THE

STATUTES OF CALIFORNIA,

PASSED AT THE

Eighteenth Session of the Legislature,

1869-70,

BEGAN ON MONDAY, THE SIXTH DAY OF DECEMBER, EIGHTEEN HUNDRED AND SIXTY-NINE, AND ENDED ON MONDAY, THE FOURTH DAY OF APRIL, EIGHTEEN HUNDRED AND SEVENTY.



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169	An Act to pay certain outstanding indebtedness of the County of Mono, incurred prior to the segregation of said county by virtue of the Act of the State of California to provide for surveying and establishing the eastern boundary of this State, approved April twenty-seventh, A. D. eighteen hundred and sixty-three—approved March 10, 1870	Assembly....	25	232
170	An Act to repeal an Act entitled an Act supplementary to the Act entitled an Act concerning crimes and punishments, approved April first, eighteen hundred and sixty-four—approved March 10, 1870	Senate.....	216	234
171	An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof—approved March 10, 1870	Assembly....	148	234
172	An Act entitled an Act relating to the Board of Education of the City and County of San Francisco, and more particularly defining its powers and duties—approved March 10, 1870	Assembly....	153	235
173	An Act to provide for increasing the law library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the Bar, the City and County Government and the people of the City and County of San Francisco—approved March 9, 1870	Assembly....	20	235
174	An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain			

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	appropriations of money by said Board—approved March 9, 1870	Senate.....	117	240
175	An Act for the regulation of sailor boarding houses and of shipping offices in the City and County of San Francisco—approved March 10, 1870	Senate.....	79	241
176	An Act to incorporate the Town of San Juan—approved March 10, 1870	Assembly ...	91	245
177	An Act in relation to the Omnibus Railroad Company in the City and County of San Francisco—became a law by constitutional provision, March 11, 1870	Senate.....	165	246
178	An Act to confirm the action of the Board of Trustees of the City of Vallejo, in relation to certain privileges granted to the Vallejo City Water Company—became a law by constitutional provision, March 11, 1870	Senate	357	248
179	An Act to regulate fees of office and salaries of officers in Siskiyou County—approved March 12, 1870	Senate.....	536	249
180	An Act to incorporate the City of Gilroy—approved March 12, 1870	Assembly ...	76	263
181	An Act for the protection of deer in the County of San Mateo—approved March 12, 1870	Assembly ...	107	279
182	An Act to legalize certain conveyances made by Gretta C. Thomson—approved March 12, 1870	Assembly ...	215	280
183	An Act in relation to the office of Court Commissioner of the County of San Joaquin—approved March 12, 1870	Assembly ...	420	280
184	An Act to provide for redeeming and paying the warrants outstanding against Tuolumne County, and for paying the current expenses of said county in cash, and defining and limiting the powers and duties of certain officers in relation thereto—approved March 12, 1870	Senate.....	477	281
185	An Act concerning the office of Tax Collector in the Counties of Contra Costa and Santa Cruz—approved March 12, 1870	Assembly ...	454	284
186	An Act in relation to the county officers of the County of Sierra—approved March 12, 1870	Assembly ...	551	285
187	An Act to amend an Act entitled an Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-eighth, eighteen hundred and sixty-eight—approved March 12, 1870	Assembly ...	543	290
188	An Act to amend an Act entitled an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one—approved March 12, 1870	Senate.....	63	291
189	An Act in relation to road indebtedness of Tuolumne County, incurred in the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven—approved March 12, 1870	Senate.....	159	292
190	An Act to provide for the liquidation of the floating indebtedness of the County of Santa Barbara, and to repeal sections eight and eleven of an Act entitled an Act to fix the com-			

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	pensation of officers, to provide for funding the floating debt of the County of Santa Barbara, and prohibit the contracting of any new indebtedness against said county, approved April fourth, eighteen hundred and sixty-four—approved March 12, 1870	Senate.....	323	293
191	An Act to amend an Act entitled an Act more clearly to define the boundaries of Sacramento, Sutter and Placer Counties, approved March thirteenth, eighteen hundred and sixty-six—approved March 12, 1870	Senate.....	73	294
192	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one—approved March 12, 1870	Senate.....	10	295
193	An Act concerning Notaries Public in the County of San Joaquin—approved March 12, 1870	Assembly ...	371	296
194	An Act to provide for the building of a bridge and roadway across the estuary of San Antonio, in the County of Alameda—approved March 12, 1870	Assembly ...	349	296
195	An Act to protect and encourage the production and sale of pure and wholesome milk, and to prohibit and punish the production or sale of unwholesome or adulterated milk—approved March 12, 1870	Assembly ...	159	298
196	An Act to provide for the payment of deficiency in the State Insane Asylum—approved March 12, 1870	Assembly ...	293	299
197	An Act to grant further powers to the Board of Trustees of the City of San Diego and establish the boundaries of the said city—approved March 12, 1870	Assembly ...	346	299
198	An Act granting certain privileges to the North Beach and Mission Railroad Company—became a law by constitutional provision, March 13, 1870	Senate.....	239	301
199	An Act to confirm a certain ordinance and contract relating to lighting the streets of the City of Oakland—became a law by constitutional provision, March 13, 1870	Senate.....	263	302
200	An Act to amend an Act entitled an Act to amend an Act supplementary to an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three, the Act hereby amended having been approved March thirtieth, eighteen hundred and sixty-eight—became a law by constitutional provision, March 13, 1870	Senate.....	104	302
201	An Act amendatory of and supplementary to an Act entitled an Act to establish a paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six—approved March 14, 1870	Assembly ...	71	303
202	An Act entitled an Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, approved April twenty-first, eighteen hundred and fifty-seven, and the Act amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty—approved March 14, 1870	Assembly ...	330	304
203	An Act amendatory of an Act entitled an Act supplementary to			

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	an Act entitled an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba and Santa Clara, approved May seventeenth, one thousand eight hundred and sixty-one—approved March 14, 1870	Assembly ...	213	305
204	An Act to repeal an Act entitled an Act to amend section eighteen of an Act to establish and maintain public pounds for the better securing of estrays and other stock in the County of Alameda, approved March thirty-first, eighteen hundred and sixty-six—approved March 14, 1870	Assembly ...	203	306
205	An Act to amend section four of an Act entitled an Act to provide for the licensing of auctioneers and to define their duties and liabilities, approved April eighteenth, eighteen hundred and fifty-nine—approved March 14, 1870	Assembly ...	212	306
206	An Act empowering the Board of Education of the City and County of San Francisco to pay the claim of William Craine—approved March 15, 1870	Assembly ...	151	307
207	An Act for the relief of S. D. Smith—became a law by constitutional provision, March 15, 1870	Senate.....	180	308
208	An Act for the relief of Gordon E. Sloss—became a law by constitutional provision, March 15, 1870	Senate.....	219	308
209	An Act concerning the charter election of eighteen hundred and seventy for the City of Marysville—approved March 15, 1870	Assembly ...	618	309
210	An Act for the relief of Patrick Creighton, James Brennan and Patrick Donohue—became a law by a constitutional majority of both Houses, over the Governor's objections, March 11, 1870	Assembly ...	152	309
211	An Act concerning roads and highways in the County of Humboldt—approved March 16, 1870	Assembly ...	44	310
212	An Act to authorize the Odd Fellows' Cemetery Association of San Francisco to borrow money for certain purposes, and to secure the same by mortgage upon real estate—approved March 16, 1870	Assembly ...	313	305
213	An Act in relation to the office of Tax Collector in the County of Monterey—approved March 16, 1870	Assembly ...	496	315
214	An Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide for a bounty for the same—approved March 16, 1870	Assembly ...	77	316
215	An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three—approved March 16, 1870	Senate.....	172	317
216	An Act to settle and pay the unpaid expenses of the State Geological Survey—approved March 16, 1870	Senate.....	209	317
217	An Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four—approved March 16, 1870	Senate.....	400	318

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218	An Act to amend an Act entitled an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eighth, eighteen hundred and fifty-seven—approved March 16, 1870	Senate	399	319
219	An Act to authorize the Board of Supervisors of San Joaquin County to issue a certain bond—approved March 16, 1870	Senate	516	320
220	An Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Valley Agricultural Society—approved March 16, 1870	Senate	309	321
221	An Act supplementary to an Act prescribing certain conditions for the transaction of insurance business in the State of California, approved March twenty-sixth, eighteen hundred and sixty-eight—approved March 18, 1870	Senate	200	321
222	An Act entitled an Act to amend an Act entitled an Act to amend an Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six, approved March thirteenth, eighteen hundred and sixty-eight—approved March 18, 1870	Senate	458	324
223	An Act providing for the appointment of phonographic reporters in certain cases—approved March 18, 1870	Senate	299	325
224	An Act to prevent the destruction of fish and game in, upon and around the waters of Lake Merritt or Peralta, in the County of Alameda—approved March 18, 1870	Senate	476	325
225	An Act relating to the Yreka School District, in Siskiyou County—approved March 18, 1870	Senate	352	326
226	An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six—approved March 18, 1870	Senate	285	327
227	An Act relating to the care and custody of minor children in certain cases—approved March 18, 1870	Senate	542	328
228	An Act to establish a State Board of Health—approved March 18, 1870	Senate	101	329
229	An Act to extend an Act entitled an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six, to certain other judicial districts of the State of California—approved March 18, 1870	Senate	186	330
230	An Act to prevent the kidnapping and importation of Mongolian, Chinese and Japanese females, for criminal or demoralizing purposes—approved March 18, 1870	Senate	269	330
231	An Act to prevent the importation of Chinese criminals and to prevent the establishment of Coolie slavery—approved March 18, 1870	Senate	270	332
232	An Act to define the time when certain reports shall be made—approved March 18, 1870	Senate	459	333
233	An Act authorizing the Board of Supervisors of San Mateo County to allow, and the Treasurer to pay, a certain claim			

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	of Charles Carvalho, for interpreting—approved March 18, 1870	Senate.....	545	334
234	An Act supplementary to an Act entitled an Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society, or any other orphan asylum society in this State, to bind, as apprentices, clerks and servants, orphan and half orphan children under their care and tuition, approved February twenty-second, eighteen hundred and sixty—approved March 18, 1870	Senate.....	331	334
235	An Act to authorize the County of Sacramento to issue bonds to raise money for Court-house and jail purposes—approved March 18, 1870	Senate.....	527	335
236	An Act to provide for the redemption of the outstanding warrants of Amador County, and to prevent a further increase of the indebtedness of said county—approved March 18, 1870	Senate.....	540	337
237	An Act authorizing the Trustees of the San Francisco Lying-in Hospital and Foundling Asylum to take the charge of, bind out and give away children coming under their care—approved March 18, 1870	Senate.....	311	338
238	An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three—approved March 18, 1870	Assembly....	510	339
239	An Act concerning public roads and highways in the Counties of Santa Cruz and San Diego—approved March 21, 1870..	Assembly....	450	340
240	An Act to prevent hunting and shooting on private grounds in the Counties of Alameda and San Mateo—approved March 21, 1870	Assembly....	363	343
241	An Act fixing the times at which the Board of Supervisors of the County of San Joaquin shall hold their regular sessions—approved March 21, 1870	Assembly....	520	344
242	An Act to regulate the drawing of warrants on the Treasurer of Shasta County—approved March 21, 1870	Assembly....	597	344
243	An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo and Benicia—approved March 22, 1870	Senate.....	255	344
244	An Act amendatory and supplemental to an Act entitled an Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April twenty-third, eighteen hundred and fifty-eight—approved March 22, 1870	Senate.. ....°	280	350
245	An Act to amend an Act entitled an Act to authorize the establishment of county infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved March thirty-first, one thousand eight hundred and fifty-five, approved April eighteenth, eighteen hundred and sixty—approved March 22, 1870	Senate.....	471	351
246	An Act for the relief of Mary Likins and others—approved March 22, 1870	Senate.....	320	351
247	An Act to appropriate money for per diem and mileage of the Legislature	Assembly....	683	352

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248	An Act to legalize certain applications for the purchase of lands belonging to this State—approved March 24, 1870.....	Senate.....	611	352
249	An Act to expedite the settlement of land titles in the City and County of San Francisco, and to ratify and confirm the acts and proceedings of certain of the authorities thereof —approved March 14, 1870.....	Senate.....	82	353
250	An Act for the relief of Robert M. Folger—approved March 24, 1870.....	Senate.....	189	358
251	An Act relative to the publication of certain reports—approved March 24, 1870.....	Senate.....	460	359
252	An Act to provide for the maintenance of the indigent sick in certain townships therein named, in Siskiyou County—approved March 24, 1870	Senate.....	582	361
253	An Act amendatory of and supplementary to an Act entitled an Act concerning roads and highways in the County of San Mateo—approved March 24, 1870.....	Senate.....	454	362
254	An Act amendatory and supplemental to an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and the Acts amendatory thereof and supplemental thereto—approved March 24, 1870	Senate.....	416	364
255	An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Redwood City, approved March twenty-seventh, eighteen hundred and sixty-eight—approved March 24, 1870.....	Senate.....	456	364
256	An Act to amend an Act entitled an Act in reference to library associations, approved April twenty-seventh, eighteen hundred and sixty-three—approved March 24, 1870.....	Senate.....	604	366
257	An Act extending the authority of E. L. Craig, late District Attorney of the County of Placer, in the prosecution and defence of certain actions and proceedings, and other matters relating thereto—approved March 24, 1870.....	Senate.....	605	367
258	An Act to provide for the submission to the people of the proposed amendment to the Constitution of the State, as proposed by the Legislature at its sixteenth session, and adopted by the Legislature at its seventeenth session, to the votes of the qualified electors at the next general election—approved March 24, 1870.....	Senate..	550	367
259	An Act concerning the office of County Clerk of Napa County —approved March 24, 1870.....	Senate.....	585	368
260	An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of San Luis Obispo, approved April fourteenth, eighteen hundred and sixty-three —approved March 24, 1870.....	Senate.....	353	369
261	An Act to provide funds for the School Department of the City of Oakland—approved March 24, 1870.....	Senate.....	387	370
262	An Act to provide for paying certain claims against the City of Oakland, and to contract a funded debt for that purpose—approved March 24, 1870.....	Senate.....	332	372

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263	An Act to district the County of San Diego, and to provide for the election of Supervisors—approved March 24, 1870.....	Assembly ...	231	374
264	An Act to authorize the Board of Trustees of the City of Sacramento to allow a certain claim therein mentioned—approved March 24, 1870.....	Assembly ...	441	375
265	An Act to authorize the Board of Supervisors of Butte County to direct the issuance of a warrant to W. S. Reese—approved March 24, 1870.....	Assembly ...	209	376
266	An Act to authorize the payment of certain claims against Redwood Township, in the County of San Mateo—approved March 24, 1870.....	Assembly ...	565	376
267	An Act to separate the office of County Recorder from the office of County Clerk of the County of Yuba—approved March 24, 1870.....	Assembly ...	420	377
268	An Act authorizing the Board of Supervisors of the County of Santa Clara to pay to the Sheriff of said county certain moneys therein mentioned—approved March 24, 1870.....	Assembly ...	598	377
269	An Act concerning roads and highways in Sierra Township, County of Sierra—approved March 25, 1870.....	Senate.....	485	378
270	An Act to authorize a tax to be levied upon the taxable property of Red Bluff School District, Tehama County, for building purposes—approved March 25, 1870.....	Senate.....	528	379
271	An Act concerning the offices of County Clerk and County Surveyor in the County of Los Angeles—approved March 25, 1870.....	Senate.....	632	380
272	An Act to empower the Board of Trustees of the State Library to authorize the State Librarian to appoint an additional deputy, and to fix the compensation therefor—approved March 25, 1870.....	Senate.....	327	381
273	An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three—approved March 25, 1870.....	Senate.....	396	382
274	An Act to legalize certain county warrants in the County of Tuolumne—approved March 25, 1870.....	Senate.....	246	382
275	An Act to modify the grade of certain streets in the City and County of San Francisco—approved March 25, 1870.....	Senate.....	294	383
276	An Act to continue the Geological Survey of the State of California—approved March 25, 1870.....	Senate.....	183	383
277	An Act to amend an 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—approved March 25, 1870.....	Assembly ...	143	384
278	An Act to amend section one of an Act entitled an Act extending the time for the payment of a debt of ten thousand dollars, due from Alpine County to Amador County, approved February twenty-ninth, eighteen hundred and sixty-eight, and to provide for the payment thereof—approved March 25, 1870.....	Assembly ...	439	385

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279	An Act authorizing the condemnation of private property within the limits of the public streets of the City and County of San Francisco, within the Laguna survey—approved March 25, 1870	Assembly ...	350	386
280	An Act to authorize the Treasurer of Lassen County to pay to William Williams a certain sum of money adjudged to be due him for erecting the county buildings of said county—approved March 25, 1870	Assembly ...	576	387
281	An Act granting leave of absence from the State to Henry L. Waldo, District Attorney of Amador County—approved March 25, 1870	Assembly ...	631	388
282	An Act to establish and define the powers and duties of the Board of Education of the City of Vallejo—approved March 25, 1870	Assembly ...	177	388
283	An Act concerning the revenue—approved March 25, 1870	Assembly ...	639	393
284	An Act amendatory of and supplemental to an Act entitled an Act to reincorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two—approved March 26, 1870	Assembly ...	607	394
285	An Act to authorize the Board of Supervisors of Humboldt County to transfer money from the Building Fund to the Road Fund—approved March 26, 1870	Assembly ...	534	394
286	An Act to confer additional powers upon the Board of Trustees of the Town of Eureka, in the County of Humboldt—approved March 26, 1870	Assembly ...	564	395
287	An Act to legalize the survey of Clark's addition to the Town of Eureka—approved March 26, 1870	Assembly ...	229	395
288	An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax—approved March 26, 1870	Assembly ...	404	396
289	An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas and Siskiyou, approved April nineteenth, one thousand eight hundred and fifty-nine, and the Acts amendatory and supplemental thereto—approved March 26, 1870	Assembly ...	443	396
290	An Act granting leave of absence to F. R. Dray, County Assessor of the County of Sacramento—approved March 26, 1870	Assembly ...	646	397
291	An Act granting leave of absence to John Gale, District Attorney of Sierra County—approved March 26, 1870	Assembly ...	615	397
292	An Act granting leave of absence to W. B. C. Brown, County Clerk of the County of Sacramento—approved March 26, 1870	Assembly ...	647	398
293	An Act to legalize and provide for the collection of delinquent taxes in the County of Yolo for the fiscal year commencing March first, eighteen hundred and sixty-nine—approved March 26, 1870	Assembly ...	609	398
294	An Act to authorize the State Treasurer to surrender certain bonds—approved March 26, 1870	Assembly ...	309	399
295	An Act to amend an Act entitled an Act to regulate the settle-			

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	ment of the estates of deceased persons, passed May first, eighteen hundred and fifty-one—approved March 26, 1870..	Assembly ...	128	400
296	An Act amendatory of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one—approved March 26, 1870	Assembly ...	146	400
297	An Act to prescribe the duties of certain officers in the County of Butte—approved March 26, 1870	Assembly....	467	401
298	An Act to increase the number of Notaries Public for Stanislaus and Merced Counties—approved March 26, 1870.....	Assembly....	493	402
299	An Act to amend an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty—approved March 26, 1870	Assembly....	334	402
300	An Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved March thirteenth, eighteen hundred and sixty-six—approved March 26, 1870	Assembly....	613	403
301	An Act to authorize the Assessor of Contra Costa County to employ a deputy—approved March 26, 1870	Assembly....	654	403
302	An Act granting leave of absence to S. P. Moffat, County Clerk of Inyo County—approved March 26, 1870	Assembly....	516	404
303	An Act to encourage the destruction of squirrels, gophers and other wild animals in the Counties of Santa Clara and Monterey, and create a bounty therefor—approved March 26, 1870	Assembly....	655	404
304	An Act to promote the study of anatomy—approved March 26, 1870	Assembly....	239	405
305	An Act to amend an Act entitled an Act to reincorporate the City of Sonora, approved April tenth, eighteen hundred and sixty two—approved March 26, 1870	Assembly....	641	406
306	An Act to authorize Harriet Wilkins, administratrix of the estate of Henry Wilkins, deceased, to sell the real and personal estate of said deceased—became a law by constitutional provision, March 26, 1870	Senate.....	56	406
307	An Act to equalize the rates of fares of the City Railroad Company with certain other street railroad companies in the City and County of San Francisco—became a law by constitutional provision, March 27, 1870	Senate.....	303	407
308	An Act to authorize and require the County of Santa Cruz to pay over certain school moneys to certain school districts in San Mateo County—became a law by constitutional provision, March 27, 1870	Senate.....	228	408
309	An Act to provide for the payment of the State's portion of the salary of the County Auditor of Fresno County—approved March 26, 1870	Senate.....	201	408
310	An Act to legalize, ratify and confirm deeds of conveyance and grants of lands within the pueblo lands of San Diego—approved March 26, 1870	Assembly....	413	409

