

THE
STATUTES OF CALIFORNIA

PASSED AT

The Fifty Session of the Legislature,

BEGUN ON THE FOURTH OF JANUARY, 1854, AND ENDED ON
THE FIFTEENTH DAY OF MAY, 1854, AT THE CITIES
OF BENICIA AND SACRAMENTO.

PUBLISHED BY AUTHORITY.

SACRAMENTO :
B. B. REDDING, STATE PRINTER
1854.



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LAWS OF THE STATE OF CALIFORNIA.

PASSED

AT THE FIFTH SESSION OF THE LEGISLATURE, BEGUN ON THE SECOND DAY OF JANUARY, 1854, AND ENDED ON THE FIFTEENTH DAY OF MAY, 1854, AT THE CITIES OF BENICIA AND SACRAMENTO.

CHAPTER I.

AN ACT *to amend an Act entitled "An Act concerning Jurors," approved May 3, 1852.*—[Passed January 28, 1854.]

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

SECTION 1. Section thirteen of an Act entitled "An Act concerning Jurors," approved May 3d, 1852, is hereby amended so as to read as amended. Section 13
follows :

The Grand Jury provided for in sections eleven and twelve of this Act, shall be subject to the provisions of sections eight, nine and ten of this Act, and shall be as competent, in all respects, as if summoned before the session of the Court. Amendment.

SEC. 2. Section sixteen of said Act is hereby amended so as to read as follows :

Section 16. When, from any cause, it shall become necessary during the term, the Court may order the Sheriff to summon, either immediately or for a day fixed, from the citizens of the county, but not from the bystanders, a sufficient number of persons to complete or form a trial jury, as the case may be. The persons thus summoned shall be as competent trial jurors, in all respects, as if drawn and summoned before the commencement of the term. Section 16 amended. Amendment.

CHAPTER II.

AN ACT *in relation to the Insane Fund.*—[Passed January 28, 1854.]

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

SECTION 1. It shall be the duty of the State Treasurer to turn over to the "Insane Asylum Fund," all the moneys collected under the provisions of an Act entitled "An Act prescribing the mode of maintaining and defending Possessory Actions on Public Lands in this State," approved April 20, 1852.

CHAPTER III.

AN ACT *to repeal an Act entitled "An Act to provide for the Inspection of Flour," passed May 3, 1852, and to repeal "An Act amendatory to an Act entitled 'An Act to provide for the Inspection of Flour,' passed May 18, 1853."*—[Passed January 28, 1854.]

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

SECTION 1. The Act entitled "An Act to provide for the Inspection of Flour," passed May third, one thousand eight hundred and fifty-two, and "An Act amendatory of an Act entitled 'An Act to provide for the Inspection of Flour,' passed May eighteenth, one thousand eight hundred and fifty-three," is hereby repealed.

CHAPTER IV.

AN ACT *for the relief of the Insane Asylum.*—[Passed February 1, 1854.]

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

Comptroller to draw warrant for \$15,000 in favor of Insane Asylum.

SECTION 1. That the Comptroller of State be authorized to draw his warrant upon the Treasurer of State in favor of the Trustees of the Insane Asylum for the sum of fifteen thousand dollars, payable out of any moneys in the treasury not otherwise appropriated.

SEC. 2. This Act is to be in effect from and after its passage.

CHAPTER V.

AN ACT concerning the *per diem* of Officers of the Senate and Assembly.—[Passed February 4, 1854.]

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

SECTION 1. That from the commencement of the present session there shall be paid, in the warrants provided by law, to the several officers and persons mentioned in this section, the following *per diem*: To the Secretary of the Senate and Chief Clerk of the Assembly, seventeen dollars per day; Assistant Secretary and Assistant Clerk, fourteen dollars per day; Sergeant-at-Arms, sixteen dollars per day; Enrolling and Engrossing Clerks, twelve dollars per day; Extra Clerks, twelve dollars per day; Doorkeepers, twelve dollars per day; Pages, eight dollars per day; Porters, eight dollars per day; the Chaplain of the Senate, twelve dollars per day.

SEC. 2. There shall be allowed to the officers of either house such fees for arrest and travelling as may be authorized by the rules of the same.

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

CHAPTER VI.

AN ACT in relation to the Contingent Expenses of the Legislature.—[Passed February 8, 1854.]

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

SECTION 1. The Comptroller of State is hereby required to set apart from the first moneys received into the treasury, to the uses of the General Fund, as heretofore provided by law, the sum of two thousand five hundred dollars for the Senate, and five thousand dollars for the Assembly, as the Contingent Fund of the Legislature.

SEC. 2. Bills for the same shall be audited by the Committee on Contingent Expenses of each House, respectively; and upon their approval, the President of the Senate, and the Speaker of the House of Assembly, shall certify the same; and the Comptroller of State shall draw warrants upon the Treasurer for payment, out of the Contingent Fund of the Legislature.

SEC. 3. Whatever surplus that may remain unexpended from the Contingent Fund of the Legislature, shall be paid into the General Fund at the close of the session; *Provided*, that nothing herein contained shall be so construed as to require any payment to be made from this Contingent Fund to any member of the Legislature, nor to any person employed by the Legislature, for *per diem* services.

CHAPTER VII.

AN ACT to repeal "An Act to provide for the better Publication of Official and Legal Notices," approved May third, one thousand eight hundred and fifty-three.—[Passed February 10, 1854.]

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

Repealing clause. SECTION 1. That an Act entitled "An Act to provide for the better publication of Official and Legal Notices," approved May 3, 1853, be and the same is hereby repealed.

Papers no longer required to be filed. SEC. 2. The Secretary of State and the County Clerks of the respective counties in the State shall no longer be required to keep or preserve the papers in their possession by virtue of said Act.

CHAPTER VIII.

AN ACT to protect the bodies of Deceased Persons and Public Grave Yards.—[Passed February 16, 1854.]

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

Persons entering or molesting the enclosure of a public grave yard. SECTION 1. Any person or persons who shall enter or molest the enclosure of a public grave yard, for agricultural, mining, or any other purpose, or who shall disinter, mutilate, or remove the body of any deceased person, after the same has been interred in any grave yard, vault, or other place of burial, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in a court of competent jurisdiction, shall be punished by imprisonment in the State Prison, not less than two, nor more than ten years: *Provided*, that nothing herein contained shall be construed to prevent the relations or their agents from removing the body of a deceased relative or friend.

Deemed guilty of a misdemeanor. Penalty. Proviso.

Persons tearing down fence around grave yard, or removing trees. SEC. 2. Any person or persons who shall tear down or destroy any fence or enclosure around a public grave yard, or cause the same to be torn down, or destroy, or remove shade, ornamental, or other trees, unless by direction of the proper authorities, shall be deemed guilty of a public offence, and upon conviction thereof before any Justice of the Peace, Recorder, or Mayor of any incorporated city, shall be punished by imprisonment in the county jail, not less than two, nor more than six months, or by fine of not less than one hundred nor more than five hundred dollars, or by both such imprisonment and fine.

Penalty.

Grave yards—extent of. SEC. 3. When grave yards are located on the public lands they shall not contain more than an area of five acres.

What a public grave yard. SEC. 4. Where the bodies of six or more persons are buried, it is hereby declared a public grave yard.

CHAPTER IX.

AN ACT to provide for the Permanent Location of the Seat of Government of the State of California at Sacramento City — [Passed February 25, 1854.]

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

SECTION 1. From and after one day after the passage of this Act, the permanent seat of Government of this State shall be, and the same is hereby located at the city of Sacramento, in the county of Sacramento.

SEC. 2. An Act entitled "An Act to provide for the Permanent Location of the Seat of Government," approved February fourth, one thousand eight hundred and fifty-three, and an Act entitled "An Act for the Permanent Location of the Seat of Government of the State of California," approved May eighteenth, one thousand eight hundred and fifty-three, are hereby repealed.

CHAPTER X.

AN ACT making appropriations for the civil expenses of government of the State, for the unexpired portion of the fiscal year ending on the thirtieth day of June one thousand eight hundred and fifty-four, and for the first seven months of the fiscal year, commencing on the first day of July, one thousand eight hundred and fifty-four.—[Passed March 21, 1854.]

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

SECTION 1. That the following sums be and are hereby appropriated out of any money in the treasury not otherwise appropriated, for the objects hereinafter expressed, for the unexpired portion of the fiscal year ending on the thirtieth day of June, A. D. one thousand eight hundred and fifty-four, and for the first seven months of the fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-four, namely: For compensation of the Governor of this State, ten thousand dollars; for compensation of the Comptroller of State, four thousand five hundred dollars; for compensation of the Treasurer of State, four thousand five hundred dollars; for compensation of the Secretary of State, three thousand five hundred dollars; for compensation of the Attorney General of this State, two thousand dollars; for compensation of the Surveyor General of this State, two thousand dollars; for compensation of the Superintendent of Public Instruction of this State, four thousand five hundred dollars; for compensation of the Quartermaster General of this State, two thousand dollars; for compensation of Clerks in the office of Comptroller of State, nine thousand seven hundred and

Permanent seat
of government
located at
Sacramento.

Repealing clause.

Appropriations.

For Governor.

For Comptroller

For Treasurer.

For Secretary of
State.

For Attorney
General.

For Surveyor
General.

Supt. Public Ins.

Q M. General.

Clerks of Comp.

Clerks of Treas.	twenty dollars; for compensation of Clerks in the office of Treasurer of State, \$6,480; for compensation of Clerks in the office of Secretary of State, 6,480; for compensation of the Private Secretary of the Governor, \$2,500; for contingent expenses of the Comptroller of State, two thousand dollars; for contingent expenses of the Treasurer of State, two thousand dollars; for contingent expenses of the Secretary of State, two thousand dollars; for contingent expenses of the Attorney General of State, twelve hundred dollars; for contingent expenses of the Surveyor General of State, one thousand dollars; for contingent expenses of the Superintendent of Public Instruction of State, one thousand dollars; for contingent expenses of the Quartermaster General of State, one thousand dollars; for contingent expenses of the office of Governor, fifteen hundred dollars; for special contingent fund of the Executive Department of State, to be used at the discretion of the Governor, five thousand dollars.
Clerks Secretary of State.	
Private Secretary	
Contingent expenses Comp. Treasurer.	
Sec'y of State.	
Attorney Gen.	
Surveyor Gen.	
Supt. Public In.	
Q. M. General.	
Governor.	
Special contingent fund of Govern'r.	

JUDICIAL DEPARTMENT.

Justices Supreme Court.	For compensation of the Justices of the Supreme Court, twenty-eight thousand dollars; for compensation of Judges of District Courts, fifty-nine thousand five hundred dollars; for contingent expenses of Supreme Court, twenty-five hundred dollars.
District Judges	
Contingent expenses of Supreme Court.	

LEGISLATIVE DEPARTMENT.

Senators.	For compensation and mileage of Senators, forty-five thousand dollars; for compensation and mileage of Lieutenant Governor, two thousand dollars; for compensation and mileage of Members of Assembly, one hundred and ten thousand dollars; for compensation of Officers, Clerks, Porters, and Pages of the Senate, twenty-five thousand dollars; for compensation of Officers, Clerks, Porters and Pages of Assembly, thirty thousand dollars; for contingent expenses of the Senate, five thousand dollars; for contingent expenses of the Assembly, seven thousand dollars.
Lieut. Governor.	
Assemblymen.	
Officers Senate.	
Of Assembly.	
Contingents of Senate.	
Of Assembly.	

MISCELLANEOUS.

Extra Clerk of Secretary State.	For pay of extra clerk of Secretary of State, to prepare for publication the index and marginal notes of the Laws and Journals of one thousand eight hundred and fifty-four, three thousand dollars; for translating laws, Executive and Legislative documents, four thousand dollars; for distributing Laws and Journals of eighteen hundred and fifty-four, one thousand dollars; for compensation of Resident Superintendent Physician and Assistant Physician of the Asylum for the Insane, eight thousand dollars, payable out of the Hospital Fund; for provisions, household expenses, clothing, servants, fuel, lights, stationery, labor, medicines, contingent expenses, and repairs of the Asylum for the Insane, fifty thousand dollars, payable out of the Hospital Fund; for compensation of Resident and Visiting Physicians, and Treasurer of the State Marine Hospital, eighteen thousand dollars, payable out of the Hospital Fund; for provisions, household expenses, rent of building, furniture, clothing, servants, labor, fuel, lights, stationery, medicines, repairs, and contingent expenses of State Marine Hospital, eighty-two thousand dol-
Translating Laws, &c.	
Distributing Law, &c.	
Physicians of Insane Asylum.	
Contingents of Asylum.	
Physicians State Marine Hospital	
Contingent expenses of do.	

lars, payable out of the Hospital Fund ; for the purchase of paper to be used in printing the Laws and Journals of eighteen hundred and fifty-four, and other Legislative and Executive printing, five thousand dollars ; for transporting prisoners to State Prison, twenty-five thousand dollars ; for payment of County Treasurers' mileage, seven thousand dollars ; for repairing, cleaning, and taking care of the public arms, under the direction of the Quartermaster General, five hundred dollars ; for compensation of Board of State Land Commissioners to dispose of the property of the State within the water line front of the city of San Francisco, to the President of the Board, thirty-five hundred dollars ; to the other Commissioners, each, three thousand dollars ; to the Secretary of the Board, thirty-five hundred dollars, payable out of the proceeds of sales ; for office rent of Commissioners, twenty-one hundred dollars, payable out of proceeds of sales ; for advertising sale of property by Commissioners, and contingent expenses, six thousand dollars, payable out of proceeds of sales by them made ; for State Printing already performed, twenty thousand dollars ; for payment of balance due F. A. Snyder for printing Codified Laws of this State, six thousand dollars.

SEC. 2. Warrants drawn by the Comptroller on the Treasury, under the appropriations by this Act made, shall not be paid, or registered and countersigned by the Treasurer, unless such warrant contain an endorsement by the Comptroller, stating definitely the specific appropriation under which the same is authorized, and the Treasurer shall keep in a book, provided for that purpose, a separate account of all moneys paid, and warrants drawn by virtue and authority of each specific appropriation in this Act made ; and shall in no instance pay or register drafts or warrants beyond the amount specifically authorized by this Act, and the appropriations by this Act made shall not directly nor indirectly be applied to the payment of any current expenses of Government accruing for salaries, clerks, contingent expenses, printing, or any other service performed prior to the first day of February, one thousand eight hundred and fifty-four.

SEC. 3. All laws and parts of laws inconsistent with the provisions of this Act be, and the same are hereby repealed.

CHAPTER XI.

AN ACT to amend "An Act concerning the Courts of Justice of this State and Judicial Officers," approved May 19, 1853.—[Passed March 20, 1854.]

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

SECTION 1. Section fifty-nine of an Act concerning the Courts of Justice of this State and Judicial Officers, approved May 19, 1853, is amended so as to read as follows :

A term of the Court of Sessions shall be held at the county-seat in each county on the first Monday of February, April, June, August, October and December of each year, excepting the county of Calaveras, where the term of said court shall be held on the second Monday of

February, April, June, August, October, and December, and excepting also the county of Placer, where the terms of said court shall be held on the second Monday of February, May, August, and November in each year, and shall continue until the commencement of the next term, unless all the business of the court be sooner disposed of. Special terms of the court may also be held whenever, in the opinion of the County Judge, the public interests require the same.

CHAPTER XII.

AN ACT to Prevent the Sale of Fire-arms and Ammunition to Indians in this State.—[Passed March 24, 1854.]

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

Disposal of
fire arms to
Indians

Misdemeanor.

Penalty.

Disposition of
fines.

SECTION 1. Any person or persons who shall sell, or give, or in any way dispose of, to any Indian or Indians, of either sex, in this State, any fire-arms or ammunition of any description, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction in this State, shall be fined in a sum not less than twenty-five dollars, nor more than five hundred dollars, or sentenced to the county jail not less than one month nor more than six months, or both such fine and imprisonment, in the discretion of the court

SEC. 2. Of all fines so collected, one-fourth shall be paid to the person informing, one-fourth shall be paid to the County Treasury for road purposes, and one-half shall be paid into the State Treasury, for Common School purposes.

SEC. 3. This Act to take effect from and after thirty days after its passage.

CHAPTER XIII.

AN ACT explanatory of an Act entitled "An Act making Appropriations for the Civil Expenses of Government of the State for the unexpired portion of the fiscal year ending on the thirtieth day of June, A. D. one thousand eight hundred and fifty-four, and for the first seven months of the fiscal year commencing on the first day of July, A. D. one thousand eight hundred and fifty-four," approved March 21, 1854.—[Passed March 24, 1854.]

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

SECTION 1. That the Act entitled "An Act making Appropriations for the Civil Expenses of Government for the State for the unexpired por-

tion of the fiscal year ending on the thirtieth day of June, A. D. one thousand eight hundred and fifty-four, and for the first seven months of the fiscal year commencing on the first day of July, one thousand eight hundred and fifty-four," approved March 21, 1854, was intended and shall be construed to apply to the payment of the current expenses of the Government of this State from the first day of February, one thousand eight hundred and fifty-four, to the first day of February, one thousand eight hundred and fifty-five, and the appropriations by said Act specifically made, shall, by the proper officers, be applied to the specific objects of expenditure in said Act enumerated, from the first day of February, one thousand eight hundred and fifty-four, to the first day of February, one thousand eight hundred and fifty-five, so long as any balance unexpended and applicable to objects therein specifically enumerated shall remain.

Intention defined.

CHAPTER XIV.

AN ACT to fix the Sessions of the Supreme Court at the Capital of the State.—[Passed March 24, 1854.]

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

SECTION 1. From and after the passage of this Act, the Sessions of the Supreme Court shall be held at the Capital of the State.

Sessions to be held at the capital.

CHAPTER XV.

AN ACT to amend an Act entitled "An Act concerning Officers," passed April 28, 1851.—[Passed March 24, 1854.]

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

SECTION 1. Section sixteen of an Act entitled "An Act concerning Officers," passed April 28th, 1851, is amended so as to read as follows :

Section 16. The Court of Sessions, or Board of Supervisors, when provided, of each county, shall from time to time, as the public good may require, divide said county into a convenient number of townships, and shall cause such division to be published. For each of such townships, two Justices of the Peace shall be elected, except in the city of San Francisco, which shall be divided into four townships, in each of which shall be elected one Justice. The Justices of the Peace and Constables for the several townships and cities of the State shall be chosen, except in the cases otherwise provided by special statutes, at the general elec-

Section 16 amended.

Amendment.

No. of townships.

Justices and Constables.

When to enter
on duties.

tion of each year, and shall enter upon the duties of their offices on the first Monday of the month next succeeding their election, and shall hold their offices for the term of one year thereafter, and until their successors are qualified.

CHAPTER XVI.

AN ACT to amend an Act entitled "An Act dividing the State into Counties, and establishing the Seats of Justice therein," passed April 25, 1851.—[Passed March 31, 1854.]

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

SECTION 1. The Act entitled "An Act dividing the State into Counties, and establishing the Seats of Justice therein," passed April 25th, 1851, is hereby amended as specified in this Act.

Section 18
amended.

SEC. 2. Section eighteen is hereby amended so as to read as follows :

Middle of
Sacramento
river
Boundary of
Sutter county.

Section 18. County of Sutter—Beginning at a point in the middle of Sacramento river, ten miles below the junction of Sacramento and Feather rivers, and running thence up the middle of Sacramento river to a point due west of the north point of the Three Buttes; thence due east to the said north point of the Three Buttes; thence in a straight line to a point in the middle of Feather river opposite the mouth of Honcut creek; thence down the middle of Feather river to a point opposite the mouth of Bear creek; thence up the middle of said creek to a point opposite "Camp Far West;" thence in a southerly direction along the western line of Placer county to the place of beginning.

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

CHAPTER XVII.

AN ACT to amend "An Act concerning the Writ of Habeas Corpus," passed April 20, 1850.—[Passed March 31, 1854.]

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

Section 29
amended.

SECTION 1. The twenty-ninth section of an Act concerning the Writ of Habeas Corpus, passed April 20, 1850, is hereby amended so as to read as follows :

Amendment.

SEC. 29. No person who has been discharged by the order of the Court or Judge upon a Habeas Corpus, issued pursuant to the provisions of this Act, shall be again imprisoned, restrained, or kept in custody for the same cause except in the following cases :

1st. If he shall have been discharged from custody on a criminal

charge, and be afterwards committed for the same offence by legal order or process :

2d. If after a discharge for defect of proof, or for any defect of the The same. process, warrant, or commitment in a criminal case, the prisoner be again arrested on sufficient proof and committed by legal process for the same offence.

CHAPTER XVIII.

AN ACT concerning County Judges.—[Passed April 4, 1854.]

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

SECTION 1. It is hereby made the duty of County Judges to reside at Co. Judges to reside at County seats the County Seats of their respective counties.

SEC. 2. No County Warrant shall be issued in payment, or part pay-Otherwise salary not to be paid. ment of his salary, nor shall any portion of his salary be paid to any County Judge who does not reside at the County Seat of the county of which he is the acting County Judge : *Provided*, that the provisions of Exception. this Act shall not extend to the Counties of Yolo, Alameda, Contra Costa, Tulare, Yuba, and San Diego.

CHAPTER XIX.

AN ACT amendatory of "An Act concerning the office of Public Administrator, and making it elective," passed April fifteenth, eighteen hundred and fifty-one—[Passed April 4, 1854.]

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

SECTION 1. The first section of "An Act concerning the office of Section 1st amended. Public Administrator, and making it elective," passed April fifteenth, eighteen hundred and fifty-one, is hereby amended so as to read as follows :

Section 1 There shall be elected at the general election in and for Amendment each of the counties of this State, by the electors thereof, a Public Administrator, who shall continue in office for the term of two years, and until his successor is elected and qualified.

SEC. 2. Section nine of said Act is hereby repealed.

Section 9 repealed.

CHAPTER XX.

AN ACT to amend an Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May nineteen, eighteen hundred and fifty-three.—[Passed April 13, 1854.]

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

SECTION 1. The Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May nineteen, eighteen hundred and fifty-three, is hereby amended as specified in this Act.

SEC. 2. Section six is amended so as to read as follows :

Section 6
amended.
Appeals.
Jurisdiction of
Supreme Court.

Section 6. The Supreme Court shall have jurisdiction to review upon appeal :

1st. A judgment in an action or proceeding commenced in or removed from another Court to the District Courts, Superior Courts of the city of San Francisco, or County Courts, when the matter in dispute exceeds two hundred dollars, or when the possession or title of land or tenements is in controversy, or when the legality of any tax, toll or impost, or municipal fine, is in question, and to review upon the appeal from such judgment, any intermediate order or decision involving the merits and necessarily affecting the judgment :

2d. An order granting or refusing a new trial, or refusing to change the place of trial of an action or proceeding, after a motion is made therefor in the cases provided by law, or on the ground that a Judge is disqualified from hearing or trying the same, or sustaining, or overruling a demurrer, or affecting a substantial right in an action or proceeding.

SEC. 3. Section eight is amended so as to read as follows :

Section 8
amended.
Amendment.

Section 8. This Court may reverse, affirm, or modify the judgment or order appealed from, as to any or all the parties, and may, if necessary or proper, order a new trial, or the place of trial to be changed. When the judgment or order is reversed or modified, this court may make complete restitution of all property and rights lost by the erroneous judgment or order.

SEC. 4. Section ten is amended so as to read as follows :

Section 10
amended.
Amendment.

Section 10. The presence of two Justices shall be necessary for the transaction of business, excepting such business as may be done at chambers ; and the concurrence of two Justices who have been present at and heard the arguments, shall be necessary to pronounce a judgment. If two who have been present at and heard the argument do not concur, the case shall be reheard.

SEC. 5. Section twenty-one is amended so as to read as follows :

Section 21
amended.
Appellate
jurisdiction.

Section 21. The appellate jurisdiction of these courts shall extend to hearing upon appeal :

1st. A judgment of a Court of Sessions in a criminal action :

2d. A judgment of a Court of Sessions rendered on appeal from Justices', Mayors', or Recorders' Courts, in a criminal action :

3d. An order or judgment of a Probate Court, in the cases prescribed by statutes.

SEC. 6. Section twenty-six is amended so as to read as follows :

Section 26. Whenever an action or proceeding is commenced in a District Court in which a County Court has concurrent jurisdiction, the District Court may, if the parties consent, by order, transfer the same to the County Court of the same county : upon such transference, the County Court shall have and exercise over such action or proceeding, the same jurisdiction, as if originally commenced therein.

Section 26
amended.
Transfer of
causes from
District to
County Court.

SEC. 7. Section fifty-two is amended so as to read as follows :

Section 52
amended.
Jurisdiction of
Courts of
Sessions.

Section 52. The Courts of Sessions shall have jurisdiction :

1st. To inquire, by the intervention of a Grand Jury, of all public offences committed or triable in its county :

2d. To try and determine all indictments found therein, for all public offences, except murder, manslaughter, and arson :

3d. To hear and determine appeals from Justices', Mayors', and Recorders' Courts, in cases of a criminal nature.

SEC. 8. Section fifty-three is amended so as to read as follows :

Section 53. When an indictment is found in the Court of Sessions for murder, manslaughter, or arson, it shall be transmitted by the clerk to the District Court sitting in the county, for trial, except when the indictment is found against a person holding the office of a District Judge, when it shall be transmitted to the District Court of such other District as the Court of Sessions may direct.

Section 53
amended.
Certain
indictments to
be transmitted
to District
Court.

SEC. 9. Section fifty-four is amended so as to read as follows :

Section 54. Indictments found in the Court of Sessions shall be transmitted to the District Court sitting in the county, for trial, in the following cases :

Section 54
amended.
Indictments,
when
transmitted to
District Court.

1st. Whenever a Judge or Justice of the Court of Sessions is by law disqualified from hearing or trying the same :

2d. Indictments found against a member of the Court of Sessions, or any Justice of the Peace of the county.

CHAPTER XXI.

AN ACT to amend an Act entitled "An Act concerning the Office of Comptroller," passed January 19, 1850.—[Passed April 13, 1854.]

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

SECTION 1. Section fifth of an Act entitled "An Act concerning the Office of Comptroller, passed January 19, 1850, is hereby amended so as to read as follows :

Section
amended.

Section 5. He shall audit all claims against the State which by law are specifically authorized to be audited and paid out of the Treasury, excepting only such claims as may be expressly required by law to be examined and adjusted by other officers or persons, and no claims for services rendered the State, or any officer thereof, or for advances made to or on account of the State, or any officer thereof, shall be audited or allowed, unless such service or advances be especially authorized and the compensation fixed by law.

Amendment.
Officers thereof.

Section 6
amended.
Amendment.

SEC. 2. Section sixth of said Act is hereby amended so as to read as follows :

The same

Section 6. He shall draw all warrants upon the Treasury for money, and each warrant shall express in the body thereof the particular fund out of which the same is to be paid ; and he shall also endorse upon each warrant by him so drawn the specific appropriation applicable to the payment of the same, except only in cases otherwise specially provided by law, and no warrant shall be drawn on the Treasury except there be an unexhausted specific appropriation by law to meet the same. The Comptroller shall keep an accurate account of all warrants by him drawn on the Treasury, and a separate account under the head of each specific appropriation, in such a form and manner as at all times to show the unexpended balance of each appropriation.

CHAPTER XXII.

AN ACT *amendatory to an Act to amend an Act respecting Fugitives from Labor and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852.*—[Passed April 13, 1854.]

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

Section 4
amended.

SECTION 1. Section four of the Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union, approved April 15th, 1852, be amended so as to read as follows :

Amendment.

Any person or persons held to labor or service in any State or Territory of the United States by the laws of such State or Territory, and who were brought or introduced within the limits of this State previous to the admission of this State as one of the United States of America, and who shall refuse to return to the State or Territory where he, she, or they owed such labor or service, upon the demand of the person or persons, his or their agent or attorney, to whom such labor or service was due, such person or persons so refusing to return shall be held and deemed fugitives from labor within the meaning of this Act, and all the remedies, rights and provisions herein given to claimants of fugitives who escape from any other State into this State are hereby given and conferred upon claimants of fugitives from labor within the meaning of this section ; *Provided*, The provisions of this section shall have force and effect until the fifteenth day of April, one thousand eight hundred and fifty-five, but not beyond that period.

The same.

Limitation of
Act.

CHAPTER XXIII.

AN ACT to authorize the redemption of State Prison Bonds, and to dispose of the Special Fund heretofore provided for their redemption.—[Passed April 19, 1854]

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

SECTION 1. That the State Bonds denominated State Prison Bonds, authorized to be issued by an Act entitled "an Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract," passed May eleven, eighteen hundred and fifty-three, be and the same are hereby authorized to be received in payment for any property of the State authorized to be sold by an Act entitled "an Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco, as defined in and by the Act entitled 'an Act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, eighteen hundred and fifty-one,' passed May eighteenth, eighteen hundred and fifty-three."

SEC. 2. That the special "State Prison Fund," created by section thirteenth of said Act, passed May eleventh, eighteen hundred and fifty-three, referred to in the preceding section, shall, by the Treasurer of State, (after providing for the interest upon such of the State Prison Bonds as may remain outstanding,) be turned over to and used with the special interest and sinking fund provided by an Act entitled "an Act to fund the indebtedness of the State which has accrued or may accrue from April twenty-ninth, eighteen hundred and fifty-one, to December thirty-first, eighteen hundred and fifty-two inclusive, and to provide for the payment of the three per cent. bonds," passed May 1, 1852; and an Act supplementary thereto, passed May 17, 1853.

CHAPTER XXIV.

AN ACT to provide for the Survey of a portion of the Northern Boundary of this State.—[Passed April 27, 1854.]

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

SECTION 1. It is hereby made the duty of the Surveyor General to survey that portion of the northern line of this State forming the northern boundary of Klamath county, and that portion of the northern boundary of Siskiyou county west of "Pilot Knob;" said survey to be completed by the first day of September next.

SEC. 2. The Surveyor General shall certify the necessary expenses

Surveyor General attending said survey to the Comptroller of State, who shall audit the same and draw his warrant on the Treasurer of State for the amount, to be paid out of the General Fund: *Provided*, That said sum shall not exceed three thousand five hundred dollars, which sum is hereby set apart from the General Fund and specially appropriated for that purpose, and any moneys remaining unexpended of said appropriation shall revert to and become a part of the General Fund.

to certify the expenses to Comptroller. Proviso Amount not to exceed \$3500.

CHAPTER XXV.

AN ACT to provide for the payment of the compensation due certain Members and Attachees of the Legislature of this State.— [Passed April 27, 1854.]

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

Comptroller to issue warrant for per diem and mileage of members, &c., prior to Feb. 1, 1854.

SECTION 1. The Comptroller of State is hereby authorized and directed to draw and issue his Warrants upon the Treasurer, payable out of the General Fund, for any per diem allowance or mileage due by law to any member or attache of the present Legislature, prior to the first day of February, A. D., eighteen hundred and fifty-four, and for which no Warrant has been issued.

To be paid out of any moneys appropriated for that purpose.

SEC. 2: Any Warrant issued under this Act, if drawn in favor of a Senator, or Assemblyman, or attache, shall be paid by the Treasurer, out of any moneys appropriated respectively for the compensation and mileage of Senators and members of the Assembly, and compensation to attaches, for the unexpired portion of the fiscal year, ending on the thirtieth day of June, A. D., eighteen hundred and fifty-four.

CHAPTER XXVI.

AN ACT to legalize certain Statements in the form of Affidavits made before the County Recorders of this State.— [Passed April 28, 1854.]

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

Statement in the form of affidavit, made under an Act prescribing the mode of maintaining &c before Recorders and their deputies to be valid.

SECTION 1. All statements heretofore made in the form of an affidavit, made by citizens of the United States, in pursuance of the provisions of section three of the Act entitled "an Act prescribing the mode of maintaining and defending possessory actions on Public Lands in this State," approved April 20, 1852, in which said statement made in the form of an affidavit, before the Recorder of any county in this State, or their deputies, prior to the passage of this Act, shall have the same force and effect as if the oath had been administered by an officer authorized to administer oaths and affirmations.

CHAPTER XXVII.

AN ACT to provide for the Payment of certain Expenses.—[Passed April 28, 1854.]

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

SECTION 1. Whenever the Secretary of State shall certify to any account for articles furnished for the use of the Legislature, under any law of this State, and for the necessary expenses of the State Library, the Comptroller is hereby directed to audit the same, and the State Treasurer shall pay the amount out of the general fund ; and the amount so certified is hereby declared to be a special appropriation for such purposes ; *Provided*, the amount audited and certified shall not exceed six thousand dollars, which amount is hereby specially provided for that purpose.

Manner of paying accounts for Legislature and State Library.
Not to exceed \$6,000.

CHAPTER XXVIII.

AN ACT to repeal an Act entitled "An Act to authorize the Treasurer of the State to make Special Deposits," passed May 4, 1852.—[Passed April 19, 1854.]

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

SECTION 1. That "An Act to authorize the Treasurer of the State to make special deposits," passed May fourth, eighteen hundred and fifty-two, be, and the same is hereby, repealed.

CHAPTER XXIX.

AN ACT to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election.—[Passed May 1, 1854.]

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

SECTION 1. An office to be entitled the office of State Printer hereby created.

Office of State Printer created.

SEC. 2. A State Printer shall be elected at the present session of the Legislature, by joint vote of the Senate and Assembly, assembled in the Legislature.

joint convention, who shall hold his office until his successor is elected and qualified, as herein provided. At the general election in the year eighteen hundred and fifty-five, and every two years thereafter, there shall be elected by the qualified electors of the State, a State Printer, who shall hold his office for two years, and until his successor shall have been elected and qualified; and all laws, and parts of laws, applicable to the election and commission of other State officers, together with the proclamation of the Governor, shall be applicable to the election of a State Printer, as nearly as the same can be done in accordance with the laws and the Constitution.

SEC. 3. The election of the State Printer at the present session of the Legislature, shall be certified by the President of the Senate and Speaker of the Assembly immediately after the election. The State Printer, elected by the qualified electors of the State, shall be commissioned by the Governor. The person receiving such commission or certificate of election, shall within five days thereafter, take the oath of office, and give bond to the State, with two or more sureties, in the sum of thirty thousand dollars, to be approved by the Governor, Comptroller, and Treasurer of State, for the faithful performance of his duties under this Act, as hereinafter provided. Said oath and bond shall be filed in the office of the Secretary of State without delay.

SEC. 4. The State Printer elected at this session of the Legislature shall enter upon the duties of his office within five days after his election. The State Printer elected by the qualified electors of the State shall enter upon the duties of his office upon the first day of January next succeeding his election.

SEC. 5. The State Printer shall print the Laws, the Journals of the Legislature, and all public documents ordered to be printed by the Legislature, and blanks of the Supreme Court, and all forms and blanks that may be required to supply the offices of Governor, Secretary of State, Comptroller, Treasurer of State, Superintendent of Public Instruction, Attorney General, Surveyor General, and Register of Public Lands, (should such an office hereafter be created by the Legislature,) and shall also print the bills, resolutions, and other job printing which may be ordered by either of the two houses of the Legislature; and shall publish in a daily or weekly newspaper all proclamations, orders, notices, and advertisements, of the officers of State above enumerated, that now or may be hereafter required to be published by law, except such as the said officers may consider more for the public interest to be published in other parts of the State; and shall do all other public printing for the State, unless otherwise expressly ordered by law; *Provided*, That this Act shall not be so construed as to allow any compensation to the public printer now to be chosen, for any portion of labor or work done by his predecessor in office prior to his having entered upon the performance of the duties thereof.

SEC. 6. Whenever any message, report, or other document in book form is ordered printed by either house, seven hundred and twenty copies in addition to the number ordered, shall be struck off and be retained in sheets by the Printer, to be bound with the Journals of the house ordering, as an appendix. Whenever any bill is ordered printed, two hundred and forty copies shall be deemed the number ordered, unless the house ordering the same, specially name a larger amount.

SEC. 7. The Secretary of State shall furnish to the State Printer, within ten days after the adjournment of the Legislature, a copy of all Acts, Joint and Concurrent Resolutions, and Memorials, with marginal

To be elected at the general election in 1855, by the people.

Term of office.

Laws applicable to said election.

Authentication of election by the Legislature.

To be commissioned.

To qualify in five days.
Amount of Bond.

When to enter on duties.

What to be printed.

To publish in newspaper, proclamations, etc.

Officers may order publication elsewhere.

To do all public printing.
P10VI-0.

Not to be allowed for work done by predecessors.

No. of documents to be printed.

To be bound up as Appendix to Journals.

notes to the same, passed at such session; and the State Printer shall, within thirty days after such copy shall be furnished to him, as aforesaid, print the number of copies as herein provided, and furnish proof sheets thereof to the Secretary of State, who, within ten days thereafter, shall make out and deliver to the State Printer an index to the same, who shall then, within twenty days, print the said index, and bind in connection with the Laws in such manner as is hereinafter provided.

Laws to be printed within thirty days after copy furnished.

Proof sheets to be furnished Secretary of State to be indexed

SEC. 8. The Secretary of the Senate, and Chief Clerk of the Assembly, shall each furnish to the State Printer, every day during the session of the Legislature, a copy of the Journals of their respective houses of the day's proceedings, till the whole Journal shall be thus copied and delivered; the State Printer shall immediately print the same, whenever copy will complete a form, and deliver proof sheets to the Secretary of State for indexing, who shall, within five days after the adjournment of the Legislature, return the same properly indexed to the State Printer, who shall, within thirty days thereafter, print and deliver to the Secretary of State such number of copies of the Journals aforesaid, with the accompanying index, as the Legislature may direct, bound in volumes, as herein provided.

Secretary of Senate and Chief Clerk of Assembly to furnish copy of Journals daily to printer.

When Journals to be printed.

Proof sheets to Secretary of State.

SEC. 9. There shall be printed of the laws, resolutions, and memorials of each session of the Legislature, nineteen hundred and twenty copies in English, and of such laws and resolutions as may be designated by the Legislature for publication, four hundred and eighty copies in Spanish. Of the Journals of the Senate and Assembly, there shall be printed seven hundred and twenty copies, in one volume or in two, as may be required by the size thereof; *Provided*, that all printing ordered under this Act, shall be executed within the State of California.

1920 copies of Laws to be printed in English 480 copies in Spanish. 720 copies of Journals to be printed.

Proviso. To be executed within the State.

SEC. 10. The printing to be performed under this Act, by the State Printer, shall be as follows, namely: The Laws, Journals, Messages, and other documents in book form, shall be printed "solid," with long primer type, on good white paper. Each page, except the Laws, shall be thirty three "ems" wide and fifty-eight "ems" long, including title, blank line under it, and foot line. The Laws to be of the same length as the Journals, and twenty-nine "ems" wide, exclusive of marginal notes, which notes shall be printed in nonpareil type, and be seven "ems" wide. Figure work, and rule and figure work in messages, reports and other documents in book form, shall be on pages corresponding in size with the Journals, providing it can be brought in by using type not smaller than minion; and whenever such work cannot be brought into pages of the proper size by using type not smaller than minion, it shall be executed in a form to fold and bind with the volumes it is intended to accompany. Bills and other work of a similar character shall be printed with long primer type, on white plain cap paper, and be forty-six "ems" wide and seventy-three "ems" long, including running head, blank line under it, and foot line; and between each printed line there shall be a white line corresponding with the body of the type, and each printed line shall be numbered. Blanks shall be printed in such form and on such paper, and with such sized type, as the officers ordering them may direct.

How printing to be performed.

The same.

The same.

SEC. 11. Folding shall not be allowed or charged on any bill or document unless the same requires stitching; and no bill or document not exceeding four pages shall be stitched. When stitching is required on bills or documents ordered by either house, one-fourth of one cent per page shall be allowed for such folding and stitching: *Provided*, That no folding or stitching shall be allowed on the Laws or Journals, no charge for composition shall be made or allowed on such portions of the

Folding not to be charged for unless stitched.

What stitched. Price stitching.

Proviso. Folding or stitching not allowed Laws and Journals

No charge for composition on Appendix. One charge for composition on any document. *Provided* How Yeas and Nays to be printed.

Charge for composition.

Prices of printing.

Appendix to the Journals as may have been ordered printed for the use of either house; nor shall more than one charge be made for composition on any document ordered printed by both houses; *Provided*, The respective orders for printing are made within seven days of each other. The ayes and noes in the Journals shall be *run in*. The change of the title page and running head line from Senate to Assembly file, or vice versa, on any document ordered printed by each house within seven days of each other, shall not be so construed as to allow more than one charge for composition, or any additional charge for such alteration.

SEC. 12. For all work executed and material furnished under this Act by the State Printer he shall be allowed as follows, which allowance shall include all the charges he shall make for the work well executed and delivered in good order at the seat of Government, excepting only the cost of paper, as hereinafter provided. For composition in English per one thousand "ems," two dollars and fifty cents; for composition in Spanish per one thousand "ems," three dollars; figure work per one thousand "ems," three dollars and fifty cents; rule work per one thousand "ems," three dollars and fifty cents; rule and figure work per one thousand "ems," four dollars; press work per token of two hundred and forty sheets, two dollars and seventy-five cents. For all proclamations, advertisements, orders and notices authorized by section five of this Act, to be published in the State paper, he shall be allowed one dollar and seventy-five cents per square of three hundred "ems" for composition and the first insertion, one dollar for each subsequent insertion, not exceeding eight, and fifty cents per square for any number of insertions exceeding eight. For binding the Laws of each session in full binding, and lettering the same, two dollars per volume. For binding the Journals of the Senate and Assembly in half binding, leather backs and corners, in junk board, marbled, and lettering the same, two dollars per volume: *Provided*, That no charges shall be allowed for composition for blank pages under the provisions of this Act when not necessary in filling up the form.

Comptroller to draw warrant for sums due.

What necessary before auditing.

Repealing clause.

SEC. 13. The Comptroller of State is hereby authorized and required from time to time to draw his warrants on the Treasurer of State for such sums as may be due the State Printer, under this Act, payable out of any moneys not otherwise appropriated by law; but he shall audit no account unless it be accompanied with vouchers and a copy of the work for which the account is rendered, nor then until he is satisfied that such work is correctly computed, properly executed and delivered, and that the account contains nothing but what is a legal charge against the State under this Act. Such account, vouchers, and copy of the work, shall be filed by the Comptroller of State and carefully preserved in his office.

SEC. 14. An Act entitled "An Act to provide for the Public Printing," approved April twenty-ninth, one thousand eight hundred and fifty-two, the joint resolutions relative to Public Printing, approved February third, one thousand eight hundred and fifty-three, and all other Acts and parts of Acts conflicting herewith, are hereby repealed.

SEC. 15. This Act shall take effect from and after its passage.

CHAPTER XXX.

AN ACT to amend "An Act to establish an Asylum for the Insane of the State of California," approved May 17, 1854.—
[Passed May 1, 1854.]

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

SECTION 1. Section eight is hereby amended so as to read as follows : Sec. 8 amended.

Section 8. The Trustees are hereby required to estimate monthly in advance for the ascertained and probable expenses of the Asylum, and the Comptroller of State is hereby directed to draw his warrant for the amount so ascertained, in favor of the Trustees, on the first day of each month, and the Treasurer of State to pay the same out of the Asylum fund. The Superintendent shall make all purchases for the use of the Asylum, for cash, and not on credit or time ; every voucher shall be taken, duly filled up at the time it is taken ; and with every abstract of vouchers for money paid, there shall be proof on oath that the voucher was filled up and the money paid therefor at the time the voucher was taken ; and the Trustees shall make all needful rules and regulations to enforce the provisions of this section : *Provided*, That nothing herein contained shall prevent the Trustees from paying the present outstanding indebtedness of the Asylum, and the Comptroller shall draw his warrant for the amount when duly audited according to law.

SEC. 2. Section fourteen of said Act is hereby amended so as to read as follows : Sec. 14 amended

Section 14. The County Judge of any county in this State shall, upon application of any person under oath, setting forth that any person, by reason of insanity, is unsafe to be at large, or is suffering under mental derangement, cause the said person to be brought before him at such time and place as he may direct ; and the said County Judge shall also cause to appear at the same time and place, two respectable physicians, who shall proceed to examine the person alleged to be insane, and if said physicians, after careful examination, shall certify upon oath that the charge be correct, and if such Judge be satisfied that such person is by reason of insanity unsafe to be at large, he shall cause the lunatic person to be conveyed to and placed in the Insane Asylum. The County Judge shall also cause inquiry to be made into the ability or inability of such insane person to bear the charge or expense for the time he may remain in the Asylum, and he shall certify the result of the inquiry to the Trustees of the Asylum ; and in those cases where the insane person possesses the ability to pay this expense, the Trustees shall require a deposit at the time of admission, and from time to time in advance so long as the insane person remains an inmate of the Asylum.

SEC. 3. Section sixteen of said Act is hereby amended so as to read as follows : Sec. 16 amended.

Section 16. The county sending the insane person to the Asylum shall, in all cases where the person be indigent, be at the expense of such conveyance, and in the event of the death of such person, be chargeable with the funeral expenses.

CHAPTER XXXI.

AN ACT to declare exempt from forced sale under execution or other process, certain property of the several Counties of this State.—[Passed May 1, 1854.]

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

Certain property of counties exempt from forced sale.

Court house, jail, public buildings, and offices.
Furniture, &c.

SECTION I. The following described property belonging to each county in this State is hereby declared exempt from forced sale under execution or other process from any court :

1st. The Court House, Jail, Public Buildings and Offices, together with any lots or land belonging to the county.

2d. The fixtures, furniture, books, papers and appurtenances belonging and pertaining to the Court House, Jail and Public Offices.

CHAPTER XXXII.

AN ACT supplementary to and explanatory of an Act entitled "An Act making Appropriations for the Civil Expenses of Government of the State for the unexpired portion of the Fiscal Year ending on the 30th day of June, A. D. 1854, and for the first seven months of the Fiscal Year commencing on the first day of July, 1854.—[Passed May 3, 1854.]

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

Certain expenses to be paid out of General Fund.

When Hospital Fund insufficient.

SECTION I. That so much of said Act as relates to the compensation of the resident Superintendent Physician and Assistant Physician of the Asylum for the Insane of this State, and pay for provisions, household expenses, clothing, servants, fuel, light, stationery, labor, medicine, contingent expenses and repairs of the Asylum for the Insane, shall be construed to be payable out of the General Fund whenever the Hospital Fund may become insufficient, and the Comptroller is hereby directed to draw his warrant in accordance with this Act.

CHAPTER XXXIII.

AN ACT amendatory of and supplementary to an Act entitled "An Act concerning the Office of Reporter," passed April 13, 1850.—[Passed May 3, 1854.]

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

SECTION 1. The fourth section of an Act entitled "an Act concerning the office of Reporter," passed April 30, 1850, is hereby amended so as to read as follows : Sec. 4 amended.

Section 4. The State of California hereby agrees with said Reporter, to purchase of him three hundred volumes of each volume of Reports so published, at the price of sixteen dollars per volume, to be distributed according to law ; *Provided*, That for all Reports hereafter published by the Reporter, the State shall pay only ten dollars per volume. Amendment. The State to purchase 300 volumes Price, \$16. Price hereafter to be \$10.

SEC. 2. The sixth section of the Act aforesaid is hereby amended so as to read as follows : Sec 6 amended.

Section 6. It shall be the duty of the Secretary of State to send of each publication as aforesaid : to each State and Territory of the United States, two copies ; to the Reporter of the Supreme Court of the United States, two copies ; to the United States Library, two copies ; to the Governor, Attorney General, Judges of the Supreme Court, District Courts and County Courts of this State, each one copy ; to the Judge of the Superior Court of the city of San Francisco, one copy ; to the County Clerks of each county in the State, three copies ; such State and county officers to deliver such volumes to their successors in office. The remaining copies of such publications shall be deposited in the State Library. Amendment. Manner of distribution. The same.

SEC. 3. There is hereby appropriated from and out of any unappropriated moneys in the Treasury, the sum of four thousand eight hundred dollars, for which amount, upon presentation of the certificates of the Secretary of State, as provided in section five of said Act, the Comptroller is directed to draw his warrant upon the Treasurer for said sum in favor of said Reporter. Appropriation. \$4,800 to be paid for said vols.

CHAPTER XXXIV.

AN ACT to amend an Act entitled "An Act to authorize the formation of Limited Partnerships."—[Passed May 3, 1854.]

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

- Sec. 2 amended. SECTION 1. Section second of an Act entitled "an Act to authorize the formation of Limited Partnerships," passed April fourth, eighteen hundred and fifty, shall be amended so as to read as follows :
- Amendment. SECTION 2. The said partnership may consist of one or more persons, who shall be called general partners, who shall be jointly and severally responsible as general partners are by law, and of one or more persons who shall contribute to the common stock a specific sum in actual cash payment as capital, who shall be called special partners, and who shall not be personally liable for any debts of the partnership, except in the cases hereinafter mentioned.
- General partners, how far liable.
- Special partners, how far liable.

CHAPTER XXXV.

AN ACT amendatory of an Act entitled "An Act to create the County of Stanislaus," approved April 1, 1854.—[Passed May 3, 1854.]

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

- Sec. 2 amended. SECTION 1. Section second of an Act entitled "an Act to create the county of Stanislaus, to define its boundaries and to provide for its organization," approved April first, eighteen hundred and fifty-four, is hereby amended so as to read as follows :
- Amendment. Boundaries. SECTION 2. The boundaries of the county of Stanislaus shall be as follows : Commencing on the Stanislaus, at the corner of Calaveras and San Joaquin counties, thence running in a south-east course to Spark's ferry, on the Tuolumne river, thence to the boundary line between Tuolumne and Mariposa counties, thence west along said line to the San Joaquin river, thence up said river to the mouth of the Merced river, thence in a due south-west direction to the summit of the coast range, thence in a north-westerly direction following the summit of the said range, thence to the south-west corner of San Joaquin county, thence north-easterly along the line of said county to the place of beginning.
- Sec. 2 repealed. County Surveyors to run and mark county lines. SEC. 2. Section second of said Act is hereby repealed. The Surveyors of the respective counties of Tuolumne and Stanislaus shall run and mark, with suitable devices, or stakes and mounds, the boundary lines between Tuolumne and Stanislaus counties, in accordance with the provisions of this supplementary Act.

SEC. 3. The Surveyor shall commence running the boundary line from the Stanislaus river, on or before the twentieth day of June, and shall complete the same as early as practicable thereafter. Where Surveyors shall commence. When.

SEC. 4. The Surveyors shall receive such pay or compensation as may be settled by the County Judge or Board of Supervisors of Stanislaus county. Pay of Surveyors.

CHAPTER XXXVI.

AN ACT to authorize the Governor of this State to convey certain property in the city and county of San Francisco to the United States for certain purposes.—[Passed May 3, 1854.]

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

SECTION 1. The Governor of this State is hereby authorized and directed to convey to the United States, by good and sufficient deed, by him in behalf of the State of California executed, all the right, title and interest of the State of California in and to a certain tract or parcel of land situated in the city and county of San Francisco, and bounded and described as follows, to wit: All that certain lot or block of land, or beach and water property, in the city of San Francisco, bounded on the north by Jackson street, on the east by Battery street, on the south by Washington street, and on the west by Sansome street, in consideration and for the purposes hereinafter specified. Governor directed to convey to U. S. the title of the State.

SEC. 2. The value of the interest of the State of California, in the real estate described in the preceding section, shall be ascertained as follows: The Governor of this State shall appoint one Appraiser on behalf of the State, and Samuel J. Bridge, or his successor in office, Appraiser General of the United States for the Pacific coast, shall act as Appraiser on behalf of the United States, and within ten days from and after the passage of this Act, or as soon thereafter as practicable, the said two Appraisers shall meet in the city of San Francisco, and after viewing the premises described in the first section of this Act, estimate the present cash value of the State interest in the same; and if the said two Appraisers cannot agree as to the value of the same, they shall call and choose a third Appraiser to act in conjunction with them, and the value which the three may fix upon said premises they shall immediately, under their respective hands, certify and deliver to the Governor. Value to be ascertained. In what manner.

SEC. 3. As soon as the return of the appraisement is made to the Governor, in accordance with the provisions of the preceding section, the Governor shall execute a deed for the said premises to the United States, as provided in the first section of this Act, in consideration of one half of the appraised value thereof, as returned to him by said Appraisers, and upon the payment to him by the United States of a sum equal to one half of said appraised value, he shall deliver said deed to the District Attorney of the United States for the Northern District of California; which said deed, when so executed and delivered, shall vest all the right, title and interest of the State of California in and to said premises in the United States, for the purpose of erecting and continuing thereon a Cus- When appraisement made, the Governor to execute deed to United States.

Purpose for which conveyed.
Proviso.

tom House and other necessary public buildings for the use of the United States, and for no other purpose: *Provided*, If the United States shall, at any time hereafter, sell or dispose of the said property, or any part thereof, then the whole or part so sold or disposed of, as the case may be, shall revert to the State of California.

CHAPTER XXXVII.

AN ACT *supplementary to "An Act to exempt Firemen from Militia Service and Jury duty," passed March 25, 1853.*—[Passed May 6, 1854.]

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

Fire companies in unincorporated towns.

SECTION 1. When fire companies are formed in unincorporated and unorganized towns and villages, the members thereof shall be entitled to all the rights and privileges of "an Act to exempt firemen from militia service and jury duty," passed March twenty-fifth, eighteen hundred and fifty three.

Evidence of organization necessary.

SEC. 2. Companies hitherto formed, and that may be formed, in such unincorporated and unorganized towns and villages, shall deposit with the Justice of the Peace of such town or village, a certificate in writing, containing the date of the organization of such company, the company's name, and the names of its officers, and the roll of the active and honorary members thereof, which certificate shall be evidence of the existence of such company. The certificate required in this section shall be renewed every six months.

Renewal of certificate.

CHAPTER XXXVIII.

AN ACT *relative to transferring actions and proceedings from one Court to another Court.*—[Passed May 6, 1854.]

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

Certain causes may be transferred.

SECTION 1. If an action or proceeding is commenced, or pending in a court, as is hereinafter mentioned, and the Judge or Justice thereof is by law disqualified from acting as such, or if for any cause, the court orders the place of trial to be changed, it shall be transferred for trial to a court the parties may agree upon by stipulation in writing, or made in open court, and entered in the minutes; or if they do not so agree then to the nearest court, where the like objection or cause for making the order does not exist, as follows:

Order of transfer.

First: If in the District Court, to another District Court.
Second: If in the Superior Court of the city of San Francisco, to a District Court.

Third : If in a County Court, to a District Court, or some other County Court.

Fourth : If in the Probate Court, to a District Court, or some other Probate Court.

Fifth : If in a Justice's Court, to another Justice's Court in the same county.

SEC. 2. When an order is made transferring an action or proceeding for trial the clerk of the court, or Justice of the Peace, shall transmit the pleadings and papers therein to the clerk, or Justice of the court, to which it has been transferred. If the transfer is made on the ground that a Judge or Justice is disqualified from acting, the costs and fees thereof, and of re-entering and filing the pleadings and papers anew, are to abide the event of the action or proceeding; in other cases they are to be paid by the party at whose instance the order is made.

SEC. 3. The court to which an action or proceeding is transferred shall have and exercise over the same the like jurisdiction as if it had been originally commenced therein, and may by order or execution enforce the judgment.

SEC. 4. In an action or proceeding transferred from a Probate Court, or brought to recover the possession of lands or tenements, (excepting it be in a Justice's Court,) after final judgment therein, the clerk of the court in which it is heard shall certify under his seal of office, and transmit to the court from whence it is transferred, a full transcript of the proceedings and judgment. The clerk receiving such transcript shall docket and record the judgment in the records of his court, briefly designating it as a judgment transferred from _____ court (naming the proper court.)

SEC. 5. On transferring causes the following, and no other fees and costs, shall be allowed to the clerks of the court: For transmitting the pleadings and papers of a cause, the sum of two dollars; for re-entering and filing the same pleadings and papers anew, three dollars; for certifying and remitting a transcript and judgment, when required to be done under this Act, five dollars; for docketing and recording a transcript and judgment, when required to be done under this Act, five dollars. The last two items may be taxed in favor of the successful party, and made a part of the judgment against the other party, or otherwise ordered paid, as the court hearing the action or proceeding may, by its order or judgment, direct.

SEC. 6. If an action or proceeding is transferred to a Justice's Court, the Justice receiving it shall, three days before he proceeds to the trial thereof, unless the parties stipulate in writing to waive such notice, cause therein a notice in writing to be served on the parties, which notice shall inform them of the time and place of trial; in other cases the action or proceeding shall proceed in the manner provided for by law in such actions or proceedings.

CHAPTER XXXIX.

AN ACT *fixing the age of Majority of Males and Females in this State.*—[Passed May 10, 1854.]

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

Males at 21, and females at 18.

SECTION 1. Males shall be deemed of full and legal age when they shall be twenty-one years old, and females when they shall be eighteen years old.

Competent to contract.

SEC. 2. Males and females of legal age, as fixed by this Act, shall be competent to make contracts, convey real estate, and do all other acts and things that persons of full age may legally do.

CHAPTER XL.

AN ACT *in respect to Insurance for Lives, for the Benefit of Married Women.*—[Passed May 11, 1854.]

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

Wives may cause the lives of their husbands to be insured.

Surviving her husband. insurance becomes due.

Limitation.

On prior death of wife, payable to her children.

SECTION 1. It shall be lawful for any married woman, by herself, or in her name, or in the name of any third person, with his assent as her trustee, to cause to be insured for her sole use, the life of her husband, for any definite period, or for the term of his natural life ; and in case of her surviving her husband, the sum or nett amount of the insurance becoming due and payable by the terms of the insurance, shall be payable to her, to and for her own use, free from the claim of the representatives of her husband, or his creditors ; but such exemption shall not apply where the amount of the premium annually paid shall exceed three hundred dollars.

SEC. 2. In case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable to, her children, and shall be received by them ; or, if under age, by their legal guardian, for their use.

CHAPTER XLII.

AN ACT *prescribing the manner of Commencing and Maintaining Suits by or against Counties.*—[Passed May 11, 1854.]

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

SECTION 1. Suits against a county may be commenced in any court of that county, or in a District Court of the Judicial District in which such county is situated, in the same manner as suits against private persons ; *Provided*, That suits between counties shall be commenced in a court of competent jurisdiction in any county not a party to such action.

Courts in which suits may be commenced.

Suits between counties.

SEC. 2. In counties where there is a Board of Supervisors, having an acting Chairman or President of such Board, the original process and papers shall be served on such Chairman or President, in the same manner as upon private persons : when there is no such Chairman or President, they shall in like manner be served on the County Judge of the county.

Process, how served.

SEC. 3. Immediately on the service of such process, it shall be the duty of the officers so served, to deliver such process and all papers accompanying the same, to the District Attorney for such county, whose duty it shall be to defend such cause or proceeding, on the part of such county, until final judgment or compromise of such suit or proceeding.

Duty of officer served with process Of District Attorney

SEC. 4. Suits brought for or against a county, shall be by, or in the name of such county.

CHAPTER XLIII.

AN ACT *granting to the Electors of Calaveras County the privilege to vote for or against a division of said county, and to organize the County of Amador.*—[Passed May 11, 1854.]

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

SECTION 1. On the fourteenth day of June next it shall be lawful, and the privilege is hereby granted to the electors of Calaveras county, to vote for or against a division of the territory of said county ; which each voter shall do by depositing in the ballot-box a ticket whereon shall be written or printed "for a division" or "against a division," or some such words as will distinctly convey the intention of the voter, and which ticket shall be deposited in a box, which shall be furnished for that purpose by the Inspectors of Election ; and the Judges and Inspectors of Election in each precinct of said county shall receive such votes, count the same, and certify the number received "for a division," and the

June 14, 1854, election to vote for or against a division.

Manner of voting.

Duty of Judges and Inspectors.

number received "against a division," and deliver or send the same to the Clerk of said county, in the same manner as is required by the thirty-fifth section of an Act entitled "An Act to regulate Elections," passed March twenty-third, one thousand eight hundred and fifty, and so far as the same can be made applicable to the intentions, and not inconsistent with the provisions of this Act, the laws regulating the proclamation of the County Judge of said county, and all other matters and forms appertaining to the general election, shall be applicable and binding in reference to the votes cast under the provisions of this Act.

Laws applicable.

County Clerk to open returns in presence of Co. Assessors, and make statement.

SEC. 2. It shall be the duty of the County Clerk of said county, upon receiving the returns from each precinct of said county of the number of votes received, on the twenty-fourth day of June next, to open, draw up and sign, in the presence of and in connection with the Court of Sessions of said county, a statement of the number of such votes, at the same time and in the same manner as is required to be made of returns in other cases by the thirty-eighth section of an Act entitled "An Act to regulate Elections," and to certify and file a copy of said statement in his office; and if a majority of the votes cast at said election be for, or in favor of a division of the territory of said county, then the county of Calaveras shall be divided, as provided in the next section of this Act.

County to be divided in certain event.

Boundaries of new County.

SEC. 3. Beginning in the middle of Mokelumne river, on the eastern boundary of San Joaquin county, thence up the middle of the channel of said river to the source of the north fork of the same, thence due east to the eastern boundary of the State, thence northwesterly to the southeast corner of El Dorado county, thence along the southern boundary of El Dorado county to the eastern line of Sacramento county, thence southerly along the eastern boundary of Sacramento and San Joaquin counties to the place of beginning. The northern portion of Calaveras county so cut off, shall be called Amador county, and the seat of justice shall be established by the qualified electors of Amador county, at the first election hereinafter specified.

Northern portion so cut off to be called Amador.

Election for Co. Officers, and Seat of Justice.

SEC. 4. There shall be held an election for county officers and the location of the seat of justice of Amador county, on the third Monday of July, eighteen hundred and fifty-four.

Third Monday in July, 1854. Officers to be chosen.

SEC. 5. On the third Monday in July next there shall be chosen for the county of Amador one County Judge, one County Clerk, one District Attorney, one Sheriff, one Assessor, one Treasurer, one Coroner, one Public Administrator, and a place for the location of the seat of justice.

Board of Commissioners.

SEC. 6. William L. McKim, Alexander Boileau, Alonzo Platt, H. G. Sneath and T. W. Gemmill, are hereby appointed a Board of Commissioners to designate the election precincts, and to appoint the Inspectors of Elections for the county of Amador, at the first election for county officers, to receive the returns of election, and to issue certificates of election to persons receiving the highest vote.

What law to govern said election.

SEC. 7. The provisions of an Act entitled "An Act to regulate elections," passed on the twenty-third day of March, eighteen hundred and fifty, shall apply to the county election ordered by this Act, except that the said Board of Commissioners shall designate the election precincts, appoint the Judges and Inspectors of Election at the several precincts, designated to receive the returns, and to issue certificates of election to the persons that receive the highest vote.

Exception.

When Board to meet.

SEC. 8. For the purpose of designating the several precincts in the county the said Board of Commissioners shall meet two weeks before the

day of election, and at said meeting shall designate the precincts of the county, and appoint Inspectors of Election at such precincts. The said Board shall appoint one of their number as president and one as clerk. The clerk shall keep a record of their proceedings. Three-fifths of the number of said Board shall be necessary to transact business.

SEC. 9. The said Board of Commissioners shall, after designating the precincts of the county, and appointing the Judges and Inspectors thereof, give notice of such precincts, and officers of election, by notices posted at each of the precincts, ten days previous to the day of election.

SEC. 10. The County Judge chosen under this Act shall hold his office four years from the first day of January next, and until his successor is elected and qualified. The other officers shall hold their respective offices for two years from the first day of January next, and until their successors are elected and qualified. The successors of the officers elected under this Act shall be chosen at the general election established by law, which takes place next preceding the expiration of their respective terms.

SEC. 11. Sealed returns from the officers of election of the several precincts may be delivered to any member of the Board of Commissioners. Said Board shall meet in the county within five days subsequent to the election, and the returns shall then be opened and read, and under their direction and in their presence, a tabular statement shall be made out, showing the vote given at each precinct of the county, or if the precincts be not established at each place where the polls were opened, for each person and for each of the offices to be filled at the election, and also the entire vote given in the county for each person, the statement then to be made out by such Board shall be signed by the president and clerk.

SEC. 12. As soon as the statement and certificates are made out by the Board, the President shall declare the result, and immediately make out, and send or deliver to each person chosen, a certificate of election, signed by him as President of the Board of Commissioners, and attested by the Clerk.

SEC. 13. Each person chosen shall qualify and enter upon the discharge of the duties of his office within twenty days after the receipt of his certificate of election. The person elected as County Judge shall qualify before the President of the Board of Commissioners of the county. Persons elected to other offices of the county may qualify before the said President or before the County Judge.

SEC. 14. The President of the Board of Commissioners shall transmit without delay a copy of the tabular statement prepared as provided in section nine, to the Secretary of State. The election returns of said county, and the tabular statement, shall be retained by the said President of the Board of Commissioners of the county, until the person elected as Clerk of said county has qualified and entered upon the duties of his office, after which they shall be filed in the office of the County Clerk.

