witness, or any other person, that the witness is unable to procure sureties, he may be forthwith conditionally examined on behalf of the people. Such examination must be by question and answer, in the presence of the defendant, or after notice to him, if on bail, and conducted in the same manner as the examination before a committing Magistrate is required by this Code to be conducted, and the witness thereupon be discharged; but this section does not apply to an accomplice in the commission of the offense charged.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. LXXXIX.—*An Act to amend section twelve hundred and ninety-one of the Penal Code, in reference to what Magistrate may admit prisoners to bail.*

[Approved February 25, 1878.]

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

SECTION 1. Section twelve hundred and ninety-one of the Penal Code is hereby amended so as to read as follows:

Who may
admit to bail.

1291. In the cases in which defendant may be admitted to bail upon an appeal, the order admitting him to bail may be made by any Magistrate having the power to issue a writ of habeas corpus, or by the Magistrate before whom the trial was had.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DLXXVII.—*An Act to amend the Penal Code.*

[Approved April 1, 1878.]

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

SECTION 1. The following is added as a new section to the Penal Code, and must be inserted in said Code after section thirteen hundred and thirty-two, and designated as section thirteen hundred and thirty-three :

✓ **1333.** When the testimony of a material witness for the people is required in a criminal action, before a Court of record of this State, and such witness is a prisoner in the State Prison, or in a County Jail, an order for his temporary removal from such prison or jail, and for his production before such Court, may be made by the Court in which the action is pending, or by the Judge thereof; but in case the prison or jail is out of the county in which the application is made, such order shall only be made upon the affidavit of the District Attorney, or other person, on behalf of the people, showing that the testimony is material and necessary; and even then the granting of the order shall be in the discretion of the Court or Judge. The order shall be executed by the Sheriff of the county in which it shall be made, whose duty it shall be to bring the prisoner before the proper Court, to safely keep him, and when he is no longer required as a witness, to return him to the prison or jail whence he was taken; the expense of executing such order shall be paid by the county in which the order shall be made.

Who may order temporary removal of imprisoned witnesses.

By whom executed.

SEC. 2. The following is added as a new section of the Penal Code, and must be inserted in said Code after section thirteen hundred and forty-five, and designated as section thirteen hundred and forty-six :

✓ **1346.** When a material witness for a defendant, under indictment, is a prisoner in the State Prison, or in the County Jail of a county other than that in which the defendant is to be tried, his deposition may be taken, on behalf of the defendant, in the manner provided for in the case of a witness who is sick, and the provisions of the Penal Code, commencing with section thirteen hundred and thirty-five and ending with section thirteen hundred and forty-five, shall, so far as applicable, govern in the application for, and in the taking and use of, such deposition. Such deposition may be taken before any Magistrate or Notary Public of the county in which the jail or prison is situated; or in case the witness is confined in the State Prison, and the defendant is unable to pay for taking the deposition, before the Warden, Deputy Warden, or Clerk of the Board of Directors of the State Prison, whose duty it shall be to act without compensation. Every officer, before whom testimony shall be taken by virtue hereof, shall have authority to administer, and shall administer, an oath to the witness that his testimony shall be the truth, the whole truth, and nothing but the truth.

Deposition of witnesses imprisoned in other counties.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCCXXXVIII.—*An Act to amend section one thousand five hundred and ninety of the Penal Code.*

[Approved March 29, 1878.]

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

SECTION 1. Section one thousand five hundred and ninety of the Penal Code is amended so as to read as follows:

Credits for
good behav-
ior; how
and when
allowed

✓ 1590. The Board of State Prison Directors of this State shall require of every able-bodied convict confined in said Prison as many hours of faithful labor, in each and every day during his term of imprisonment, as shall be prescribed by the rules and regulations of the Prison, and every convict faithfully performing such labor, and being in all respects obedient to the rules and regulations of the Prison, or if unable to work, yet faithful and obedient, shall be allowed from his term, instead and in lieu of the commutation heretofore allowed by law, a deduction of two months in each of the first two years, four months in each of the next two years, and five months in each of the remaining years of said term; *provided*, that any such convict who shall commit an assault upon his keeper, or any foreman, officer, or convict, or otherwise endanger life, or by any flagrant disregard of the rules of the Prison, or any misdemeanor whatever, shall forfeit all deductions of time earned by him for good conduct before the commission of such offense; such forfeiture, however, shall only be made by the Board of Directors, after due proof of the offense, and notice to the offender; nor shall such forfeiture be imposed when a party has violated any rule or rules without violence or evil intent, of which the Directors shall be the sole judges. The name of no convict who attempts to escape, after the passage of this Act, shall be sent by the State Prison officials to the Governor for the commutation herein provided; *provided further*, that of those prisoners entitled to their discharge at the date of the passage of this Act, by virtue of the provisions hereof, not more than one shall be discharged on any one day, and the discharges shall be made in the order in which they would have occurred if this Act had been passed April, eighteen hundred and sixty-four.

SEC. 2. This Act shall be enforced from and after the fifteenth day of April, A. D. eighteen hundred and seventy-eight.