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311	An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, A. D. eighteen hundred and sixty-six—approved March 26, 1870.....	Assembly....	196	410
312	An Act to provide for the relocating of the county seat of the County of Monterey by the qualified electors of said county —approved March 26, 1870	Assembly....	669	411
313	An Act to confirm and legalize the acts and proceedings of any and all of the Mayors, Common Councils, Alcaldes, Justices of the Peace of the Pueblo of Sonoma, State of California—approved March 28, 1870.....	Assembly....	336	413
314	An Act to authorize the Mayor of the City and County of San Francisco to deed a certain lot of land in said city and county to the Trustees of the Associated Veterans of the Mexican War—approved March 28, 1870.....	Assembly....	387	413
315	An Act to transfer money from one fund to another in the County of Solano—approved March 28, 1870.....	Assembly....	425	414
316	An Act to amend an Act entitled an Act to incorporate the Town of Union, approved February second, one thousand eight hundred and fifty-eight—approved March 28, 1870..	Assembly....	405	414
317	An Act granting leave of absence to A. P. Overton, District Attorney of Sonoma County—approved March 28, 1870...	Assembly....	571	416
318	An Act granting leave of absence to James B. Hume, Sheriff of El Dorado County—approved March 28, 1870.....	Assembly....	682	416
319	An Act granting leave of absence to N. D. Witt, District Attorney of San Luis Obispo County—approved March 28, 1870.	Assembly....	521	417
320	An Act to authorize the Board of Supervisors of Merced County to levy a tax for road purposes, and to direct the application thereof—approved March 28, 1870.....	Assembly....	507	417
321	An Act to confer additional powers on the Board of Supervisors of Mono County—approved March 28, 1870.....	Assembly....	599	418
322	An Act to amend an Act entitled an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty—approved March 28, 1870.....	Assembly....	381	410
323	An Act to define and establish the boundary line between the Counties of Inyo and Mono—approved March 28, 1870.....	Assembly....	602	421
324	An Act to amend an Act entitled an Act to amend the revenue laws, approved April fourth, eighteen hundred and sixty-four—approved March 28, 1870	Assembly....	383	423
325	An Act to authorize the Board of Supervisors of Marin County to transfer certain funds—approved March 28, 1870.....	Assembly....	650	424
326	An Act to appropriate funds for the relief of the several Orphan Asylums of this State—approved March 28, 1870..	Senate.....	547	424
327	An Act to provide compensation for the revision of the laws—approved March 28, 1870.....	Senate.....	176	425
328	An Act to create a Board of Levee and Street Commissioners in and for the Town of Pacheco, Contra Costa County, and define their powers and duties—approved March 29, 1870..	Assembly....	339	426

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329	An Act to provide for an official survey of the swamp and overflowed, tide and salt marsh lands in Marin County—approved March 29, 1870	Senate.....	262	428
330	An Act to repeal an Act entitled an Act to incorporate the Town of Columbia, in Tuolumne County, approved April ninth, eighteen hundred and fifty-seven, and all Acts supplementary thereto and amendatory thereof; and to provide for disposing of the property and settling up the indebtedness of said Town or City of Columbia—approved March 29, 1870	Senate.....	606	430
331	An Act to create a Redemption Fund and to provide means for defraying the expenses of the County of El Dorado—approved March 29, 1870	Senate.....	577	432
332	An Act to protect litigants—approved March 29, 1870	Senate.....	252	435
333	An Act to regulate fees of office and salaries of certain officers in the County of San Luis Obispo—approved March 29, 1870	Assembly ...	645	437
334	An Act supplementary to an Act entitled an Act to authorize David N. Darlington, Isaiah Hanscom and others to build a wharf in Solano County, approved February twenty-first, eighteen hundred and fifty five—became a law by constitutional provision, March 29, 1870	Senate.....	275	441
335	An Act to locate the county seat for the County of Lake—approved March 29, 1870	Assembly ...	144	442
336	An Act for the relief of Amos Roberts, Sheriff of Solano County—approved March 28, 1870	Assembly ...	369	442
337	An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts and places in said city, approved April fourth, one thousand eight hundred and sixty-four—approved March 29, 1870	Senate.....	347	443
338	An Act concerning the construction of the State Capitol in the City of Sacramento—approved March 29, 1870	Senate.....	640	447
339	An Act making an appropriation for deficiency in the appropriation made for twentieth and twenty-first fiscal years, ending July first, eighteen hundred and seventy—approved March 29, 1870	Senate.....	522	447
340	An Act to authorize the City of San José to sell certain bonds and use the proceeds thereof in purchasing sites for public school houses—approved March 29, 1870	Senate.....	624	448
341	An Act to better define the boundary line between Fresno and Mariposa Counties—approved March 29, 1870	Senate.....	289	449
342	An Act granting leave of absence to Thomas H. Holt, Auditor of the City and County of San Francisco—approved March 29, 1870	Senate.....	613	450
343	An Act to amend an Act entitled an Act to raise a fund for the improvement of Napa City, approved January twenty-fourth, eighteen hundred and seventy—approved March 29, 1870	Senate.....	626	450

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344	An Act relative to the care and management of the State Burial Ground, and making an annual appropriation therefor—approved March 29, 1870	Senate.....	500	451
345	An Act to grant leave of absence to the Surveyor-General and Register of the State Land Office—approved March 29, 1870	Senate.....	618	451
346	An Act amendatory of and supplemental to an Act to authorize the establishment of a Board of Health in the City of Sacramento, approved March twenty-seventh, eighteen hundred and sixty-eight—approved March 29, 1870	Assembly ...	679	452
347	An Act to fix the compensation of Under Sheriff of Alameda County—approved March 29, 1870	Assembly ...	688	453
348	An Act to authorize the issue of bonds by the County of San Diego to erect county buildings—approved March 29, 1870	Assembly ...	444	453
349	An Act for the relief of W. R. Crawford—approved March 29, 1870	Assembly ...	356	455
350	An Act to amend an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two—approved March 29, 1870	Assembly ...	365	456
351	An Act concerning roads and highways in the County of Placer—approved March 29, 1870	Assembly ...	446	457
352	An Act concerning roads and highways in the County of Sutter—approved March 29, 1870	Assembly ...	445	463
353	An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across the tule at or near the point where the Stone Road now crosses said tule, and collect tolls thereon—approved March 29, 1870	Assembly ...	159	469
354	An Act to incorporate the Town of Hornitas—approved March 29, 1870.	Assembly ...	591	471
355	An Act to authorize the Board of Supervisors of the County of Sutter to enter upon, condemn and take possession of a certain tract of land in said county, to be used as a public graveyard—approved March 29, 1870	Assembly ...	317	472
356	An Act to alter and the better to define the corporate limits of the Town of Santa Rosa, in the County of Sonoma—approved March 29, 1870	Assembly ...	411	473
357	An Act to amend an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one—approved March 29, 1870	Assembly ...	218	474
358	An Act concerning roads and highways in the County of Lassen—approved March 29, 1870	Assembly ...	588	475
359	An Act to increase the number of Notaries Public for Monterey County—approved March 29, 1870	Assembly ...	561	481
360	An Act concerning street railroads—approved March 29, 1870...	Senate.....	584	481
361	An Act to make, open and establish a public street in the City			

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	and County of San Francisco, to be called Montgomery avenue, and to take private lands therefor—approved March 29, 1870.....	Senate.....	447	484
362	An Act providing for the construction of a public road in Marin County—approved March 29, 1870..	Assembly....	482	501
363	An Act to provide for the location and laying out of a public road from Russian River to the Gualalla River, in Sonoma County—approved March 29, 1870.....	Assembly....	455	502
364	An Act to aid in the construction of a wagon road from Round Valley, in Mendocino County, to Hydesville, in Humboldt County—approved March 29, 1870.....	Assembly....	487	503
365	An Act for the relief of Charles Welsh—approved March 30, 1870.....	Senate.....	113	504
366	An Act to authorize the Treasurer of Tuolumne County to apportion certain money in the Current Expense Fund of said county, and to pay certain warrants—approved March 30, 1870.....	Senate.....	448	504
367	An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes, approved February fifth, eighteen hundred and sixty-eight, approved March tenth, eighteen hundred and sixty-eight — approved March 30, 1870.....	Senate.....	648	505
368	An Act to authorize the guardians of James T. Boyd, Jr., and Willie Alexander Boyd, to sell certain real estate—became a law by constitutional provision, March 31, 1870.....	Senate.....	151	506
369	An Act to establish a steam ferry in the County of Solano—became a law by constitutional provision, March 31, 1870..	Senate.....	427	507
370	An Act to authorize the Counties of Mendocino, Humboldt, Klamath and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties—became a law by constitutional provision, March 31, 1870.....	Senate.....	535	508
371	An Act authorizing the publication of certain legal notices in a "State Paper," printed at the seat of Government of the State of California—approved March 29, 1870.....	Senate.....	469	510
372	An Act to amend an 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—approved March 29, 1870.....	Assembly....	713	511
373	An Act concerning the office of the County Clerk of the City and County of San Francisco—approved March 31, 1870..	Assembly....	187	511
374	An Act to establish and maintain public pounds for the better securing estrays and other stock in the several townships of the County of San Mateo—approved March 31, 1870...	Senate.....	455	512
375	An Act concerning the City of Vallejo, and to ratify and confirm a certain ordinance of the Trustees thereof—approved March 31, 1870.....	Senate.....	298	515
376	An Act to provide for the appointment of a Reporter of the			

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	Supreme Court, and to define his duties and compensation—approved March 31, 1870	Senate.....	59	516
377	An Act for the relief of J. Scott Ashman, formerly Sheriff of Fresno County—approved March 31, 1870	Senate.....	514	518
378	An Act authorizing the Board of Supervisors of Sierra County to build a certain wagon road in said county, and to issue bonds therefor—approved March 31, 1870	Senate.....	595	519
379	An Act for the relief of T. D. Murphy, W. D. Murphy, G. E. Nottage, S. Malloy, M. J. Bolan, Courtland Wood, Henry J. Quinn and Ira D. Thompson, all of the City and County of San Francisco—approved March 31, 1870	Assembly ...	361	522
380	An Act to provide for the formation of corporations for the accumulation of funds and savings, and the direct promotion of manufacturing and mechanic arts, agriculture and mining—approved March 31, 1870	Assembly ...	676	523
381	An Act amendatory of and supplementary to an Act entitled an Act to provide terminal depot grounds for the Terminal Central Pacific Railway Company, approved March twenty-eighth, one thousand eight hundred and sixty-eight—approved March 31, 1870	Assembly ...	684	525
382	An Act supplementary to an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy—approved March 31, 1870	Assembly ...	699	525
383	An Act supplementary to and amendatory of an Act entitled an Act to authorize the Board of Supervisors of the several counties of this State to grant the right to construct wharves on the overflowed and submerged lands of this State, approved April eighth, one thousand eight hundred and fifty-eight—approved March 31, 1870	Assembly ...	120	526
384	An Act to establish a Municipal Criminal Court in the City and County of San Francisco—approved March 31, 1870	Assembly ...	536	528
385	An Act providing for the adoption of minors, and the legitimizing of children born out of wedlock—approved March 31, 1870	Senate.....	221	530
386	An Act to authorize Assessors to complete duties imperfectly performed—approved March 31, 1870	Assembly ...	70	531
387	An Act to empower the County of San Joaquin to aid in the construction of the Stockton and Visalia Railroad—approved March 31, 1870	Senate.....	453	532
388	An Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight—approved April 1, 1870	Senate.....	130	541
389	An Act for the relief and support of the California Labor and Employment Exchange—approved April 1, 1870	Senate.....	48	543
390	An Act to provide for the liquidation of all claims against the State, not otherwise provided for by law—approved April 1, 1870	Senate.....	603	544

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391	An Act to ratify and confirm the transactions of the First Unitarian Society of San Francisco, and of the corporation The Board of Directors of the First Unitarian Society of San Francisco, California—approved April 1, 1870.....	Assembly ...	718	545
392	An Act to provide for five competitive scholarships for the benefit of meritorious young men desirous of entering the State University—approved April 1, 1870.....	Assembly ...	692	546
393	An Act to provide for the manner of auditing claims against Humboldt County and to provide for the reduction of taxation therein and expenses thereof—approved April 1, 1870.	Assembly ...	344	546
394	An Act to pay the claims of Thomas R. Eldredge—approved April 1, 1870.....	Assembly ...	389	550
395	An Act to appropriate money for contingent expenses of the Legislature—approved April 1, 1870.....	Senate.....	658	550
396	An Act to empower the City of Stockton to aid in the construction of the Stockton and Visalia Railroad—approved April 1, 1870.....	Senate.....	328	551
397	An Act making appropriations for deficiencies in the appropriations made for the nineteenth, twentieth and twenty-first fiscal years, ending on the thirtieth day of June, eighteen hundred and seventy—approved April 1, 1870.....	Assembly ...	660	560
398	An Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo, and fix their term of office —approved April 1, 1870.....	Senate.....	590	561
399	An Act to authorize the Controller of State to employ an additional Clerk—approved April 1, 1870.....	Senate.....	451	562
400	An Act to incorporate the Fire Department of the City of San José—approved April 1, 1870.....	Assembly ...	619	562
401	An Act to amend an Act entitled an Act in relation to public roads in the County of Amador, and to the Road Fund of said county—approved April 1, 1870.....	Assembly ...	621	567
402	An Act to amend an Act entitled an Act defining the legal distances from each county seat to the Capital, Lunatic Asylum and State Prison, approved April twenty-fourth, eighteen hundred and fifty-eight—approved April 1, 1870..	Assembly ...	122	568
403	An Act to authorize the Treasurer of Sutter County to transfer money from the General Fund to the Hospital Fund of said county—approved April 1, 1870.....	Assembly ...	463	568
404	An Act to regulate the rights of the owners of mines—approved April 1, 1870.....	Senate.....	505	569
405	An Act granting leave of absence to Antonio F. Coronel, Treasurer of the State of California—approved April 1, 1870.....	Senate.....	661	571
406	An Act for the relief of John Kneland—approved April 1, 1870	Senate.....	147	572
407	An Act to perfect title to lands granted by the United States to the State of California—approved April 1, 1870.....	Senate.....	594	572
408	An Act to pay for services rendered in the office of the State Surveyor-General—approved April 1, 1870	Senate.....	513	573

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409	An Act to amend an 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—approved April 1, 1870	Assembly ...	452	574
410	An Act to provide for the payment of the salary of certain officers in the County of Shasta—approved April 1, 1870	Senate.....	644	574
411	An Act concerning the office of Clerk of the Board of Supervisors and Equalization in the County of Placer—approved April 1, 1870	Senate.....	641	576
412	An Act to fix the terms of the District Court in the Second Judicial District—approved April 1, 1870	Senate.....	663	576
413	An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, Anno Domini eighteen hundred and sixty-one—approved April 1, 1870	Senate.....	418	577
414	An Act supplementary to an Act entitled an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six—approved April 1, 1870	Assembly....	585	578
415	An Act to amend an Act entitled an Act concerning attorneys and counsellors at law, approved February nineteenth, one thousand eight hundred and fifty-one—approved April 1, 1870	Assembly....	286	578
416	An Act to amend an Act entitled an Act concerning Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three—approved April 1, 1870	Assembly....	311	579
417	An Act to regulate the distribution of the Police Fund of the City and County of San Francisco—approved April 1, 1870	Assembly....	362	579
418	An Act concerning the Road Fund of certain districts in the County of Placer—approved April 1, 1870	Assembly....	710	580
419	An Act concerning the Magdalen Asylum of the City and County of San Francisco—approved April 1, 1870	Assembly....	690	580
420	An Act to amend an Act entitled an Act to provide for changing the commencement of the term of office of the District Attorney for the County of Yuba, approved March second, eighteen hundred and sixty-six—approved April 1, 1870	Assembly....	716	581
421	An Act to pay the claims of McNally and Hawkins—approved April 1, 1870	Assembly....	635	582
422	An Act to provide for the translation of foreign records in the County of Sonoma, and to make such translations evidence of their contents—approved April 1, 1870	Assembly....	114	582
423	An Act to create a Board of Education for the City of Marysville—approved April 1, 1870	Assembly....	723	583
424	An Act to prevent double taxation—approved April 1, 1870	Senate..	597	584
425	An Act concerning lawful fences in the County of El Dorado—approved April 1, 1870	Assembly....	711	584
426	An Act relating to the Home of the Inebriate of San Francisco			

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	and to prescribe the powers and duties of the Board of Managers and the officers thereof—approved April 1, 1870	Assembly....	97	585
427	Charter of the City of Stockton—An Act to reincorporate the City of Stockton—approved April 2, 1870	Senate.....	568	587
428	An Act to amend an Act entitled an Act to authorize J. Bidwell, J. C. Mandeville and others to construct a wagon road in the Counties of Butte and Plumas, approved April fourteenth, one thousand eight hundred and sixty-three, and amended March sixteenth, one thousand eight hundred and sixty-four—became a law by constitutional provision, April 3, 1870	Senate.....	398	621
429	An Act to authorize the guardian of Frank G. Bartholomew and Ralph H. Bartholomew, infant heirs of Jacob Bartholomew, deceased, to sell real estate of said minors at public or private sale—became a law by constitutional provision, April 3, 1870	Senate.....	474	622
430	An Act granting to the North Beach and Mission Railroad Company certain rights therein named—became a law by constitutional provision April 3, 1870	Senate..	240	623
431	An Act granting certain privileges to the Central Railroad Company of San Francisco—become a law by constitutional provision April 3, 1870	Senate.....	192	624
432	An Act for the relief of Lovick P. Hall and Samuel J. Garrison —approved April 2, 1870	Assembly ...	432	624
433	An Act conferring certain powers upon the Trustees of the Sonoma College Association—approved April 2, 1870	Assembly ...	497	625
434	An Act to authorize the Board of Supervisors of the City and County of San Francisco to open and grade Market street, in said city, from the intersection of said street with Valencia street to its intersection with Seventeenth street, and to condemn private property for the roadway of said street—approved April 2, 1870	Assembly ...	457	626
435	An Act to authorize and empower Joshua A. Neal to sell and convey all the interest, property and estate of Maria Neal and Josefa Neal, minor children of said Joshua A. and his deceased wife, Angela Bernal Neal, in certain lands in Alameda County—approved April 2, 1870	Assembly ...	294	634
436	An Act to legalize the assessment roll of the City of Los Angeles—approved April 2, 1870	Assembly ...	701	635
437	An Act to ratify certain acts and ordinances of the Mayor and Common Council of the City of Los Angeles—approved April 2, 1870	Assembly ...	219	635
438	An Act providing for the recording of the papers filed in the Probate Court of the County of Santa Clara in certain cases—approved April 2, 1870	Assembly ...	717	636
439	An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one—approved April 2, 1870	Assembly....	525	636
440	An Act to repeal an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador—approved April 2, 1870	Assembly....	628	637

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441	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one—approved April 2, 1870	Assembly....	398	637
442	An Act concerning roads and highways in the County of Sacramento—approved April 2, 1870	Assembly....	659	638
443	An Act concerning water courses in the City of Los Angeles—approved April 2, 1870	Assembly ...	739	645
444	An Act to provide for the payment of the funded indebtedness of the State of California and to contract a funded debt for that purpose—approved April 2, 1870	Assembly ...	451	646
445	An Act to confer further powers on the Mayor of the City and County of San Francisco—approved April 2, 1870	Assembly ...	648	650
446	An Act amendatory of an Act entitled an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof, approved March the eighth, eighteen hundred and sixty-six—approved April 2, 1870	Assembly ...	491	650
447	An Act to define and establish the line and width of East street, between Market street and Clay Street Wharf, in the City and County of San Francisco—approved April 2, 1870	Assembly ...	478	651
448	An Act amendatory of and supplementary to an Act to incorporate the City of Nevada, approved April nineteenth, one thousand eight hundred and fifty-six—approved April 2, 1870	Assembly ...	291	652
449	An Act in relation to delinquent taxes in the County of Alpine—approved April 2, 1870	Assembly ...	332	653
450	An Act further to define the powers and duties of the Sheriff of the City and County of San Francisco—approved April 2, 1870	Assembly ...	474	653
451	An Act to amend an Act entitled an Act concerning crimes and punishments, approved April sixteenth, eighteen hundred and fifty—approved April 2, 1870	Assembly ...	257	654
452	An Act amendatory of and supplementary to an Act entitled an Act concerning roads and highways in the County of Tuolumne, approved February twenty-seventh, one thousand eight hundred and sixty-six—approved April 2, 1870	Assembly ...	702	654
453	An Act to provide for the funding of the indebtedness of Levee District Number One, of Sutter County—approved April 2, 1870	Assembly....	714	657
454	An Act to authorize the incorporation of canal companies and to provide for the construction of canals and ditches—approved April 2, 1870	Assembly....	441	660
455	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one—approved April 2, 1870	Senate.....	655	662
456	An Act to amend an Act entitled an Act declaring certain			

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	creeks in Marin County navigable, approved May seventeenth, eighteen hundred and sixty-one—approved April 2, 1870	Senate.....	670	663
457	An Act to provide for the restoration and preservation of fish in the waters of this State—approved April 2, 1870	Senate.....	143, 107	663
458	An Act to legalize and confirm certain grants and sales of town lands by the Board of Trustees of the Town of Santa Barbara, and by the Mayor and Common Council of the City of Santa Barbara, made since the passage of the Act of March thirty-first, one thousand eight hundred and sixty-six—approved April 2, 1870	Senate.....	128	666
459	An Act to legalize assessments and to provide for the collection of delinquent taxes in the County of San Luis Obispo—approved April 2, 1870	Senate.....	660	666
460	An Act for the endowment of the University of California—approved April 2, 1870	Senate.....	355	668
461	An Act to extend the time allowed to the Southern Pacific Railroad Company and the Western Pacific Railroad Company in which to make the terminus of their roads upon certain lands donated to them by the State for that purpose in the City and County of San Francisco—approved April 2, 1870	Senate.....	554	669
462	An Act authorizing the Board of Supervisors of Los Angeles County to erect a Court-house, or, in their discretion, to purchase a building suitable therefor, and to construct a fire proof vault therein, and to borrow money for expenses thereof—approved April 2, 1870	Senate.....	450	669
463	An Act to establish and define the powers and duties of the Secretary of the Board of Education of the City and County of San Francisco—approved April 2, 1870	Senate.....	614	670
464	An Act to fund the debt of the City of Los Angeles and to provide for the payment of the same—approved April 2, 1870	Senate.....	557	671
465	An Act to define the powers of Justices of the Peace within the City and County of San Francisco, in criminal cases—approved April 2, 1870	Senate.....	667	674
466	An Act to provide for the construction of a Hall of Records at the county seat of the County of Sonoma, to authorize the Board of Supervisors to issue the bonds of the county therefor, and to provide for the payment of the same—approved April 4, 1870	Assembly....	612	675
467	An Act to amend an Act entitled an Act to regulate fees of office, approved March fifth, eighteen hundred and seventy—approved April 4, 1870	Assembly....	693	677
468	An Act granting certain privileges to the Portrero and Bay View Railroad Company—approved April 4, 1870	Assembly....	363	679
469	An Act to amend an Act entitled an Act to regulate the fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy—approved April 4, 1870	Assembly....	741	680