SEC. 15. The County Judge of the county of Amador shall receive as a compensation for his services, two thousand five hundred dollars per annum, to be paid quarterly.

SEC. 16. The counties of Amador and Calaveras shall constitute the Nineteenth Senatorial District, and the county of Amador shall elect two members of Assembly, and the county of Calaveras shall elect three members of Assembly.

SEC. 17. The county of Amador shall be attached to the Fifth Judi-

Terms of District Court. cial District, for all judicial purposes, and the times for holding the terms of the District Court shall be on the second Mondays of February and June, and the third Monday of September.

Seat of Justice, how established. SEC. 18. The seat of justice of Calaveras county shall be established by the qualified electors of said county, at the next general election, and the town or place receiving the highest number of votes shall thereafter be the county seat.

Adjusting Indebtedness of Amador and Calaveras counties.

SEC. 19. At the first term of the Court of Sessions of Amador county, there shall be appointed by the said court two commissioners, to meet a corresponding number of Commissioners to be appointed by the Court of Sessions of Calaveras county, for the purpose of ascertaining the amount of indebtedness of Calaveras county. When the indebtedness is ascertained, they shall determine the amount justly chargeable to Amador county by the assessment roll of taxable property of eighteen hundred and fifty-four, for which amount the Court of Sessions of Amador county shall issue a warrant on its treasury, payable out of one half of the first funds which may come into its possession, belonging to the county. The said Commissioners shall meet on the third Monday in August, at the seat of justice of Calaveras county, and in case the said Commissioners from Amador county shall fail to meet or determine the amount of the indebtedness of Calaveras county justly chargeable to Amador county, then it shall be the duty of the Court of Sessions of Calaveras county to perform each and every act appertaining to the duties of said Commissioners, in the manner herein before specified.

CHAPTER XLIII.

AN ACT declaring the Consent of the Legislature of the State of California to the Purchase by the United States of Signor or Mare Island; to relinquish the Title and Interest of the State in overflowed portions of said Island, and to vest the Jurisdiction over the same in the United States; for the purposes therein specified.—[Passed May 11, 1854.]

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

Consent to purchase by United States of Signor or Mare Island. Purposes to be applied.

SECTION 1. The consent of the State of California is hereby given to the purchase by the United States of a certain tract or parcel of land situated in the county of Solano, known as Signor or Mare Island, for the purpose of erecting and maintaining thereon such arsenals, magazines, docks, dock-yards, and other military and naval structures as may be required for the use of the Government of the United States.

Interest of the State to certain lands relinquished.

SEC. 2. The title and interest of the State of California to and in such portions of the Island described in the preceding section as are overflowed beach or swamp lands, on the eastern shore of the said Island, from the southern point thereof to a parallel intersecting the northern point of the highlands, and extending into the waters of the bay or straits, washing the eastern shore of said highlands of the Island to the ship channel, is hereby relinquished and granted to the United States for the purposes specified in the preceding section; and the jurisdiction of such

Description.

Relinquishment.

part of said Island, and the overflowed portions of the eastern shore thereof as are south of a parallel intersecting the northern point of the highlands, is hereby ceded by the State of California to the United States for the purpose aforesaid: *Provided*, That the consent to the purchase, and the grant and relinquishment of title, by this State to the United States, in this Act contained, shall not be construed in aid or support, directly or impliedly, or any conveyance or bond for title to the United States of the same lands heretofore made, or which may hereafter be made, by any person or persons, company or corporations, or as a recognition on the part of the State of California of any claim, title or grant heretofore asserted or set up, or which may hereafter be asserted or set up by any person or persons, company or corporation.

Proviso.

Not construed to aid any other title or conveyance.

SEC. 3. The jurisdiction ceded to the United States in the last preceding section is upon the express condition that the State of California shall retain a concurrent jurisdiction with the United States in and over the said tract of land, so far as that civil process in all cases, and such criminal process as may issue under the authority of the State of California, against any person or persons charged with crime committed within or without said tracts of land, may be executed therein in the same way and manner as if this jurisdiction had not been ceded, except so far as such process may effect any of the real or personal property of the United States within the said tract of land; and all the lands and tenements within the limits aforesaid shall be, and continue forever hereafter exonerated and discharged from all taxes, assessments, and other charges which may be imposed by authority of this State.

Condition of cession.

Process.

Exempt from taxes.

SEC. 4. The relinquishment made, the jurisdiction ceded, and the exemption from taxation granted by this Act, shall continue so long as the premises herein specified shall remain in the occupancy of the above United States of America, for the purposes mentioned in the first section of this Act, and no longer.

Limitation of cession.

CHAPTER XLIV.

AN ACT to establish Pilots and Pilot Regulations for the Port of San Francisco.—[Passed May 11, 1854.]

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

SECTION 1. That it shall be the duty of the Governor to appoint two resident merchants, and two experienced and resident ship-masters, who, together with the President of the Chamber of Commerce of the port of San Francisco, shall constitute a Board of Pilot Commissioners for the port and harbor of San Francisco.

Governor to appoint. How constituted

SEC. 2. That the persons so appointed shall take an oath for the faithful discharge of their duty, and shall hold their office during the pleasure of the Governor.

Qualification and term of office.

SEC. 3. That the Commissioners shall keep an office at San Francisco, and shall meet therein once in each month: a majority shall constitute a quorum for the transaction of business.

Commissioners to meet once a month. Quorum.

By-laws and rules of Board.

SEC. 4. That the Commissioners shall make by-laws and rules for their own government, not inconsistent with the provisions of the laws of this State or the United States.

Secretary of Board.

SEC. 5. That the Commissioners may appoint a Secretary, whose duty it shall be to keep correct minutes of all the proceedings of the Commissioners, in books to be provided by them for that purpose, to receive all money and pay out the same, when ordered to do so by the Board, and shall register the names of all pilots, with the date of their licenses and places of residence. The books and registers to be always open to public inspection.

Duties.

Pilots to be registered
Books open to inspection.

Not to be interested.

SEC. 6. That neither the Commissioners nor Secretary shall have any interest, directly or otherwise, in any pilot boat, or the earnings thereof.

Number of Pilots to be appointed.

SEC. 7. That the Commissioners shall have power to appoint, in the manner prescribed in this Act, such number of pilots for said port as they may deem necessary: *Provided*, the number shall not exceed thirty.

Qualification of applicants.

SEC. 8. That persons applying for license to act as pilots for the port of San Francisco, shall be American citizens, not under the age of twenty-one years, and shall be rigidly examined by the Commissioners, in presence of one or more licensed pilots, touching their qualifications and knowledge of the management of square-rigged vessels, and of the tides, soundings, bearings and distances of the different shoals, rocks, bars and points of land, and night lights of the harbor and bay; and if deemed qualified shall receive a license as pilot, which license shall expire at the end of twelve months.

Same.

Term of license.

To give bonds.

SEC. 9. That every licensed pilot, previous to entering on his duties, shall give bond to the amount of two thousand dollars, payable to the State of California, for the faithful performance of his duty, which bond shall be approved by the Commissioners, and filed in their office.

Suspension of Pilots
Revocation of licenses.
Proviso.

SEC. 10. That the Commissioners shall have full power to suspend pilots for misconduct or inattention to their duty, and on proof shall revoke their licenses: *Provided*, due notice be given the pilot, and an opportunity be given him to be heard in his own defence.

Pilot to exhibit his license.

SEC. 11. That every pilot, on boarding a vessel, shall, at the request of the master, exhibit his license, and on refusal to do so, shall be liable to a penalty of fifty dollars.

Penalty.
Absence from duty.
Penalty.

SEC. 12. That every pilot who shall absent himself from his duty for more than two months, except on leave granted by the Commissioners, or by sickness, shall be considered as having forfeited his license.

Intoxication.

SEC. 13. That if any licensed pilot shall be intoxicated whilst having charge of any vessel as pilot, he shall be suspended or dismissed, as the Commissioners may elect.

Bonds may be renewed.

SEC. 14. That the Commissioners may require pilots to renew their bonds and securities whenever they deem it necessary.

Penalty for losing a vessel by carelessness.

SEC. 15. That for carelessly or negligently losing a vessel, on conviction thereof, the pilot having charge of the vessel at the time, shall be incapable ever after of acting as pilot, and shall moreover be liable for damages on his bonds.

Duty of Pilots.

SEC. 16. That it shall be the duty of every pilot in charge of a vessel arriving in the harbor of San Francisco, to have the vessel safely moored in such position as the master of the vessel or Harbor Master may direct, within twenty-four hours after the arrival of said vessel, weather permitting, without extra charge; but should the pilot be called upon after the expiration of the twenty-four hours to haul any vessel into the

wharf, he shall be entitled to receive twenty-five dollars for his services

and a pilot shall be entitled to receive the same for taking a vessel from the wharf into the stream; *Provided*, said vessel shall not proceed to sea within twenty-four hours of her anchorage in the stream. and unmooring vessel. Proviso.

SEC. 17. That when complaint is lodged with the Commissioners against a pilot for misbehaviour or neglect of duty, it shall be reduced to writing and sworn to, notice thereof must then be given the pilot, and he shall be notified to appear within fifteen days to answer the complaint. If the answer be not satisfactory, he may be fined not exceeding five hundred dollars, or deprived of his license, at the discretion of the Commissioners. Proceedings against Pilots for misbehavior. Penalty.

SEC. 18. That no person, except those licensed by the Commissioners, shall pilot vessels in or out of the harbor or bay of San Francisco for hire under the penalty of five hundred dollars for each and every offence. This penalty is not incurred when the master of a vessel acts as his own pilot, or in case of distress. No person without license authorized to pilot vessels. Penalty. Exception.

SEC. 19. That application for pilots for vessels outward bound shall be made at the office of the pilot, and the amount of outward pilotage shall then and there be paid. Manner of obtaining Pilots.

SEC. 20. That the Commissioners may make all needful rules and regulations for the government of the pilots, and establish penalties for the breach thereof. Rules for government of Pilots.

SEC. 21. That the pilot boats on the station, whenever a pilot is discharged from an outward bound vessel, shall give all reasonable aid for taking out and receiving such pilot, as also for sending him to the city or quarantine. Duty of Pilot boats.

SEC. 22. That the pilotage from quarantine to the anchorage opposite San Francisco, and for piloting vessels about the harbor, shall be at such rates as may be agreed upon between the parties. Fees of Pilots.

SEC. 23. That pilots blown-off or carried to sea against their wills, when a boat is in attendance to receive them, shall be entitled to receive the sum of eight dollars a day while absent, which sum shall be paid by the master or owner of the vessel by which the pilot was taken away. Same.

SEC. 24. That if any branch pilot of the harbor of San Francisco offers himself to any vessel liable to take a pilot outside of a line drawn from Point Bonito to the outward Wolf Rock, if inward bound, or any branch pilot who may offer himself to any vessel outward bound, this pilot bringing the vessel in, or one belonging to the same boat, always to have the preference, and the master should refuse to take such pilot on board, the master or owners of such vessel, or either of them, shall incur, and be liable to the penalty of the amount of pilotage said vessel would pay, for the benefit of the pilot so offering himself. Priority of Pilots. Penalty of refusal on the part of master.

SEC. 25. That every branch pilot of the harbor of San Francisco shall, once in three months, render to the Pilot Commissioners an account of all moneys received by him or by any other person for him, or on his account, and shall pay five (5) per centum on the amount thereof, which shall be taken in full for their official services, and all expenses of their office, and the pilots may add five (5) per centum to the rates established by law at the time of performing their services of piloting any vessel, and may collect the same in like manner as they are authorized to collect pilotage fees, and if any pilot shall make a false return of moneys so received, he shall forfeit a sum not exceeding five hundred dollars. Account of moneys received to be rendered every three months. Compensation, 5 per cent. Penalty for making a false return. Vessel liable for fees.

SEC. 26. That the hull and appurtenances of all vessels shall be held liable for pilotage fees.

SEC. 27. That pilots shall at all times keep a boat in good condition, and no more than six pilots shall be in copartnership at any one time. Pilot partnerships.

Pilots to conform, &c.

SEC. 28. That pilots heretofore appointed, or who may hereafter be appointed, shall conform to and be governed by the provisions of this Act, and such quarantine laws as may hereafter be enacted.

Rates of pilotage.

SEC. 29. That the following shall be the rates of pilotage in and out of the harbor of San Francisco: Vessels under fifteen feet draught, eight dollars per foot; outgoing vessels of fifteen feet draught, eight dollars per foot; incoming vessels of fifteen feet draught, ten dollars per foot; American and foreign men-of-war, twelve dollars per foot; incoming vessels of eight feet and over, twelve dollars per foot.

Vessels coasting within this State exempt. All vessels liable.

SEC. 30. That all vessels employed in the coasting trade within this State be exempted from this law.

On refusal of services of Pilot, half pilotage to be paid. Proviso.

SEC. 31. That all vessels arriving or leaving the harbor of San Francisco shall be liable for the above rates of pilotage when a pilot is employed, or when a vessel is spoken and the services of a pilot are refused, he shall be entitled to receive one half of the above rates: *Provided*, That all vessels engaged in the coasting trade of this State, or between this State and Oregon, or Washington Territory, and all vessels engaged in the whaling trade or business that may put in a port of this State for repairs or supplies shall not be liable to any charge for any pilotage, except when the services of a pilot shall have been actually accepted.

Exception.

When to take effect.

SEC. 32. This Act shall take effect immediately, and the Act entitled "An Act to establish Pilots and Pilot regulations for the Port of San Francisco," passed February twenty-fifth, eighteen hundred and fifty, and the Act entitled "An Act to amend an Act entitled an Act to establish Pilots and Pilot regulations for the Port of San Francisco," passed February twenty-fifth, eighteen hundred and fifty, approved April twenty-seventh, eighteen hundred and fifty-two, and all other Acts and parts of Acts relating to pilots and pilot regulations for the port of San Francisco be, and the same are hereby repealed.

Repealing clause.

CHAPTER XLV.

AN ACT to amend an Act entitled "An Act concerning the Salaries of Officers and Pay of Members of the Legislature," passed May 11, 1852.—[Passed May 13, 1854.]

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

Sec. 1 amended.

SECTION 1. That so much of section one of an Act entitled "An Act concerning the salaries of officers and pay of members of the Legislature," passed May eleventh, eighteen hundred and fifty-two, as relates to the salary of the Governor's Private Secretary be, and is hereby amended so as to read, "and Governor's Private Secretary, twenty-five hundred dollars."

Salary of Governor's Private Secretary \$2,500.

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

CHAPTER XLVI.

AN ACT to amend "An Act concerning Corporations."—[Passed May 13, 1854.]

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

SECTION 1. Section one hundred and seventy-five of chapter eight of an Act concerning Corporations, passed April twenty-second, one thousand eight hundred and fifty, is amended so as to read as follows : " It shall be lawful for all churches, congregations, religious, moral, beneficial, literary, or scientific associations or societies, by such rules or methods, as their rules, regulations or discipline may direct, to appoint or elect any number not less than three nor more than fifteen, as Trustees or Directors, to take charge of the estate and property belonging thereto; and to transact all affairs relative to the temporalities thereof."

SEC. 2. Section one hundred and eighty-four is amended so as to read as follows : " Whenever the rules, regulations and 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 chapter, as nearly as may be, and with all the powers and duties, and for the uses and purposes in this chapter provided for religious incorporations, and subject to all the conditions, limitations, and provisions in said chapter prescribed: *Provided*, That for proof of the appointment or election of such Bishop, Chief Priest, or Presiding Elder, 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; and that 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; and that the limitation in section one hundred and eighty-two shall apply to incorporations formed under this section; and, *Provided*, also, that the District Judge of the district in which any incorporation is formed under this chapter, shall at all times have access to the books of such incorporation."

Sec. 175 of Chap. 8 amended.

Amendment.

Religious societies may appoint Trustees.

Sec. 184 amended

Bishop, Chief Priest, or Presiding Elder, may become a sole corporation.

Proviso. What proof of appointment necessary.

Property held to be in trust for his denomination.

Limitation in Sec. 182 to apply. District Judge to have access to books.

CHAPTER XLVII.

AN ACT amendatory of an Act to provide for the Permanent Location of the Seats of Justice of the several Counties of this State, passed April 11, 1850.—[Passed May 13, 1854.]

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

Sec. 1 amended.
Inhabitants may
petition County
Judge for
removal.

SECTION 1. Section first of the above entitled Act is hereby amended so as to read as follows :

SECTION 1. Whenever the inhabitants of any county of this State desire to remove the seat of justice of the county from the place where it is fixed by law or otherwise, they may present a petition to the County Judge of their county, praying such removal, and that an election shall be held to determine to what place such removal shall be made.

Sec 2 amended.
When election
for County Seat
shall be ordered.

SEC. 2. The second section of said Act is hereby amended so as to read as follows :

SECTION 2. If the County Judge be satisfied that the petition be signed by qualified electors of the county equal in number to at least one-third of all the votes in the county at the last preceding general election, it shall be his duty, within five days after receiving such petition, to order an election, naming the day on which it shall be held, specifying its object, and the manner in which the votes are to be given.

Sec 5 amended.
Duty of County
Judge to give
notice of result.

SEC. 3. Section five of the above entitled Act is hereby amended so as to read as follows :

SECTION 5. When the returns shall have been received and compared, and the result ascertained, by the County Judge, if a majority of all the votes cast shall have been given in favor of any particular place, it shall be his duty to give notice of the result by publication in some newspaper, if there be one printed in the county; if not, then by causing notice thereof to be posted up in not less than five public places in the county. If no particular place shall have received such majority, then a new election shall be ordered forthwith by the County Judge, giving fifteen days notice in manner and form as herein specified, to determine which of the two places receiving the greatest number of votes at the previous election shall be the county seat.

What notice to
be given.
No place
receiving
majority, new
election to be
ordered.

CHAPTER XLVIII.

AN ACT amendatory of an Act to amend "An Act relating to Corporations," passed May 18, 1853.—[Passed May 13, 1854.]

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

Sec. 1 amended.

SECTION 1. Section first of an Act to amend "An Act relating to Corporations," passed May eighteenth, eighteen hundred and fifty-three, is hereby amended so as to read as follows :

Section 1. Any ten or more persons, citizens of this State, may assume corporate powers for the purpose of erecting Odd Fellows or Temperance Halls, or buildings for the purposes of the meetings of said societies, by filing a copy of their intention so to do with the County Recorder of any county wherein said societies exist, and may assume such corporate name as they may elect, and in that name may sue and be sued, and shall have all the rights of corporations in this State. Said corporations may make such constitutions, by-laws, rules and regulations, as they may deem best; *Provided*, That they are not contrary to the constitution and laws of this State.

Incorporations for building Odd Fellows or Temperance Halls, how formed.

Proviso.

CHAPTER XLIX.

AN ACT amendatory of "An Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges," passed March 30, 1853.--[Passed May 13, 1854.]

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

SECTION 1. Section one of "An Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges," passed March 30, 1853, is hereby amended so as to read as follows:

Sec. 1 amended.

Section 1. No person, not being a citizen of the United States, or who shall not have declared his intention to become such, prior to the passage of this Act, (California Indians excepted,) shall be allowed to take gold from the mines of this State, unless he shall have a license therefor as hereinafter provided.

Amendment. Unnaturalized foreigners not allowed to mine without license.

CHAPTER L.

AN ACT for the Protection of Game.--[Passed May 13, 1854]

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

SECTION 1. It shall not be lawful for any person or persons hereafter to take, kill, or destroy any of the following Game within the time hereinafter specified, viz: Quail or partridges, mallard duck, and the wood or summer duck, shall not be taken, killed or destroyed between the first day of March and the fifteenth day of September in each year.

Quail, partridge, mallard, wood or summer duck.

SEC. 2 It shall not be lawful for any person or persons hereafter to take, kill, or destroy the male or female of any elk, deer, or antelope, between the first day of January and the first day of July in each year.

Elk, deer, and antelope.

SEC. 3. Any person or persons offending against either of the provisions contained in the preceding sections, or who shall buy or sell, or expose to be sold, any such game above enumerated, or have any of the same or either of the same in their possession within the time and times

- therein specified, except such as are tamed and kept for show or curiosity, shall be fined in the sum of twenty-five dollars for each and every quail or partridge, mallard duck, wood or summer duck, elk, deer, or antelope, so taken, killed or destroyed, or bought or sold, or exposed to be sold, or in possession.
- Penalty.**
- Dis-position of fines.** SEC. 4. The fines imposed by this Act shall be paid into the County Treasury of the county where such fines may be imposed, and shall be set apart as a school fund.
- Bury of Justices to take cognizance.** SEC. 5. It shall be the duty of the Justices of the Peace within each of the said counties to take cognizance of any and all offences against either of the provisions of this Act, and all suits thereunder shall be prosecuted in the name of the people of the State of California against the person or persons offending.
- How suits to be prosecuted.**
- Penalty.** SEC. 6. Each and every person or persons offending against the provisions of this Act, shall be guilty of a misdemeanor, and shall be punished upon conviction by a fine of not more than five hundred dollars, or imprisonment in the county jail for a term not exceeding thirty days, or by both such fine and imprisonment.
- Repealing clause.** SEC. 7. The Act entitled "An Act for the protection of Game," passed May 1, 1852, is hereby repealed.

CHAPTER LI.

AN ACT to Incorporate a State Agricultural Society, and Appropriate Money for its Support — [Passed May 13, 1854]

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

- California State Agricultural Society incorporated.**
- Powers.** SECTION 1. There is hereby established and incorporated a society, to be known and designated by the name and style of the "California State Agricultural Society," and by that name and style shall have perpetual succession, and shall have power to contract and be contracted with, to sue and be sued, and shall have authority to have and use a common seal, to make, ordain, and establish and put in execution such by-laws, ordinances, rules and regulations as shall be necessary for the good government of said society, and the prudent and efficient management of its affairs: *Provided*, That said by-laws, ordinances, rules and regulations shall not be contrary to any provision of this charter, nor the laws and Constitution of this State or of the United States.
- Same.** SEC. 2. In addition to the powers above enumerated, the society shall, by its name aforesaid, have power to purchase and hold any quantity of land not exceeding two sections, and may sell and dispose of the same at pleasure, the said real estate shall be held by said society for the purpose of establishing a model experimental farm or farms, erecting enclosures, buildings, and other improvements calculated and designed for the meeting of the society, and for an exhibition of the various breeds of horses, cattle, mules, and other stock, and of agricultural, mechanical and domestic manufactures and productions, and for no other purpose. And
- May purchase and hold land, for establishing a model farm.**
- Exhibitions of stock, &c.**
- On dissolution of it is further enacted, that if from any cause said society shall ever be dissolved, or fail to meet within the period of two consecutive years, then**
- On dissolution of it is further enacted, that if from any cause said society shall ever be dissolved, or fail to meet within the period of two consecutive years, then**

the real estate held by it, together with all the buildings and appurtenances belonging to said estate, shall be sold as lands are now sold, by execution, and the proceeds deposited in the State Treasury, subject to the control of the Legislature.

SEC. 3. An annual meeting of the members of the society shall be held on the first Tuesday of October annually, at the city of San Francisco, unless otherwise ordered by the society.

SEC. 4. The fiscal, prudential and other concerns of the society shall be under the control and management of a President and seven Vice Presidents, a Corresponding Secretary, Recording Secretary and Treasurer, to be styled a Board of Directors, who shall be elected at the annual meeting of the members of said society. The said officers shall hold their office for one year, and until their successors are duly chosen, and shall have power to fill vacancies in said Board, that may happen during their continuance in office.

SEC. 5. For the purpose of carrying into effect this Act, F. W. Macondray, of San Francisco county, is hereby appointed President of this society; E. E. Beard, of Alameda county; J. K. Rose, of San Francisco county; D. W. C. Thompson, of Sonoma county; H. C. Malone, of Santa Clara county; W. H. Thompson, of San Francisco county; C. J. Hutchinson, of Sacramento county, Vice Presidents; J. L. L. F. Warren, of San Francisco county, Corresponding Secretary; U. V. Gillespie, of San Francisco county, Recording Secretary; David Chambers, of San Francisco county, Treasurer; who shall call the first meeting of the society at the city of San Francisco, and who are hereby authorized to solicit and receive subscriptions to said society, as hereinafter specified.

SEC. 6. The members of this society shall be composed of such persons as shall pay the sum of ten dollars to the Treasurer, annually, and such persons shall be members only for the year for which they shall have thus paid the amount aforesaid.

SEC. 7. The members of the society, by a majority of the votes present, shall determine in what amount, and on what object, the funds of the society shall be awarded as premiums at the exhibition succeeding their meeting, of which notice shall be given in some newspaper in the city of San Francisco, and such other newspapers as the society may direct.

SEC. 8. There is hereby appropriated, from any money in the treasury not otherwise appropriated, the sum of five thousand dollars, annually, for the space of four years, to be paid in the month of September of each year, to the Treasurer of said society, on a requisition on the Treasurer of this State, signed by the President and Recording Secretary of said society, which said sum shall be used only for the purpose of paying premiums, and for no other purpose whatsoever; and it shall be the duty of the Recording Secretary to make a statement annually of the expenditures of said society, and forward copies of the same to the Committee on Agriculture, of the Senate and Assembly; *Provided*, that every person in the State shall be at liberty to compete for and receive any premiums, whether a member of the society or not.

SEC. 9. No compensation shall be allowed to any officers of this society for services, except to the Corresponding Secretary, for his actual expenses, and to the Recording Secretary, and the amount allowed to the latter shall, in no case, exceed two hundred dollars per annum; and no part of said compensation shall be taken from the fund appropriated by the State.

SEC. 10. The society may, by a majority of the votes present, at any

bonds of officers. annual meeting, prescribe the duties of, and require bond and security from any of its officers.

On failure to serve of any officers appointed the Governor to appoint. SEC. 11. In case of failure or inability to serve of any of the persons mentioned in the fifth section of this Act, the Governor is hereby authorized to appoint some suitable person or persons to fill the vacancy or vacancies thus occasioned, and the said persons herein named, or those appointed as above directed, shall not be required to pay the subscription of ten dollars before they shall have authority to act in the organization of this society.

Not required to pay subscription

CHAPTER LII.

AN ACT to fix the place of residence of certain State Officers—
[Passed May 15, 1854.]

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

Certain officers to keep their offices at Sacramento. SEC. 1. The Governor, Secretary of State, State Treasurer, State Comptroller, Quartermaster General and Surveyor General shall reside and keep their respective offices at the city of Sacramento.

Repealing clause SEC. 2. So much of any Act or Acts or part or parts of any Act or Acts as may conflict with the provisions of this Act are hereby repealed.

CHAPTER LIII.

AN ACT explanatory of an Act entitled "An Act to prohibit Lotteries," passed March 11, 1851.—[Passed May 15, 1854.]

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

The term lottery to include raffles, and other devices. SEC. 1. The term "lottery," as used in an Act entitled "An Act to prohibit Lotteries," passed March eleventh, one thousand eight hundred and fifty, shall be so construed as to apply to and include within the provisions of that Act, lotteries, raffles, and all devices whatever in the nature of a lottery or raffles.

To take effect July 1, 1854. SEC. 2. This Act shall take effect and be in force from and after the first day of July, one thousand eight hundred and fifty-four.

CHAPTER LIIV.

AN ACT amendatory of and supplementary to the Act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice of this State."—[Passed May 15, 1854.]

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

SECTION 1. The Act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice of this State," passed April twenty-ninth, eighteen hundred and fifty-one, is hereby amended as specified in this Act. Civil Practice Act of 1851 amended.

SEC. 2. Section four of said Act is amended so as to read as follows: Sec. 4 amended.

Section 4. Every action shall be prosecuted in the name of the real party in interest, except as otherwise provided in this Act; but this section shall not be deemed to authorize the assignment of an account, unliquidated demand, or of a thing in action not arising out of contract. Amendment. Action to be prosecuted. Exception. Account. unliquidated demand, or chose in action, not to assigned.

SEC. 3. Section 6 of said Act is amended so as to read as follows:

Section 6. An executor or administrator, or trustee of an express trust, or a person expressly authorized by statute, may sue without joining with him the person or persons for whose benefit the action is prosecuted. A trustee of an express trust within the meaning of this section, shall be construed to include a person, with whom, or in whose name, a contract is made for the benefit of another. Sec. 6 amended. Amendment. Executor, Administrator, and Trustee, how to sue Trustee of an express trust defined.

SEC. 4. Section 24 of said Act is amended so as to read as follows:

Section 24. The summons shall state the parties to the action, the court in which it is brought, the county in which the complaint is filed, and require the defendant to appear and answer the complaint, within the time mentioned in the next section, after the service of summons exclusive of the day of service, or that judgment by default will be taken against him according to the prayer of the complaint, briefly stating the sum or other relief demanded in the complaint. Sec. 24 amended. Amendment. Form of summons.

SEC. 5. Section 28 is amended so as to read as follows:

Section 28. The summons shall be served by the sheriff of the county where the defendant is found, or by his deputy, or by a person specially appointed by him, or appointed by a judge of the court in which the action is brought except as is hereinafter provided, a copy of the complaint certified by the clerk shall be served with the summons. The summons shall be returned with the certificate or affidavit of the officer, of its service, and of the service of the copy of the complaint to the office of the clerk from which the summons issued: *Provided*, If there be more than one defendant to the action, and such defendants reside within three miles of the County Clerk's office, a copy of the complaint need be served only on one of the defendants. Sec. 28 amended. Amendment. Service of summons. Exception. Copy of complaint to be served. Return of summons. Proviso. When more than one defendant, how complaint to be served.

SEC. 6. Section 29 is amended so as to read as follows:

Section 29. The summons shall be served by delivering a copy thereof as follows: Sec. 29 amended. Manner of serving summons when against a corporation. Same, when suit is against a minor.

First: If the suit be against a corporation, to the president or other head of the corporation, secretary, cashier, or managing agent thereof.

Second: If against a minor under the age of fourteen years, to such

minor personally, and also to his father, mother, or guardian, or if there be none within the State, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed.

Same, when against a person declared to be in-sane, or non compos mentis.

Third: If against a person judicially declared to be of unsound mind, or incapable of conducting his own affairs, and for whom a guardian has been appointed, to such guardian.

Fourth: In all other cases to the defendant personally.

Sec. 43 amended. Amendment. Amended complaint to be served. Time to answer. Judgment, by default on failure to answer. Sec. 46 amended. Amendment. Form of defendant's answer.

SEC. 7. Section 43 of said Act is amended so as to read as follows:

Section 43. If the complaint be amended, a copy as amended shall be filed, and a copy served upon the defendant, or his attorney if he has appeared by attorney. The defendant shall be allowed the same time to answer as upon the service of the original complaint, and judgment by default may be entered upon failure to answer, as in other cases.

SEC. 8. Section 46 of said Act is amended so as to read as follows:

Section 46. The answer of the defendant shall contain—

First: If the complaint be verified, a specific denial to each allegation of the complaint controverted by the defendant or a denial thereof, according to his information and belief, if the complaint be not verified, then a general denial to each of such allegations, but a general denial shall only put in issue the material and express allegations of the complaint.

Second: A statement of any new matter constituting a defence in ordinary and concise language.

SEC. 9. Section 50 of said Act is amended so as to read as follows:

Section 50. When the answer contains new matter, the plaintiff may demur to the same for insufficiency, stating in his demurrer the grounds thereof, and he may also demur to one or more of several defences set up in the answer. Sham and irrelevant answers and defences may be stricken out on motion, and upon such terms as the court in its discretion may impose.

General denial not to put in issue the material and express allegations of complaint. New matter. Sec. 50 amended. Amendment. Demurrer to answer.

Sham answers.

Sec. 65 amended. Amendment. Material allegations not denied, to be taken as true. New matter to be deemed controverted. Sec. 67 amended.

SEC. 10. Section 65 of said Act is amended so as to read as follows:

Section 65. Every material allegation of the complaint, when it is verified not specifically controverted by the answer, shall, for the purpose of the action, be taken as true. The allegation of new matter in the answer shall, on trial, be deemed controverted by the adverse party as upon a direct denial or avoidance, as the case may require.

SEC. 11. Section 67 of said Act is amended so as to read as follows:

Section 67. After demurrer and before the trial of issue on demurrer, either party may within ten days amend any pleading demurred to of course and without costs, filing the same as amended and serving a copy thereof, upon the adverse party or his attorney, who shall have ten days to answer or demur thereto if the pleading be a complaint, or to demur thereto if it be an answer; but a party shall not so amend more than once. When a demurrer to a complaint is overruled and there is no answer filed, the court may, upon such terms as shall be just, and upon payment of costs, allow the defendant to file an answer. If a demurrer to the answer be overruled, the facts alleged in the answer shall still be considered as denied.

Parties may amend after demurrer. Copy to be served. Ten days to answer, &c. Not to amend more than once. Demurrer overruled, Court may allow, &c. Demurrer not to admit facts, &c.

Sec. 84 amended.

SEC. 12. Section 84 of said Act is amended so as to read as follows:

Section 84. If the bail neglect or refuse to pay the judgment within ten days after they are finally charged, an action may be commenced against such bail for the amount of such original judgment.

Bail neglecting to pay judgment.

Sec. 101 amended. Plaintiff by

SEC. 13. Section 101 of said Act is amended so as to read as follows:

Section 101. The plaintiff or his attorney may thereupon, by an en-

dorsement in writing upon the affidavit, require the sheriff of the county where the property claimed may be, to take the same from the defendant.

SEC. 14. Section 102 of said Act is amended so as to read as follows:

Section 102. Upon a receipt of the affidavit, and notice with a written undertaking executed by two or more sufficient sureties, approved by the sheriff to the effect that they are bound to the defendant in double the value of the property as stated in the affidavit for the prosecution of the action, for the return of the property to the defendants, if return thereof be adjudged, and for the payment to him of such sum as may from any cause be recovered against the plaintiff, the sheriff shall forthwith take the property, described in the affidavit, if it be in the possession of the defendant or his agent, and retain it in his custody. He shall also without delay serve on the defendant a copy of the affidavit, notice and undertaking by delivering the same to him personally if he can be found, or to his agent, from whose possession the property is taken, or if neither can be found, by leaving them at the usual place of abode of either, with some person of suitable age and discretion, or if neither have any known place of abode, by putting them in the nearest post office directed to the defendant.

endorsement on the affidavit, &c.

Sec. 102 amended

When Sheriff required to take the property.

Copy of affidavit, &c., to be served on defendant. How served.

SEC. 15. Section 110 of said Act is amended so as to read as follows:

Section 110. The sheriff shall file the notice undertaking, and affidavit with his proceedings thereon with the clerk of the court in which the action is pending, within twenty days after taking the property mentioned therein.

Sec. 110 amend'd. Notice &c., to be filed.

When to be filed

SEC. 16. Section 136 of said Act is amended so as to read as follows:

Section 136. Whenever the defendant shall have appeared in the action, he may apply upon reasonable notice to the plaintiff, to the court in which the action is pending, or to the judge thereof, or to a county judge, for an order to discharge the same upon the execution of the undertaking mentioned in the next section, and if the application be granted all the proceeds of sales and monies collected by the sheriff, and all the property attached remaining in his hands, shall be released from the attachment and delivered to the defendant upon the justification of the sureties on the undertaking if required by the plaintiff.

Sec. 136 amend'd.

Defendant may apply for discharge.

On application granted. Sheriff to release and deliver property.

SEC. 17. Section 137 of said Act is amended so as to read as follows:

Section 137. Upon such application the defendant shall deliver to the court or judge an undertaking executed by at least two sureties, residents and free-holders or house-holders in the county, to the effect that the sureties will on demand pay to the plaintiff the amount of any judgment that may be recovered in favor of the plaintiff in the action, not exceeding the sum specified in the undertaking, which shall be sufficient to satisfy the amount claimed by the plaintiff in his complaint, and the costs. The sureties may be required to justify on such application before the judge or court, and the property attached shall not be released from an attachment, without their justification, if the same be required.

Sec. 137 amend'd.

Defendant to deliver undertaking.

Amount of,

How sureties shall justify.

SEC. 18. Section 138 of said Act is amended so as to read as follows:

Section 138. The defendant may also any time before the time for answering expires, apply on motion, upon reasonable notice to the plaintiff, to the court in which the action is brought, or to the judge thereof, or to the county judge, that the attachment be discharged on the ground that the writ was improperly issued.

Sec. 138 amend'd.

Defendant may apply for discharge of attachment.

SEC. 19. Section 143 of said Act is hereby repealed, and the following is substituted in its place:

Sec. 143 repealed. Substitution. Receiver may be appointed.

Section 143. A receiver may be appointed by the court in which the action is pending, or by a judge thereof.

In what cases.

First: Before judgment, provisionally on the application of either party when he establishes a *prima facie* right to the property, or to an interest in the property, which is the subject of the action, and which is in possession of an adverse party, and the property or its rents and profits are in danger of being lost or materially injured or impaired.

The same.

Second: After judgment, to dispose of the property according to the judgment, or to preserve it during the pending of an appeal, and,

Third: In such other cases as are in accordance with the practice of courts of equity jurisdiction.

Sec. 152 amend'd.
Issue of law defined.

SEC. 20. Section 152 of said Act is amended so as to read as follows:
Section 152. An issue of law arises upon a demurrer to the complaint or answer to some part thereof.

Sec. 153 amend'd.
Issue of fact defined.

SEC. 21. Section 153 of said Act is amended so as to read as follows:
Section 153. An issue of fact arises:—

First: Upon a material allegation in the complaint controverted by the answer; and,

Second: Upon new matters in the answer, except an issue of law is joined therein.

Sec. 175 amend'd.
General and special verdicts.

SEC. 22. Section 175 of said Act is amended so as to read as follows:
Section 175. In an action for the recovery of money only, or specific real property, the jury in their discretion may render a general or special verdict.

Court may direct a special verdict.

In all other cases the court may direct the jury to find a special verdict in writing upon all or any of the issues, and in all cases may instruct them, if they render a general verdict, to find upon particular questions of fact, to be stated in writing, and may direct a written finding thereon. The special verdict or finding shall be filed with the clerk and entered upon the minutes, where a special finding of facts shall be inconsistent with the general verdict, the former shall control the latter, and the court shall give judgment accordingly.

Instructions to the jury.

When special finding and general verdict inconsistent.

Sec. 198 amend'd.
Case reserved may be brought before the Court.

SEC. 23. Section 198 is amended so as to read as follows:

Section 198. When the case is reserved for argument or further consideration, as mentioned in the last section, it may be brought by either party before the court for argument.

Sec. 217 amend'd.
What property liable to execution.

SEC. 24. Section 217 of said Act is amended so as to read as follows:

Property not affected without a levy.
Property not capable of manual delivery.
Gold dust shall be returned at its current value.
Not to be sold.

Section 217. All goods, chattels, monies and other property, real and personal, of the judgment debtor, not exempt by law, and all property and rights of property seized and held under attachment in the action, shall be liable to execution. Until a levy, property shall not be affected by the execution. Shares and interests in any corporation or company, and debts and credits and other property not capable of manual delivery, may be attached on execution in like manner as upon writs of attachment. Gold dust shall be returned by the officer as so much money collected at its current value, without exposing the same to sale.

Sec. 219 amend'd.
Property exempt from execution.

SEC. 25. Section 219 of said Act is amended so as to read as follows:
Section 219. The following property shall be exempt from execution, except as herein otherwise specially provided:

Chattels to amount of \$100.

First: Chairs, tables, desks and books to the value of one hundred dollars, belonging to the judgment debtor.

The same.
Necessary household furniture, &c.

Second: Necessary household, table and kitchen furniture, belonging to the judgment debtor, including stove, stove pipe and stove furniture, wearing apparel, beds, bedding and bedsteads; and provisions actually provided for individual or family use sufficient for one month.

The same.

Third: The farming utensils or implements of husbandry of the judgment debtor, also, two oxen or two horses or two mules and their

harness, two cows, and one cart or wagon, and food for such oxen, horses, cows or mules for one month. Farming utensils, &c.

Fourth: The tools and implements of a mechanic, necessary to carry on his trade, the instruments and chests of a surgeon, physician, surveyor and dentist, necessary to the exercise of their profession. with the professional library and the law libraries of an attorney or counsellor. The same. Tools of mechanics, &c. Instruments, chests, and books of professional men.

Fifth: The tent and furniture, including a table, camp stools, bed and bedding of a miner; also, his rocker, shovels, spade, wheelbarrows, pumps, and other instruments used in mining, with provisions necessary for his support for one month. The same. Mining implements.

Sixth: Two oxen or two horses or two mules, and their harness, and one cart or wagon, by the use of which a cartman, teamster or other laborer habitually earns his living, and food for such oxen, horses or mules for one month; and a horse, harness and vehicle used by a physician or surgeon in making his professional visits. The same. Food for animals

Seventh: All fire engines, with the carts, buckets, hose and apparatus thereto appertaining of any fire company or department, organized under any law of this State. The same. Fire engines and apparatus.

Eighth: All arms and accoutrements required by law to be kept by any person; but no article mentioned in this section shall be exempt from execution issued on a judgment recovered for its price, or upon a mortgage thereon. Arms. &c. No article to be exempt from judgment, &c.

Ninth: All courthouses, jails, public offices and buildings, lots, grounds, and personal property, belonging to any county of this State, and all cemeteries, public squares, parks, and places, public buildings, town halls, markets, building-appertaining to the fire departments, and the lots and grounds thereunto 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. Public property. Cemeteries, public squares and buildings.

SEC. 26. Section 239 of said Act is amended so as to read as follows: Sec. 239 amended

Section 239. After the issuing of an execution against property, and upon proof by affidavit, of a party or otherwise to the satisfaction of the court, or of a judge thereof, or county judge, that any judgment debtor has property which he unjustly refuses to apply towards the satisfaction of the judgment, such court or judge may, by an order require the judgment debtor to appear at a specified time and place before such judge, or a referee appointed by him, to answer concerning the same; and such proceedings may thereupon be had for the application of the property of the judgment debtor toward the satisfaction of the judgment as are provided upon the return of an execution. Instead of the order requiring the attendance of the judgment debtor, the judge may upon affidavit of the judgment creditor, his agent or attorney, if it appear to him that there is danger of the debtor absconding, order the sheriff to arrest the debtor and bring him before such judge. Upon being brought before the judge, he may be ordered to enter into an undertaking with sufficient surety that he will attend from time to time before the judge or referee, as shall be directed during the pendency of proceedings and until the final determination thereof, and will not in the meantime dispose of any portion of his property, not exempt from execution. In default of entering into such undertaking, he may be committed to prison. Party may be examined. Proceedings thereon. Debtor may be arrested. May be made to give security. Not to dispose of his property. In default may be committed.

SEC. 27. Section 264 of said Act is amended so as to read as follows: Sec. 264 amended

Section 264. When several persons hold and are in possession of real property, as joint tenants, or as tenants in common, in which one or more of them have an estate of inheritance, or for life or lives, or for years, an action may be brought by one or more of such persons for a partition. Action for partition.

thereof, according to the respective rights of the persons interested therein ; and for a sale of such property, or a part of it, if it appear that a partition cannot be made without great prejudice to the owners.

Sec 289 amended Sec. 28. Section 289 of said Act is amended so as to read as follows :

Referees may take mortgages, &c. Securities. Section 289. The referees may take separate mortgages and other securities for the whole, or convenient portions of the purchase money of such parts of the property as are directed by the court to be sold on credit, for the shares of any known owner of full age, in the name of such owner ; and for the shares of an infant in the name of the guardian of such infant, and for other shares in the name of the clerk of the county and his successors in office.

Sec. 333 amended Sec. 29. Section 333 of said Act is amended so as to read as follows :

Judgment not expressly final. Section 333. A judgment or order in a civil action, except when expressly made final by this Act, may be reviewed as prescribed by this title, and not otherwise.

Sec. 336 amended Sec. 30. Section 336 of said Act is amended so as to read as follows :
Section 336. An appeal may be taken :

Appeals, when they may be taken. *First* : From a final judgment in an action or special proceeding commenced in the court in which the judgment is rendered within one year after the rendition of the judgment.

Second : From a judgment rendered on an appeal from an inferior court within ninety days after the rendition of the judgment.

The same. *Third* : From an order granting or refusing a new trial, from an order refusing to change the place of trial of an action or proceeding after a motion is made therefor in the cases provided by law, or on the ground that the Judge is disqualified from hearing or trying the same, from an order granting or dissolving an injunction, and from any special order made after final judgment within sixty days after the order is made and entered in the minutes of the court. This section shall not extend to appeals to the District Court from orders or judgments of the Probate Courts, but shall extend to judgments rendered in the District Courts upon such appeals.

Not to extend to appeals from Probate to District Court. Sec. 31. Section 343 of said Act is amended so as to read as follows :

Sec. 343 amended Section 343. The provisions of the last five preceding sections shall not apply to appeals taken from an order made upon affidavit filed, but such affidavits shall be annexed to the order in the place of the statement mentioned in those sections.

Sec. 346 amended Sec. 32. Section 346 of said Act is amended so as to read as follows :

Copy of the notice of appeal. Appeals from judgment. What papers to be furnished. Copy of written opinion. On failure to furnish. Section 346. On an appeal from a final judgment the appellant shall furnish the court with a copy of the notice of appeal, the judgment roll and the statement annexed (if there be one), certified by the clerk to be a correct copy. An appeal from a judgment rendered on an appeal, or from an order, the appellant shall furnish the court with a copy of the notice of appeal, the judgment or order appealed from, and a copy of the papers used in the hearing of the court below, such copies to be certified by the clerk to be correct. If any written opinion be placed on file on rendering the judgment, or making the order in the court below, a copy shall be furnished. If the appellant fail to furnish the requisite papers, the appeal may be dismissed.

Sec 347 amended Sec. 33. Section 347 of said Act is amended so as to read as follows :

In what cases appeals may be taken. Section 347. An appeal may be taken to the Supreme Court from the District Courts and the Superior Court of the city of San Francisco in the following cases :

First : From a final judgment rendered in an action or special proceeding commenced in those courts, or brought into those courts from another court.

Second : From an order granting or refusing a new trial, from an order refusing to change the place of trial of an action or proceeding after a motion is made therefor, in the cases provided by law, or on the ground that a Judge is disqualified from hearing or trying the same ; from an order granting or dissolving an injunction, and from any special order made after final judgment. The same.

SEC. 34. Section 355 of said Act is amended so as to read as follows: Sec 355 amended

Section 355. An undertaking upon an appeal shall be of no effect unless it be accompanied by the affidavit of the sureties that they are each worth the amount specified therein, over and above all their just debts and liabilities, exclusive of the property exempt from execution, except where the judgment exceeds three thousand dollars, and the undertaking on appeal is executed by more than two sureties, they may state in their affidavit that they are severally worth amounts less than that expressed in the undertaking, if the whole amount be equivalent to that of two sufficient sureties. The adverse party may however except to the sufficiency of the sureties within five days after the filing of the undertaking, and unless they or other sureties justify before a Judge of the court below, or a County Judge, or the County Clerk, within five days thereafter, upon notice to the adverse party, to the amounts stated in their affidavits, the appeal shall be regarded as if no such undertaking had been given: and in all cases where an undertaking is required on appeal by the provisions of this chapter, a deposit in the court below of the amount of the judgment appealed from, and three hundred dollars in addition shall be equivalent to filing the undertaking, and in all cases the undertaking or deposit may be waived by the written consent of the respondent. Undertaking upon appeal.
Purport of affidavit.
Exception.
More than two sureties though worth severally less than the amount.
Sureties.
Adverse party may except to sureties.
Sureties must justify
Deposit equivalent to.
Undertaking and deposit may be waived by consent of respondent.

SEC. 35. Section 357 of said Act is amended so as to read as follows: Sec. 357 amended

Section 357. Appeals in the Supreme Court may be brought to a hearing by either party, upon a notice of three days to the opposite party. Before the argument, each party shall furnish to the other, and each of the Justices, a copy of his points and authorities ; or either party may file one copy thereof with the clerk, who shall cause the requisite copies to be made. Appeals may be brought to hearing.
Briefs to be furnished.

SEC. 36. Chapter III. of Title IX., and sections 359, 360, 361 and 362, of said Act are hereby amended so as to read as follows :

CHAPTER III.

Appeals to the Supreme Court from the County Court.

Section 359. An appeal may be taken to the Supreme Court from a judgment of the County Court, in all cases where the amount in dispute exceeds two hundred dollars, or where the legality of any tax, toll or impost or municipal fine is in question. When appeals may be taken.

Section 360. Security shall be given upon such appeal in the same manner and to the same extent as upon an appeal to the Supreme Court What security shall be given.

from the District Court, and like justification on the part of the sureties may be required.

How appeals may be brought to a hearing.

Section 361. Appeals from the County Court shall be brought to a hearing in the same manner and upon like notice as appeals from the District Court.

Appellant shall furnish papers.

Section 362. The appellant shall furnish the papers for the Supreme Court in the same manner as upon appeals from the District Court.

Sec. 365 amend'd.

Sec. 37. Section 365 of said Act is amended so as to read as follows :

Appeals from Probate Court. Failure to prosecute.

Section 365. Appeals from the Probate Court shall be brought to a hearing at the earliest period practicable. For a failure to prosecute an appeal, or unnecessary delay in bringing it to a hearing, the District Court may order the appeal to be dismissed.

Sec. 366 amended

Sec. 38. Section 366 of said Act is amended so as to read as follows :

Judgments of Justices, Mayors, and Recorders. Appeal on points of law. Appeal on fact, or on both law and fact. Jury may be demanded.

Section 366. Judgments in all civil cases rendered by Justices', Recorders', and Mayors' Courts, may be renewed by the County Court. When the appeal is taken on questions of law alone it shall be heard on a statement of the case prepared as prescribed in Title XVI. of this Act. When the appeal is taken on questions of fact, or on questions of both law and fact, the action shall be tried anew in the County Court, and either party may, on such trial, demand a jury.

Sec. 367 amended

Sec. 39. Section 367 of said Act is amended so as to read as follows :

Appeals on a statement of the case. Powers of the Courts.

Section 367. Upon an appeal heard upon a statement of the case the County Court may review all orders affecting the judgment appealed from, and may set aside or confirm, or modify any or all of the proceedings subsequent to, and dependent upon said judgment, and may if necessary or proper order a new trial. When the action is tried anew on appeal the trial shall be conducted in all respects as trials in the District Court. The provisions of this Act as to changing the place of trial, and all the provisions as to trials in the District Court, shall be applicable to trials on appeal in the County Court. For a failure to prosecute an appeal, or unnecessary delay in bringing it to a hearing, the County Court, after notice, may order the appeal to be dismissed. Judgments rendered in the County Court on appeal shall have the same force and effect and be enforced in the same manner as judgments in actions commenced in the District Court.

When the action is tried anew on appeal. Change of venue.

Effect of judgments.

Sec. 392 amended

Sec. 40. Section 392 of said Act is amended so as to read as follows :

Competency of witnesses.

Section 392. No person offered as a witness shall be excluded on account of his opinions on matters of religious belief, nor shall any person be excluded on account of his interest in the event of the action or proceedings, except in the following cases :

Same. Interest which excludes a witness.

First : When he is a party to the action or proceeding, or the action or proceeding is prosecuted or defended for his immediate benefit.

Second : When his interest is a present, certain and vested interest.

Sec. 393 amend'd. Test of interest.

Sec. 41. Section 393 of said Act is amended so as to read as follows :

Section 393. The true test of the interest of a person, which shall render him incompetent as a witness, shall be that he will gain or lose by the direct legal operation and effect of the judgment, or that the record of the judgment will be legal evidence for or against him in some other action, but nothing in this, or in the last section, shall prevent a party calling as a witness the adverse party to the action, or a person whose interest is adverse, nor a party being a witness in the cases mentioned in section 423.

Sec. 394 amend'd. Who excluded.

Sec. 42. Section 394 of said Act is amended so as to read as follows :

Section 394. The following persons shall not be witnesses :

First : Those who are of unsound mind at the time of their production for examination.

Second : Children under ten years of age who, in the opinion of the court, appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly.

Third : Indians or persons having one half or more of Indian blood, and negroes or persons having one half or more of negro blood, in an action or proceeding to which a white person is a party.

Fourth : Persons against whom judgment has been rendered upon a conviction for a felony, unless pardoned by the Governor or such judgment has been reversed on appeal.

SEC. 43. Section 423 of said Act is amended so as to read as follows : Sec. 423 amended

Section 423. Parties may be witnesses on their own behalf when the action is brought for the settlement of, or in relation to, the business and accounts of a copartnership then existing, or which had previously existed, between them, to prove vouchers or items of account under one hundred dollars. when parties may be witnesses

SEC. 44. Section 450 of said Act is amended so as to read as follows : Sec. 450 amended

Section 450. The records and judicial proceedings of the courts of any other State of the United States may be proved or admitted in the courts of this State by the attestation of the clerk and the seal of the court annexed, if there be a seal, together with a certificate of the Judge, Chief Justice or Presiding Magistrate, as the case may be, that the said attestation is in due form. How the records, &c. of courts of other States may be proved.

SEC. 45. Section 541 of said Act is amended so as to read as follows : Sec. 541 amended

Section 541. The time mentioned in the summons for the appearance of the defendant and time of service, shall be as follows : Time of appearance.

First : When the summons is accompanied with an order to arrest the defendant, it shall be returnable immediately. Time of service of summons.

Second : When the defendant is not a resident of the township or city, or when the plaintiff is not a resident, it shall be returnable not more than two days from its date, and shall be served at least one day before the time for appearance.

Third : In all other cases it shall be returnable in not less than two or more than ten days from its date, and shall be served at least two days before the time for appearance.

SEC. 46. Section 543 of said Act is hereby repealed, and the following section substituted in its place : Sec. 543 repealed.

Section 543. When the person upon whom the service is to be made resides out of the State, or has departed from the State, or cannot after due diligence be found within the State, or conceals himself to avoid the service of summons, and the fact shall appear, by affidavit, to the satisfaction of the Justice, and it shall, in like manner, appear that a cause of action exists against the defendant in respect to whom the service is to be made, the Justice shall grant an order that the service be made by the publication of the summons ; the order shall direct the publication to be made in a newspaper, to be designated as most likely to give notice to the person to be served, and for such length of time as may be deemed reasonable, at least once a week : *Provided*, That publication against a defendant residing out of the State, or absent therefrom, shall not be less than three months. Substitute. When defendant is non-resident, service to be made by publication.

The service of summons shall be deemed complete at the expiration of the time prescribed by the order of publication ; the Copy of the summons.

Justice shall also direct a copy of the summons to be forthwith deposited in the post-office, directed to the person to be served at his place of residence.

Sec 577 amended

SEC. 47. Section 577 of said Act is amended so as to read as follows:

Genuineness of the signatures.

Section 577. If the plaintiff annex to his complaint or file with the Justice at the time of issuing the summons, a copy of the promissory note, bill of exchange, or other written obligation for the payment of money upon which the action is brought, the defendant shall be deemed to admit the genuineness of the signatures of the makers, endorsers, or assignors thereof, unless he specifically deny the same in his answer, and verifying the answer by his oath.

Sec. 583 amended

SEC. 48. Section 583 of said Act is amended so as to read as follows:

Adjournment of trial, how obtained.

Section 583. The trial may be adjourned by consent, or upon application of either party, without the consent of the other, for a period not exceeding ten days, (except as provided in the next section,) as follows:

The same.

First: The party asking the adjournment shall, if required by his adversary, prove, by his own oath or otherwise, that he cannot, for want of material testimony, which he expects to procure, safely proceed to trial, and shall show in what respect the testimony expected is material, and that he has used due diligence to procure it, and has been unable to do so.

On adjournment of trial. &c

Second: The party asking the adjournment shall also, if required by the adverse party, consent that the testimony of any witness of such adverse party who is in attendance, be then taken by deposition before the Justice, which shall accordingly be done, and the testimony so taken may be read on the trial, with the same effect and subject to the same objections as if the witness were produced; but such objections shall be made at the time of taking the deposition.

Court may require the party to state the evidence

Third: The court may also require the moving party to state, upon affidavit, the evidence which he expects to obtain, and if the adverse party thereupon admit that such evidence would be given, and that it be considered as actually given on the trial, or offered and overruled as improper, the trial shall not be postponed.

Sec. 584 amended

SEC. 49. Section 584 of said Act is amended so as to read as follows:

How long an adjournment may be had.

Section 584. An adjournment may be had, either at the time of joining issue, or at any subsequent time to which the case may stand adjourned, on application of either party, for a period longer than ten days, but not to exceed four months, from the time of the return of the summons, upon proof by the oath of the party, or otherwise, to the satisfaction of the Justice, that such party cannot be ready for trial before the time to which he desires an adjournment, for want of material evidence, particularly describing it, and that the delay has not been made necessary by any act or negligence on his part since the action was commenced; that he has used due diligence to procure the evidence, and has been unable to do so, and that he expects to procure the evidence at the time stated by him: *Provided,* That if the adverse party admit that such evidence would be given, and consent that it may be considered as given on the trial, or offered, or overruled as improper, the adjournment shall not be had.

Upon what evidence.

Proviso.

If testimony be admitted.

Sec 594 amended

SEC. 50. Section 594 of said Act is amended so as to read as follows:

Section 594. Upon a verdict, the Justice shall immediately render

judgment accordingly. When the trial is by the Justice, judgment shall be entered immediately after the close of the trial if the defendant has been arrested and is still in custody; in other cases it shall be entered within four days after the close of the trial. If the action be on contract against two or more defendants, and the summons is served on one or more, but not on all, the judgment shall be entered up only against those who were served, if the contract be a several or a joint and several contract; but if the contract be a joint contract only, the judgment shall be entered up against all the defendants, but shall only be enforced against the joint property of all, and the separate property of the defendants served.

Judgment.

When action is against two or more defendants.

If the contract be joint.
Against what property.

SEC. 51. Section 599 of said Act is hereby amended so as to read as follows:

Sec 599 amended

Section 599. The Justice on demand of the party in whose favor judgment is rendered, shall give him a transcript thereof, which may be filed and docketed in the office of the clerk of the county where the judgment was rendered. The time of the receipt of the transcript by the County Clerk shall be noted by him thereon, and entered in the docket; and from that time, executions may be issued by the County Clerk on such judgments to the Sheriff of any other county of the State, in the same manner as upon judgments recovered in the higher courts. All process upon judgments recovered in Justices' Courts to be executed within the same county, shall be issued by the Justice or his successors in office. No judgment rendered by a Justice of the Peace shall create any lien upon any lands of the defendant, unless a transcript of such judgment, certified by the Justice, be filed and recorded in the office of the Recorder. When such transcript is to be filed in any other county than that in which the Justice resides, such transcript shall be accompanied with the certificate of the County Clerk as to the official character of the Justice. When so filed and recorded in the office of the Recorder for any county, such judgment shall constitute a lien upon, and bind the lands and tenements of the judgment debtor, situated in the county where such transcript may be filed and recorded in favor of such judgment creditor, as if such judgment had been rendered in the District Court of such county.

Justice to give transcript of judgment.

Duty of County Clerk.

Executions may be issued.

Process on judgment may be issued by successor.

When judgment of Justice a lien on lands.

The same.

SEC. 52. Section 602 of said Act is amended so as to read as follows:

Sec. 602 amended

Section 602. The Sheriff or Constable to whom the execution is directed shall proceed to execute the same in the same manner as the Sheriff is required by the provisions of Title VII, of this Act, to proceed upon executions directed to him; and the Constable, when the execution is directed to him, shall be vested for that purpose with all the powers of the Sheriff, and, after issuing an execution, and either before or after its return, (if the same be returned unsatisfied either in whole or in part,) the judgment creditor shall be entitled to an order from the Justice requiring the judgment debtor to attend at a time to be designated in the order, and answer concerning his property before such Justice, and the attendance of such debtor may be enforced by the Justice, on his attendance, such debtor may be examined under oath concerning his property, and any person alleged to have in his hands property, moneys, effects, or credits of the judgment debtor may also be required to attend and be examined, and the Justice may order any property in the hands of the judgment debtor or any other person not exempt from execution, belonging to such debtor, to be applied towards the satisfaction of the judgment; and the Justice may enforce such order by imprisonment until complied with, but no judgment debtor or other person shall

How Sheriff to proceed in execution.

Constable, how.

Examination of debtor on oath.

Property of debtor

- Debtor not required to attend out of his county
Sec. 603 amended
- be required to attend before the Justice out of the county in which he resides.
- Sec. 53. Section 603 of said Act is amended so as to read as follows:
- What provisions applicable.
Sec. 624 amended
- Section 603. Those provisions of this Act which are referred to in this title and no other, shall, in addition to the provisions embraced in this title, be applicable to Justices' Courts and proceedings therein.
- Sec. 54. Section 624 of said Act is amended so as to read as follows:
- Appeals from Justices' Courts.
How appeal to be taken.
- Section 624. Any party dissatisfied with a judgment rendered in a Justice's Court, may appeal therefrom to the County Court of the county any time within thirty days after the rendition of the judgment. The appeal shall be taken by filing a notice of appeal with the Justice, and serving a copy on the adverse party. The notice shall state whether the appeal is taken from the whole or a part of the judgment, and if from a part, what part, and whether the appeal is taken on questions of law or fact, or both.
- Sec. 625 amended
Appeals on points of law.
How taken.
- Sec. 55. Section 625 of said Act is amended so as to read as follows:
- Section 625. When a party appeals to the County Court on questions of law alone, he shall, within the time allowed by the previous section to appeal, prepare a statement of the case, and file the same with the Justice; the statement shall contain the grounds upon which the party intend to rely on the appeal, and so much of the evidence as may be necessary to explain the grounds, and no more; within ten days after filing the statements, the adverse party, if dissatisfied with the same, may file amendments; the proposed statements and amendments shall be settled by the Justice; if no amendments be filed, the original statement shall be adopted; the statement thus adopted, or as settled by the Justice, with a copy of the docket of the Justice, shall be used on the hearing of the appeal before the County Court.
- The same.
- Sec. 626 repealed.
Substitute.
When action to be tried.
- Sec. 56. Section 626 of said Act is hereby repealed, and the following section is substituted in its place.
- Section 626. When a party appeals to the County Court on questions of fact, or on questions of both law and fact, no statement need be made, but the action shall be tried anew in the County Court.
- Sec. 627 amended
What papers to be sent up.
- Sec. 57. Section 627 of said Act is amended so as to read as follows:
- Section 627. Upon receiving the notice of appeal, and on payment of the fees of the Justices, and filing an undertaking as required in the next section, the Justice shall transmit to the Clerk of the County Court, a certified transcript of his docket, the pleadings, the notice of appeal received, and the undertaking filed; and when the appeal is on questions of law alone, the statement is admitted or settled, and Justices may be compelled by the County Court to transmit such transcript and papers, and may be fined for neglect or refusal to transmit the same.
- Sec. 628 amended
When appeal effectual.
Stay of proceedings.
The same.
- Sec. 58. Section 628 of said Act is amended so as to read as follows:
- Section 628. An appeal from a Justice's Court shall not be effectual for any purpose, unless an undertaking be filed, with two or more sureties, in the sum of one hundred dollars, for the payment of the costs on appeal; or if a stay of proceedings be claimed, in a sum equal to twice the amount of the judgment; when the judgment is for the payment of money, or twice the value of property when the judgment is for the recovery of specific personal property, and shall be to the effect that the appellant will pay the amount of the judgment appealed from, or the amount of any judgment that may be recovered in said action, in the

County Court, or the value of the property specified in such judgment, as the case may be: *Provided*, The judgment be affirmed by the County Court; or if affirmed only in part, then to the extent in which it may be affirmed; or, *Provided*, Judgment be recovered in the County Court, together with the costs on the appeal, if the judgment appealed from be other than for the recovery of money or specific personal property, the amount of the undertaking on appeal to stay proceedings shall be fixed by the Justice, and shall be to the effect that the appellant will pay all costs of appeal, and all damages which respondent may sustain thereby: *Provided*, The judgment appealed from be affirmed in whole or in part: or, *Provided*, Any judgment be recovered by the respondent in the County Court not exceeding the amount, specified in the undertaking. The undertaking shall be accompanied by the affidavit of the sureties that they are residents of the county, and are each worth the amount specified in the undertaking, over and above all their just debts and liabilities, exclusive of property exempt from execution; but a deposit of one hundred dollars for the costs, or to stay proceedings, the amount of the judgment appealed from, or the value of the property specified in such judgment, and one hundred dollars in addition, or the amount fixed in the cases above named by the Justice, shall be equivalent to filing the undertaking in this action mentioned.

SEC. 59. Section 630 of said Act is hereby repealed.

SEC. 60. Section 631 of said Act is amended so as to read as follows:

Section 631. Costs shall be allowed to the prevailing party in a Justice's Court as follows:

First: To the plaintiff, ten per cent. on the amount of the money, or the value of the property recovered, if the action be litigated; five per cent., if the action be not litigated.

Second: To the defendant, ten per cent. on the amount of the value of the property claimed by the plaintiff in his complaint: *Provided*, That such per cent. shall not be allowed in actions for forcible entry and unlawful detainer, or in actions to recover, or to determine the rights of a mining claim, or upon a nonsuit.

SEC. 61. Section 632 of said Act is amended so as to read as follows:

Section 632. In addition to the costs allowed by the last section, the prevailing party shall be allowed the following other costs, viz: The fees allowed by law to the Justice, the officer who served the process, the witness and the jurors, and the necessary expenses of taking depositions on commission and otherwise, and the necessary publication of any order or process.

SEC. 62. In all cases where an undertaking with sureties is required by the provisions of said Act, the Judge, Justice, Clerk, or other officer taking the same, shall require the sureties to accompany the same, with an affidavit that they are each worth the sum specified in the undertaking, over and above all their just debts and liabilities, exclusive of property exempt from execution; *Provided*, That when the amount specified in the undertaking exceeds three thousand dollars, and there are more than two sureties thereon, they may state in their affidavits that they are severally worth amounts less than that expressed in the undertaking, if the whole amount be equivalent to that of two sufficient sureties.

SEC. 63. In actions respecting mining claims in a Justice's court, the Justice shall have power, upon application of the plaintiff, after notice to the adverse party, to appoint a receiver of the proceeds of the claim,

- pending the action. If the parties agree upon a person, he shall be appointed such receiver. If the parties do not agree, the Justice shall appoint as such receiver some suitable person, who is disinterested in the action between the parties.
- Receiver to be disinterested.**
Duties of Receiver.
Compensation of Receiver.
Writs of certiorari and mandamus.
May be returned.
When Court may order property attached to be sold.
How sold.
Proceeds.
Copies of records, how certified.
Effect and validity of.
Partners may be sued.
Judgment to bind joint property only.
All decisions upon appeal to be in writing.
Exception.
When the same demand is made against defendant by two separate parties.
The same.
- SEC. 64.** The receiver mentioned in the last section shall keep an accurate account of all the proceeds of the claim pending action, and of all amounts paid out for working the same, and shall retain the proceeds and pay the same over, pursuant to the order of the court. The receiver shall also be required, on demand of either party, to give security for the faithful performance of his trust, and shall be allowed for the same a reasonable compensation, to be paid out of the proceeds of the claim in his hands, but in no case exceeding ten per cent. upon such proceeds.
- SEC. 65.** Writs of certiorari and mandamus may be issued in the cases prescribed by said Act by a Judge of the Supreme Court, District Court, or County Court, in vacations, and may, in the discretion of the Judge issuing the writ, be made returnable, and a hearing may be had on the return thereof in vacation.
- SEC. 66.** Whenever property has been taken by an officer under a writ of attachment in pursuance of the provisions of said Act, and it shall be made to appear satisfactorily to the court, or a Judge thereof, or a County Judge, that the interest of the parties to the action will be subserved by a sale thereof, the court or Judge may order such property to be sold, in the same manner as property is sold under an execution, and the proceeds to be deposited in Court, to abide the judgment in the action. Such order shall be made only upon notice to the adverse party, or his attorney, in case such party have been personally served with a summons in the action.
- SEC. 67.** A copy of any record document or paper in the custody of a public officer of this State, or of the United States, within this State, certified under the official seal, or verified by the oath of such officer to be a true, full, and correct copy of the original in his custody, may be read in evidence in any action or proceeding in the courts of this State, in the like manner and with the like effect as the original could be if produced.
- SEC. 68.** When two or more persons associated in any business, transact such business under a common name, whether it comprises the names of such persons or not, the associates may be sued by such common name, the summons in such case being served on one or more of the associates, but the judgment in such case shall bind only the joint property of the associates.
- SEC. 69.** All decisions given upon an appeal in any appellant Court of this State, shall be given in writing, with the reason therefor, and filed with the Clerk of the Court, but this section shall not apply to actions tried with a jury anew in the County Court, or on appeal from a Justice's court.
- SEC. 70.** A defendant, against whom an action is pending upon a contract, or for specific personal property, may, at any time before answer upon affidavit that a person not a party to the action makes against him, and without any collusion with him, a demand upon the same contract, or for the same property, upon due notice to such person, and the adverse party apply to the court for an order to substitute such person in his place, and discharge him from liability to either party, on his depositing in court the amount claimed on the contract, or delivering the pro-

party or its value to such person as the court may direct, and the court may, in its discretion, make the order.

Sec. 71. Any person shall be entitled to intervene in an action who has an interest in the matter in litigation, in the success of either of the parties, to the action or an interest against both. An intervention takes place, when a third person is permitted to become a party to an action between other persons, either by joining the plaintiff in claiming what is sought by the complaint, or by uniting with the defendant in resisting the claims of the plaintiff, or by demanding anything adversely to both the plaintiff and defendant.

When person may intervene in an action. Intervention, when it takes place.

Sec. 72. A third person may intervene either before or after issue has been joined in the cause.

When third person may intervene.

Sec. 73. The intervention shall be by petition or complaint, filed in the court in which the action is pending, and it must set forth the grounds on which the intervention rests; a copy of the petitions or complaint shall be served upon the party or parties to the action against whom anything is demanded, who shall answer it as if it were an original complaint in the action.

How intervention to be made. What to set forth.

Sec. 74. The court shall determine upon the intervention at the same time that the action is decided; if the claim of the party intervening is not sustained, he shall pay all costs incurred by the intervention.

When intervention to be decided. Costs of.

Sec. 75. On the trial of any action in a court of record, either party may require the clerk to take down the testimony in writing.

Clerk may be required to take down testimony.

Sec. 76. The party obtaining a postponement of a trial in any court of record, shall also, if required by the adverse party, consent that the testimony of any witness of such adverse party who is in attendance, be then taken by deposition before a Judge or Clerk of the Court in which the case is pending, or before such Notary Public as the court may indicate, which shall accordingly be done, and the testimony so taken may be read on the trial with the same effect and subject to the same objections as if the witnesses were produced.

Party applying for adjournment of case.

Sec. 77. Whenever costs are awarded to a party by an appellate court, such party may have an execution for the same on filing *remititur* with the clerk of the court below; and it shall be the duty of such clerk, whenever the *remititur* is filed, to issue the execution upon application therefor, and whenever costs are awarded to a party by an order of any court, such party may have an execution therefor in like manner as upon a judgment.

How party may have execution for costs.

Sec. 78. Section five, six, seven, fifteen, sixteen, seventeen, eighteen, nineteen and twenty of the act entitled "An Act amendatory of and supplementary to the Act entitled, 'An Act to regulate proceedings in civil cases in the courts of Justice in this State, passed May eighteenth, one thousand eight hundred and fifty-three, are hereby repealed, and the sections amended by said amendatory Act shall stand revived as amended by this Act.

Repealing clause

Sec. 79. This Act shall take effect on the first day of July, one thousand eight hundred and fifty-four.

Act to take effect July 1, 1854.

CHAPTER LV.

AN ACT to amend "An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads," approved May 12, 1853.—[Passed May 15, 1854.]

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

Sec. 17 amended. SECTION 1. Section seventeen of "An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads," approved May twelfth, eighteen hundred and fifty-three, is hereby amended so as to read as follows: "Whenever any survey or location of such road shall touch, lap, or cover any portion of any public road or highway established under the laws of this State, the Court of Sessions of the county shall order the survey or re-location of such public road, to straighten the line of the same in such manner as shall leave a public highway in as good condition as if no plank or turnpike road had been laid out or constructed in its vicinity. And the expense of the survey, re-location and opening of such public road, shall be paid by the company or corporation designing to use the original track of such road.

Amendment.

The same. Whenever any plank or turnpike road, contemplated in this Act, shall cross any public road or highway, the company shall so construct its road that animals and vehicles can pass over the same without hindrance, inconvenience or delay; and no fence or other obstruction shall be erected at any toll-gate by any corporation so as to prevent the public highway from being traveled over, or to compel travel on any plank or turnpike road belonging to such corporation."

CHAPTER LVI.

AN ACT amendatory of, and supplementary to, an Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May 19, 1853.—[Passed May 15, 1854.]

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

Sec. 12 amended. SECTION 1. The twelfth section of the Act entitled "An Act concerning Courts of Justice of this State and Judicial Officers," passed May nineteenth, eighteen hundred and fifty-three, is amended so as to read as follows:

State divided into twelve Judicial Districts. SECTION 12. The State shall be divided into twelve Judicial Districts, which districts shall be composed of the several counties, or parts of a county, and numbered as follows:

1st District. *First:* The First Judicial District shall be composed of the counties of San Diego, San Bernardino, and Los Angeles.

Second: The Second Judicial District shall be composed of the counties of Santa Barbara and San Luis Obispo. 2d District.

Third: The Third Judicial District shall be composed of the counties of Santa Cruz, Santa Clara, Alameda and Monterey. 3d District.

Fourth: The Fourth Judicial District shall be composed of that part of the northern portion of the county and city of San Francisco lying north of a line described as follows: Commencing at the western boundary of said county, at a point in a line with the centre of Clay street in said city, thence running east in a line with, and through the centre of said Clay street, to the western line of Kearny street; thence north along the western line of Kearny street to the City Hall or Court House, between Merchant and Washington streets of said city, at a point in a line with the northern wall of said building; thence east to the northwest corner of said Hall or Court House; thence east along said northern wall sixty feet; thence south at a right angle to the southern wall of said building; thence west along said southern wall sixty feet to the eastern line of Kearny street; thence south along the eastern line of Kearny street to the centre of Clay street; thence east along the centre of Clay street to the centre of Montgomery street; thence south along the centre of Montgomery street to Sacramento street; thence east through Sacramento street, and in a straight line to the eastern boundary of the county of San Francisco. 4th District.
Boundaries of.
Same.

Fifth: The Fifth Judicial District shall be composed of the counties of Calaveras, Tuolumne, San Joaquin, Mariposa, Stanislaus, Tulare and Amador. 5th District.

Sixth: The Sixth Judicial District shall be composed of the county of Sacramento. 6th District.

Seventh: The Seventh Judicial District shall be composed of the counties of Marin, Sonoma, Napa, Solano, Mendocino and Contra Costa. 7th District.

Eighth: The Eighth Judicial District shall be composed of the counties of Klamath, Humboldt and Siskiyou. 8th District.

Ninth: The Ninth Judicial District shall be composed of the counties of Colusi, Shasta, Trinity, Butte and Plumas. 9th District.

Tenth: The Tenth Judicial District shall be composed of the counties of Sierra, Yuba, Nevada and Sutter. 10th District.

Eleventh: The Eleventh Judicial District shall be composed of the counties of Yolo, Placer and El Dorado. 11th District.

Twelfth: The Twelfth Judicial District shall be composed of that portion of the county and city of San Francisco which is not included within the limits of the Fourth Judicial District, as above described. 12th District.

SEC. 2. The jurisdiction of the District Court of the Fourth Judicial District, in the county of San Francisco, and throughout the State, shall remain and continue as heretofore. Jurisdiction of
District Court
in 4th District.

SEC. 3. The jurisdiction of the District Court of the Twelfth Judicial District, in the county of San Francisco, and throughout the State, shall be co-extensive with the jurisdiction of the District Court of the Fourth Judicial District. Jurisdiction of
District Court
of 12th District
co-extensive
with that of
the 4th.

SEC. 4. The terms of the District Court of the Twelfth Judicial District shall commence on the first Monday of each month during the year, the first term to commence on the first Monday of June. Terms of the
12th District.
First term.

SEC. 5. The Governor shall appoint and commission some competent person as Judge of the District Court of the Twelfth Judicial District, who shall hold his office till the next general election, when a Judge shall be elected by the qualified voters of the District. There shall be allowed to the Judge a salary at the rate of seven thousand dollars a year to be paid as other District Judges are paid. Governor to
appoint a Judge.
Term of office

Salary of Judge
of 12th District,
\$7,000.

CHAPTER LVII.

AN ACT creating a Board of Commissioners and the office of Overseer in each Township of the several Counties of this State to regulate Water-Courses within their respective limits.—[Passed May 15, 1854.]

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

Board of Commissioners to be elected.

SECTION 1. There shall be in each township of the counties of San Diego, San Bernardino, Santa Barbara, Napa, Los Angeles, Solano, Contra Costa, Coluse, Tulare, a Board of Commissioners to regulate water courses, to consist of three members, and also an overseer, to be elected as hereinafter provided.

Election to be ordered on petition.

SEC. 2. Upon a petition of a majority of the voters of any township in said counties, the County Judge shall thereupon order an election, of which ten days notice shall be given by at least three notices posted up at the most public places in such township, for the election of three Commissioners and an Overseer, who shall hold their office for one year. The County Judge shall, for the purpose of holding said election, appoint one Inspector and two Judges, whose duty it shall be to see that said elections are conducted in accordance with the laws regulating elections, sum up the votes and declare the result.

Term of office, Duty of County Judge.

Duties of Commissioners.

SEC. 3. The duties of the Commissioners shall be to examine and direct such water courses, and apportion the water thereof among the inhabitants of their district, determining the time of using the same, and upon petition of a majority of the persons liable to work upon ditches, lay out and construct ditches, as set forth in such petitions.

Duties of Overseer.

SEC. 4. The duties of the Overseer shall be to execute the orders of the Commissioners, to attend to and see that the water is used as apportioned by said Commissioners, to superintend the works ordered by them, to see that the water is kept clear of filth of every description, and the ditches are kept in good repair.

Who liable to work.

SEC. 5. Each able-bodied male inhabitant in every township over the age of sixteen and under fifty, shall, when required by the Overseer, upon not less than three days verbal notice, or by notice in writing left at their residence, perform or cause to be performed any number of days work not exceeding twelve in any one year: *Provided*, That no person shall be compelled to work more than two successive days at any one time, and in no case shall any person or persons be compelled to work or expend money on any ditch or ditches who does not use the water thereof.

Exemption.

Penalty for refusing to work.

SEC. 6. In case any person after being duly notified as required in the preceding section shall fail to do or cause to be done the amount of work required, he shall be liable to pay the sum of three dollars per day for every day that he shall fail to work, recoverable at the suit of the Overseer, before any competent tribunal, to be by him applied to the construction of ditches within his township.

When water-course runs

SEC. 7. In case a water course should run through two or more townships, and the Commissioners should not be able to agree as to the

amount of water to be used by each township, the County Judge, upon application of the Commissioners, shall determine the difficulty. through two or more townships.

SEC. 8. The Commissioners shall allow the Overseer reasonable compensation, and for that purpose they are hereby authorized to levy a tax within their township on persons benefited in proportion to the amount of water used by each. Compensation of Overseer.

SEC. 9. Where water rises on land owned by any person, it shall not be subject to the provisions of this Act, but in all cases after it has passed beyond the limits of said lands, it may be used as provided in this Act. When water not subject to this Act.

SEC. 10. In all cases the Commissioners shall have the right of way to cut ditches through their townships. Right of way.

SEC. 11. Any person obstructing the waters of any ditch, by dam, or otherwise, causing the same to overflow or waste, or who shall through or cause to be thrown any filth in any such water ditch, shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined in any sum not more than ten dollars for the first offence, and twenty for every subsequent offence of the same kind, recoverable at the suit of the Overseer before any Justice of the Peace of the township, to be appropriated as aforesaid. Penalty for obstructing waters.

SEC. 12. In case any person should be damaged by the breaking of any such ditch, the parties using said ditch shall be liable for all such damages. Damage from breaking of ditch.

SEC. 13. Bridges shall be constructed and kept in repair over such ditches by the parties using the water, at such points as the Board of Commissioners shall direct. Bridges to be kept in repair.

SEC. 14. No person or persons shall divert the waters of any river, creek or stream from its natural channel to the detriment of any other person or persons located below them on any such stream. Waters of river, creek, &c., not to be diverted.

SEC. 15. Any person or persons who, under this Act, shall conduct water by ditch or otherwise across the lands of any person or persons, shall pay to such person or persons owning such lands, such compensation as can be agreed upon by the parties owning the lands; and in case the parties cannot agree, each party shall appoint one arbitrator, and the two so appointed shall select a third. The arbitrators so chosen shall appraise the lands used for ditching purposes, under oath, and their decision shall be final in the premises: *Provided*, That nothing in this Act shall be so construed as to apply to the mining interests of this State. Person conducting water across the lands of others. Parties not agreeing. Proviso. Not to apply to the mining regions.

SEC. 16. The Mayor and Common Council in all incorporated cities in the counties mentioned in section first of this Act, shall *ex officio* be constituted the Board of Commissioners on all lands appertaining or belonging to their respective cities, and shall have power to regulate the water privileges therein. Board of Commissioners.

CHAPTER LVIII.

AN ACT defining the Legal Distances from each County Seat in the State of California to the State Capital at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin.—[Passed May 15, 1854.]

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

Legal distances for which mileage shall be allowed.	SECTION 1. The distances established by this Act shall be, and the same are hereby declared to be the legal distances for which mileage shall be allowed to the Capital at Sacramento:
	<i>First:</i> For County Treasurers in settling their accounts.
	<i>Second:</i> For conveying the insane to the Asylum at Stockton.
	<i>Third:</i> To sheriffs for transporting prisoners to the State Prison at San Quentin.
From Co. Seat of Alameda Co.	SEC. 2. From the county seat of Alameda county to Sacramento one hundred and seventy-five miles, to Stockton one hundred and eighty-five miles, to San Quentin fifty miles;
Butte.	From the county seat of Butte county to Sacramento seventy-five miles, to Stockton one hundred and twenty miles, to San Quentin two hundred and thirty miles;
Calaveras.	From the county seat of Calaveras county to Sacramento sixty miles, to Stockton fifty-five miles, to San Quentin two hundred and twenty miles;
Colusa.	From the county seat of Colusa county to Sacramento one hundred and forty miles, to Stockton one hundred and ninety-five miles, to San Quentin two hundred and ninety-five miles;
Contra Costa.	From the county seat of Contra Costa county to Sacramento one hundred and ten miles; to Stockton one hundred and twenty miles, to San Quentin forty-five miles;
El Dorado.	From the county seat of El Dorado county to Sacramento fifty miles, to Stockton one hundred and five miles, to San Quentin two hundred and five miles;
Humboldt.	From the county seat of Humboldt county to Sacramento three hundred and ninety miles, to Stockton four hundred miles, to San Quentin two hundred and sixty-five miles;
Klamath.	From the county seat of Klamath county to Sacramento five hundred and fifty miles, to Stockton five hundred and sixty miles, to San Quentin four hundred and twenty-five miles;
Los Angeles.	From the county seat of Los Angeles county to Sacramento six hundred and sixty miles, to Stockton six hundred and seventy miles, to San Quentin five hundred and thirty-five miles;
Marin.	From the county seat of Marin county to Sacramento one hundred and fifty-eight miles, to Stockton one hundred and sixty-eight miles, to San Quentin three miles;
Mariposa.	From the county seat of Mariposa county to Sacramento one hundred and fifty-five miles, to Stockton one hundred miles, to San Quentin two hundred and sixty-five miles;
Monterey.	From the county seat of Monterey county to Sacramento two hun-

dred and sixty miles, to Stockton two hundred and seventy miles, to San Quentin one hundred and thirty-five miles;

From the county seat of Napa county to Sacramento one hundred and thirty miles, to Stockton one hundred and forty miles, to San Quentin fifty-five miles;

From the county seat of Plumas county, to Sacramento one hundred and fifty miles, to Stockton one hundred and ninety-five miles, to San Quentin three hundred and five miles;

From the county seat of Nevada county to Sacramento seventy miles, to Stockton one hundred and twenty-five miles, to San Quentin two hundred and twenty-five miles;

From the county seat of Placer county to Sacramento thirty-five miles, to Stockton ninety miles, to San Quentin one hundred and ninety miles.

From the county seat of Sacramento county to Stockton fifty-five miles, to San Quentin one hundred and fifty-five miles;

From the county seat of San Bernardino county to Sacramento six hundred and ninety miles, to Stockton seven hundred miles, to San Quentin five hundred and sixty-five miles;

From the county seat of San Diego county to Sacramento seven hundred and ninety miles, to Stockton eight hundred miles, to San Quentin six hundred and sixty-five miles;

From the county seat of San Joaquin county to Sacramento fifty-five miles, to Stockton one hundred and sixty-five miles;

From the county seat of San Francisco county to Sacramento one hundred and forty miles, to Stockton one hundred and fifty miles, to San Quentin fifteen miles;

From the county seat of San Luis Obispo county to Sacramento four hundred and sixty miles, to Stockton four hundred and seventy miles to San Quentin three hundred and thirty-five miles;

From the county seat of Santa Clara county to Sacramento one hundred and fifty miles, to Stockton ninety miles, to San Quentin seventy five miles;

From the county seat of Santa Cruz county to Sacramento two hundred and sixty miles, to Stockton two hundred and seventy miles, to San Quentin one hundred and thirty-five miles;

From the county seat of Santa Barbara county to Sacramento five hundred and ninety miles, to Stockton six hundred miles, to San Quentin four hundred and sixty-five miles;

From the county seat of Shasta county to Sacramento two hundred and twenty-five miles, to Stockton two hundred and eighty miles, to San Quentin three hundred and eighty miles;

From the county seat of Sierra county to Sacramento one hundred and ten miles, to Stockton one hundred and sixty-five miles, to San Quentin two hundred and sixty-five miles;

From the county seat of Siskiyou county to Sacramento three hundred miles, to Stockton three hundred and fifty-five miles, to San Quentin four hundred and fifty-five miles;

From the county seat of Solano county to Sacramento one hundred and ten miles, to Stockton, one hundred and twenty miles, to San Quentin forty-five miles;

From the county seat of Sonoma county to Sacramento one hundred and thirty-eight miles, to Stockton one hundred and ninety miles, to San Quentin forty miles;

- Sutter. From the county seat of Sutter county to Sacramento thirty miles, to Stockton eighty-five miles, to San Quentin one hundred and eighty-five miles;
- Stanislaus. From the county seat of Stanislaus county to Sacramento ninety miles, to Stockton forty miles, to San Quentin one hundred and ninety five miles ;
- Trinity. From the county seat of Trinity county to Sacramento two hundred and sixty-five miles, to Stockton three hundred and twenty miles, to San Quentin four hundred and twenty miles ;
- Tuolumne. From the county seat of Tuolumne county to Sacramento one hundred and twenty-five miles, to Stockton seventy miles, to San Quentin, two hundred and thirty-five miles ;
- Tulare. From the county seat of Tulare county to Sacramento two hundred and sixty-five miles, to Stockton two hundred and ten miles, to San Quentin three hundred and seventy-five miles;
- Yolo. From the county seat of Yolo county to Sacramento one mile, to Stockton fifty-six miles, to San Quentin one hundred and fifty-six miles ;
- Yuba. From the county seat of Yuba county to Sacramento sixty-five miles, to Stockton one hundred and twenty miles, to San Quentin two hundred and twenty miles.

CHAPTER LIX.

AN ACT to amend an Act entitled "An Act to Regulate Proceedings in Criminal Cases," passed May 1, 1851.—[Passed May 15, 1854.]

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

Sec. 674 amended

SECTION 1. Section 674 of said Act is hereby amended so as to read as follows :

Section 674. When the Governor of this State, in the exercise of the authority conferred by section two, article four, of the Constitution of the United States, or by the laws of this State, shall demand from the executive authority of any State or Territory of the United States, or of any foreign government, the surrender to the authorities of this State of a fugitive from justice, who shall be found and arrested in such State, Territory or foreign government, the accounts of the person employed by him to bring back such fugitive shall be audited by the Comptroller, and paid out of the State Treasury.

Accounts of agents to arrest fugitives from justice to be audited.

Sec. 181 amended

SEC. 2. Section 181 of the above entitled Act is hereby amended so as to read as follows :

Challenge to Grand Jury.

Section 181. A challenge may be taken to the panel of the grand jury, or to any individual grand juror, in the cases hereinafter prescribed, by the people or the defendant.

Sec. 362 amended

SEC. 3. Section 362 is hereby amended so as to read as follows :

Order of trial.

Section 362. The jury having been empaneled and sworn, the trial shall proceed in the following order :

First. If the indictment be for felony, the clerk must read the indictment, and state the plea of the defendant to the jury. In all other cases this formality may be dispensed with.

Second. The District Attorney, or other counsel for the people, must open the cause, and offer the evidence in support of the indictment

Third. The defendant or his counsel may then open the defence, and offer his evidence in support thereof.

Fourth. The parties may then respectively offer rebutting testimony only, unless the court, for good reason, in furtherance of justice, permit them to offer evidence upon their original cause.

Fifth. When the evidence is concluded, unless the case is submitted to the jury on either side, or on both sides, without argument, the counsel for the people must open and may conclude the argument.

Counsel of the State may conclude the argument.

Sixth. The court shall then charge the jury, if requested by either party.

SEC. 4. Section 363 is hereby amended so as to read as follows:

Sec. 363 amended

Section 363. When the state of the pleadings require it, or in any other case, for good reasons, and in the sound discretion of the court, the order prescribed in the last section may be departed from.

SEC. 5. Section 497 is hereby amended so as to read as follows:

Sec 497 amended

Section 497. Upon the argument of the appeal, if the offence be punishable with death, two counsel shall be heard on each side, if they require it. In any other case the court may, in its discretion, restrict the argument to one counsel on each side.

If offence be punishable with death, two counsel may be heard on each side.

CHAPTER LX.

AN ACT to amend an Act entitled "An Act declaring certain Rivers and Creeks navigable," passed February 18, 1851, and to amend an Act amendatory thereto, passed May 17, 1853.— [Passed May 15, 1854.]

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

SECTION 1. The first section of an Act entitled "An Act declaring certain rivers and creeks navigable," passed February eighteenth, one thousand eight hundred and fifty-one, is hereby amended so as to read as follows:

Sec. 1 amended

Section 1. So much of the San Jose de Guadalupe River as lies between its mouth and the Alviso, and so much of a slough as lies between the warehouses of Bodley and Barrows, and R. Wilson and the Bay of San Francisco; and so much of the Petaluma River as lies between its mouth and the northern boundary of the town of Petaluma, situate on the western bank of Petaluma Creek; and so much of the Sonoma River as lies between its mouth and a point opposite Fowler's Hotel, in the town of San Luis; and so much of the Napa River as lies between its mouth and the toll bridge; and so much of the Suisun River as lies between its mouth and the town of Suisun Embarcadero; and so much of the Sacramento River as lies between its mouth and the mouth of Middle Creek; and so much of the Feather River as lies between its

Certain streams made navigable

mouth and the mouth of the Yuba River; and so much of the Yuba River as lies between its mouth and a point at the mouth of the slough at the foot of A street in the city of Marysville; and so much of the San Joaquin River as lies between its mouth and the Tulare Lake; and so much of the Stockton Slough as lies between its mouth and the west line of El Dorado street, in Stockton; and so much of the Mokelumne River as lies between its mouth and the first falls; and so much of the Tuolumne River as lies between its mouth and Dickinson's Ferry; and so much of Deer Creek as lies between the house of Peter Lassen and its mouth; and so much of the river called the American Fork as lies between its mouth and a point known as the "Lower Ford," are hereby declared navigable streams: *Provided*, That until a road shall be constructed which can be traveled at all seasons of the year, from the city of Sacramento to the town of Brighton, the part of section one of this Act which relates to the river called the "American Fork" shall be void, and that portion of this Act shall read, "and so much of the river called the 'American Fork' as lies between its mouth and a point opposite the town of Brighton, are hereby declared to be navigable."

Same.

Proviso.

CHAPTER LXI.

AN ACT amendatory of an Act entitled "An Act to provide for the Incorporation of Railroad Companies," approved April 22, 1853.—[Passed May 15, 1854.]

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

Sec. 3 amended.

SECTION 1. Section 3 of an Act entitled "An Act for the Incorporation of Railroad Companies," approved April 22, 1853, shall be so amended as to read as follows:

Manner of
subscribing
articles of
association.
Twenty five
required.

Filing in office of
Sec'y of State.

Body corporate.
Powers of.

Conveyances,
how made.

Sec. 11 amended.

SECTION 3. Each subscriber to such articles of association shall personally subscribe thereto his name, place of residence, and number of shares of stock taken by him in such company, and the said articles being so subscribed by not less than twenty-five persons may, after the provisions of section four are complied with, be filed in the office of Secretary of State, and thereupon the persons who have so subscribed, and all persons who shall from time to time become stockholders in such company, shall be a body corporate, by the name specified in such articles, and shall be capable in law to make all contracts, acquire real and personal property, and possess all the powers and privileges for the purpose of carrying on the business of the corporation that private individuals and natural persons now enjoy; and all deeds and conveyances made by such company shall be signed by the President, under the seal of the corporation.

Distribution of
capital stock.

Meeting of
stockholders.

SEC. 2. Section 11 of said Act shall be so amended as to read as follows:

SECTION 11. As soon as practicable, not exceeding six months after such capital stock shall have been subscribed, the Commissioners to receive subscriptions thereto shall distribute the same as aforesaid; shall appoint a time and place for the meeting of the stockholders to choose Directors; select newspapers for the publication of notices, and transact

other business. Such meeting shall be held in one of the counties in or through which said railroad is proposed to be constructed, and notice thereof shall be given by said Commissioners, by public notice, to be published not less than twenty days previous thereto, in two or more newspapers published in said counties into or through which said road is proposed to run, if there are newspapers published in either of said counties, if not in two or more newspapers published in the next adjoining counties. Not less than nine nor more than thirteen Directors shall be chosen at such meeting, by ballot, and by a majority of the votes of the stockholders being present in person or by proxy. And every such stockholder being present in person or by proxy at such election, or any subsequent election of Directors, shall be entitled to give one vote for every share of stock which he shall have owned for thirty days next preceding such election, but no stockholder shall vote at any such election upon any stock except such stock as he shall have owned for such thirty days. No person shall be a Director unless he shall be a stockholder, owning such stock absolutely in his own right, and qualified to vote for Directors at the election at which he shall be chosen, nor unless he shall be a resident in this State; and at least three of the Directors shall, at the time of their election, be residents of the counties in or through which the route of said railroad shall run, and at least nine of the Directors shall be citizens of the United States. The Directors thus chosen shall be Directors for one year, and until others are duly elected in their places. The Commissioners mentioned in the last preceding section shall be inspectors of the first election of Directors, shall openly count the votes and declare the result, and shall, within ten days thereafter, file a certificate thereof, subscribed by them, or a majority of them, in the office of Secretary of State, and in the office of the Clerk of each county in or through which such railroad shall be proposed to be constructed, and shall also deliver to the Treasurer of said company all monies received by such Commissioners on subscription to such capital stock not already paid over to the Treasurer; and they shall also deliver to the Directors declared by them to be elected, all books and papers relating to such subscription or belonging to said company, in the possession of said Commissioners. Subsequent elections shall be held annually, at such time and place in one of the counties into or through which such railroad shall pass, as shall be directed by the by-laws of the company. In case it shall happen at any time that an election of Directors shall not be made on the day designated by the by-laws of said company when it ought to have been made, the company for that reason shall not be dissolved, if within ninety days thereafter they shall hold an election for Directors in such manner as shall be provided by such by-laws. At all meetings of the stockholders when two-thirds of all the shares that may have been previously subscribed are represented in person or by proxy, those so representing the same shall constitute a quorum for the transaction of business. Should the Commissioners fail to perform their several duties as set forth in this and the foregoing section, said Commissioners or any of them may be removed by the Board of Directors, who may elect others in their places by a two-thirds vote of said Board, notice of the meeting for such purpose having been first given by the Secretary of the company not less than ten days previous thereto, in one or more of the newspapers provided for in section five of the Act to which this is amendatory.

Where to be held.

Notice thereof to be given.

Number of directors.

How chosen

Apportionment of votes.

Qualifications of directors.

Term of office of directors.

Inspectors of election.

Certificate of election to be filed in office of Sec'y of State.

Moneys to be turned over.

Books and papers to be turn'd over.

Elections to be held annually. When and where.

Failure to elect directory not to work dissolution of company.

May be held within 90 days thereafter.

Quorum. How constituted.

Commissioners removable for non-performance of duty, and others elected.

Notice necessary in such election.

SEC. 3. Section 12 of said Act shall be so amended as to read as follows: Sec. 12 amended.

Officers of the company.

Section 12. There shall be a President and Vice President of the company, who shall be chosen by and from the Directors. The Directors shall also elect a Secretary, a Treasurer, and such subordinate officers as the company, by its by-laws, may designate. The said officers shall be chosen at such times and for such terms, and they shall be required to give such security for the faithful performance of the duties of their respective offices as the company, by its by-laws, may require: and any such officers may be removed from office by the Board of Directors by a four-fifths vote of said Board, and the vacancy filled by said Board for the remainder of the term of office.

May be removed by directors.

Sec. 14 amended.

SEC. 4. Section 14 of said Act shall be so amended as to read as follows:

Powers of directors.

Section 14. The Directors of such company shall have power to fill all vacancies in their own body, occasioned by death, resignation, or any other cause, and to make such by-laws as they may think proper for the transfer of the stock and the management of the property and business of the company, of every description whatsoever, and for prescribing the duties of officers, artificers and employees of said company, and for the appointment of all officers, and the carrying on of all business within the scope and power of said company; *Provided*, that such by-laws be not inconsistent with the laws of this State, or of the United States, or with the articles of association, or with the by-laws adopted by the stockholders of the company.

Proviso.

Sec. 15 amended

SEC. 5. Section 15 of said Act shall be so amended as to read as follows:

Power to borrow money.

Section 15. Such companies after at least ten per cent. on all their capital stock has been paid in cash into the treasury of the corporation, shall have power to borrow, from time to time, on the credit of the corporation, and under such restrictions as two-thirds in interest of the stockholders may impose, such sum or sums of money not exceeding in all the amount of its capital, as may be necessary for the construction and equipment of their road, at a rate of interest not exceeding ten per cent. per annum, and to execute bonds or promissory notes therefor in sums of not less than one thousand dollars in any one note or bond, and to secure said notes or bonds may mortgage their corporate property and franchises and pledge the income of the company. Should any debt or contract be made not in accordance with the above mentioned provisions, the Directors under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the Board of Directors at the time, and except those who were not present when the same did happen, shall, in their individual and private capacities be liable, jointly and severally, to the said corporation, or to any of the creditors thereof, for the full amount of such debt or contract, and shall moreover be deemed guilty of a misdemeanor, and upon conviction before any court having competent jurisdiction, be fined any sum not exceeding ten thousand dollars, or imprisoned in the county jail any time not exceeding one year, or both, at the discretion of the court.

Not to exceed the capital.

Interest.

Mortgage, &c

Contracts not in accordance with these provisions.

Directors guilty of a misdemeanor.

Penalty.

Sec. 20 amended. The stock, person & property how shares may be transferred.

SEC. 6. Section 20 of said Act is amended so as to read as follows:

Section 20. The stock of such company shall be deemed personal estate, and when certificates of the ownership of shares are issued, the shares may be transferred by endorsement and delivery of the certificates thereof, such endorsement being by the signature of the proprietor or his attorney or legal representative; but such transfer shall not be valid except as between the parties thereto until the same shall have been

entered in the book of stockholders, as provided in the nineteenth section; the entry of transfer to be made in said book by written order, either of the stockholder himself or of his legal representative, or of a Probate or Civil Court: prior to the issuing of certificates of stock, the shares may be transferred by a delivery of receipts for instalments paid, and by an entry as aforesaid in the book of stockholders. When certificates of stock are issued, each certificate shall show upon its face the amount of money paid on the share represented by such certificate; for the purpose however of providing means for the payment of its debts, and for the construction of its road, materials or equipments, such company may issue a preferred stock to an amount not exceeding one-half of the amount of its capital stock, with such priority over the remaining stock of such company, in the payment of dividends, as the directors of such company may determine, and shall be approved by a two-thirds of the stockholders in interest.

The same.

Form of certificates.

Preferred stock.

SEC. 7. Section 21 of said Act shall be so amended as to read as follows:

Sec. 21 amended.

Section 21. Any stockholder transferring his shares or abandoning them, by an entry to that effect in the aforesaid book of stockholders, (all previous calls or assessments having been fully paid on said shares so abandoned,) as also any stockholder forfeiting his shares by order of the Board of Directors, entered in said book of stockholders, shall, from and after the date of entry of such transfer, abandonment or forfeiture, cease to be a stockholder in such company, and he shall not be liable to any future calls from the directors, nor for any debts that may be contracted by said corporation after said entry has been made; but this shall not release him from his proportion of debts and liabilities contracted by the corporation prior to said entry; but each stockholder of said corporation shall be individually liable to the creditors of such corporation for his proportion of all the debts and liabilities of such company, (except as above provided,) *Provided*, That in no case contemplated in this Act or the Act to which this is amendatory, can the private property of a stockholder be levied upon for the payment of corporate debts while corporate property can be found with which to satisfy the same; but it will be sufficient proof that no corporate property can be found if an execution has issued on a judgment against the corporation, and a demand thereon made of some one of the last acting officers of the corporation for property on which to levy; but if he neglects or refuses to point out any such property, the defendant or any stockholder, in any stage of the cause, may point out corporate property, subject to levy, and upon his satisfying the court of the existence of such property, by affidavit or otherwise, the cause shall be continued, or execution against the defendant stayed, until the property of the corporation can be levied upon and sold. The court may subsequently render judgment and order execution against the defendant for his proportion of any balance which may be found due after exhausting the corporate property, according to the stage of the cause when such application is made to the court. When the private property of a stockholder is taken for a corporate debt, he may maintain an action against the corporation for indemnity, and against any of the stockholders for contribution.

Stockholders, how cease to be such.

Stockholders individually liable.

Provide

Private property not to be levied on.

What evidence of non-existence of corporate property.

Corporate property.

Execution may issue for balance

Action against corporation.

SEC. 8. Section 32 shall be amended so as to read as follows:

Sec. 32 amended.

Section 32. The right of way is hereby granted to all railroad companies that now are or hereafter may be organized under the provisions of this Act, to locate and construct their roads over and through any of the swamps or overflowed lands belonging to this State, or any other

Right of way.

- public lands which are now, or may be the property of this State, at the time of constructing said railroad, and the said companies are hereby authorized to survey and mark through the said lands of the State, to be held by them for the track of their respective railroads, one hundred feet in width for the whole length the said roads may be located over the lands of the State: *Provided*, That in cases where deep excavation or heavy embankment is required for the grade of such road, there, at such places, a greater width may be taken by said company if necessary, not exceeding two hundred feet wide. And the right is hereby further granted to said companies to locate and occupy all necessary sites for watering places, depots and workshops along the line of said road or roads so far as the places convenient for the same may fall upon the lands belonging to this State: *Provided*, No such location shall be made upon any land belonging to the State within the limits of any incorporated city or town, or within five miles thereof, except upon paying to the State the full value for the same: and, *Provided*, That no one depot, watering place, or workshop, shall cover over one square acre each, and that said sites on the lands of this State shall not be nearer to each other than ten miles along the lines of said roads, and shall not be located upon State property within the limits of any city now incorporated, and the right is hereby further granted to said companies to take from the lands belonging to this State all such materials of earth, wood, or stone, as may be necessary or convenient from time to time for the first construction of said road or roads, or any part thereof, through such lands: *Provided*, That the grants therein made, as well of the use of the lands of this State, as of the materials for the construction of said road or roads, shall cease and determine as respects each particular road which shall not have been begun and completed within the times limited in section forty-one of this Act: and, *Provided further*, That if any road at any time after its location shall be discontinued or abandoned by said company or companies, or the location of any part thereof be so changed as not to cover the lands of the State thus previously occupied, then the lands so abandoned or left shall revert to this State: and, *Provided further*, That when the location of the route of either of said railroads or sites for depots, watering places, or workshops, shall be selected, the secretary of said company shall transmit to the Surveyor General, and to the Comptroller of this State, and to the Recorder of the county in which the lands so selected are situated, to each of said officers a correct plat of the location of said railroad or sites before such selections shall become operative. And when any such company shall, for its purposes aforesaid, require any land belonging to any of the counties, cities or towns in this State, the county, city and town officers respectively having charge of such lands, may grant such land to such company for a compensation which shall be agreed upon between them, or may donate the same; and if they shall not agree upon a sale and price the same may be taken by the company, as is before provided in other cases.
- 100 feet in width.
- Proviso.
- In certain cases, 200 feet.
- Right to locate sites for depots, &c.
- Proviso.
- Location not to be made within five miles of a city.
- Proviso.
- Size of sites.
- Distance apart.
- Not to be located within a city.
- Right to take materials.
- Proviso.
- When these rights to cease.
- Proviso
- Location abandoned.
- Proviso.
- Plats of lands selected to be sent to Surveyor General.
- Plat of railroad.
- How necessary lands may be acquired.
- Sec. 33 amended.
- Rates of passage and freight.
- Penalty for violation.
- Sec. 42 amended.
- SEC. 9. Section 33 is amended so as to read as follows:
- When any such railroad shall be opened for use it shall be unlawful for the corporation, its officers or employees, to charge more than ten cents per mile for each passenger and fifteen cents per mile for each ton of freight. And for every transgression of such limitation the corporation shall be liable to the party suffering thereby treble the entire amount of fare or freight charged to said party.
- SEC. 10. Section 42 shall be amended so as to read as follows:

Section 42. All railroads constructed under this Act of incorporation shall be constructed with iron rail known as the T rail, or the H rail, until otherwise provided by law. Iron to be used.

SEC 11. The said Act is hereby further amended by the addition of the following section : Additional section.

Section 47. When the franchise of any corporation under this Act, or any other railroad Act heretofore or hereafter passed, shall have been levied upon under an execution and sold, the corporators shall not have power to dissolve the corporation so as to destroy the franchise. And if they neglect to keep up an organization sufficient to enable the business to proceed, the purchaser or purchasers shall thereupon become vested with all the powers of the corporation requisite therefor. And when it becomes impracticable for one or more individuals so to exercise those powers, and in cases where doubts, and difficulties not herein provided for arise, the purchaser or purchasers may apply by petition to the District Court of one of the counties into or through which said road may run ; which court is hereby vested with authority to make any orders requisite for carrying into effect this Act and the Act to which this is amendatory in this respect. On levy of execution.
Purchasers vested with the powers.
District Court vested with power..

SEC. 12. Amend section first, after the word railroad on second line, with the words, "Either in this State or through any portion of the Territories of the United States contiguous to this State."

CHAPTER LXII.

AN ACT to appropriate Money to enable the Trustees of the Insane Asylum to erect an additional Building, and to enclose the Grounds belonging to the Asylum.—[Passed May 15, 1854.]

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

SECTION 1. That the sum of eighty thousand dollars be and the same is hereby appropriated, out of the general fund, to enable the Trustees of the Insane Asylum to erect or cause to be erected such additional main or centre building to the present asylum as they may deem necessary, and also to enclose the lands or grounds belonging to the Asylum with a proper fence : *Provided*, That the cost of such building and fence shall not exceed the sum herein appropriated. 80,000 dollars appropriated to erect addition.
Enclosure of grounds.
Proviso.

SEC. 2. That the Trustees shall cause a draft of such additional, main, or centre building to be made, with such specifications as they may deem necessary ; they shall advertise in at least one newspaper published in the cities of Stockton, San Francisco, Sacramento and Marysville, for sealed proposals for the furnishing of the materials and for the erection of the building, and the construction of the fence, and the contract shall be awarded to the lowest responsible bidder. Draft of such addition to be made.
To advertise for proposals.
Contract.

SEC. 3. The person or persons to whom the contract may be awarded shall, within twenty days after such award, execute a bond to the Trustees of said Asylum, in double the amount of the entire contract so awarded, conditioned for the faithful performance of such contract ; and for any failure on the part of the contractors in the performance of such contract, Bond to be executed.
Condition of.
Suit to be instituted on failure.

Monthly estimate to be made of work done, &c.

Proviso.
20 per cent. of each monthly estimate to be deducted.

it shall be the duty of the Trustees to cause suit to be instituted on said bond against the said contractors and their sureties. The Trustees shall make or cause to be made a monthly estimate of the work done or material furnished, and the Comptroller of State, on the presentation to him of each monthly estimate, shall draw his warrant for the amount payable to said Trustees: *Provided*, That the said Trustees shall deduct twenty per centum from each monthly estimate before certifying the amount to the Comptroller, and the per centage thus retained by the Trustees shall be paid over to the contractor or contractors upon the completion of the building and fence to the satisfaction of the Trustees.

CHAPTER LXIII.

AN ACT to provide Revenue for the support of the Government of this State.—[Passed May 15, 1854.]

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

ARTICLE I.

Advalorem tax of 60 cents on each \$100.

Disposition of said tax.

The same.

School fund.

State Prison Bonds.
In what tax to be paid:

Remaining tax.

Disposition of additional tax.

Property subject to taxation.

SECTION 1. An annual ad-valorem tax of sixty cents upon each one hundred dollars, shall be levied upon the assessed value of the real and personal property in this State subject to taxation, as are hereinafter in this section named, to be paid as herein provided: ten cents on each one hundred dollars for the payment of the interest on the funded debt of one thousand eight hundred and fifty-one; twenty cents on each one hundred dollars for the payment of the funded debt of one thousand eight hundred and fifty-two, together with the interest on the bonds belonging to the School Fund, as provided for in an 'An Act to provide for the disposition of the School Lands, passed May third, one thousand eight hundred and fifty-two; and one cent on each one hundred dollars for the payment of the interest on the State Prison Bonds, and to create a fund for their ultimate redemption. All the above interest tax shall be paid in legal coin of the United States, or in clean gold dust, at seventeen dollars twenty-five cents per ounce. The remaining twenty-nine cents on each one hundred dollars, shall be collected as other State taxes are by law required to be collected, and shall be paid into the general fund; and such additional tax, not exceeding fifty cents on each one hundred dollars, as the Supervisors of each County, or the Court of Sessions, when no Supervisors have been elected and qualified, may direct to be levied; and such special tax as may be by law authorised to be collected by any County in the State, shall be levied for County purposes, upon the objects of taxation hereinafter in this article named.

SEC. 2. The following property shall be subject to taxation. All lands and lots of ground, except pre-emption claims on lands belonging to the United States, lying within this State, owned or claimed by any person or corporation, whether patented or not, including the assessment thereof, the value of all houses, fixtures and improvements of every kind or value thereon, or affixed thereto, all machinery, machinery for

mining purposes, canals, water races, oxen, horses, mules, cows, beef cattle, sheep, goats, calves, hogs, jacks, jennies, wagons, carriages, buggies, carts, or other vehicles, whether for pleasure or hire: shares of stock or interest in all steamboats plying from one place in this State to another place in this State, or engaged as regular packets between any port in this State and any port out of this State, where they are not registered, whether the owner or owners thereof of said stock or interests, be residents of this State or not, except when such boat can be assessed and taxed specially, in which case, such boat shall be assessed and taxed as personal property, in the County from which such boat may sail. That for the purposes of taxation, the person or persons acting as agent or attorney in fact for any person or persons, corporation or joint stock association, residing without this State, owning any vessel or vessels used in navigating the waters of this State, shall be deemed the owner or owners thereof. Shares of stock or interest in ships, brigs, schooners, sloops and all other water craft, whether at home or abroad; all monies loaned on interest, all capital vested or employed each year in traffic, trade, merchandise, or in any kind of commerce or navigation; the capital stock paid in all banks, and of all corporations doing business in this State, the property of whatever kind of all corporations over and above their capital stock paid in, and all money or funds held by any such corporation in trust or on deposit, or by persons in trust or on deposit for persons or corporations other than citizens or corporations of this State, and used in commerce or trade for the benefit of such persons or corporations, all other property real and personal within this State, except such as is exempted from taxation, as provided in the next section.

Sec. 3. The following property shall not be listed for taxation,

First: All lands and lots of ground with their buildings, improvements and structures thereon belonging to the State; or to any County of this State; all unoccupied lands, buildings and other improvements, occupied and owned, belonging to the United States, and all lands owned and occupied by the United States Government for the coining of money, or for military, naval, or other purposes.

Second: Town-halls, council chambers, market houses and other public structures and edifices, and the lots on which they stand, and all public squares and lots kept open for health, use or ornament, belonging to any city, town or village in this State.

Third: Colleges, school houses and other buildings for the purpose of education, with their furniture, library and all other equipments, and the lots thereto appurtenant, and used therewith, so long as the same shall be used for that purpose.

Fourth: Public hospitals, asylums, poor houses and other charitable or benevolent institutions for the relief of the indigent and afflicted, and the lots thereto appurtenant, with all their furniture and equipments, as long as the same shall be used for that purpose only and without a view to pecuniary gain.

Fifth: Churches, chapels and other public buildings for religious worship, with their furniture and equipments, and the lots of ground appurtenant thereto and used therewith, so long as the same shall be used for that purpose only.

Sixth: Cemeteries and grave yards, set apart and used for the purpose of interring the dead; and the property of widows and minor orphans, to the amount of one thousand dollars.

Seventh: The owner or holder of stock in any company liable to tax.

Shares of stock
in steamboats.

Whether owners
be resident or
not.
Exception.

Persons acting
as agents.

Moneys at
interest.
Capital vested.

Capital stock
of banks, &c.

Corporations.
Trust funds.

Property exempt
from taxation.

The same.

The same.

The same.

ation on its capital, shall not be taxed as an individual for such stock, nor shall growing crops be subject to taxation.

Eighth: Mining Claims.

ARTICLE II.

PERSONS, TRADERS, PROFESSIONS AND OCCUPATIONS, SUBJECT TO TAXATION BY LICENSE.

License tax.

SEC. 4. There shall be levied and collected, a quarter yearly license tax, as follows:

First: From each proprietor or keeper of a billiard table, not kept for the exclusive use of the owner and his family, for each table, thirty dollars per quarter, payable to the Treasurer for State purposes. For a nine or ten pin, or bowling alley, fifteen dollars per quarter, for each alley; license to be granted for a term not less than three months, the license tax to be paid to the County Treasurer for the benefit of the State.

The same.

Second: From the manager or lessee of every theatre, for each theatrical performance, ten dollars per day, if granted for a less term than one month; the license tax paid, shall be paid into the County Treasury for the benefit of the County; if granted for one month, one hundred and fifty dollars shall be paid; if granted for three months, three hundred dollars; if granted for one year, one thousand dollars. In either of the three last named periods of time the license tax paid, shall be paid to the County Treasurer for the benefit and use of the State: and for each exhibition by "Serenaders" or opera or concert singers, the same pay for license as is required for theatrical performances, and payable to the County Treasurer, for County or State purposes, as the term of the license granted may require.

Disposition of license tax.

The same.

Third: For each caravan, menagerie, the exhibition, for pay, of bull and bear or any collection of animals for public amusement, twenty dollars for each exhibition, and for each show of any figures, and for each circus, rope or wire dancing, or sleight of hand exhibition for reward, ten dollars per day, payable into the County Treasury for county purposes.

The same.

Fourth: From each and every insurance company, incorporated by the laws of this State and transacting an insurance business therein, twenty-five dollars per quarter year, payable to the County Treasurer for State purposes.

Fifth: From each and every insurer, or insurance company, foreign or otherwise, not chartered by this State, and transacting an insurance business herein, or agent or agents thereof, one hundred dollars per quarter payable to the County Treasurer for State purposes.

ARTICLE III.

OF BANKERS, DEALERS IN EXCHANGE, STOCKS, GOLD DUST AND OTHER SIMILAR OCCUPATIONS.

SEC. 5. *First*: Licenses shall be obtained by the person or persons, private association or corporation doing business in this State, engaged in one or all of the following occupations, to wit: In buying or selling foreign or inland bills of exchange, or in loaning money at interest, or in buying or selling notes, bonds or other evidences of indebtedness of private persons, or State, County or City stocks, or stocks of incorporated companies, or in buying or selling gold dust, gold or silver bullion, gold or silver coin, keepers of savings banks or engaged as common carriers in transmitting or conveying gold dust, gold or silver coin or bullion, from any place in this State to any place without this State, or from one to another place within this State, for profit, or engaged in receiving general or specific special deposits of gold dust, gold or silver coin or bullion, for profit. *Provided*, that checks used in the transaction of business between parties within this State, shall not be included as being liable to the provisions of this Act.

SEC. 6. Brokers, such as deal in stocks, State, City or County Securities, and dealers in gold dust, shall be divided into five classes, as follows: Those doing business to the amount of two hundred and fifty thousand dollars per quarter, and over, shall constitute the first class. Those doing business to the amount of two hundred thousand dollars, and less than two hundred and fifty thousand dollars per quarter, shall constitute the second class. Those doing business to the amount of one hundred thousand dollars, and less than two hundred thousand dollars per quarter, shall constitute the third class. Those doing business to the amount of fifty thousand dollars, and less than one hundred thousand dollars per quarter, shall constitute the fourth class. Those doing business in any amount under fifty thousand dollars per quarter, shall constitute the fifth class. The license shall be obtained from the County Auditor, and shall be given for the first class upon the payment of one hundred dollars per quarter; for the second class eighty dollars per quarter; for the third class forty dollars per quarter; for the fourth class twenty dollars per quarter; for the fifth class fifteen dollars per quarter. Said amounts to be paid to the County Treasurer, or Collector of Taxes of the County in which the party applying therefor desires to or does transact any one or all of the occupations specified in section one, and a separate license shall be obtained for each branch establishment, or separate house of such business located in the same County.

SEC. 7. Bankers and dealers in exchange shall be divided into five classes, as follows; Those drawing bills of exchange or drafts to the amount of five hundred thousand dollars or over per month shall constitute the first class. Those drawing bills of exchange or drafts to the amount of three hundred thousand dollars and less than five hundred thousand dollars per month shall constitute the second class. Those drawing bills of exchange or drafts to the amount of two hundred thousand dollars, and less than three hundred thousand dollars per month, shall constitute the third class. Those drawing bills of exchange or drafts to the amount of one hundred thousand dollars per month, and

Brokers divided into five classes.

First class.

Second class.

Third class.

Fourth class.

Fifth class.

How license to be obtained.

Tax on first class.

Second class.

Third class.

Fourth class.

Fifth class.

To whom paid.

Separate license to be obtained for each branch.

Bankers divided into five classes.

First class.

Second class.

Third class.

Fourth class.

	less than two hundred thousand dollars per month, shall constitute the fourth class. Those drawing bills of exchange or drafts in any amounts less than one hundred thousand dollars per month, shall constitute the fifth class. The license for the first class shall be given upon the payment of one hundred dollars per month; for the second class upon the payment of sixty dollars per month; for the third class upon the payment of forty dollars per month; for the fourth class upon the payment of twenty dollars per month; for the fifth class upon the payment of fifteen dollars per month.
Fifth class.	
Tax on first class.	
Second class.	
Third class.	
Fourth class.	
Fifth class.	
Manner of taking out licenses.	SEC. 8. On the party paying the County Treasurer or the Collector of Taxes an amount of money for license in proportion to the estimated amount of business specified in this article, and designating the town, city or particular locality of the business establishment or branch thereof, for which the license is desired, the Treasurer shall thereupon execute and deliver to such party a receipt therefor, in which he shall specify the amount of money paid, by whom paid, and the town, city or particular locality.
The same.	<i>First:</i> Upon the presentation of said receipt, the County Auditor shall issue and deliver a license to the party, under the seal of his office, in which license shall be stated the kind of business authorized to be transacted, and the town, city, or particular locality of such business establishment or branch. The Auditor shall thereupon charge the County Treasurer with the amount of money specified in said receipt, in a book kept for that purpose, and shall file said receipt as a voucher in his office. The Auditor shall be entitled to demand and receive one dollar, one half of which shall be for the use and benefit of the County Treasurer for each license issued by him under this Act, to be collected from the person receiving such license, and in no case shall any other fee be allowed to Auditors for any service connected with the issuance of licenses.
Commissions of County Auditor and County Treasurer.	
Effect of the license.	<i>Second:</i> The license thus obtained shall authorize the party to transact any or all the kinds of business or occupation therein specified, at or within the town, city, or particular locality specified in the same, within the limits of the county where obtained during the term of three months from the date thereof and no longer; but may be renewed at the expiration of the term of three months, subject to change by the Auditor's estimate, or by the affidavit of the party desiring removal, if no new estimate be made by the Auditor.
To extend for three months.	
May be renewed.	
May be changed.	
Persons carrying letters, &c	<i>Third:</i> Persons engaged in carrying letters, papers or documents from one part of this State to another, shall not be liable to obtain licenses for that purpose.
How license may be procured.	<i>Fourth:</i> Licenses may be procured by the party in person, by agent or attorney, or by any one partner in the name of all the co-partners; and in cases of corporations by application by the President, Secretary or Attorney of such corporation; and the party in every instance, making the application, shall make and subscribe an affidavit or affirmation before the County Treasurer, who is hereby empowered to administer the same, that he verily believes that the amount of business to be done by the business establishment or branch thereof, within the next succeeding three months, will not exceed the estimate under which he applies for license; and in all cases where an under estimate has been made, the party having made such under estimate shall be required to pay the amount necessary to make up the deficit before a new license shall issue.
The same.	Licenses shall be procured immediately before the commencement of any
When under estimate has been made.	
When licenses to be procured.	

business or occupation liable to license under this article, and shall be renewed quarterly thereafter.

Fifth: If any person or persons, corporation or corporations, or their agents, or the agent or agents of any banker or other person or persons, pursuing or commencing any of the occupations required by this article, first to be licensed, neglect to take out or procure his or their license or licenses, in the manner provided by this article within ten days from the time of commencing the business required by this article first to be licensed, one hundred per cent. shall be added to the amount which such person or persons or corporations would have been liable to pay: and it shall be the duty of the Sheriff of the County to proceed immediately to the seizure and sale of the goods, wares, rights, and chattels of any person or persons, corporation or corporations, so neglecting to pay the amount of their licenses in the manner provided by this article, in order to pay the amount of the license, (with the addition of one hundred per cent. thereto,) together with the costs of the seizure and sale; and in all such cases of neglect, it is hereby made the duty of the Auditor to furnish the Sheriff with an estimate of the amount due from the party so neglecting to procure license, but the Sheriff shall proceed upon any other information, and upon any wilful neglect on the part of the Sheriff, it shall be the duty of the District Attorney to proceed against him upon his bond, and he shall be liable to pay double the amount of the license so neglected to be collected. All the moneys collected under the provisions of this article, after the fees to the Auditor and per centage to the Treasurer shall have been deducted, shall be paid into the County Treasury for State purposes.

Persons neglecting to take out license.

Duty of Sheriff.

Duty of Auditor.

Disposition of moneys.

ARTICLE IV.

OF MERCHANTS AND DEALERS IN LIQUORS, AND TAVERN KEEPERS.

SEC. 9. Every person who may deal in goods, wares and merchandise, wines or distilled liquors, except the agricultural productions of this State, and except such as are sold by auctioneers or commission merchants under license, or permission according to law, shall quarterly pay an amount of money for license as required by the class in which such person is placed by the Auditor of the County under the provisions of the succeeding section. *Provided, always*, that nothing herein shall be construed to extend to physicians, surgeons, apothecaries, or chemists, as to any wines or spiritous liquors, which they may use in the preparation or compounding of medicines for sick persons.

Merchants to obtain license. Exception.

Proviso.

SEC. 10. Every person who shall sell or vend any goods, wares, or merchandise, wines or distilled liquors, drugs or medicines, jewelry, or wares of the precious metals, and persons who keep horses or carriages for rent or hire, except mules, horses, or other animals used in the transportation of goods, shall obtain from the Auditor of the County in which such business may be transacted, for any or all the branches of business herein enumerated, a license for the transaction of such business at the following rates, to wit: all persons dealing as aforesaid, shall be classed according to the amount of the average monthly sales or rents effected in the following manner, that is to say, those who are estimated to make

Classified according to monthly sales

average monthly sales to the amount of one hundred thousand dollars or more shall constitute the first class; of seventy-five thousand and less than one hundred thousand dollars shall constitute the second class; of fifty thousand and less than seventy-five thousand dollars shall constitute the third class; of forty thousand and less than fifty thousand dollars shall constitute the fourth class; of thirty thousand and less than forty thousand dollars shall constitute the fifth class; of twenty thousand and less than thirty thousand dollars shall constitute the sixth class; of ten thousand and less than twenty thousand dollars shall constitute the seventh class; of five thousand and less than ten thousand, the eighth class; of one thousand and less than five thousand, the ninth class; of all amounts under that sum, the tenth class. The license for the first class shall be given upon the payment of fifty dollars per month; for the second class, thirty-seven dollars and fifty cents per month; for the third class, twenty-five dollars per month; for the fourth class, twenty dollars per month; for the fifth class, fifteen dollars per month; for the sixth class, ten dollars per month; for the seventh class, seven dollars and fifty cents per month; for the eighth class, five dollars per month; for the ninth class, three dollars and seventy-five cents per month; for the tenth class, two dollars and fifty-cents per month: *Provided*, that the sale of liquors or wines by persons licensed under this section, shall not be in less quantity than one quart measure. The moneys collected for licenses, provided to be granted by this and the preceding section of this article, shall be paid to the County Treasurer for State purposes; except classes ninth and tenth, which shall be paid into the County Treasury for county purposes.

Disposition of moneys.
Persons selling liquors, &c.
First class
Second class.
Third class.
Tax on first class.
Second class.
Third class.
Disposition of moneys.
Pedlars, &c., carrying pack.
Peddling with wagon.
Proviso.
Productions of this State exempt.
Moneys collected County Auditor to issue license.
Effect of.
Duty of Justices and Constables.
Penalty.

SEC. 11. All tavern or inn keepers, and all persons who may sell or dispose of any spirituous, malt or fermented liquors or wines, in less quantities than one quart shall, before the transaction of any such business, take out a license or licenses from the County Auditor, as prescribed in this Act, and make therefor the following payment, to wit: Those making sales to the extent of ten thousand dollars or more, as a monthly average, shall constitute the first class; sales to the extent of five thousand dollars, and not exceeding ten thousand dollars as a monthly average, shall constitute the second class; and all sales less than five thousand dollars shall constitute the third class. The license to be paid by the vendors of the first class shall be forty dollars per month; of the second class shall be twenty dollars per month; of the third class shall be ten dollars per month. The moneys collected for licenses, provided to be granted by this section, shall be paid into the County Treasury for county purposes.

SEC. 12. Each traveling merchant, hawker or pedlar, who shall carry a pack, and vend wares, goods or merchandise of any kind, shall pay for each license ten dollars per month, and every such traveling merchant, hawker or pedlar, who shall use a wagon for the purpose of vending any wares or merchandise of any kind, or wines or spirituous liquors, shall pay for each license or licenses thirty dollars per month: *Provided*, That nothing herein contained shall be so construed as to apply to the productions of this State. All moneys collected under this section shall be for the use and benefit of the State. Any County Auditor in the State shall be authorized to issue the license contemplated in this section, which license so issued shall authorize the holder of the same to vend goods, wares and merchandise, as set forth in such license, in any county in this State, and it is hereby made the duty of every Justice of the Peace and constable to demand the license of any such pedlar or hawker, and if such person be found not to have a license as directed by law, the person so offering any goods or wares for sale shall be fined by any Jus-

tice of the Peace, in any sum not less than fifty dollars nor more than one hundred dollars.

SEC. 13. The licenses provided to be granted by this article shall be granted for three, six or twelve months, at the option of the party applying for such licenses. Every person who shall transact or carry on any business specified in this article, without first procuring the license required, for each and every offence shall be liable to an action in the name of the county, or of the State, as the case may be, in any court of competent jurisdiction, for double the amount of the required license, with costs of prosecution; and it is hereby made the duty of the District Attorney to prosecute the suits provided for in the articles two, three and four of this Act; and in case judgment shall be obtained against the party prosecuted, the court shall tax as cost against the defendant the sum of fifteen dollars as District Attorney's fees, and include the same in the judgment, and the moneys, less attorney's fees, when received shall be paid to the County Treasurer for State or county purposes, as the case may be. The County Auditor shall at least once in every three months forward to the Comptroller of State a full abstract of all licenses granted, to whom granted, and the amount of money paid on account of the same: the Comptroller shall thereupon charge the County Treasurer with the amount thereof: and the County Treasurer and Auditor are hereby authorized and empowered to administer any oath which they or either of them may deem necessary to require of parties in order to determine the amount of business transacted, and class to which such parties properly belong, in accordance with the provisions of this Act.

Time for which licenses shall be granted.

Penalty.

Duty of District Attorney.

Duty of Court.

Disposition of money.

County Auditor to forward to Comptroller.

Duty of Comptroller, County Treasurer and County Auditor authorized, &c.

ARTICLE V.

OF AUCTIONEERS.

SEC. 14. Any citizen of this State may become an Auctioneer for the county in which he resides, and be authorized to sell any real or personal property at public auction or vendue, on giving bonds in accordance with law for the faithful performance of his duty, and the payment of the license tax herein provided.

Any citizen may become an Auctioneer.

How to qualify.

SEC. 15. The bonds shall be conditioned to be paid to the people of the State of California, with one or more sureties; who shall in any city numbering over ten thousand inhabitants be freeholders, and justify to the satisfaction of the court; and in such and all other cases the security and bonds shall be approved by the Court of Sessions of the county, and be deposited with the County Treasurer. The bonds to be given by Auctioneers shall be ten thousand dollars, if the business be conducted in any city containing more than ten thousand inhabitants, as reported by the census of eighteen hundred and fifty-two; and if conducted in any other place within the State, five thousand dollars.