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470	An Act to incorporate the Town of Brooklyn and to define and establish the boundary line between said town and the City of Oakland—approved April 4, 1870.....	Assembly....	568	680
471	An Act to authorize the construction of a swing or draw bridge across the San Antonio Creek, in the County of Alameda—approved April 4, 1870.....	Assembly....	500	693
472	An Act concerning the salaries of certain officers therein named—approved April 4, 1870.....	Senate.....	546	696
473	An Act to authorize and empower the President and Trustees of the City of San Diego to donate lands to the San Diego and Los Angeles Railroad Company, to aid in construction of said railroad—approved April 2, 1870.....	Assembly....	524	696
474	An Act providing for the appointment of additional Notaries Public in Sacramento County—approved April 4, 1870.....	Senate.....	300	697
475	An Act to fix the time for holding election for members of Congress of the State of California—approved April 4, 1870....	Senate.....	301	697
476	An Act concerning wharves—approved April 4, 1870.....	Senate.....	621	698
477	An Act to appropriate money to pay the outstanding Indian War bonds issued by the State of California under an Act of the Legislature, approved May third, one thousand eight hundred and fifty-two, and Acts supplementary thereto—approved April 4, 1870.....	Senate.....	308	698
478	An Act to amend an Act entitled an Act to regulate the interest of money, approved March thirteenth, eighteen hundred and fifty, and the Act to amend the same, approved March thirtieth, eighteen hundred and sixty-eight—approved April 4, 1870.....	Senate.....	312	699
479	An Act to provide the Institution for the Deaf, Dumb and the Blind, with a geological and mineral cabinet—approved April 4, 1870.....	Senate.....	651	700
480	An Act to pay for work done in the State Land Office—approved April 2, 1870.....	Senate.....	486	700
481	An Act to submit to the qualified electors of the City and County of San Francisco a proposition to remit said city and county's portion of all taxes on moneys received by savings institutions, banks and loan societies, secured by mortgage—approved April 4, 1870.....	Assembly....	734	701
482	An Act for assessing and collecting revenue in the Town of San Buenaventura, and approving all ordinances and proceedings of the Town Trustees—approved March 29, 1870.	Assembly....	546	701
483	An Act to create a Board of Water Commissioners in the City of Los Angeles, and to define their powers and duties—approved April 2, 1870.....	Senate.....	607	702
484	An Act to empower the City and County of San Francisco to aid in the construction of the Southern Pacific Railroad, and other purposes—approved April 2, 1870.....	Senate.....	666	707
485	An Act to relieve owners of encumbered real estate from double taxation—approved April 4, 1870.....	Senate.....	654	710
486	An Act to create a Commission to examine and determine the			

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	validity of certain assessments and contracts for street work in the City and County of San Francisco—approved April 4, 1870	Assembly ...	749	711
487	An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco—approved April 4, 1870	Senate.....	650	712
488	An Act to fix the rate of taxation for State purposes—approved April 4, 1870	Assembly ...	748	713
489	An Act to provide for a State Board of Equalization—approved April 4, 1870	Assembly ...	750	714
490	An Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary laws for the City and County of San Francisco—approved April 4, 1870	Assembly ...	57	716
491	An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February eighteenth, eighteen hundred and fifty-one—approved April 4, 1870	Assembly ...	728	721
492	An act for the relief of J. N. Walker, Sheriff of Fresno County —approved April 4, 1870	Assembly ...	535	722
493	An Act regulating the collection of delinquent taxes in the County of Alameda—approved April 4, 1870	Assembly ...	495	722
494	An Act to secure a lien on live stock kept, fed or pastured by ranchmen and stable keepers—approved April 4, 1870	Assembly ...	653	723
495	An Act to provide that certain Acts herein named shall take effect immediately—approved April 4, 1870	Senate.....	675	724
496	An Act authorizing the issuance of State bonds to the amount of two hundred and fifty thousand dollars, to be known as State Capitol bonds—approved April 4, 1870	Assembly ...	698	724
497	An Act concerning corporations for charitable and beneficial purposes—approved April 4, 1870	Assembly ...	104	726
498	An Act for the relief of John Cartheche, Deputy Sheriff of El Dorado County—approved April 4, 1870	Assembly ...	171	727
499	An Act for the relief of Thomas E. Hughes—approved April 4, 1870	Assembly ...	528	727
500	An Act to authorize the Sausalito Land and Ferry Company to establish and maintain a public ferry between Marin County and the City and County of San Francisco—approved April 4, 1870	Assembly ...	548	728
501	An Act authorizing the County Treasurer of the County of Santa Clara to pay certain claims against said county—approved April 4, 1870	Assembly ...	634	729
502	An Act to provide funds for the construction and improvement of highways in the County of San Mateo—approved April 4, 1870	Assembly ...	667	730
503	An Act making appropriations for the support of the civil government of the State of California for the twenty-second and twenty-third fiscal years, commencing on the first day of July, eighteen hundred and seventy, and ending on the			

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	thirtieth day of June, eighteen hundred and seventy-two—approved April 4, 1870	Assembly ...	657	733
504	An Act to provide for the erection of a City Hall in the City and County of San Francisco—approved April 4, 1870	Assembly ...	583	738
505	An Act supplemental to an Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties, approved April fourth, eighteen hundred and seventy—approved April 4, 1870	Assembly ...	—	744
506	An Act to create a Board of Harbor Commissioners for the port of Eureka, on Humboldt Bay, and to prescribe their powers and duties—approved April 4, 1870	Assembly ...	722	744
507	An Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties—approved April 4, 1870	Assembly ...	747	746
508	An Act to amend an Act entitled an Act to regulate fees and salaries of officers and defining their duties, in the County of El Dorado, and other matters relating thereto, approved March fifth, one thousand eight hundred and seventy—approved April 4, 1870	Assembly ...	735	747
509	An Act to authorize the Board of Supervisors of the City and County of San Francisco to open and grade certain streets in said city and county, and to condemn private property for the roadway of said streets—approved April 4, 1870	Assembly ...	540	749
510	An Act to provide for the protection of lands in the County of Sutter from overflow—approved April 4, 1870	Assembly ...	589	757
511	An Act to appropriate money for the relief of General John A. Sutter—approved April 4, 1870	Assembly ...	408	762
512	An Act to provide for the improvement of the rivers and streams of Santa Clara County—approved April 4, 1870	Assembly ...	119	763
513	An Act to authorize the Donner Lumber and Boom Company, their associates and assigns, to improve the channel of the Truckee River from its source to the Town of Truckee, and to erect floodgates therein, and to collect tolls—approved April 4, 1870	Assembly ...	162	771
514	An Act to amend an Act entitled an Act to provide for paving the streets in the City and County of San Francisco, approved March fourteenth, eighteen hundred and sixty-eight—approved April 4, 1870	Assembly ...	743	773
515	An Act for the relief of John Hames—approved April 4, 1870.	Assembly ...	674	774
516	An Act establishing a Commission for the revision of the laws—approved April 4, 1870	Assembly ...	512	774
517	An Act to locate the county seat for the County of Stanislaus—approved April 4, 1870	Assembly ...	438	776
518	An Act to amend an Act, approved March twenty-eighth, eighteen hundred and sixty-eight, entitled an Act supplementary to an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and Acts amendatory thereof and supplementary thereto—approved April 4, 1870	Assembly ...	449	777

Chapter.....	TITLE.	Where introduced.	No. of bill.	Page.....
519	An Act in relation to labor and materials on the public buildings of the State of California—approved April 4, 1870.....	Assembly ...	677	777
520	An Act appropriating money for the support of the several charitable institutions therein specified, during the twenty-second and twenty-third fiscal years, commencing on the first day of July, eighteen hundred and seventy, and ending on the thirtieth day of June, eighteen hundred and seventy-two, inclusive—approved April 4, 1870.....	Assembly ...	680	778
521	An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties, approved April twenty-fifth, A. D. one thousand eight hundred and sixty-two—approved April 4, 1870.....	Assembly ...	453	779
522	An Act concerning the county records of the County of Santa Clara—approved April 4, 1870.....	Assembly ...	626	779
523	An Act to amend an Act entitled an Act to provide means for the government of the County of Santa Cruz, and for the payment and funding of the debt of said county, approved January thirty-first, eighteen hundred and seventy—approved April 4, 1870.....	Assembly ...	706	781
524	An Act to confer additional power upon the Board of Supervisors of Yuba County—approved April 4, 1870.....	Assembly ...	726	782
525	An Act to determine the lines and grades of streets, avenues, highways and lanes in the City and County of San Francisco—approved April 4, 1870.....	Assembly ...	406	782
526	An Act to amend an Act entitled an Act concerning street railroads, approved March twenty-ninth, eighteen hundred and seventy—approved April 4, 1870.....	Senate.....	672	786
527	An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one—approved April 4, 1870.....	Senate.....	518	786
528	An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one—approved April 4, 1870.....	Senate.....	599	787
529	An Act to establish a State Normal School—approved April 4, 1870.....	Assembly....	685	787
530	An Act amendatory of an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty—approved April 4, 1870.....	Assembly....	668	791
531	An Act to change the term of the District Court of the Thirteenth Judicial District of the State of California in and for the Counties of Tulare, Fresno, Merced and Mariposa—approved April 4, 1870.....	Senate.....	642	792
532	An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six—approved April 4, 1870.....	Senate.....	670	795
533	An Act supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed			

Chapter....	TITLE.	Where introduced.	No. of bill.	Page.....
	May first, eighteen hundred and fifty-one—approved April 4, 1870	Senate.....	390	793
534	An Act to provide for the recording of certified copies of final decrees of partition of real estate—approved April 4, 1870	Senate.....	343	798
535	An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front in the City and County of San Francisco—approved April 4, 1870	Senate.....	212	799
536	An Act to provide for the sale and conveyance of certain submerged lands in the City and County of San Francisco to Henry B. Tichenor—approved April 4, 1870	Senate..	307	801
537	An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two—approved April 4, 1870	Senate.....	318	802
538	An Act to provide for the improvement of public parks in the City of San Francisco—approved April 4, 1870	Senate.....	223	802
539	An Act for the relief of Francis McGrath—approved April 4, 1870	Senate.....	344	804
540	An Act to regulate the fees of Justices and Constables in Placer County—approved April 4, 1870	Senate.....	467	805
541	An Act granting certain property to the County of Sacramento—approved April 4, 1870	Senate..	647	807
542	An Act to amend an Act entitled an Act to provide for the transfer of certain funds in the County of Placer, approved March twenty-eighth, eighteen hundred and sixty-eight—approved April 4, 1870	Senate.....	563	807
543	An Act to provide for the payment of the salary of the County Treasurer of the County of Colusa—approved April 4, 1870	Senate.....	669	808
544	An Act to fix the amount of the official bond of the Tax Collector of Del Norte County—approved April 4, 1870	Senate.....	478	808
545	An Act to incorporate the Town of Colusa—approved April 4, 1870	Senate.....	598	809
546	An Act to amend an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight—approved April 4, 1870	Assembly ...	476	814
547	An Act concerning gas companies—approved April 4, 1870	Senate.....	612	815
548	An Act to authorize the issuance of bonds by the County of San Luis Obispo to erect county buildings, and to provide a site for the same—approved April 4, 1870	Senate.....	592	816
549	An Act for the relief of Thomas T. Davenport, late County Collector of Nevada County—approved April 4, 1870	Senate.....	233	819
550	An Act for the encouragement of agriculture—approved April 4, 1870	Senate.....	562	820
551	An Act to amend an Act entitled an Act to define the duties and liabilities of pawnbrokers and pledges, approved April			

Chapter.....	TITLE.	Where introduced.	No. of bill.	Page.....
	seventeenth, eighteen hundred and sixty-one—approved April 4, 1870	Senate.....	292	820
552	An Act to authorize the Board of Supervisors of Yolo County to retain counsel to prosecute or defend proceedings in relation to claims against Swamp Land District Number Eighteen—approved April 4, 1870	Senate.....	588	821
553	An Act to provide for the formation of corporations for certain purposes—approved April 4, 1870	Senate.....	566	822
554	An Act to fix the terms for holding the Municipal Criminal Court of the City and County of San Francisco and to provide for trials by jury therein—approved April 4, 1870	Senate.....	674	823
555	An Act for the relief of John H. Smith—approved April 4, 1870	Senate.....	100	823
556	An Act to amend an Act to provide for a system of Common Schools—approved April 4, 1870	Senate.....	503	824
557	An Act to amend an Act entitled an Act for the protection of game, passed May fifteenth, eighteen hundred and fifty-four —approved April 4, 1870	Senate.....	423	853
558	An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and sixty-four—approved April 4, 1870	Senate.....	404	854
559	An Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine —approved April 4, 1870	Senate.....	620	854
560	An Act to provide for the official valuation of life insurance policies—approved April 4, 1870	Senate.....	583	859
561	An Act concerning estrays and animals found running at large in the County of Santa Cruz—approved April 4, 1870	Assembly ...	324	860
562	An Act to decrease the expenses of land litigation in the City and County of San Francisco—approved April 4, 1870	Assembly ...	415	862
563	An Act in relation to the school lands of the State—approved April 4, 1870	Assembly ...	427	862
564	An Act concerning the term of office of the Supervisors of Santa Cruz County—approved April 4, 1870	Assembly ...	715	863
565	An Act to authorize and require the Board of Supervisors of Yolo County to approve and certify certain claims against Swamp Land District Number Eighteen—approved April 4, 1870	Assembly ...	649	863
566	An Act to authorize the Board of Supervisors of Mendocino County to levy an additional tax for the construction of a wagon road from Ukiah to Mendocino City, and to repair and improve the wagon road from Ukiah City to Cloverdale—approved April 4, 1870	Assembly ...	611	864
567	An Act requiring the Board of Education of the City and County of San Francisco to equalize the salaries of the male and female teachers in said schools—approved April 4, 1870	Assembly ...	656	865

Chapter....	TITLE.	Where introduced.	No. of bill.	Page.....
568	An Act for the payment of certain claims against the Second Township of the County of San Mateo—approved April 4, 1870	Assembly ...	700	865
569	An Act in relation to sales and conveyances made by the Pacific Savings and Homestead Association—approved April 4, 1870	Assembly ...	606	866
570	An Act amendatory of an Act entitled an Act supplementary and amendatory of an Act entitled an Act to authorize the County of Placer to subscribe to the capital stock of the Central Pacific Railroad Company of California, and to provide for the payment of the same, and other matters relating thereto, approved March thirty-first, eighteen hundred and sixty-six—approved April 4, 1870	Assembly ...	727	866
571	An Act concerning the Insane Asylum of the State of California—approved April 4, 1870	Senate.....	149	868
572	An Act to amend section nine of an Act entitled an Act to amend an Act entitled an Act amendatory of article fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said article four, approved the twenty-fifth day of April, eighteen hundred and sixty-two, approved March twenty-sixth, A. D. eighteen hundred and sixty-eight—approved April 4, 1870	Assembly ...	433	874
573	An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight—approved April 4, 1870	Senate.....	271	875
574	An Act for the relief of Caleb Dorsey, District Attorney of Tuolumne County—approved April 4, 1870	Senate.....	187	878
575	An Act supplementary to an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight—approved April 4, 1870	Senate.....	211	878
576	An Act to re-district the County of Los Angeles into supervisor districts, and provide for the election of Supervisors therefor—approved April 4, 1870	Senate.....	452	879
577	An Act to authorize Frederick B. Lewis, his heirs or assigns, to institute proceedings to recover certain real estate of James M. Lewis, deceased, escheated to the State of California—approved April 4, 1870	Senate.....	489	881
578	An Act concerning foreign corporations—approved April 4, 1870	Senate.....	6	881
579	An Act to aid in giving effect to an Act of Congress relating to the Southern Pacific Railroad Company—approved April 4, 1870	Senate.....	668	883
580	An Act to provide for the construction and maintenance of toll roads within the State of California—approved April 4, 1870	Senate.....	657	883

Chapter....	TITLE.	Where introduced.	No. of bill.	Page.....
581	An Act supplemental to an Act concerning public ferries and toll bridges, approved April twenty-eighth, eighteen hundred and fifty-five—approved April 4, 1870.....	Senate.....	342	887
582	An Act for the relief of the free schools of the Presentation Convent of the City and County of San Francisco—approved April 4, 1870.....	Assembly....	732	889
583	An Act to amend sections one, two, nine, ten and seventeen of an Act entitled an Act amendatory of article fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said article four, approved April twenty-fifth, eighteen hundred and sixty-two; and to amend sections one and five of an Act amendatory of the Act aforesaid, approved April twenty-fifth, eighteen hundred and sixty-three; and to amend section two of an Act amendatory of the Act first mentioned aforesaid, approved March thirty-first, eighteen hundred and sixty-six; and to amend sections one, three and four of an Act amendatory of the Act first mentioned aforesaid, approved March twenty-sixth, eighteen hundred and sixty-eight, being the original sections one, two, four, six, nine, ten, eleven, twelve, thirteen, seventeen and twenty-one of the Act mentioned first aforesaid; and to repeal an Act for paving the streets in the City and County of San Francisco, approved March fourteenth, eighteen hundred and sixty-eight—approved April 4, 1870.....	Assembly....	373	890

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2	Relative to the sale of lands withdrawn for the benefit of the Southern Pacific Railroad in California	910
3	Relative to the withdrawal from private entry of the public lands in this State	911
4	Memorial requesting that lands now claimed by the Southern Pacific Railroad Company be restored to settlement by pre-emption, and that Congress grant no more large tracts of land in this State	911
5	Granting leave of absence to B. W. Jenks, County Clerk elect of Klamath County..	912
6	Granting leave of absence to Peter H. Peveler, Clerk of Del Norte County	912
7	Relative to mail routes from Santa Rosa to Sonoma, and from Santa Rosa to Sebastopol, in Sonoma County, and from Healdsburg, in Sonoma County, to Calistoga, in Napa County	912
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9	Granting leave of absence to James Burns, Sheriff and Sheriff elect of Los Angeles County	913
10	Disapproving and rejecting the Fifteenth Amendment to the Constitution of the United States	913
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13	Authorizing the Enrolling Committee of the Senate to correct an error in Senate substitute No. 227 for Assembly Bill No. 2 and Senate Bill No. 95	914
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18	Granting leave of absence to John W. Bost, Surveyor-General of this State	916
19	Relative to a daily mail from San José to Saratoga, in Santa Clara County: also, a weekly mail from Saratoga to the Summit House, in Santa Cruz County; and for Post-offices at Saratoga and Summit House	916
20	Relative to a daily mail from San Francisco to Saucelito, in Marin County, and for a Post-office in Saucelito	917
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25	Relative to a mail route from San Diego, California, to Salt Lake City, and Post-offices along the same	918
26	Relative to a semi-weekly mail route from Moore's Flat to Graniteville, Nevada County	919
27	Asking for the repeal or modification of that portion of the internal revenue law which relates to fruit distilling	919
28	Relative to a daily mail route from San José to Evergreen, in Santa Clara County	920
29	Granting leave of absence to Sydney Waite, County Clerk of San Bernardino County	920
30	Authorizing the Enrolling Clerk of the Senate to insert an enacting clause in Senate Bill No. 458	920
31	Authorizing the Enrolling Clerk of the Senate to make a correction in the bill to prevent the kidnapping and importation of Chinese females	920
32	Requesting our Representatives in Congress to co-operate with those of other States for the restoration of American ship building	921
33	Requesting our Representatives in Congress to use their influence to procure the abolition of the income tax	921
34	Asking an appropriation from Congress for the construction of a breakwater at Wilmington and for the improvement of the harbor	921
35	Directing the Secretary of State to furnish to the State Printer certified copies of the Fee and Salary Acts of Siskiyou, El Dorado, Calaveras and Nevada Counties	923
36	Requesting our Representatives in Congress to urge upon that body the construction of a ship canal connecting the Atlantic and Pacific Oceans	923
37	Requesting our Representatives in Congress to use their efforts to have the City of Vallejo declared a port of entry	923
38	Relative to a tri-weekly mail from Calistoga, in Napa County, to Kelsey, in Lake County	924
39	Directing the Enrolling Clerk of the Senate to make certain amendments to Senate Bills Nos. 328 and 453	924
40	Requesting the Governor to return Senate Bill No. 314 to the Senate, for correction	924
41	Authorizing the Enrolling Clerk of the Senate to amend Senate Bill No. 83	924
42	Granting leave of absence to A. Maurice, Jr., District Attorney of Butte County	925
43	Requesting the Governor to return Senate Bill No. 83 to the Senate	925
44	Authorizing the Enrolling Clerk of the Senate to amend Senate Bill No. 221	925
45	Granting leave of absence to Thomas Laspeyre, District Attorney of Kern County	926
46	Relative to a semi-weekly mail from Snelling to San Luis, in Merced County, and for Post-offices at Hill's Ferry, Cottonwood and San Luis Ranch	926

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48	Authorizing the Secretary of the Senate to correct an error in Senate Bill No. 577	927
49	Granting leave of absence to J. W. Graham, County Treasurer of Klamath County	927
50	Requesting Congress to donate the Presidio Reservation for the purposes of a public park	927
51	Relative to a tri-weekly mail route from Cloverdale, in Sonoma County, to Trinidad, in Klamath County	928
52	Requesting the Governor to return Senate Bill No. 543 for further consideration	928
53	Granting leave of absence to J. Fred. Eastman, Treasurer and ex officio Tax Collector of Yuba County	928
54	Asking for an appropriation from Congress for the construction of a building on Custom-house Block, San Francisco, for the use of the United States Government	928
55	Authorizing the Enrolling Clerk of the Assembly to insert an amendment in Assembly Bill No. 57	929
56	Requesting our Representatives in Congress to urge the cession of the Fort Jones Reserve to Siskiyou County, for educational purposes	929
57	Authorizing the State Librarian to deliver copies of the Supreme Court reports to Judges of the District Courts of California, Oregon and Nevada, and to the Judge of the Ninth (U. S.) Circuit Court	929
58	Relative to a mail service and the establishment of Post-offices on the road running from Red Bluff, Tehama County, to Yreka, Siskiyou County	930
59	Authorizing the Enrolling Clerk of the Senate to insert an amendment in the Act for the adoption of minors and legitimizing of children born out of wedlock	930
60	Authorizing the Enrolling Committee of the Assembly to insert a proviso in Assembly Bill No. 70	931
61	Relative to lowering the flag on the Capitol to half-mast, in honor to the memory of Major-General G. H. Thomas, U. S. A	931
62	Requesting our Representatives in Congress to procure the enactment of laws to restrict the shipment of Chinese females to this country	931
63	Requesting our Representatives in Congress to use means for the protection of the rights of purchasers of swamp and overflowed lands in this State	932
64	Relative to a weekly mail from Cottage Grove to Orleans, in Klamath County	933
65	Requesting our Representatives in Congress to procure the grant of a subsidy for mail service between San Francisco and Melbourne	933
66	Authorizing the Enrolling Committee of the Senate to strike out a certain clause in Senate Bill No. 568	934
67	Requesting the Governor to return Assembly Bill No. 324, to correct a clerical error	934
68	Authorizing the Attorney-General to institute proceedings to secure certain tide lands heretofore granted by the State	935
69	Relative to rescinding rule number fifteen of the joint rules of the Senate and Assembly	935

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71	Making an appropriation to pay for the translation of the Governor's message into the German language	935
72	Granting leave of absence to Matthew Woods, Sheriff of Yuba County	936
73	Relative to procuring the passage of an Act of Congress granting land to aid in the construction of a canal for mining and irrigating purposes, from the mountain lakes, in El Dorado County, to Sacramento City	936
74	Requesting our Representatives in Congress to use their influence to place the navy yards of the country on a civil basis	936
75	Relative to an investigation into the matter of the sinking of the United States steamer Oneida, in the waters of Japan	937

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	Proposed amendments to sections one, three, five, seven and ten, article six; section one, article nine, and section two, article four, of the Constitution	904
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LIST OF OFFICERS.