Form of bonds.

Amount of bonds.

SEC. 16. An Auctioneer may sell at any public or private sale any real or personal property.

SEC. 17. The Auctioneers doing business (in a city where the number of inhabitants exceeds ten thousand) shall, before making any public or private sale, pay into the hands of the County Treasurer, as a license tax after depositing the bond required by this article, at the rate of one hundred and twenty-five dollars per quarter year, and shall continue such

License tax of Auctioneers.

quarterly payments, and renew the bonds in manner provided by this Act, on the first Monday of April in each year. Auctioneers doing business in a city or town of less than ten thousand and over five thousand inhabitants, shall pay a quarter license tax of one hundred dollars, and Auctioneers doing business in a city or town of five thousand inhabitants or less, shall pay a quarterly license tax of thirty dollars.

How license to be obtained.

SEC. 18. Upon payment of the amount required to be paid to the County Treasurer for license tax, a receipt therefor shall be given by the Treasurer, and a license be issued by the Auditor, with approval of the Court of Sessions, and the Auditor shall charge the Treasurer with the amount so paid.

Tax of half of 1 per cent. of amount of sales of personals.

SEC. 19. Upon all goods, wares and merchandise, and every other species of personal property which shall at any time be exposed to sale at the public auction, or be sold by Auctioneers at private sale within this State, the Auctioneers shall be subject each and every time they shall be struck off, to the payment of a duty to the State of one half of one per centum upon the amount thereof, whether actually sold or not, and upon the sale of any real estate by an Auctioneer, at public or private sale, the Auctioneer shall be subject to the payment of a duty of one half of one per centum upon the amount of the sale: *Provided*, That no duties shall be payable upon the sale at auction of any goods, property or chattels belonging to this State or to the United States, or if sold under or for account of any forfeiture or penalty or upon execution.

Tax of sales of real estate. *Proviso.*

Duties, how audited.

SEC. 20. The amount of duties required to be paid by this Act shall be audited as follows: Every Auctioneer shall make out a monthly account on the first Monday of each and every month, and shall therein state minutely and particularly—

Monthly account

How account shall be made out.

First: The amount of sales and the amount of goods bid in by public outcry, also an aggregate of the amount sold at public or private sale on each day from the date of the last payment or account rendered by him, specifying the days on which sales were made.

Second: The amount of duties chargeable on all sales, public or private, mentioned in the account, and the aggregate of the duties.

Account to be presented to County Auditor. Duty of Auditor. Oath.

SEC. 21. Every such account shall be, within two days after the said first Monday of each month, presented to the Auditor of the county, who shall immediately proceed to administer to the Auctioneer, presenting the same an oath in the following form: "I do solemnly swear (or affirm) that the above account exhibited, and to which I have subscribed my name, contains a just and true account of all sales made by me, or by any other person for me, in or at my established auction store, or at any other place under my knowledge, for my account or under my direction; and further, that I have, during the time therein mentioned, conformed in all things to the intent and meaning of the law regulating sales by Auctioneers, to the best of my knowledge and belief."

Oath to be endorsed on account.

SEC. 22. Such oath shall be in writing, be endorsed upon the account, and be subscribed by the Auctioneer taking it, and he shall accompany the account with a receipt from the Treasurer of the county for the payment of the duties in accordance with the account, whereupon the Auditor shall charge the amount to the County Treasurer, and it is hereby made the duty of the County Treasurer to publish the same monthly in some newspaper printed in the county, and if no paper be printed in the county, then by posting on the door of his office the amount of duty paid by each Auctioneer in his county.

Duty of Auditor.

Duty of County Treasurer.

Duties to be published.

Who are prohibited.

SEC. 23. No person shall act as an Auctioneer, or be entitled to receive a license to authorize him to act as Auctioneer, nor in any manner

dispose of goods at public outcry, who has neglected or refused to pay the license and per centage due under the provisions of an Act to provide revenue for the support of the Government of this State, passed May eighteenth, one thousand eight hundred and fifty-three, or under this Act due and unpaid which he has neglected or refused to pay.

SEC. 24. Any Auctioneer who shall neglect or refuse to make out and file his account of sales, and pay the duties provided in this article, and any other person than an Auctioneer, licensed in accordance with this Act, or a civil officer acting under the authority of any court of the United States, or of this State, who shall exercise the trade or business of an Auctioneer, (except as hereinafter provided) by selling or offering for sale at auction any goods, merchandise, property or estate, real or personal, within this State, shall be liable to a penalty of not less than one hundred, nor more than five thousand dollars for every offence, to be recovered before any court of competent jurisdiction, or imprisonment, at the discretion of the court, not to exceed three calendar months; and it shall be the duty of the District Attorney to prosecute for the recovery of the same, upon the information of any person, and the amount of the penalty to be paid into the County Treasury, the one-half to the use of the county, and the remaining half to the use of the State, and a fee of fifty dollars in each case shall also be taxed as costs for the use of the District Attorney.

Penalty.

Duty of District Attorney.

Disposition of moneys. Fees of District Attorney.

SEC. 25. In any city or town where there is no Auctioneer, the Sheriff or Constable shall be *ex officio* auctioneer, and shall be allowed to sell any property, real or personal, at public auction, and shall pay one per centum upon the amount of all sales, within ten days after the day of such sales, into the County Treasury, for State purposes, in manner and form as provided in section twenty-two of this Act. The Sheriff or Constable making such sale, neglecting or refusing to pay into the County Treasury within the time specified the per centum tax thus due, shall be liable upon his official bond, in double the amount of tax thus due. Any Auctioneer making false returns, shall be deemed guilty of the crime of perjury, and upon conviction thereof shall be fined in a sum not less than one thousand dollars, or more than five thousand dollars, and imprisonment in the Penitentiary not less than six months or more than three years.

To cities or towns where there is no Auctioneer.

Auctioneer making false returns. Penalty.

ARTICLE VI.

CONCERNING CONSIGNED GOODS.

SEC. 26. All goods, wares, merchandise, provisions, or any other property whatsoever brought or received within this State from any other State or from any foreign country, to be sold in this State, owned by any person or persons not domiciled in this State, are hereby declared to be consigned goods within the intent and meaning of this Act.

Definition of "consigned."

SEC. 27. The word "domicil," in this Act, shall be construed to mean the place where a person has established his business.

Definition of "domicil."

SEC. 28. All and every person or persons selling any consigned goods within this State, shall be subject to a tax for the use of the State, at the

Tax.

rate of fifty cents on each one hundred dollars of the amount of all and every sale or sales, which tax shall be paid by the person making the sale, and each and all such person or persons shall have a lien on the owner or owners of such consigned goods for the amount of the tax paid, and may deduct the same from the proceeds of such sales.

By whom to be paid
Person selling to have lien.

Consigned goods owned by persons domiciled in this State.

Sheriff to appoint special Deputies.

Bonds of such Deputies.

Duties and powers of such special Deputies.

The same.

Duty of County Treasurer.

Deputy Collector to report the

SEC. 29. The amount of the property and interest in any consigned goods which shall be owned by any person or persons domiciled in this State, shall not be subject to tax under article six of this Act.

SEC. 30. The Sheriff of each county in which the Board of Equalization shall so direct, and the Sheriffs of the counties of San Francisco, San Joaquin, Sacramento and Yuba, without such direction, shall each appoint, in addition to their other deputies, a special deputy, who shall be denominated a Deputy Collector, and shall take from such Deputy a bond with two or more sufficient sureties, to be approved by the County Judge, conditioned for the faithful performance of the duties required of him by this Act, and for the prompt payment, in the manner prescribed by law, of all moneys which he shall receive by virtue of his office, but each Sheriff and his sureties shall be liable for the official acts of such Deputy. The penal sum of such bonds shall be twenty thousand dollars in the county of San Francisco, eight thousand dollars in the counties of Sacramento, Yuba and San Joaquin, and five thousand dollars in all other counties, unless the Board of Equalization of such counties shall otherwise direct.

SEC. 31. All special Deputy Collectors appointed under this Article shall have power to administer oaths and affirmations, and shall not be directly or indirectly interested in any business as an Auctioneer, nor in the sale of consigned goods. It shall be the duty of such Deputy Collectors, and each of them, and they are hereby authorized and required to arrest any person or persons who shall violate the provisions of this Article, and to assist the District Attorney in the conviction, and to prevent the sale of any consigned goods, in violation of this Act, to prevent all sales by unlicensed Auctioneers, and by any Auctioneer having a license and refusing to pay the duties imposed by law, in the manner and with the examination herein required; to ascertain the amount of sales of consigned goods in the manner required in this Article, and to report the same quarterly to the County Auditor, to collect all taxes imposed upon persons selling consigned goods in the manner and to the extent provided in this Article, and to have such general supervision over the public revenue to be derived from these sources, as the interest of the State may require.

SEC. 32. Whenever a Deputy Collector shall be appointed for any County as provided in this article, the County Treasurer of such County shall immediately ascertain the names of all that sell consigned goods in his County, and shall cause a blank receipt endorsed by him, and also by the County Auditor, charging the same to the deputy, to be filled out for each person or firm respectively, and shall also fill up in like manner an equal number of blank statements, having a proper blank affidavit attached thereto, which receipts and statements shall be given to the Deputy Collector, taking his receipt therefor, to be used by him in collecting the duties imposed by this article, the blank statements so issued shall be filled up with the true amount of sales rendered by the person or firm named therein, who shall thereupon subscribe and swear (or affirm) to the affidavit attached thereto.

SEC. 33. The said Deputy Collector is hereby required to report to the County Treasurer, and to the District Attorney, the names of all

persons selling consigned goods in his County who shall neglect or refuse to render a statement of sales as required by this article. All persons selling consigned goods who shall neglect or refuse to pay the duties herein imposed shall forfeit double the amount thereof, and the District Attorney is hereby authorized to proceed by attachment against any ships, vessels, steamer or other property whatsoever owned or under the management of any person or persons violating this Article of this Act.

names of those refusing &c. Penalty for selling consigned goods without paying duties. Power of District Attorney.

Sec. 34. Between the first and fifth of each month the County Auditor shall attend, with the Deputy Collector, at the office of the County Treasurer and the said Deputy Collector shall then and there deliver up to the County Treasurer all the statements and pay over the funds received by him up to such period. The County Treasurer shall thereupon cause the amount of sales returned on each such statement to be entered in the proper account, charging the Deputy Collector with the amount of duties on each amount of sales as specified in the said return statements, and crediting the said Deputy Collector with all funds paid over, and thereupon the said Treasurer shall deliver all the said statements returned to the County Auditor.

Deputy Collector to make monthly settlements.

Duty of County Treasurer.

Manner of keeping accounts

Statements to be delivered.

Sec. 35. Whenever the Deputy Collector shall fail, between the first and fifth of each month, to render a full and true account of all receipts and statements received by him, he shall be deemed *prima facie* to have been guilty of a fraud, and shall be at once suspended from office by the Sheriff, whereupon another shall be appointed in like manner, and upon being qualified shall act in his stead. If the said Deputy Collector so removed from office shall be convicted, he shall be punished by imprisonment in the State Prison not less than one nor more than three years, and be fined in any sum not exceeding five thousand dollars, to be paid for the use of the county in which such Deputy Collector shall have been convicted.

Failure of Deputy Collector to make settlement.

To work suspension.

Penalty.

Sec. 36. It shall be the duty of the County Auditor to forward, monthly, to the Comptroller of State, an abstract of the whole amount of sales in his county by persons selling consigned goods, appearing by the statements on file in his office for each month of the year.

Duty of County Auditor to forward monthly statement to Comptroller.

Sec. 37. The fees allowed for collecting, keeping, and paying over the duties or taxes herein imposed upon persons selling consigned goods, shall be as follows: To each Deputy Collector five per cent.; to each of the Sheriffs of San Francisco, Sacramento, Yuba and San Joaquin, who shall appoint a Deputy Collector in the manner provided, two per cent., and to the County Treasurer, in consideration of his extra labor and expenses herein required, two and one half per cent. on all sums collected.

Fees for collecting duties.

Deputy Collector

Sheriff of San Francisco, Sacramento, Yuba, and San Joaquin, who appoint deputies. County Treasurer's

Sec. 38. The Sheriff of each county in which no such Deputy is required to be appointed, and the Sheriff of each of the counties of San Francisco, Sacramento, Yuba and San Joaquin, during the absence or necessary suspension of his said Deputy, shall perform all the duties required in this act to be performed by such Deputy, and shall receive therefor the same per centage allowed to his said Deputy, and no more; and where so acting the Sheriff shall be deemed and held in all respects to be the same as his said Deputy,

Sheriffs of Counties where no Deputies are required

Sheriffs of San Francisco, Sacramento, Yuba and San Joaquin, during the absence or suspension, &c.

Sec. 39. All the revenue derived from the taxes on duties specified in this Article, less the expense for collecting the same, shall be certified to the Comptroller of State by the County Auditor, and paid to the State Treasurer by the County Treasurer, at the time and in the manner provided for certifying and paying over other State taxes, the whole amount of taxes collected under the provisions of this Article shall be for the use of the general fund.

Disposition of revenue.

ARTICLE VII.

CONCERNING POLL TAX.

Who liable to pay poll tax. Poll tax, \$3.

SEC. 40. Each male inhabitant of this State over twenty-one years of age and under fifty years of age, and not by law exempt from poll tax, shall pay a poll tax, for the use of the State and county, of three dollars, forty per cent. of the net proceeds of which shall be paid into the County Treasury for County purposes, the remaining sixty per cent. of the nett proceeds to be paid into the County Treasury for the use of the State; *Provided*, he shall pay the same to the Assessor between the first Monday of March and the first Monday of October in each year, and in default of paying the same to the Assessor within the time specified, each such inhabitant shall pay a poll tax of four dollars for the use of the State and county, the collection of which shall be enforced by the Assessor. whether the name of such inhabitant be listed or not, and the Assessor shall receive one dollar for each four dollars of poll tax by him lawfully collected at any time from the first Monday of October to the first Monday of March in each year.

Proviso. Persons not paying poll tax by first Monday of October.

Fees of Assessor.

When person deemed to have paid poll tax.

SEC. 41. No person shall be deemed or held to have paid his poll tax unless he be able to exhibit a receipt therefor, issued from the office of the Comptroller of State, or otherwise prove the payment of the same.

Comptroller to have poll tax receipts printed.

SEC. 42. The Comptroller of State shall immediately after the passage of this Act for the present year, (and thereafter before the first day of March in each year,) cause proper blank receipts for poll taxes to be printed by the State Printer, of a uniform appearance, (changing the style thereof each year,) and shall cause a number thereof equal to the probable number of inhabitants in each county liable to poll tax, to be immediately forwarded to the County Treasurer of each county, who shall sign and number them, or so many of them as may be required, and make an entry thereof in a book to be kept for that purpose, and thereupon deliver them to the clerk of the Board of Equalization, who shall in turn likewise sign them, and make an entry thereof in a book to be by him kept for that purpose.

Form.

To be forwarded to County Treasurer.

To be signed, numbered, &c.

To be delivered to Clerk Board of Equalization.

Clerk to issue to Assessor.

SEC. 43. The clerk of the Board of Equalization shall issue to the Assessor so many of such executed receipts for poll tax as may be needed.

Penalty on Assessor for delivering, &c.

SEC. 44. No receipts for poll tax other than those mentioned in the forty-second section of this Act shall be used or given for the payment of any such tax, and any Assessor who shall receive any poll tax without delivering the proper receipt required by law shall be deemed guilty of a misdemeanor for each unlawful receipt so delivered, and on conviction thereof shall be punished by imprisonment in a county jail not less than three months nor more than one year, and by fine not less than one hundred nor more than one thousand dollars for each offence.

Officer receiving poll tax receipts.

SEC. 45. Upon receiving such executed receipts from the clerk of the Board of Equalization, the officer authorized to collect the poll tax for the time being shall give a receipt to said clerk for the same, and the said clerk shall immediately charge the same to the officers so receiving them. All such receipts delivered shall be filled out with the sum of three dollars, and three dollars shall be charged to him for each one so

Filled out with \$3.

delivered, and all such receipts delivered to the Assessor, after the first Monday of October in each year shall be filled out with the sum of four dollars, and four dollars shall be charged to him for each one so delivered.

Certain receipts to be filled out with \$4.

SEC. 46. On the first Wednesday after the first Monday of October in each year the Treasurer, the Assessor, and the clerk of the Board of Equalization of each county, shall attend at the office of the Auditor and make a settlement with the Assessor for all said receipts received by him, and the Assessor shall thereupon pay over to the County Treasurer all moneys received by him for poll tax, deducting therefrom fifteen cents for each one dollar so collected, and the Assessor shall deliver the receipt of the Treasurer or a duplicate thereof to the County Auditor, and the clerk of the Board of Equalization shall also render to the Auditor a statement of the amount of poll tax receipts, charged against the Assessor; the Assessor and his bondsmen shall be held responsible for the payment of the amount received by him and not returned on such settlement to the said clerk, less fifteen per cent. for the collection thereof; and in default of any payments required of the Assessor the District Attorney shall cause suit to be instituted against him and his sureties in the like manner, and with the same penalties, as provided in this Act for suits against the sheriff and his sureties.

First Wednesday after first Monday of October, &c.

Assessor to pay over all moneys.

15 cents to be deducted.

Clerk of Board of Equalization to render, &c. Responsibility of Assessor. Duty of District Attorney.

SEC. 47. The Board of Equalization of each county shall exact an additional bond from the Assessor with additional sureties, in such penal sums as the said Board shall deem necessary to insure the faithful and prompt payment to the County Treasurer of all moneys received by such Assessor for poll tax.

Assessor to give additional security.

SEC. 48. The county clerk shall be, *ex-officio*, the clerk of the Board of Equalization, except when a clerk shall be especially elected by such Board according to law.

County Clerk. *ex-officio* Clerk. Exception.

SEC. 49. To enforce the collection of poll taxes, as provided in this Act, the Assessor may seize so much of every and any species of property, right, claim or possession whatever, claimed by any person liable to, and refusing or neglecting to pay his poll tax, or in the possession of, or due from any other person and belonging to such person so refusing to pay such poll tax, as will be sufficient to pay such poll tax and costs of seizure; and shall and may sell the same at any time or place, upon giving a verbal notice, one hour previous to such sale; and any person indebted to another liable to poll tax, who shall neglect or refuse to pay the same, may pay the same for such other and deduct the amount thereof from such indebtedness; the Assessor, after having deducted the poll tax for which such property was sold, and the necessary fees and costs of the sale, shall return the surplus of the proceeds to the owner of the property; a delivery of the possession of the property by the Assessor to any purchaser at any such sale shall be a sufficient title in the purchaser, without the execution of a deed thereof by the Assessor.

Powers of Assessor.

The same.

SEC. 50. The Assessor shall on the first Monday of December in each year settle for all poll taxes collected by him, and shall pay over to the Treasurer the amount of all poll tax receipts which he shall have received from the clerk of the Board of Equalization, after deducting the fees for collection, which he shall not then exhibit as still remaining uncollected; and on the first Monday in March of each year the Assessor, the Treasurer and the clerk of the Board of Equalization shall attend at the office of County Auditor, and the County Auditor shall then and there settle with the clerk of the Board of Equalization, and with the Assessor, for all poll tax receipts signed by the Treasurer and delivered to said clerk; and the said clerk and his sureties shall be responsible for all such poll

Assessor to settle on first Monday of December.

On first Monday of March, the Assessor, Treasurer, and Clerk of Board of Equalization shall attend at County Auditor's

Responsibility
of Clerk

Assessor shall
pay over.

County Auditor
to transmit to
Comptroller.
Poll tax receipts
not valid after
1st March.

Penalty for
transferring or
forging poll tax
receipts

Duty of County
Auditor to
transmit to
Comptroller a
statement

Duplicate of
statement

Final settlement
first Monday of
March, statement
to Comptroller.

Form.

Fees of Clerk
1 1-2 per cent.
Fees of Auditor
1 1-2 per cent.
40 per cent to be
paid into Co
Treasury
60 per cent into
State Treasury,
K to be placed
in Common
School Fund.
How distributed.

tax receipts delivered to him, which he shall not then return or be able to account for, with receipts or vouchers from the Assessor, and the Assessor shall then pay over the amount of all poll tax receipts by him received, and not then and there returned, and all the poll tax receipts returned by the Assessor and clerk of the Board of Equalization, and shall be transmitted by the County Auditor, with his annual statement, to the Comptroller of State, and no poll tax receipts shall be valid for the coming year after the first of March in each year.

Sec. 51. Any person or persons who shall pass, sell or transfer, or attempt to pass, sell or transfer, or who shall forge or fraudulently issue any receipt or receipts for poll tax, contrary to the spirit and intention of this Act, shall be deemed guilty of fraud, and on conviction thereof shall be punished by imprisonment in the State Prison for not less than one year nor more than two years.

Sec. 52. At the settlement with the Assessor required on the first Monday in December in each year, it shall be the duty of the County Auditor, and he is hereby required to forthwith transmit to the Comptroller of State a certified statement of the amount of all poll taxes paid over to the County Treasurer of his county, up to that time, and he shall deliver a duplicate of such statement to the County Treasurer; and on the final settlement, on the first Monday of March in each year, the County Auditor shall immediately, upon the conclusion thereof, transmit a certified statement to the Comptroller of State, stating therein the number of all receipts for poll tax issued by the County Treasurer to the clerk of the Board of Equalization, and also the number of such receipts issued by the said clerk to the Assessor, and also the number of such receipts returned by the Assessor, and also the number of such receipts returned by the clerk of the Board of Equalization, and also the number of such receipts then transmitted to the Comptroller of State.

Sec. 53. Of the money collected under this article one and one half per cent. shall be paid to the clerk of the Board of Equalization, one and one half per cent. shall be paid to the Auditor, and after all the expenses of collection are paid, then forty per cent. shall be paid into the county treasury for county purposes, and the remaining sixty per cent. shall be paid in for State purposes; and one fourth of the money paid into the State treasury from this source shall be placed in the Common School Fund, and be distributed in the same manner as the interest arising from the sale of School Land Warrants.

ARTICLE VIII.

CONCERNING PRIVATE AND INCORPORATED COMPANIES AND ASSOCIATIONS.

Corporations,
private associations
for mining
purposes, liable
to taxation

Sec. 54. All mined or stock corporations, or private associations, and all companies and associations for mining purposes, whether the same be or be not incorporated, and whether the capital stock of such corporation, private association or mining company be located in or without the limits of this State, shall be liable to taxation in the manner hereinafter prescribed.

President,
Cashier, &c.

Sec. 55. The President, Cashier, Secretary, Treasurer, Agent or

other proper officer or manager of every incorporated company, and of each mining company or association that is now or shall hereafter be under and by virtue of any law of this State authorising the same, or that may exist by virtue of the laws of any other State, or by virtue of any private or individual agreement, who derive any income or profit on their capital in this State, or who have capital invested in their machinery, dam or dams, canal or canals, or other works for mining purposes; and the principal persons having charge of the affairs of every private association engaged in selling foreign bills of exchange, drafts or certificates of deposit on capital within this State, shall, on or before the second Monday of May annually, make and deliver, on application of the Assessor of the county in which the company or private association is liable to be taxed, and in the same manner as is required by this Act, of all private citizens or inhabitants within this State, a written statement, specifying—

to make statement.

And deliver to the Assessor.

Form of such statement.

First: The real estate, if any, owned by any such company or private association, the county or counties in which it is situated, and the sums of money actually paid therefor, or the actual value thereof.

Second: All the present value of all machinery, and of all works and improvements.

Third: The city, town or place in which the depot of the property of such company or private association is situated; or if there be no such office, the place where its operations are carried on; and such statements shall be certified under the oath of such President or other officer or person, to be in all respects just and true.

The same.

SEC. 56. If the statement required in the preceding section shall not be furnished within twenty days after the time therein specified, each company or private association neglecting or refusing to furnish such statement, shall be listed and assessed by the Assessor for the amount of the reputed value of the stock and property of such company or private association, according to his best judgment, and the Sheriff shall have, and he is hereby given the same power and authority to enforce the collection of taxes imposed upon any such company or private association, which shall neglect or refuse to pay the same, as are conferred on the Assessor by this Act to enforce the collection of poll tax.

If statement not furnished within 20 days, Assessor to make estimate of value.

Sheriff to enforce collection.

SEC. 57. The Assessors of the several counties shall enter all companies and private associations from which such statements have been received, and the property of such company or private association on their assessment rolls, in the same manner as near as may be as is required in other cases, showing the name of such company or private association, the amount of capital stock paid in, the value of all their personal property and improvements within the county, and the amount of such capital out of this State, on the faith and credit of which they are transacting business in this State, the value of all real estate then belonging to said company or private associations: *Provided*, That the said associations shall be taxed only upon the amount of property owned by them, whether in money or improvements made by moneys paid in.

Assessor to enter all companies and associations on the roll as in other cases.

Form of entry.

Proviso. Taxed only upon amount of property owned.

SEC. 58. If the sheriff shall be unable to collect the taxes from any such company or private association he shall return the same to the County Auditor, as in other cases of delinquent taxes. noting the reason why he could not collect the same; and the County Auditor shall thereupon certify the same to the Comptroller of State.

Duty of Sheriff when taxes cannot be collected of associations.

ARTICLE IX.

GENERAL PROVISIONS.

- Definition of "real estate." Exception.** **Definition of "personal property."** **SEC. 59.** The term "Real Estate," as used in this Act, shall be construed to include all lands within this State, except mining claims.
- The same.** **SEC. 60.** For the purposes of revenue the term "personal property," as used in this Act, shall be construed to include in the property enumerated in section one of article one of this Act, all household furniture, goods, chattels, horses, cattle, money, gold dust, and money at interest, and solvent debts exceeding indebtedness, and all ships, steamers, vessels, and water craft of any and every description whatever, navigating the waters of this State, all moneyed stock and interest in any company or association, incorporated or private, not vested in real estate, and all stock and interest invested or owned in any company or association owning or having the management of any mines, or any turnpike, plank road, bridge, ferry, or other thing, and shall be ascertained by the oath of the owner, and also for the purpose of revenue only, all houses, buildings, or other things erected upon real estate, whether private property or public land of the United States, shall be deemed and held to be personal property; if any person who has settled upon and improved public lands of the United States shall neglect to pay the tax assessed upon the improvements thereon, within the time prescribed by law for the payment of taxes, he shall not avail himself of the provisions of the Act prescribing the mode of maintaining and defending possessory actions on lands belonging to the United States.
- Persons settling upon public lands.** **SEC. 61.** Lands sold or leased for a term of years by the State, though not granted or conveyed, shall be assessed in the same manner as if actually conveyed.
- Lands leased by State assessed.** **SEC. 62.** The owner or holder of stock in any incorporated company liable to taxation on its capital shall not be taxed as an individual for such stock, but the stock of every private or incorporated company shall be taxed in the county where the general depot or principal office of the company is situated or established.
- Owner of stock in companies liable to be assessed on capital. Where company's are taxed.** **SEC. 63.** Every person shall be listed in the county where he resides for all personal estate owned by him in such county, including all real and personal estate, in his possession, or under his control as trustee, guardian, executor or administrator.
- Persons to be listed in county where resident.** **SEC. 64.** Lands occupied by any person not the owner thereof, shall be listed in the name of the owner, if known, otherwise in the name of the occupant, who shall pay the taxes on the same, and for the taxes paid by such occupant he shall have his action against the owner.
- How lands occupied by persons not owners.** **SEC. 65.** Unoccupied lands shall be listed in the name of the owner, if known, otherwise as lands of persons unknown; lots or real property within the limits of any incorporated city, shall be listed separately as the same may be owned or held, or when this is unknown, in accordance with the survey or plan; *Provided*, that the owner or owners of any sub-division of such lot may pay a rateable proportion of the tax assessed upon the full lot in the ratio of the share or portion so owned or possessed by him, to be ascertained by the Assessor, and it is hereby made the duty of the Assessor to fix and receive such proportion.
- Unoccupied lands, Lots.** **SEC. 66.** The real and personal estate of all incorporated companies,
- Proviso.**

liable to taxation, shall be listed in the county in which the same shall be situated, in the same manner as the personal and real estate of individuals.

Property of corporations.

SEC. 67. When personal property is under mortgage, or in any manner pledged, it shall, for the purpose of taxation, be deemed the property of the party having possession thereof; in the case of a mortgage of real estate, the mortgager shall pay the taxes on the value of the property.

Mortgaged property.

SEC. 68. The undivided real estate of deceased persons may be listed to the heirs, guardians, executors or administrators, as the case may be, and a payment of taxes made by either, as the case may be, shall bind all the parties in interest for their equal proportion.

Undivided real estate.

SEC. 69. Partners in the mercantile business may be jointly listed in their partnership name in the county where the business is carried on for their personal property employed in such business, and in case of being so jointly listed each partner shall be liable for the whole tax.

Partners.

SEC. 70. The County Assessor of each county may appoint one or more Deputy Assessors, not exceeding one for each township in the county, to assist him in the performance of his duties; and he may require of each person so appointed a bond with sureties for the faithful performance of his duties, but the County Assessor shall be responsible for the official acts of every deputy so appointed. Before entering upon their respective duties each deputy, in like manner as the County Assessor, shall take the oath of office, which shall be endorsed on their respective appointments.

Assessor may appoint Deputies

SEC. 71. Between the first Monday of March and August of each year, the County Assessor shall ascertain, by diligent inquiry an examination through all the inhabited portions of his county, the names of all the taxable inhabitants, and the full amount of all real and personal property within the county which is not exempt from taxation by this Act; he shall also make subsequent assessments whenever he has reason to believe that property or persons liable to taxation have not been previously assessed.

Duty of Assessor

To make subsequent assessments in certain cases.

SEC. 72. The assessor shall, between the time specified in this Act, shall call upon every person resident in his county for a list of his taxable property, and such property as may be under the control or management of such person, and demand a list, under oath, of such taxable property, of whatever character, and if the party decline to make affidavit, he shall proceed to assess the value of the same. When any property is overlooked by an assessment in any one year, it shall be added to the next annual assessment.

Further duties of Assessor.

Property overlooked to be added to next assessment.

SEC. 73. To ascertain the taxable inhabitants and property in each county, the assessor shall prepare a tax list or assessment roll in a well bound book, alphabetically arranged, in which shall be set down, in separate columns, and according to the best information he can obtain, guided by the test required of each taxable inhabitant in the next section of this Act.

How taxable inhabitants and property to be ascertained.

First: The name of all taxable inhabitants.

Second: All real estate taxable to each, giving the quantity of acres in each tract as near as possible, and the township or locality where it is situated, except in cases of city or town lots where the quantity may be given by feet, and the lots described by reference to numbers and streets.

The same.

Third: The actual cash value of the same.

Fourth: The actual cash value of all personal property taxable to each, except improvements on real estate.

Fifth: The actual cash value of all improvements on real estate.

The words "cash value" shall be so construed as to mean the amount in cash at which the property assessed can be sold in the county at the time of the assessment.

Powers of Assessor.

SEC. 74. The assessor of every county may require each and every taxable inhabitant of the county to make and deliver to the assessor, (who is hereby empowered for that purpose to administer the oath,) under oath or affirmation, a statement of all his individual property and wealth, whether of money, mortgages, land, gold dust, houses, ships, vessels, notes, bonds, scrip, or any other species of property held by him in trust for another, the value of which shall be determined by the assessor.

Assessor may make his own estimate in certain cases.

SEC. 75. Upon failure to make the assessor a satisfactory statement of the wealth of the person so being listed, the assessor shall make his own estimate, and place the same in his tax list or assessment roll.

Every person to deliver a just list of all property taxable.

SEC. 76. In the same manner every person shall deliver up to the assessor a just and true list of all property taxable by law (except merchandise) which he owns, or of which he has the charge or management, being in any other county in the State, and which has not, to his knowledge, been listed and given in for taxation for that year, which list shall particularly describe each tract of land and each city or town lot contained therein, so that the same may be found and known by such description; all vessels, steamers or other water craft, and shall also specify each and all deposits, if any, or persons with whom such deposit or deposits are made, and the place or places in which the same may be found, unless he shall have included all such money and gold dust in the list of property in his county, which it shall be lawful to do.

Form of list.

The same.

Assessor to make out distinct lists for each county, and transmit to Assessor of proper county.

SEC. 77. Every assessor, as soon as he shall have completed his assessments, shall make out from such lists delivered to him under the previous sections of this Act, a distinct list for each county in which any such taxable property may be, and transmit the same by mail or otherwise to the assessor of the proper county, who shall assess the same as other taxable property therein if not before assessed for the same year. If such lists shall be transmitted by mail the postage thereon shall be paid by the assessor who receives the same, and the amount thereof shall be allowed and paid to him at the time and in the manner of paying other expenses of assessment.

When list is not received before return of tax book, supplemental tax book to be made.

SEC. 78. When the lists transmitted from one Assessor to another, as required in the previous section of this Act, shall not be received by the proper Assessor before he has made return of his tax book to the Court, he shall without delay, assess the property in such lists obtained and make return thereof to the Court in a supplement tax book, which shall be proceeded on, as near as may be, as the original.

Books and accounts open to inspection.

SEC. 79. The books and accounts of all receiving, disbursing or auditing officers named in this Act, shall at any and all times be open to public inspection and examination, free of any charge whatever.

Taxable property not listed.

SEC. 80. All taxable property in any county in this State which shall not be listed in the Assessor's books, or a list thereof tendered or offered to be made to the Assessor upon demand, and which shall have existed in and county between the first Monday of March and August of each year, and shall be found to have remained unlisted in any list required by this Act, shall be at any time during the year, especially and separately assessed and reported to the Sheriff of the county, and shall be taxed double, unless it shall be established to the satisfaction of the Board of Equalization, that such property was not listed by reason of the gross negligence of the Assessor, in which event the Assessor shall be liable to pay the whole amount of such tax.

Shall be specially assessed and reported.

Shall be taxed double.

Sec. 81. If any person shall be guilty of giving or making a false list of any property, under the oath required by this Act, as to leave no question or doubt of an attempt to conceal any property or thing, such person shall be liable to indictment for perjury, and on conviction thereof, shall be punished as in other cases of perjury, and all his or her property shall be liable to pay three times the usual tax.

Sec. 82. If the owner or owners of any property liable to taxation shall be unknown, or a non-resident, or absent, or refuse when called upon by the Assessor or his authorized deputy to give a list of his property, real or personal, subject to taxation, it shall be the duty of the Assessor or his authorized deputy, in either or all the above enumerated cases, to make a list thereof from the best information he can obtain, and attach thereto such valuation as he may deem just, and enter the same on his roll; and the assessment thus made shall have the same force and effect as though it had been made by the owner or owners of all property thus listed, and unless altered by the Board of Equalization in the manner set forth in this Act, and the assessment of all property of persons refusing to give a list as provided by law, may be doubled by the Board of Equalization.

Sec. 83. The Assessor of each county shall deliver a full and complete original list or assessment roll to the County Auditor on or before the first Monday in August in each year. But nothing in this section shall be so construed as to prevent a subsequent assessment and return of any property not returned in the original assessment roll which may have been brought into his county prior to the first day of October, and which has not been assessed in the name of the then owner or claimant in any other State or County. *Provided*, nothing in this section shall apply to families arriving between the first of July and first of October across the Plains to the amount of two thousand dollars in stock and other necessities.

Sec. 84. The Board of Supervisors, if any exist, otherwise the Court of Sessions of each county shall constitute the Board of Equalization and shall meet on the first Monday of August in each year, and also upon the Monday succeeding the final return of any supplementary assessment roll, notice of which shall be given by the Assessor for one week, and continue in session from day to day until all the business of equalization presented to them is disposed of, and hear and determine all complaints respecting the valuation of property both real and personal, made subsequent to the preceeding first Monday in March, and correct any list or valuation if they shall be convinced that the same be false; and shall have power to equalize the valuation made by the Assessor, either by adding thereto or deducting therefrom such sums as to them, or a majority of them, shall appear just and equitable. During the time the Board of Equalization is in session the Assessor or one of his assistants shall be in attendance, and be allowed to make any statement to the Court touching the question of equalization before the Board.

Sec. 85. The Auditor of each county shall, annually, immediately after the first Monday of August in each year, make out a duplicate of taxes assessed in his county in the following manner: He shall place in alphabetical order the names of all persons, corporations or companies liable to pay a tax in the county; he shall place in separate columns and opposite the names of the property tax payers, designating by the word "paid" such as have paid the Collector of Taxes.

First: Real estate other than city or town lots, each tract separately.

Persons making list liable to indictment for perjury.

When owner is unknown or refuse to give a list.

Assessor to make list.

Assessment may be doubled.

Assessor to deliver a complete list or assessment roll to County Auditor on or before 1st of August. Subsequent assessments may be made of property not returned.

Proviso. Emigrants over-land exempt.

Board of Equalization—how constituted. When to meet.

Notice of meeting to be given.

Powers and duties.

Auditor to make out duplicate of taxes.

Form of statement.

Second: The number of acres in each tract of such real estate and townships or locality where situated.

Same. *Third*: The value of such real estate.

Fourth: The value of improvements thereon.

Fifth: City and town lots, and quantity by feet and description by numbers and streets of each lot.

Sixth: Value thereof.

Seventh: Value of improvements thereon.

Eighth: Value of personal property (except improvements on real estate.)

Ninth: Total value of the property.

Tenth: State tax thereon.

Eleventh: County tax thereon.

Twelfth: Poll tax.

Thirteenth: Delinquent tax previous year.

Same. *Fourteenth*: Total tax. If the names of persons liable to pay a tax on any property in the county be not known to the Auditor he shall place such property in the duplicate opposite the words "unknown owners," and he shall add up and set down on each page of such duplicate the several columns containing the valuation of real and personal property, the taxes charged upon each tract or parcel of real estate, and the number of acres, carrying the same forward from page to page to the close of the duplicate; and at the end of the duplicate he shall add up and set down the aggregate of the items for the whole county, and he shall cause a copy of the delinquent portion of such duplicate to be delivered to the Sheriff of his county on or before the third Monday of August of each year, as also a list of taxes already paid to the Collector of Taxes with the names in alphabetical order: *Provided*, That the Court of Sessions or the Board of Supervisors, as the case may be, when in their judgment it becomes necessary, order as much of the delinquent tax list stricken from the assessment roll as they shall deem unnecessary longer to continue.

Complete abstract of property to be made out and sent to Comptroller. SEC. 86. He shall make out and cause to be transmitted, by mail or otherwise, to the Comptroller of State, on or before the first day of November of each year, a complete abstract of the property listed in his county, the valuation thereof, the number of polls, the amount of each kind of tax, and the aggregate thereof in the county, and certify the same, as also the rate of each kind of tax assessed.

Power to correct errors. SEC. 87. The Auditor, in presence of the Assessor, shall from time to time correct all errors which he may discover in his duplicate, either in the name of the person charged with taxes, the description of the property, or amount of taxes charged; and when such correction is made, after the duplicate is delivered to the sheriff for collection, the Auditor shall give to the person to be affected thereby a certificate of such correction, to be presented to the sheriff, who shall make the like correction on his duplicate and keep such certificate as his voucher on settlement with the Auditor.

Certificate of correction to be given to person affected. Sheriff shall be collector of taxes except poll taxes To receive from the Assessor immediately upon its entry a duplicate of taxes assessed. Collector to SEC. 88. The sheriff who shall be the collector of all taxes, except poll taxes, shall receive from the Assessor, immediately after the entry upon the roll, a duplicate of each entry of taxes at the time the Assessor makes the assessment, (a copy of such duplicate being also returned to the Auditor by the Assessor,) and proceed to collect the taxes, being charged by the County Auditor with the full amount thus charged upon such duplicate, and the collector accompanying the Assessor in his travels

over the county, shall have power in his discretion to demand any and all taxes upon personal property due the State or county from any person liable to taxation, who shall not be the owner of any real estate in such county, so soon as the Assessor shall list such tax payer, and shall have the same power to enforce the payment of such tax on personal property as is given the Assessor for the enforcement of the payment of the poll tax: *Provided*, In cases where said tax exceeds the sum of ten dollars, the sheriff, before such sale, shall give notice thereof in writing, which notice shall be posted for five days, in the manner and be of the same purport as notices required to be given by constables on sales of personal property under executions.

accompany Assessor.

Powers to enforce payment. Proviso. Notice of sale to be given.

SEC. 89. Every assessment made in conformity with the spirit and intention of the provisions of this Act shall remain as judgment and lien and have the force and effect of an execution against the party and property liable for the taxes thereon, and the sheriff is hereby authorized and required to seize and sell in like manner and with the same fees as are allowed for advertisement and sale only under execution, any property the taxes on which shall have been paid on or before the third Monday of October in each year, by giving ten days written or printed notice thereof, a copy of which notice shall be given in the Spanish language in all the counties south of the county of Contra Costa, including said county, designating the time and place of sale, and the name of the owners of such property, when known, and when not known stating such fact, as also the description of the property so seized, and where situated, as also any and all improvements that are thereon or appertaining thereto, which said notice shall be posted on the door of the county court house, and in three conspicuous places in the election precincts where such property is situated. If said property be real estate it shall be sold at the county court house, between the hours of ten o'clock A. M. and four o'clock P. M., and if personal property it shall be sold in the election precincts where the property is situated. The purchaser or purchasers of all or any property sold for the payment of any taxes levied by this Act, shall at any time freely enjoy the right to enter and take possession thereof, on whose land soever the same may be found: *Provided*, That if such assessment shall be due on personal property, real estate of the party owning such personal property or any other personal property belonging to him, may be sold under the provisions of this section for the payment of said assessment: *Provided further*, That the assessment upon personal property shall not be a lien upon the real estate of the party owning the same until the assessment list or roll shall have been returned to the Auditor, as provided in section eighty-three of this Article.

Assessment to have force of judgment and execution.

Notice of sale in certain counties to be given in Spanish. Form of notice.

Real estate, How sold.

Proviso.

Proviso.

SEC. 90. The sheriff in selling said real estate shall at the time of said public sale announce and designate the part to be sold, (if the owner thereof shall be present and shall decline to do so himself,) defining the same by some definite starting point, so that the land can be easily identified by some metes and bounds, as also to make the piece or parcel of land, (so sold for the taxes and costs thereon,) in as near a compact form as practicable, and at all such sales of real estate for taxes and costs, the person or persons who will take the smallest amount or quantity thereof for the taxes and costs due thereon at the time of said sale, together with the accruing costs and charges, shall be entitled to become the purchaser, and the sheriff shall so soon as practicable thereafter, and on payment of such taxes and costs, execute a certificate of conveyance of sale to him or them, setting forth therein the amount of assessment and their nature,

Duty of Sheriff in selling real estate.

Certificate of conveyance to be executed to purchaser.

Form of certificate.

the name of the party owning the same, when known, as also when not known to be so stated, failure to pay said taxes and costs at the time of sale, the date of the seizure of said real estate, the date of the notice of said seizure, and of all other notices required by this Act, with the date and place of sale, together with the amount or amounts paid for the taxes and costs of said real estate, the description of the same as sold, together with a full description of the metes and bounds thereof, and shall deliver

County Recorder to record certificate. Redeemed within six months.

a certified copy of said certificate to the purchaser or purchasers thereof, and the County Recorder shall, on being paid his legal fees, record such certificate, and if at the expiration of six calendar months from the day of said sale, the party owning or claiming said real estate, (and improvements when any exist,) fail to redeem the same from the purchaser thereof according to the provisions of this Act, with fifty per centum advance (and double the expense of recording the certificate aforesaid) on the amount set forth in said certificate of sale, the sheriff of the county shall then execute a deed of conveyance in fee simple to the purchaser or purchasers, or assigns thereof, for said real estate, and improvements, if any there be, acknowledging said deed before some person authorized by law to take acknowledgments of deeds, and the sale shall become absolute, and said deed shall be *prima facie* evidence in all courts of this State of the conveyance of all right, title and interest in and to the said property owned by the delinquent or delinquents at the time of

Sheriff to execute deed if not redeemed.

Real and personal property sold by marshals and tax collectors.

the assessment; and all property, real and personal, seized and sold by any marshal or tax collector of any incorporated city or town in this State, under the authority of any assessment for tax purposes and for their use, and made by and under the authority of the Councils or Justices thereof, shall be sold as nearly in conformity as can be, as are prescribed in this Act, except in such cases as are specially provided for by law; *Provided*, That any real estate so sold for taxes, either State, county or municipal, which is at the time of such sale the property of a minor heir or heirs, or in which such may be interested, the same shall be subject to redemption at any time within one year after such minor, heir or heirs shall have attained the age of majority, by such minor heir or heirs, or their legal representatives, on the payment of the amount of taxes, costs and charges thereon, together with fifty per centum per annum for the first year, and thereafter at the rate of ten per centum per annum on such amount of taxes, costs and charges, and be as binding and of the same force and effect as other sales made by virtue thereof; and nothing in this Act shall be so construed as to prevent any county, incorporated city or town, from levying a tax for county or municipal purposes.

Proviso.

Property of minor heirs may be redeemed within year after majority.

Conditions.

Certificates of sale and deeds of conveyance.

SEC. 91. All certificates of sale, as well as all deeds of conveyance of real estate or improvements sold by virtue of any assessment for taxes in any incorporated city or town, shall be made by the Marshal or Tax Collector thereof.

In what currency taxes to be collected

SEC. 92. All taxes collected under the provisions of this Act for State purposes shall be collected in the legal currency of the United States, or in foreign coin at the value fixed by the laws of the General Government, or in clean and pure gold dust at the rate of seventeen dollars and twenty-five cents per ounce, Troy weight, or in warrants drawn by the Comptroller of State upon the general fund, and registered by the Treasurer, or any other evidence of civil indebtedness of the State; and the same shall be paid to the County Treasurer, and the Sheriff shall take duplicate receipts therefor, as provided for in the next section of this Act. The Sheriff and his bondsmen shall be held responsible for the payment

Comptroller's warrants, &c., received.

Sheriff to take duplicate receipts.

of all taxes collected by him in such funds as are specified in this section for State purposes; *Provided*, However, that the provisions of this Act shall not be construed so as to conflict with the execution of any laws that have been or may be enacted authorizing any city or county in this State to fund the debt of the same, and prescribing the manner of assessing and collecting taxes for city and county purposes: And, *Provided further*, That the interest tax of thirty-one cents on the hundred dollars, provided in section one of this Act, shall be paid in gold or silver coin, and any taxes assessed for municipal purposes, may be paid in such funds, or in such manner as may be prescribed by such corporate authority, or in clean and pure gold dust at the rate fixed in this section.

Funds collected to be paid over, *Proviso*.
Not to conflict with laws authorizing counties and cities to fund debt. *Proviso*
Interest tax. To be paid in gold or silver.
Municipal taxes in what paid.

SEC. 93. The Sheriff shall, on the third Monday in October and on the third Monday in December in each year, attend at the office of the County Treasurer, and then and there present, under oath, to the County Treasurer and the County Auditor, a correct account of all his transactions as collector of the assessed taxes, and shall at the same time account for and pay over to the County Treasurer any and all funds in his hands not previously paid over, which account shall be in writing, signed by the Sheriff and countersigned by the Auditor and Treasurer, and shall be filed in the office of the County Auditor.

When Sheriff shall attend at Co. Treasurer's office and make settlement.

How to settle.

SEC. 94. It shall be the duty of the County Treasurer, in all settlements with the Sheriff, to administer an oath to said Sheriff, requiring him to state whether the moneys, or gold dust, or Comptroller's warrants paid by him to the Treasurer are the same which he collected. Nothing contained in this Act shall be construed to abridge the powers for taxation of any incorporated city or town, nor as prohibiting the levy and collection of any tax or assessment authorized by law for special purposes.

Sheriff to make oath as to whether the moneys paid over are the same as those collected.
Power of taxation of incorporated city or town not abridged
Sheriff to make duplicate return of unpaid taxes

SEC. 95. The Sheriff shall, on the third Monday in November, make a return in duplicate to the County Treasurer and County Auditor of all unpaid taxes for the year, with the name of all delinquent tax-payers, if known, and shall proceed to collect and enforce the payment of all unpaid taxes in manner and form as provided for the collection of taxes in this Act. Said duplicate return shall be placed on file in the office of the Treasurer, and in the office of the Auditor. The County Treasurer and the County Auditor shall then make a return, under oath, to the Comptroller of the State, of all State taxes remaining unpaid in their county, and subsequently also in conformity with each return made to them by the sheriff.

Shall proceed to collect.
Co. Treasurer and Co. Auditor to make returns to the Comptroller of unpaid taxes

SEC. 96. On the first Monday of March in each year the Sheriff, the County Treasurer and the County Auditor shall attend at the office of the County Auditor, and the sheriff shall then and there make a final settlement for the year with said Auditor and Treasurer for the amount of all taxes with which said sheriff stands charged, in the manner following:

Final settlement of Sheriff.
Form of settlement.

First: The Auditor shall take from the duplicate in the hands of the sheriff for collection a list of all such taxes therein, describing the property on which delinquent taxes are charged as the same is described in such duplicate, and shall note therein, in a marginal column, the reason assigned by the sheriff, and subscribe, under oath, administered by the Auditor, why such taxes could not be collected.

Second: The Auditor shall forthwith record such list of delinquencies in his office, and thereupon forward the same to the Comptroller of the State.

The same.

Third: After deducting the amount returned delinquent, and the

The Same. fees for the collection allowed to the Sheriff, from the several charges taxed on the duplicate in a just and rateable proportion, the Sheriff shall be held liable for the balance, and shall thereupon pay such balance to the Treasurer; the Auditor shall thereupon balance the Sheriff's account by crediting the Sheriff with the amount of delinquent taxes, and with all moneys paid to the Treasurer, together with his commissions for collecting. No further taxes shall be collectable on such duplicate, but whatever taxes may remain uncollected on the delinquent list on the final settlement on the first day of March, shall be placed in the tax list of the succeeding year, and the Sheriff shall immediately proceed to collect the same, and on the first Monday of June and September pay over so much as he has collected thereon into the County Treasury, and continue collections of the remainder and payments thereof at the periods assigned by law for the payment of other portions of the tax list.

Taxes uncollected to be placed on the tax list of the succeeding year.

Liability of Sheriff failing to make settlements.

Duty of District Attorney.

Sheriffs and Co. Treasurers to pay to order of Treasurer of State all State revenue collected

Lien for taxes attaches 1st March. Lien absolute and exclusive

Proviso. When assessment upon persons shall be lien on reals.

Sheriff to receipt for taxes.

When Co. Treasurers shall settle and pay over.

SEC. 97. If the Sheriff shall refuse or neglect to make the return and settlements with the Treasurer and Auditor of his county as in this Act specified, he and his sureties shall be held liable to pay the full amount of taxes charged upon the duplicate, and the District Attorney, on being instructed to do so by the Comptroller of State, or by the County Court of the county, or Board of Supervisors, if there be any, shall cause suit to be instituted against such Sheriff and his sureties, and no stay of execution or exemption of any property shall be allowed on a judgment rendered or execution issued in such suit.

SEC. 98. Every Sheriff and each County Treasurer shall, after the receipt of any revenue belonging to the State, hold himself ready to pay to the Treasurer of State, on the warrant or order of said Treasurer, endorsed by the Comptroller, all State revenue collected to the date of said warrant or order, less his lawful fees; and the Sheriff shall retain such warrant or order as a voucher, and the amount thereof shall be allowed to him on his settlement with the County Treasurer, and the voucher of the Treasurer of State be receipted for as cash, and the County Treasurer shall return such warrant or order as a voucher, and the amount thereof shall be allowed to him on his settlement with the Comptroller of State.

SEC. 99. The lien of the State for all taxes for State and County purposes shall attach on all real and personal estate on the first day of March annually, and such lien to the absolute exclusion of other liens, shall continue till all taxes thereon shall be paid, including in the lien on real estate the assessed value and taxes on all personal property owned by the owners of real estate: *Provided, further*, that the assessment upon personal property shall not be a lien upon the real estate of the party owning the same until the assessment list or roll shall have been returned to the Auditors, as provided in Section eighty-three of this Act.

SEC. 100. Whenever any tax is paid to the Sheriff he shall note the same on his duplicate, and shall give to the person paying the same, a receipt, specifying the amount paid, what paid for, the property on which the same was assessed according to its description, and the owner's name on the duplicate.

SEC. 101. The County Treasurers of Calaveras, El Dorado, Placer, San Francisco, Sacramento, San Joaquin, Yuba, Santa Clara, and Tuolumne Counties, shall settle and pay over to the State Treasurer on the first Monday of January, the third Monday of April, the third Monday of July, and the third Monday of October of every year, any and all funds which shall come into their hands, as County Treasurers, for the use and benefit of the State. The Treasurers of all other Counties shall

settle and pay over to the State Treasurer, all funds which shall come into their hands, as County Treasurers, for the use and benefit of the State, on the first Monday of January, and on the third Monday of July in each year.

SEC. 102. Neither the Sheriff nor the County Treasurer shall use, employ, loan, or in any manner, directly or indirectly, place out of his or their possession and control, any of the funds which may come into his or their hands under the provisions of this Act. Any officer violating the provision of this section shall be deemed guilty of a misdemeanor, and shall, on conviction, be fined in any sum not exceeding five thousand dollars, or imprisonment in the County Jail for a term not exceeding six months, or be punished by both such fine and imprisonment, and shall at once be removed from office.

Same.
Sheriffs and Co. Treasurers not to use moneys collected.
Penalty.

SEC. 103. The Board of Equalization for each County shall, on or before the first Monday of March, or as soon as practicable thereafter, annually assess the amount of taxes that shall be levied for County purposes, designating the number of cents which shall on each one hundred dollars of taxable property, real or personal, be levied for such purposes, and shall add thereto the amount levied by law on each one hundred dollars of taxable property, real or personal, and poll tax for State and County purposes, which shall be entered of record said Court or Board, and the Clerk thereof shall forthwith make out certificates of the same, one of which he shall deliver to the County Auditor and the other to the County Treasurer.

County taxes.

SEC. 104. Delinquent taxes may at any time before the land is sold therefor, with the penalty, interest and damages thereon, be paid into the County Treasury, at any time after the delinquent list is returned, as herein provided, and the person so paying taxes shall file the Treasurer's receipt therefor with the County Auditor and take his receipt therefor.

Delinquent taxes, when to be paid.

SEC. 105. The Treasurer, the Sheriff, the Assessor, the Auditor, the Clerk of the Board of Equalization, and each member of such Board, shall each separately perform the duties required of him in his office, and shall not perform the duties of any two such offices, except as provided by law; and such officer who shall at the same time perform the duties of any two such offices in any manner connected with the public revenue, except in the manner expressly authorized by law, or should any collecting or disbursing officer neglect the performance of the duties required by this Act, so as to conceal from others, after inquiry and proper information in relation thereto, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not less than six months nor more than one year, or by a fine not less than two hundred nor more than one thousand dollars, or by both such fine and imprisonment.

Officers not to perform the duties of each other.

Exception.

Penalty.

SEC. 106. It shall be the duty of the Board of Equalization, and they are hereby required to immediately remove any assessors from office who shall neglect or refuse to discharge the duties herein required of him, or who shall violate any of the provisions of this Act, and to appoint and qualify another in his place. Such Assessor shall have the privilege of taking an appeal to the county court from the decision of the Board of Equalization, but such appeal shall not permit any delay in the collections or assessments.

When B. of E. to remove Assessors.

Assessor may appeal.

SEC. 107. The Board of Equalization shall compare at least once in each year the assessment roll with the collection and delinquent returns, and if they deem necessary publish the delinquents.

Board of E. to compare annually assessment roll with collections and delinquents. Blanks for licenses to be

SEC. 108. Blanks for State licenses shall be furnished by the Comp-

furnished by Comptroller. If not received by Auditor in time, may be procured at expense of the county, to be allowed on final settlement. Co. Auditor to make report quarterly.

Comptroller to furnish blank forms to Co. Auditor.

Duty of County Treasurer. Form of settlement with Comptroller

Penalty for neglecting to pay over moneys collected

Commissions of Sheriffs

Commissions of Assessors.

Compensation of Auditor

Proviso. Compensation of Sheriff in Co. of San Francisco.

Commissions of Co. Treasurer.

troller of the State, but if not received by the Auditor when necessary to be used may, as well as those for county licenses, be procured by the Auditor at the expense of the county, but the cost of the State blanks shall be allowed to the county, on final settlement with the Comptroller.

SEC. 109. The County Auditor shall make a quarterly report to the Comptroller of State of the amount of moneys in the County Treasury belonging to the State for this purpose, he is empowered to examine the books of the Treasurer and administer the oath as to their correctness; and the Treasurer shall also, at the time of such examination, make and subscribe an affidavit that all the moneys received by him have been properly entered in the books submitted for examination. The Comptroller of State shall forward to the County Auditor blank forms to be used by said officers in making reports required of them in this Act. It shall be the duty of the County Treasurer, in all cases when payment of any money is made by them into the State Treasury, to produce to the Comptroller of State a report from the County Auditor, together with a duplicate thereof; stating specially the amount due the State, from each particular source of revenue, the original to be filed with the Comptroller of State, who shall enter upon the same, and also upon the duplicate, the cash or warrants, as the case may be, paid the Treasurer of State, and also the commission and mileage allowed to the County Treasurer on said payments. The County Treasurer shall file the duplicate report with the County Auditor of his county, whereupon the Auditor shall balance the Treasurer's account. No settlement shall be made with any County Treasurer, or money received from any County Treasurer, except in strict conformity with this section.

SEC. 110. Any sheriff or other officer who may neglect to pay into the County Treasury any moneys by him collected for the space of thirty days after such collection, and within ten days after payment to the County Treasurer, to present the Treasurer's receipt to the Auditor, in order that the amount may be charged to the Treasurer by the Auditor, shall forfeit and pay double the amount so collected, and be prosecuted upon his bond for such delinquency.

SEC. 111. The sheriff shall be allowed for collecting all taxes, except license taxes, foreign miners' taxes, and poll taxes; the following rates an all sums collected and paid over, viz : eight per cent on the first five thousand dollars, ten per cent. on all sums between five thousand and ten thousand dollars, and fifteen per cent. on all sums above ten thousand dollars. The Assessor and his deputies shall be allowed not less than twelve nor more than sixteen dollars per diem for his services whilst actually engaged in the performance of his official duties, in the counties of Tulare, Mariposa, Tuolumne, Calaveras, El Dorado, Sacramento, Nevada, Yuba, Butte, Plumas, Sierra, Shasta, and San Francisco. In the other counties of this State the compensation of such Assessors shall not be less than eight dollars per diem, nor more than twelve dollars per diem whilst actually engaged in his official duties, and in all cases the amount of such compensation shall be fixed as herein provided by the Courts of Sessions of their respective counties. The compensation of the County Auditor shall be forty cents per folio for all services performed in the discharge of such duties : *Provided*, That in the counties of San Francisco and Sacramento, the amount of compensation allowed to the Sheriff for the collection of all taxes except license tax, tax on consigned goods, poll tax and foreign miners' tax, shall be five per cent. on the whole amount collected and paid over. The County Treasurer in each county in this State, shall receive three per cent. on all sums by him actually disbursed

or paid into the State Treasury. Nothing in this Act shall be construed as to allow a per centage on both collection and disbursement.

SEC. 112. The County Treasurer shall receive twenty cents per mile for travelling fees in going to and returning from the seat of Government, at the period prescribed by law.

Traveling expenses of County Treasurer.

SEC. 113. The amount allowed and paid to the Sheriffs, Assessors and Auditors, shall be appointed by the County Auditor in proportion to the amount received into the County Treasury for State purposes, and charged to the State or county rateably in said proportions; and the Auditor shall forward to the Comptroller of State a certificate statement of the amount so apportioned against the State, and the Comptroller shall credit the treasurer therewith.

Am't paid to Sheriffs, Assessors and Auditors to be proportioned to am't received.

Auditor to furnish Comptroller with statement of am't so apportioned

SEC. 114. The amount of moneys collected by the Sheriffs shall, at least once in every month during the year, be paid into the County Treasury, designating in the separate receipts therefor, whether the amount was received for licensed taxes or for property tax, whether for State or county purposes. The receipt from the County Treasurer delivered within ten days thereafter to the Auditor, shall be a voucher for the sheriff against the amount charged him by the Auditor, and the amount receipted by the Treasurer to the Sheriff on license account, with the blank licenses returned to the Auditor, will test the accuracy of the returns of the collector of taxes for license account, these settlements shall be made monthly.

Moneys collected by Sheriffs to be paid into the County Treasury.

Monthly.

SEC. 115. In the Sheriff's returns and settlement with the County Auditor, on the first Monday of August the Treasurer's receipts for property tax, and the amount of the delinquent list then returned, shall test the accuracy of the returns of the Sheriff for property tax.

Treasurer's receipts and delinquent list to test accuracy of Sheriff's returns

SEC. 16. The Sheriff of the county may command the same assistance in enforcing the collection of taxes as is to him allowed by law in the execution of process; and any Sheriff who shall wilfully or intentionally neglect or refuse to enforce the collection of taxes in his county, shall, on proof of such neglect or refusal, be subject to a removal from office, as provided by law for the removal of civil officers, otherwise than by impeachment.

Powers of Sheriff in collecting tax.

SEC. 17. The County Auditor shall, at least once in every three months, forward to the Comptroller of State a full abstract of all licenses granted under the provisions of articles two, and three, and four of this Act, payable to the County Treasurers for State purposes, naming to whom granted, and the amount of money paid on account of the same for State purposes, and the Comptroller shall thereupon charge the County Treasurer with the amount thereof. The payment of moneys for the purposes of obtaining licenses under this Act, shall not be construed to grant in any manner a license, until the license be actually obtained from the Auditor.

Penalty of refusal or neglect to enforce collection of taxes

SEC. 117. The County Auditor shall, at least once in every three months, forward to the Comptroller of State a full abstract of all licenses granted under the provisions of articles two, and three, and four of this Act, payable to the County Treasurers for State purposes, naming to whom granted, and the amount of money paid on account of the same for State purposes, and the Comptroller shall thereupon charge the County Treasurer with the amount thereof. The payment of moneys for the purposes of obtaining licenses under this Act, shall not be construed to grant in any manner a license, until the license be actually obtained from the Auditor.

Co. Auditor to forward to Comptroller abstract of licenses granted. Form of abstract

SEC. 118. The Sheriff shall be entitled to receive the following fees, for certificates and deeds authorized by this Act. For each certificate of the sale of personal property, one dollar; for each certificate of the sale of real estate, two dollars; for each deed of conveyance of real estate, including the certificate and acknowledgments thereof, five dollars. The description of the entire amount of property purchased by each purchaser, shall, unless otherwise directed by such purchaser, be included in one deed or certificate, cost of such certificate or deed shall be included in the amount of the charges herein provided.

Fees of Sheriffs for certificates and deeds.

What to be included in a deed.

SEC. 119. The redemption of property sold for taxes, as provided in this Act, may be made by paying to the purchaser the amount of taxes

How property may be redeemed.

- and legal costs, charges and per centage thereon, or depositing the same with the County Treasurer to the credit of such purchaser.
- Disposition of moneys collected. Sec. 120. All moneys collected as revenue in this State, the disposition of which is not otherwise provided by law, shall be paid into the general fund. So much of section eleven of an "Act concerning toll bridges," passed May first, one thousand eight hundred and fifty-one, as conflicts with this Act is hereby repealed.
- Repealing clause Same. Sec. 121. "An Act concerning licenses," approved May fourth, one thousand eight hundred and fifty-two, is hereby repealed.
- Same. Same. Sec. 122. "An Act to provide for levying, assessing and collecting public revenue," approved April twenty-third, one thousand eight hundred and fifty-two, is hereby repealed.
- Same. Same. Sec. 123. Section twenty-three of an Act amendatory of an Act entitled "An Act to create a State Hospital in the city of Sacramento," passed April twenty-eight, one thousand eight hundred and fifty-one, is hereby repealed.
- Same. Same. Sec. 124. Sections twenty and twenty-one of "An Act to create a State Hospital in the city of Stockton," passed April thirtieth, one thousand eight hundred and fifty-one, is hereby repealed.
- Same. Same. Sec. 125. Section four of "An Act to provide a revenue for the State Marine Hospital at San Francisco," passed March twenty-sixth, one thousand eight hundred and fifty-one, is hereby repealed.
- Same. Same. Sec. 126. So much of "An Act prescribing the mode of appointing Auctioneers and defining their duties," passed April twenty-second, one thousand eight hundred and fifty, as conflicts with the provisions of this Act is hereby repealed.
- Same. Same. Sec. 127. An Act entitled "An Act to provide revenue for the support of the Government of this State," passed May eighteenth, one thousand eight hundred and fifty-three, is hereby repealed: *Provided*, Nothing in this Act shall affect the completion of collection of taxes or licenses, or other moneys due under the provisions of said Act prior to the passage of this Act.