NAME AND RESIDENCE

OF STATE OFFICERS, JUDGES OF SUPREME COURT, SENATORS, MEMBERS OF ASSEMBLY, AND PRESIDING OFFICERS OF BOTH HOUSES, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

STATE OFFICERS.

Names.	Official position.	Residence.
Henry H. Haight	Governor	Alameda.
William Holden	Lieutenant-Governor	Marin.
H. L. Nichols	Secretary of State	Sacramento.
Robert Watt	Controller	Sacramento.
Antonio F. Coronel	Treasurer	Los Angeles.
Jo Hamilton	Attorney-General	Sacramento.
John W. Bost	Surveyor-General	San Francisco.
D. W. Gelwicks	State Printer	El Dorado.
O. P. Fitzgerald	Superintendent Public Instruction	San Francisco.
James M. Allen	Adjutant-General	San Francisco.
R. O. Cravens	State Librarian	Placer.
Edward R. Taylor	Governor's Private Secretary	Sacramento.
James H. Cutter	State Harbor Commissioner	San Francisco.
Jaspar O'Farrell	State Harbor Commissioner	San Francisco.
John J. Marks	State Harbor Commissioner	San Francisco.
B. F. Washington	Tide Land Commissioner	San Francisco.
H. P. Coon	Tide Land Commissioner	San Francisco.
L. L. Bullock	Tide Land Commissioner	San Francisco.

JUDGES, CLERKS AND REPORTER OF SUPREME COURT.

A. L. Rhodes, C. J.	Judge, term expires Jan. 1, 1872	Santa Clara.
J. B. Crockett	Judge, term expires Jan. 1, 1874	Alameda.
Jackson Temple	Judge, term expires Jan. 1, 1876	San Francisco.
Royal T. Sprague	Judge, term expires Jan. 1, 1878	Sacramento.
William T. Wallace	Judge, term expires Jan. 1, 1880	Santa Clara.
Tod Robinson	Reporter	San Francisco.
George Seckel	Clerk	Sacramento.

SENATORS.

E. J. Lewis.....President pro tem.

Names.	Counties represented.	Residence.
Banvard, Edgar M.	Placer	Alta.
Beach, Horace	Yuba	Marysville.
Botge, Robert J.	San Francisco	San Francisco.
Burnett, William	Sonoma	Petaluma.
Chappell, J. N.	Shasta and Trinity	Shasta.
Comte, Jr., A.	Sacramento	Sacramento.
Conn, William A.	San Diego and San Bernardino	San Bernardino.
Conly, John	Butte, Plumas and Lassen	La Porte.
Curtis, N. Greene	Sacramento	Sacramento.
Farley, J. T.	Amador and Alpine	Jackson.
Fowler, Thomas	Fresno, Tulare and Kern	Visalia.
Green, James J.	Contra Costa and Marin	San Quentin.
Gwin, Jr., W. M.	Calaveras	Mokelumne Hill.
Hager, John S.	San Francisco	San Francisco.
Hunter, George W.	El Dorado	Spanish Dry Diggings.
Hutchings, Samuel C.	Yuba and Sutter	Brown's Valley.
Irwin, William	Siskiyou	Yreka.
Kincaid, H.	San Francisco and San Mateo	Redwood City.
Lawrence, James H.	Mariposa, Merced and Stanislaus	Mariposa.
Larkin, Henry	El Dorado	Diamond Springs.
Lewis, E. J.	Tehama and Colusa	Red Bluff.
McDougall, F. A.	Monterey and Santa Cruz	San Juan.
Mandeville, J. W.	Tuolumne, Mono and Inyo	Columbia.
Maclay, Charles	Santa Clara	Santa Clara.
Minis, William	Yolo and Solano	Woodland.
Morrill, D. L.	Calaveras	Campo Seco.
Murch, L. H.	Del Norte, Humboldt and Klamath	Forks of Salmon River.
Orr, N. M.	San Joaquin	Stockton.
O'Connor, M. P.	Nevada	Grass Valley.
Pacheco, Romualdo	Santa Barbara and San Luis Obispo	San Luis Obispo.
Perkins, George C.	Butte	Oroville.
Pendegast, Wm. Wirt.	Napa, Lake and Mendocino	Napa City.
Roberts, E. W.	Nevada	Grass Valley.
Saunders, John H.	San Francisco	San Francisco.
Tompkins, Edward.	Alameda	Oakland.
Turner, H. K.	Sierra	Sierra Valley.
Tweed, Charles A.	Placer	Auburn.
Wand, Thomas N.	San Francisco	San Francisco.
Wilson, B. D.	Los Angeles	Lake Vineyard.
Wing, Stephen.	Tuolumne, Mono and Inyo	Columbia.

OFFICERS OF THE SENATE.

Names.	Official position.	Residence.
Roberts, Jr., Joseph.	Secretary	Alameda.
Mardis, B. A.	Assistant Secretary	Sacramento.
Boice, Nat	Sergeant-at-Arms	Sacramento.
Thomas, J. J.	Assistant Sergeant-at-Arms	San Francisco.
Stevens, J. B.	Minute Clerk	Amador.
Kaplan, Louis.	Engrossing Clerk	San Francisco.
Phipps, E. K.	Enrolling Clerk	Sacramento.
Juan J. de la Guerra	Journal Clerk	Santa Barbara.

OFFICERS OF THE SENATE—Continued.

Names.	Official position.	Residence.
Cooper, W. S	Copying Clerk	Tuolumne.
Norton, Jr., G. M	Copying Clerk	Nevada.
Curtis, Edward	Clerk at the Desk	San Francisco.
Johnson, G. L	Clerk to Sergeant-at-Arms	Sacramento.

MEMBERS OF ASSEMBLY.

G. H. ROGERS ..... Speaker.

Names.	Counties represented.	Residence.
Andrews, Alex. R	Shasta	Roaring River.
Appling, Peter C	Fresno	Chowchilla River.
Berry, Campbell P	Sutter	Bear River.
Biggs, Marion	Butte	Oroville.
Blankenship, J. A	Monterey	Pajaro Valley.
Brown, A. C	Amador	Jackson.
Brown, Isaac E	Yuba	Brownsville.
Calderwood, M. H	Placer	Dutch Flat.
Carothers, James H	Contra Costa	Pacheco.
Coronel, Manuel P	Los Angeles	Los Angeles.
Crigler, John C	Napa and Lake	Lower Lake.
De Haven, John J	Humboldt	Eureka.
Doss, E. W	Kern and Tulare	Havilah.
Duffy, James A	Sacramento	Sacramento.
Eichelroth, William E	Tuolumne, Mono and Inyo	Sonora.
Escandon, Angel G	Santa Barbara and San Luis Obispo	San Buenaventura.
Finney, S. J	San Mateo	Pescadero.
Fortune, H. W	San Francisco	San Francisco.
Freeman, I. F	Sacramento	Elk Grove.
Fryer, R. C	Los Angeles	Spadra
Gildea, Charles	El Dorado	Placerville
Green, E. L	Calaveras	Murphy's
Griswold, John C	San Francisco	San Francisco.
Haile, Richard C	Solano	Suisun Valley.
Hawley, B. F	Nevada	Truckee.
Hayes, Michael	San Francisco	San Francisco.
Hayes, George R. B	San Francisco	San Francisco.
Henley, Barclay	Sonoma	Santa Rosa.
Henley, G. W	Mendocino	Round Valley.
Hihn, F. A	Santa Cruz	Santa Cruz.
Horan, M. S	Sacramento	Sacramento.
Hubner, C. G	San Joaquin	Stockton.
Hudson, Thomas W	Sonoma	Healdsburg.
Inman, Daniel	Alameda	Pleasanton.
Johnson, J. M	Alpine and Amador	Markleeville.
Kelley, J. M	Yolo	Woodland.
King, William A	Nevada	Truckee.
Koutz, John	Sierra	Alleghany.
Lambert, John	Lassen and Plumas	Susanville.
Lewelling, E. D	Alameda	San Lorenzo.
Martin, James C	Butte	Oroville.
Martin, Robert M	Siskiyou	Shasta Valley.
McClaskey, C	Yuba	Timbuctoo.

MEMBERS OF ASSEMBLY—Continued.

Names.	Counties represented.	Residence.
McMillan, C. E	San Francisco	San Francisco.
McMurry, J. D	El Dorado	Georgetown.
McMurry, John	Trinity	Weaverville.
Merritt, George	Yuba	Marysville.
Miller, James H	El Dorado	Latrobe.
Miller, William J	Marin	Nicasio.
Mooney, J. S	Tuolumne, Mono and Inyo	Bridgeport.
Moynihan, T. J	San Francisco	San Francisco.
Munday, Beverly B	Sonoma	Petaluma.
Murphy, B. D	Santa Clara	San José.
Murphy, J. E	Del Norte and Klamath	Crescent City.
Naphtaly, Joseph	San Francisco	San Francisco.
Newell, H. B	El Dorado	Coloma.
Oates, Samuel T	Nevada	Nevada City.
O'Connell, W	San Francisco	San Francisco.
Odell, John A	Sacramento	Folsom.
Pool, David M	Mariposa	Hornitos.
Power, Michael H	Placer	Damascus.
Robinson, William N	San Diego	South San Diego.
Rockwell, E. A	San Francisco	San Francisco.
Rogers, George H	San Francisco	San Francisco.
Romer, J. L	San Francisco	San Francisco.
Ryan, Thomas P	San Francisco	San Francisco.
Sammons, Benjamin J	Sierra	St. Louis.
Scarce, L	Colusa and Tehama	Coast Range.
Satterwhite, John W	San Bernardino	San Bernardino.
Shoemaker, William B	Santa Clara	San José.
Shores, W	Siskiyou	Scott Bar.
Slicer, T. A	Nevada	Moore's Flat.
Stephens, R. D	Sacramento	Brighton.
Thomas, T. R	Santa Clara	Gilroy.
Thurston, James S	San Joaquin	Liberty.
Waldren, M	Placer	Lincoln.
Walden, Miner	Stanislaus and Merced	Tuolumne City.
Williams, W. S	Calaveras	Angels.
York, Frank	Tuolumne, Mono and Inyo	Sonora.
Young, A. R	Calaveras	Mokolumne Hill.

OFFICERS OF THE ASSEMBLY.

Names.	Official position.	Residence.
Ferral, Robert	Chief Clerk	Sonoma.
Moffit, Joshua	Assistant Clerk	Siskiyou.
Perkins, Dana	Sergeant-at-Arms	Placer.
Shannon, J. M	Assistant Sergeant-at-Arms	Fresno.
Benedict, Newton	Minute Clerk	San Francisco.
Beveridge, D. F	Enrolling Clerk	Solano.
Fisher, Fenwick	Engrossing Clerk	Sacramento.
Henshaw, A. L	Journal Clerk	Butte County.
Edwards, J. C	Copying Clerk	San Francisco.
Murphy, T. D	Copying Clerk	San Francisco.
Crawford, E. I	Clerk at the Desk	El Dorado.
English, W. G	Clerk to Sergeant-at-Arms	Sacramento.

COMMISSIONERS OF DEEDS,

WITH NAME, RESIDENCE, DATE OF APPOINTMENT AND DATE OF FILING OATH OF OFFICE.

EXTRACT

From an Act empowering the Governor to appoint Commissioners of Deeds, and defining the duties of such officers, approved March 20, 1850:

"SEC. 3. Before any Commissioner, appointed as aforesaid, shall proceed to perform any of the duties of his office, he shall take and subscribe an oath before any officer duly authorized to administer oaths in the State for which such Commissioner may be appointed, that he will faithfully perform and discharge all the duties of his office, which oath shall be filed in the office of Secretary of State of California within six months after the taking the same."

By [illegible] Act the Commissioner is "to continue in office four years."

ALABAMA.

Date of appointment.	Name.	Residence.	Date of filing oath.
January 29, 1870.....	Alexander McKinstry..	Mobile.....	....

ARKANSAS.

November 28, 1866.....	Charles R. Redmond..	Little Rock.	.....March 11, 1867

CONNECTICUT.

Date of appointment.	Name.	Residence.	Date of filing oath.
September 17, 1868.....	William H. Nobles.....	Bridgeport	.....August 3, 1869
October 12, 1868.....	Edward Goodman.....	Hartford	.....December 4, 1868
January 8, 1869.....	John C. Hallister.....	New Haven	.....February 20, 1869

FLORIDA.

September 13, 1867.....	Maximo P. De Riobro..	Pensacola	.....

GEORGIA.

April 9, 1868.....	E. Yulee.....	Savannah	.....

ILLINOIS.

December 6, 1867	O. W. R. Lull.....	Chicago	.....February 4, 1868
May 4, 1868.....	Frank P. Fisher.....	Chicago	.....
January 8, 1869	Henry Wisner	Chicago	.....March 27, 1869
June 2, 1869.....	Simeon W. King.....	Chicago	.....June 21, 1869
September 23, 1869.....	Philip A. Hoyne.....	Chicago	.....October 13, 1869
December 10, 1869.....	Frank S. Balch.....	Chicago	.....

INDIANA.

October 14, 1869.....	L. R. Martin.....	Indianapolis.....	.....November 16, 1869

IOWA.

August 15, 1866.....	William A. Burton.....	Ottumwa.....	.....October 12, 1866

KANSAS.

Date of appointment.	Name.	Residence.	Date of filing oath.
August 9, 1867	T. M. O'Brien	Leavenworth	
January 21, 1868	Marcus C. White	Irving	April 24, 1868

KENTUCKY.

March 19, 1867	George H. Owen	Louisville	May 22, 1867
August 3, 1868	Francis Hagan	Louisville	

LOUISIANA.

June 20, 1866	Robert T. Buckner	Shreveport	
June 13, 1866	P. C. Cuvellier	New Orleans	January 3, 1867
July 19, 1866	George W. Christy	New Orleans	October 25, 1866
August 25, 1866	Justin Castanic	New Orleans	October 29, 1866
November 28, 1866	Henry J. Labatt	New Orleans	
December 10, 1867	Edward Barnett	New Orleans	February 10, 1868
May 4, 1868	Henderson A. Morse	New Orleans	July 17, 1868
July 1, 1868	T. M. Gill	New Orleans	November 27, 1868
July 2, 1869	James Graham	New Orleans	July 27, 1869
August 4, 1869	James M. Cooney	New Orleans	
December 6, 1869	John G. Eustis	New Orleans	

MAINE.

April 10, 1868	David W. Fessenden	Portland	September 30, 1868

MARYLAND.

January 7, 1867	Joseph T. Atkinson	Baltimore	April 2, 1867
April 29, 1868	Samuel T. Morgan	Baltimore	July 27, 1868
January 30, 1868	James A. Buchanan	Baltimore	
July 16, 1868	William W. Lattimer	Baltimore	September 28, 1868
April 30, 1869	Herman L. Emmons	Baltimore	May 28, 1869
May 14, 1870	Charles F. Gelwicks	Hagerstown	

MASSACHUSETTS.

Date of appointment.	Name.	Residence.	Date of filing oath.
January 24, 1867	Benjamin Pond	Boston	May 11, 1867
July 12, 1867	Benjamin H. Currier	Boston	January 16, 1868
April 8, 1867	James M. Bunker	New Bedford	June 25, 1867
February 26, 1868	William C. Binney	Amesbury	
May 21, 1868	Andrew J. Morton	Boston	July 22, 1868
August 3, 1868	Augustus Scott	Boston	December 2, 1868
April 30, 1869	Albert W. Adams	Boston	May 31, 1869
May 7, 1869	Charles B. F. Adams	Boston	June 10, 1869
May 13, 1869	Benjamin A. G. Fuller	West Roxbury	August 4, 1869
August 4, 1869	Luke Lyman	Northampton	
September 13, 1869	James B. Bell	Boston	October 16, 1869
September 13, 1869	Daniel Sharp	Boston	November 13, 1869
September 23, 1869	Albert F. Butterworth	Boston	
February 15, 1870	Samuel Jennison	Boston	March 29, 1870

MICHIGAN.

June 2, 1869	William J. Waterman	Detroit	June 29, 1869

MISSOURI.

June 13, 1866	Nelson C. Gridley	St. Louis	August 7, 1866
September 25, 1867	E. W. Shand	St. Louis	December 7, 1867
January 3, 1868	Theodore Papin	St. Louis	February 18, 1868
December 1, 1869	James B. Clemens	St. Louis	January 7, 1870

MINNESOTA.

August 20, 1866	Cyrus Aldrich	Minneapolis	

NEW HAMPSHIRE.

November 13, 1868	Edmund Burke	Newport	March 27, 1869

NEW JERSEY.

Date of appointment.	Name.	Residence.	Date of filing oath.
May 21, 1868	W. B. Maxson	Newark	July 11, 1868
August 4, 1869	A. J. Sandford	Patterson	

NEW YORK.

June 13, 1866	A. A. Aikin	New York City	
June 13, 1866	Thomas Sadler	New York City	August 16, 1866
June 15, 1866	Robert Maclay	New York City	August 9, 1866
June 15, 1866	Fred. R. Anderson	New York City	October 2, 1866
June 25, 1866	Samuel Swan	New York City	August 24, 1866
June 25, 1866	Andrew J. Henion	New York City	October 2, 1866
July 6, 1866	Marker F. Bache	New York City	
August 15, 1866	Michael Phillips	New York City	October 6, 1866
August 15, 1866	Gordon L. Ford	Brooklyn	October 29, 1866
August 15, 1866	Frank Fuller	New York City	
August 15, 1866	A. J. Berrian	New York City	
September 10, 1866	J. Warren Lawton	New York City	April 3, 1867
November 14, 1866	James C. Cloyd	New York City	March 20, 1867
November 24, 1866	William Furniss	New York City	
December 5, 1866	C. H. S. Williams, Jr.	New York City	April 5, 1867
December 19, 1866	Edmund B. Barnum	New York City	February 21, 1867
January 24, 1867	William Sutphen	New York City	April 3, 1867
January 7, 1867	Dexter Gilmore	Utica	
February 4, 1867	Charles Nettleton	New York City	May 13, 1867
February 7, 1867	J. L. Michaels	New York City	
March 9, 1867	Robby D. Cooke	Troy	June 8, 1867
April 8, 1867	Z. Platt	New York City	April 8, 1867
May 6, 1867	Orrin Welch	Syracuse	September 10, 1867
May 16, 1867	Charles C. Jones, Jr.	New York City	July 6, 1867
May 15, 1867	David McAdam	New York City	July 9, 1867
June 28, 1867	James L. Crittenden	New York City	September 17, 1867
June 19, 1867	Theodore F. Miner	Albany	
July 26, 1867	Matthew H. Ellis	New York City	September 16, 1867
July 26, 1867	Charles P. Hart	New York City	September 24, 1867
August 10, 1867	William F. Lett	New York City	October 11, 1867
August 12, 1867	David L. Hubbard	New York City	October 1, 1867
September 13, 1867	William H. Mosely	Syracuse	November 4, 1867
October 24, 1867	Joseph B. Nones	New York City	December 12, 1867
November 9, 1867	Sigismund Lazar	New York City	January 14, 1868
November 9, 1867	Frederick B. Swift	New York City	January 13, 1868
November 12, 1867	E. L. Sanderson	Brooklyn	February 3, 1868
December 7, 1867	John A. McSorley	New York City	March 10, 1868
December 31, 1867	George P. Johnson	New York City	March 24, 1868
December 31, 1867	Joseph B. Nones	New York City	
January 3, 1868	George W. Hart	New York City	
January 14, 1868	Edward S. DeSelding	New York City	
January 9, 1868	Charles T. Morsen	New York City	March 3, 1868
January 15, 1868	Archibald S. Cushman	New York City	April 19, 1868
February 4, 1868	Moses B. Maclay	New York City	March 27, 1868
February 4, 1868	Henry C. Banks	New York City	March 30, 1868
February 8, 1868	Herbert Kettell	New York City	
February 15, 1868	David W. Price	New York City	
March 3, 1868	Watson J. Hildreth	New York City	April 30, 1868
March 26, 1868	Sylvester Lay	New York City	May 12, 1868
April 9, 1868	William V. Archer	New York City	June 26, 1868
April 9, 1868	Charles J. Bushnell	New York City	May 30, 1868
May 21, 1868	Edward McKinley	New York City	

New York—Continued.