CHAPTER LXIV.

AN ACT to amend Section Seven of an Act entitled "An Act concerning the Office of Surveyor General."—[Passed May 15, 1854.]

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

Sec. 7 amended. SECTION 1. Section seventh of an Act entitled "An Act concerning the Office of Surveyor General," passed April 17, 1850, is hereby amended so as to read as follows:

Surveyor General authorized to employ Assistant Surveyor. Pay. SECTION 7. The Surveyor General is authorized to employ any competent surveyor to assist him in the execution of any surveys required to be made by him by law, and the person so employed shall receive from the State the same compensation which County Surveyors are entitled by law to demand and receive from individuals of their respective counties for the performance of like services.

CHAPTER LXV.

AN ACT to provide for the Appointment of Deputy County Treasurers.—[Passed May 15, 1854.]

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

SECTION 1. The County Treasurer of each of the several counties of this State may appoint one or more deputies, who shall have the same power in all respects as their principal. The appointment shall be in writing, signed by said Treasurer, and shall be filed in the office of the Recorder of his county : he may revoke the appointment of any deputy at will, by writing, filed in the same office. Each deputy, before entering on his duties, shall take the oath of office, which shall be endorsed on his appointment

Co. Treasurers authorized to appoint deputies.
How appointed.
Revocation.
Qualification.

SEC. 2. The said Treasurer may take from each of his deputies a bond with sureties for the faithful performance of his duties, which bond shall enure as well to the benefit of the sureties of the Treasurer as to the Treasurer, but the County Treasurer and his sureties on his official bond shall be liable for all the official acts of his deputy or deputies.

Treasurer may take bond.
Treasurer liable.

SEC. 3. All official acts of any Deputy County Treasurer, shall be in the name of the principal.

Validity of acts of deputy.

CHAPTER LXVI.

AN ACT concerning the office of Secretary of State.—[Passed May 15, 1854.]

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

SECTION 1. The Secretary of State, before entering upon the discharge of any of the duties of his office, shall make and execute his bond to the State of California in the penal sum of ten thousand dollars, with at least two sufficient sureties, conditioned for the faithful performance of the several duties and trusts imposed upon him by the constitution and laws of this State.

To give bond in sum of \$10,000.
Condition.

SEC. 2. Said bond shall be approved by the Governor, and deposited and recorded in the office of the County Clerk of the county in which the seat of government is situated.

By whom approved, and where deposited

SEC. 3. The Secretary of State shall keep his office at such place as other State officers are required to reside by law, and keep the same open in person or by his deputy, on all days on which business is usually done, from the hour of ten o'clock in the forenoon until four o'clock in the afternoon.

Where to keep office.
When office to be kept open.

SEC. 4. The Secretary of State shall have the custody of, and shall carefully preserve the enrolled copy of the Constitution of the State of California; the description of the State seal, and other seals of which a description may be required to be deposited in his office; the manuscripts containing the Enrolled Acts and Joint Resolutions and Journals of the

Duties of Secretary of State.

Legislature; and all the books, records, parchments, maps, registers and papers that may be required to be deposited in his office; all deeds and conveyances belonging to the State; all official bonds approved by the Governor, except the bond of the said Secretary; and all written contracts to which the State is a party unless required to be deposited elsewhere. Said deeds, conveyances and official bonds shall be filed and recorded in a well bound book; and the original papers shall not be permitted to be taken out of the office on any pretence whatever unless in the possession of the Secretary of State or his deputy.

Deeds, bonds, &c., to be recorded.

Register of acts of the Governor.

Attestation.

To lay official acts of Governor before the Legislature

Books and papers to be open to inspection.

To deliver up records to the successor

To furnish copies of papers in office

Duties in reference to State printing.

Distribution of Laws and Journals.

Distribution of Laws alone.

Journals—distribution of.

Laws and Journals may be distributed to scientific institutions. &c. Books distributed for use of office. Receipts to be taken.

SEC. 5. It shall be the duty of the Secretary of State to keep a fair register, and also attest all the official Acts and proceedings of the Governor and affix the seal of the State, with proper attestations, to all commissions, pardons, and other public instruments to which the signature of the Governor is required; to lay all papers, minutes and vouchers relative to the official Acts and proceedings of the Governor before either house of the Legislature when required by such house; to permit all the books, bonds, deeds, registers, papers and transactions of his office to be open at all times to the inspection and examination of any committee of either branch of the Legislature to furnish information in writing upon any subject relating to the duties of his office to the Governor whenever required; to deliver up in good order and condition to his successor all records, books, papers and other things belonging to his office, and to perform all such other duties as may be enjoined upon him by the constitution and laws of this State.

SEC. 6. The Secretary of State shall furnish on demand to any person paying the proper legal fees therefor, a duly certified copy of all or any part of any law, act, record, or other instrument of writing on file or deposited in his office, and of which a copy may be properly given.

SEC. 7. It shall be the duty of the Secretary of State to deliver to the Printer for the State, at the earliest day practicable, copies of all Laws, Joint Resolutions and Journals, passed or adopted by the Legislature, to superintend the printing, and have corrected the proof sheets of the Acts, Joint Resolutions and Journals required by law to be printed, by carefully comparing them with the enrolled bills and original journals on file in his office, and to distribute the Laws and Journals as soon as printed, in the following manner: To each Department of the Government at Washington, one copy; to the Library of Congress, two copies; to each of States and organized Territories of the Union, three copies; to each of our members of Congress, to each of the Judges of the Supreme, District and County Courts, one copy; every person who was a member of the Legislature, of the session when the Laws and Journals were adopted shall be entitled to one copy of each; of the Laws alone he shall furnish to the County Clerk of each county, in the cheapest and most expeditious manner, to be by the sheriff distributed under the directions of the clerk; one copy for the Board of Supervisors, where such Board exists; and one copy to each county officer and each Justice of the Peace. And of the Journals he shall furnish three copies of each house to each County Clerk for the use of the county; he shall also distribute the Laws and Journals to such literary and scientific institutions, publishers and authors as in his opinion may secure an interchange of works which may be proper to be placed in the State Library. All Laws and Journals distributed to State or other officers of this State, except to members of the Legislature, shall be for the use of the office, and to be by the person receiving them turned over to his successor in office; and the Secretary of State shall take proper receipts for such books and file the

same in his office; and he shall also direct the County Clerks as to the form and disposition of the receipts to be taken by them from distributees.

SEC. 8. For the purpose of facilitating the printing of the Laws, Joint Resolutions and other documents, copies of which may be required to be furnished by the Secretary of State, he is authorized to employ any number of clerks which may be necessary to the expeditious copying of the same (at a rate not to exceed thirty cents per folio of one hundred words).

Authorized to employ extra clerks in copying laws, &c.

Compensation of copying Clerks.

SEC. 9. The Secretary of State shall be, *ex officio*, State Librarian, and shall procure a suitable place for the Library of the State, and take charge of the same in a manner best calculated to subserve the interests of the State, by keeping said library in good condition. All books, maps, charts and documents which may be presented to this State, from any source whatever, shall be received and deposited by him in the State Library. He shall annually, at each session of the Legislature, report to them the condition of the State Library, and recommend such reforms, improvements and additions as he may deem necessary and advisable.

Ex-officio State Librarian

Duties as such

To report annually the condition of the Library.
To recommend improvements.

SEC. 10. The Secretary of State shall be Superintendent of Public Buildings and property of the State, and it shall be his duty during the recess of the Legislature to take charge of, preserve, and keep in proper repair the Capitol building, furniture and public grounds, and in due time previous to the meeting of each session he shall have the said building, furniture and grounds properly prepared for their reception.

Ex-officio Superintendent Public Buildings, &c.
Duties as such.

SEC. 11. It shall be the duty of the Secretary of State, previous to the assembling of each Legislature, to contract on the most reasonable terms possible for a sufficient supply of stationery, fuel, and such other articles as may be necessary for the use of the members to enable them to transact the public business; and at the commencement of each session he shall present to the Legislature a full account of all purchases made by him, with such vouchers as may be in his possession concerning the same.

To contract for stationery, &c., for Legislature.

At the commencement of each session, shall present an account of all purchases.

SEC. 12. Any expense which may necessarily be incurred by the Secretary of State in carrying out the provisions of this Act, when certified to by him, shall be audited by the Comptroller, and paid by the Treasurer of State out of any moneys which may be specifically appropriated for that purpose.

Necessary expenses to be audited by Comptroller on certificate of Sec'y of State. To be paid by Treasurer.

SEC. 13. The fees chargeable in the office of the Secretary of State shall be as follows:

Fees in office of Sec'y of State.

First: For a copy of any law, joint resolution, transcript of record, or other document or paper on file in his office, forty cents per folio of one hundred words.

Second: For certificate and seal of State, five dollars.

Third: For filing each certificate of incorporation, five dollars.

Fourth: For recording each certificate of incorporation, forty cents per folio.

Fifth: For filing and recording each official bond, five dollars.

Same

Sixth: For each commission, passport or other document signed by the Governor, and attested by the Secretary of State, (except pardons) five dollars.

Seventh: For each patent for land issued by the Governor under any law of this State, five dollars; for every one hundred and sixty acres, and every town lot so conveyed.

Eighth: For searching records and archives of State, he shall be allowed to charge a reasonable fee, according to circumstances; but no

Same.	member of the Legislature, or State officer, shall be charged for any search relative to matters appertaining to the duties of their offices, nor shall they be charged any fee for a certified copy of any law or resolution passed by the Legislature of this State, relative to their official duties. All fees collected in the office of the Secretary of State shall be paid over into the "Library Fund," and be appropriated to the use and benefit of the State Library.
Disposition of fees collected.	SEC. 14. The Secretary of State shall have authority to sell any superfluous books, which may at any time be on hand, and turn over the proceeds to the "Library Fund," for the use of the State Library.
Authorized to sell superfluous books, &c. Disposition of proceeds. Advertisement for translating Laws, &c.	SEC. 15. During the month of January of each year it shall be the duty of the Secretary of State to advertise for proposals for the translation into the Spanish language of such laws as may be authorized by the Legislature in accordance with the law in force on that subject. The proposals which may be received shall be opened on the first Monday in March of the same year, in the presence of a joint committee of both Houses of the Legislature, and the contract be awarded to the lowest competent bidder; but not more than one dollar and fifty cents per folio of one hundred words shall be paid for translating, preparing the index, and correcting the proof sheets for the printer, all of which must be done by the translator within three months from the time when he shall have been furnished with the copy by the Secretary of State. The Spanish laws shall be distributed in the same manner as is provided for the distribution of the laws printed in English to the counties of San Diego, San Bernadino, Los Angeles, Santa Barbara, San Luis Obispo, Monterey, Santa Clara, Contra Costa, Alameda, Marin and Sonoma, and one copy shall also be sent to each of the District Judges of the First, Second, Third and Seventh Districts. Before entering on his duties the translator shall take and subscribe an oath for the faithful and correct translation of the laws and Joint Resolutions as herein ordered, and give bond with two good and sufficient sureties in the sum of five thousand dollars penalty, to be approved by the Secretary of State conditioned for the entire, correct and complete translation and service to be done as herein provided; and his account for such services when certified by the Secretary of State, shall be audited by the Comptroller and be paid by the Treasurer of State.
Proposals, when to be opened.	SEC. 16. The Secretary of State shall have power under his hand and seal to appoint a deputy, who may during the absence of the Secretary of State from the office, perform all the duties belonging to the office, and for his own security the Secretary of State may require such Deputy to give him a bond, in such sum and with such sureties as he may deem sufficient.
Pay for translating, &c.	SEC. 17. An Act concerning the office of the Secretary of State, passed January 24, 1850; An Act prescribing duties to the Secretary of State, passed May 1, 1851; An Act providing for the translation of the laws into the Spanish language, passed March 15, 1851; An Act to amend an Act entitled, "An Act to provide for the translation of the laws into the Spanish language," passed May 15, 1851, passed April 24, 1852; section second of an Act entitled, an Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed May 12, 1853; and all Acts and parts of Acts conflicting herewith, are hereby repealed, but no proceedings which have been commenced, or rights which have accrued under any of the Acts hereby repealed shall be invalidated by this Act.
To be finished in three months.	SEC. 18. An Act concerning the office of the Secretary of State, passed January 24, 1850; An Act prescribing duties to the Secretary of State, passed May 1, 1851; An Act providing for the translation of the laws into the Spanish language, passed March 15, 1851; An Act to amend an Act entitled, "An Act to provide for the translation of the laws into the Spanish language," passed May 15, 1851, passed April 24, 1852; section second of an Act entitled, an Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed May 12, 1853; and all Acts and parts of Acts conflicting herewith, are hereby repealed, but no proceedings which have been commenced, or rights which have accrued under any of the Acts hereby repealed shall be invalidated by this Act.
Distribution of Spanish laws.	SEC. 19. An Act concerning the office of the Secretary of State, passed January 24, 1850; An Act prescribing duties to the Secretary of State, passed May 1, 1851; An Act providing for the translation of the laws into the Spanish language, passed March 15, 1851; An Act to amend an Act entitled, "An Act to provide for the translation of the laws into the Spanish language," passed May 15, 1851, passed April 24, 1852; section second of an Act entitled, an Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed May 12, 1853; and all Acts and parts of Acts conflicting herewith, are hereby repealed, but no proceedings which have been commenced, or rights which have accrued under any of the Acts hereby repealed shall be invalidated by this Act.
Translator, how to qualify.	SEC. 20. An Act concerning the office of the Secretary of State, passed January 24, 1850; An Act prescribing duties to the Secretary of State, passed May 1, 1851; An Act providing for the translation of the laws into the Spanish language, passed March 15, 1851; An Act to amend an Act entitled, "An Act to provide for the translation of the laws into the Spanish language," passed May 15, 1851, passed April 24, 1852; section second of an Act entitled, an Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed May 12, 1853; and all Acts and parts of Acts conflicting herewith, are hereby repealed, but no proceedings which have been commenced, or rights which have accrued under any of the Acts hereby repealed shall be invalidated by this Act.
Bond.	SEC. 21. An Act concerning the office of the Secretary of State, passed January 24, 1850; An Act prescribing duties to the Secretary of State, passed May 1, 1851; An Act providing for the translation of the laws into the Spanish language, passed March 15, 1851; An Act to amend an Act entitled, "An Act to provide for the translation of the laws into the Spanish language," passed May 15, 1851, passed April 24, 1852; section second of an Act entitled, an Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed May 12, 1853; and all Acts and parts of Acts conflicting herewith, are hereby repealed, but no proceedings which have been commenced, or rights which have accrued under any of the Acts hereby repealed shall be invalidated by this Act.
Account, how audited.	SEC. 22. An Act concerning the office of the Secretary of State, passed January 24, 1850; An Act prescribing duties to the Secretary of State, passed May 1, 1851; An Act providing for the translation of the laws into the Spanish language, passed March 15, 1851; An Act to amend an Act entitled, "An Act to provide for the translation of the laws into the Spanish language," passed May 15, 1851, passed April 24, 1852; section second of an Act entitled, an Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed May 12, 1853; and all Acts and parts of Acts conflicting herewith, are hereby repealed, but no proceedings which have been commenced, or rights which have accrued under any of the Acts hereby repealed shall be invalidated by this Act.
Power to appoint a deputy.	SEC. 23. An Act concerning the office of the Secretary of State, passed January 24, 1850; An Act prescribing duties to the Secretary of State, passed May 1, 1851; An Act providing for the translation of the laws into the Spanish language, passed March 15, 1851; An Act to amend an Act entitled, "An Act to provide for the translation of the laws into the Spanish language," passed May 15, 1851, passed April 24, 1852; section second of an Act entitled, an Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed May 12, 1853; and all Acts and parts of Acts conflicting herewith, are hereby repealed, but no proceedings which have been commenced, or rights which have accrued under any of the Acts hereby repealed shall be invalidated by this Act.
May take bond.	SEC. 24. An Act concerning the office of the Secretary of State, passed January 24, 1850; An Act prescribing duties to the Secretary of State, passed May 1, 1851; An Act providing for the translation of the laws into the Spanish language, passed March 15, 1851; An Act to amend an Act entitled, "An Act to provide for the translation of the laws into the Spanish language," passed May 15, 1851, passed April 24, 1852; section second of an Act entitled, an Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed May 12, 1853; and all Acts and parts of Acts conflicting herewith, are hereby repealed, but no proceedings which have been commenced, or rights which have accrued under any of the Acts hereby repealed shall be invalidated by this Act.
Repeal'g clause.	SEC. 25. An Act concerning the office of the Secretary of State, passed January 24, 1850; An Act prescribing duties to the Secretary of State, passed May 1, 1851; An Act providing for the translation of the laws into the Spanish language, passed March 15, 1851; An Act to amend an Act entitled, "An Act to provide for the translation of the laws into the Spanish language," passed May 15, 1851, passed April 24, 1852; section second of an Act entitled, an Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed May 12, 1853; and all Acts and parts of Acts conflicting herewith, are hereby repealed, but no proceedings which have been commenced, or rights which have accrued under any of the Acts hereby repealed shall be invalidated by this Act.
Saving clause.	SEC. 26. An Act concerning the office of the Secretary of State, passed January 24, 1850; An Act prescribing duties to the Secretary of State, passed May 1, 1851; An Act providing for the translation of the laws into the Spanish language, passed March 15, 1851; An Act to amend an Act entitled, "An Act to provide for the translation of the laws into the Spanish language," passed May 15, 1851, passed April 24, 1852; section second of an Act entitled, an Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed May 12, 1853; and all Acts and parts of Acts conflicting herewith, are hereby repealed, but no proceedings which have been commenced, or rights which have accrued under any of the Acts hereby repealed shall be invalidated by this Act.

CHAPTER LXVII.

AN ACT amendatory of an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.—[Passed May 15, 1854.]

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

SECTION 1. Section 23 is hereby amended so as to read as follows : Sec. 23 amended.

Section 23. The limits and jurisdiction of the county of Marin shall be as follows, viz : Beginning on the sea coast at the mouth of the inlet called Estero Americano, and running up the middle of said Estero to its head ; thence following the road which leads from Bodego to San Rafael, passing between the rocks known by the name of Dos Piedras to the laguna of San Antonio ; thence following down the middle of said laguna to its outlet, which forms the creek of San Antonio ; thence following down the middle of said creek to its entrance into Petaluma Creek ; thence following down the middle of said creek to the bay of San Pablo, and into said bay to the boundary of Contra Costa county ; thence Sama. along said boundary of Contra Costa county in the said bay of San Pablo to the middle of the straits of San Pablo ; thence following in a direct line from the middle of said straits to the Invincible Rock, situated in the bay of San Francisco, near the entrance of the straits of San Pablo ; thence southwardly by a direct line, so as to include the Island of Los Angeles, to a point in the bay of San Francisco equi-distant between said island and Bird Island ; thence by a direct southwardly line to its intersection with the present line of the county of San Francisco, at the mouth of the bay ; thence with said county line three miles into the ocean ; thence in a northerly direction parallel with the coast to the place of Certain islands included. beginning, including the three small islands called Los Angeles, Dos Hermanos, and Marin Islands, with the entire area and limits hereby described for the said county of Marin.

SEC. 2. All Acts and parts of Acts, so far as they conflict with the above or foregoing section, are hereby repealed. Repeal'g clause.

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

CHAPTER LXVIII.

AN ACT to authorize and enable Dr. John B. Trask to complete his Geological Examinations of parts of the State of California.—[Passed May 15, 1854.]

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

SECTION. 1. The sum of five thousand dollars is hereby appropriated, out of any moneys belonging to the General Fund, to enable Dr. John 5,000 dollars appropriated.

B. Trask to complete his Geological Survey of the unexamined portions of the Coast Mountains, south of the thirty-fifth degree of north latitude. and certain parts of the Sierra Nevada, and report the same to the next Legislature.

CHAPTER LXIX.

AN ACT to amend an Act concerning the Per Diem of Officers of the Senate and Assembly, passed January twenty-first, eighteen hundred and fifty-four.—[Passed May 15, 1854.]

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

Sec 1 amended. SECTION 1. Section first of an Act entitled "An Act concerning the Per Diem of Officers of the Senate and Assembly," passed January twenty-first, eighteen hundred and fifty-four, is hereby amended so as to read as follows :

Amendment. Section 1. That from the commencement of the present session, there shall be paid in the manner provided by law, to the several officers and persons mentioned in this section, the following per diem : The Secretary of the Senate and Chief Clerk of the Assembly, twenty dollars per day ; Assistant Secretary and Clerk of the Senate and Assembly, eighteen dollars per day ; Sergeant-at-Arms of the Senate and Assembly, eighteen dollars per day ; Enrolling and Engrossing Clerks of the Senate and Assembly, fourteen dollars per day ; Extra, or Committee Clerks of the Senate and Assembly, each, fourteen dollars per day ; Door-Keepers of the Senate and Assembly, fourteen dollars per day ; Porters twelve dollars per day ; Pages ten dollars per day ; Chaplain of the Senate, fourteen dollars per day.

Per diem.

CHAPTER LXX.

AN ACT to amend an Act entitled "An Act to prohibit the Erection of Weirs or other Obstructions to the Run of Salmon," passed April 12, 1852.—[Passed May 15, 1854.]

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

Amendment. SECTION 1. The first section of said Act is so amended as to read as follows.

Obstructions to the run of salmon. Officers required to remove. SECTION 1. Any weir, dam, fence, or stop-net, or other obstructions to the run of salmon, in any bay, strait, river, stream, creek or slough of this State is hereby declared to be a public nuisance ; all officers of justice are hereby required to remove, break down and destroy the same.

Amendment to section 2. SEC. 2. The second section of said Act is hereby so amended as to read as follows :

Section 2. Any person who may erect, or in any manner, directly or indirectly, aid in the erection of any weir or other obstructions aforesaid to the passage of salmon in any bay, strait, river, stream, creek or slough, of this State, shall be deemed guilty of a misdemeanor, and be fined, in any court of competent jurisdiction, in any sum not less than one hundred dollars nor exceeding one thousand dollars, and shall immediately destroy the impediment to the running of salmon aforesaid; in default of which the fine imposed by this Act shall be doubled.

Sec. 3. The person making such obstruction as aforesaid shall, in addition to the penalties mentioned in the preceding section, forfeit and pay the further sum of one hundred dollars for every day he shall suffer said obstruction to remain in or across such bay, strait, river, stream, creek or slough.

Sec. 4. Section first of an Act entitled "An Act to amend the seventh section of an Act to prohibit the erection of weirs or other obstructions to the run of salmon, approved April twelfth, eighteen hundred and fifty-two, passed March nineteenth, eighteen hundred and fifty three, it being numbered section seven of the first mentioned Act in the compiled statutes of this State, is amended so as to read as follows: It shall not be lawful for any person or persons to cast, draw, or make use of any seine, or net for the purpose of catching salmon in any of the rivers of this State in the following months: July and August, November and December in each year. Every person so offending, and being thereof legally convicted, shall be subject to the same fine and penalties as are imposed by section two of this Act. This Act shall not apply to any of the Indian tribes so as in any manner to preclude them from fishing, in accordance with the custom heretofore practised by them.

Sec. 5. Any person (California Indians excepted) who shall buy or sell, or expose to be sold, any fresh salmon within the time above specified, shall be fined in the sum of twenty-five dollars for each and every offence, to be collected, with costs of prosecution, before any court of competent jurisdiction.

Sec. 6. It shall be the duty of Justices of the Peace of the proper counties, to take cognizance of all offences against the provisions of this Act, and full jurisdiction under this Act is hereby conferred upon such Justices of the Peace.

CHAPTER LXXI.

AN ACT concerning Public Ferries and Toll Bridges.—[Passed May 15, 1854.]

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

SECTION 1. No person shall demand or receive compensation for the use of any bridge or ferry, as a public highway, nor set up and keep on any private road a toll bridge, ferry or constructed ford, so as to receive any remuneration or promise of remuneration, for use of the same—unless authorized so to do by license from the Court of Sessions of the proper county as hereinafter provided.

- Court of Sessions to establish ferries and toll bridges.** **SEC. 2.** The Court of Sessions of each county shall be, and they are hereby empowered to establish public ferries and toll bridges across those bays, rivers, creeks, or sloughs, bounding or within their respective counties, whenever they shall deem it necessary: *Provided*, That they shall not have the power to license bridges across navigable waters. But nothing in this Act contained shall be construed to authorize the granting of any license to keep a public ferry or toll bridge across or over the bays of San Pablo, Suisun, San Francisco or Monterey; and the navigation of said bays, and the transportation of freight or passengers across, through and over the same, shall be free and exempt from the restrictions of any ferry laws now in force in this State: *Provided*, That nothing in this section shall affect any ferry now established on the Straits of Carquinas, between Mare Island and Navy Point.
- Proviso.**
- Bridges across navigable waters**
- Certain bays exempt.**
- Proviso.**
- Steps to be taken to obtain a license.** **SEC. 3.** Any person may petition the Court of Sessions for a license to keep a ferry or toll bridge; and if in the discretion of the court such ferry or toll bridge be necessary, and the petitioner be a suitable person to keep the same, it shall order the clerk of the court to issue a license on the payment of such license tax, for the term for which the license is granted, as the court may direct, not to exceed the rate of one hundred nor less than five dollars per month for such term, and filing with the clerk the bond, as hereinafter provided.
- Rates of license.**
- Where license to be taken out when ferry, &c.** **SEC. 4.** Whenever a ferry or toll bridge crosses a stream, slough, bay, or arm of the sea, forming the boundary line between two counties, the owner or owners of the same shall take out a license in the county which by law has jurisdiction over the subject matter: *Provided*, That the amount paid for such license shall be equally divided between the two said counties. Should the County Treasurer to whom such license money may have been paid, neglect or refuse to pay over to the County Treasurer of the county entitled to the one half portion of such money, on demand suit may be brought against such Treasurer so refusing, and the securities on his official bond in the name of the county to which said money is due, in any court of competent jurisdiction, and judgment shall be recovered for double the amount so found to be due.
- Amount to be divided.**
- Penalty on treasurer refusing, &c.**
- When license to be issued.** **SEC. 5.** Upon the production of the receipt of the County Treasurer to such clerk, that the amount assessed by the Court of Sessions has been paid, he shall issue such license to keep a ferry or toll bridge at the place therein mentioned for a time not less than six months nor more than one year; but no license to keep such ferry or toll bridge shall issue unless the land on which it is sought to establish such ferry or toll bridge be public land, or the land of said petitioner, or where the holders or owners of any land where the public convenience may require that such ferry or toll bridge shall be kept, shall neglect or refuse to have a public ferry or toll bridge established within a reasonable time.
- How long to run.**
- The land must be public, or of the petitioners.**
- Exception.**
- Other ferry, &c, not to be within one mile.** **SEC. 6.** No ferry or toll bridge shall be established within one mile immediately above or below a regularly established ferry or toll bridge, unless it be required by the public convenience, or where the situation of a town or village, the crossing of a public highway, or the intervention of some creek or ravine shall render it necessary. Upon application by any person to establish another ferry or toll bridge within one mile of any regularly established ferry or toll bridge, notice of at least ten days of the time and place of such application, and of the grounds upon which the same is founded, shall be served upon the proprietor of the ferry or toll bridge already established, and such application shall be made to the same court by which the license to the ferry or toll bridge already established was granted.
- Form of application.**

SEC. 7. Any person having a license to keep a ferry or toll bridge, and who has kept the same in accordance with the law, shall be entitled to have such license renewed from the date of the expiration of the same, for a period of not less than six months nor more than one year, having posted notices of his intention to apply for such renewal, in the same manner as required on the original application.

Renewal of license.

SEC. 8. When any person being owner or holder of any land lying on any river, creek, slough, or arm of the sea, within or bounding on this State, except such as are by section two of this Act exempted, where any public road may cross the same, and where the public convenience may require that a ferry or toll bridge should be kept, shall neglect or refuse to have a public ferry or toll bridge established within a reasonable time, it shall be lawful for the Court of Sessions of the county in which it may be necessary to have such ferry or toll bridge established, upon proper application being made, and after having given three months public notice of their intention, by advertisement in some public newspaper in the county, or by written notice set up in three of the most public places in the county, to grant a license to some person to keep a ferry or toll bridge at such place, on such conditions as to them may appear reasonable and just, taking bond and security, as hereinafter provided.

Persons neglecting to establish necessary ferry, &c.

SEC. 9. Any person or persons having obtained a license from the court as aforesaid, shall be and they are hereby authorized and empowered, to keep such ferry or toll bridge so established, and also to occupy as much ground as may be necessary to discharge passengers, not exceeding one hundred feet on each side of the river, creek, slough or arm of the sea, as the ferryman may deem sufficient and necessary.

Privilege of persons keeping ferry, &c.

SEC. 10. In case of any land belonging to any private individual, being appropriated for public use, as provided for in the last two preceding sections, it shall be the duty of the Court of Sessions to appoint three disinterested electors of the county, who shall, upon view of such land so appropriated for public use, appraise the same and make a return to said court, setting forth the metes and bounds of such land, and the fair valuation which they have placed thereon. Whereupon the Court of Sessions shall make an order, that the amount of such appraisement shall be paid to the holder or owner of such land so appropriated by the person or persons obtaining the license for the establishment of such ferry.

Lands appropriated to be appraised.

Amount to be paid to owner.

SEC. 11. Where the land bordering on any creek, river, slough or arm of the sea, across which a public ferry or toll bridge is deemed necessary, shall be a public common for any town, the said court shall be authorized to establish ferries across such river, creek, slough, arm of the sea, on application of any person owning land next adjoining such public common, under the same rules and restrictions that ferries and toll bridges are established, to persons owning land bordering on such river, creek, slough, or arm of the sea; but the foregoing provisions shall not be construed as in anywise to effect the right of any town or corporation, or of any person or persons, being proprietor or proprietors of any town, their heirs or assigns, by giving the right to establish a ferry or ferries, a toll bridge or toll bridges, to any person or persons who are not proprietors of the lands lying on the margin of the river, creek, slough or arm of the sea, if the corporation of such town, or the proprietor or proprietors of such lands, keep up a sufficient number of ferries or toll bridges across such river, creek, slough or arm of the sea.

When land is a public common.

How ferry, &c., to be established.

What right not to be affected.

SEC. 12. The Court of Sessions shall not establish any ferry or toll bridge, or a renewal of any license to keep a ferry or toll bridge until the applicant shall prove satisfactorily that publication has been made in

Publication necessary before ferry, &c., can be established.

the county paper, if one be published, and that written notices of his intended application have been set up in three of the most public places in the township at least thirty days.

Court to fix the number, &c., of boats and number of hands to be kept.

SEC. 13. The Court of Sessions shall have authority to order and direct, from time to time, the number and description of boats, and the number of hands which shall be kept at each ferry, respectively.

What necessary before toll bridge license shall be issued.

SEC. 14. No license shall be issued as aforesaid for any toll bridges, unless it shall first have been made to appear to the satisfaction of the Court of Sessions that such bridge is necessary for the accommodation of the public, and is made or will be made of substantial and durable materials, and at least ten feet in width, except as hereinafter provided, railed in with a good and substantial railing at least four feet high. The provisions of this section shall not apply to toll bridges that have been built and licensed heretofore by order of the Court of Sessions of any county within this State, nor shall it prevent the Court of Sessions, upon application, to license the erection of bridges across mountain streams, where it is impracticable to travel with wagons, of such dimensions as the court in its discretion may determine.

Exception.

Person injured right to sue and recover.

SEC. 15. Any person injured, delayed or hindered through any defect, insufficiency or want of necessary repair in a toll bridge or ferry boat, shall have a right to sue for and recover of the person having a license therefor, such damages as he may thereby have sustained, in any court competent to try the same.

Owner of toll bridge, &c., to give bond.

SEC. 16. The owner of the land whereon such ferry or toll bridge is established, or the applicant to whom the toll bridge or ferry is granted shall, within thirty days from the establishment thereof by the order of the court, execute a bond payable to the State of California, in a penal sum to be fixed by the Court of Sessions, with one or more sureties, to be approved by said Court of Sessions, conditioned that he or she will keep such ferry or toll bridge in good repair and condition, according to law, and that he or she will give passage to all public messengers and expresses when required, without fee or reward; and conditioned further, that the obligor will pay to any person hindered, delayed or injured by reason of any defect or insufficiency or want of suitable repair in said bridge or ferry boat, all damages that such persons may recover therefor in any court competent to try such action, which bond shall be filed with the clerk of the County Court, to be proceeded on in the same manner as other public bonds for any breach of the condition thereof; and if any person shall neglect or refuse to give such bonds, he or she shall forfeit his or her right to said ferry or toll bridge.

Condition.

Where bond to be filed. Refusal to give bond to work forfeiture.

Court of Sessions refusing license, the person may apply to District Court.

SEC. 17. When the Court of Sessions refuse to grant a license to any person to build a bridge or establish a ferry, the person making such application according to law, shall have the right to apply to the District Judge for such license during any regular term of the court, and the District Judge may, in his discretion, grant such person license for good cause shown in accordance with the provisions of this Act.

Penalty for violation of Sec. 1.

SEC. 18. Any person who shall violate the first section of this Act, shall be deemed guilty of a misdemeanor, and may, upon conviction, be punished by fine, not exceeding, for the first offense, five hundred dollars and for the second offence, in addition thereto, by imprisonment not to exceed thirty days.

Court of Sessions to establish rates of toll, &c.

SEC. 19. The Court of Sessions shall establish the rates of toll to be charged or received for crossing all licensed toll bridges or ferries, which rates shall be posted up either written, printed or painted, at each licensed ferry or toll bridge in the State by the owners thereof.

SEC. 20. All Expresses sent on public service by a Commander-in-Chief, Colonel or Major, to or from the Governor for the time being, or commanding officer of the militia, shall be accounted public messengers or expresses, and shall pass all ferries or toll bridges free of charge, with- in the condition of the bond aforesaid, if the dispatch carried by such expresses be endorsed "Public Service," and be signed by the person sending the same. But no ferryman nor toll bridge keeper shall be bound to give passage free to any such expresses in time of peace, except in case of insurrection.

Who shall pass free.

Exception.

SEC. 21. Each and every licensed ferry keeper shall constantly keep a good and sufficient boat or boats, if more than one be necessary, with a sufficient number of able and skillful ferrymen, as may be directed and required by the Court of Sessions, and give due attendance to the said ferry or ferries, and to the transportation of all persons with their property, who shall apply for the same between daylight in the morning and dark in the evening, so that no unnecessary delay may happen to persons having occasion to pass said ferry; and all licensed ferry and toll bridge keepers, shall be obliged at any hour of the night if required, except in cases of evident danger, to give passage to all expresses above recited, and to all other persons requiring the same, on their tendering and paying the rate of toll or ferrage allowed to be taken during the day time.

Duties of licens'd ferry keeper.

Duties of licens'd ferry and toll-bridge keepers.

SEC. 22. It shall be the duty of all ferry and toll bridge keepers within this State, to cause the banks of the river or creek to be dug sufficiently low, and kept in good passable order, for the passage of man and horse, wagon and other vehicles.

The same.

SEC. 23. The Court of Sessions of each county may in their discretion, and under the restrictions hereinbefore prescribed, establish and license ferries over streams that are otherwise impassable, except for short periods in particular seasons, without charge, if the Court of Sessions shall be satisfied that the profits of such ferry will not justify the owner in paying a tax therefor, but every ferry so established under the provisions of this section, shall be subject to all the rules, regulations and restrictions, herein prescribed, for regulating ferries, except so far as relates to the payment of a ferry tax.

When Court of Sessions may establish ferry.

SEC. 24. If any ferry or ferries which now are, or may hereafter be established, shall not be furnished with the necessary boat or boats, and ferrymen within one month after the establishment thereof, and continue to be so furnished, or if the proprietors shall at any time thereafter, wilfully neglect to attend to the same, it shall and may be lawful for the Court of Sessions for the county wherein such ferry or ferries may be situated, on complaint to them made, to cause the proprietor or proprietors of such ferry, to be summoned to show cause at the next sitting of the Court of Sessions, why the license to the proprietor of such ferry should not be revoked, and the Court of Sessions shall revoke such license, or dismiss such complaint, according to the testimony adduced, and may award costs against the complainant, if such complaint is dismissed against the proprietor or proprietors, if the ferry be vacated, or in their discretion apportion the costs.

License of ferry not kept according to law may be revoked.

SEC. 25. Any licensed toll bridge or ferry keeper who shall neglect or refuse to set over at his ferry or cross on his bridge, during the hours of daylight, any person or property without unnecessary delay, shall be fined in any sum not exceeding one hundred dollars, and shall moreover be liable to the party injured in a civil action.

Penalty for refusing to set over persons and property.

SEC. 26. All moneys assessed for ferry or toll bridge licenses shall be paid into the County Treasury for county purposes.

Moneys to be paid into County Treasury.

Judge of Court
of Sessions
interested,
District Judge to
have jurisdiction

SEC. 27. When any Judge of the Court of Sessions is interested in the establishment or continuation of any ferry or bridge, the District Court of the county in which said ferry or bridge is located shall have full and complete jurisdiction in such cases; and said court may grant a license to keep such ferry or bridge, and to make such other and further orders in relation to the same as may be necessary to give full force and effect to this Act.

Repealing clause

SEC. 28. An Act entitled "An Act concerning toll bridges," passed May first, eighteen hundred and fifty-one; "An Act creating and regulating public ferries," passed March eighteenth, eighteen hundred and fifty; an Act to amend an Act entitled "An Act creating and regulating public ferries," passed April twenty-ninth, eighteen hundred and fifty-one; "An Act supplemental to an Act creating and regulating public ferries," approved April fourteenth, eighteen hundred and fifty-three; and so much of Article second of "An Act to provide revenue for the support of the Government of this State," approved May eighteenth, eighteen hundred and fifty-three, as conflicts with this Act, are hereby repealed.

SPECIAL LAWS

OF THE STATE OF CALIFORNIA,

PASSED AT THE

FIFTH SESSION OF THE LEGISLATURE, BEGUN ON THE SECOND
DAY OF JANUARY, 1854, AND ENDED ON THE FIFTEENTH DAY
OF MAY, 1854, AT THE CITIES OF BENICIA AND SACRAMENTO.

CHAPTER I.

AN ACT to organize the County of Plumas out of a portion of
the Territory of Butte County.—[Passed March 18, 1854.]

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

SECTION 1. The county of Butte shall be divided so as to form a new county out of the north-eastern portion, which shall be called Plumas.

Plumas County
formed out of
the N. E. portion
of Butte County.

SEC. 2. The said county of Plumas shall be bounded as follows, to wit: commencing at the Buckeye House on the line between Yuba and Butte, and running in a right line crossing the southern portion of Walker's Plains and Feather River, to the summit of the dividing ridge, dividing the waters of the west branch and the main Feather River; thence following the said divide to the summit of the main divide, separating the waters of the Sacramento and the main North Feather; thence following said divide to the line of Shasta county, dividing Shasta and Butte; thence along said line to the boundary of the State; thence along the eastern boundary of the State to the north-east corner of Sierra county; thence following the north-western boundary of Sierra and Yuba to the place of beginning.

Boundaries of
Plumas Co.

SEC. 3. There shall be held an election for county officers in the county of Plumas on the second Saturday in April, 1854; at which election the qualified voters of said county shall choose one County Judge, one District Attorney, one County Clerk, who shall be, *ex officio*,

Election for
county officers,
when held.
Officers to be
chosen.

County Recorder; one Sheriff, one County Surveyor, one County Assessor, one Coroner, and one County Treasurer.

Commissioners, their powers and duties.

SEC. 4. H. J. Bradley, W. Dean and John Thompson, are hereby appointed Commissioners to designate the necessary election precincts in the county of Plumas, for said election, and to appoint the Judges and Inspectors of Election at the several precincts designated; to receive the returns and to issue certificates of election to the parties receiving the highest number of legal votes, and in all other respects said election shall be conducted according to the provisions of the Act to regulate elections, passed March 23, 1850.

Election to be conducted according to the general election law of 1850.

When Commissioners shall meet.

SEC. 5. For the purpose of designating the several precincts in said county, said Commissioners shall meet at least ten days previous to the day of election, and after having been duly sworn by a competent officer to well and truly discharge their duties, shall designate the Judges and Inspectors for such precincts; the Commissioners shall appoint one of their number as President and one as Clerk, who shall keep a record of their proceedings; which record shall be deposited in the Clerk's office, after the Commissioners shall have closed their labors. A majority of said Commissioners shall at all times constitute a quorum for the transaction of business.

How to qualify. What to do. Organization. Record of proceedings to be kept. To be deposited in Clerk's office. Majority to constitute a quorum. Notice of election to be given ten days before.

SEC. 6. The Commissioners shall immediately after said meeting give notice of such election, and the names of the officers appointed to conduct the same by notices to be posted at each of the precincts at least ten days before the election.

Where Commissioners to meet.

SEC. 7. Sealed returns from the officers of election shall be delivered to the President of said Board; the Commissioners shall meet at the house of H. J. Bradley, in American Valley, on the tenth day subsequent to the day of election, and the returns shall then be opened and canvassed by said Commissioners, and the persons having the highest number of legal votes for the several offices to be filled shall be declared elected, and the President shall immediately make out and deliver to each person chosen a certificate of election, signed by him as President of the Commission and attested by the clerk.

Opening of election returns

Certificate of election.

Officers, when to enter on duties.

SEC. 8. Each person elected shall qualify and enter upon the discharge of the duties of his office within ten days after the receipt of his certificate of election. The County Judge elect shall qualify before the President of the Commissioners. Persons elected to the other offices may qualify before the County Judge or before said President.

How officers to qualify.

Abstract of returns to be transmitted to Secretary of State.

SEC. 9. The President of the Commissioners shall transmit without delay an abstract of said election returns to the Secretary of State, and retain the original returns until the clerk shall qualify, when he shall file the same in the clerk's office.

Term of office.

SEC. 10. The officers elected under this Act shall hold office until the next general election, and until their successors are qualified according to law. The County Judge and two Associate Justices, to be chosen as provided by law, shall form the Court of Sessions for the transaction of all county business.

Court of Sessions.

Salary of County Judge.

SEC. 11. The County Judge of Plumas county shall receive for his services as Judge of said county one thousand dollars per annum.

To remain in Ninth Judicial District.

SEC. 12. The county of Plumas shall be and remain a portion of the Ninth Judicial District. The District Judge of the said district shall hold at least three terms of his court annually in Plumas county, and shall, as soon as practicable after this Act takes effect, notify the people of the said county of the time of holding said terms.

Terms of District Court.

SEC. 13. The County Auditor of the county of Butte shall ascertain

the county indebtedness of Butte at the time this Act shall take effect, and also the assessed value of the property of the respective counties of Butte and Plumas, as exhibited by the assessment roll of eighteen hundred and fifty-three, and upon presentation of the same, duly authenticated, to the Auditor of Plumas county, the said Auditor of Plumas county shall draw his warrant on the Treasurer of his county and in favor of the Treasurer of Butte county, for a sum which shall be ascertained upon the following basis: Each county shall be liable for the present indebtedness of Butte, in ratio of the taxable property of the respective counties, determined as above set forth.

County debt of Butte to be ascertained, and adjusted with Plumas.

Each county liable for debt. Ratio

SEC. 14. The counties of Butte and Plumas shall compose one Senatorial District; Butte County shall elect two Assemblymen and Plumas one in the year 1854; and in the year 1855, Butte County shall elect one Assemblyman and Plumas two, and alternate thereafter until there shall have been another apportionment of the State by the Legislature.

Apportionment of Representat'n.

SEC. 15. The County of Plumas shall set aside twenty per cent. of her annual county revenue, which shall be and remain an inviolable fund for the payment of the interest and principal of debt due to Butte County, and the same shall be paid annually to the Treasurer of Butte County, and when paid shall be placed to the credit of the general fund for the liquidation of the indebtedness of Butte County.

Fund for paym't of debt.

SEC. 16. The people of Plumas County shall determine by their vote at the next general election, at what place the county seat shall be permanently located; until such time, the temporary county seat of Plumas County shall be located in the American Valley, at such place as the Court of Sessions shall direct. This Act shall take effect from and after the first day of April, 1854.

County Seat

CHAPTER II.

AN ACT *allowing the Court of Sessions of Yuba County to levy a special tax for the support of the indigent sick of said county.*
—[Passed April 27, 1854.]

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

SECTION 1. The Court of Sessions in and for Yuba County, California, are hereby empowered to levy and cause to be collected, a special tax not exceeding thirty cents upon the one hundred dollars worth of taxable property, for the purpose of providing for and maintaining the indigent sick in said county.

Tax not to exceed 30 cents upon \$100.

SEC. 2. The fund arising from said tax, shall be preserved by a separate account to be kept by the Treasurer of said county in the books of his office, which shall be devoted exclusively to the purpose of supporting the indigent sick.

Fund to be preserved as a separate acct.

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

CHAPTER III.

AN ACT to amend the Seventh Section of an Act entitled "An Act to Incorporate the City of San Jose, passed March 27, 1850. —[Passed April 27, 1854.]

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

Sec. 7 amended

SECTION 1. The seventh section of an Act entitled "An Act to Incorporate the City of San Jose," passed March 27, 1850, is hereby amended so as to read as follows :

Amendment.

Taxes not to exceed 1 per cent.
Exception.

Additional tax not to exceed half of 1 per cent.

Section 7. The aggregate amount of taxes levied by said Council for any one year shall not exceed the sum of one per cent. upon the value of all the taxable property within said city, except for Common School purposes; but for the support of Common Schools and to provide suitable buildings therefor, the said Council shall have power to levy an additional annual tax on all the real and personal property in the city, not exceeding one half of one per cent., unless authorized to exceed that sum by a vote of a majority of the legal votes cast at an election held for that purpose; said tax to be paid in cash, and to be collected in the same manner and at the same time of other city taxes.

CHAPTER IV.

AN ACT appropriating Money to Pay D. D. Colton for Services rendered the State.—[Passed April 28, 1854.]

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

723 dollars appropriated.

SECTION 1. The sum of seventeen hundred and twenty-three dollars is hereby set apart and appropriated out of any moneys in the general fund, not otherwise appropriated, to pay D. D. Colton for services as Agent of the State.

CHAPTER V.

AN ACT to adjust the amount of indebtedness of the County of Alameda to the County of Santa Clara, and to provide for the payment of the same.—[Passed May 1, 1854.]

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

SECTION 1. The amount of indebtedness of County of Alameda to the County of Santa Clara, is hereby adjusted and fixed at six thousand four hundred and seventy-five dollars, and for the purpose of raising said sum of money, the County of Alameda is hereby authorized and required to levy a special tax, collect and pay the said amount over to the County of Santa Clara, in the manner prescribed in this Act.

Amount of indebtedness of Alameda county to Santa Clara county.

Special tax to pay.

SEC. 2. The Court of Sessions of Alameda County shall at its next term, after this Act takes effect, provide for the levying and collecting by special tax in said county, the present year, the sum of three thousand two hundred and thirty-seven dollars, to be paid into the County Treasury in cash, which sum shall be paid by the County Treasurer of Alameda County, to the order of the County Treasurer of Santa Clara County, on or before the first day of January, eighteen hundred and fifty-five.

Court of Sessions of Alameda to provide for levying a special tax.
3,237 to be paid, in cash, to Santa Clara county.

SEC. 3. The Court of Sessions of Alameda County shall in like manner provide in the year eighteen hundred and fifty-five, for levying, collecting and paying over in cash, on or before the first day of January, eighteen hundred and fifty-six, the sum of three thousand two hundred and thirty-eight dollars, the balance due the aforesaid County of Santa Clara, upon the order of the County Treasurer of Santa Clara, as aforesaid.

Court of Sessions of Alameda Co. to provide for collecting \$3,238.

SEC. 4. If the County of Alameda shall fail to pay over the aforementioned sums of money, as herein required, or any installment thereof, the said county shall be and is hereby held liable to the payment of interest at three per cent per month, upon any and all such sums due the said county until paid. *Provided*, the whole amount of interest paid shall not exceed ten per cent per annum, from the passage of this Act, on the amount due the said County of Santa Clara.

On failure to pay over, amount to draw interest.

Proviso.
Interest paid not to exceed 10 per cent. per annum.

SEC. 5. Section eleven of "an Act to create the County of Alameda, and establish the seat of Justice therein; to define its boundaries, and to provide for its organization," approved March twenty-fifth, eighteen hundred and fifty-three, is hereby repealed so far as the same applies to the County of Santa Clara.

Sec. 11 of Act creating the Co. of Alameda, repealed as to Santa Clara Co.

CHAPTER VI.

AN ACT giving power to the Court of Sessions of Sacramento County to Cancel certain Delinquent Taxes assessed for the year 1852.—[Passed May 3, 1854.]

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

Court of Sessions of Sacramento county to cause certain taxes to be cancelled.

SECTION 1. The Court of Sessions of Sacramento county is hereby authorized and required, in all cases in which satisfactory evidence is produced, that property assessed in eighteen hundred and fifty-two was destroyed by fire in said year, to direct the Collector to cancel such part of the delinquent taxes of eighteen hundred and fifty-two as may be affected by the provisions of this Act.

Duty of Collector

SEC. 2. It is hereby made the duty of the Collector, to make out immediately and file with the Clerk of the Court of Sessions a list of the delinquents of eighteen hundred and fifty-two, so that the court aforesaid can examine the same, and determine the several cases that may be presented under this Act.

CHAPTER VII.

AN ACT to authorize the Court of Sessions of the County of San Joaquin, to levy and collect a special tax for the support and maintenance of the indigent sick of said county.—[Passed May 3, 1854.]

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

Court of Sessions authorized to levy a tax for support of sick.

SECTION 1. The Court of Sessions of the county of San Joaquin, is hereby authorized to levy and collect an annual tax, not to exceed one-fourth of one per cent. on the valuation of all property real and personal in said county, for the support and maintenance of the indigent sick of said county.

How tax to be collected. How appropriated.

SEC. 2. Said tax shall be collected at the same time and by the same officer or officers now authorized by law to collect State and county revenue, and shall not be appropriated or used for any other purpose than for the support and maintenance of the indigent sick of said county.

CHAPTER VIII.

AN ACT to change the name of George Davenport Parmalee to that of George Curtis Currie.—[Passed May 6, 1854.]

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

SECTION 1. It shall be lawful for the person heretofore known as George Davenport Parmalee to change his name to that of George Curtis Currie. Geo. Davenport Parmalee changed to Geo. Curtis Currie.

CHAPTER IX

AN ACT for a Special Term of the District Court in the County of Placer.—[Passed May 6, 1854.]

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

SECTION 1. There shall be a term of the District Court held in the county of Placer, commencing on the third Monday of the present month, which shall continue in session one week, unless the business thereof be sooner disposed of. Term of District Court to be held on third Monday of May.

SEC. 2. It shall be lawful for the District Judge of the Ninth Judicial District to hold such special term of said court. District Judge of Ninth District to hold said term.

CHAPTER X.

AN ACT amendatory to the Act incorporating the City of Marysville, and to all Acts supplementary and amendatory to the same.—[Passed May 6, 1854.]

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

SECTION 1. The Common Council of the city of Marysville shall have power in addition to all the powers now vested within. Power of Common Council to levy a tax.

First: To levy and collect at any time or times after the passage of this Act, special taxes on all property, real and personal, within said city made taxable by law for State purposes, not exceeding five per cent., or in the aggregate the sum of two hundred thousand dollars, upon the assessed value of such property to be levied, collected and appropriated by said Common Council towards the construction of the Marysville, Not to exceed 5 per cent. on the aggregate of \$200,000. How to be applied.

How taxes to be levied.

Proviso. Sense of the people to be taken.

Real and personal property may be sold for said tax.

Common Council to cause certificates of stock to be issued.

Marshal's commissions.

City Treasurer's commissions.

Grass Valley and Nevada Plank and Turnpike Road, and the payment of the subscription which said Common Council shall hereafter make to any company formed for said purpose, which taxes shall in every instance, be levied and collected by ordinance published according to law, giving at least twenty days notice prior to the collection of the same: *Provided*, however, that a vote of the citizens shall be first had upon the proposition to raise by direct taxation an amount not exceeding five per cent., or an amount not exceeding in the aggregate said sum of two hundred thousand dollars, for said purposes; and if a majority of the citizens voting, shall vote in favor of such proposition then and in that case, the Common Council shall have full and complete power in the premises; fifteen days notice of said election shall be published by order of said council in both of the papers of said city.

Second: Real and personal property may be sold for taxes, to be levied and collected under the provisions of this Act, when the same shall remain due and unpaid the city, twenty days after the day specified by any ordinance of said Common Council for the payment of the same, with the same restrictions, and under the same regulations and provisions as are required for other sales for delinquent taxes due said city.

Third: The Common Council shall cause immediately after the collection of the whole amount of taxes for said purpose, certificates of stock of the road to be issued in the sum of fifty dollars each, to all taxpayers therefor, for every fifty dollars they have paid under the provisions of this Act, upon the presentation of their receipts for the same or the assignees of said receipts.

SEC. 2. The commission allowed the marshal for collecting the above amount of two hundred thousand dollars, shall be left to the discretion of the Council, but not to exceed ten per cent. upon the amount collected. The city Treasurer's commission shall also be left to the discretion of the Council, but not to exceed one and a half per cent.

CHAPTER XI.

AN ACT to provide for the *Erection of a Jail in the County of Monterey.*—[Passed May 6, 1854.]

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

Board of Supervisors to levy special tax for a jail fund.

SECTION 1. The Board of Supervisors of the county of Monterey are hereby required and authorized, after the passage of this Act, to levy a special tax upon the taxable property in the county not exceeding one per cent. on the valuation; and all money collected under this Act shall be set apart and held as a special jail fund, to be used only as herein provided.

To advertise for plans and estimates.

SEC. 2. Said Board may advertise for and receive plans, specifications and estimates for constructing a County Jail, and shall adopt such plans and specifications as may be deemed best for the county, reference being had to the probable expense; and after adopting the plan and specification, said Board shall give notice, by posting in at least three public places in the county, and by advertisement in some newspaper of gen-

To advertise for proposals to build.

eral circulation, for at least thirty days, that sealed proposals will be received at a place to be specified for building a county jail according to the plan adopted.

SEC. 3. After thirty days notice, and at the time and place to be specified in the notice, said Board shall open all bids and proposals made for building and completing the county jail according to the plans and specifications, and within such reasonable time as may be fixed by said Board, and the contract shall be awarded to the lowest responsible bidder who will give sufficient security for the prompt and faithful performance of the contract; but such Board shall not accept any bid or proposal which in their judgment is higher than a fair and just compensation for the performance of the contract.

Bids to be opened and contract awarded to the lowest bidder.

Extravagant bid not to be accepted.

SEC. 4. All payments for notices and advertisements made necessary by this Act, and for constructing and furnishing said jail, shall be made by warrants drawn on the special jail fund, and said warrants shall be paid in the order of their presentation to the County Treasurer; but no payment shall be made out of said fund for salary allowance or compensation to any officer, or to any person as agent, overseer, architect, or superintendent, or for any purposes other than that specified in this Act.

How payments to be made.

Warrants to be paid in the order of their presentation. Salary not to be paid out of said fund.

SEC. 5. Warrants for eighty per cent. of the estimated value of work done on said jail may be drawn as the jail progresses; at least twenty per cent. of the whole amount to be paid being reserved until the completion of the jail as additional security for the performance of the contract.

80 per cent. of value of work may be drawn as work progresses. 20 per cent. to be reserved.

SEC. 6. This Act shall cease to be of effect when said jail shall be completed, furnished, and paid for, and should any surplus money then remain in said special fund, it shall be applied to the repair and improvement of other county buildings.

How long this Act to be in effect.

SEC. 7. The special tax authorized by this Act shall be collected at the same time and in the same manner as the ordinary State and county taxes. The Sheriff shall receive four per cent. on all moneys by him collected and paid to the County Treasurer under the provisions of this Act, and the County Treasurer shall receive two per cent. on the amount of moneys by him disbursed under the provisions of this Act.

Special tax, how collected.

Commissions of Sheriff.

Commissions of Co. Treasurer.

SEC. 8. The taxes collected under the provisions of this Act shall be paid in legal currency of the United States, or clean gold dust, to be received at seventeen dollars and fifty cents per ounce.

In what tax to be paid.

CHAPTER XII.

AN ACT to give jurisdiction to the District Court, County Courts and Justices Courts in Plumas County in certain cases.—
[Passed May 6, 1854.]

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

SECTION 1. All public offences that have been heretofore committed in that portion of the territory that was formerly embraced in the county of Butte, and that now constitutes and is embraced in the county of Plumas, shall be triable and tried in said county of Plumas, and the District

Public offences heretofore committed to be tried in Plumas county.

Jurisdiction of Courts.

Indictments found in Butte county to be certified to Plumas county. Duty of District Attorney.

When to take effect.

Court, County Courts and Justices Courts of said county, as the case may be, shall have full and complete jurisdiction in all such cases.

SEC. 2. In those cases where indictments or presentments have been found in Butte county against any person or persons for committing any such offence, such indictment or presentment shall, upon affidavit and motion of the District Attorney, where the same shall have been filed for a trial, be ordered by said court to be certified to the proper court of Plumas county; and said court shall hear and determine the same as if such indictment or presentment had been found and prosecuted in said county.

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

CHAPTER XIII.

AN ACT to authorize the Mayor and Common Council of the City of Sacramento, to levy and collect a Special Tax for the redemption of the Bonds of said City.—[Passed May 10, 1854.]

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

Special tax not exceeding half of 1 per cent

Appropriated to city bonds.

Provision to be made for liquidation of said bonds.

SECTION 1. In addition to the amount of tax now authorized by law, the Mayor and Common Council of the city of Sacramento, may in their discretion levy and cause to be collected annually, a Special Tax, not exceeding one half of one per cent, upon the assessed value of all real and personal property within said city, subject to taxation.

SEC. 2. The amount of taxes thus collected, shall be set apart exclusively as a fund, for the redemption of the Bonds of said city, and it shall be the duty of the Mayor and Common Council, to provide by ordinance for the liquidation of said Bonds, out of the fund aforesaid, and to direct the manner of such liquidation.

CHAPTER XIV.

AN ACT to authorize the Treasurer to issue duplicate Land Warrants to John D. Brower.—[Passed May 11, 1854.]

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

Authorized to issue duplicate Land warrant to John D. Brower.

Description.

SECTION 1. The Treasurer of State is hereby authorized to issue to John D. Brower, duplicate Land Warrants, as follows: a duplicate for School Land Warrant number (509) five hundred and nine, for one hundred and sixty acres; also, a duplicate for School Land Warrant number (619) six hundred and nineteen, for one hundred and sixty acres.

SEC. 2. The said duplicate Land Warrants shall be of the same force

and effect, and any location of land under them, of the same validity as if made under the originals, and the said John D. Brower, shall execute and deliver to the Treasurer, a bond with good and sufficient sureties, in the penal sum of twelve hundred and eighty dollars, conditioned, to be paid, if the original, or either of them, shall ever be located, or presented for payment.

To have the same force and effect as the originals. Bond to be executed. Condition

CHAPTER XV.

AN ACT to provide offices for certain County Officers in the county of Sacramento.—[Passed May 11, 1854.]

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

SECTION 1. It shall be the duty of the Court of Sessions or Board of Supervisors, as the case may be, of the county of Sacramento, to provide a suitable office for the County Assessor of said county, and also to provide a suitable office, for the County Surveyor of said county.

Court of Sessions or Board of Supervisors to provide offices for Assessor and Surveyor.

CHAPTER XVI.

AN ACT to prevent the destruction of Fish in the waters of the Stockton Slough, and Mormon Slough, in San Joaquin County. [Passed May 11, 1854.]

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

SECTION 1. From and after the passage of this Act it shall be unlawful for any person to use nets or seines of any description for the purpose of catching fish in the waters of Stockton Slough, or Mormon Slough, in San Joaquin county.

Use of nets or seines prohibited

SEC. 2. Any person who shall violate the provisions of this Act shall, upon conviction before any Justice of the Peace in San Joaquin county, pay a fine of not less than twenty-five dollars and not more than fifty dollars, and costs of prosecution.

Penalty.

SEC. 3. Any person so convicted as aforesaid, who shall neglect or refuse to pay the fine and costs as aforesaid, shall be committed by the Justice of the Peace before whom the conviction is had to the county jail of San Joaquin county for a term not exceeding twenty days, or until such fine and costs are paid.

Neglecting to pay fine, to be committed.

CHAPTER XVII.

AN ACT *for the relief of Carlos Isarda.*—[Passed May 11, 1854.]

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

Comptroller to issu- duplicate warrants in favor of Carlos Isarda.	SECTION 1. The Comptroller of State is hereby authorized and re- quired to issue duplicate warrants, drawn upon the Treasurer of State, in favor of Carlos Isarda, for warrant No 1942 for one hundred and sixty-eight dollars, dated February eleventh, eighteen hundred and fifty- four; warrant No. 2108 for one hundred and sixty dollars, dated March twenty-fifth, eighteen hundred and fifty-four; and warrant No. 2126, for one hundred and sixty-eight dollars, dated March twenty-fifth, eighteen hundred and fifty-four, drawn in favor of W. S. Throckmorton, which warrants were destroyed by the late fire in the city of Sacra- mento.
Numbers and amounts of warrants.	
Description.	
Bond to be filed.	SEC. 2. The Comptroller shall require before issuing said warrants, that the said Carlos Isarda, shall file in his office a good and sufficient bond, with two good sureties to the State, in double the amount of said warrants, conditioned, that if said warrants or any portion thereof, shall ever be presented for payment at the Treasury, then, and in such event, the party and his sureties shall repay the same.
Condition	

CHAPTER XVIII.

AN ACT *to incorporate the town of Placerville.*—[Passed May 13,
1854.]

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

ARTICLE I.

Incorporation of Placerville.	SECTION 1. The district of country in the county of El Dorado con- tained within the boundaries hereinafter described shall be a city by the name of Placerville, and the inhabitants residing therein shall be a body corporate, under the name and style of the Mayor and Common Council of the City of Placerville; and by that name they and their successors in office shall be known in law, have perpetual succession, sue and be sued, complain and defend in all courts, and in all actions and proceed- ings; and may purchase, hold and receive property, real and personal, within said city limits; may lease, sell, or otherwise dispose the same for the benefit of the city; may provide for the regulation of all property belonging to the city, and may have a corporate seal and alter the same at pleasure: <i>Provided</i> , They shall purchase any real estate other than such as are within the city limits, or shall be necessary for public build-
May sue and be sued.	
May own property.	
Proviso.	

ings, the laying out or alteration of streets or alleys, or other public grounds, for burial purposes.

SEC. 2. The boundaries of the city of Placerville shall be as follows: Boundaries of Placerville.
 Commencing at a large pine tree west of Mr. Frederiek A. Bee's private residence north sixty-five degrees, east to another pine tree on the east bank of a ravine, distance two hundred and twenty-four rods; thence south 34 degrees east to a large pine stump, distance one hundred and twenty rods; thence south thirty-five degrees west to a tunnel on Coon Hollow and Hangtown Hill, distance two hundred and eight rods; thence north forty-four degrees west, distance two hundred and thirty-six rods to the place of beginning.

SEC. 3. The Common Council shall have power to alter from time to time, by vote of two-thirds of all the members elect, the boundaries of any or all of the Wards, provided such alteration be made at least thirty days previous to the annual election of city officers, and the particular bounds published in some paper within the city at least thirty days prior to such election. Common Council may alter boundaries of wards. Proviso

ARTICLE II.

SECTION 1. The officers of the City of Placerville shall consist of one Mayor, six Aldermen, one Treasurer, one Assessor, one Clerk, one Marshall, one Collector, one Attorney, and such other officers as are herein-authorized to be appointed. Officers of Placerville.

SEC. 2. The Mayor shall be elected by the qualified electors of the city, and shall hold his office for one year, and until his successor shall be elected and qualified. Mayor, how elected, and term of office.

SEC. 3. Two Aldermen shall be elected by the qualified electors of each Ward, and shall hold their offices for one year, and until their successors are elected and qualified. Aldermen, how elected, and term of office.

SEC. 4. No person shall be eligible to the office of Mayor or Alderman who are not citizens of the United States, or who have not been residents of the State one year, and of the city of Placerville for six months next preceeding the election. Eligibility to office.

SEC. 5. The election for Mayor and Aldermen, shall take place on the first Monday of June in each year. For the first election, the Board of Trustees of the town of Placerville shall appoint two inspectors in each ward, and designate the place of opening the polls. At all subsequent elections such appointments shall be made by the Common Council of the city of Placerville. Time of election. Inspectors, how appointed.

SEC. 6. All the provisions of law in force regulating elections, and defining the powers and duties of the officers thereof, shall apply to the election of Mayor and Aldermen under this Act, except that two inspectors and one clerk, shall be the only officers of election in each ward of the city. Laws applicable. Exception.