Date of appointment.	Name.	Residence.	Date of filing oath.
July 1, 1868	John Bissell	New York City	August 15, 1868
July 14, 1868	Josiah H. Bissell	Rochester	September 4, 1868
July 16, 1868	J. C. Schooley	New York City.	
September 17, 1868	Nathaniel Gill	New York City	November 2, 1868
September 17, 1868	Henry C. Howells	New York City	November 9, 1868
September 17, 1868	Joseph C. Levi	New York City	October 31, 1868
October 8, 1868	Hiram L. Huston	New York City	December 21, 1868
November 13, 1868	George R. Jaques	New York City	December 26, 1868
November 30, 1868	Fred. N. Dodge	New York City	January 8, 1869
December 1, 1868	Rufus K. McHarg	New York City	January 30, 1869
December 16, 1868	Charles H. Hatch	New York City	March 27, 1869
December 16, 1868	William S. Dunn	New York City	February 4, 1869
January 8, 1869	Charles E. Patterson	New York City	
February 3, 1869	W. E. Osborne	Brooklyn	April 13, 1869
February 3, 1869	Oliver P. C. Billings	New York City.	April 15, 1869
March 3, 1869	Henry R. DeWitt	New York City.	April 21, 1869
March 29, 1869	Christian Van Hesse	New York City	May 7, 1869
April 1, 1869	Franklin A. Wilcox	New York City	May 12, 1869
April 15, 1869	Daniel Whalen	New York City	
April 23, 1869	William H. Russell	New York City	May 21, 1869
April 30, 1869	Horace Andrews	New York City	May 28, 1869
May 28, 1869	Marshall Bell	New York City.	June 22, 1869
June 2, 1869	Theodore F. Demarest	New York City	
June 15, 1869	J. Leander Starr	New York City	July 10, 1869
June 19, 1869	David P. Hall, Jr.	New York City	July 23, 1869
June 21, 1869	Judson Jarvis	New York City	
June 22, 1869	John K. Hackett	New York City	August 7, 1869
July 2, 1869	Edward F. Corey, Jr.	New York City	July 23, 1869
August 28, 1869	William D. Hennon	New York City	
September 13, 1869	James M. Slevin	New York City	October 21, 1869
September 23, 1869	A. Boyd Sheddan	New York City	
September 23, 1869	Charles Harris Phelps	New York City	
November 3, 1869	Alfred Wagstaff	New York City.	
December 1, 1869	L. W. Sloat	New York City.	
December 23, 1869	Chauncey B. Clark	Syracuse	
January 5, 1870	T. F. C. Demarest	New York City	April 22, 1870
January 19, 1870	Alexander Ostrander	New York City.	February 4, 1870
February 3, 1870	Edward S. Clinch	New York City.	
February 15, 1870	Arthur W. Knapp	New York City	March 23, 1870
March 14, 1870	Clark Mason	Lyons	March 31, 1870

NORTH CAROLINA.

February 25, 1870	Albert G. Hubbard	Newbern	

NEVADA.

Date of appointment.	Name.	Residence.	Date of filing oath.
June 25, 1866	Samuel W. Chubbuck	Gold Hill	July 2, 1866
July 6, 1866	William L. Hoover	Virginia City	July 11, 1866
July 19, 1866	W. H. Burrall	Virginia City	July 23, 1866
September 14, 1866	Joseph L. King	Virginia City	September 27, 1866
September 20, 1866	H. Doyle	Genoa	November 15, 1866
October 18, 1866	Thomas Wells	Virginia City	November 1, 1866
October 18, 1866	Joel A. Harvey	Genoa	October 25, 1866
November 26, 1866	James M. Meredith	Aurora	December 10, 1866
December 6, 1866	N. F. Hall	Gold Hill	December 15, 1866
January 7, 1867	Charles G. Hubbard	Ione City	March 20, 1867
January 24, 1867	H. C. Lillie	Virginia City	June 19, 1867
April 11, 1867	Frederick F. Wright	Belmont	April 18, 1867
June 24, 1867	James A. Stephens	Gold Hill	July 5, 1867
July 26, 1867	H. M. Barnes	Belmont	August 30, 1867
August 28, 1867	W. J. Blake	Austin	September 23, 1867
October 5, 1867	F. R. Bechtel	Aurora	October 17, 1867
November 26, 1867	Lyman C. Crockett	Dayton	December 5, 1867
January 6, 1868	P. E. Shannon	Washoe City	January 31, 1868
January 6, 1868	J. K. Lovejoy	Crystal Peak	February 3, 1868
February 26, 1868	John Webber	Gold Hill	February 3, 1868
August 22, 1868	Richard L. Thomas	Virginia City	August 27, 1868
September 17, 1868	Thomas E. Hayden	Reno	October 2, 1868
September 17, 1868	A. D. Rock	Treasure City	October 8, 1868
December 1, 1868	N. O. Arrington	Treasure Hill	
December 1, 1868	John Gray	Hamilton	December 31, 1868
January 8, 1869	George W. Roberts	Hamilton	February 3, 1869
January 8, 1869	Richard W. Billett	Hamilton	
January 8, 1869	R. D. Ferguson	Hamilton	
January 8, 1869	Samuel D. King	Carson City	January 26, 1869
January 13, 1869	John Bray	Hamilton	July 6, 1869
January 13, 1869	Henry M. Morgan	Hamilton	February 8, 1869
January 25, 1869	Charles E. Harris	Hamilton	February 1, 1869
January 29, 1869	S. P. Roberts	Treasure City,	
January 29, 1869	H. B. Sieberst	Treasure City	
February 3, 1869	Curtis M. Lindley	Treasure City	February 17, 1869
February 3, 1869	Levi P. Peck	Treasure City	May 8, 1869
February 3, 1869	C. W. Stiles	Hamilton	
February 27, 1869	John R. Kittrell	Hamilton	
March 24, 1869	Alfred E. Shannon	Hamilton	June 17, 1869
March 24, 1869	Elias Downs	Hamilton	
March 29, 1869	William P. Miller	Treasure City	
March 29, 1869	M. J. McManus	Pioche	November 3, 1869
April 1, 1869	L. W. Greenwall	Treasure City	
April 1, 1869	W. B. G. Keller	Treasure City	
April 1, 1869	Richard E. Poston	Treasure City	
April 15, 1869	H. C. Lillie	Virginia City	July 16, 1869
April 28, 1869	Prescott Robinson	Wadsworth	
April 30, 1869	John W. Grier	Silver City	May 7, 1869
April 30, 1869	Thomas B. Henley	Elko	May 24, 1869
May 13, 1869	H. M. Johnson	Treasure City	
June 2, 1869	William Smith	Treasure City	June 11, 1869
June 2, 1869	Joel A. Harvey	Wadsworth	June 7, 1869
July 20, 1869	George B. Hudson	Mineral City	
July 20, 1869	Hugh M. Gregory	Mineral City	August 14, 1869
August 4, 1869	Daniel St. C. Stevens	Hamilton	
August 19, 1869	Charles H. Fish	Virginia City	August 23, 1869
August 24, 1869	W. W. Hobart	Hamilton	August 31, 1869
December 1, 1869	F. A. Rogers	Elko	December 18, 1869
January 12, 1870	Will. N. Rabbitts	Carlin	
April 22, 1870	O. M. Evans	Unionville	

OHIO.

Date of appointment.	Name.	Residence.	Date of filing oath.
September 20, 1866	Reuben Tyler	Cincinnati	November 21, 1866
June 28, 1867	Victor Abraham	Cincinnati	August 23, 1867
July 12, 1867	Alexander H. McGuffy	Cincinnati	September 12, 1867
May 28, 1868	William H. Gorrill	Toledo	July 14, 1868
December 1, 1868	Samuel E. Crawford	Cincinnati	January 13, 1869
August 4, 1869	James Wade, Jr.	Cleveland	August 27, 1869

OREGON.

June 28, 1867	Charles W. Parrish	Portland	July 27, 1867
December 16, 1868	Thomas D. Winchester	Empire City	February 3, 1869
February 3, 1869	Octavius F. Boll	Portland	February 20, 1869
May 4, 1869	Charles A. Gardner	Portland	May 19, 1869
February 8, 1870	D. W. Williams	Portland	March 10, 1870
March 7, 1870	George H. Durham	Portland	

PENNSYLVANIA.

June 20, 1866	Warner Jackson	Philadelphia	September 27, 1866
July 19, 1866	J. H. T. Jackson	Philadelphia	
August 15, 1866	Samuel B. Huey	Philadelphia	October 4, 1866
September 20, 1866	Edward Shippen	Philadelphia	December 5, 1866
October 26, 1866	William H. Martin	Philadelphia	December 13, 1866
November 28, 1866	Gordon S. Berry	Titusville	February 6, 1867
January 24, 1867	Edward Yardley	Pottsville	
March 19, 1867	Edward H. Tharp	Philadelphia	
April 8, 1867	Kinley J. Teuer	Philadelphia	May 27, 1867
August 9, 1867	R. S. Morrison	Pittsburg	
August 28, 1867	Frederick Dittman	Philadelphia	
October 5, 1867	William F. Robb	Pittsburg	January 7, 1868
February 1, 1868	William H. Whitehead	Philadelphia	March 25, 1868
April 9, 1868	William M. Barlow	Philadelphia	
May 4, 1868	Frank F. Brightly	Philadelphia	June 20, 1868
July 25, 1868	C. E. Morgan	Philadelphia	
January 8, 1869	Theodore D. Rand	Philadelphia	February 17, 1869
April 30, 1869	John M. McCaren	Pittsburg	June 15, 1869
April 30, 1869	Joshua Spering	Philadelphia	May 28, 1869
September 3, 1869	John Hancock	Philadelphia	
December 6, 1869	Henry Phillips, Jr.	Philadelphia	January 15, 1870
February 3, 1870	F. Herbert Janvier	Philadelphia	March 15, 1870
February 15, 1870	Samuel L. Taylor	Philadelphia	March 22, 1870
March 7, 1870	W. Gibson Field	Easton	April 13, 1870
May 17, 1870	S. W. Pennypacker	Philadelphia	

RHODE ISLAND.

Date of appointment.	Name.	Residence.	Date of filing oath.
February 16, 1870	Henry Martin	Providence	March 18, 1870

SOUTH CAROLINA.

January 22, 1868	Augustus E. Cohen	Charleston	March 26, 1868
July 16, 1868	Frederick A. Ford	Aikin	September 1, 1868
February 25, 1870	Thomas Frost	Charleston	

TEXAS.

March 26, 1868	R. L. Fulton	Galveston	April 29, 1868
February 3, 1870	C. E. Stockton	Houston	
February 14, 1870	Robert D. Johnson	Galveston	

VERMONT.

November 13, 1868	N. T. Sheafe	Derby Line	December 30, 1868

VIRGINIA.

September 17, 1868	John B. Burton	Petersburg	February 19, 1869
January 15, 1867	Frank P. Turner	Richmond	
December 16, 1867	William S. Barton	Fredericksburg	

ALASKA TERRITORY.

December 31, 1867	J. H. Kinkead	Sitka	September 7, 1868
July 1, 1868	William H. Wood	Sitka	February 3, 1869

ARIZONA TERRITORY.

Date of appointment.	Name.	Residence.	Date of filing oath.
September 13, 1867	David Henderson	Prescott	September 18, 1867
March 20, 1868	James P. Bull	Hardysville	
November 13, 1868	C. H. Brinly	Arizona City	
December 16, 1868	William J. Berry	Prescott	March 27, 1869

DISTRICT OF COLUMBIA.

June 25, 1866	Frederick Koones	Washington City	June 28, 1866
August 15, 1866	William Lilly	Washington City	December 21, 1866
June 2, 1869	John F. Callen	Washington City	June 22, 1869
July 2, 1869	Joseph T. K. Plant	Washington City	
July 20, 1869	John F. Callan	Washington City	
September 3, 1869	William D. Williams	Washington City	
January 29, 1870	Frederick Koones	Washington City	
February 28, 1870	Malcolm Wallingford	Washington City	

IDAHO TERRITORY.

November 14, 1866	Louis Lobenstein	Ruby City	December 21, 1866
December 7, 1867	Romily E. Foote	Idaho City	
December 7, 1867	Theodore Burmester	Boise City	January 11, 1868
January 31, 1870	James Lyman	Silver City	February 10, 1870

MONTANA TERRITORY.

October 29, 1866	Otto Greenhood	Helena	December 15, 1866
February 15, 1868	J. M. Anderson	Helena	March 31, 1868

UTAH TERRITORY.

July 6, 1866	William Clayton	Salt Lake City	July 23, 1866

WASHINGTON TERRITORY.

Date of appointment.	Name.	Residence.	Date of filing oath.
July 6, 1866	P. P. Johnson	Walla Walla	August 30, 1866
June 17, 1868	F. P. Dugan	Walla Walla	
September 13, 1869	H. Parker	Walla Walla	October 22, 1869

GREAT BRITAIN.

December 23, 1869	John Henry Grain	London	February 12, 1870
January 25, 1870	William Grain	London	

MEXICO.

August 2, 1867	Edward Conner	Guymas	

SANDWICH ISLANDS.

December 21, 1866	John H. Patty	Honolulu	February 14, 1867

ITALY

May 15, 1867	William H. Oates	Naples	October 22, 1867

NEW ZEALAND.

May 17, 1869	John Copland	Dunedin	

GRAND DUCHY OF SAXE-WEIMAR.

July 24, 1869	Richard Starke	Jena	November 25, 1869

STATUTES.

STATUTES OF CALIFORNIA,

PASSED AT THE

EIGHTEENTH SESSION OF THE LEGISLATURE.

CHAPTER I.

An Act amendatory of and supplementary to an Act entitled an Act to provide additional revenue for the School Department of the City and County of San Francisco, and to change the time and manner of electing the Superintendent of Public Schools of said city and county, approved March (30) thirtieth, Anno Domini, one thousand eight hundred and sixty-eight.

[Approved December 10, 1869.]

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

SECTION 1. Section five of the above entitled Act is amended so as to read as follows: At the election of the city and county officers for the City and County of San Francisco, in the year eighteen hundred and seventy, and at the election held every two years thereafter, there shall be elected a Superintendent of Common Schools in and for said city and county, who shall hold his office for the term of two years from and after the first Monday of December subsequent to his election, and until his successor is elected and qualified. Election of Superintendent and term of office.

SEC. 2. The office of Superintendent of Public Schools authorized or created by the above entitled Act, and particularly mentioned in said section five thereof, is hereby abolished. Superintendent abolished

SEC. 3. The term of office of the Superintendent of Common Schools for said City and County of San Francisco, elected at the general election held in the year eighteen hundred and sixty-seven, shall be and hereby is extended to three years, and said Superintendent shall be and remain the Superintendent of Common Schools in and for said city and county, and continue Term extended.

in office as such, until the first Monday in December, in the year eighteen hundred and seventy, and until his successor is elected and qualified as provided for in this Act. The said Superintendent shall, prior to entering upon or performing any duties of his office for said extended term, enter into and file, as provided by law, a new official bond, with sureties, in like amount and with like conditions as is now required by law, and he shall receive the same salary now provided by law for such Superintendent, and shall have the same powers and discharge all official duties prescribed by law to be performed by the Superintendent of Common Schools and the Superintendent of Public Schools for said city and county.

New bond.

Salary.

Duties.

SEC. 4. All laws and parts of laws, so far as they are in conflict with the provisions of this Act, are hereby repealed.

SEC. 5. This Act shall take effect immediately.

CHAPTER II.

An Act to appropriate money for contingent expenses of the Legislature, at its seventeenth (17th) session.

[Approved December 21, 1869.]

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

Appropriation.

SECTION 1. The sum of seven thousand five hundred dollars is hereby appropriated, out of any money in the General Fund in the State treasury not otherwise appropriated, for the following purposes, namely: Four thousand dollars for contingent expenses of the Senate, and three thousand five hundred dollars for contingent expenses of the Assembly, at the seventeenth session of the Legislature.

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

CHAPTER III.

An Act to extend the time for the collection of delinquent taxes in the City and County of San Francisco, upon the lands known as outside lands.

[Approved December 23, 1869.]

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

Mayor and Tax Collector. Extended time.

SECTION 1. The Mayor and Tax Collector of the City and County of San Francisco are hereby authorized and empowered to extend, from time to time, the collection of the delinquent taxes due to the State of California and to the City and County

of San Francisco, for the fiscal year ending the thirtieth day of June, Anno Domini one thousand eight hundred and seventy, upon all the lands not reserved to the United States, situated on the peninsula of San Francisco, and within the present corporate limits of said city and county, and above the natural ordinary high water mark of the Bay of San Francisco and the Pacific Ocean, as the same existed on the seventh day of July, eighteen hundred and forty-six, and without the corporate limits of the City of San Francisco, as defined in the Act to reincorporate the said city, passed by the Legislature of California on the fifteenth day of April, Anno Domini eighteen hundred and fifty-one; *provided*, that the time for the collection of said delinquent taxes shall not be extended beyond one hundred and twenty days from the first day of January, eighteen hundred and seventy. Not over 120 days from Jan. 1, 1870.

SEC. 2. All Acts and parts of Acts, so far as they may be in conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER IV.

An Act to extend the time for the collection of the assessments on the outside lands in the City and County of San Francisco.

[Approved December 23, 1869.]

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

SECTION 1. The Mayor and Tax Collector of the City and County of San Francisco are hereby authorized and empowered to extend, from time to time, the collection of the assessments made and levied in pursuance of section ten of the ordinance of the Board of Supervisors of the City and County of San Francisco, numbered eight hundred, upon all the lands not reserved to the United States, situated on the peninsula of San Francisco, and within the present corporate limits of said city and county, and above the natural ordinary high water mark of the Bay of San Francisco and the Pacific Ocean, as the same existed on the seventh day of July, eighteen hundred and forty-six, and without the corporate limits of the City of San Francisco, as defined in the Act to reincorporate the said city, passed by the Legislature of California on the fifteenth day of April, Anno Domini eighteen hundred and fifty-one, the same being known as outside lands, and described in order of the Board of Supervisors, numbered eight hundred; *provided*, that the time for the collection of said assessment shall not be extended beyond ninety days from the first day of January, eighteen hundred and seventy. Mayor and Tax Collector may extend time. Not over 90 days from Jan. 1, 1870.

SEC. 2. All Acts and parts of Acts, so far as they may be in conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER V.

An Act to authorize the Regents of the University of California to establish a preparatory department.

[Approved January 6, 1870.]

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

Preparatory department.

SECTION 1. The Regents of the University of California are authorized and empowered to organize and establish a preparatory department, for the purpose of preparing young men to enter the University, under such rules and regulations as said Regents shall from time to time provide, and for that purpose they are authorized to employ such teachers, and to secure such buildings, by purchase or otherwise, as shall be necessary therefor.

Procure teachers and buildings.

SEC. 2. This Act shall take effect immediately.

CHAPTER VI.

An Act to provide for purchasing postage stamps and express envelops for members and officers of the Legislature.

[Approved January 10, 1870.]

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

Appropriation.

SECTION 1. The sum of thirty-one hundred and fifty dollars is hereby appropriated out of the General Fund for the purchase of postage stamps, envelop wrappers and express envelops, for the use of the Lieutenant-Governor, Senators and members of the Assembly, Secretary of the Senate, Clerk and Assistant Clerk of the Assembly, the Sergeant-at-Arms of the Senate and Sergeant-at-Arms of the Assembly.

SEC. 2. Each of the persons named in section one of this Act shall be entitled to receive, during the present session of the Legislature, such an amount of postage stamps, envelops and wrappers and express envelops, as he may require, not exceeding twenty-five dollars.

Duty of Controller.

SEC. 3. The Controller of State is hereby authorized and required to draw his warrants, from time to time, in favor of the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the Assembly, for such sums as they may require, respectively, under the provisions of this Act, not exceeding in the aggregate the sum of ten hundred and seventy-five dollars in favor of the Sergeant-at-Arms of the Senate, and two thousand and seventy-five dollars in favor of the Sergeant-at-Arms of the Assembly.

Sergeant-at-Arms.

SEC. 4. The Sergeant-at-Arms of the Senate and Sergeant-

at-Arms of the Assembly shall, respectively, open a postage and express account with each person mentioned in section one of this Act, and furnish each of them in the amount above provided for. Postage and express account.

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

CHAPTER VII.

An Act making an appropriation for the payment of rewards.

[Approved January 10, 1870.]

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

SECTION 1. The sum of two thousand dollars is hereby appropriated, out of any money in the State treasury not otherwise appropriated, for the payment of rewards which may be offered by the Governor, under the Act of April twenty-ninth, eighteen hundred and fifty-one. Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER VIII.

An Act concerning the office of Public Administrator in Napa County.

[Approved January 12, 1870.]

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

SECTION 1. The official bond of the Public Administrator of Napa County is hereby fixed at the sum of five thousand dollars; *provided*, that the Board of Supervisors of said county may at any time order a special bond in addition thereto, when in their judgment said additional bond may become necessary. Bond of Public Administrator. Special bond

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER IX.

An Act to authorize the Board of Education of the City of Stockton to borrow money for school purposes.

[Approved January 12, 1870.]

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

Board of Education may borrow $10,000.

SECTION 1. The Board of Education of the City of Stockton, composed of George S. Ladd, H. T. Dorance, Sidney Newell, C. G. Ernest, C. O. Burton, E. D. Kalisher and L. E Yates, and their successors in office, are hereby authorized and empowered to borrow ten thousand dollars ($10,000) for school purposes; and for securing the re-payment of the same, to execute and deliver a note, together with a mortgage upon lots one (1), three (3), thirteen (13) and fourteen (14), in block number eighty (80) east, in said city; *provided*, that the note to be secured by the said mortgage shall not run for a longer period than two years.

SEC. 2. This Act shall take effect immediately.

CHAPTER X.

An Act to appropriate money for contingent expenses of the Legislature, at the eighteenth session thereof.

[Approved January 18, 1870.]

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

Appropriation.

SECTION 1. The sum of twenty-two thousand dollars is hereby appropriated, out of any money in State treasury not otherwise appropriated, to pay contingent expenses of the Legislature at its eighteenth session. Ten thousand dollars of said amount for contingent expenses of the Senate, and twelve thousand dollars for the contingent expenses of the Assembly.