SEC. 7. The inspectors and clerk of each ward, shall deliver to the persons receiving the highest number of votes in each ward, a certificate of election as Alderman, and shall also transmit to the clerk of the city, a statement of the whole number of votes, cast in each ward, and for whom the same were cast, together with the number for each person. Certificates of election. Statement.

SEC. 8. At each and every annual election, the inspectors of the other wards, shall, immediately after the votes are counted, transmit to the inspectors of the first ward, a statement certified by them to be correct, of the number of votes cast in their respective wards for the office. Election returns, how made.

of Mayor, and the number of votes cast for each person to fill said office. The inspectors of the first ward shall thereupon add together all the votes of all the wards as they are given for each person, and shall issue a certificate of election as Mayor to the person receiving the highest number of votes within the city for that office. At all elections subsequent to the first, sealed returns shall be made by the inspectors to the city clerk, of the votes given for the office of Mayor, and the number of votes given for each person. Such returns shall be opened and counted in the presence of the Common Council, and a certificate of election issued under their direction to the person receiving the highest number of votes for that office.

Sealed returns.

Manner of opening.

Electors, qualifications of.

SEC. 9. No person shall be allowed to vote at any city election, who is not a white male citizen of the United States, and who has not been a resident of this State for one year, and of the city three months next preceding the election.

When and how to enter upon duties.

SEC. 10. The Mayor and Aldermen shall enter upon their duties, the first Monday subsequent to their election. Before entering upon their duties they shall take the oath of office, which may be administered by any Judge or Justice of the county.

In absence of Mayor. Common Council may elect presiding officer.

SEC. 11. The Common Council at their first meeting after the annual election, or at any other meeting when from any cause, the Mayor may be absent, shall elect by ballot a presiding officer from their own body, which officer shall possess all the powers and perform all the duties of the Mayor, and in case of sickness of the Mayor, or absence, or other inability, the President shall possess all the powers of the Mayor, during such vacancy, absence or disability.

Vacancy, how filled

SEC. 12. Whenever a vacancy shall occur in the office of Alderman, by resignation, death, removal, or otherwise, the Common Council shall order a special election to fill such vacancy. The person elected to fill a vacancy, shall hold his office for the residue only of the term of his immediate predecessor.

Election of certain officers by the Council.

SEC. 13. The Common Council shall each year, within one month after the annual election, elect by ballot the Treasurer, the Assessor, the Clerk, the Attorney, and the Marshall of the city, who shall hold their respective offices for one year from the annual election, and until their successors are elected and qualified, unless previously removed for misconduct in office, neglect of duty, resignation, or otherwise.

Term of office.

Other officers.

SEC. 14. The Common Council shall have power to elect such other subordinate officers as they may deem necessary in the government of the city; and in all elections they shall vote by ballot.

ARTICLE III.

Common Council—how constituted. When to meet.

SECTION 1. The Mayor and Aldermen of the city shall constitute the Common Council, which shall meet on the first Monday subsequent to the annual election and the first Monday of each subsequent month during the year, and at such other times as they by adjournment or resolution direct. The Mayor may call special meetings at any time he may think proper, by serving a written notice upon each member, or leaving one at his place of business or residence. At all meetings of the Common Council the Mayor, when present, shall preside.

Quorum.

SEC. 2. A majority of the Council shall constitute a quorum for the transaction of business, but a less number may compel the attendance of absent members; but no tax or assessment shall be made, or office cre-

ated, or filled by the Board, unless a majority of all the members elected shall be present and vote upon the question.

SEC. 3. The Mayor shall have no vote in the proceedings of the Council, except upon a question where the members are tied, then he shall give the casting vote. Mayor to have
no vote.

SEC. 4. The Council shall determine the rules of their proceedings and the qualification of their own members.

SEC. 5. The proceedings of the Council shall be open to the public except when the Board shall think the interests of the city shall require secrecy. A journal of their proceedings shall be kept by the clerk, and the yeas and nays shall be taken on any question at the request of any two members, and the same entered upon the journal. Journal of

SEC. 6. The Council shall have power within the city; Powers of the
Council

First: To make by-laws and ordinances, not inconsistent with or repugnant to the laws of this State;

Second: To levy and collect taxes on all property, real and personal, made taxable by law, for State purposes, not exceeding one per cent. per year, upon the assessed value of all such property;

Third: To provide for the grading, paving or otherwise improving the streets and sidewalks, and keeping the same in repair, also to prevent and remove obstructions from the streets and side walks; to provide for the prevention and extinguishment of fires; to organize and establish fire companies; to regulate the storage of gun powder, and other combustible material; to prevent and remove nuisances; to license and regulate auctioneers, taverns, bar-rooms, theatricals, circuses, and all other exhibitions, shows, and amusements; also all trades and callings in proportion to the amount of business done by each; to regulate tippling houses, dram shops, gaming and gaming house, hawkers, peddlers, pawn-brokers and raffles, also disorderly houses of every kind, including houses of ill-fame or prostitution; to provide for all necessary public buildings for the use of the city; to open, alter or widen streets and alleys; to establish a city hospital and provide for the indigent sick; to borrow money in case of emergency upon the faith and credit of the city, but no loan shall be made for any sum whatever without the consent of the electors of the city to such loan having been previously obtained by a vote of the citizens; to appropriate money for any item of city expenditure, and to provide for the payment of any indebtedness against the city; to prevent or restrain any riot or disorderly conduct within the city; to impose and appropriate fines to the use of the city for forfeitures, penalties, or breach of any ordinance, and to provide for the punishment of breaches of any ordinance, but no fine shall be imposed for one offence for more than five hundred dollars, or imprisonment for more than thirty days; to punish its members by fine, for disorderly conduct, and to expel members for cause, with the concurrence of two-thirds of the members elected. The same.

SEC. 7. It shall be the duty of the Council to provide for the accountability of all officers elected by them, to whom the receipt and expenditure of the funds of the city shall be entrusted, by requiring a bond from each, with approved sureties for the faithful performance of their respective duties; and in case at any time such sureties should become insufficient additional security may be required; and if not given when thus required the Common Council may declare the office vacant and elect another person to supply such vacancy. Duty of Council

SEC. 8. It shall be the duty of the Common Council to publish in one or more newspapers, printed in the city, one month before the annual The same.

Finances.

election in each year, a full and detailed statement of the receipts and disbursements of the city during the year ending on the last day of the month previous to that in which the publication is made, and in every such statement the different sources of the city revenue and the amount received from each, the various appropriations made by Council, the objects for which the same were made, and the amount expended under each; all moneys borrowed on the faith and credit of the city, the authority under which each loan was made, together with the name or names of the person or person, and the terms of said loan or loans, clearly and particularly specified.

ARTICLE IV.

Duties of Mayor.

SECTION 1. It shall be the duty of the Mayor :

First : To communicate to the Common Council quarterly a general statement of the situation and condition of the city in relation to the finances, improvements and government.

Second : To recommend in writing to the Common Council the adoption of all such measures as he shall deem expedient relative to the security, health, improvements, and such other subjects as he may think proper for the improvement of the city government.

The same.

Third : To be vigilant in causing the ordinances and by-laws to be duly executed and enforced by the appropriate officers, to examine into all complaints that may be made against any subordinate officer for a violation or neglect of duty. It shall be the duty of the Mayor to sign all contracts made in behalf of the city, and countersign all warrants upon the Treasurer, and all licenses issued under order or ordinances of the Common Council. It shall also be the duty of the Mayor to sign all ordinances passed by the Council if he approve the same, but if not he shall return the same, with his objections in writing, to the Council, who shall cause his objections to be placed upon the journal, and proceed immediately to consider the objections, or appoint a time when they shall be considered not exceeding three days thereafter. If, after such reconsideration, a majority of all the members elected shall be in favor of its passage the same shall become a law. the objections of the Mayor notwithstanding; to countersign all licenses and warrants issued under orders or ordinances of the Common Council; to preside over the Common Council, when present, at all their meetings; to maintain the peace and good order of the city, and generally to perform all such duties as may be prescribed by this Act, and the ordinances of the Common Council and the laws of this State.

Duties of Aldermen.

SEC. 2. It shall be the duty of every Alderman of the city to attend the regular and special meetings of the Common Council, to act upon committees when appointed thereto by the Mayor, to report to the Mayor all subordinate officers who are reported guilty of a violation or neglect of duty, and to aid the Mayor to the extent of their ability in maintaining the peace and good order of the city and in enforcing the by-laws and ordinances of the Common Council.

Common Council to define duties and fix salaries of officers. Salary of Mayor and Aldermen.

SEC. 3. The Common Council shall define the duties of all officers by them elected under this Act, and shall determine their fees and salaries.

SEC. 4. Neither the Mayor or Aldermen shall receive any compensation for their services unless a proposition to allow them a salary or compensation specifying the amount thereof, be first submitted to the electors of the city, and be approved by them. Such proposition shall be pub-

lished in one of the newspapers of the city at least one month previous to the day on which the vote of the citizens shall be taken thereon. If a majority of the persons voting vote in favor of the proposition then the salary or compensation specified therein may be allowed, but not otherwise: *Provided*, That such proposed compensation shall not exceed five dollars to each Alderman for each attendance at the meetings of the Common Council, and one thousand dollars per annum for the Mayor

ARTICLE V.

SECTION 1. The Common Council are hereby authorised and empowered to establish, within the city limits, a Recorder's Court, whenever in their opinion the interests of the city shall require the existence of such a court. The court when thus established shall exercise all the powers, and exercise all the jurisdiction conferred by law upon Recorder's Courts. Until a Recorder's Court be established, the Justice of the Peace within the city shall have jurisdiction,

Recorder's Court.

Justice of Peace, their jurisdiction.

First: Of all actions or proceedings for a penalty, fine or forfeiture, imposed by any ordinance or order of the Common Council, and

Second: Of proceeding respecting vagrants and disorderly persons; also, of public offences committed within the city, as follows:

First: Petit larceny.

Second: Assault and battery, not charged to have been committed upon a public officer in the discharge of his official duties, or with intent to kill.

Third: Committing wilful injury to property, and all other misdemeanors and offences punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment.

SEC. 2. All proceedings and actions under this Act before a Justice of the Peace or Recorder, within the limits of the city, shall be commenced in the name of the people of Placerville, by a complaint setting forth in plain and distinct terms, the nature of the offence charged, with such particulars as to time, place, person or property claimed to have been injured as to enable the defendant to answer the complaint. All complaints shall be verified by the person making the complaint, or some other knowing the facts. To the complaint the defendant may plead, answer or deny the same. Such plea, answer or denial may be oral or in writing, in person or by counsel, at the option of the defendant. The court shall immediately thereafter try the case unless for good cause shown an adjournment be granted. In all cases the defendant shall be entitled, if demanded by him, a trial by jury of six competent persons.

Actions and proceedings.

ARTICLE VI.

SECTION 1. Upon the passage of all resolutions or ordinances appropriating money, imposing taxes, abolishing licenses, increasing or lessening the amount to be paid for licenses, the yeas and nays shall be called and entered upon the journal.

Appropriations, how made.

Yeas and nays.

SEC. 2. A majority of all the members elected to the Common Council shall be necessary to pass any resolution or ordinance, appropriating

Appropriations, continued.

for any purpose, the sum of one hundred dollars or upwards, or any ordinance in anywise increasing or diminishing the city revenue.

The same.

SEC. 3. Any resolution or ordinance of the Board calling for the appropriation of any sum of money for an object exceeding five hundred dollars, shall lie over one week.

SEC. 4. The style of the city ordinances shall be, "The Common Council of the city of Placerville do ordain." All ordinances shall be published in one or more papers printed in the city.

CHAPTER XIX.

AN ACT to authorize the Administrator of the Estate of Richmond Lumpkins, deceased, to pay over the moneys of said estate to James M. Waller.—[Passed May 13, 1854.]

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

Administrator of estate of R. Lumpkins authorized to pay over the moneys of said estate to J. M. Waller. After paying debts. J. M. Waller to execute a bond for the application of said moneys to certain purposes. How moneys to be applied.

Manumission of slaves.

How to be applied in case manumission cannot be obtained.

Balance, how to be distributed.

Form of bond.

Suit.

SECTION 1. That it shall be lawful for Philip L. Edwards, Administrator of the Estate of Richmond Lumpkins, late of the city of Sacramento, deceased, to pay over to James M. Waller, all moneys of said estate, which shall remain in the hands of said Administrator, after the payment of all legally established debts against said estate, and all legal expenses of Administration.

SEC. 2. Before receiving said moneys, the said James M. Waller shall execute to the State of California, a bond in the sum at least double the amount of said monies, with sureties to be approved by the County Judge of Sacramento county, conditioned, that the said James M. Waller shall apply the said moneys, first, to the payment of any balance which may be due from said deceased to General Louis Bolton, of Cole county, Missouri, in consideration of the manumission from slavery, of the said deceased, by the latter; and the balance to procure the manumission from slavery of Linda and Winney, who are reputed and acknowledged children of said deceased, but if such manumission cannot be obtained, that then the said James M. Waller shall apply the said balance of said moneys to the use and benefit of Huldah, the acknowledged wife of said deceased, and of all his reputed or acknowledged children, whether free or slave, in such manner as shall be ordered and directed by the county Court of Cole county, in the State of Missouri. Should there be any balance of said moneys in the hands of said Waller, after the purchase of said wife and children, as mentioned in this section, then the said Waller shall distribute the said balance among the wife and children of the deceased, as the said County Court of Cole county shall order.

SEC. 3. The bond provided for in the last preceding section, shall be for the use and benefit of the people of the State of California, and for the use and benefit of any person or persons whomsoever, interested or concerned in the said estate, and in the event of a breach of the condition thereof, suit may be brought thereon, by the said State, or such person or persons accordingly.

CHAPTER XX.

AN ACT for the relief of John Skinker, Simon Wormser and E. Hunter.—[Passed May 13, 1854.]

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

SECTION 1. The Comptroller of State is hereby authorized and required to draw his warrant upon the Treasurer, payable out of any moneys in the general fund not otherwise appropriated, in favor of Henry Ellis for the use of John Skinker in the sum of one hundred and thirty dollars to be numbered (2620); also his warrant in favor of P. V. Bovee for the use of Simon Wormser, in the sum of one hundred and eight dollars, to be numbered (2628); also his warrant in favor of E. Hunter for the sum of three hundred and forty-eight dollars, to be numbered (2155), the word duplicate to be marked or written across the same.

Comptroller to draw warrant in favor of H. Ellis, for \$130;

P. V. Bovee, for \$108.

E. Hunter, for \$318.

SEC. 2. The said duplicate warrants described in section first of this Act shall be of the same force, effect and validity as the original warrants, provided the same had not been lost or destroyed, and the said John Skinka, Simon Wormser and E. Hunter shall each execute to the State, and deliver to the Comptroller their several bonds with good and sufficient sureties to the satisfaction of the Comptroller, in a sum double the aforesaid amounts conditional to be paid, if the warrants claimed to be lost or destroyed shall ever be presented for payment.

Force and effect.

Bonds to be executed.

CHAPTER XXI.

AN ACT to change name of Henry St. Clair, to that of Henry St. Clair Lott.—[Passed May 13, 1854.]

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

SECTION 1. It shall be lawful for the person heretofore known as Henry St. Clair to change his name to that of Henry St. Clair Lott.

Name changed.

CHAPTER XXII.

AN ACT to change the name of the Sutter, Jackson and Drytownⁿ Water and Mining Company to that of the Jackson Water Company.—[Passed May 13, 1854.]

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

Name of Comp'y changed.

Jackson Water Company.

SECTION 1. It shall be lawful for the members of the company heretofore bearing the name of the Sutter, Jackson and Drytown Water and Mining Company, organized and incorporated for mining and other purposes, November sixth, A. D., eighteen hundred and fifty-two, and whose office now is, and has been since its organization, at Jackson, Calaveras county, to change the same to the Jackson Water Company.

CHAPTER XXIII.

AN ACT to fix the compensation of the Board of Supervisors of Tuolumne county.—[Passed May 13, 1854.]

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

Compensation of members of Board.

Mileage,

Repealing clause

SECTION 1. Each member of the Board of Supervisors of the county of Tuolumne shall be entitled to receive for his services for each day's necessary attendance on the business of the county, the sum of ten dollars, and forty cents per mile in going to the county seat from his residence.

SEC. 2. All Acts and parts of Acts, so far as they conflict with the above section, are hereby repealed.

CHAPTER XXIV.

AN ACT defining the boundaries between the Counties of Santa Barbara and San Luis Obispo.—[Passed May 13, 1854.]

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

Ranches of Guadalupe and Oso Placo in Santa Barbara Co.
Rancho of Santa

SECTION 1. The rancho of Guadalupe and Oso Placo, now lying partly in the county of Santa Barbara, and partly in that of San Luis Obispo, shall be considered as being and lying wholly in the county of Santa Barbara; and the rancho of Santa Maria, now lying in the county of

Santa Barbara, shall be considered as being and lying in the county of Maria in San Luis Obispo Co.

SEC. 2. The boundary line between said counties shall remain as it now exists, excepting as it is disturbed by this Act. Boundary line to remain as at present.

SEC. 3. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed.

CHAPTER XXV.

AN ACT to authorize the Comptroller to issue duplicate warrants.—[Passed May 13, 1854.]

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

SECTION 1. The Comptroller of State is hereby authorized and required to issue to D. B. Kentz, a duplicate for a civil fund warrant, No. 2920, for ninety-six dollars; also to Geo. C. Bates, a duplicate for civil fund warrant No. 2923, for seventy-seven dollars. Warrants to be issued to D. B. Kentz and Geo. C. Bates.

SEC. 2. The said warrants shall be marked "duplicate," and the said D. B. Kentz and Geo. C. Bates shall each execute to the State, and deliver to the Comptroller, their several bonds with good and sufficient sureties to the satisfaction of the Comptroller, in a sum double the aforesaid amounts, conditional to be paid if the warrants claimed to be lost should ever be presented for payment. Bonds to be executed.

CHAPTER XXVI.

AN ACT granting Joseph R. Beals and others the right to construct a toll bridge across the Pajaro river.—[Passed May 13, 1854]

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

SECTION 1. Joseph R. Beals and such others as he may associate with him, are hereby authorized and empowered to build and maintain a bridge across the Pajaro river, where the main stage and only stage road leading from San Francisco via San Jose to Los Angeles, crosses the aforesaid river. Authority to build a bridge across the Pajaro river, and where.

SEC. 2. Said Joseph R. Beals and his associates shall have power to take and use so much of the public highway, at the point upon the Pajaro river mentioned in section first of this Act, as may be necessary for the construction of such bridge and a toll house; *Provided*, the construction of said bridge shall not obstruct or injure the highway existing at or near that point, prior to the location of said Beals at the point designated on said river. Power to use the public highway. Proviso. Highway not to be obstructed.

SEC. 3. The persons authorised to construct said bridge shall have power for the period of ten years from and after the completion thereof, Power to collect tolls for ten years.

How tolls to be fixed. Rates to be fixed annually. to demand and collect for crossing the same, such tolls as shall be fixed by the Court of Sessions of the county of Monterey, whose duty it shall be to annually establish the rates of toll to be charged for crossing the bridge as aforesaid.

Responsible for all damage to property crossing said bridge. SEC. 4. Said Joseph R. Beals and others shall keep the aforesaid bridge at all times in passable order and condition, and be responsible for any damage arising to persons or property crossing said bridge, caused by a neglect to keep said bridge in proper repair and condition.

Rates of toll to be posted up. SEC. 5. A list of the rates of tolls as fixed by the Court of Sessions as aforesaid, shall be posted up in some conspicuous place on the said bridge.

CHAPTER XXVII.

AN ACT to compensate H. Gomez Mauriz for translating into Spanish and engrossing certain Legislative Documents.— [Passed May 15, 1854.]

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

Warrant in favor of H. Gomez Mauriz, for 350 dollars, for translating certain documents. SECTION 1. The Comptroller is hereby required to draw his warrant in favor of H. Gomez Mauriz for the sum of thirteen hundred and fifty dollars, for services rendered by him in translating into Spanish and engrossing the Governor's Annual Message, Comptroller's Report, Governor's Inaugural Address, Treasurer's Report, and Surveyor General's Report.

CHAPTER XXVIII.

AN ACT to authorize the Court of Sessions of Trinity County to levy a special tax, for the purposes therein named.— [Passed May 13, 1854.]

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

Court of Sessions of Trinity county authorized to levy a special tax to pay for building a Court House and Jail. Rates of taxation not to exceed 1 per cent. on \$100. SECTION 1. The Court of Sessions of Trinity county, is hereby authorized and empowered to levy a direct tax on all taxable property of said county for the years one thousand eight hundred and fifty-four and one thousand eight hundred and fifty-five, for the purpose of paying the debt incurred in the building of a court-house and jail for the use of said county: *Provided:* The rate of taxation shall not exceed one per cent. on each one hundred dollars valuation.

CHAPTER XXIX.

AN ACT to authorize Stephen K. Nurse to build a Wharf in the county of Solano.—[Passed May 13, 1854.]

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

SECTION 1. The right to build and erect a wharf from the high lands now occupied by Stephen K. Nurse, in Suisun valley, the same being the north-east quarter of section six, in township four, north, range one east, of Monte Del Diablo, across the Tule lands to the channel of a certain slough, running through said quarter section, is hereby granted to said Nurse or his assigns, for the space of twenty years from the passage of this Act.

Right to build a wharf in Suisun valley.

Certain lands granted to said S. K. Nurse for twenty years.

Use and occupancy defined.

SEC. 2. The use and occupancy of the overflowed lands granted in the first section of this Act, shall consist of a strip of land two hundred feet wide, beginning at the high land in said quarter section, and extending to the channel of said slough.

Wharf to be built within one year.

SEC. 3. The said Nurse or his assigns shall within one year from the passage of this Act, construct and build upon said strips of Tule lands, a wharf, of sufficient dimensions to accommodate the commerce and trade of that neighborhood, and shall from time to time, as the business of its neighborhood may require, enlarge said wharf, and keep the same in good repair.

Wharf may be enlarged.

Navigation not to be obstructed.

SEC. 4. The privilege hereby granted shall not authorize the said Nurse, or his assigns, at any time to obstruct the navigation of said slough.

CHAPTER XXX.

AN ACT to abolish the Board of Supervisors in the County of Monterey, and to confer the jurisdiction over County business upon the Court of Sessions.—[Passed May 15, 1854.]

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

SECTION 1. The Act entitled "An Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers," passed May third, eighteen hundred and fifty-two, is hereby repealed, so far as the provisions of said Act extend and relate to the county of Monterey, and the Board of Supervisors in that county, is hereby abolished.

Board of Supervisors in Monterey Co. abolished.

SEC. 2. The Court of Sessions in the county of Monterey shall have the power and jurisdiction conferred in section fifty-five (55) of an Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May nineteenth, eighteen hundred and fifty-three, and shall have the powers and perform the duties conferred and imposed on the Board of Supervisors by an Act entitled "An Act to provide for the erection of a jail in the county of Monterey.

Jurisdiction of conferred on Court of Sessions.

CHAPTER XXXI.

AN ACT to provide John S. Bradford with Duplicate Warrants in lieu of certain Warrants lost or destroyed.—[Passed May 15, 1854.]

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

Comptroller authorized to draw warrants in favor of John S. Bradford. Description of warrants.

SECTION 1. The Comptroller of State is hereby authorized and required to draw and deliver his warrants in favor of John S. Bradford, upon the General Fund, for the sum of four hundred and twenty dollars, the same to be in lieu of and duplicate of warrants number one thousand nine hundred and eighty-two, (1,982,) for one hundred and sixty-four dollars, (\$164,) issued to John S. Bradford for services as member of the Assembly, and bearing date the twenty-seventh day of March, A. D., 1851; number two thousand four hundred and forty-seven, (2,447,) for one hundred dollars, (\$100,) issued to John S. Bradford, as aforesaid, and bearing date the eleventh day of April, A. D., 1851; number two thousand four hundred and forty-eight, (2,448,) for one hundred and fifty-six dollars, (\$156,) issued to John S. Bradford as aforesaid, and bearing date of the eleventh day of April, A. D., 1851, all of which are verily believed to have been destroyed by fire in the city of San Francisco, in the months of May and June, A. D., 1851.

To be marked "Duplicates."

Bond to be filed.

Condition.

SEC. 2. The said warrants shall be marked "Duplicates," by the Comptroller, and the said John S. Bradford, or his duly authorized agent or attorney, shall execute to the State and deliver to the Treasurer of State, a bond with good and sufficient sureties to the satisfaction of the Treasurer in a sum double the aggregate amounts aforesaid, conditional, to be paid into said Treasurer of State as the agent of the State of California, if the warrants claimed to be lost and destroyed, or any of them shall ever be presented for payment.

CHAPTER XXXII.

AN ACT for the relief of H. S. Jackson and William Buchanan. [Passed May 15, 1854.]

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

Warrant in favor of H. S. Jackson, for \$187 75. In favor of Wm. Buchanan, \$230.

SECTION 1. The Comptroller of State is hereby authorized and required to draw his warrants on the Treasurer of State, in favor of H. S. Jackson, for the sum of one hundred and eighty-seven dollars and seventy-five cents; and in favor of William Buchanan, for the sum of two hundred and thirty dollars, and the Treasurer is required to pay the same, out of any moneys in the Treasury not otherwise appropriated.

SEC. 2. The sum of four hundred and seventeen dollars and seventy-five cents (\$417.75) is hereby set apart and appropriated out of any moneys in the general fund, not otherwise appropriated, for the purposes herein specified. Appropriation, \$417.75.

CHAPTER XXXIII.

AN ACT to provide for the erection of a Wharf at Santa Barbara.—[Passed May 15, 1854.]

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

SECTION 1. The Mayor and Common Council of the city of Santa Barbara are hereby authorized and empowered to contract with such party or parties, and upon such conditions as the said Mayor and Common Council may deem expedient and proper for the construction of a wharf at the town of Santa Barbara, in Santa Barbara county; and the right of the State to such lands covered with water, as may be necessary for that purpose, is hereby given to the said Mayor and Common Council of said city: *Provided*, The said wharf shall not interfere with or obstruct the navigation in front of said city: and, *Provided further*, That the building of said wharf shall not be at any expense or cost to the city of Santa Barbara. Mayor and Common Council authorized to contract. Right of the State to lands covered by water granted. Proviso. Wharf not to interfere with navigation. Further proviso.

SEC. 2. The party or parties building a wharf under the provisions of this Act shall pay into the State Treasury one dollar each year, and at the expiration of fourteen years from the finishing of said wharf it shall revert to, and become the property of, the city of Santa Barbara. Parties to pay the State \$1 annually. To revert to the city of Santa Barbara after 14 years.

SEC. 3. The party or parties building the said wharf may collect tolls and wharfage, as the said Mayor and Common Council may fix upon and determine. Tolls and wharfage.

CHAPTER XXXIV.

AN ACT to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings.—[Passed May 15, 1854.]

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

SECTION 1. It shall be lawful for the person heretofore bearing the name of Mary Elizabeth McGreece, to change the same to Mary Elizabeth Hastings. Name changed.

CHAPTER XXXV.

AN ACT appropriating money for the payment to Cornelius Cole, for services rendered as Agent of the State.—[Passed May 15, 1854.]

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

Appropriation of \$1,611 to pay C. Cole for certain services.

SECTION 1. The sum of sixteen hundred and forty-one dollars is hereby appropriated and set apart out of any moneys in the General Fund, not otherwise specially appropriated to pay Cornelius Cole, for services rendered as agent of the State, under a requisition on the Governor of New York, for the arrest of Edgar Haight.

CHAPTER XXXVI.

AN ACT authorising John Caruthers to build and construct a Turnpike or Gravel Road from the city of Stockton to the town of Sonora and Columbia, in Tuolumne County.—[Passed May 15, 1854.]

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

John Caruthers authorized to build a turnpike road from Stockton to Sonora.

SECTION 1. John Caruthers of San Joaquin county is hereby authorised and empowered to build and construct a turnpike and gravel road from the city of Stockton to the towns of Sonora and Columbia, in Tuolumne county, by way of Central ferry on the Stanislaus river. Said road to commence at the eastern extremity of Main street of said city of Stockton.

To be built in two years.

SEC. 2. If the said Caruthers shall within the period of two years, from and after the passage of this Act, cause to be built and thereafter kept in good repair and condition, a substantial turnpike or gravel road between the points or places mentioned in the preceding section, he shall be authorised to levy and collect such tolls thereon as the Court of Sessions of the several counties, within which the tolls are to be collected may from time to time authorise and establish: *Provided*; That there shall be but one toll-gate erected on the line of said road and said toll-gate shall be erected at any point between the City of Stockton and the Stanislaus river.

To collect tolls. Rates to be fixed by Court of Sessions of certain counties. Toll gate, where to be erected.

Exclusive right for five years. Court of Sessions to have supervision.

SEC. 3. In consideration of the construction and repair of said road as provided in this Act, the said Caruthers shall have the exclusive right and privilege of all tolls collected for a period not exceeding fifteen years, subject to such supervising control as the Court of Sessions, as aforesaid, may deem and determine the public interest and convenience to require.

Sec. 4. Before tolls shall be collected on said road, the Court of Sessions of the county assessing the tolls shall require satisfactory evidence that the road is completed, and has been built in accordance with the provisions of this Act. When tolls may be collected.

CHAPTER XXXVII.

AN ACT to adjust the amount of indebtedness of the county of Alameda to the county of Contra Costa, and provide for the payment thereof.—[Passed May 15, 1854.]

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

SECTION 1. B. C. Whitman of Solano County, is hereby appointed a Commissioner to ascertain and adjust the amount of indebtedness of the county of Alameda to the county of Contra Costa. Commissioner to ascertain and adjust.

SEC. 2. As soon as a suit now pending in the District Court in favor of T. C. Gilman and against the county of Contra Costa shall be finally terminated, said Commissioner shall appoint a time to enter on the discharge of his duties under this Act at the town of Martinez, and shall notify the County Clerks of Contra Costa and Alameda of such time by mail ; and at the time appointed, or such other time thereafter as he may designate, he shall proceed to ascertain the amount of indebtedness of the said county of Contra Costa which had accrued prior to March twenty-third, eighteen hundred and fifty-three, and to award a just and equitable proportion of said indebtedness to be paid to the county of Contra Costa by the county of Alameda. When to enter upon the discharge of his duties. Notice to be given. Award.

SEC. 3. Said Commissioner shall certify his award to the Court of Sessions of the county of Alameda, and said court is hereby authorized and required to levy a special tax for the payment, in cash, of one half of the amount of said award, with ten per cent. per annum interest thereon, into the County Treasury of Alameda, which said amount shall be paid by the County Treasurer of Alameda to the order of the Treasurer of Contra Costa, on or before the first of January, eighteen hundred and fifty-five. Award to be certified to Court of Sessions of Alameda. Special tax for payment—half to be paid in cash. When.

SEC. 4. The Court of Sessions of Alameda county shall in like manner provide in the year eighteen hundred and fifty-five for levying, collecting, and paying over in cash, on or before the first of January, eighteen hundred and fifty-six, the balance of said award, with like interest thereon, to the county of Contra Costa, upon the order of the Treasurer of said county, as aforesaid. Like provision to be made in 1855 for paying balance.

SEC. 5. So much of the eleventh section of an Act to create the county of Alameda and establish the seat of justice therein, to define its boundaries and to provide for its organization, approved March twenty-fifth, eighteen hundred and fifty-three, as conflicts with the provisions of this Act is hereby repealed. Repealing clause

CHAPTER XXXVIII.

AN ACT to authorise the Comptroller of State to issue a Duplicate Warrant to S. W. Langton.—[Passed May 15, 1854.]

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

Description of warrant to be issued.

SECTION 1. The Comptroller of State is hereby authorized and required to issue a warrant to S. W. Langton to be numbered five hundred and thirty-seven, and the word "duplicate" to be written across the same.

To have the same force and validity as the original. Proviso.

SEC. 2. The said duplicate warrant shall be of the same force and effect, and shall be of the same validity as the original warrant. *Provided*, The same had not been lost or destroyed; and, *Provided*. If the said original warrant, number five hundred and thirty-seven, issued December sixth, eighteen hundred and fifty-two, shall hereafter be found and exhibited to the Treasurer of the State, then the duplicate warrant granted by this Act shall have no force, effect or validity whatever: *Provided*, S. W. Langton shall file with the Comptroller of State a bond for double the amount of said duplicate warrant, with good and sufficient security.

Bond to be filed.

CHAPTER XXXIX.

AN ACT for the relief of Henry Wohlgamuth.—[Passed May 15, 1854.]

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

Warrant in favor of Henry Wohlgamuth for \$340 75.

SECTION 1. The Comptroller of State is hereby authorized and required to draw his warrant on the State Treasurer, payable out of the General Fund, in favor of Henry Wohlgamuth for the sum of three hundred and forty dollars and seventy-five cents, (340 75.)

Appropriation.

SEC. 2. The sum of three hundred and forty dollars and seventy-five cents is hereby appropriated and set apart out of any money in the General Fund, not otherwise appropriated, to meet the warrants authorized to be drawn by this Act.

CHAPTER XL.

AN ACT to create a Contingent Fund to pay the postage of the members of the Legislature of the year one thousand eight hundred and fifty-four.—[Passed May 15, 1854.]

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

SECTION 1. The Treasurer of State is hereby authorized and directed to set aside out of any monies in the Treasury, the sum of five thousand dollars, in money, to be reserved and used exclusively to pay the postage of the members of the Legislature during the session commencing and ending in the year one thousand eight hundred and fifty-four.

\$5,000 reserved to pay postage of members of Legislature of 1854.

SEC. 2. Whatever surplus may remain unexpended from this contingent fund of the Legislature, shall be repaid into the general fund at the close of the session.

Surplus to be paid into general fund.

SEC. 3. The Comptroller is hereby authorized and directed, upon the presentation to him of a certificate signed by the President of the Senate and Sergeant-at-Arms of the Senate, or the Speaker of the Assembly and Sergeant-at-Arms of the Assembly, and the Chairman of the Committee on Accounts and Expenditures of each house, respectively, of any amount of postage due the Post Master at Sacramento, or the express company of Adams & Co., or Wells, Fargo & Co., to draw his warrant on the Treasury, payable out of said contingent fund, for the amount expressed in said certificate.

How to be certified to Comptroller.

CHAPTER XLI.

AN ACT to fund that portion of the debt of Trinity county accruing previous to the 12th of May, 1853, apportioned to Humboldt county and provide for the payment thereof.—[Passed May 15, 1854.]

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

SECTION 1. With a view to fund that portion of the debt of Trinity county, in this State, apportioned to Humboldt county, and to provide for the payment thereof within ninety days after the passage of this Act. The Treasurer of said county of Humboldt shall cause to be prepared bonds for an amount equal to the amount of indebtedness apportioned as aforesaid, said bonds shall be in denominations between fifty and five hundred dollars each, and each and every bond shall purport in substance, that the county of Humboldt owes to the holder thereof a sum to be expressed therein, bearing an interest of ten per cent. per annum from the date of issue, the interest to be paid on presentation at the

Treasurer of Humboldt Co. to cause bonds to be prepared. Amount.

What bonds to purport.

Interest, 10 per cent.

When interest to be paid.
When bonds payable.
Form of bonds.

office of said County Treasurer, on the first day of December 1854, and on the first day of December of every year thereafter, until said bonds shall be paid and liquidated. Said bonds shall be due and payable at the office of the County Treasurer, on or before the first day of January 1857. Said bonds shall be signed by the County Judge, countersigned by the County Auditor, and endorsed by the County Treasurer, and shall have the seal of the County Court annexed thereto.

Special tax of 35 cents on \$100 valuation, to be called the "interest tax."

SEC. 2. In addition to the ordinary taxes for general county purposes, there shall for the year 1854, and every year thereafter, until the principal and interest of the said be issued shall be fully provided for by payment or otherwise, as hereinafter provided, be assessed and collected at the same time, in the same manner, and by the same officers as the ordinary revenues of the county, a special tax of thirty-five cents on each one hundred dollars valuation of all taxable property in said county, said special tax shall be called the "interest tax of Humboldt County," and shall be collected and paid over into the County Treasury, in the legal currency of the United States. The fund to be derived from this interest tax shall not be loaned in whole nor in part to any other fund, nor shall any moneys be paid out of this fund, except as herein provided for: *Provided however*, That should said fund furnish a surplus over and above what may be required for the payment of the interest each year, such surplus shall be turned over and paid into the sinking fund, hereinafter provided for.

Fund not to be loaned.

Proviso.
Surplus to be paid into sinking fund

Treasurer to set apart 35 cents on each \$100 for the interest fund

SEC. 3. Of the moneys received by the County Treasurer arising out of all taxes, general or special, annually assessed and collected for county purposes, there shall first be set apart by said Treasurer, a sum each year equal to the total amount of the assessment of thirty-five cents on each one hundred dollars of taxable property, as herein provided for to constitute the interest fund of each year; and no moneys shall be paid directly or indirectly, out of the County Treasury, until such amount aforesaid be set apart.

Court of Sessions not to make any order which will interfere with the collection of said tax.

SEC. 4. The Court of Sessions of said county of Humboldt shall not have power to make any order which shall prevent or hinder the prompt collection, in gold and silver current coin, in said county, of the interest tax aforesaid, and the prompt separation of the amount of said tax out of the first moneys received, as provided for in section three, of this Act, or otherwise contravene the provisions of this Act.

Sinking Fund.
How composed

SEC. 5. It shall be the duty of the Treasurer of Humboldt county to set apart a fund to be called the "Sinking Fund of Humboldt County." Into this fund shall be paid:

First: Any and all surplus of the interest tax, after providing for the payment of the yearly interest.

Second: Whatever surplus may remain in the County Treasury at the expiration of each fiscal year, after paying the ordinary yearly expenses of the county. Each of these payments shall be continued until the sinking fund shall be sufficient for the payment of the principal and interest of the bonds aforesaid; and when the same shall be paid and liquidated the payment shall cease, and all surplus remaining in said sinking fund shall be paid into the common Treasury of said county.

Surplns, how disposed of.

SEC. 6. Whenever at any time there shall be in the sinking fund the sum of one thousand dollars, or more, the County Treasurer shall advertise in a public newspaper, published in said county, for the space of two weeks, for sealed proposals for the redemption of said bonds, said advertisement to specify the day, town and place, said sealed proposals are to be opened after the expiration of the time of publication. The

When Treasurer to advertise for redemption of bonds.

Proposals, when to be opened.

Treasurer shall open the sealed proposals at his office, in the presence of the County Auditor and such persons as may choose to be present, and shall pay and liquidate the bonds presented at the lowest value at which they may be proposed to be liquidated: *Provided*, That the same shall not be for more than par value: *Provided*, That should there be no proposals for less than par value, then the payment shall be made *pro rata* on all bonds offered at par; and, *Provided*, That whenever there shall be sufficient money in the sinking fund for the extinguishment of all the outstanding bonds, and interest due thereon, of the said county, it shall be the duty of the said Treasurer to advertise in some newspaper published in said county, for the space of four weeks, for the redemption of the outstanding bonds, as herein before provided After which time said bonds shall cease to bear interest.

Provide.
If no proposals for par. how payment to be made.
Provide.
When sufficient funds, Treasurer to advertise for redemption.
When bonds cease to bear interest.

Sec. 7. The County Treasurer shall endorse on each bond redeemed the date of redemption, and from whom redeemed. And the County Judge and County Auditor shall attend at the office of the Treasurer whenever bonds shall be redeemed as herein provided for, and see that the said bonds are duly cancelled. Full and particular account of the sinking fund shall be kept by the Treasurer, and shall at all times be open to the inspection of the County Judge and Auditor, District Attorney, and all other citizens of the county. The above tax to be levied, and collected, and paid over, the same as other county funds, except that neither the Auditor, Sheriff, Treasurer, or any other officer of the county shall receive any fees or per centage for any services done in pursuance of this Act.

Cancellation of bonds redeemed.

Full account of sinking fund.

Be open at all times to inspection.
How tax to be levied and collected.
No fees for services.

CHAPTER XLII.

AN ACT to authorize William Roberts and others to build a Wharf at Bucksport, in Humboldt county.—[Passed May 15, 1854.]

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

SECTION 1. William Roberts and such others as he may associate with himself, are hereby authorised to build a wharf at Bucksport, Humboldt county; to commence at the foot of Second street, in Roberts' addition to said town, and run thence in a direct line so that it will be a continuation of said street into the bay to the ship's channel thereof.

Wm. Roberts authorized to build a wharf.

Location.

Size of wharf.

Sec. 2. The said wharf shall not be more than fifty feet wide, and the T shall not project more than twenty-five feet upon each side.

Sec. 3. The builders or owners of said wharf may charge and collect such wharfage and tolls as the Court of Sessions of said county shall direct.

Wharfage to be fixed by Court of Sessions.

Sec. 4. The wharf shall be completed within two years from and after the passage of this Act, and at the expiration of twenty years from its completion it shall become the property of the State.

To be completed in two years.
To become the property of the State.

CHAPTER XLIII.

AN ACT to incorporate the City of Sonora, passed May first, eighteen hundred and fifty-one.—[Passed May 15, 1854.]

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

Sec. 3, Art. 1, amended.

SECTION 1. Section 3 of Article I. of said Act is hereby amended so as to read as follows :

City divided into four wards.

SECTION 3. "The city of Sonora shall be divided into four wards, the boundaries of said wards being the middle of the street now known as Washington street, and the middle of the open channel of Sonora creek. That portion lying west of Washington street and south of Sonora creek, shall be the first ward : That portion east of Washington street and south of Sonora creek, shall be the second ward : That portion west of Washington street and north of Sonora creek, shall be the third ward : And that portion east of Washington street and north of Sonora creek, shall be the fourth ward."

Boundaries.

Sec. 4, Art. 1, amended.

SEC. 2. Section 4 of Article I. of said Act is hereby amended so as to read as follows :

Present Aldermen to hold office. Hereafter, not more than three Aldermen to each ward. Election to fill vacancies.

SECTION 4. "The persons elected as Aldermen previous to the present division of the city into wards, shall not be removed from office by this division; but no subsequent election shall give more than three Aldermen to each ward. An election shall be held immediately in such of the wards as may not be represented by three Aldermen to fill all vacancies; and it is hereby made the duty of the Common Council to order such election immediately."

Sec. 1, Art. 2, amended.

SEC. 3. Section I of Article II. of said Act is hereby amended so as to read as follows :

Officers of the city.

SECTION 1. "The officers of the city of Sonora shall consist of one Mayor, a Board of Aldermen, one Assessor, one Treasurer, one Clerk, one Attorney, and one Marshal, and such other officers as are hereinafter authorized to be appointed."

Sec. 3, Art. 2, amended.

SEC. 4. Section 3 of Article II. of said Act is hereby amended so as to read as follows :

How and number of Aldermen to be elected.

SECTION 3. "At the first election, the Aldermen shall be elected by the qualified electors of the city; after the first election, three Aldermen shall be elected by the qualified electors of each ward. The Aldermen shall hold their offices for one year, and until their successors are elected and qualified."

Term of office.

Sec. 8, Art. 2, amended.

SEC. 5. Section 8 of Article II. of said Act is hereby amended so as to read as follows :

Returns of election, how made for Mayor.

SECTION 8. "At all elections subsequent to the first, sealed returns from the inspectors and clerk of each ward shall be delivered to the clerk of the city, showing the number of votes cast for persons to fill the office of Mayor. Such returns shall be opened and counted in the presence of the Common Council, and a certificate of election issued under their direction to the person receiving the highest number of votes in the city for that office; and the inspectors and clerk of each ward shall immediately after the votes are counted, prepare and deliver a certificate of election as Aldermen to the three persons having the highest number of votes in their respective wards."

How to be opened.

Certificates of election.

Sec. 13, Art. 2, amended.

SEC. 6. Section 13 of Article II. of said Act is hereby amended so as to read as follows :

Section 13. There shall be elected each year at the annual election by the qualified electors of said city, the Treasurer, the Assessor, the Attorney, the Clerk and the Marshal of the city, who shall hold their respective offices for one year, and until their successors are elected and qualified, unless previously removed for misconduct in office or neglect of duty." Election of other officers.
Term of office.

SEC. 7. Section 1 of Article 3 of said Act is hereby amended so as to read as follows: Sec. 1, Art. 3, amended.

Section 1. The Mayor and Aldermen of the city shall constitute the Common Council, which shall meet on the first Monday subsequent to the annual election, and at least once a month of each subsequent month in the year, and at such other times as they shall, by resolution, direct. The Mayor may call special meetings at any time by written notice to each member, served personally or left at his place of residence or business. At all the meetings of the Common Council the Mayor, when present, shall preside. Comm'n Council, how constituted.
When to meet
Special meetings, how called.

SEC. 8. Section 6, division 4 of said Act is hereby amended so as to read as follows: Sec. 6, Div. 4, amended.

Fourth: To provide for the prevention and extinguishment of fires, and to establish and organize fire companies; and shall have the power to levy a special tax, not to exceed a quarter of one per cent. per annum on all property made taxable by law for State purposes, for the special benefit of the Fire Department, and which shall be collected in the same manner as other taxes. Fire Department.

SEC. 9. Article 4, Section 1, of said Act is hereby amended so as to read as follows: Art. 4, Sec. 1, amended.

Section 1. It shall be the duty of the Mayor

First: To communicate to the Common Council, quarterly, a general statement of the situation and condition of the city, in relation to its government, finances and improvements. Duties of Mayor.

Second: To recommend to the Common Council the adoption of all such measures as he may deem expedient relative to the Police, health, security, cleanliness and ornament of the city, and the improvement of its government.

Third: To be vigilant and active in causing the by-laws and ordinances of the Common Council to be duly executed and enforced.

Fourth: To exercise a constant supervision and control over the conduct and acts of all subordinate officers, and to receive and examine into all such complaints as may be preferred against any of them for violation or neglect of duty. The same.

Fifth: To countersign all warrants and licenses issued under orders or ordinances of the Common Council.

Sixth: To preside over the Common Council when present at their sittings.

Seventh: To maintain the peace and good order of the city, and generally to perform all such duties as may be prescribed by this Act, and the ordinances of the Common Council, and the laws of this State.

Eighth: To hold a court to be called a Mayor's court, which shall perform all the duties and have all the powers as set forth in Article 5; and shall pay into the City Treasury, at the end of each month, all monies collected and paid into court in all actions or proceedings therein to which the city is a party. The same

SEC. 10. Section 3 of Article 4 of said Act is hereby amended so as to read as follows: Sec. 3, Art. 4, amended.

Section 3. Every ordinance which shall have been passed by the Ordinances, how passed.

Common Council shall, before it becomes effective, be presented to the Mayor for his approval. If he approve it he shall sign it, if not he shall return it within seven days, with his objections, in writing, to the Common Council, who shall cause the same to be entered on their Journals, and shall proceed to reconsider the same. If after such reconsideration two-thirds of the members of the Common Council elect shall agree to pass the same, it shall become an ordinance. In all such cases the vote shall be taken by yeas and nays, and entered upon the Journals.

Sec. 8. Art. 4,
amended.

Duties of
Marshal.

SEC. 11. Section 8 of Article 4 of said Act is hereby amended so as to read as follows :

Section 8. It shall be the duty of the City Marshal to execute within the city and return all process issued and directed to him by the Mayor, or from the Mayor's court of the city, to arrest all persons guilty of a breach of the peace, or a violation of any ordinance of the Common Council, and to take them before the Mayor; to pay into the Mayor's court all monies collected by him on any process issued in any action or proceeding to which the city is a party; to collect the taxes of the city, and pay all monies received for taxes into the City Treasury, in pursuance of the ordinances of the Common Council; to supervise and control the city police; to attend the sittings of the Common Council, and perform such duties whilst in attendance upon their sitting as may be directed by them, and to perform such other duties as may be prescribed by ordinance of the Common Council.

The same.

Various sections
amended--

SEC. 12. Section 10 of Article 4 of said Act is hereby repealed.

SEC. 13. Article 5, with different sections of said Act, is hereby amended so as to read as follows :

Sec. 1, power of
Mayor.

Section 1. The Mayor shall possess the powers and exercise the duties of a committing magistrate in criminal cases which are above the jurisdiction conferred by this Act upon the court held by him.

Sec. 2,
jurisdiction of
Mayor's Court.

Section 2. The Mayor's court shall have jurisdiction within the city limits,

First : Of an action to determine the right of mining claims.

Second : Of an action or proceeding for a penalty, fine, or forfeiture, imposed by any ordinance of the Common Council : and

Third : Of proceedings respecting vagrants and disorderly persons.

Sec. 3.
The same

Section. 3. The Mayor's Court shall have jurisdiction of the following public offences committed within the limits of the city :

First : Petit larceny.

Second : Assault and battery, not charged to have been committed on a public officer in the execution of his duties, or with intent to kill.

Third : Committing a wilful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding three months, or by both such fine and imprisonment.

Sec. 4,
proceedings in
Mayor's Court.

Section 4. All proceedings and actions under this Act in the Mayor's Court shall be commenced by complaint setting forth the mining claim asserted, with its metes and bounds, or the violation of the ordinance, or the acts of vagrancy, or the disorderly conduct complained of, or the offence charged, with such particulars as to such offence, time, place, person, and property, as to enable the defendant to understand distinctly the character of the offence complained of, and to answer the complaint; and all complaints shall be verified by the oath of the parties making them. To the complaint the defendant may plead, or he may answer or deny the same; such plea, answer, or denial, may be oral, or in writing, and immediately thereafter the case shall be tried, unless for any good cause shown, a continuation be granted. In any action to determine the

The same.

right to "mining claims," either party shall be entitled, if demanded, to a jury of twelve persons; in all other actions or proceedings, the defendant shall be entitled, if demanded by him, to a jury of six persons.

Parties may demand jury

Sec. 14. Article six of said Act is hereby amended so as to read as follows:

Art. 6. amended

Section 1. The Mayor and Street Committee shall constitute a Board of Commissioners of Assessments, whose duty it shall be to assess the value of all private property proposed to be taken for public purposes, and whenever the owner or owners of such property shall be dissatisfied with the valuation of said property, he or they may require that the matter be submitted to a jury before the County Court at the next term thereafter; and the value found by the jury, when confirmed by the court, shall be the amount which he or they shall be bound to accept, and entitled to receive before the property shall be taken. The costs and expenses of the foregoing proceedings shall be borne by the party contesting the appraisalment of the Board of Commissioners, in the event of the award of the jury not exceeding the appraisalment of the Board; otherwise by the city.

Board of Assessment.

Appeal to County Court.

Costs of proceeding—by whom borne.

Section 2. Whenever the Common Council shall deem it expedient to open, alter, or improve any street, alley, or public grounds, notice thereof shall be given by publication in a paper published in the city, and notice thereof shall also be posted in three public places in the ward or wards adjacent to such proposed improvements. Should one-third of all the owners of the adjacent property protest against the proposed improvement it shall not then be made; if no such protest be made the Common Council shall proceed with such improvements, and at least two-thirds of the expenses of which shall be borne by the property adjacent.

Manner of improving streets, &c.

Protest of owners of property.

Two-thirds of expense to be borne by adjacent property.

Section 3. The assessment for such improvements shall be made by the Commissioners named in section first, and shall be proportionate to the advantages respectively derived from such improvement.

Assessment of improvements.

Section 4. Should any person be dissatisfied with the assessment of said Commissioners he may apply to the Common Council, whose decision shall be final.

Appeal from assessment of Commissioners.

Section 5. Whenever two-thirds of all the persons owning property on any street or lane shall apply to the Common Council for any improvement thereof, the same shall be made on such conditions as the Common Council shall determine, the applicants to pay at least two-thirds of the expenses of such improvements.

When improvements shall be made.

Section 6. For the payment of the assessments specified in the foregoing sections the property assessed shall be liable and may be sold in the same manner as for other taxes.

Property liable for assessments.

MISCELLANEOUS PROVISIONS.

SECTION 1. All fees, costs, fines, perquisites or emoluments, for any service to be performed by any officer or person under this charter, or collected under any ordinance of the Common Council, shall be paid over every week by such officer or person into the City Treasury in the same kind of funds as such officer or person shall have received; and no officer shall be entitled to receive his salary until he shall file his affidavit with the clerk that he has faithfully accounted for and paid over all moneys for which he is bound to account, at the periods and in the manner prescribed in this section.

Miscellaneous provisions.

Fees to be paid over into city treasury.

Salary not to be paid until officer has accounted.

Sec. 2. Nothing contained in this charter shall be so construed as to

Certain power
denied Common
Council.

give to the Common Council power either to award a proportionate compensation to any party or parties for a partial performance of any contract to which he or they may have entered with the city, or to grant relief to any creditor of the city for loss sustained by him on account of any depreciation of the city bonds, warrants, or scrip.

How officers may
be removed.

SEC. 3. Any officer of the city government except the Mayor and Councilmen may be removed from office by a vote of two-thirds of the members of the Common Council elect for any malfeasance in office or neglect of duty: *Provided*, that no removal shall be made except upon charges duly specifying the cause of complaint, nor until the party sought to be removed shall have had an opportunity of being heard in his own defence. The cause of any removal from office made under this section, shall be entered in full upon the Journals.

Proviso.

How removal to
be made.

Duties of
Common Council
in letting out
contracts
Award.
To what
contracts to
apply.
Exclusive
privileges
forbidden.
When
amendments to
take effect
Proviso.

SEC. 4. It shall be the duty of the Common Council to cause due notice to be given of all contracts to be let for work or supplies, and to receive sealed proposals therefor; the awards shall, in all cases, be made to the lowest bidder. This section shall apply only to contracts involving an amount exceeding one hundred dollars.

SEC. 5. The Common Council shall have no power to grant exclusive privileges.

SEC. 6. So much of the foregoing amendments as refer to the Mayor's Court and the office of City Recorder shall not take effect until the expiration of the term of office of the present City Recorder: *Provided*, that this section shall have no effect unless ratified by ordinance of the Common Council.

CHAPTER XLIV.

AN ACT *allowing James Golden to collect tolls on a certain road in Sierra county.*—[Passed May 15, 1854.]

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

James Golden
authorized to
collect tolls.
Proviso.
Rates to be fixed
by the Court of
Sessions.

SECTION 1. James Golden is hereby authorized to collect tolls upon a certain road, leading from Goodyear's Bar, to Downieville, in Sierra county, and crossing a bridge over the Yuba river, known as Golden's Bridge; *Provided*, That the rates of such tolls, shall be settled by the Court of Sessions of Sierra county.

CHAPTER XLV.

AN ACT to authorize Larkin Richardson, to build a wharf in the county of Solano.—[Passed May 15, 1854.]

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

SECTION 1. It shall be, and it is hereby made lawful for Larkin Richardson to build a wharf for the space of one thousand feet on the bank of the stream known as Lemmon's Slough, in Solano county, and running back of said slough six hundred feet: *Provided*, The tule or overflowed lands extend so far.

SEC. 2. Said wharf shall be built at the place known as Richardson's landing, being about the centre of the north-east quarter of section number six, township number four, north, range one, east.

SEC. 3. The State hereby grants to the said Larkin Richardson the use of the overflowed and tule land on both sides of said wharf, for the distance of one hundred feet from each side of it, for twenty years from the passage of this Act: *Provided*, That no privilege herein granted shall be so construed or exercised as to allow the said Larkin Richardson to interfere with the navigation of the slough aforesaid.

CHAPTER XLVI.

AN ACT to fund the debt of the County of Mariposa, and provide for the payment of the same.—[Passed May 15, 1854.]

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

SECTION 1. With a view to fund the debt of the county of Mariposa, in this State, and to provide for the payment thereof, the Treasurer of said county shall cause to be prepared bonds for an amount equal to the present county indebtedness, together with all indebtedness that shall have accrued on or before the first day of June, one thousand eight hundred and fifty-four. Said bonds shall be in denominations of not less than fifty nor more than five hundred dollars each, and each and every bond shall purport in substance that the county of Mariposa owes to the holder thereof a sum to be expressed therein, bearing an interest of ten per cent. per annum from the date of issue, the interest to be paid on presentation at the office of said County Treasurer on the first day of January and July, one thousand eight hundred and fifty-five, and on the first day of January and July of every year thereafter until said bonds shall be paid and liquidated. Said bonds shall be due and payable at the office of the County Treasurer on or before the first day of January, one thousand eight hundred and sixty-one. Said bonds shall be signed by the County Judge, countersigned by the County Auditor, and endorsed

by the County Treasurer, and shall have the seal of the county annexed thereto.

County Judge to keep account of bonds signed.
Duty of County Auditor.

Duty of County Treasurer

Separate record to be kept

What may be funded

Sec. 2. It shall be the duty of the County Judge to keep an account of the number, denomination, and amount of all bonds signed by him in accordance with the provisions of this Act. It shall be the duty of the County Auditor to furnish the County Treasurer of Mariposa county a certified copy of the record of warrants issued from his office since the organization of the county, and this within thirty days after the passage of this Act. It shall be the duty of the said County Treasurer to examine all warrants presented for funding, and ascertain if they are the true and correct ones issued according to the Treasurer's and Auditor's books, corresponding with the entries therein, and no other than those shall be considered true and lawful warrants to be funded. And it shall be the duty of the Treasurer and Auditor aforesaid each to keep a separate record of all such bonds as may be issued, showing the number, date, amount of said bonds, and to whom the same were issued.

Proviso.

Proviso second. Within what time warrants to be presented

When bonds to bear date.

Claims not audited

When to bear date

Duty of treasurer in respect to redeemed warrants.

Sec. 3. Any persons holding true and lawful warrants against the county of Mariposa, as provided in the second section of this Act, shall have the privilege of receiving in exchange therefor ten per cent. bonds, as provided for in section first of this Act. And the Treasurer is hereby authorized and directed to issue said bonds to the person holding said warrants at the rate of one hundred cents for each dollar of principal and interest accrued on said warrants at the date of the passage of this Act: *Provided*, That the said warrants be presented in sums of not less than fifty dollars; and, *Provided further*, That said warrants be presented at the County Treasurer's office within ninety days after the passage of this Act.

When to bear date

Claims not audited

When to bear date

Duty of treasurer in respect to redeemed warrants.

Sec. 4. The bonds issued in exchange for warrants shall bear date from the passage of this Act, for all warrants issued prior to said passage, and in case any claims against said county, which may be entitled to the benefit of this Act, shall not have been audited and approved at the time of the passage thereof, but shall be audited and approved thereafter, then the same shall be presented for exchanging as aforesaid within ninety days after such liquidation; and upon being so presented, such bond shall be issued in exchange therefor bearing date as of the date of the liquidation of said claims, and if not so represented, the same shall not be entitled to the provisions of this Act. The Treasurer shall endorse on the back of each warrant by him exchanged for bonds as aforesaid, the date on which he redeemed the same, and from whom received, and shall file the same in his office so endorsed, and keep a record of the same, giving the number, date, and amount of the warrants.

Duty of County Judge and Auditor.

Cancellation of warrants

Duty of County officers

Sec. 5. It shall be the duty of the county Judge and county Auditor together to attend at least once a month, at the office of the county Treasurer, until the expiration of the time within which warrants can be funded in accordance with this Act, to examine all warrants redeemed by the said Treasurer, and cause the same to be registered and cancelled in such manner as to prevent their being re-issued, or put in circulation. At the monthly meeting aforesaid, the several county officers aforesaid shall compare their respective records of the date, number and amount of the bonds respectively signed, countersigned and endorsed by them, and ascertain whether or no any bonds have been wrongfully issued, or warrants wrongfully redeemed by the county Treasurer.

Co. Treasurer to keep account of expenses

Sec. 6. The county Treasurer shall keep an account of the expense actually incurred by him in the preparation of the bonds and purchase of the necessary record books required, to carry into effect the provisions

of this Act, and present the same to the Court of Sessions of said county who shall audit and allow the same, and the same shall be paid out of any moneys in the county Treasury not otherwise appropriated: *Provided*, that the total expense as aforesaid shall not exceed two hundred dollars.

To be paid out of treasury. *Provided*.

SEC. 7. Whenever any interest shall be paid upon a bond issued under the provisions of this Act, the Treasurer shall endorse the same upon the bonds, and shall demand and receive from the person drawing such interest a receipt for the same, which receipt shall be filed and be a proper voucher for said Treasurer.

Interest paid to be endorsed on bonds.

SEC. 8. In addition to the ordinary taxes for general county purposes, there shall this year and every year thereafter, until the principal and interest of the said bonds to be issued, shall be fully provided for by payment or otherwise, as hereinafter provided, be assessed and collected at the same time, in the same manner, and by the same officers as the ordinary revenues of the county, a special tax of thirty cents on each one hundred dollars valuation of all taxable property in said county, said special tax shall be called the "Interest Tax of Mariposa County," and be collected and paid over into the County Treasury in the legal currency of the United States, or gold dust at the current rate in said county. The fund to be derived from this interest tax, shall not be loaned in whole nor in part to any fund nor shall any moneys be paid out of this except as herein provided for: *Provided however*, That should said fund furnish a surplus over and above what may be required for the payment of the interest each year, such surplus shall be turned over and paid into the sinking fund hereinafter provided for.

Special tax of 30 cents on each \$100 to pay interest

In what to be collected.

Provided Surplus to be paid into sinking fund.

SEC. 9. Of the moneys received by the County Treasurer arising out of all taxes, general and special, annually assessed and collected for county purposes, there shall be first set apart by said Treasurer, a sum each year equal to the total amount of the assessment of thirty cents on each one hundred dollars of taxable property, as herein provided for, to constitute the interest fund of each year, and no moneys shall be paid directly or indirectly out of the County Treasury until such amount aforesaid be set apart.

Co. Treasurer to set apart a sum to constitute the interest fund.

SEC. 10. The Court of Sessions of said county of Mariposa shall not have power to make any order which shall prevent, or hinder the prompt collection in gold and silver coin, or gold dust at the current rate in said county, of the interest tax aforesaid and the prompt separation of the amount of said tax out of the first moneys received as provided for in section nine of this Act, or otherwise contravene the provisions of this Act.

Court of Sessions forbidden to make certain orders

SEC. 11. When shall also be levied and collected in said county, this year and every year thereafter until the principal and interest of the said bonds to be issued, shall be fully provided for by payment or otherwise for the purposes of this Act, a poll tax of one dollar, said poll tax to be levied upon all persons not by law exempt from such tax, and shall be levied and collected at the time and in the manner provided by law for levying and collecting poll tax, for State purposes; said poll tax levied and collected as herein provided, to be paid into the County Treasury, and turned over to the sinking fund hereinafter provided for.

Poll tax to be levied

To be turned over to the sinking fund.

SEC. 12. It shall be the duty of the Treasurer of the County of Mariposa, to set apart a fund to be called the "Sinking Fund of Mariposa County." Into this fund shall be paid:

Sinking fund, how composed.

First: Any and all surplus of the interest tax, after providing for the payment of the yearly interest.

Second: Whatever surplus may remain in the County Treasury at

the expiration of each fiscal year, after paying the ordinary yearly expenses of the county.

Third: The whole amount of the poll tax levied and collected, under provisions of section eleventh of this Act. Each of these payments shall be continued until the said sinking fund shall be sufficient for the payment of the principal and interest of the bonds aforesaid, and when the same shall be paid and liquidated, the payment shall cease, and all surplus remaining in said sinking fund shall be paid into the common Treasury of said county.

How long to continue.

Disposition of surplus.

When advertisement to be made for redemption of bonds.

How proposals to be opened.

Proviso.

Proviso second. If no proposals for less than par, how payments to be made.

Proviso third.

When bonds shall cease to bear interest

Duty of Treasurer in bonds redeemed.

Account of sinking fund kept by treasurer to be open to inspection.

Statement to be published.

Compensation of Treasurer.

Compensation of other officers.

How compensation to be paid.

Powers of Dist. Court in the premises.

SEC. 13. Whenever at any time there shall be in the sinking fund the sum of one thousand dollars or more, the County Treasurer shall advertise in a public newspaper, published in said county, for the space of two weeks, for proposals for the redemption of said bonds, said advertisement to specify the day, hour and place said sealed proposals are to be opened, after the expiration of the time of publication, the Treasurer shall open the sealed proposals at his office in presence of the County Judge and such persons as may choose to be present, and shall pay and liquidate the bonds presented at the lowest value at which they may be proposed to be liquidated: *Provided*, That the same shall not be for more than par value; and, *Provided*, That should there be no proposals for less than par value, then the payment shall be made *pro rata* on all bonds offered at par; and, *Provided*, That whenever there shall be sufficient moneys in the sinking fund for the extinguishment of all the outstanding bonds and interest due thereon, of the said county, it shall be the duty of the Treasurer to advertise in some newspaper published in that county, for the space of four weeks, for the redemption of the outstanding bonds, as hereinafter provided, after which time, said bonds shall cease to bear interest.

SEC. 14. The County treasurer aforesaid shall endorse on each bond redeemed, the date of redemption, and from whom redeemed, and the County Judge and County Auditor, shall attend at the office of the Treasurer whenever such bonds shall be redeemed, as hereinafter provided for, and see that the said bonds are duly cancelled. Full and particular account of the sinking Fund shall be kept by said Treasurer, and shall at all times be open to the inspection of the County Judge and Auditor, Court of Sessions and Grand Jury of said County, and the said Treasurer shall furnish the said Court of Sessions or Grand Jury with a full statement of the operations of said sinking fund, whenever by them required, and shall cause to be published in some newspaper printed in the county, in the month of January of each year, a concise statement of the condition of said fund, the amount of bonds issued, bonds redeemed, and interest paid, and also the names of the bidders and the rates of the bids for the redemption of bonds made from time to time.

SEC. 15. The Treasurer shall receive in compensation for the services rendered in the funding of the debt of the said county, one-half of one per cent. on the amount of bonds issued, and there shall be paid for the collection and disbursement of the special interest, tax and poll tax, to the collecting and disbursing officers the same compensation as may be by law allowed to be paid for the collection and disbursement of the ordinary revenues of the county. But all compensation so paid shall be paid out of moneys in the Treasury not otherwise appropriated, and in no case be paid out of the interest or sinking fund.

SEC. 16. The District Court having original civil jurisdiction within the county of Mariposa, shall have power to enforce obedience to the

provisions of this Act, and for that purpose may issue process of mandamus prohibition, and all other writs authorized by law, and any public officer who shall wilfully violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor and shall be liable to indictment and punishment therefor, and shall moreover be liable on his official bonds for any damage or loss sustained by such wilful violation. Penalty.

SEC. 17. Immediately after the passage of this Act, the Treasurer of Mariposa county shall advertise that after thirty days the funding of said debt will commence, from which time, it shall not be lawful for the Treasurer to pay or liquidate any of the present indebtedness of said county, in any other manner than is herein provided. Duty of Treasurer.
After day of funding, no debts to be paid.

SEC. 18. So much of the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and eighteenth sections of an Act, entitled, "An Act concerning the office of county Treasurer," passed March twenty-seventh, one thousand eight hundred and fifty, as conflicts with this Act is hereby repealed; *Provided*, that such repeal shall not be construed so as to affect any other county than Mariposa, and shall apply only to the indebtedness of said county herein provided to be funded, and not to the future indebtedness of said county. Repeal'g clause.
Proviso.
Repeal restricted to Mariposa Co.

SEC. 19. This Act shall take effect from and after its passage.

CHAPTER XLVII.

AN ACT to authorize the Comptroller of State to issue Duplicate Warrants to Smith, Brothers & Co.—[Passed May 15, 1854.]

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

SECTION 1. The Comptroller of State is authorized and required to issue to Smith, Brothers & Co., of the City of San Francisco, duplicates for Civil Fund Warrants No. 626, issued January seventh, eighteen hundred and fifty-one, to William R. Turner, for salary as District Judge, for the sum of ten hundred and eighty dollars and fifty cents, and No. 1488, issued March fourth, eighteen hundred and fifty-one, to John H. Watson, for services as Judge of the Third Judicial District, for the sum of one hundred dollars. Comptroller to issue warrants.
Description of warrants to be issued.

SEC. 2. The said Warrants shall be written across the face thereof "Duplicate," and the said Smith, Brothers & Co. shall execute and deliver to the Comptroller of State, their bond with good and sufficient security to the satisfaction of the Comptroller, in a sum double the amount of said Warrants, conditioned that should said original Warrants be presented for payment, then and in that case the amount of said bond shall be paid into the Treasury of the State. Bond to be executed.
Condition.

CHAPTER XLVIII.

AN ACT to authorize the Treasurer of Los Angeles to retain money belonging to the General Fund of the State for the benefit of the Los Angeles Rangers.—[Passed May 15, 1854.]

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

Treasurer of Los Angeles Co. to retain moneys belonging to the State.

For what purpose

How accounts audited. Receipts. Comptroller to give credit to Treasurer.

SECTION 1. The Treasurer of the county of Los Angeles is hereby authorized to retain out of any monies belonging to the General Fund of the State which now is or may hereafter be in his possession, the sum of three thousand dollars, for the use and benefit of the Los Angeles Rangers. All orders certified to by the Captain and First Lieutenant of said company shall be audited and paid by the Treasurer out of the funds above specified, and the Treasurer shall take receipts therefor, signed by said Captain and Lieutenant, which receipts shall be filed by the Treasurer with the Comptroller of State, and credited as so much money received in the General Fund for the county of Los Angeles.

CHAPTER XLIX.

AN ACT for the relief of Captain Harry Love.—[Passed May 15, 1854.]

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

5,000 dollars appropriated to Capt Love, for capture of Joaquin.

SECTION 1. The sum of five thousand dollars is hereby appropriated, to be paid out of the General Fund to Capt. Harry Love, for expenses incurred in the capture of the notorious robber Joaquin, and the Comptroller is hereby directed to issue warrants for the above mentioned sum, to be paid out of any moneys in the Treasury not otherwise appropriated.

CHAPTER L.

AN ACT for the relief of John Boling, Sheriff of Mariposa County.—[Passed May 15, 1854.]

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

SECTION 1. The Comptroller of this State is hereby authorized and requested to draw his warrant on the State Treasurer in favor of John Boling, sheriff of Mariposa county, for the sum of one thousand one hundred and eighty dollars and fifty cents, (\$1,180 50,) and the Treasurer is required to pay the same out of any moneys in the Treasury not otherwise appropriated.

Comptroller requested to draw warrant in favor of John Boling. Treasurer required to pay.

CHAPTER LI.

AN ACT for the relief of Powell Weaver.—[Passed May 15, 1854.]

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

SECTION 1. The Comptroller of State is hereby authorized and required to draw his warrant on the Treasurer of the State for the sum of five hundred dollars, payable out of the War Fund, in any monies not otherwise appropriated, in favor of Powell Weaver, for animals and provisions furnished the friendly Indians in San Bernardino county, in the year 1851, who were engaged in taking prisoner, Antonia Garra, and four other Indian chiefs.

Comptroller to draw warrant for \$500, payable out of "war fund." For what.

SEC. 2. There is hereby reserved and appropriated out of the War Fund, the sum of five hundred dollars, for the purpose of meeting the appropriation contained in the preceding section.

Reservation.

CHAPTER LII.

AN ACT *authorizing the Governor to pardon Timothy Donovan.*
 [Passed January 27, 1854.]

Preamble.

Whereas, At the last term of the Court of Sessions of El Dorado county, one Timothy Donovan was convicted of the crime of perjury; and, *whereas*, facts have since come to the knowledge of the court and jury, as well as the citizens residing at the place where said court was held, which show conclusively the innocence of said Donovan; and, *whereas*, an application for executive clemency, in due course of law, would prolong the period of imprisonment of the said Donovan, and thereby work great hardship and injury to him and his helpless family: Therefore,

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

Governor
 empowered to
 pardon.

SECTION 1. That the Governor is hereby empowered to pardon, and cause the release from prison of Timothy Donovan, lately convicted of the crime of perjury, in El Dorado county, notwithstanding the provisions of "an Act prescribing the manner of applying for pardons," approved May eighteenth, eighteen hundred and fifty-three.

CHAPTER LIII.

AN ACT *to abolish the Board of Supervisors in the County of Tulare.*—[Passed Jan. 28, 1854.]

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

Board of
 Supervisors
 abolished

SECTION 1. That an Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers, approved May third, eighteen hundred and fifty-two, be and the same is hereby repealed, so far as the provisions of said Act extend to the County of Tulare.

Duties devolved
 on Court of
 Sessions.

SEC. 2. The duties and powers devolving upon the Board of Supervisors by the provisions of said Act, are hereby transferred to the Court of Sessions of said county of Tulare.

Records to be
 turned over.

SEC. 3. The Board of Supervisors of said county of Tulare is hereby required to place in the hands of the Court of Sessions of said county, all the books, papers, &c., they may have in their hands or under their control, belonging to said county, so soon as a certified copy of this Act shall be presented to them.

SEC. 4. The Secretary of State is hereby required to transmit a certified copy of this Act to the Court of Sessions of said county of Tulare.

CHAPTER LIV.

AN ACT to declare Crescent City the County Seat of Klamath county, and to legalize the official acts of the County Judge and other county officers in changing the Seat of Justice of said county from Trinidad to Crescent City.—[Passed January 28th, 1854.]

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

SEC. 1. Crescent City is hereby declared the county seat of Klamath county.

SEC. 2. The official acts of the County Judge and other county officers in removing the Seat of Justice of said county from Trinidad to Crescent City are hereby legalized, and all acts done by judicial and other officers at said Crescent City shall be as valid as if said removal had been authorized by law.

CHAPTER LV.

AN ACT amendatory to "An Act incorporating the city of Marysville," and Acts supplementary to said Act.—[Passed February 3, 1854.]

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

SECTION 1. That the third division of the first section of an Act entitled "An Act supplementary to an Act incorporating the city of Marysville," approved May seventh, one thousand eight hundred and fifty-three, be amended so as to read as follows :

To make special assessments of taxes for altering, widening, filling up, grading, graveling, or otherwise improving any street, alley or public ground of the city, amounting to the whole cost of such improvement upon the road (real) property situated upon either side of the street, alley, or public ground to be so improved, according to the benefit to accrue thereby to such property, to be computed by three persons chosen by the Common Council for that purpose ; and who, before entering upon their duty, shall be sworn to make such computation faithfully and impartially, and shall make their report to the Common Council in writing, under their hands and seals, and the concurrent report of any two of whom, may be received as final in the premises ; *Provided*, that a majority of the owners of real estate on either side of any street, alley or public ground, shall petition the Council for such improvement.

SEC. 2. If the Common Council desire to take stock in any public improvement, or loan the credit of the city to any improvement, or effect a loan for any purpose, for a sum exceeding five thousand dollars, they

Notice to be given, &c.
Two-thirds of electors to vote in favor.

Veto power of Mayor.

Additional powers of Council.
May improve navigation of Yuba river.

When costs exceed \$2,000, to be submitted to the people.
Notice to be given.
Two-thirds to vote for.

Assessment and levy of taxes to stand as a judgment and execution.
City Marshal's powers in the premises.

Salary of Mayor not to exceed \$2,500.

Qualification of electors.

Proviso.

Qualification of members of Comm'n Council.

Repeal'g clause.

shall submit a proposition for taking such stock or effecting such loan, stating the amount of loan or stock to the electors of the city of Marysville at a special election to be held for that purpose; upon the Common Council giving twenty days published notice of the same, and if two-thirds of the electors vote in favor of such proposition or propositions, the Common Council shall have power to effect such loan, or take such stock, but not otherwise, and pledge the faith of the city for the payment of such loan or stock.

SEC. 3. The veto power shall and is hereby conferred upon the Mayor, upon all resolutions passed by the Common Council with the same restrictions as upon ordinances.

SEC. 4. In addition to the powers already given to the Common Council, they have power to remove snags or beds of gravel, or other obstructions, and otherwise improve the navigation of the Yuba river from its mouth to the foot of A street, when the same does not exceed the sum of two thousand dollars; and when the estimated cost of any improvement of said river within said boundaries, exceed said sum, then a proposition shall be submitted to the people, after twenty days' published notice of the same in public newspapers printed in said city, and a majority of two-thirds of the electors of said city voting for the same, shall authorize the appropriation of the moneys, or the pledging of city securities contemplated by the proposition upon which the vote was ordered.

SEC. 5. Every assessment and levy of taxes duly made for any purpose, in conformity with the spirit and provisions of this act, shall stand as a judgment, and have the force and effect of an execution against the party and property liable therefor, and the city marshal shall have and is hereby invested with the same powers for collecting such taxes, as are now possessed by the sheriff for collecting State and county taxes.

SEC. 6. That on and after the second Monday of March, A. D. 1854, the mayor shall receive for his services such salary or computation as may be allowed by the common council, not exceeding in any case, the sum of twenty-five hundred dollars per annum.

SEC. 7. No person shall be entitled to vote at any election in the city of Marysville for mayor, councilmen or city officers, unless he has resided in the ward in which he offers his vote, at least ten days prior to such election; *provided*, that persons removing with their families, from one ward to another, immediately prior to such election, shall be entitled to vote in the ward to which they have removed.

SEC. 8. No person shall be a member of the common council except while he is a resident of the ward for which he was elected, and no person shall be elected to represent in council any other than the ward in which he resided at the time of the election.

SEC. 9. The third division of the first section of an act, entitled "An Act supplementary to the act, incorporating the city of Marysville," approved May seventh, one thousand eight hundred and fifty-three, and the ninth and tenth sections of said act, and all other acts, in conflict with the provisions of this act are hereby repealed.

CHAPTER LVI.

AN ACT to fix the Compensation of the County Judge of Tulare County, and to repeal, in part, the First Section of an Act entitled "An Act to fix the Compensation of County Judges, and Associate Justices of the Courts of Sessions, and to repeal a like Act," passed April 22, 1850, approved May 17, 1853.—[Passed February 8, 1854.]

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

SECTION 1. The County Judge of Tulare county, shall receive for his services, annually, the sum of one thousand dollars. Salary of County Judge, \$1,000.

SEC. 2. The first section of an Act entitled "An Act to fix the compensation of County Judges, and Associate Justices of the Courts of Sessions, and to repeal a like Act," passed April twenty second, eighteen hundred and fifty-three, approved May seventeenth, eighteen hundred and fifty-three, is hereby repealed, so far as the provisions of said sections extend to the county of Tulare. Repeal'g clause

CHAPTER LVII.

AN ACT to authorize the State Treasurer to issue a Duplicate Land Warrant to George W. Coffee.—[Passed February 16, 1854.]

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

SECTION 1. The Treasurer of State is hereby authorized to issue a school-land warrant to George W. Coffee, to be numbered five hundred and ninety-two, and the word duplicate to be marked or written across the same. Treasurer to issue school land warrant to Geo. W. Coffee.

SEC. 2. The said duplicate land warrant shall be of the same force and effect, and any location of land under the same, shall be of the same validity as the original land warrant and the location thereof could be, provided the same had not been lost or destroyed; and, *provided*, if the said original land warrant, number five hundred and ninety-two, issued to George W. Coffee, under the provisions of the Act of May three, one thousand eight hundred and fifty-two, shall hereafter be found or procured from the hand of any bonafide assignee of the same, from George W. Coffee, then the duplicate warrant granted by this Act shall have no force, effect or validity whatever. Same validity as original. Provide.

CHAPTER LVIII.

AN ACT to provide for the Restoration of certain Books, Records, Maps and Papers to Humboldt county, now held by Trinity county.—[passed February 16, 1854.]

Preamble.

Whereas, The record of deeds, mortgages and other evidences of title to property within the limits of the now called Humboldt county, comprehended in the following books, papers and maps, viz: "Book A., County Records," "Deeds, City of Eureka," "Record Book of the Town of Union, marked 'Record Book No. 1, Trinity county,'" a file of papers belonging to the District Court of Trinity county, held at Eureka during a portion of the years 1851 and 1852, together with the Records and Docket of said Court, and the maps of the towns of Union, Eureka, and Bucksport, were in accordance with section second of an Act entitled "An Act concerning records kept in the counties of Trinity and Klamath," passed April 29th, 1851, deposited with the clerk of Trinity county. Therefore

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

Clerk of Trinity county to, &c.

SECTION 1. The clerk of Trinity county is hereby required to restore to the clerk of the county of Humboldt, or other person by him duly authorized, the aforesaid books, papers and maps, so soon as a certified copy of this Act shall be presented to him.

Records of Humboldt county.
Duty of Clerk of County.

SEC. 2. The said books, papers and maps, when so restored, shall become a portion of the records of Humboldt county.

SEC. 3 The Clerk of Humboldt county shall make an abstract from the books and copies of all papers which effect the title to property in the county of Trinity, seal them with his seal of office, and deposit the same with the Clerk of Trinity county, within three months after the passage of this bill. All costs, charges and expenses accruing thereon to be paid by Humboldt county; and such abstracts and copies shall have the same force as the original papers from which they were taken.

CHAPTER LIX.

AN ACT to change the name of William Alexander Smith, to Amor de Cosmos.—[Passed February 16, 1854.]

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

SECTION 1. It shall be lawful for the person heretofore bearing the name of William Alexander Smith, to change said name to Amor de Cosmos.

SEC. 2. This Act to take effect on its passage.

CHAPTER LX.

AN ACT to authorize the Court of Sessions of the County of Sacramento, to levy and collect a Special Tax for the support and maintenance of the Indigent Sick of said County.—[Passed February 16, 1854.]

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

SECTION 1. The Court of Sessions of the county of Sacramento, are hereby authorized and required to levy and collect an annual tax, not to exceed one fourth of one per cent. in the valuation of all property, real and personal, in the county, for the support and maintenance of the indigent sick of said county. Special tax of one-fourth of 1 per cent.

SEC. 2. Said tax shall be collected at the same time, and by the same officer or officers now authorized by law to collect the State and county revenue, and shall not be appropriated or used for any other purpose than for the support and maintenance of the indigent sick of said county. How appropriated.

CHAPTER LXI.

AN ACT to provide for holding Terms of the District Court in Tulare County.—[Passed March 6, 1854.]

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

SECTION 1. The county of Tulare is hereby attached to, and declared to be part of the fifth judicial district.

SEC. 2. The terms of the District Court in said county of Tulare shall commence on the second Monday of March, July and November. Terms of court.

SEC. 3. All laws and parts of laws conflicting with the provisions of this act are hereby repealed.

CHAPTER LXII.

AN ACT to authorize the release of John G. Bircham and his Sureties, from a Recognizance and Judgment.—[Passed March 6, 1854.]

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

SECTION 1. The Court of Sessions of the county of El Dorado are hereby authorized to release John G. Bircham, and his sureties, from liability upon any recognizance or obligation entered into by him or them, for the appearance of said Bircham before said court, on a charge of manslaughter, and upon any judgment obtained or to be obtained on said recognizance or obligation.

CHAPTER LXIII.

AN ACT concerning the Collection of Taxes now due in the county of Sacramento.—[Passed March 10th, 1854.]

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

A. D. Patterson
authorized, &c.

Powers.

Final settlement.

When to be
made.

Proviso.

SECTION 1. That A. D. Patterson, late sheriff of the county of Sacramento, shall continue the collection of State and county taxes due therein until the first Monday in June, one thousand eight hundred and fifty-four, and that for such purpose he shall have the same powers that are given to sheriffs by an Act passed May eighteenth, one thousand eight hundred and fifty-three, entitled "An Act to provide revenue for the support of Government of this State," and in said collections he shall be governed in all respects by the said Act of May eighteenth, one thousand eight hundred and fifty-three, except so far as the same may be governed by this Act.

SEC. 2. That the said A. D. Patterson shall not be required to make a final settlement, or return his delinquent list until the said first Monday in June: *Provided, however,* that nothing herein shall be construed to allow him to neglect or refuse to pay to the county treasurer all State and county moneys now in his hands, except so much thereof as he may reasonably retain as the supposed amount of fees and costs that he will be entitled to deduct at the final settlement; and prior to proceeding under this Act he shall take oath before the treasurer (which oath shall be filed with the auditor, and recorded in the recorder's office) that he had not in his hands any moneys collected for taxes other than such as he verily believes he is entitled to as fees and costs.

SEC. 3. That said A. D. Patterson shall prepare and publish, for ten consecutive days, in some newspaper published in the county of Sacramento, a description of all real estate and improvements not heretofore

Description of
property to be
advertised.

advertised, for the taxes of 1852, upon which any taxes shall be due and unpaid; and [at the expiration of the said ten days, he shall proceed, from day to day, without further notice, to sell the same in like manner and with the same effect, as sales made under the Act referred to in section one of this Act; excepting that all improvements shall be sold at the court-house door, instead of in the election precinct, as is provided in the aforesaid Act. He shall also make out an alphabetical list of all persons, firms and corporations, not included in the other list, from whom any personal property tax is due, which list shall also be published, in like manner as the list of real estate and improvements, and if at the expiration of ten days any personal property tax shall remain due, he shall proceed to take and keep in his possession, so much of any personal property, of whatsoever kind or nature, belonging to the party owing the tax, as he deems necessary to pay the taxes and costs, and shall post a description of the same on the court-house door, and at the expiration of five days, he shall sell the same in front of the court-house without further notice; and a delivery of the property so sold, shall vest the absolute ownership in the purchaser. If personal property can not be found, he shall seize for personal taxes, the real estate of the party, and proceed with the same as provided in the aforesaid Act of May eighteenth, one thousand eight hundred and fifty-three.]

How to be sold.

Alphabetical list
Personal
property.Proceedings to
collect tax.

SEC. 4. All costs and fees accruing in consequence of the publication and sales herein required, shall be added to the taxes due, and be collected therewith, or be returned and allowed in the delinquent tax list, as the case may be.

SEC. 5. All laws, and portions of laws, contrary to the provisions of this Act, are hereby repealed, so far as they extend to the county of Sacramento, during the continuance of this Act; but they shall revive again, unless otherwise repealed, when this Act expires. This Act shall go into effect immediately, and shall expire on the sixth day of June, one thousand eight hundred and fifty-four.

Costs and fees to
be added.Repealing clause.
Reviving clause.

CHAPTER LXIV.

AN ACT to abolish the Board of Supervisors in and for the County of Santa Clara.—[Passed March 10, 1854.]

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

SECTION 1. That an Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers, approved May the third, eighteen hundred and fifty-two, be, and the same is hereby repealed, so far as the provisions of said act extend to the county of Santa Clara.

Repealing clause.

SEC. 2. The duties and powers devolved upon the board of Supervisors by the provisions of said act are hereby transferred to the court of sessions in and for said county of Santa Clara.

Duties
transferred to
Court of Sessions

CHAPTER LXV.

AN ACT *fixing the time of holding the several Courts authorized to be held by the County Judge in the county of Alameda*—[Passed March 10th, 1854.]

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

- Courts to be all held at the same time. Times of holding. SECTION 1. The courts authorized to be held by the County Judge in the county of Alameda shall hereafter be held all the same time, viz : on the first Monday of January, March, May, July, September and November.
- Order of business SEC. 2. At said terms the business pertaining to the Court of Sessions shall first be disposed of, and after that the business of the County Court and Probate Court in such order as the Judge may determine.
- Records to be kept separate. SEC. 3. The records of each of said courts shall be kept separately, as required by law.
- Special terms may be called. SEC. 4. The County Judge of said county may call and hold special terms of the Probate Court and the Court of Sessions whenever the public interest may require it.
- Repealing clause. SEC. 5. All laws and parts of laws contrary to the provisions of this Act are hereby repealed, so far as they relate to the county of Alameda.

CHAPTER LXVI.

AN ACT *to abolish the Board of Supervisors in and for the County of Marin*.—[Passed March 18, 1854.]

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

- Repealing clause SECTION 1. An Act entitled "An Act to create a Board of Supervisors for the several counties of this State, and to define their duties and powers," approved May third, eighteen hundred and fifty-two, be and the same is hereby repealed, so far as the provisions of the above entitled Act apply to the county of Marin.
- Duties transferred to Court of Sessions. SEC. 2. The duties and powers devolving upon the Board of Supervisors by the provisions of the said Act are hereby transferred to the Court of Sessions of said county of Marin.
- When to take effect. SEC. 3. This Act shall take effect from and after the expiration of the term of office for which the present Board of Supervisors were elected.

CHAPTER LXVII.

AN ACT to extend "An Act for the protection of Game," passed May first, eighteen hundred and fifty-two, to the county of Colusi.—[Passed March 18, 1854.]

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

SECTION 1. The "Act for the protection of Game," passed May first, one thousand eight hundred and fifty-two, is hereby extended to and made applicable to the county of Colusi.

CHAPTER LXVIII.

AN ACT supplementary to "An Act to fund the debt of the county of Yuba, and provide for the payment thereof," passed May third, one thousand eight hundred and fifty-two.—[Passed March 18, 1854.]

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

SECTION 1. The Treasurer of the county of Yuba shall deposit with the Auditor of said county, quarterly, namely; on the first Monday of January, April, July and October, of each year, all county warrants funded under "An Act to fund the debt of the county of Yuba, and provide for the payment thereof," passed May third, one thousand eight hundred and fifty-two.

Treasurer to deposit with Auditor all Co. warrants funded under the Act of 1852.

SEC. 2. The Treasurer shall also file with the Auditor of said county, quarterly, as above named, all coupons paid and detached from bonds issued under said Act; and shall also file with the Auditor all bonds issued as above, and redeemed by the Treasurer.

Further duties of Treasurer.

SEC. 3. The Auditor shall open an interest fund account with the Treasurer, and shall balance and settle the same quarterly as above named.

Duties of Auditor.

SEC. 4. The commissions and expenses for collecting the interest tax shall be paid out of the general fund of the county.

Commissions and expenses how paid.

CHAPTER LXIX.

AN ACT to abolish the Board of Supervisors in the County of Contra Costa.—[Passed March 25, 1854.]

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

Board of Supervisors abolished

SECTION 1. An Act to create a Board of Supervisors for the counties of this State and to define their duties and powers, approved May third, eighteen hundred and fifty-two, is hereby repealed so far as the provisions of said Act extend to the county of Contra Costa.

Powers transferred to Court of Sessions.

SEC. 2. The powers heretofore vesting in the Board of Supervisors of the county of Contra Costa shall devolve on and be transferred to the Court of Sessions of said county.

CHAPTER LXX.

AN ACT to change the name of Charles Turner Kelly, to Charles Turner Kelly Tracy.—[Passed March 24, 1854.]

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

SECTION 1. It shall be lawful for the person named Charles Turner Kelly, to change his name to Charles Turner Kelly Tracy.

CHAPTER LXXI.

AN ACT to authorize the Clerk of the Supreme Court of this State to appoint Deputies.—[Passed March 24th, 1854.]

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

Form of appointment.

Revocation.

SECTION 1. The Clerk of the Supreme Court of this State may appoint one or more Deputies, who shall have the same power as their principal. The appointment shall be in writing, signed by said Clerk, and shall be filed in the office of Secretary of State. He may revoke the appointment of any Deputy at will, by writing, filed in the same office. Each Deputy, before entering on his duty, shall take the oath of office, which shall be endorsed on his appointment.

Clerk may take bond.

SEC. 2. The said Clerk may take from each of his Deputies a bond,

with sureties, for the faithful performance of his duties; but the said Clerk and his sureties on his official bond shall be liable for all the official acts of each Deputy.

SEC. 3. All process issued and all business done by any Deputy Clerk, shall be in the name of the principal. Business to be done in name of principal.

CHAPTER LXXII.

AN ACT to legalize assessments in the County of San Diego.
[Passed March 24, 1854]

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

SECTION 1. All assessments heretofore made in the county of San Diego by the county assessors of said county, for the purpose of collecting revenue, are hereby legalized. Assessments heretofore made.

SEC. 2. The comptroller of State shall within thirty days after the passage of this act, make a certified copy of the delinquent list for each year, as returned to his office, and forward the same to the county auditor of said county. Duty of Comptroller.

SEC. 3. The county auditor shall add the said delinquent list to the duplicate of taxes assessed in San Diego county for the present year, and shall cause a copy of said delinquent lists to be delivered to the Sheriff with such duplicate list on or before the third Monday in August next. Duty of County Auditor. Duty of Sheriff.

SEC. 4. The Sheriff shall collect and pay over the same as other revenue collected by him for State and county purposes.

SEC. 5. Nothing in this act shall be so construed as to effect in any way, the title to real estate heretofore sold under previous assessments. Title to real estate heretofore sold not to be affected.

SEC. 6. This act shall take effect from and after its passage.

CHAPTER LXXIII.

AN ACT to incorporate the City of Oakland.—[Passed March 25, 1854.]

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

SECTION 1. The corporation or body corporate, now existing and known as the town of Oakland, shall remain and continue to be a body politic and corporate, by the name of the city of Oakland, and by that name shall have perpetual succession, may sue and defend in all courts and places, and in all actions, and shall have and use a common seal and alter the same at pleasure; and may purchase, receive, hold and The present corporation to continue. Powers.

<p>Proviso.</p>	<p>enjoy real and personal property, and sell convey and dispose of the same for the common benefit; <i>provided</i>, that it shall purchase without the city, no property except such as shall be necessary for establishing hospitals, prisons, cemeteries and water works.</p>
<p>Boundaries of the city. Proviso.</p>	<p>SEC. 2. The boundaries of said city shall be the same as the boundaries of the present town of Oakland; <i>provided</i>, that nothing herein contained shall be so construed as to prohibit or abridge the right of the trustees of the towns of Clinton and San Antonio whenever the citizens thereof may elect to become a body corporate under the provisions of "An Act for the Incorporation of Towns," or under the provisions of any Act which may hereafter be passed, to provide for the construction of wharves and other improvements for the accommodation and convenience of the trade travel and commerce, of the said towns or vilages, at their respective sites.</p>
<p>Government of Oakland. Officers to be elected.</p>	<p>SEC. 3. There shall be elected and appointed for the government of the city of Oakland, six councilmen, who shall constitute a board known as the Common Council, a Mayor, an Assessor, a Treasurer and City Marshal, who shall hold their offices for one year, and until their successors are elected and qualified. The municipal elections shall be held on the first Monday of March of each year, and such elections shall be subject to all the provisions of the law regulating elections for state officers, except as hereinafter provided.</p>
<p>Term of office.</p>	
<p>Time of holding election.</p>	
<p>When Common Council shall meet.</p>	<p>SEC. 4. The Common Council shall meet on the first Monday after their election, and at such other times as they may by ordinance appoint; a majority of the Council shall constitute a quorum for the transaction of business; they shall determine the rules of their proceedings, and judge of the qualifications and elections of all officers elected under the provisions of this Act. Their sittings shall be public, a journal of their proceedings shall be kept by the clerk, under their direction, and the yeas and nays on any question shall be taken and entered on the journal, at the request of any member. They shall prescribe by ordinance the duties of all officers, whose duties are not defined in this Act, and shall have the power to elect such other officers as they may deem necessary in the government of the city, and they shall have power to determine the compensation to be attached thereto. They shall have power to raise, by a tax not exceeding one and a half per cent. on the assessed value of the real and personal property in the city, money for the establishment and support of free Common Schools, and to provide suitable buildings therefor, and for defraying the ordinary expenses of the city. They shall also have power to pass all proper and necessary ordinances for the regulation, improvement and sale of city property; <i>provided</i>, that an amount not exceeding ten per cent. of the proceeds of the sales of the said property made by virtue of this Act, shall be set apart, and appropriated from time to time by said Common Council, for the construction and endowment of a college or university within the limits of said city. They shall have power to open, alter, extend, establish, grade, pave, or otherwise improve and regulate streets, alleys and lanes; to construct and keep in repair bridges, fences, public places, ferries, wharves, docks, piers, slips, sewers and wells, and to make the assessments therefor; to regulate and collect tolls, wharfage, dockage and cramage upon all water crafts, and all goods landed; to make regulations for securing the health, cleanliness, ornament, peace and good order of the city; for preventing and extinguishing fires, and regulating firemen, policemen, and such other officers as may be necessary to appoint for the care and regulation of prisons and markets; for licensing, taxing and regulating all such</p>
<p>Majority, a quorum.</p>	
<p>Sittings to be public.</p>	
<p>Journal of proceedings to be kept.</p>	
<p>Duties of Common Council.</p>	
<p>Powers of Common Council.</p>	
<p>The same.</p>	

vehicles, businesses and employments as the public good may require, The same. and as may not be prohibited by ordinance; to regulate and suppress all occupations, houses, places, amusements and exhibitions, which are against good morals, or contrary to public order and decency; for regulating the location of slaughter-houses, markets, stables and houses for the storage of gunpowder and other combustible materials; and to pass all such other ordinances, and provide suitable buildings for the management, good government and general welfare of said city, as may not be inconsistent with this charter, or with the Constitution or Laws of this State or the United States. They shall also have power to affix penalties to the violation of any ordinances, such penalties not to exceed imprisonment for ten days, and a fine of two hundred dollars; they shall provide for vacancies in the office of Mayor, Councilmen, or any other office, and to determine the compensation to be paid to the Assessor, Treasurer and Clerk, Marshal, and all other officers to whom the receipt or expenditure of the moneys or funds of the city shall be entrusted: *Provided*, that the members of the Common Council shall receive no compensation for their services. The Common Council shall have no power to borrow money, unless they shall, by ordinance, direct the same in anticipation of the revenue for the current year, and shall provide in said ordinance for repaying the same out of such revenue, nor in such case shall they borrow a sum to exceed ten thousand dollars. They shall have power to provide for all city elections, to designate the place or places of holding the same, giving at least ten days' notice thereof; to appoint inspectors and judges of election; examine the returns and declare the result, and to determine contested elections. The Board shall elect a member of their own body to preside at their meetings, and to discharge the duties of the Mayor whenever there shall be a vacancy in the office of Mayor, or the Mayor shall be absent from the city, or be unable, from sickness or other cause, to attend to the duties of his office. They shall have power, whenever they may deem it proper to exercise the same, to establish and fix, by ordinance, a salary for the office of Salary of Mayor, Mayor, in addition to the fees received by him as a Justice of the Peace, but such ordinance shall not take effect unless ratified by a vote of the citizens of said city at the next succeeding general election. Every ordinance passed by the Common Council shall be presented to the Mayor for his approval; if he approve he shall sign it, if not he shall return it Veto of Mayor. within five days thereafter; or if the Common Council be not then in session, at its next stated meeting, when said Common Council shall reconsider said ordinance, and if approved by two-thirds of all the members elected to such Board, it shall take effect and stand as an ordinance of the city.

SEC. 5. The Mayor shall communicate to the Council semi-annually, and oftener if necessary, a general statement of the situation and condition of the city, together with such recommendations relative thereto, as he may deem expedient; he shall be vigilant and active in causing the ordinances of the city to be executed and enforced; he shall be the head of the police, and shall exercise a supervision and control over the conduct of all subordinate officers, and receive and examine into all such complaints as may be preferred against any of them for violation or neglect of duty, and certify the same to the Council; he shall sign all The same. ordinances and contracts made in behalf of the city, and countersign all licenses and warrants on the Treasury, and have jurisdiction of all violations of the city ordinances, and shall have within the limits of the

city like jurisdiction as is conferred on Justices of the Peace. He shall have power to administer oaths and affirmations.

Powers and
duties of
Treasurer.

SEC. 6. The Treasurer shall receive and pay out all moneys belonging to the city, and keep an account of all receipts and expenditures under such regulations as may be prescribed by ordinance. He shall make a monthly statement to the Council of the receipts and expenditures of the preceding month, and publish the same by posting in three of the most public places in the city, or by publishing the same in any newspaper that may be published in the city. He shall also be ex-officio clerk of the city, and keep all the papers and documents belonging to the city, attend the meetings of the Council, and keep a journal of their proceedings, and a record of all their ordinances, and shall do all other things required of him by ordinances.

Powers and
duties of Marshal

SEC. 7. The Marshal shall execute within the city and return all process issued and directed to him by the Justice or Mayor, arrest all persons guilty of a breach of the peace, or of a violation of any ordinance of the Council, and take them before the Mayor or any other legal authority within the city. He shall collect the taxes of the city and pay over all moneys into the City Treasury received in pursuance of the ordinance of the Council, and shall attend the meetings of the Council. He shall also perform the duties of Street Commissioner, and do and perform such other duties as may be prescribed by ordinance.

Powers and
duties of Assessor

SEC. 8. The Assessor shall prepare, within such time as the City Council may direct, a correct list of all the taxable property within the city, with the true valuation thereof, and shall present the same certified by him to the Council; said listing and assessment shall be made as nearly as can be in conformity to the law for listing and assessing property for State and county taxes, should the owner of any property assessed as aforesaid, not be satisfied with the valuation thereof, he may apply under oath to the Mayor, Assessor, and Marshal, who shall constitute a Board of Commissioners of Assessment, for the reduction and equalization of the assessment, if they refuse he may appeal to the Council, and their decision shall be final.

Revenue officers
to give bond.

SEC. 9. All officers or persons to whom the receipt or expenditures of the moneys or funds of the city shall be entrusted, shall give security in such amount as the Council may require, payable to the city, and subject to the approval of the Mayor, such bond or bonds shall be subject to the provisions of the law concerning the official bonds of officers. In case such security becomes insufficient, additional security may be required, and if not given the Council, by a vote of two-thirds of the members, may declare the office vacant, and order a new election.

Fines, &c.,
collected.
How disposed of.

SEC. 10. All fines and other moneys received by any officer or person under this charter, or collected under ordinance of the Council shall be paid over every month by such officer or person, unto the City Treasurer, under oath, and no officer shall be entitled to receive compensation for any services rendered until he shall file his affidavit with the Mayor, that he has faithfully accounted for and paid over all moneys received by him and for which he is bound to account.

Time of elections

SEC. 11. All regular elections decreed by this Act, except the first, shall be held on the first Monday in March of each year. The first election under this Act shall be held on the third Monday after its passage, at Justice Ferris' office in said city, by D. N. Vandyke, H. Marshall and S. B. McKee, or any two of them, who shall act as Judges of election. After being duly sworn they shall give public notice of the time of holding said election of not less than five (5) days, by posting up notices in

Judges of
Election.

three of the most public places in said city. They shall have power to appoint two competent persons to act as clerks of said election, which shall be conducted in all respects according to the provisions of the general election law of this State. They shall deliver certificates of election to the persons receiving the highest number of votes for the respective offices, and make their returns to the Council when organized.

How elections conducted.

SEC. 12. The corporation created by this Act shall succeed to all the legal and equitable rights, claims and privileges, and be subject to all the legal liabilities and obligations made bona fide of the town of Oakland; and the Common Council shall have full power to maintain suits in the proper courts to recover any right or interest or property which may have accrued to the town of Oakland.

Rights and privileges

SEC. 13. All sales or leases of property belonging to the city of Oakland shall be by public auction, to the highest bidder, and upon such terms and conditions as the Council may, by ordinance, direct; and all contracts for work or supplies of any kind shall be let to the lowest responsible bidder, after ten (10) days' notice given, by posting the same in three of the most public places in the city, or by publishing the same in any newspaper that may be established in said city or county.

Sales of property. How conducted

SEC. 14. Licenses shall be discriminating and proportionate to the amount of business; and taxation shall be uniform throughout the city.

Licenses

SEC. 15. The style of the city ordinances shall be as follows: "The Council of the city of Oakland do ordain as follows." All ordinances shall be published by written advertisements posted up at the Mayor's office, and at three other public places in the city, or in a newspaper published in the city.

Style of ordinances.

SEC. 16. No executive officer nor member of the Common Council, nor any officer of the corporation, shall be directly or indirectly interested, nor shall he be security for any person who may be so interested, in any contract, work or business, or the sale of anything whatever, the expense, price, or consideration of which is payable from the City Treasury or by an assessment levied under an ordinance of the Common Council.

Officers not to be interested in contracts.

SEC. 17. For all services rendered by the Mayor, he shall not receive any salary for the first year; but he shall be entitled to the same fees and emoluments for his acts as justice of the peace, as are by law allowed to justices of the peace for similar services, and the city marshal shall be entitled to the same fees as are by law allowed to constables for similar services, and for all duties required of him except as herein otherwise provided for.

Mayor to receive no salary first year. Fees.

Fees of Marshal.

SEC. 18. If any officer under this Act or member of the Common Council, shall remove from the city or absent himself therefrom for more than thirty days, or shall fail to qualify by taking the oath of office as prescribed by law, or to file his official bond whenever such bond is required, within ten days from the time his election is duly ascertained and declared, his office shall be thereby absolutely vacated, and the Common Council shall thereupon order an election to fill the vacancy.

Vacancy—how caused.

SEC. 19. The Act entitled "An Act to incorporate the town of Oakland, and to provide for the construction of wharves thereat," is hereby repealed; and any ordinance of said "Town of Oakland" providing for the levying and collection of taxes, and directing or authorizing the expenditure of money, or the assumption of any debts or liabilities, are hereby suspended until the organization of the government created by this Act.

Repealing clause

Collection of taxes suspended.

SEC. 20. This Act shall take effect from and after the passage thereof.

CHAPTER LXXIV.

AN ACT to pay James McMahon for certain services to the State.
[Passed March 29, 1854.]

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

SECTION 1. The Comptroller of State is hereby required to audit and the Treasurer to pay to James McMahon, the sum of one hundred and fifty dollars, out of any money in the Treasury not otherwise appropriated, belonging to the General Fund, for services to the State, in removing the picture of Washington from San Francisco to the Senate chamber.

\$150 to be paid
Jas. McMahon.

For what.

CHAPTER LXXV.

AN ACT amendatory to an Act incorporating the city of Marysville and to Acts supplementary and amendatory thereto.—
[Passed March 30, 1854.]

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

SECTION 1. That the Common Council of the city of Marysville, be and hereby is authorized and required to levy and collect a special tax on all property, real and personal, in said city, made taxable by law for State and county purposes, for the payment of all interest moneys on any or all sum or sums of money, borrowed by virtue and authority of and in accordance with the provisions of an Act entitled, "An Act amendatory to an Act incorporating the city of Marysville," and Acts supplementary to said Act, approved February, eighteen hundred and fifty-four.

Special tax.

For what purpose.

SEC. 2. The Common Council shall also have authority to levy and collect a special tax; in addition to the present tax, on all property, real and personal, in the city of Marysville, made taxable by law, for State and county purposes, for the payment of the present indebtedness of the city, if not exceeding two per cent. per annum, until said indebtedness be paid. The City Marshal shall be allowed as compensation for the collection and payment into the City Treasury, of all taxes levied under this Act, such an amount as the Common Council shall determine, not to exceed two and one-half per cent. on the amount collected, and paid into said city Treasury.

Additional special tax.

For payment of debt.
Amount of tax.

Compensation of City Marshal.

SEC. 3. The amount of compensation of the city Marshal, from and after the first Monday of March, eighteen hundred and fifty-five, shall be two and one half of one per cent. on all moneys actually collected by him, and paid into the city Treasury; and such further compensation, if any, as said Common Council shall from time to time establish.

The same.

SEC. 4. That all Acts or parts of Acts in conflict with the provisions of this Act, be, and the same are hereby repealed. Repeal'g clause

CHAPTER LXXVI.

AN ACT to change the name of William Myer to William Myer Elton.—[Passed March 30, 1854.]

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

SECTION 1. It shall be and hereby is made lawful for the person heretofore bearing the name of William Myer, now residing in the city and county of San Francisco, to change his said name to William Myer Elton. Name changed

CHAPTER LXXVII.

AN ACT to authorize the Court of Sessions of the County of Placer to reimburse William D. Smith and Isaac A. Avery, for money by them expended in constructing a Wagon Road across the Sierra Nevada Mountains.—[Passed March 30, 1854.]

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

SECTION 1. The Court of Sessions of the county of Placer, are hereby authorized to audit and pay out of the Treasury of said county, to William D. Smith and Isaac A. Avery, such sums of money, as shall appear to said Court, upon proofs duly taken, were expended out of their private means, individually, in the summer of eighteen hundred and fifty-two, for the construction of a wagon road between the forks of the American river, through said county, across the Sierra Nevada mountains. Court of Sessions authorized to audit and pay.

SEC. 2. Nothing in this Act shall be construed to compel said Court, to audit and pay said money, should they deem it inexpedient; nor shall they audit said sum or sums of money, until a majority of the tax payers of said county, shall have petitioned them to audit and pay the same. For what services.
Court not to audit unless petitioned by majority of tax payers.

CHAPTER LXXVIII.

AN ACT *declaring Mission Creek, in the county of San Francisco, a Navigable Stream.*—[Passed March 31, 1854.]

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

Mission Creek
navigable.

SECTION 1. From and after the passage of this Act, the creek known as Mission creek, in the county of San Francisco, from its mouth as far as the tide flows, shall be declared a navigable stream.

Obstructions to
navigation of,
forbidden.

SEC. 2. It shall not be lawful for any person or persons to build any dam or bridge across the aforesaid creek, or any wharf that will interfere with the navigation of the same.

Ferries and
Bridges.
Proviso.

SEC. 3. Nothing contained in the foregoing sections shall be so construed as to prohibit or prevent the Court of Sessions from granting licences for any ferries or bridges when the public good may demand the same: *Provided*, no obstruction be created thereby to the free navigation of the said creek.

CHAPTER LXXIX.

AN ACT *to provide for the election of a Justice of the Peace for the town of Santa Clara, and define his jurisdiction.*—[Passed May 31, 1854.]

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

Justice of Peace
may be elected.

SECTION 1. The people within the corporate limits of the town of Santa Clara, are hereby empowered to elect a Justice of the Peace within and for said town.

Manner of
election.

SEC. 2. The Trustees of said town are hereby required to order an election for the purpose, by giving ten days' notice thereof, and to appoint three judges of the election. The judges so appointed shall conduct said election as the law requires in other elections, canvass the votes cast, and give to the person receiving the highest number of votes of the qualified electors of said town, a certificate of election.

Qualification and
term of office.

SEC. 3. The Justice of the Peace so elected, shall before entering on the duties of his office, qualify as other Justices are by law required to qualify, and shall hold his office for one year, and until his successor is elected and qualified.

Powers of said
Exception

SEC. 4. The Justice so elected shall have the same powers and jurisdiction as other Justices of the Peace, except in civil cases arising between parties residing without the corporate limits of the town, which shall not be tried before him without consent of all the parties thereto, and shall have the same fees as other Justices.

Justice of Peace
to be elected
annually.

SEC. 5. At the expiration of the term of office of said Justice, and every year thereafter, it shall be the duty of the Board of Trustees of said town as directed in the second section of this Act, to order an election for a Justice of the Peace for said town.

CHAPTER LXXX.

AN ACT fixing the Compensation of the County Judges of Santa Barbara, and Santa Clara Counties.—[Passed March 31, 1854.]

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

SECTION 1. The County Judge of Santa Barbara county shall receive for his services, annually, the sum of fifteen hundred dollars; and the County Judge of Santa Clara county shall receive for his services, annually, the sum of three thousand dollars.

SEC. 2. Any statute inconsistent with the provisions of this Act, is hereby repealed.

Salary of County Judge of Santa Barbara.
Salary of County Judge of Santa Clara

CHAPTER LXXXI.

AN ACT to create the County of Stanislaus, to define its boundaries, and to provide for its organization.—[Passed April 5, 1854.]

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

SECTION 1. There shall be formed out of the western portion of the county of Tuolumne a new county, to be called Stanislaus. SEC. 2: The boundary of the county of Stanislaus shall be as follows: Commencing on the north-east at the corner of the counties of Calaveras and San Joaquin, thence southerly to the southern line of Tuolumne county; thence west along said line to the San Joaquin River; thence up said river to the mouth of the Merced River; thence in a due south-west direction to the summit of the coast range; thence in a north-westerly direction, following the summit of the said range; thence to the south-west corner of San Joaquin county; thence north-easterly along the line of said county to the place of beginning.

Formed out of western part of Tuolumne.
Boundaries of Stanislaus Co.

The same.

SEC. 3. The seat of justice shall be at such place as may be determined by the qualified electors of the county at the election for county officers, as provided for by this Act.

Seat of Justice.

SEC. 4. There shall be held an election for county officers, and to determine the county seat in said county of Stanislaus, on the tenth day of June of the present year eighteen hundred and fifty-four.

Time of election

SEC. 5. At the election mentioned in the preceding section there shall be chosen one County Judge, one County Attorney, one County Clerk, who shall be *ex officio* County Recorder, one Sheriff, one County Surveyor, one Assessor, one Treasurer, one Coroner, and one Public Administrator, also a place to be the seat of justice.

Officers to be chosen.

SEC. 6. John D. Patterson, Eli S. Marvin, G. D. Dickinson, John W. Laird, Richard Harmer, of the county of Stanislaus, are hereby appointed and constituted a Board of Commissioners to designate the

Board of Commissioners.

Duties.	election precincts in the said county of Stanislaus for the said election, to appoint the Inspectors and Judges of the several precincts as designated to receive the returns of election, and to issue certificates of election to the persons entitled to the same.
Election, how regulated. Exception	SEC. 7. The laws of a general nature now in force regulating elections in this State, shall apply to the election ordered by this Act, except that the Board of Commissioners herein appointed, shall designate the election precincts, appoint the Inspector and Judges of election, receive the returns of election, issue the several certificates to the persons elected, and declare what place receives the highest number of votes for county seat.
Where Board shall meet.	SEC. 8. Said Board of Commissioners shall meet and hold their first session for the transaction of business at Dickinson Ferry, in said county.
When Board shall meet	SEC. 9. The said Board of Commissioners shall meet on the Monday two weeks previous to the election, at such meeting said Board shall appoint one of their number President, and one as Clerk. A record of their proceedings shall be kept, the attendance of a majority of the members of the Board shall be necessary for the transaction of business; at the said meeting the Board shall designate the precincts of the county and appoint the Inspectors and Judges of such precincts, and give notice at each of the said precincts.
Record of proceedings. Quorum.	SEC. 10. Scaled returns from the officers of election may be delivered to any member of said Board. The said Board shall meet on the fifth day subsequent to the election, at Empire City, and the returns shall then be opened and read, and under their direction and in their presence a tabular statement shall be made out, showing the vote given at each precinct of the county for each person, and for each of the offices to be filled at the election, and also the entire vote given for each person, and in the county for county seat, and for what place or places cast. The statement made out by such Board, shall be signed by its President and clerk. The place for which the highest number of legal votes shall be found to have been cast shall be the county seat. The persons having the highest number of legal votes for the several offices to be filled, shall be declared elected, and the President shall immediately make out and send or deliver to each person chosen, a certificate of election, signed by him as President of the Commissioners, and attested by the Clerk.
Returns of election, how made. Meeting of Board to open returns Tabular statement	SEC. 11. The County Judge shall qualify before the President of the Board, and enter upon the discharge of the duties of his office on the day succeeding the meeting of the Board, as provided in the preceding section. The persons elected as county officers, as provided in this Act, shall qualify before the County Judge within ten days thereafter and enter upon the discharge of their duties.
Form of statement.	SEC. 12. The President of the Board shall transmit without delay a copy of the tabular statement prepared as provided for in section tenth to the Secretary of State. The election returns of the county and a duplicate tabular statement shall be furnished to, and retained by the County Judge of the county until the person elected as clerk of said county has qualified and entered upon his duties, after which they shall be filed in his office.
Plurality of votes to determine County Seat.	SEC. 13. The County Judge chosen under this Act shall hold office for four years from the first of January next, and until his successor is elected and qualified. The other officers elected in pursuance of this Act shall hold their respective offices for two years from the first of January next, and until their successors are elected and qualified.
Certificates of election.	SEC. 14. The County Judge shall receive for his services annually
Qualification of officers	
Tabular statement to be sent to Secretary of State	
Term of office.	
Salary of County Judge.	

three thousand dollars, to be paid in the manner provided by an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, approved May seventeenth, eighteen hundred and fifty-three.

SEC. 15. Hereafter one of the five members of Assembly allowed by the Act entitled "An Act to apportion the Senatorial and Assembly Districts of this State," passed May eighteenth, eighteen hundred and fifty-three, to the county of Tuolumne, shall be elected from the county of Stanislaus by the qualified electors thereof, and four of said five members shall be elected from Tuolumne county. The county of Stanislaus shall be and remain a part of the Seventh Senatorial District. Apportionment of representation

SEC. 16. The county of Stanislaus for judicial purposes shall be attached to, and form a part of the fifth Judicial District. The District Judge of said district shall hold annually three terms of court at the county seat of Stanislaus county, on the third Monday of March, August and December. Attached to Fifth Judicial District.
Term of District Court.

SEC. 17. The Court of Sessions of Stanislaus county shall have power to levy a special tax, not to exceed fifty cents on each one hundred dollars of valuation, of the taxable property of said county to be assessed and collected as other taxes, and the fund arising from said special tax shall be applied solely to the erection of a jail and court-house for said county. Special tax of 50 cents on \$100
How to be applied.

SEC. 18. The County Judge of Stanislaus county shall appoint two commissioners to meet a corresponding number of commissioners appointed in like manner on the part of the county of Tuolumne, for the purpose of ascertaining and settling the amount of indebtedness said county of Stanislaus shall assume of said county, and when so ascertained and certified by said commissioners or a majority of them to the County Judge of each county, the Court of Sessions of Stanislaus county shall issue a warrant in favor of the County Treasurer of said county for the sum awarded to said county, payable out of any funds that may come into the Treasury of Stanislaus county. The said commissioners shall meet in the city of Sonora for the transaction of business within ten days after the qualification of the County Judge of Stanislaus county, so much of the property as may be situated within the limits of Stanislaus county as defined by this Act shall be stricken from the assessment rolls of Tuolumne county for the year one thousand eight hundred and fifty-four, and the said commissioners shall place the same upon a new roll, entitled, the Assessment Roll of Stanislaus county, which roll shall be delivered to the Court of Sessions of Stanislaus county. The taxes due upon the property assessed in said last named roll for one thousand eight hundred and fifty-four, shall be collected by the proper collecting officer of said county, and be paid into the Treasury thereof. Adjustment of indebtedness.
How paid.
Commissioners, where to meet.

SEC. 19. All township officers chosen at the last general election for Tuolumne county, whose districts by this Act may be included within the present limits of Stanislaus county, shall continue to hold their respective offices for said county of Stanislaus during the term for which they were elected, and until their successors are elected and qualified. Assessments of property.
Township officers to continue in office.

SEC. 20. The Clerk and Recorder of Tuolumne county upon application by any person, and payment of the fees, shall furnish certified copies of all deeds or other papers recorded in their offices wherein the subject matter of such deed or other papers is situated in Stanislaus county. Duties of Clerk and Recorder in Tuolumne Co.

SEC. 21. All actions pending, or proceedings in the nature of actions, whether original or an appeal, civil or criminal, that were commenced by a party or parties now residing within the limits of Stanislaus county, Actions pending

shall be disposed of by the tribunals and officers having jurisdiction of the same in Tuolumne county upon the organization of said Stanislaus county.

Duty of County Surveyor.

SEC. 22. It shall be the duty of the County Surveyor, under the instructions and direction of the Court of Sessions, to survey and mark the lines and boundaries of Stanislaus county, in accordance with the provisions of this Act: *Provided*, that he shall not receive a greater compensation than is now paid United States Surveyors of public lands for similar services.

Compensation.

Sinking fund.

SEC. 23. Twenty per cent. of all monies received in the County Treasury of Stanislaus county shall be set apart as a sinking fund, to liquidate the debt due from Stanislaus county to Tuolumne county, and shall be paid over by the Treasurer of Stanislaus county to the Treasurer of Tuolumne county every three months, and the Treasurer of Stanislaus county shall take his receipt therefor.

CHAPTER LXXXII.

AN ACT to provide for the payment of the Official Reporters to the Senate.—[Passed April 4, 1854.]

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

Comptroller to draw warrants in favor of certain parties.

SECTION 1. The Comptroller of State is hereby authorized and required to draw his warrants upon the Treasurer in favor of M. G. Upton for the sum of two hundred and twenty-five dollars; in favor of Geo. O. Dogherty, for two hundred and twenty-five dollars; in favor of William Coates, for six hundred dollars, payable out of any money in the general fund not otherwise appropriated.

CHAPTER LXXXIII.

AN ACT to provide for building and furnishing a Jail in Sacramento county.—[Passed April 4, 1854.]

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

Certain moneys set apart as a special jail fund.

SECTION 1. That all money collected under an Act passed April twenty second, eighteen hundred and fifty-three, entitled "an Act for erecting a Jail in Sacramento County," and all money collected under this Act, shall be set apart as a "Special Jail Fund," to be used only as provided for in this Act.

Plans and specifications

SEC. 2. Immediately on the passage of this Act, the Court of Sessions of Sacramento county shall give thirty days notice, that it will receive plans, specifications, and estimates, for constructing a County Jail, and that it will also receive proposals for the sale to the county, of a lot

Site for jail.

suitable for the site of said Jail, and also proposals for leasing to the county such a lot, for the term of seven years, with the privilege to the county of purchasing the same at any period within that term, at a price specified. At the expiration of the thirty days, the court shall select and purchase, or lease, the lot which it deems most suitable for the purpose, reference being had to the terms upon which said lot can be procured. The court shall also at the same time carefully examine the plans and specifications received, and adopt the one most suitable, reference being had to the probable cost, as set forth in the estimates accompanying it. For the plan and specifications adopted, the court shall pay two hundred and fifty dollars; for the next best, one hundred dollars; and for the three next, if there be so many, fifty dollars each.

Selection and purchase.

Duty of Court.

Compensation for plan and specifications.

SEC. 3. After adopting the plan, and procuring a lot for the Jail, the court shall give thirty days notice of the amount of money in the Treasury, belonging to the "Special Jail Fund," of the total amount assessed under the aforesaid Act of April, eighteen hundred and fifty-three; the probable amount thereof that will yet be collected; and the probable amount that will be raised this year under the tax hereinafter provided; and also, that the court will, at a day and hour named, open all bids that may be tendered, for completing within four months, a County Jail, in accordance with the plans and specifications adopted, and that the contract will then be awarded to the lowest bidder, giving sufficient security for the performance of the contract.

Notice of amount money in fund, &c.

SEC. 4. All payments for the purchase or rent of the lot; for the plans and specifications; for the advertisements rendered necessary by this Act; for the construction of the Jail, and for furnishing it when completed, shall be made by warrants, drawn on the "Special Jail Fund," which warrants shall be paid in the order in which they are presented to the County Treasurer. But no payment shall be made out of said fund for a salary, allowance, or compensation, to any county officer, agent, overseer, architect, or superintendent, or for any other purpose whatever. Warrants for eighty seven and one-half per cent. of the estimated amount of the work done on said jail, shall be drawn as the building progresses, twelve and one half per cent. being reserved (as additional security for the fulfilment of the contract) until the completion of the building.

How payments to be made.

SEC. 5. Until all warrants drawn on the "Special Jail Fund," for the purposes herein specified, including the furnishing of the jail in a fit manner for the reception of prisoners after it is completed, are paid, the Court of Sessions of Sacramento county shall levy an annual tax of fifteen cents on each one hundred dollars worth of taxable property in the county, as a "Special Jail Fund."

Tax of 15 cents on \$100.

SEC. 6. An Act entitled "An Act to provide for the erection of a Jail in Sacramento county," passed April twenty-second, eighteen hundred and fifty-three, is hereby repealed, but said repeal shall not effect the collection of any taxes heretofore levied under it.

Repeal'g clause

CHAPTER LXXXIV.

AN ACT to authorize the construction of a Wharf at the Pulgas Rancho, in the county of San Francisco.—[Passed April 7, 1854.]

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

Certain persons authorized to construct.

Limitation of use.

Where and how to be built.

Proviso.

Wharfage.

SECTION 1. John R. Hackett and Charles D. Judah are hereby authorized to build, use and continue, a wharf, at the Pulgas Rancho, near San Francisquito creek, in the county of San Francisco, for the term of fifteen years, upon the payment of one dollar per annum for the use of the land upon which said wharf is situated, to the Treasurer of State. Commencing at a point where the highlands meet the lands overflowed by the waters of the bay of San Francisco, and from thence running fifteen hundred feet over said overflowed lands and into the said bay of San Francisco to a channel or creek running towards the main channel of said bay: *Provided*, said wharf shall not in any manner obstruct the navigation of said bay or creek.

SEC. 2. The owners of said wharf may charge and collect such wharfage for the discharging and shipment of vessels, goods and merchandize upon, at and from said wharf as may be reasonable and customary, not to exceed such rates as may be fixed or approved by the Board of Supervisors of the county.

CHAPTER LXXXV.

AN ACT authorizing the Mayor and Common Council of the city of Sacramento to issue City Bonds for certain purposes.—[Passed April 10, 1854.]

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

Amount of bonds to be issued.

When payable.

Interest.

Authority to sell bonds.

How moneys to be applied.

Proviso.

SECTION 1. That the Mayor and Common Council, of the city of Sacramento, be, and they are hereby authorized to issue City Bonds in a sum not exceeding one hundred and twenty thousand dollars in the aggregate, payable twenty years from the first day of July, A. D., eighteen hundred and fifty-four, and drawing interest at ten per centum per annum, the interest payable semi-annually on the first days of January and July, in the city of New York.

SEC. 2. That when issued the said Mayor and Common Council are authorized to sell said bonds at such prices, and apply the proceeds thereof in such proportions as they may deem proper to the payment of the outstanding warrants upon the City Treasury, and for the use of the Fire Department of said city: *Provided, however*, That said bonds shall not be sold at a discount of more than twenty-five per centum.

CHAPTER LXXXVI

AN ACT to incorporate Crescent City.—[Passed April 13, 1854.]

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

ARTICLE I.

SECTION 1. The district of country in the county of Klamath which is contained within the boundaries hereinafter described, shall be a city by the name of Crescent City, and the inhabitants residing therein shall be a corporation under the name and style of "the Common Council of Crescent City," and by that name they and their successors shall be known in law, have perpetual successions, sue and be sued in all actions and proceedings, may provide for the regulation of all commons belonging to the city, may have a common seal and alter the same at pleasure.

SEC. 2. The boundaries of Crescent City shall be as follows: commencing at a point established by T. P. Robinson, County Surveyor of Klamath county, east of Elk creek; running thence south to low water mark; and north twenty-five chains and links; thence west one mile; thence south to low water mark; thence following low water mark to the intersection of the east line.

ARTICLE II.

SECTION 1. The officers of Crescent City shall consist of five Common Councilmen, who shall be elected by a majority of the qualified electors of the city; they shall hold office for one year, and until their successors are elected and qualified.

SEC. 2. No person shall be eligible to the office of Councilman, who is not a qualified elector, and has not been a resident of this State one year, and of the city six months previous to the election.

SEC. 3. The election for members of the Council shall be held on the first Monday in May of each year. The County Judge shall designate the place of holding the election and appoint two inspectors and one clerk, who shall be governed by the laws regulating elections and defining the powers and duties of officers; and after such election, the inspectors and clerk shall deliver to the candidates receiving the highest number of votes, certificates of election, and a certified copy shall be delivered to the Judge.

SEC. 4. No person shall be entitled to vote who has not been six months a resident of the State and thirty days of said city next preceding the election.

SEC. 5. The members of the Council shall take the oath of office before entering upon their duties, before any Judge or Justice of the county.

SEC. 6. The Council at their first meeting shall elect from their number a President, a Treasurer, an Assessor and a Clerk, who shall hold their office for one year, unless removed for misconduct or neglect of official duties.

ARTICLE III.

Meetings of
Council.

SECTION 1. The President and Council shall meet the first Monday after election, and the first Monday in each succeeding month, or at other times if necessary in the judgment of the President, who shall give notice of such meetings.

Quorum

SEC. 2. A majority of the Council shall be a quorum to transact business. In the proceedings, each member and the President to have one vote.

Powers of
Council.

SEC. 3. The President and Council shall have power
First: To make by-laws and ordinances not in conflict with the Constitution and laws of the United States or this State; to prevent and remove nuisances; to provide for licensing and regulating theatrical and other amusements in the city; to provide for licensing of any or all business not prohibited by law, and to apportion such licenses according to the capital invested.

The same

Second: To open, construct, grade and repair streets, alleys and sidewalks, at the expense of persons owning property on such streets or alleys: *Provided*, that the owners of two-thirds of such property shall petition the Council to have such streets, alleys or sidewalks opened, constructed, graded or repaired.

Third: To have obstructions removed from streets or sidewalks at the expense of property holders.

13 same

Fourth: To establish markets; improve and appropriate the commons belonging to the city for the use and benefit of the inhabitants.

Fifth: To impose and appropriate fines, penalties and forfeitures, for breaches of ordinances: *Provided*, that no fine be imposed of over five hundred dollars, and no offender imprisoned over three months.

Sixth: To levy and collect taxes: *Provided*, such taxes shall not exceed one-half of one per cent. per annum of the assessed value except for opening, constructing, grading and repairing streets, alleys and sidewalks, as herein otherwise provided; to establish a police, and pass such other by-laws and ordinances as they may deem necessary.

Duty of Council
to publish
statement of
Expenses.

SEC. 4. It shall be the duty of the Common Council to publish, in a newspaper printed in the city, one month before the annual election, a full statement of receipts and expenditures of the year, stating all the sources of revenue, and setting forth explicitly all expenditures.

ARTICLE IV.

Duty of
President

SECTION 1. It shall be the duty of the President to preside at all meetings of the Council; to recommend the adoption of such measures as he may deem expedient for the regulation of the affairs of the city; to exercise a general supervision over the acts of subordinate officers, and over the general interest of the city; to countersign all warrants and licenses issued by the Council, and also all orders of the Council on the Treasurer.

Duties of
Councilmen

SEC. 2. It shall be the duty of the Councilmen to attend all regular and special meetings, to act upon committees when appointed by the President, to aid in maintaining the peace and good order of the city, and in enforcing the by-laws and ordinances.

Duties of
Treasurer

SEC. 3. It shall be the duty of the Treasurer to receive all moneys due to the city, to keep account of all receipts and expenditures, and upon request shall at any time present to the Council a full statement of such receipts and expenditures.