SEC. 2. This Act shall take effect from and after its passage, and the sum herein appropriated shall not be subject to the provisions of the Act creating the Board of Examiners, to define their duties, approved April twenty-first, eighteen hundred and fifty-eight.

CHAPTER XI.

An Act in relation to the common schools of the City of Sacramento.

[Approved January 18, 1870.]

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

SECTION 1. The second section of an Act supplementary to an Act entitled an Act to provide for the government of common schools in the City of Sacramento, approved April twenty-sixth, eighteen hundred and sixty-two, approved April twenty-seventh, eighteen hundred and sixty-three, is hereby amended so as to read as follows: Amendment

Section 2. Upon receiving the estimate of moneys needed, as provided in section one, the Board of Trustees shall, at the time of levying other city taxes, levy a direct special school tax which, after making proper allowances for delinquencies, will produce a sum that (taken with the estimated amount to be received from the State and county) will make the amount required by the Board of Education; *provided*, however, that in no case shall such special school tax exceed thirty-five cents on the one hundred dollars; *provided* further, that so much of any Act as provides that any portion of the general city revenue shall be paid into a School Fund is hereby repealed; said repeal to take effect the day the first levy of the special school tax is made under the provisions of this section; and thereafter the percentage of city revenue that the law theretofore provided should go to the School Fund, shall be paid one-half into the General Fund and the remainder into the Salary Redemption Fund; *provided*, that this amendment shall not take effect nor the additional tax therein provided for be levied and collected unless the same shall have received the approval of the electors of Sacramento City, in the manner provided for in the second section of this Act. Trustees to levy tax. Not to exceed 35 cents on $100. Repeal. Election.

SEC. 2. At the next election to be held in the City of Sacramento for City Trustee, the electors shall vote by ballot the words "Amended School Law—Yes," or "Amended School Law—No;" and if a majority of the votes cast upon the law shall be "Yes," then this Act shall be and remain in full force; but if a majority of the votes cast shall be "No," then no further proceedings shall be had under the provisions of this Act. Manner of voting.

SEC. 3. If at the time of such election the city tax for eighteen hundred and seventy shall have been levied, then in case of the approval of this Act as hereinbefore provided for, the City Auditor shall add the ten cents additional school tax hereby authorized, to the city levy of that year, and the same shall be levied and collected at the same time and manner as are the other city taxes. Tax to be added.

SEC. 4. This Act shall take effect immediately; and all Acts and parts of Acts conflicting with its provisions are hereby repealed.

CHAPTER XII.

An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county expenditures.

[Approved January 19, 1870.]

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

Board of Supervisors may levy taxes.

SECTION 1. The Board of Supervisors of Mariposa County are hereby authorized and empowered, if they deem it expedient, to levy for each or both of the years eighteen hundred and seventy and eighteen hundred and seventy-one, a tax of one dollar, or any part thereof, upon each one hundred dollars of taxable property in said county, for county purposes, in addition to the taxes now authorized by law to be levied and collected for said purposes; and the income derived from said tax shall be apportioned among the different county funds, as said Board may deem expedient.

Collection.

SEC. 2. The tax authorized to be levied in section one of this Act shall be collected in the same manner as the taxes for county purposes are authorized by law to be collected.

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

CHAPTER XIII.

An Act to provide for the payment of warrants against the Hospital Fund of Klamath County.

[Approved January 19, 1870.]

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

Board of Supervisors shall levy special tax.

SECTION 1. The Board of Supervisors for Klamath County shall, in addition to other taxes provided for by law, levy a special tax annually upon the taxable property in said county, of one-half of one per cent., and said tax shall be collected at the same time and in like manner as other taxes in said county.

Paid into Hospital Fund.

SEC. 2. The tax provided for in the first section of this Act shall, when collected, be paid into the Hospital Fund of said county, to be used, together with any moneys remaining in said fund, in paying, from time to time, in the order in which they were drawn, all warrants drawn or that may be drawn against said Hospital Fund on or before the second Monday in May, eighteen hundred and seventy, and no warrants shall be drawn against said fund after that date.

Duty of Treasurer.

SEC. 3. Whenever there shall be a sufficient sum of money in said Hospital Fund to pay all outstanding warrants drawn against said fund, together with the interest due thereon, it shall be the duty of the Treasurer of said county to give notice, by

publication in some newspaper published at or nearest to the county seat, that he will pay said warrants, with the interest due thereon; and it shall be the duty of said Treasurer to pay said warrants, with the interest due thereon, upon the presentation of said warrants at his office within sixty days from the date of said notice.

Transfer funds.

SEC. 4. At the expiration of sixty days from and after the publication of the notice specified in the preceding section, the Treasurer of said county shall transfer all moneys then remaining in the Hospital Fund to the Indigent Sick Fund of said county, to be used as are other moneys in said Indigent Sick Fund.

Acts repealed.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act, and particularly section one of an Act entitled an Act to provide for [the] maintenance of the indigent sick of Klamath County, approved January eleventh, eighteen hundred and sixty-six, and an Act amending said Act, approved March twenty-fifth, eighteen hundred and sixty-eight, are hereby repealed.

SEC. 6. This Act shall take effect from and after its passage, and continue in force until sixty days from and after the publication of the notice provided for in the third section of this Act.

CHAPTER XIV.

An Act to provide for the relief and maintenance of the indigent sick of Klamath County.

[Approved January 19, 1870.]

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

Board of Supervisors shall levy special per capita tax.

SECTION 1. The Board of Supervisors for Klamath County shall levy annually, and cause to be collected in said county, such special per capita tax as may be deemed necessary, not to exceed the sum of three dollars for each male inhabitant of said county between the ages of eighteen and sixty years, and said tax shall be collected at the same time and in like manner as State and county poll taxes are collected in said county.

Auditor to procure receipts.

SEC. 2. The Auditor of said county shall cause to be procured blank receipts for the tax herein provided for, which receipts shall be signed by the Treasurer, and countersigned by the Auditor, and the Auditor shall deliver the same to the Collector, taking his receipt therefor, and making a registry of the same, with the numbers thereof, in a book to be kept by him for that purpose.

Collector's percentage.

SEC. 3. The Collector shall receive, for collecting the tax provided for in the first section of this Act, the same percentage as is allowed by law for collecting State and county poll taxes.

When tax due. Penalty for not paying.

SEC. 4. The tax provided for in the first section of this Act shall be due and payable on or before the first Monday in August, in the year when levied, and if any person liable to pay said tax shall neglect or refuse to pay the same within the time specified in this section, such person so neglecting or refusing shall be liable to pay one dollar in addition to the tax levied, and it shall be the duty of the Collector to collect the same. Twenty-five cents of the additional dollar shall be retained by the Collector as fees for collecting, and the remaining seventy-five cents shall be paid into the fund created by this Act.

Fees.

Special property tax

SEC. 5. The Board of Supervisors for said county may, in their discretion, levy annually and cause to be collected, in addition to the taxes provided for by law, such special tax as they may deem necessary, not to exceed twenty-five cents on each one hundred dollars of taxable property in said county, in any one year, and said tax shall be collected at the same time and in the same manner as other taxes in said county.

Indigent Sick Fund.

SEC. 6. The taxes provided for in the first and fifth sections of this Act shall, when collected, be set apart and constitute a special fund, to be known as the Indigent Sick Fund of said county, and shall be appropriated and expended, under the direction of the Board of Supervisors, for the care and maintenance of the indigent sick of said county, in the manner herein provided and in no other manner, and the same shall not be appropriated or expended for any other purposes than those mentioned in this Act.

County Treasurer to report.

SEC. 7. The County Treasurer of said county shall report to the Board of Supervisors on the first day of each regular meeting of said Board, the amount of money remaining in the Indigent Sick Fund at the date of such report and subject to the order of said Board; and in no case shall the Board of Supervisors, at any such meeting, allow or direct the issuance of warrants or orders which will, singly or in the aggregate, exceed the sum reported by the Treasurer to be subject to the order of the Board at such meeting, and in no case shall any order or warrant be issued payable out of any other than the Indigent Sick Fund, for any service rendered for or in behalf of the indigent sick of said county, nor shall any money be paid out of said Indigent Sick Fund except on warrants drawn on said fund by the order of the Board of Supervisors, in the manner herein provided and for the purposes herein specified.

Paying out the money.

Hospital Physician.

SEC. 8. Said Board of Supervisors may, should they deem it expedient, appoint a practising physician, who shall be styled and known as the "Hospital Physician" of said county, and who shall hold his position, under such appointment, for the term of two years, subject, however, to be removed at any time by an order of the Board of Supervisors made therefor. He shall, for all services rendered in pursuance of the provisions of this Act, receive a salary not to exceed six hundred dollars per annum, payable at such times as the Board of Supervisors may direct; and *provided*, that in case of the removal of such physician, he shall only receive his pro rata of such salary for the time he has held the position of Hospital Physician; and the salary of such physician shall be paid out of the Indigent

Salary.

Sick Fund, and shall not, in any case, become a charge against any other fund.

Duties. SEC. 9. It shall be the duty of the Hospital Physician to care for, attend to, and superintend the indigent sick of said county, and render all the medical aid and treatment that such indigent sick may require.

Duties. SEC. 10. It shall be the duty of such Hospital Physician, under the provisions, orders and directions of the Board of Supervisors made therefor, to pass upon all applications for admittance to the hospital of said county, and to give his certificate of admittance thereto in all proper cases; and no person shall be admitted to said hospital without the certificate of such physician; and he shall discharge from said hospital, from time to time, all persons whose condition of health may warrant their discharge therefrom; and no person shall receive aid or assistance outside of the hospital in any case whatever, unless it shall be proved to the satisfaction of such physician, and the Board of Supervisors, if in session, that such person is destitute and actually in need of medical aid and assistance, and such person cannot be removed to the hospital, in which case such person shall receive such aid and assistance as may be found necessary until such person may be safely removed to the hospital, and no longer; *provided*, however, that the amount to be paid for the aid, relief and support of any person outside of the hospital shall not in any case exceed the sum of ten dollars per week.

Duties. SEC. 11. It shall be the duty of the Hospital Physician to keep a book, which shall be furnished to him by the order of the Board of Supervisors, to be by him handed over to his successor, wherein he shall enter the names of all persons applying for admittance to said hospital, or for temporary assistance outside, their ages, the nature of their disease or the character of their sickness, with the dates of such applications, stating whether granted or rejected, and the dates of all certificates of admittance, together with the names of all persons discharged, with the date of such discharge—which book shall always be subject to the inspection of the Board of Supervisors, the grand jury, and the officers of said county.

Duties. SEC. 12. The Hospital Physician shall, from time to time, under the directions of the Board of Supervisors, purchase such medicines, provisions, groceries, clothing and other articles, as may be found necessary for the use and comfort for the inmates of the Hospital, and it shall be the duty of the physician to take charge of and disburse the same from time to time, as may be found necessary, and no portion of the same shall be used in any other manner or for any purpose not provided for in this Act.

Report. SEC. 13. It shall be the duty of said Hospital Physician to report to the Board of Supervisors at each regular meeting of said Board; said report shall contain a full, true and correct account of all medicines, provisions, groceries, clothing and other articles on hand at the date of the next preceding report, the amount purchased during the preceding three months, with full description of the same, and the prices paid or to be paid therefor, the amount used or distributed during the preceding three months for the use of said hospital and its inmates, and

for the use of indigent sick persons elsewhere, and the amount on hand at the date of such report, together with all necessary vouchers; such report shall be certified to under oath by said Hospital Physician, as being true and correct in each and every particular and specification.

About labor. SEC. 14. It is hereby declared lawful, and it shall be the duty of the Hospital Physician to require, order and direct any of the indigent sick who may, in his judgment, be able to perform manual labor, to aid and assist in doing the service and labor required to be done in taking care of and nursing such indigent sick persons as may require care and nursing, and in improving and cultivating the gardens and grounds belonging to said hospital, or any other necessary work in and about the management and conducting of said hospital, or elsewhere, as said physician may direct; and for that purpose the Board of Supervisors shall direct the physician to make use of and require such service and see that the same is rendered so that the affairs of said hospital may be administered as economically as possible.

Assistance. SEC. 15. If, at any time, the physician shall find it necessary to procure other assistance than that provided for in the preceding section, he shall procure the same at as reasonable rates as possible, and at the next regular meeting of the Board of Supervisors he shall report to said Board, certifying under oath to the amount of assistance rendered and by whom, with the amount due each person, that such assistance was absolutely necessary, and that it was procured at the lowest possible rates.

Claims—how audited and paid. SEC. 16. Whenever the care and supervision of the indigent sick shall be intrusted to and under the direction of a Hospital Physician, as herein provided, all bills, accounts and claims against said Indigent Sick Fund shall be carefully considered and examined by the Board of Supervisors, at the regular meetings of said Board; and said Board, acting under the restrictions and limitations contained in section seven of this Act, and in accordance therewith, shall allow such bills, accounts and claims, or such portion thereof as in their judgment may be just and legally chargeable to said Indigent Sick Fund, under the provisions of this Act, and said Board shall direct the Auditor to draw his warrants on said fund for the same; *provided*, however, that said Board shall not allow or consider any bill, account or claim against said fund, unless the person or persons presenting the same shall certify, under oath, that such bill, account or claim is just, true and correct in each and every particular and specification, and that the amount claimed is the actual cash value of the services rendered, or the articles furnished, as therein set forth; nor shall any bill, account or claim against said fund be allowed or considered by said Board, unless the same be further certified to, under oath, by the Hospital Physician, as being just, true and correct, according to the best of his knowledge, information and belief.

If above plan is not adopted. Supervisors to contract for care of sick. SEC. 17. Should the Board of Supervisors of said county at any time deem it inexpedient to adopt the plan, system or method for providing for the indigent sick of said county, contained in the preceding sections of this Act, from section eight to section sixteen, both sections inclusive, said Board is hereby

authorized and empowered, under such rules and regulations as they may prescribe, to contract for the care, maintenance and medical treatment of the indigent sick of said county. All contracts shall be in writing, and shall specify the person or persons to be provided for, the time which such person or persons shall be taken care of and provided for, and the sum to be paid per week for each person so provided for; and such contract shall particularly specify that the party or parties agreeing to keep and provide for such indigent sick person or persons will not charge or demand for such services any other or greater sum than shall be received into said "Indigent Sick Fund" during the continuance of said contract, less the amount that may be required to pay for services rendered or expenses incurred, in pursuance of the provisions of the next following section of this Act.

Temporary relief.

SEC. 18. Should the Board of Supervisors at any time decide and determine to adopt the contract plan or system of providing for the indigent sick of said county, as provided for in the preceding section, said Board may provide for temporary aid and relief to such indigent sick persons as cannot be provided for by contract, until such time as they may be thus provided for, but no aid or relief shall be given to any person or persons unless said Board, if in session at a regular meeting, shall authorize the same, or if such application for aid or relief shall be made during the interim between two regular meetings of said Board, such aid or relief shall not be granted, unless the Supervisor for the supervisor district in which such applicant resides shall become satisfied that such aid or relief is absolutely necessary, and so certify, in which case aid or relief may be provided to continue until the next regular meeting of the Board of Supervisors, should it be found necessary to continue such aid or relief until that time; but the amount paid for the aid or relief of any such person shall not in any case exceed ten dollars per week.

Contracts fulfilled.

SEC. 19. Whenever any person or persons shall have fulfilled or claimed to have fulfilled any contract for the care and maintenance of any indigent sick person or persons, made in pursuance of the provisions of section seventeen of this Act, the Board of Supervisors, at their first regular meeting thereafter, shall examine and inquire into the manner in which such contract shall have been fulfilled, and if it shall appear that all the conditions of such contract shall have been complied with, the Board shall direct the Auditor to draw his warrant on the Indigent Sick Fund for the amount due to the person or persons to whom such contract shall have been awarded; and all bills or claims against said Indigent Sick Fund shall be carefully examined at each regular meeting of said Board, and if it shall appear that any such bill or claim is true and correct, and justly and legally chargeable to said fund, under the provisions of this Act, said Board shall direct the Auditor to draw his warrant on the Indigent Sick Fund for the sum due on such bill or claim; *provided*, however, that no bill, claim or demand against said fund shall be allowed or considered unless the person or persons presenting the same shall certify under oath that such bill, claim or demand is just, true and correct in each and every par-

Claims to be verified.

ticular and specification, and that the sum claimed is the actual cash value of the services rendered or articles furnished, as therein set forth; and *provided* further, that warrants drawn on the Indigent Sick Fund in pursuance of the provisions of this section shall not at any time, either singly or in the aggregate, amount to a sum greater than the amount then in the Indigent Sick Fund and subject to the order of said Board of Supervisors.

Funds to be paid into Indigent Sick Fund.

SEC. 20. All moneys that may be received into the treasury of said county from the State treasury, or from any source, for hospital purposes or for the support of the indigent sick of said county, shall be paid into the Indigent Sick Fund created by the provisions of this Act, and shall be held and used as are other moneys in said fund.

Repeal.

SEC. 21. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they conflict with the provisions of this Act.

SEC. 22. This Act shall take effect and be in force from and after its passage.

CHAPTER XV.

An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

[Became a law by operation of the Constitution, January 21, 1870.]

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

Surveyor-General to approve accounts of Registers and Receivers of U. S. Land Offices.

SECTION 1. Section fourteen of an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight, is hereby amended so as to read as follows: The several Registers and Receivers of the United States Land Offices shall present their accounts, for services rendered the State in the matter of locations, to the State Surveyor-General, who, if he shall find the same correct, according to fees allowed Registers and Receivers by Act of Congress or by the Department of the Interior, shall certify the same to the State Board of Examiners, who shall audit and allow said accounts the same as other State indebtedness, payable out of the General Fund of the State.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this twenty-first day of January, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER XVI.

An Act to empower the Board of Trustees of Sonoma School District, in Sonoma County, to borrow money, and provide for its payment.

[Approved January 22, 1870.]

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

Board of Trustees may borrow money and mortgage property.

SECTION 1. The Board of Trustees of Sonoma School District, in Sonoma County, are hereby authorized and empowed to borrow any sum not exceeding two thousand dollars, and to execute and deliver a mortgage to secure the same, upon lot number thirty-nine (39), as numbered upon the map of the City of Sonoma, with its buildings and appurtenances.

Levy tax.

SEC. 2. At any time after the expiration of one year from the passage of this Act, the Board of Trustees of said district may, when in their judgment it is advisable, levy and cause to be assessed and collected, a tax for the purpose of paying the indebtedness authorized to be incurred by the provisions of section one of this Act; and for that purpose, may appoint an Assessor and Collector of said tax, or one person to perform both duties, and fix his compensation. Immediately after receiving his certificate of appointment, the Assessor shall proceed to ascertain and enroll, in the manner provided for County Assessors, all the taxable persons and property in said school district; and within thirty days, or such further time as the Trustees may grant, he shall return his roll, footed up, to the Trustees. The Trustees, upon receiving the roll, shall deduct fifteen per cent. therefrom, for anticipated delinquencies, and then, by dividing the sum to be raised, together with the cost of assessing and collecting added thereto, by the remainder of the roll, ascertain the rate per cent. required; and the rate so ascertained (using the full cent on each one hundred dollars, in place of any fraction), shall be and is hereby levied and assessed on and against the persons and property named or described in said assessment roll; and it shall be a lien on all such property, until the tax is paid. And said tax, if not paid within sixty days after said roll or a duplicate thereof is delivered to the Collector, or such further time as the Trustees may grant, shall be recovered by suit in the same manner, and with the same costs, as delinquent State and county taxes. The Collector of said tax shall, before entering upon his duties, give a bond to the people of the State of California, joint and several in form, with similar sureties as are required on other official bonds; such bond shall be in such penal sum, not less than double the amount to be collected, as the Trustees may direct, and shall be approved by them. The Trustees, upon receiving any assessment roll from the Assessor, shall give five days notice thereof, by posting a notice in three public places in said district, and shall sit, for at least three days, as a Board of Equalization, at such time and place as shall have been named in said notice; and they shall have the same power as County Boards of Equalization, to make any changes in said assessment roll.

Appoint an Assessor and Collector.

Manner of levying tax.

Lien.

Penalty for non-payment.

Collector to give bond.

Notice. Equalization

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

CHAPTER XVII.

An Act to amend an Act entitled an Act to amend an Act entitled an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six.

[Approved January 22, 1870.]

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

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

Boundaries. Section 2. The area of said town shall be included within and defined by the following limits: Commencing at the southeast corner section post of section twenty-seven, in township number sixteen north, range number eight east, Mount Diablo base and meridian; thence north, along the eastern boundary line of said section, to the southeast corner of the southeast quarter of the northeast quarter of said section; thence west, on line parallel to the north boundary line of said section, to the southeast corner of the northwest quarter of the northwest quarter of said section; thence south, on line parallel to the eastern boundary line of said section, to the southeast corner of the southwest quarter of the southwest quarter of said section; thence east, along the southern boundary line of said section, to the point of beginning.