SEC. 4. All moneys drawn from the City Treasury shall be drawn in pursuance of an order of the Council specifying for what purpose such amount is to be paid, signed by the clerk and countersigned by the President, and all such warrants shall be filed by him after being paid. The Treasurer, if required by the Council, shall give bonds in such amount as they may deem fit for the faithful performance of his duty

Moneys, how drawn from Treasury.

Treasurer to give bonds.

SEC. 5. It shall be the duty of the Assessor to prepare within such time as the Council shall direct a list of all the taxable property, real and personal, within the city, with the valuation thereof, and to perform such other duties in relation to the assessment of property as may be required by the Council.

Duty of Assessor.

SEC. 6. It shall be the duty of the clerk to keep the seal of the corporation and all papers and documents belonging to the city, to file them in his office under appropriate heads; to attend the meetings of the Council and keep a journal of proceedings and a record of laws and ordinances; to sign all warrants and licenses issued in pursuance of the orders and ordinances of the Council and affix the corporate seal to such licenses; to keep an accurate account in a suitable book of all orders drawn on the Treasurer; also to keep account in a separate book of all licenses issued, the date of issue, to whom issued, the time for which they are granted, and the amount paid therefor.

Duty of Clerk.

SEC. 7. The Council shall define the duties of the officers elected by them, which are not herein prescribed.

Duties of other officers.

SEC. 8. The President and members of the Council shall receive nothing for their services the first year, except the clerk, who may receive such compensation as may be allowed by the Council, not to exceed five dollars for each day's attendance at the meeting of the Council.

Compensation of officers.

SEC. 9. At the expiration of the first year, if a majority of the Council recommend salaries to be given to the city officers, the said recommendation shall be published in a newspaper printed in the city, one month preceding the election, specifying the amount recommended to be paid; such proposition shall be voted upon by the electors of the city, and if a majority vote in favor of such proposition, it may be allowed: *Provided*, That such compensation shall not exceed the sum of five dollars per day for attendance on meetings of the Council.

Salaries

ARTICLE V.

SECTION 1. Until a Recorder's Court shall be established, the several Justices of the Peace within the city shall have jurisdiction.

Recorder's Court

First: Of an action or proceeding for a fine, penalty, or forfeiture imposed by breach of any ordinance of the Council: and,

Second: For proceedings respecting vagrants and disorderly persons.

SEC. 2. All proceedings and actions under this Act before Justices' Courts within the limits of the city, shall be commenced by complaint setting forth the violation of the ordinance, or the Act of vagrancy or disorderly conduct complained of, or the offence charged, with such particulars as to time and place, person or property as to enable the defendant to understand distinctly the nature of the offence charged, and to answer the complaint. All such complaints shall be verified by oath of the parties making them. To the complaint the answer may be oral or in writing, and immediately thereafter the case shall be tried, unless for good cause shown, an adjournment be granted. In all cases the defendant shall be entitled to a trial by jury of six persons.

Justices' Courts.

SEC. 3. The Council shall appoint one of the Constables of the county to act as Marshal, and who shall fulfill such duties as may be prescribed for him by the Council, and receive such compensation as the Council may grant.

ARTICLE V.

SECTION 1. The books and papers of the city offices shall be open to public inspection at all times; and all meetings of the Council shall be open unless considered by a majority of the Council prejudicial to the interests of the city. Due notice shall be given of the passage of all ordinances by publication in a newspaper published in the city, or by posting in a conspicuous place.

CHAPTER LXXXVII.

AN ACT to authorize the Court of Sessions of the county of Tuolumne, to levy and collect a special tax, for the support and maintenance of the indigent sick of said county.—[Passed April 13, 1854.]

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

Annual tax of
3/4 of 1 per cent.

SECTION 1. The Court of Sessions of the county of Tuolumne is hereby authorized and required to levy and collect an annual tax, not to exceed one-fourth of one per cent. on the valuation of all property, real and personal in said county, for the support and maintenance of the indigent sick of said county.

How collected.

SEC. 2. Said tax shall be collected at the same time and by the same officer or officers, now authorized by law to collect State and county revenue, and shall not be appropriated or used for any other purpose than for the support and maintenance of the indigent sick of said county.

CHAPTER LXXXVIII.

AN ACT to authorize the incorporation of the City of San Bernardino.—[Passed April 13, 1854.]

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

Declared
incorporated.

SECTION 1. The present seat of justice of the county of San Bernardino is hereby declared to be incorporated into a city under the name of the "City of San Bernardino," in accordance with the provisions of the general Act, entitled "An Act to provide for the incorporation of cities,"

passed March eleventh, eighteen hundred and fifty, with such alterations and restrictions of the said Act as are hereinafter specially set forth.

SEC. 2. The limits of said city shall be designated by ordinance of the City Council thereof, within three months next after they are elected and qualified; but in no case shall the extent of such limits exceed four square miles. Limits of city

SEC. 3. There shall be elected a Mayor and five Councilmen. The first election of the city officers shall be held on the second Monday of May next at the usual place of holding elections in said seat of justice, and said city officers shall be elected every year thereafter, and shall hold office until their successors are chosen and qualified. Officers. Election, when held. Term of office

SEC. 4. There shall be no Recorder in said city, but the Mayor thereof shall discharge all the duties which by statute pertain to the office of Recorder of an incorporated city. Mayor to perform duties of Recorder.

CHAPTER LXXXIX.

AN ACT to fund the Floating Debt of Sacramento County, and to provide for the payment of the same.—[Passed April 13, 1854.]

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

SECTION 1. The county of Sacramento is hereby authorized to fund its floating debt, and John A. Reed, Philip L. Edwards, and Gilbert Griswold, are hereby constituted Commissioners for that purpose, and they shall organize by choosing a President and Secretary from their own body, and shall hold office until the first day of July, one thousand eight hundred and fifty-five, when their commission shall cease. Debt to be funded

SEC. 2. The said Commissioners shall have power to issue on the part of said county bonds bearing date one thousand eight hundred and fifty-four, upon indebtedness which shall be due, or the consideration whereof shall have accrued, on or before the first day of May, one thousand eight hundred and fifty-four, which bonds shall be signed by each Commissioner and countersigned by the County Treasurer, and shall be in substance as follows, namely: That the county of Sacramento is indebted to the holder thereof a sum to be expressed therein, not less, however, than one hundred dollars, bearing an interest of ten per cent. per annum payable semi-annually on the first day of January and July at the County Treasurer's office, upon the coupons annexed to such bonds, the principal sum to be redeemable within ten years after date of the bonds. The coupons for the payment of the interest on said bonds shall be signed by the County Treasurer and annexed to and delivered with each bond. Bonds may be issued

SEC. 3. The said Commissioners shall within ten days after the first day of July, one thousand eight hundred and fifty-four, furnish a statement of the amount of bonds issued by virtue of this Act to the County Auditor; and it shall be the duty of said Auditor annually, in making up his tax list for the Collectors, to add a sufficient per centage to the tax now authorized by law to be assessed for county purposes to pay the yearly interest on said outstanding bonds. Statement of amount of bonds.

SEC. 4. Of the moneys received by the County Treasurer from the Interest, how paid.

taxes assessed for county purposes, there shall be first set apart a sum sufficient to pay the January interest on said bonds, and no payment shall be made except upon account of said interest from the Treasury until such amount is secured; and from the same fund there shall be set apart, previous to the first of June in each year, a sum sufficient to pay the July interest on said bonds.

Additional tax. SEC. 5. It shall be the duty of the Court of Sessions of said county to assess annually, in addition to the taxes now by law authorized to be assessed, a tax of one fourth of one per cent. upon all the taxable property of the county as a sinking fund for the gradual redemption of the bonds issued by virtue of this Act.

Sinking fund.

Duty of County Treasurer. SEC. 6. On the first day of January, one thousand eight hundred and fifty-four, and every six months thereafter, it shall be the duty of the County Treasurer to set apart all the moneys in his hands arising from the one fourth of one per cent. tax authorized by this Act as a sinking fund for the redemption of said bonds; and he shall redeem said bonds by public auction, previously giving ten days notice thereof in two newspapers published in Sacramento city—the advertisement to set forth the amount in the County Treasury for that purpose; and he shall accept such bids as shall cancel the greatest amount of said bonds:

What may be funded. SEC. 7. Any person holding indebtedness of any character against said county, (excepting the outstanding bonds of the county,) contracted for prior to the first day of May, one thousand eight hundred and fifty-four, and certified by the Court of Sessions or Board of Supervisors as having been legally authorized, shall have the privilege of receiving in lieu thereof bonds as provided for in section two of this Act: *Provided*, Said persons shall present such evidences of indebtedness for funding at the office of the Commissioners within six months after the passage of this Act.

Certain warrants not to be redeemed. SEC. 8. From and after the first day of May, one thousand eight hundred and fifty-four, it shall not be lawful for the County Treasurer of said county to redeem any warrants drawn for indebtedness accruing prior to the said first day of May, excepting with the funds he may then have on hand, or which may be by him received after that date, properly belonging to the revenue of the county previous to said term.

Books and papers to be delivered to Court of Sessions. SEC. 9. On the first day of July, one thousand eight hundred and fifty-four, the said Commissioners shall deliver to the Court of Sessions of the county the books and papers belonging to the Commissioners, and all warrants or other evidences of debt cancelled by them, by the issue of said bonds, and shall also make out a complete list of all such bonds and deposit a copy with the County Auditor and County Treasurer.

Commissioners to enter into bond. SEC. 10. The Commissioners herein named shall, immediately after entering upon the duties of their office, give a joint and several bond in the sum of twenty-five thousand dollars for the faithful performance of the duties prescribed by this Act, and deliver the same to the Court of Sessions of said county, and any vacancy occurring in said Board may be supplied by the Court of Sessions of said county: and they shall, immediately after entering upon their duties, advertise in two or more newspapers in the county for the surrender and liquidation of all such county indebtedness within the time prescribed by this Act.

Compensation of officers. SEC. 11. Upon the completion of the duties imposed by this Act the Secretary shall be entitled to the sum of one thousand dollars, which sum shall include all expenses of office rent and clerk hire; and the other two Commissioners shall receive the sum of five hundred dollars each, and the County Treasurer is hereby directed to pay on the warrant

of the County Auditor the aforesaid sum, together with the incidental expenses of the said commission, as audited by the Court of Sessions, (*provided* the latter shall not exceed the sum of one thousand dollars,) out of the first moneys in the Treasury belonging to the general fund of the county.

CHAPTER XC.

AN ACT to extend the provisions of "An Act for the protection of Game" to the county of Tuolumne.—[Passed April 13, 1854.]

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

SECTION 1. The provisions of an Act entitled "An Act for the protection of Game," passed May first, eighteen hundred and fifty-two, are ^{Extended to Tuolumne Co} hereby extended to the county of Tuolumne.

CHAPTER XCI.

AN ACT for the relief of William N. Walton.—[Passed April 13, 1854.]

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

SECTION 1. The Comptroller of State is hereby authorized and required to draw his warrant on the State Treasurer in favor of William N. Walton for the sum of one hundred dollars; and the Treasurer is required to pay the same out of any money in the Treasury not otherwise appropriated. ^{Comptroller to draw warrant.}

CHAPTER XCII.

AN ACT to declare the head of navigation on the Tuolumne River.—[Passed April 13, 1854.]

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

SECTION 1. The head of navigation on the Tuolumne River is hereby declared to be at Dickinson's Ferry. ^{Head of navigation}

SEC. 2. The provisions of all Acts inconsistent with this is hereby repealed.

CHAPTER XCIII.

AN ACT to authorize A. H. Murdock and others to build a Wharf at the town of Union, in Humboldt county.—[Passed April 13, 1854.]

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

Certain persons authorized to build wharf.

SECTION 1. A. H. Murdock, A. Jacoby, William C. Martin, Thomas J. Titlow, F. Roshil, J. A. Kleisem, H. F. Janes, J. C. Butler, G. W. Ellsworth, J. S. Bowls, and such others as they may associate with themselves, are hereby authorized to build a wharf at the town of Union, in the county of Humboldt, said wharf to run from a point where the margin of the salt marsh joins upon the upland, across the said marsh and the flats in Humboldt Bay to the ship channel in said bay : *Provided*, That such wharf shall not obstruct navigation in any portion of said bay in front of said town : *Provided*, The owners of said wharf shall only charge such fees for wharfage as may be fixed and approved by the Court of Sessions of said county of Humboldt.

Proviso.

Use granted of certain lands.

SEC. 2. The State hereby grants to the said A. H. Murdock and others herein above mentioned, their associates and successors, the use of fifty feet in width of the salt marsh and overflowed lands on which said wharf shall be built for the term of twenty-five years from the passage of this Act : *Provided*, That the said A. H. Murdock and others, and their associates, shall commence the construction and erection of a substantial and convenient wharf within one year from the passage of this Act, from the upland in said town of Union across the salt marsh to the ship channel in Humboldt Bay.

Proviso.

Body corporate.

SEC. 3. The said Murdock and his associates herein above mentioned may organize themselves as a body corporate under the provisions of the Act, entitled "An Act to authorize the formation of corporations for the construction of Plank or Turnpike Roads," approved May twelfth, eighteen hundred and fifty-three. And when so organized shall be entitled to all the benefits and privileges, and subject to all the liabilities in said Act mentioned and specified : *Provided*, That in case of a failure of the parties herein above named, and their associates, to organize as a corporation under said Act within one year from the passage hereof the grant of land mentioned in section second shall cease, determine, and be utterly null and void.

Proviso.

Grant to cease in certain event.

CHAPTER XCIV.

AN ACT to provide for the erection of Public Buildings in the county of Napa.—[Passed April 13, 1854.]

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

SECTION 1. The Board of Supervisors of the county of Napa are hereby authorized and empowered to levy a tax upon the taxable property of the county not exceeding one half of one per cent., the proceeds of which shall be applied to the erection and furnishing a county jail and court house, and shall be applied to no other purpose.

Board of Supervisors empowered to levy tax not exceeding 1/2 of 1 per cent. How to be applied.

Sec. 2. Whenever said buildings shall be completed, furnished, and paid for, this Act shall cease and be of no effect.

CHAPTER XCV.

AN ACT explanatory of an Act entitled "An Act to incorporate the City of Los Angeles," approved April 4, 1850.—[Passed April 13, 1854.]

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

SECTION 1. The third section of the Act entitled "An Act to incorporate the city of Los Angeles," approved April fourth, eighteen hundred and fifty, shall be construed to vest and to have vested in the Mayor and Common Council of the said city the same power and control over the distribution of water for the purpose of irrigation or otherwise among the vineyards, planting grounds and lands within the limits claimed by the ancient Pueblo and Ayuntamiento De Los Angeles, and by the said Mayor and Common Council as the Egidos or Commons of said city, the possession whereof is hereby declared to be in the said Mayor and Common Council.

Amended.

Power over water.

Sec. 2. This Act shall go into effect from and after its passage.

CHAPTER XCVI.

AN ACT supplementary to the Act incorporating the City of Benicia.—[Passed April 13, 1854.]

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

Additional powers

SECTION 1. The Council of the city of Benicia shall have power in addition to the powers vested in them by the Act incorporating said city :

First : To levy and collect taxes on all property, real and personal, within the city, made taxable by law for State purposes, not exceeding one and one half per cent. per annum upon the assessed value of such property.

Second : To levy and collect on all property, real and personal, made taxable by law for State purposes, an additional tax not to exceed one half of one per cent. per annum upon the assessed value of said property, to be collected in cash when, in the opinion of a majority of the Council, such assessment and collection shall become necessary for the purpose of paying the interest on any city indebtedness.

The same.

Third : To make special assessments of taxes for opening, widening, altering or improving any street, alley, or public ground of the city, amounting to not more than two-thirds of the cost of such improvement upon the real property, situated upon either side of the street, alley or public ground, to be so improved according to the benefit to accrue thereby to such property.

Assessment of property.

SEC. 2. For the purpose of assessing the amount of such improvement to be borne by the adjacent property, the Mayor, Surveyor and Assessor shall constitute a Board of Assessment, and any person dissatisfied with the assessment of said Board may appeal to the Council, whose decision shall be final; and any of the property on which said assessment shall be levied shall be liable, and may, for the non-payment of said assessment or tax levied thereon, together with the legal costs or charges, be sold in the same manner and subject to the same right of redemption as real estate sold for any other city taxes or assessments.

Power to fund debt.
Rate of interest.

SEC. 3. The Council shall have power in their discretion to fund any or all of the city indebtedness at a rate of interest not to exceed twelve per cent. per annum, and payable within ten years, but no bond shall issue of a less denomination than fifty dollars.

Election of officers.

SEC. 4. The Marshal, Treasurer, Assessor and Surveyor shall hereafter be elected by the qualified electors of the city at the annual election for city officers, and shall hold their respective offices for one year, and until their successors are elected and qualified. Whenever a vacancy shall occur in either of the said offices by death, resignation, removal, or otherwise, the Council shall order a special election to fill such vacancy; and until such election can be had the Council shall have the power to appoint some person to fill temporarily the office so vacant. The person elected to fill the vacancy shall hold his office for the residue only of the term of his predecessor.

Vacancy, how filled.

SEC. 5. If the Council desire to loan the credit of the city to any

improvement within the borders of this State, they shall have power to take stock in such improvement in their corporate name, and pledge the faith of the city for the payment of such stock to such amount as may be authorized by the consent of a majority of the electors of the city previously obtained.

May take stock
in improvements.

Sec. 6. All Acts and parts of Acts repugnant to the provisions of this Act are hereby repealed.

CHAPTER LXVII.

AN ACT to submit the question of the Removal of the County Seat of El Dorado County, to the Voters thereof.—[Passed April 19, 1854.]

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

SECTION 1. The County Judge of El Dorado county, shall at least four weeks prior to the next general election, make proclamation to the voters of said county, and shall cause the said proclamation to be published in all the newspapers published in the said county, as often as the same may be issued, that at the said next general election, the question of the removal of the county seat shall be voted on by the qualified voters of said county, and stating the form of ballot to be used at said election, which shall be as follows: "For County Seat," naming the place to be voted for, and the said ballots shall be counted at the same time and in like manner as those cast for the officers to be chosen at the said election.

County Judge
to make
proclamation.

Removal of
County Seat.

Form of voting.

Sec. 2. The returns of the votes so cast for a county seat shall be made to the County Clerk as in manner provided by law.

Returns of votes

Sec. 3. After the returns shall have been canvassed, it shall be the duty of the County Judge to declare that place which shall have received the greatest number of votes, to be the county seat, and he shall cause the same to be certified to the Secretary of State.

County Judge to
declare County
Seat.

Sec. 4. If it shall be ascertained that the place chosen as aforesaid, for the county seat of said county, is other than the town of Coloma, the Court of Sessions shall immediately proceed to make all necessary contract for the erection of a court house and jail, and other necessary offices for the county seat, which contracts shall be given to the lowest responsible bidder. Bonds and sureties shall be required of a responsible character, equal in amount to the price to be paid for the erection of the building specified in such contract; and payments shall be made on the contracts in such form and manner as the Court of Sessions shall deem most conducive to the interest of the county: *Provided*, That no payments shall be made until the completion of the buildings according to contract, and until they shall have been received by the said Court of Sessions.

Contract for
erecting County
buildings.

Proviso.

Sec. 5. No contract shall be made as specified in the preceding section, until after the proposals of such contract shall have been advertised by the Court of Sessions for at least two weeks in all the newspapers published in said county, which proposals shall specify with exactness the size and manner of construction, and the time within which the said buildings shall be completed, and no member of the Court of Sessions,

Contract, how
made.

or other county officers, shall be interested either directly or indirectly in the contracts so made.

Removal of
archives.

SEC. 6. Within sixty days after the execution of such contract, or as soon as the buildings at the new county seat, shall be ready for use and occupancy, it shall be the duty of the Court of Sessions to be caused to be removed the public archives, records, and other property of said county to the place so declared to be the county seat, and the terms of the County Court, Court of Sessions and the District Court for said county shall thereafter be holden at the county seat.

Buildings now
used to be sold.

SEC. 7. Whenever the buildings now occupied at the present county seat shall be no longer needed for public use, it shall be the duty of the Court of Sessions to order the sheriff of the county to expose the same for sale at public auction, to be sold to the highest bidder, together with the grounds thereunto belonging, the proceeds of which sale shall be paid into the County Treasury. The sheriff shall furnish a bill of sale of all the property sold to the County Treasurer and take the Treasurer's receipt for the moneys paid him on account of such sale, which receipt shall be filed as a voucher, with the County Auditor.

Repealing clause

SEC. 8. All laws or parts of laws conflicting with the provisions of this Act, so far as they or either of them are applicable or relate to the county of El Dorado are hereby repealed.

CHAPTER XCVIII.

AN ACT to locate the County Seat of Sonoma County anew.
[Passed April 19, 1854.]

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

Commissioners.

SECTION 1. There shall be two Commissioners from the county of Marin and one from Napa, to locate anew the county seat of Sonoma county, as follows: Charles Loper and Gilbert R. Brush, of Marin, and James McNeal, of Napa, are hereby appointed Commissioners to locate anew the county seat of Sonoma county. Said Commissioners shall meet at the county seat of Sonoma county on the first Monday in May next, or such other time as may be agreed upon thereafter; and before proceeding to the discharge of their duties shall take an oath before some officer authorized by law to administer oaths that they will faithfully and impartially discharge their duties as Commissioners according to law. And in the event of such Commissioners failing to meet at the time aforesaid, or at some other time shortly thereafter as agreed upon by them, the District Judge of the Seventh Judicial District shall make appointments of other Commissioners from an adjoining county or counties to fill any vacancies in such commission. And it shall be the duty of the County Judge of Sonoma county, so soon as the new county site shall have been selected and agreed upon by the Commissioners and certified to by the Board of Supervisors, to give due notice thereof directing the qualified voters of Sonoma county to vote for or against the new county seat, at the next general election, by printing or writing on the back of the tickets for or against the new county seat; and if the site selected by the Commissioners shall receive a majority of the votes cast

How to proceed.

New County
Seat to be voted
for.

at such election then it shall be the county seat of Sonoma county, otherwise the county seat shall be at Sonoma.

SEC. 2. Said Commissioners shall proceed to locate the county seat of Sonoma county anew; said location shall be as near the geographical centre of the valley portion or agricultural portion of said county as practical, having due regard to all local advantages in the selection of the site, and when having made such location they shall certify the site so selected as the county seat of Sonoma county to the Board of Supervisors of said county. County Seat to be located anew.

SEC. 3. If the legal voters of Sonoma county shall ratify the new county seat, as provided for in the preceding section, other than the present county seat, it shall be the duty of the Board of Supervisors of Sonoma county to proceed immediately to provide suitable buildings at the new county seat until county buildings can be erected for the purpose of holding the different courts, and also suitable offices and other necessary county buildings, and shall cause the archives of said county to be removed to the new county seat; the different courts of the county shall be held at the new county seat from and after the removal of the archives under the provisions of this Act. County buildings.

SEC. 4. The compensation of said Commissioners shall be ten dollars per day for the time necessarily required in making such location, and traveling to and from their residences, to be paid out of the County Treasury as other demands against the county. Compensation of Commissioners.

SEC. 5. The County Clerk of Sonoma county shall cause said Commissioners to be notified of their appointment by this Act as soon as a copy of the same shall have been received by him; and in case of their failure to meet within a reasonable time and proceed to the discharge of their duties, he shall notify the District Judge of such failure, who shall appoint other Commissioners, as herein specified. Duty of County Clerk. Duty of District Judge.

SEC. 6. All laws and parts of laws conflicting with this Act are hereby repealed.

CHAPTER XCIX.

AN ACT to incorporate the Town of Alameda.—[Passed April 19, 1854.]

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

SECTION 1. The inhabitants of the district of country hereinafter described are hereby declared to be incorporated under the provisions of "An Act to provide for the incorporation of towns," passed March twenty-seventh, eighteen hundred and fifty, with the style and name of the town of Alameda, and by that name they shall have perpetual succession, may sue and be sued, and may purchase, receive hold and property for their common benefit, and sell or otherwise dispose of the same. Town of Alameda incorporated.

SEC. 2. The boundaries of said town shall be as follows: On the north-west by the north west line of the land of James B. Foley, Jr., purchased of W. W. Chipman and G. Augenbaugh, running north thirty-four degrees six minutes east, from an oak tree eight inches in diameter on the shore of the bay of San Francisco eighty-nine eighty- Boundaries of town.

three chains, to the line of the land of Antonio Maria Peralta, thence south sixty-one degrees east along the line dividing the land of said A. M. Peralta, from the land deeded to said Chipman and Augenbaugh by said Peralta, October twenty-second, eighteen hundred and fifty-one, until said division line strikes the Estero De San Leandro at the head thereof, on branch near Romby brick-yard; thence following down the centre of said Estero to its mouth in the bay of San Leandro; thence following the centre of the channel thereof, and the deepest water along the southern border of the Encinal San Antonio, about two hundred yards from the line of ordinary high tide thereon until the said line in the water of said bay of San Leandro, running a south-westerley course, following the general outline of said southerly border of said Encinal, strikes the centre of the channel opposite the present steamer landing in said town of Alameda; thence following the centre of said channel north-westerly until the said centre line strikes the first boundary line projected, thence with said boundary projected north thirty-four and a half degrees east to the beginning. And the privilege is hereby granted to the Trustees of said town to build or construct (or cause the same to be done) wharves and docks between the line of ordinary high tide and said channel, and the right of holding, for the use of the same, for the term of ten years, slips and piers, and other necessary appurtenances for carrying on the commerce of said town. The above privileges are hereby granted upon the condition that the Trustees of said town shall hold and preserve, free from occupancy, the remainder of said parcel of overflowed land lying between said channel and the line of said ordinary high tide, that the Legislature may hereafter make such a disposition of the same for, and on behalf of said town, under such limitations and conditions as they may deem just and equitable.

The same.

Privileges granted.

Powers and duties vested in Board of Trustees.

SEC. 3. The corporate powers and duties of said town shall be vested in a Board of Trustees to consist of five members, who shall be elected by the qualified electors of said town on the second Monday of May in each year, and shall hold office for the term of one year, and until their successors are qualified, and they shall receive no compensation for their services. Their sittings shall be public, and they shall keep a journal of their proceedings, and the yeas and nays on any question shall be taken and entered on said journal at the request of any member.

Powers of Board.

SEC. 4. The Board of Trustees shall have power to open, alter, extend, establish, pave, grade, or otherwise improve, and to regulate streets, lanes and alleys; to construct and keep in repair bridges, fences, public places, wharves, docks, slips, piers, sewers, and wells; to regulate and collect tolls, wharfage and dockage upon all water craft and goods landed; they shall have no power to grant exclusive privileges, but all water craft, steamers and ferry boats shall have the unrestricted privilege of using said wharves, docks, slips and piers upon complying with the prescribed regulations and paying the charges for wharfage and dockage, the rates of which shall be uniform. They shall have power to sell, lease, or otherwise dispose of the common property, but all sales or leases shall be by public auction, after thirty days' notice posted in three of the most public places within said town, and by publishing the same in some one or more newspapers published in San Francisco. They shall have power to organize and support Common Schools and Academies; to making regulations for securing the health, cleanliness, ornament, peace and good order of the town, and for preventing and extinguishing fires. They shall have power to levy taxes not exceeding one per cent. per annum on the assessed value of the real and personal property within the town for

The same.

the support of free schools, and for defraying the ordinary expenses of the town; to license exhibitions, shows, amusements and billiard tables; to suppress all gambling houses, dram shops, and all occupations, places, houses and exhibitions which are against good morals and contrary to public order and decency; to regulate and change the location for the storage of gunpowder, slaughter-houses and tanneries, and to remove and abate nuisances. The same.

SEC. 5. No member of the Board of Trustees shall be directly or indirectly interested in any contract or sale of anything whatever entered into, or work or business ordered to be executed by the authority of said Board. Trustees not to interested in contracts

SEC. 6. The elections and returns under this Act shall be regulated in the same manner as is prescribed in the Act to provide for the incorporation of towns.

SEC. 7. This Act shall commence and be in force from the passage thereof.

CHAPTER C.

AN ACT to provide an office for the County Surveyor of San Joaquin County.—[Passed April 24, 1854.]

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

SECTION 1. That the Court of Sessions of San Joaquin county is hereby authorized and required to provide a suitable office for the County Surveyor of said county, at the expense of the county.

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

CHAPTER CI.

AN ACT for the Settlement of the Accounts of Eugene Casserly, as State Printer.—[Passed April 24, 1854.]

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

SECTION 1. The Comptroller of State is directed to draw his warrant upon the General Fund in the Treasury of State, in favor of Eugene Casserly, for the sum of three hundred and eighty dollars and eighteen cents, in settlement of his accounts as State Printer, upon receiving from said Casserly and filing in his office a full discharge and acquittance in writing, of all claims and demands against the State, on account of State Printing. \$380 18 to be paid Eugene Casserly.

SEC. 2. The sum of three hundred and eighty dollars and eighteen cents, is hereby appropriated out of any moneys in the General Fund not otherwise appropriated to pay the same.

CHAPTER CII.

AN ACT providing that the Court of Sessions of Yuba County shall be empowered to levy and cause to be collected a special tax for the purpose of erecting Public Buildings and the improvement of Public Grounds in said county, and for the disposal of Public Property for the same purpose.—[Passed April 24, 1854.]

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

Special tax of
20 cents on \$100.

SECTION 1. The Court of Sessions in and for Yuba county, California, are hereby empowered to levy and cause to be collected in said county, a special tax for the purpose of aiding in the erection and construction of public buildings in said county, as well as the improvement of public grounds in said county, provided the special tax mentioned is not to exceed the sum of twenty cents upon every one hundred dollars worth of taxable property.

Sale of town lots.

SEC. 2. The Court of Sessions of said county shall also be empowered to order a sale and disposal of any land, or town or city lots and buildings upon the same, situated in said county and owned by said county, at public auction, upon thirty days published notice of the same in a public newspaper of said county, to the highest and best bidder at said sale, and the proceeds of said sale shall be devoted to the erection of public buildings in said county, and the improvement of public grounds around the same, to the extent of said proceeds: *Provided*, The same are necessary in the erection of said buildings and the improvement of said grounds: *Provided*, That if there be any excess of moneys arising from said sale after the erection of said buildings and the improvement of said grounds, then that such excess be paid to the Treasurer of said county, to be used on the General Fund of said county.

How money to
be applied

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

CHAPTER CIII.

AN ACT to fund the debt of the County of Solano, and to provide for the payment thereof.—[Passed April 24, 1854.]

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

Co. Treasurer to
have bonds :
prepared.
Amount.

SECTION 1. With a view to fund the debt of the county of Solano existing prior to the first day of May, A. D., eighteen hundred and fifty-four, and to provide for the payment thereof, the County Treasurer of the county of Solano shall cause to be prepared bonds to the amount of thirty thousand dollars, and in denominations to suit the persons holding county indebtedness, not to be less than fifty dollars each, bearing interest at the rate of ten per cent. per annum from the date of their issue; said

Form.

Interest.

bonds shall be payable at the office of said Treasurer on the first day of May, A. D., eighteen hundred and fifty-eight. The interest accruing on said bonds shall be due and payable on the first day of May, A. D., eighteen hundred and fifty-five, after which time the interest shall be due and payable on the first day of May of each year until the said bonds shall be paid and liquidated. Said bonds shall be signed by the County Judge of said county and countersigned by the County Auditor, and shall be endorsed by the Treasurer, and shall have the seal of the County Court attached thereto.

SEC. 2. It shall be the duty of the County Auditor to furnish to the Treasurer a certified copy of the books of records of warrants issued; and it shall be the duty of the Treasurer to examine all warrants received and find if they are true and correct ones, issued according to law; and the Auditor's book of records of warrants, and corresponding with the entries therein, and no others than those so issued and corresponding shall be considered true and lawful warrants to be funded. And it shall be the duty of the Treasurer and Auditor of said county each to keep a separate record of all such bonds as may be issued, showing the number, date and amount of said bonds, and to whom the same were issued.

SEC. 3. When any interest shall be paid on a bond issued under the provisions of this Act the County Treasurer shall endorse the same upon the said bond, and shall demand and receive from the person drawing such interest a receipt for the same, which receipt shall be filed, and be a proper voucher for said Treasurer.

SEC. 4. The County Treasurer shall pay out of the County Treasury, out of any money not otherwise appropriated, any and all expenses he may incur in having said bonds prepared, the sum so paid out not to exceed two hundred dollars.

SEC. 5. From and after the passage of this Act all persons having any indebtedness of said county of Solano, which accrued prior to the first day of May, A. D., eighteen hundred and fifty-four, shall, upon the presentation to the said Treasurer county warrants for the same, receive in exchange therefor a bond or bonds of the county of Solano, such as are provided for in the first section of this Act. The Treasurer shall endorse on the back of each warrant or bond redeemed by him the date on which he redeemed the same, and from whom received, and also keep a record of the same, giving the number, date and amount of the warrant or bond.

SEC. 6. It shall be the duty of the County Judge and the County Auditor to attend once in each month at the County Treasurer's office to examine all bonds or warrants received by said Treasurer as aforesaid, and cause the same to be registered and cancelled in such manner as to prevent their being re-issued or put in circulation.

SEC. 7. In addition to the ordinary taxes for general county purposes there shall be this year, and annually thereafter, until the principal and interest of said bonds to be issued shall be fully provided for by payment or otherwise, as hereinafter provided; be collected in the same manner with ordinary revenues of said county and by the same officers. A special tax to be called the "Interest Tax," of ten cents on each one hundred dollars of taxable property, which tax shall be collected and paid into the County Treasury in legal currency; the fund derived from this tax shall be applied only to the payment of the interest to accrue upon the bonds herein provided for: *Provided however*, That should said fund furnish a surplus over and above what may be required for the payment

of said interest, said surplus shall be paid into the Sinking Fund herein provided for.

City of County
Treasurer to
arrange for
payment of
interest.

Powers.

SEC. 8. It shall be the duty of the County Treasurer of said county of Solano, to make certain arrangements for the payment of the interest on said bonds when the same shall fall due, at least sixty days before the time of payment and in the event that the said interest fund is insufficient, the said Treasurer shall draw on the General Fund of said county of Solano for such purpose, and in the event that those funds prove inadequate, the said Treasurer assisted by the District Attorney is authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of the county of Solano.

Sinking fund.

SEC. 9. It shall be the duty of said Treasurer to set apart a fund to be called the "Sinking Fund" of the county of Solano. Into this fund shall be paid,

First: Any and all surplus of the Interest Fund as aforesaid.

Second: Whatever surplus may remain in the Treasury of the county of Solano on the first day of March A. D., 1855, and on the first day of March every year thereafter, after paying the ordinary yearly expenses of the county, each of such payments to be continued until the Sinking Fund shall be sufficient for the payment of the principal and interest of the bonds as aforesaid, and when these shall be paid and liquidated the payment shall cease and all surplus remaining in said Sinking Fund, shall be paid into the General Fund of said county.

Redemption of
bonds.

SEC. 10. Whenever at any time there shall be in the Sinking Fund a sum of money amounting to one thousand dollars or upwards, the County Treasurer shall advertise in a public newspaper published in said county of Solano, or if no newspaper be published in said county, by posting up public notices in each township of said county and in some newspaper published in San Francisco for the space of two weeks, for sealed proposals for the redemption of said bonds. After the expiration of the publication, the Treasurer shall open sealed proposals in presence of the County Auditor and shall pay and liquidate bonds presented at the lowest value at which they may be proposed to be liquidated: *Provided however*, Whenever there may be sufficient in the Sinking Fund for the extinguishment of the debt of said county, it shall be the duty of the said Treasurer to advertise in some newspaper published in said county, for the space of six weeks; if there be no newspaper published in said county, then by posting notices in said county as aforesaid, and by publishing the same in some newspaper in San Francisco, for the redemption of the outstanding bonds of said county as hereinbefore provided, after which time the said bonds shall cease to bear any interest.

Proviso.

Account to be
open to
inspection.

SEC. 11. Full and particular account and record of said sinking fund shall be kept by said Treasurer, and shall at all times be opened to the inspection of the public during office hours, and to any committee appointed by the Grand Jury or Court of Sessions of said county. And upon demand of the Grand Jury or Court of Sessions the Treasurer and District Attorney shall make out a concise statement of the condition and business of said fund, and the amount of the bonds issued, and to whom issued, to be published in some newspaper published in said county of Solano; and if no newspaper be published in said county, then in some newspaper published in San Francisco.

When Act to
take effect.

SEC. 12. This Act shall take effect on the first day of May, A. D., eighteen hundred and fifty-four, from which time it shall not be lawful for the County Treasurer to pay or liquidate any of the indebtedness of

said county of Solano, which accrued prior to the first day of May, A. D., eighteen hundred and fifty-four, in any other manner than is herein provided.

SEC. 13. The Court of Sessions shall make a just allowance to the County Treasurer and County Auditor for their services in funding the county indebtedness of said county of Solano.



JOINT RESOLUTIONS

OF THE

SENATE AND ASSEMBLY.

JOINT RESOLUTION

In relation to the wreck of the ship Aberdeen.

Resolved, by the Senate and Assembly of the State of California, That our Senators be instructed, and our Representatives in Congress requested, to obtain an appropriation from Congress, if possible, sufficient to procure the removal of the wreck of the ship Aberdeen, which now lies at the entrance of the Bay of San Francisco, and presents a serious obstruction to commerce.

Representatives
in Congress
instructed to
obtain
appropriation to
remove wreck.

Approved February 16, 1854.

JOINT RESOLUTIONS

In relation to creating a new Collection District, and establishing the Port of Entry at Humboldt Bay.

Whereas, The manufacturing and commercial interests of Humboldt Bay are rapidly growing into importance, showing from official statistics as large an exportation of lumber as from any one point upon the coast; and, *whereas*, the agricultural, mineral and lumbering districts depending upon this port for their supplies, are being developed by a large and increasing population, who will require increase of importations of merchandise; and, *whereas*, to secure the benefits arising from improved facilities for manufacturing, and the extending trade, other than domestic markets must be sought, in which to dispose of the proceeds of the one and supply the demand for the other; and as it has been the policy of the General Government to extend over those

sample.

points, presenting as strong guarantees for the permanence of their commerce those measures so necessary for the advancement and protection of their commercial interest; therefore,

Representatives instructed to urge the passage of a law creating a new collection district.
Port of entry.

Resolved, by the Senate and Assembly of the State of California, That our Senators in Congress be, and they are hereby instructed, and our Representatives requested, to urge the passage of an Act by Congress creating a new Collection District with its port of entry at Humboldt Bay.

Governor to transmit copies.

Resolved, That his Excellency the Governor be requested to transmit copies of the foregoing Preamble and Resolutions to our Senators and Representatives in Congress.

Passed March 10, 1854.

JOINT RESOLUTIONS

In favor of additional mail facilities for California and Oregon.

Senators and Representatives to urge the passage of a law increasing the mail service between the Atlantic and Pacific
Mails four times a month.

Resolved, by the People of California, represented in Senate and Assembly: That our Senators be and are hereby instructed, and our Representatives requested to advocate the passage of a law, at the present session of Congress, authorizing an increase of the mail service between the Atlantic and Pacific, so as to provide mails four times a month each way, direct between New York and San Francisco and between New Orleans and San Francisco; and also to extend such additional semi-monthly service as may be provided to Humboldt Bay, Trinidad, Crescent City, Port Orford, and the mouth of Columbia river.

That provision be made for additional mail service

Resolved: That such additional mail service should be established by the most expeditious and practicable routes; and our Senators are instructed, and Representatives requested to use every exertion therefor, and to insist that due provision be made in establishing such additional service, for the transfer thereof, whenever public convenience may require it, to any new route that may hereafter be opened between said points, and which may prove to be more practicable and expeditious than those now in use.

Governor to transmit copies.

Resolved: That His Excellency, the Governor, be requested to transmit a copy of the resolutions to each of our Senators and Representatives in Congress, and to the Post Master General of the United States.

Weekly mail along the coast of California.
To San Bernardino

Resolved: That our Senators be instructed, and our Representatives requested to procure a weekly mail service by steamers between San Francisco and San Diego, touching at Monterey, San Luis Obispo, Santa Barbara and San Pedro, and by land from San Pedro to San Bernardino, *via*. Los Angeles in addition to the interior service now under contract to the same posts.

Passed March 18, 1854.

MEMORIAL

Praying for a Session of Board of United States Land Commissioners, at Los Angeles.

Whereas, A great number of cases from the southern counties of the State of California, are now pending before the Board of Commissioners, to ascertain and settle private land claims in said State, under the Act of Congress of March third, eighteen hundred and fifty-one, and, *whereas*, the inconvenience and expense of bringing witnesses from remote points to the city of San Francisco, and their necessary detention there, have caused great delay in the decision of said cases, amounting almost to a denial of justice. Therefore, be it

Preamble

Resolved, By the Senate and Assembly of the State of California, That it is expedient and necessary that the said Board of Commissioners should hold a session at the city of Los Angeles.

Resolution.

Resolved, That our Senators and Representatives in Congress, be requested to represent to the President the wishes, herein, of the people of this State, and to obtain orders directing the said Board to hold a session at the city of Los Angeles during such time as to them may seem proper within the present year.

Resolution 2d.

Resolved, That the Governor be requested to transmit a copy of these Resolutions to each member of the California delegation in Congress. Passed March 30, 1854.

Resolution 3d.
Governor to forward copies.

JOINT RESOLUTIONS

In relation to the establishment of a Free Watering Place in Humboldt Desert.

Whereas, It is represented that the establishment of a permanent watering place near the middle of the great Humboldt Desert, on the emigrant road from Missouri to California, is of pressing importance to the comfort, safety and welfare of the large emigration which annually crosses said Desert seeking homes in California; and *whereas*, the necessity and importance of said watering establishment demand its prompt and immediate construction, and being within the limits of the Territory of the United States, renders it proper that said establishment should be constructed by its authority and under its control; be it therefore

Preamble.

Resolved, by the people of the State of California, represented in Senate and Assembly, That the petition of B. F. Mauldin, setting forth the necessity of a permanent watering place in the Humboldt Desert, and praying aid to enable him to construct the same, be forwarded to the Senators and Representatives in Congress from California, and they be and are hereby requested to procure the passage of a law by Congress, appropriating a sum sufficient for the construction and establishment of said permanent watering place, at or near the middle of the Humboldt Desert, on the emigrant road from Missouri to California.

Petition of B. F. Mauldin to be forwarded to Senators and Representatives Requested to urge the passage of a law making appropriation

Governor to
transmit copies.

Resolved, That the Governor of this State be, and he is hereby requested, to transmit copies of this preamble and resolutions to the Senators and representatives in Congress.

Passed March 30. 1854.

JOINT RESOLUTIONS

Relative to Lands donated to this State by the United States.

Preamble

Whereas, It is important to the interests of California that the lands donated to this State by Act of Congress, passed A. D., eighteen hundred and forty-one, and also by Act of Congress passed A. D., eighteen hundred and fifty-three, for Common School purposes, should be selected without delay, so that our system of Common Schools may speedily be placed upon such a basis as our extraordinary wants and peculiar position demands. Having a large foreign element in our population which is to a great extent ignorant of our policy, laws and language, it is most necessary to secure the education of the youth of this State in such manner as will assure the adherence of our heterogeneous population to our present liberal, yet conservative institutions. And the perfection of our Common School system must depend almost entirely on the means to be realized from the lands donated to this State by Congress; but there is eminent danger of these means being rendered comparatively of little importance unless the lands so donated are without delay selected and placed under the control of this State.

Lands should be
selected without
delay.

Greater part of
lands of little
utility for school
purposes.

The far greater part of the lands in this State are of little worth for school purposes, being mountainous and more fitted for grazing than agriculture, and hence of little value as compared with arable lands. Our experience has shown that settlements on agricultural lands keep at least equal pace with the United States surveys, thus leaving no lands of much value to be selected by the State, and placing us in a far worse position than those States where the lands are nearly all susceptible of cultivation, and these lands being so settled upon, the price of them passes into the National Treasury and our school fund is left of trifling amount. Such a result we believe is as little desired by the General Government as it is wished for by the people of this State, who feel the pressing necessity for extensive public instruction, and desire to apply the donation of the General Government in the most effective and beneficial manner. Should the State be allowed to select these lands immediately their proceeds will go into the State Treasury for Common School purposes, while the progress of settlement will be in no wise retarded; for our State, anxious for the rapid development of its resources, will dispose of these lands to actual settlers upon quite as liberal terms as the General Government does at present. The proceeds of the sale of these lands to the National Government is a mere pittance, but to the children of our State a magnificent fund—securing the benefits of mental culture to all, and disseminating among the masses of our population that intelligence and high toned feeling that will insure to our democratic Government and free institutions a permanency which it would be vain to expect among an uneducated people. The five hundred thousand acres of

State will dispose
of lands to actual
settlers upon as
liberal terms as
the General
Government

Mental culture.

land granted to this State by the law of eighteen hundred and forty-one, was, by our Constitution, diverted to school purposes, and this Constitution was approved by Congress; and in the year eighteen hundred and fifty-two this State, by law, provided for the immediate disposal of said land, and has actually sold nearly half of the same, and locations have been made under our State law upon unsurveyed lands. Our school fund is derived entirely from this source, and it would be a great injustice and hardship to deprive the purchasers of the lands they have located under this law, hence it is desirable that Congress may confirm our past State legislation upon this subject, since it would be a simple act of justice to our citizens and of favor to our educational system; therefore,

Half of the
500,000 acres
sold.

Injustice to
purchasers.

Resolution.
Congress
memorialized.

Resolved, by the Senate and Assembly of the State of California, That the Congress of the United States be memorialized and requested to authorize and confirm by law the selections by the agents of the State of California, of the five hundred thousand acres of land granted to this State by act of Congress, passed in the year 1841, and also of the lands by law of Congress in the specified cases authorized to be taken in lieu of the sixteenth and thirty-sixth sections of land in each township, donated to this State by act of Congress, passed in the year 1853, upon any lands of the United States in the State of California, whether surveyed or unsurveyed, and which lands are not excepted from such selection by law of the United States. Also, Congress is memorialized and requested to confirm, by special act, the past legislation of this State disposing of the said five hundred thousand acres of land, by confirming to each individual who may have located or selected land under the provisions of the said State law. The amount of land by him or her so located in no case however to exceed six hundred and forty acres to each individual: *Provided*, that said location does not conflict with any pre-emption previously made under the acts of Congress of the United States; and *provided, also*, that no person, by purchase from the State Comptroller, or any other person or persons, of a school warrant or warrants, or lands located under such school warrant or warrants, shall receive a patent for more than six hundred and forty acres of land; and *provided further*, that all such location and selection to entitle the claimant under the same to receive a patent, shall in all cases conform to the provisions of the act of Legislature of this State, entitled "An Act to provide for the disposal of the five hundred thousand acres of land granted to this State by act of Congress," passed May 3d, 1852.

Not more than
640 acres to be
located by one
person.
Proviso.

Proviso second.

Proviso third.

Resolution.

Resolved, That our Senators and Representatives in Congress be requested and instructed to endeavor, by all honorable means, to procure the passage, by Congress, of a law conferring on the State of California the privilege and right of selecting the school lands of this State upon surveyed or unsurveyed lands, as desired in these Joint Resolutions.

Resolution.

Resolved, That the Governor of the State be requested to forward to each of our Senators and Representatives in Congress, a copy of these Joint Resolutions.

Passed April 8th, 1854.

JOINT RESOLUTIONS

Relative to mail routes in the State of California.

Resolved: That our Senators in Congress be instructed, and our Representatives be requested to urge upon Congress the passage of laws, establishing mail routes in the State of California, as follows; A daily mail between the city of Marysville in the county of Yuba, and the city of Nevada in the county of Nevada; from Sacramento City to Sonora, via Ione Valley, Jackson, Mokelumne Hill, &c., in Calaveras county; from Sacramento City to Mud and Diamond Springs, via Deer Creek and Buckeye Flat in El Dorado county; from Sacramento City to Colusa; from San Francisco, via Martinez, to Sacramento City; from Sacramento to Georgetown in El Dorado county, via Salmon Falls and Louisville in said county; from Sacramento, via Fremont, to Knight's Landing, Yolo county: A tri-weekly mail from Benicia, via Vacaville, Putah Creek, Enos, Cache Creek, Yolo, Knight's Landing and Fremont to Washington and back; from Sacramento City, via Beal's, Condemned and Dotan's Bars to Rattlesnake Bar in Placer county; from Placerville, via Logtown, Nashville and Saratoga to Drytown in Calaveras county; from San Jose, via the Mission of San Jose, San Remone Alamo to Martinez; from San Jose, via San Juan to Monterey; from Marysville, via Keystone Ranch, Foster's Bar, Camptonville in Yuba county and Goodyear's Bar to Downieville in Sierra county: For a semi-weekly mail from the city of Nevada to the city of Downieville in the county of Sierra, by the way of Robertson's Bridge, on the south, and Emory's Crossing on the Middle Yuba rivers; For a weekly mail from the Round Tent in the county of Yuba, by the way of the lower crossing of Deer Creek, Point Defiance, French Corral, Sweetland's Cherokee and Moore's Flat in the county of Nevada to Minesota in the county of Sierra; from Marysville by Parks' Bar, Rough and Ready and Grass Valley to Nevada City in the county of Nevada; from Marysville, via Spanish Flat, Chandlerville, St. Louis and Pine Grove to Gibsonville in Sierra county: For a weekly mail route from Crescent City in Klamath county, California, via Jacksonville in Oregon Territory, to Yreka, in Siskiyou county, California; from Uniontown in Humboldt county, via South Fork, Big Bar and North Fork of Trinity to Weaverville, in Trinity county: For a weekly mail from Shasta city in Shasta county direct to Yreka city: For a weekly mail from Yreka city to Kenyonville, in Oregon Territory; from Stockton city in San Joaquin county, by Snelling's Ranch, Millerstown to Woodville, Tulare county; from Stockton city to Mokelumne Hill in Calaveras county—also, between the said city of Stockton and Murphy's of said Calaveras county, via Double Springs, Lake's Store, San Andreas, Kentucky House, Forman's Ranch, Angels and Vallicito, and between the city of Sonora of Tuolumne county and the city of Sacramento, Sacramento county, via Carson's Creek, Angels, Forman's Ranch, San Andreas and Ione Valley; and between the said city of Sacramento and Jackson of said Calaveras county, via Drytown, Lower Rancheria, Amadore and Sutter Creek: For a semi-weekly mail from Jackson in Calaveras county to Fiddletown in El Dorado county, via Butte City, Clinton, Volcano and Upper Rancheria; from Mokelumne Hill to Ione Valley, via Campo Seco,

Daily Mail between Marysville and Nevada. Sacramento and Sonora. Sacramento and Mud and Diamond Springs. Sacramento and Colusa. San Francisco and Sacramento and Georgetown. Sacramento and Knight's Landing. Tri-weekly mails between Benicia and Washington. Sacramento and Rattlesnake Bar. Placerville and Drytown. San Jose and Martinez. San Jose and Monterey. Marysville and Downieville. Semi-weekly mail between Nevada city and Downieville. Weekly mail from Round Tent to Minnesota. from Marysville to Nevada city. From Marysville to Gibsonville. Crescent City to Yreka. Uniontown to Weaverville. Shasta city to Yreka. Yreka city to Kenyonville. Stockton to Woodville. Stockton to Mokelumne Hill. Stockton to Murphy's. Sonora and Sacramento. Sacramento and Jackson. Jackson and Fiddletown. Mokelumne Hill and Ione Valley.

Winter's Bar and Sancha Plana; from San Juan, Monterey county, via Watsonville, to Santa Cruz, Santa Cruz county; from Oakland in Alameda county by San Lorenzo, Alvarado, Mission of San Jose to San Jose, Santa Clara county; from Petaluma by Santa Rosa, to Russian River, Mendocino county; from Sacramento city, via Auburn. Yankee Jim's, to Michigan Bluffs, and from Yankee Jim's via Elizabethtown, to Iowa Hill, Placer county; from Auburn, via Ilinoistown, to Mountain Springs and Green Valley in said Placer county; from Marysville, semi-weekly, via Johnson's Ranch, Virginia, Gold Hill, Ophirville, to Auburn; and also from Drytown, via Fiddletown, to Indian Diggings in El Dorado county; and of a semi-monthly mail from the town of San Diego to Fort Yuma, Rio Colorado, via Santa Isabel; also a semi-weekly mail from Marysville, via Linda, Owsley's Bar and Kennebec Bar to Empire Ranch; from Foster's Bar in Yuba county to Minesota, Sierra County, via Forest City and Moscow; from Mokelumne Hill, via McKinney's and Humbug, to Murphy's, Calaveras county; and a weekly mail from Quartzburg, Mariposa county, via Millertown, Campbell's Ferry on Kings river, and Visalia to Woodville, Tulare county; from Los Angeles, via Tejon pass, to Woodville, Tulare county; from San Pedro, via Los Angeles, Monte and John Reed's Rancho, to San Bernardino; from San Francisco, (per steamer,) via Monterey, San Luis Obispo, Santa Barbara and San Pedro, to San Diego; from San Francisco, (per steamer,) via Trinidad and Crescent City, to Humboldt Bay; from Petaluma, Sonoma county, via Smith's Ranch, in Bodega township, to Fort Ross and Big River in Mendocino county; from Diamond Springs, via Newtown and Wisconsin Bar, to Grizzly Flat in El Dorado county.

Resolved: That His Excellency, the Governor, be requested to forward a copy of the above resolution to our Senators and Representatives in Congress.

Passed April 12, 1854.

San Juan and Santa Cruz.
Oakland and San Jose.
Petaluma and Russian river.
Sacramento and Michigan Bluffs.
Yankee Jim's and Iowa Hill.
Auburn and Mountain Springs.
Semi-weekly from Marysville to Auburn; and from Drytown to Indian Diggings.
Semi-monthly from San Diego to Fort Yuma.
Semi-weekly from Marysville to Empire Ranch.
From Foster's Bar to Minesota.
From Mokelumne Hill to Murphy's.
Weekly from Quartzburg to Woodville.
From Los Angeles to Woodville.
From San Pedro to S. Bernardino.
From San Francisco to San Diego.
From San Francisco to Trinidad and Humboldt bay.
From Petaluma to Fort Ross and Big river.
From Diamond Springs to Grizzly Flat.
Governor to forward copies.

SENATE JOINT RESOLUTION,

In relation to the "Nebraska Bill," introduced into the Senate of the United States, on the twenty-third day January, eighteen hundred and fifty-four.

Whereas, A bill to organize the Territory of Nebraska, has been introduced into the Senate of the United States, which bill recognizes the following doctrines: That all suits involving questions of personal freedom and title to slaves, shall be decided by the local tribunals of the States or Territories, with right of appeal to the Supreme Court of the United States: that the provisions of the Constitution of the United States, in relation to fugitives from service, shall be faithfully executed in organized Territories of the United States, as well as in the States, and that they ought to be rigidly enforced alike in both: That the people residing in Territories, and the States to be formed out of them, shall decide all questions pertaining to slavery therein, through their Representatives, to be elected for that purpose: That the compromise of eighteen hundred and fifty, is inconsistent with, and supercedes the compromise of eighteen hundred and twenty, known as the Missouri Compromise; and, *whereas,* the above prin-

Preamble

The same.

The same

ciples but reiterate in language and substance, the compromise measures of eighteen hundred and fifty, in relation to slavery, which measures ought to be faithfully observed in all the States and organized Territories: Therefore, be it

Resolution.
Senators
instructed and
Representatives
requested to
advocate the
passage of the
Nebraska bill.

Resolved, By the Senate and Assembly of the State of California, that we approve of the provisions as set forth, of the bill for "An Act to organize the Territory of Nebraska," introduced into the Senate of the United States, on the twenty third of January, eighteen hundred and fifty-four.

Resolved, That our Senators in Congress be instructed, and our Representatives requested to vote for, and to use their best exertions to procure the passage of said bill.

Governor to
forward copies.

Resolved, That his Excellency, the Governor, be requested to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

Passed May 10, 1854.

JOINT RESOLUTIONS

In relation to the Pacific Railroad.

Survey and
construction of a
national railroad
from Mississippi
valley to the
Pacific.
Advantages of
such road.

Resolved, by the Senate and Assembly of California, That we again deem it our duty to earnestly urge upon the attention of Congress, the subject of the immediate survey and construction of a National Railroad from the Valley of the Mississippi to the Pacific Ocean.

Resolved, That such a road will be a highway and a thoroughfare for the commercial nations of the earth—secure a more frequent intercourse between the Pacific and Atlantic States—bring into market and cultivation large tracts of the public domain—render us more secure from the invasion of a foreign power, and strengthen the peace and add to the harmony now existing among the States of our Republic.

Governor to
transmit copies.

Resolved, That his Excellency, the Governor, be directed to send a copy of the above resolutions to each of our Representatives in Congress, and a copy to the Executive of each State in the Union.

Passed May 13th, 1854.

SENATE JOINT RESOLUTION,

Tendering thanks of the Legislature to our Senators and Representatives in Congress.

Thanks tendered
to Messrs. Gwin,
Weller, Latham,
and McDougal.

Resolved, by the Senate and Assembly of the State of California, That the thanks of this Legislature are due and are hereby tendered to the Hon. Wm. M. Gwin and the Hon. John B. Weller, our Senators, and the Hon. James A. McDougal and the Hon. M. S. Latham, our Representatives, in the Congress of the United States, for their industry and indefatigable energy in their efforts to advance the interest of Cali-

fornia, by introducing and urging upon the consideration of Congress, the various bills which they have presented, touching our interests.

Resolved, That His Excellency, the Governor, be required to forward a copy of the above resolution to each of our Senators and Representatives in Congress. Governor to forward copies.

Passed May 13th, 1854.



CONCURRENT RESOLUTIONS

OF THE

SENATE AND ASSEMBLY.

SENATE CONCURRENT RESOLUTION.

Resolved, By the Senate, the Assembly concurring, that leave of absence from this State, be and the same is hereby granted to John M. Howell, District Judge of Eleventh Judicial District, for a period of four months from and after the fifteenth day of March, A. D., one thousand eight hundred and fifty-four.

John M. Howell
granted leave of
absence for four
months.

Passed February 16, 1854.

CONCURRENT RESOLUTION

Granting Leave of Absence to Thomas W. Dawson,
County Clerk of Shasta County.

Resolved, By the Senate, the Assembly concurring, that leave of absence from the State, be and is hereby granted to Thomas W. Dawson, County Clerk of Shasta County, for the term of six months from and after the first day of April, A. D., one thousand eight hundred and fifty-four.

Thos. W. Dawson
granted leave of
absence for six
months

Passed, February 16, 1854.

CONCURRENT RESOLUTION

Concerning the Pacific Rail Road.

Whereas, The location of a Rail Road, connecting the Atlantic States with the Pacific, is a matter of paramount importance to the people of California; and, *whereas*, we have reason to believe, that the Congress

Preamble.

CONCURRENT RESOLUTIONS.

of the United States, fully appreciating the importance and necessity of speedily perfecting this great work, so eminently calculated to strengthen the bonds of our political union, and to promote our national prosperity, will at their present session, adopt some plan for its completion: Therefore.

Committee of six appointed to collect information relative to the proposed routes.

Quantity of land that will be required.
To report

Resolved, By the Senate, the Assembly concurring, that a committee of three from each House, be appointed to collect all information, statistical and otherwise, relating to the several proposed routes for the National Pacific and Atlantic Rail Road, from the State of California, and particularly in regard to the quantity of land, which in a reliance on the same, to furnish the means of construction, will be required as a donation from the General Government on each of the several routes, and report the same, at the earliest practicable opportunity, so that this State, by Legislative sanction, may recommend to Congress the adoption of that route and plan which, in our opinion, may be most conducive to the practical success of the enterprise, and the good of the people of California, and of the whole Union.

Passed February 25, 1854.

CONCURRENT RESOLUTION.

Leave of absence to Delos Lake for four months

Resolved, By the Senate, the Assembly concurring, that leave be granted to the Hon. Delos Lake, District Judge of the Fourth Judicial District, to absent himself from this State for the period of four months.
Passed March 18, 1854.

SENATE CONCURRENT RESOLUTIONS,

In relation to goods destroyed by fire.

Preamble

Whereas, an appropriation passed the Senate of the United States, at its last session, providing for the remission of duties paid to the Government upon goods destroyed by the several great fires in the city of San Francisco and other ports of entry in 1850 and 1851, in connection with a similar appropriation for the relief of the sufferers by the fire in the city of New York, in 1845, but which said appropriation was rejected by the House of Representatives; and *whereas*, Congress has heretofore granted relief in cases of great losses by fire, by authorizing the return of duties upon goods destroyed, upon the principle that such duties should not be superadded to the losses of the importer or consignee when the goods do not enter in the consumption of the community by reason of their destruction, thus acting in conformity with the general usage of those nations with whom we sustain the most extensive commercial relations in regard to exportations from our own country: Be it therefore

The same.

The same.

Remission of duties on goods destroyed by fire in San

Resolved, the Assembly concurring, That our Senators be instructed, and our Representatives requested, to use their exertions to procure the passage of an act of Congress providing for the remission of duties paid

upon goods destroyed by the great fires in San Francisco and other ports of entry in the years 1850 and 1851. Be it further

Francisco and other ports, in 1850 and 1851. Governor to forward copies.

Resolved, That the Governor of the State be requested to forward copies of the preamble and these resolutions to our Senators and Representatives in Congress.

Passed May 11th, 1854

CONCURRENT RESOLUTION

In relation to Cheap Ocean Postage.

Resolved, by the Senate of California, the Assembly concurring, That we cordially endorse the doctrine embraced in the following resolve passed by the Legislature of Massachusetts, viz: "That it is the true policy of every National Government to procure for its citizens the advantages of a regular and cheap correspondence with foreign countries; and that the establishment by all maritime nations of a uniform rate of ocean postage, reduced to the lowest sum practicable, would tend to promote and extend the blessings of commerce and civilization, and to secure the peace of the world."

Endorsement of Resolve of Massachusetts. Resolution of Massachusetts.

Resolved, That his Excellency the Governor be requested to transmit a copy of the above resolution to the Governor of Massachusetts, and a copy to each of our Senators and Representatives in Congress.

Resolution 24. Governor to forward copies.

Passed May 11, 1854.

CONCURRENT RESOLUTION

Granting Leave of Absence to John R. McConnel.

Resolved, By the Senate, the Assembly concurring, that leave of absence from this State, for four months from the time of his departure, be granted to John R. McConnel, Attorney General of this State.

J. R. McConnell should grant of absence for four months.

Passed May 13, 1854.

CONCURRENT RESOLUTIONS

In relation to the Soldiers of the War of Eighteen Hundred and Twelve.

Resolved, by the Senate of California, the Assembly concurring, That our National Government should grant to the soldiers of the war of eighteen hundred and twelve one hundred and sixty acres of land, in accordance with the provisions of the law, giving the same number of acres of land to the soldiers in our war with Mexico.

That General Government should grant to the soldiers of war of 1812, 160 acres of land.

Resolved, That the Government should extend to the soldiers and widows of soldiers, who remain of those who served in the last war with

Soldiers, and widows of, who served in war of 1812.

CONCURRENT RESOLUTIONS.

Great Britain, the benefits of the pension system that was created for and enjoyed by the soldiers and widows of the Revolution.

Copies to be sent
to our Senators
and Reps.

Resolved, That the Governor be requested to forward a copy of these resolutions to the Governor of Pennsylvania, and a copy to each of our Senators and Representatives in Congress.

Passed May 12, 1854.

CONCURRENT RESOLUTIONS,

Relative to a Tax upon natives of China and Japan.

Representatives
in Congress
instructed to
advocate a law
to impose
capitation tax.
By whom tax to
be paid.

Resolved, the Senate and Assembly concurring, That our Senators in Congress be instructed, and our Representatives be requested, to use their influence to procure the passage of an act by Congress, authorizing the Legislature of California to impose a capitation tax upon natives of China and Japan, who emigrate to California. Said tax to be paid by the owners or masters of vessels before the emigrants are allowed to land.

Passed May 13th, 1854.

CONCURRENT RESOLUTION.

Governor
authorized to
receive
conveyance from
Sacramento of
lands for public
buildings.

Resolved, by the Assembly, the Senate concurring, That the Governor be and is hereby authorized to receive, from the city of Sacramento, or from any other party, any deed or conveyance to the State of California of lands for public buildings, and cause any record of the same to be made which may be necessary for the perfection or preservation of the title or interest conveyed by such deeds or conveyances.

Passed May 13th, 1854.

SENATE CONCURRENT RESOLUTION.

Granting leave of absence to Peter O. Bertine, Esq.,
Treasurer of Tuolumne County, for four months.

Peter O. Bertine
granted leave of
absence for four
months.

Resolved, by the Senate and Assembly concurring: That Peter O. Bertine, Esq., Treasurer of the county of Tuolumne, have leave of absence from the State, for the period of four months within the year of eighteen hundred and fifty-four.

Passed May 15, 1854.