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

Board of Trustees may condemn lands for certain purposes. Section 17. The Board of Trustees, in the name of the Town of Grass Valley, are hereby authorized and empowered to condemn, take and appropriate lands, and the right of way through lands and premises, where the same cannot be obtained by purchase from or agreement with the owners, for the purpose of laying out, opening, widening and straightening streets, lanes, alleys and public squares; for reservoir, tank and cistern sites; and for sewers, sewerage and drainage through any premises where the same may be necessary for the public health or convenience within said town; and for reservoir sites and ditches, water and water rights outside of the limits of said town, for supplying said town with water, whenever the same may be necessary for such purposes, in the following manner: Whenever, in the judgment of a majority of said Board of Trustees, it shall become necessary to condemn any lands or premises, or the right of way through lands or premises, the said Board shall enter an order upon its minutes, declaring the purpose for which such condemnation is required, the extent of land necessary to be taken, as nearly as can be described, and the names of the owners, if known, or occupants of such lands, if there be no

known owner, and such lands be unoccupied, then such description as may specifically designate the particular tract or tracts of land, and the extent or quantity thereof proposed to be taken; a copy, certified by the Town Clerk, shall be served personally upon each owner whose residence is known, if within the County of Nevada, and if such owner resides without said county and within this State, a copy of such order shall be addressed to him by mail, postage paid, at his known place of residence, and a copy thereof shall also be served upon any occupant of such lands; in case the owner or owners of any tract or tracts be unknown, or reside out of this State, a copy of such order shall be published in one newspaper published in said town, at least once a week for not less than thirty days. The order shall state, in case personal service can be had upon all the owners of property interested, that on a day named, not less than thirty days, or in case publication be necessary, not less than sixty days from the entry of such order, the Board of Trustees will proceed to hear the objections of all parties and to appoint Commissioners to view, hear testimony, appraise and condemn the lands in question. At the time appointed in the order, or at any subsequent time to which the same may be adjourned, proof shall be made by affidavit, in writing, of service of said notice, and the Board of Trustees shall proceed to consider the matter, and if deemed expedient or necessary by a majority, shall appoint three Commissioners, who shall not be directly personally interested in the property described in the order, nor in the benefits directly to be derived from such condemnation, and who shall have power, and are hereby required, with the assistance of a competent surveyor, if necessary, to lay out and define the line and lines of the land to be taken, to view the premises, and to take testimony in relation to the damages to the property holders whose lands may be taken or intruded upon, and also in relation to the benefits, if any, which may accrue to the owners of lands or premises adjacent to or in the vicinity of the proposed improvement. The Commissioners, before entering upon their duties, shall severally take and subscribe an oath, that they will each well and truly perform their duties, to the best of their knowledge and ability, and will make a just award and decision in the matters before them. The testimony shall be taken in writing, and subscribed by the witnesses. The Commissioners, or a majority of them, shall assess the amount of damages allowed by them, estimated in gold coin, for each particular tract or parcel of land, to be paid to the owner thereof, or if not demanded by the owner, or in case of any doubt as to the true ownership, or in case of any conflicting claim, then the amount thereof shall be deposited with the Clerk of the County Court, who shall pay the same out to the person entitled to receive the same, upon the order of the County Judge, made upon the final hearing of the case before the County Court. The Commissioners shall, in like manner, equitably and justly assess in money value the benefits to prop-

Notice.

Appoint Commissioners.

Damages and benefits.

Testimony.

erty and premises adjacent to or in the vicinity of the proposed improvement, upon each tract or parcel of land and premises, whether the owner be known or unknown; and the same shall be and become, and is hereby declared to be, a lien upon each particular tract or parcel of land or premises so assessed, which shall attach upon the filing with the Board of Trustees of the report of the Commissioners. The Commissioners shall meet and hear testimony from day to day, until the business shall be completed They shall make their report in writing, signed by them, or a majority of them, in which they shall specify the damages and benefits declared and assessed by them in each particular case, which said sum shall be made payable in gold coin. The said report, together with a certified copy of the order whereby the proceedings were originated, the affidavits showing service of notices, plot of survey, if such there be, and the testimony taken by the Commissioners, shall be transmitted to the Clerk of the County Court, and shall be filed by him in said Court. Any party or parties aggrieved by the award of the Commissioners may, within ten days, appeal from the decision of the Commissioners, in whole or in part, by serving a written notice, specifying the particular grounds of appeal, upon the Town Clerk, and filing in the County Court, in the nature of a pleading, his or their objections to the confirmation of the report. The case may be tried by the Court upon the papers filed, or a jury trial may be demanded by the appellants; in such case the trial may include any or all of such appeals, if the parties so elect, or if, in the opinion of the Court, two or more of such appeals can be united without detriment to individual rights. Such jury trial shall be had at a regular term of said Court, and shall be conducted as in other cases, under the provisions of the Act commonly known as the Civil Practice Act of this State, and the jury shall render a special verdict. The party or parties taking the appeal shall file with his or their objections an undertaking, as in civil cases on appeal, in the sum of three hundred dollars, for the payment of the costs of such trial, or any portion thereof, that may be adjudged against any such appellant; and if he or they fail to recover damages on such trial, in the amount of twenty per cent. greater than the allowance made by said Commissioners, or to reduce the assessments of benefits twenty per cent. less than the amount assessed, he or they shall be adjudged to pay the costs of such trial. Upon such trial the Court shall render judgment for damages and costs, or for benefits assessed and costs, as the case may be, dividing the costs, in the discretion of the Court, among the several parties in interest, according to the equities of the case and according to the verdict, and shall render a decree for the condemnation of the lands described in the report. In case a jury trial shall not be demanded by a party to reassess damages or benefits, the objections shall be tried and decided by the Court on the record of proceedings and testimony sent up, in a summary manner, and judgment shall be entered by the Court, either in term time or at chambers, confirming or rejecting, in whole or in part, or modifying the decision of the Commissioners, and a decree for the condemnation of the lands described in said report, in which the costs of appeal shall be equitably assessed upon either or

Report.

Party aggrieved may appeal.

Manner of trial.

among all parties, and the Court may make an order in the premises, referring the whole or any one or more of the several awards and assessments back to the same or another Commission for re-examination and further consideration. In case no objections shall be filed within the time hereinbefore allowed therefor, the Court, if in session, or the Judge of said Court at chambers, shall order a decree to be entered of record in said Court, in conformity with the report of said Commissioners, for the condemnation of the lands described therein, for damages, if any, in favor of those to whom the Commissioners shall have awarded damages, and for benefits as against those so assessed by the Commissioners; and upon the payment into Court of the Court costs, in the latter case, or the payment of the costs taxed against the said town, in case of a trial, with the sum or sums of damages awarded to the respective owners by the said town, the lands and premises, or right of way through and over lands and premises, as the case may be, shall be condemned and taken for the use and benefit of said town, and the title to the lands and premises, or the right of way therein described, as condemned, shall pass as absolutely and effectually to said town as if the same had been conveyed by deed from the owners thereof. A certified copy of such decree shall be filed and recorded in the office of the County Recorder of the County of Nevada. The said town shall pay the costs of serving and publishing all notices, fees of surveyors and Commissioners, and all Court costs in cases wherein no objections are filed, and may, by order of said Board of Trustees, appropriate moneys out of the General Fund of said town to defray the same; and all private subscriptions or donations made by citizens to assist in paying damages in such cases, and all moneys arising from benefits assessed against the owners of lands and premises adjacent to or in the vicinity of the contemplated improvement, shall be paid into the General Fund of said town, for town purposes. All such assessments for benefits shall be collected in the same manner and under the same provisions of law as taxes levied by authority of law for town purposes are or may be collected.

Copy of decree to be filed in Recorder's office.

Collections, how made.

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

Section 30. The Board of Trustees may designate, by ordinance, such appointed officers of said town who shall be invested with police powers, who shall, in that capacity, be subject to the orders of the Marshal, and who shall be entitled to receive, for making arrests and other services in criminal cases, and in cases arising from breach of any of the ordinances of said town, the legal fees allowed by law to Constables in criminal cases.

Trustees may appoint police officers.

Fees.

SEC. 4. This Act shall take effect immediately.

CHAPTER XVIII.

An Act to amend an Act entitled an Act to define and establish the boundaries of Mono County, approved March second, eighteen hundred and sixty-six.

[Approved January 22, 1870.]

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

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

Boundaries

Section 1. The boundaries of Mono County shall be as follows, to wit: Commencing at a point where the eastern boundary line of the State of California is intersected by the dividing ridge which separates the water of West Walker River from those which flow into East Carson River; thence southwesterly along said dividing ridge, and following the southern boundary of Alpine County, to the main summit of the Sierra Nevada Mountains; thence southerly along said summit to the head waters of Big Pine Creek; thence in an easterly direction down the middle of the channel of said Big Pine Creek, to its mouth; thence due east to the eastern boundary of this State; thence in a northwesterly direction along said eastern boundary, to the place of beginning.

SEC. 2. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

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

CHAPTER XIX.

An Act in relation to the assessment of property in Tuolumne County for the year A. D. eighteen hundred and sixty-nine.

[Approved January 22, 1870.]

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

Assessment rolls not void.

SECTION 1. The assessment rolls of Revenue Districts Numbers One, Two, Three and Four, in and for Tuolumne County, State of California, for the year A. D. eighteen hundred and sixty-nine, shall not be considered void by reason of said rolls, or either of them, not having been returned, properly certified, to the Clerk of the Board of Supervisors of said county, on or before the first Monday of August, eighteen hundred and sixty-nine; and all taxes which have been imposed according to said rolls, may be levied and collected, notwithstanding any imperfections in the certificates of the Assessor attached to said rolls, and notwithstanding said rolls may not have been returned, properly certified, on or before the first Monday of August, A. D. eighteen hundred and sixty-nine.

Assessors to authenticate rolls before County Judge and Clerk.

SEC. 2. The Assessors of said revenue districts are hereby authorized to attend before the County Judge and County Clerk of said county, on any day before the fifteenth day of February, A. D. eighteen hundred and seventy, at the Clerk's office in said county, and in the presence of said Judge and Clerk, to authenticate, by their respective certificates, the assessment rolls of their respective revenue districts; and said assessment rolls, so authenticated, shall be as valid, to all intents and purposes, as they would have been had the said rolls been returned, properly certified, to the Clerk of the Board of Supervisors of said county, on or before the first Monday of August, A. D. eighteen hundred and sixty-nine.

To be received in evidence.

SEC. 3. The said rolls, together with the certificates attached thereto, as provided in section two of this Act, shall be receivable in evidence, with the same force and effect as though said rolls had been returned, properly certified, to the Clerk of the Board of Supervisors of said county, on or before the first Monday of August, A. D. eighteen hundred and sixty-nine.

Defective description amended.

SEC. 4. Whenever the description of property assessed in either of said districts for said year is defective, it shall be lawful for the Assessor who made such defective description of property in his assessment roll to attend at the Clerk's office in said county, on any day before the fifteenth day of February, A. D. eighteen hundred and seventy, and there, in the presence of the County Judge and County Clerk of said county, to correct and amend such defective description of any property by him assessed, the taxes upon which have not been paid; and such description, so corrected and amended, shall be as valid and binding in law as though such correction or amendment had formed a part of the original description of said property; and said rolls, so amended and corrected and certified to, as herein provided, shall be receivable in evidence in the same manner and with the same force and effect as though such correction or amendment had formed part of the original description; and the Assessor of each of said districts shall be a competent witness on the trial of any suit for delinquent taxes on property by him assessed for said year, to prove the time, mode and manner in which any such assessment, correction or amendment was made; also, to identify his assessment roll.

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

CHAPTER XX.

An Act to raise a fund for the improvement of Napa City.

[Approved January 24, 1870.]

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

Tax levied.

SECTION 1. The Board of Supervisors of Napa County are hereby authorized and required, at their next regular meeting,

and annually thereafter, to levy a tax on all the taxable property, real and personal, in Napa City, and the several additions thereto, including Alta Napa, and Lawley's addition to Alta Napa, for the purposes and uses hereinafter set forth.

Fix rate. SEC. 2. The Board of Supervisors shall estimate the value of the taxable property in said town and additions, and shall then fix such a rate per cent. upon such valuation as shall be sufficient to raise an amount of money annually, not exceeding twenty-five hundred dollars.

Collection. SEC. 3. Said tax shall be collected in the same manner and at the same time with other taxes for State and county purposes; and the same laws and regulations that apply to the enforcement and collection of other taxes for general purposes shall apply and extend to the taxes provided for in this Act. Said taxes shall be paid into the county treasury, and shall be known as the "Napa City Fund."

Napa City Fund.

How expended. SEC. 4. The moneys collected in pursuance of this Act shall be under the direction and control of the Board of Supervisors of Napa County, and shall be by them expended for the following purposes, and none other: for lighting the streets of Napa City and its said additions with gas, for supplying the cisterns with water for the use of the fire company, for repairing the engine house in Napa City, and for repairs on the fire company's engine and hose, and supplying the engine house with water.

Drainage and grades. SEC. 5. The Board of Supervisors of said county are further authorized to establish a system of drainage, and fix and determine the grade for the streets of Napa City and its additions, and shall also fix and determine the width and height of the sidewalks in said town and its additions.

Penalty for interfering with streets or sidewalks. SEC. 6. It shall be unlawful for any person or persons to dig or build and drain, grade or fill in any street or portion of a street, or erect any sidewalk or walks in Napa City or its additions, other than or different from that fixed and determined upon by the said Board of Supervisors, as in this Act mentioned; and any person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding fifty dollars for each offence, or imprisoned in the county jail not exceeding twenty-five days, or by both such fine and imprisonment.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAPTER XXI.

An Act authorizing and directing the conversion of certain legal tender notes in the State treasury into gold coin.

[Approved January 25, 1870.]

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

Controller to advertise for proposals. SECTION 1. The Controller of State is hereby authorized and directed, within ten days from the passage of this Act, to

advertise in two daily newspapers, one published in the City of Sacramento and one published in the City of San Francisco, for a period of ten days, soliciting sealed proposals for the purchase, in gold coin, of fifty thousand dollars of legal tender notes, in the Harbor Protection Fund of the State treasury, on a certain day to be named in the advertisement. The Controller shall open the bids in the presence of such bidders as may be present, and shall award the purchase of said legal tender notes to the highest responsible bidder or bidders therefor; *provided*, that if, in the opinion of the Controller, the bids are unreasonably low, he may reject them all, and advertise anew. Upon the payment, in gold coin, into the State treasury, to the credit of the Harbor Protection Fund, of the moneys arising from the bid or bids which may be accepted by him, the Controller is hereby authorized and directed to draw his warrant or warrants, as the case may be, payable in legal tender notes, out of said Harbor Protection Fund, upon the State Treasurer, in favor of such bidder or bidders as shall have made such payment.

Open bids.

Draw warrants

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

CHAPTER XXII.

An Act to authorize the Assessor of the City and County of San Francisco to appoint deputies.

[Approved January 25, 1870.]

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

SECTION 1. The Assessor of the City and County of San Francisco shall be allowed, to assist him in making his assessments, in lieu of the deputies now provided by law, as follows: For the office, one chief deputy, seven office deputies, one head draughtsman and assistant draughtsman. For the field, one chief deputy and eighteen under deputies.

Assistance in place of present deputies.

SEC. 2. Four of the office deputies shall be paid at the rate of one hundred and fifty dollars per month each, and shall be employed and paid only from the first day of February until the assessment roll is finally completed and handed over to the Auditor.

Salaries of office deputies.

SEC. 3. The eighteen under field deputies shall be paid at the rate of one hundred and fifty dollars per month each. The term for which such field deputies shall be paid shall not exceed an average of three months each, commencing on the first day of February in each year.

Salaries of field deputies

SEC. 4. The chief office deputy, chief field deputy, head draughtsman, assistant draughtsman, and three under office deputies, may be employed the entire year.

Time of employment.

SEC. 5. The chief office deputy, chief field deputy and head draughtsman shall be paid two hundred dollars per month each;

Salaries.

the under office deputies and assistant draughtsman, one hundred and fifty dollars per month each.

Auditor and Treasurer.

SEC. 6. The Auditor of the said city and county is hereby directed to audit, and the Treasurer of said city and county to pay out of the General Fund, the salaries herein provided for.

SEC. 7. All Acts and parts of Acts, so far as they conflict with the provisions of this Act are hereby repealed.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAPTER XXIII.

An Act in relation to ferries and toll bridges in the County of Butte.

[Became a law by operation of the Constitution, January 25, 1870.]

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

Rates of ferriage and toll to be established.

SECTION 1. The Board of Supervisors of the County of Butte shall establish the rates of ferriage and toll to be charged and received for crossing all licensed ferries and toll bridges within the County of Butte, which rates shall be posted up, either written, printed or painted, at each licensed ferry or toll bridge within said county, by the owner thereof.

SEC. 2. All laws and parts of laws conflicting with the provisions of this Act, so far as they apply to the County of Butte, are hereby repealed.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this twenty-fifth day of January, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER XXIV.

An Act to reincorporate the City of Stockton, and amendatory of and supplemental to an Act entitled an Act to reincorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two.

[Approved January 26, 1870.]

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

SECTION 1. Section two (2) of article one (1) of said Act is hereby amended so as to read as follows:

Boundaries.

Section two (2). The boundaries of the City of Stockton shall be as follows: On the east by the eastern line of East

street, as the same is laid out and fixed by a map, plan and survey of the City of Stockton and its environs, made by Duncan Beaumont in the month of March, A. D. eighteen hundred and sixty-one; on the west by a line running in a northerly and southerly direction, and parallel with and distant one-half of a mile west from the western line of Tule and Bragg streets (said Tule and Bragg streets being in fact the same street, under different names), as mentioned in the section hereby amended, which said line shall be extended until it intersects the northern and southern boundaries of said city, as herein next established; on the north by the northern line of North street, as laid out and fixed by the map, plan and survey aforesaid, and by said northern line of North street, extended in a direct line westerly, until it intersects the western boundary, as next hereinbefore established; and on the south by the southern line of South street, as laid out and fixed by the map, plan and survey aforesaid, and by the said southern line of South street, extended in a direct line westerly, until it intersects the western boundary as herein established.

Present officers to hold for their terms.

SEC. 2. The persons composing the acting Common Council and the Board of Education of the City of Stockton, and the persons holding the offices of Mayor, Assessor, Treasurer, City Collector, Clerk, Police Judge, City Attorney and Chief of Police of said city, at the time this Act takes effect, shall thereafter hold their respective offices and discharge the duties thereof, in and for said city, as hereby reincorporated, for the terms for which they shall have been elected or appointed, and until their successors are elected and qualified, or appointed and qualified. It shall be the duty of the Mayor of said city, and he is hereby required, to call a meeting of the Common Council of said city, within ten days after the approval of this Act, at which meeting the Common Council shall appoint a Commission, to be composed of the President of said Council, the Treasurer and Clerk of said city, who shall proceed forthwith to ascertain, as nearly as they can, the total amount of indebtedness of said city, of every character, existing on the first day of February, A. D. eighteen hundred and seventy, and make a detailed written report thereof to said Council, at a regular or special meeting thereof. The Common Council shall have authority to modify or correct said report, until the same conforms to the truth of the case, and when the report is corrected or modified, if the same be done, it shall be adopted by said Council, and entered at length on the records of the proceedings of the Common Council, and a copy thereof shall be filed in the office of the City Clerk; and the amount of such debt, as ascertained by said report, shall be a guide for the subsequent action of the Common Council and the several officers of said city, and in all their subsequent proceedings shall be known and referred to as the "old city debt."

Commissioners to ascertain indebtedness and report.

Old city debt

SEC. 3. The indebtedness of the City of Stockton, accruing after the first day of February, A. D. eighteen hundred and seventy, shall be known and referred to in the proceedings of the Common Council and city officers as the "new city debt."

New city debt.

First Ward. SEC. 4. There shall be three wards in said city. The First Ward shall include all that portion of the city, as bounded by this Act, situated south of Levee street, the line of said street being first extended to the western boundary of said city, and west of the centre of Hunter street, the same being first extended Second Ward to the southern boundary of the city. The Second Ward shall include all that portion of the city situated north of the centre of Weber avenue, the line of Weber avenue being first extended in a direct line to the eastern and western boundaries of said Third Ward. city. The Third Ward shall include all that portion of the city situated south of the centre of Weber avenue, with the line thereof extended as aforesaid, and east of the centre of Hunter street, with the line thereof extended to the southern boundary, as aforesaid.

Aldermen and other officers to hold office until successors are appointed. SEC. 5. The several persons holding the offices of Aldermen in First, Second and Third Wards of the City of Stockton, respectively, as the same are bounded by an ordinance of the Common Council thereof, approved July seventeenth, A. D. eighteen hundred and sixty-six, at the time this Act takes effect, shall thereafter, severally and respectively, represent and hold the offices of Aldermen of the First, Second and Third Wards of said city, as they are defined by this Act, and shall have as full power, authority and jurisdiction to discharge all the duties of Aldermen of said wards as herein established, until their successors are elected and qualified, as if they had been duly elected thereto; and the said Board of Education, and the persons holding the offices as Mayor, Assessor, Treasurer, City Collector, Clerk, Police Judge, City Attorney and Chief of Police of said city, respectively, at the time this Act takes effect, shall thereafter hold their offices until their successors are elected or appointed and qualified, with the same authority, power and jurisdiction in said city, as hereby reincorporated, as if they had been lawfully elected to said offices; *provided*, that no assessment of property or collection of taxes, within the district of territory situated without the limits of the City of Stockton, as bounded by the Act of which this Act is amendatory, and which is hereby incorporated into the City of Stockton, shall be made until an Assessor and a City Collector shall have been elected by the legally qualified voters of the City of Stockton, as the same is bounded by this Act. All the acts of the said officers, respectively, subject to the proviso contained in this section, and of the Common Council, done after this Act takes effect, shall have the same force and effect as if said officers had been duly elected by the qualified electors of the City of Stockton, as the same is reincorporated by this Act.

Time of levying and assessing taxes. SEC. 6. The levying of taxes and the assessment of property in the City of Stockton, for municipal purposes, for the fiscal year A. D eighteen hundred and seventy, and every year thereafter, shall be made between the second Monday in January and the first Monday in July. All property, both real and personal, within the City of Stockton, as hereby reincorporated and liable by law to taxation, shall be included in the assessment roll and subject to taxation for municipal purposes; *provided*, that no property that may be assessed, and which is situated without the boundaries of said city, as said boundaries are

defined by section two, article one of the Act hereby amended, shall ever be liable to taxation or be taxed by the corporate authorities of said city for the purpose of paying the indebtedness of said city, existing on the first day of February, A. D. eighteen hundred and seventy, the "old city debt," or any part thereof, or the interest, or any part of the interest thereon, that shall have accrued prior to February first, A. D. eighteen hundred and seventy, or that may thereafter accrue on such indebtedness; but all property situated in said city, as hereby reincorporated, and liable by law to taxation, shall be liable to, and shall be equally taxed for any and all indebtedness of said city, as hereby reincorporated, accruing after the first day of February, A. D. eighteen hundred and seventy. The "new city debt" and the "old city debt," or the debt existing on the first day of February, A. D. eighteen hundred and seventy, and all interest thereon, shall be paid from the revenue arising from the taxation of real and personal property liable by law to taxation, situated within the boundaries of said city, as fixed by section two of article one of the Act hereby amended; and for the purpose of paying the "old city debt" and the interest thereon, the corporate authorities of said city may divide the city into assessment districts, and levy on the property within the limits of said city, as defined by said section two, article one, of the Act hereby amended, all necessary taxes; and it is further *provided*, that all moneys arising from the sale of any property owned by the City of Stockton at the time this Act goes into effect, shall be applied to the payment of the principal and interest of the "old city debt," unless the same shall have been extinguished before such sale, and in that event, such moneys shall go into the city treasury for municipal purposes; and it is further *provided*, that the Insane Asylum of the State of California, and all property belonging to the State, shall be exempt from taxation by the corporate authorities of said city.

Outside property not taxable for old city debt

What property to pay old city debt and new city debt.

SEC 7. All Acts and parts of Acts in conflict with this Act are hereby repealed, and this Act shall be in force from and after its approval.

CHAPTER XXV.

An Act to authorize the County Treasurer of San Bernardino to transfer certain funds.

[Approved January 27, 1870.]

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

SECTION 1. The County Treasurer of San Bernardino County is hereby authorized and empowered to transfer two hundred and seventeen dollars, remaining in the Special Jail Fund of said county, into the Redemption Fund of said county.

To transfer moneys.

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

CHAPTER XXVI.

An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties.

[Approved January 27, 1870.]

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

Additional Notaries Public.

SECTION 1. The County of San Diego shall be entitled to three additional Notaries Public, who shall be appointed according to law, and who shall hold their offices for two years, and until their successors are appointed and qualified.

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

CHAPTER XXVII.

An Act to provide for engraving and printing Controller's warrants.

[Approved January 27, 1870.]

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

Controller to prepare design.

SECTION 1. The Controller of State is hereby authorized and required to cause to be prepared a design for a "State Controller's warrant," and to have the same skilfully engraved upon stone or copper. Said engraved plate of stone or copper shall be carefully preserved by the Controller of State, who shall cause to be printed thereon all warrants required by law to be drawn by him on the State Treasurer.

Appropriation.

SEC. 2. A sum not exceeding one thousand dollars is hereby appropriated, out of any money in the General Fund of State treasury not otherwise appropriated, to pay for designing and engraving the plate, and printing twenty thousand warrants.

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

CHAPTER XXVIII.

An Act to authorize the County of Sacramento to issue bonds.

[Approved January 27, 1870.]

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

Supervisors may issue bonds.

SECTION 1. The County of Sacramento is hereby authorized to issue, either at one time or from time to time, in its corporate name of "The Board of Supervisors of the County of Sacra-

mento," its bonds, to be known as the County Hospital bonds of the County of Sacramento, State of California, to such an amount, not exceeding in the aggregate the sum of eighty thousand dollars, as the Supervisors may deem necessary and proper, pledging the faith of the county that, at the expiration of a term of years to be therein stated (which term shall not be less than fifteen nor more than twenty-five), it will pay, in gold coin of the United States, at the office of its Treasurer, in the City of Sacramento, a sum of money to be therein stated (which sum shall be one hundred dollars, or some multiple of one hundred dollars); and that it will also, semi-annually, on the first day of January and the first day of July, pay, at said office, interest thereon in like coin, at the rate of eight per centum per year, upon the delivery, to the said Treasurer, of the coupon for the interest then due; and each of said bonds shall contain a clause reserving to the county the right to pay said bond, at its option, at any time after the expiration of ten years from its date; and that interest thereon shall cease at the expiration of six months from the publication of a notice in the City of Sacramento, that the county is prepared to pay the bond, provided said notice is not given until after the expiration of said ten years. Interest.

SEC. 2. Said bonds shall be prepared by the County Treasurer, and shall be numbered consecutively, and be recorded and signed by him, and shall then be signed by the President of the Board of Supervisors, and be delivered to the County Auditor, who shall countersign them and register them in his office; the registry of the Treasurer and Auditor shall each show the number, date and amount of each bond, and when it was issued, and to whom. Each bond shall have attached to it coupons for the semi-annual interest, each of said coupons bearing the number of its bond, the date when it will be due, the amount to be paid, and the number of its series in the order of becoming due, making the coupons first due number one. Said coupons shall be signed by the Treasurer. Preparation and register of bonds. Coupons.

SEC. 3. The Board of Supervisors may dispose of the whole or any part of said bonds at one time, or from time to time, as may be deemed proper, by offering them to the highest bidder, after having given at least thirty days notice, in two newspapers published in the City of Sacramento, and two published in the City of San Francisco, of the time and place where and when the bids will be opened, and the terms and conditions, if any, that must accompany the bids. In the first advertisement (and in succeeding ones, if no offers made under the first bid are accepted) offers shall be asked for bids for fifteen, twenty or twenty-five year bonds, at the option of the bidder, but after the Board has once fixed the term of years of any of the bonds, all the others shall conform thereto, so that all the bonds issued under this Act shall become due the same day. The Supervisors shall have the right to reject the whole or any part of the bids that may be received, and they shall not have the right to make any contract or announcement to the contrary. Sale of bonds

SEC. 4. Whenever any interest coupon that is due, or any bond that has become due, is presented to the Treasurer, he shall pay it out of the Hospital Interest and Sinking Fund; and Payment of coupons and bonds that are due.

no order, authority or warrant shall be necessary to authorize the Treasurer to make the purchases and payments required by this Act; and the delivery by him to the Auditor, of the cancelled bond or coupon, shall be the Treasurer's sufficient voucher in the settlement of his accounts; and so much of any law as is contrary to the provision of this section is hereby repealed.

Levy of special tax for Hospital Interest and Sinking Fund.

SEC. 5. At the time of making the levy of county taxes, the Supervisors shall annually levy a special tax, to be known as the Hospital Interest and Sinking Fund tax, sufficient to pay the annual interest on the outstanding bonds issued under this Act; and in the year eighteen hundred and seventy-five, and annually thereafter, until all the bonds issued under this Act are paid, they shall, in addition to the aforesaid tax, levy a further tax of five cents on each one hundred dollars of taxable property, which said additional five cents shall be added to and be collected as a part of the Hospital Interest and Sinking Fund tax; and on the fifth levy of taxes next prior to said bonds becoming due, the Supervisors shall estimate what rate per hundred dollars of taxable property, levied yearly for five years, will pay said bonds, and during each of said five years they shall levy that rate instead of the aforesaid five cents.

Purchase of bonds.

SEC. 6. Whenever in any year there shall be in the Hospital Interest and Sinking Fund a surplus of one thousand dollars or more, in addition to a sum sufficient to pay the interest due in January and July of that year, the Treasurer shall give ten days notice, in some newspaper published in the City of Sacramento, of the amount of such surplus money, and that he will, at a day and hour specified in such notice, open sealed offers for such money, or any part thereof, in exchange for bonds issued under this Act, and that to the extent of such surplus money he will purchase such bonds from the party offering the best terms to the county therefor; *provided*, however, that he shall not make any purchase at a rate exceeding par and accrued interest; and *provided* further, said bids shall be opened in public and in presence of the Auditor.

How money to be used.

SEC. 7. The money accruing under the provisions of section five shall not be used for any purpose whatever except paying the interest as it accrues, and the purchase and payment of bonds under the Act The money arising from the sale of the bonds shall be paid into a special Hospital Fund, and shall only be used in erecting and furnishing a hospital and poor house, inclosing and improving the grounds thereof, erecting outbuildings thereon, and in stocking the farm. The surplus, if any remaining in said fund when the matters named in this section are wholly completed and paid for, shall be transferred to such fund or funds as the Supervisors may direct.

Surplus.

Compensation of officers.

SEC. 8. The Supervisors shall allow the several officers and other persons necessarily employed in preparing the bonds authorized by this Act, such reasonable compensation for their several services as may be just, which compensation shall be paid out of the County General Fund.

Act to be printed on each bond.

SEC. 9. This Act shall be printed on the back of each bond issued under it; and shall form a part of the contract between the county and the holder of the bond.

SEC. 10. This Act shall take effect upon its passage.

CHAPTER XXIX.

An Act to amend an Act concerning Agricultural Societies, approved March twelfth, eighteen hundred and fifty-nine.

[Approved January 31, 1870.]

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

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

Section 3. The officers of such society shall consist of a President, two Vice Presidents, a Secretary, a Treasurer, and not less than two Directors—all of whom shall be members of such society at the time of their election, and shall have the management of the fiscal, prudential, and other concerns of such society, and shall be styled "The Board of Managers." The said officers shall be elected annually by the members of the society, at such time and in such manner as in their constitution and by-laws they may prescribe, and shall hold their offices for the term of one year, and until their successors enter upon their duties. Officers.

CHAPTER XXX.

An Act to repeal an Act entitled an Act to authorize the Supervisors of Humboldt County to levy a special tax for certain purposes, and to provide for the collection of the same, approved April eighteenth, eighteen hundred and fifty-seven, and an Act amendatory thereof, approved February eleventh, eighteen hundred and fifty-eight.

[Approved January 31, 1870.]

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

SECTION 1. An Act entitled an Act to authorize the Supervisors of Humboldt County to levy a special tax for certain purposes, and to provide for the collection for the same, approved April eighteenth, eighteen hundred and fifty-seven, and the Act supplementary to and amendatory of the said Act, approved February eleventh, eighteen hundred and fifty-eight, are hereby repealed. Levy special tax.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXI.

An Act making an appropriation for deficiencies for the twenty-first fiscal year, ending the thirtieth day of June, eighteen hundred and seventy.

[Approved January 31, 1870.]

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

Appropriation. SECTION 1. The sum of fifteen thousand dollars ($15,000) is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, to supply a deficiency in the appropriation for printing, paper and official advertisements for the twenty-first fiscal year.

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

CHAPTER XXXII.

An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six.

[Approved January 31, 1870.]

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

Election of Assessor, Collector and Recorder. SECTION 1. At the time and at the place provided for the election of Trustees for said town, there shall be elected annually, by the qualified electors of said town, a Town Assessor, who shall be ex officio Town Treasurer, a Town Tax Collector and a Recorder. All elections for town officers shall be held in the same manner as is provided by law for the election of School Trustees in the County of Santa Cruz.

Bonds. Before entering upon the duties of their respective offices, the said Assessor, Tax Collector and Recorder, shall enter into bond with sureties, in an amount to be fixed by the Board of Trustees, and to be approved by them, conditioned for the faithful performance of their duties.

Assessor's duties and compensation. The Town Assessor shall make all assessments authorized to be made by this Act and the Act of and to which this Act is amendatory and supplementary. He shall be entitled to receive, as a full compensation for all his services as Assessor and Town Treasurer, a sum to be fixed by the Board of Trustees, of not exceeding four per cent. on the gross amount of all town revenues received by him as such Treasurer.

Collector's duties and compensation. The Town Tax Collector shall collect all taxes authorized to be levied by the Board of Trustees. He shall be entitled to receive, as a full compensation for all his services as such Tax Collector, a sum to be fixed by the Board of Trustees, not exceeding three per cent. on all moneys collected by him as such Tax Collector.

Power of Trustees. SEC. 2. The Board of Trustees shall have the power to establish the grades of the streets and to regulate and control

the width and manner of construction of the sidewalks in the streets of said town; to establish fire limits in said town; to light the streets of the town with gas, within the fire limits; to levy annually a tax for fire protection, street lighting purposes, of not exceeding one-half of one per cent. on the assessed valuation on all the property within the fire limits of said town; to levy annually, on all men, residents of said town, between the ages of twenty-one and fifty years, a road poll tax, of not exceeding three dollars.

Fiscal year. Claims. Expenditures not to exceed income. Personal liability of Trustees.

SEC. 3. The fiscal year shall commence on the first Monday of May, in each year. No claim against the town shall be allowed by the Board of Trustees which shall have been incurred during any of the previous fiscal years. The expenditures of any fiscal year shall not exceed the income during said year, and all allowances made in excess of the income in any fiscal year shall be void as against the town, and shall not constitute a claim against said town, and shall not be paid by the Town Treasurer; *provided*, that the said Trustees shall be personally responsible for any indebtedness they may incur over and above the annual income.

Road poll taxes.

SEC. 4. The revenue derived from road poll taxes shall be exclusively used for the improvement and repair of the streets. All the sidewalks shall be constructed and kept in repair at the expense of each owner, in front of his or her lot or tract of land.

Improvement of streets. Assessment for, to be lien

SEC. 5. Upon a petition being presented to the Board of Trustees for the improvement of any street, or the opening of any new street, which said petition shall have been signed by the owners of two-thirds part of the frontage on said street, or proposed street, the Board of Trustees may cause such improvement to be made, or such new street to be opened, and cause the expense thereof to be assessed to and collected from the owners of the real estate fronting on such street; and any assessment thus made shall constitute a lien against the real estate assessed, dating from the time such improvement or opening has been ordered; *provided*, that it shall be the duty of the Board of Trustees to equalize such assessment.

Compensation for taking private property.

SEC. 6. Private property shall not be taken for public streets until compensation has been made for the same to the owners thereof. The amount of such compensation shall be ascertained by the Board of Trustees in the same manner as is now provided by law for the ascertainment of damages in cases of appropriation of land for railroad purposes.

Powers, how enforced.

SEC. 7. All powers granted by this Act and the Act of and to which this Act is amendatory and supplemental, may be enforced by ordinance by the Board of Trustees.

Acts repealed.

SEC. 8. An Act entitled an Act to provide for the establishment, maintenance and protection of public and private roads in the County of Santa Cruz, approved April seventeenth, A. D. eighteen hundred and sixty-two, excepting section thirteen of said Act, and all Acts amendatory of and supplementary to said Act, so far as the same are applicable to the said town, and all Acts or parts of Acts, so far as the same are in conflict with the provisions of this Act, are hereby repealed.

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

CHAPTER XXXIII.

An Act to provide means for the government of the County of Santa Cruz, and for the payment and funding of the debt of said county.

[Approved January 31, 1870.]

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

SECTION 1. The fiscal year shall commence on the first day of March in each year.

Statement of revenue of preceding year.

SEC. 2. The County Treasurer and County Auditor shall each make out and file with the Clerk of the Board of Supervisors, on the first Monday of March in each year, a detailed statement of all the county revenue of the preceding year, applicable to the payment of the current expenses, exclusive of the revenue applicable to the maintenance of the public schools, the payment of the principal and interest of the funded debt, and the revenue derived from road poll taxes.

Appropriations.

SEC. 3. The Board of Supervisors shall annually, in the month of March, make appropriations of sufficient amounts for the payment of the current expenses of each fiscal year; *provided*, that the amount of such appropriations, in the aggregate, shall not exceed the amount of the income of the county for the preceding fiscal year, as provided to be ascertained by the provisions of section two of this Act. Such appropriations shall be made in separate amounts, and shall be divided into the following funds:

Not to exceed income.

Salary Fund.

First—The Salary Fund. Out of which shall be paid all fixed annual salaries, heretofore payable out of the County General Fund.

County Fund

Second—The County Fund. Out of which shall be paid all expenses now payable out of the General Fund, except the said fixed annual salaries provided to be paid out of the Salary Fund.

Road Fund.

Third—The Road Fund. Out of which shall be paid all expenses now payable out of the Road Fund.

Indigent Sick Fund.

Fourth—The Indigent Sick Fund. Out of which shall be paid all expenses now payable out of the Indigent Sick Fund; *provided*, that no warrant shall be paid out of either of said funds, issued for any expense incurred or service rendered prior to the first day of September, A. D. eighteen hundred and seventy. Certified copies of the order making such appropriations shall be served on the County Auditor and County Treasurer, by the Clerk of the Board of Supervisors, within three days from the date of the making of such order. When any allowance is made, payable out of either of the funds provided for in section two of this Act, the Clerk of the said Board at the time such allowance is made, the County Auditor at a time when such an allowance is audited by him, and the County Treasurer at the time any warrant shall be presented to him, payable out of either of the said funds, shall each of them enter upon a book, to be kept by them for that purpose, the amount of such allowance or warrant, in separate columns, against the

Allowances.

fund on which such allowance shall have been made or warrant drawn. Whenever, in any fiscal year, the allowances made or warrants drawn, on any of the said funds, shall be equal to the amount appropriated to such fund, no more allowances, payable out of such fund, shall be made during such fiscal year by the Board of Supervisors, or entered on the minutes of the said Board by their Clerk, nor shall any more warrants on such fund be drawn by the County Auditor, and accepted or paid by the County Treasurer, during such fiscal year. The amount of money expended for expenses incurred or services rendered from the first day of March, A. D. eighteen hundred and seventy, to the first day of September, eighteen hundred and seventy, for salaries, county purposes, road purposes and indigent sick purposes, shall be deducted from the amounts appropriated for those purposes, for that fiscal year, it being the intention that the whole amount expended for the current expenses of the county, for the fiscal year eighteen hundred and seventy, shall not exceed the amount of the revenue of the preceding year, as provided to be ascertained by section two of this Act. No expense incurred during any fiscal year shall be paid out of the money of any of the said funds during any fiscal year thereafter.

Funds not to be overdrawn.

Current expenses of 1870 not to exceed those of 1869.

SEC. 4. Whenever the owners of a major part of the taxable property of the county, according to its valuation on the last preceding assessment roll, shall make written application to the Board of Supervisors for an expenditure of not exceeding ten thousand dollars, for any purpose now authorized by law, the Board of Supervisors shall have the power, after having caused such application to be spread upon their minutes, to incur such expenditure, although in excess of the income of the county for the preceding fiscal year, and shall provide for the payment of the same, as directed in said application, either by the levy of a special tax, in the same or the succeeding fiscal year, or by the issuance of county bonds, bearing interest at a rate of not more than ten per cent. per annum.

When Supervisors may exceed the expenditures of preceding year.

SEC. 5. All warrants now outstanding, payable out of the County Fund, the Road Fund and the Indigent Sick Fund, and all warrants which may be issued for expenses incurred or services rendered prior to the first day of September, A. D. eighteen hundred and seventy, payable out of either of the funds provided for in section three of this Act, may be exchanged at the option of the holder, at par and interest, for county bonds, in sums of one hundred dollars, two hundred and fifty dollars, five hundred dollars, and one thousand dollars, payable within twenty years from the date of their issue, in gold coin, with interest at the rate of ten per cent. per annum, in like coin, the interest to become due and payable semi-annually, excepting the first year, when it may be made payable annually. It shall be the duty of the Board of Supervisors, immediately after the passage of this Act, to cause proper bonds to be prepared. Said bonds shall be signed by the Chairman of the Board of Supervisors and by the County Auditor. Coupons for the interest shall be attached to each bond, signed by the said Chairman. Such bonds shall thereupon be delivered by the County Auditor to the County Treasurer, who shall receipt for the same. Whenever any warrants are exchanged for bonds,

Warrants may be exchanged for bonds.

Supervisors to have bonds prepared, signed, etc.

the County Treasurer shall sign such bonds, and all the coupons attached thereto, and shall enter the date of the issue on such bonds. No more than ten thousand dollars in bonds shall be signed by the Chairman of the Board of Supervisors and the County Auditor, at any one time, and no more bonds shall be signed thereafter, until after the County Treasurer has delivered to the County Auditor the equivalent of such bonds in warrants, and until such warrants shall have been destroyed by the Board of Supervisors, in the presence of the County Treasurer. The County Treasurer and County Auditor shall keep separate accounts of all bonds issued, and all warrants exchanged, and shall make a quarterly report thereof to the Board of Supervisors

Warrants destroyed.

Accounts of bonds.

County revenue, how applied.

SEC. 6. All county revenue received by the County Treasurer at any time prior to the first day of September, A. D. eighteen hundred and seventy, shall be applied as directed by law before the passage of this Act, except the moneys received applicable to the payment of the debt by virtue of the Act entitled an Act to provide for the payment of the debt of Santa Cruz County, approved April twenty-fourth, eighteen hundred and fifty-seven; which money shall be used for the redemption of warrants on the General Fund, in the order of the date of their presentation to the County Treasurer.

SEC. 7. The Board of Supervisors shall levy, annually, in the month of March—

State tax.

First—The tax required by law to be levied for State purposes.

Interest tax.

Second—The taxes required by law to be levied for the payment of interest on county bonds heretofore issued

Current expense tax.

Third—A tax for current expenses, of not exceeding one dollar and forty-five cents on each one hundred dollars of taxable property; which said tax shall be in lieu of all property taxes now by law authorized to be levied for county purposes, for road purposes, for indigent sick purposes, and for the payment of the county debt, as authorized by the Act entitled an Act to provide for the payment of the debt of Santa Cruz County, approved April twenty-fourth, eighteen hundred and fifty-seven.

Redemption tax.

General Fund, Road Fund and Indigent Sick Fund.

Fourth—A tax of twenty cents on each hundred dollars of taxable property, for the redemption of all the warrants now payable out of the General Fund, Road Fund and Indigent Sick Fund, or which may be issued, payable out of either of the funds provided for in section two of this Act, for expenses incurred or services rendered prior to the first day of September, A. D. eighteen hundred and seventy. After all these warrants have been paid or exchanged for county bonds, no more tax shall be levied for the redemption of the same; and all moneys then remaining in the county treasury, from the proceeds of said tax, shall be transferred to the Current Expense Fund.

Public school tax.

Fifth—A tax of sixty cents on each hundred dollars of taxable property for public school purposes; which tax shall be in lieu of all property taxes now authorized by law to be levied for public school purposes by the Board of Supervisors, or the Board of Trustees of the several school districts; *provided*, that the Board of Trustees of the following school districts—Bay View,

Corralitos, Railroad, Union, San Lorenzo and Scott's Valley—are hereby authorized to levy, in the year A. D. eighteen hundred and seventy, in their respective districts, a special tax for building purposes, of not exceeding fifty cents on each hundred dollars of taxable property within their respective districts, which special tax shall be assessed by the County Assessor, equalized by the Board of Supervisors, and collected by the County Tax Collector and District Attorney, in the same manner and at the same time as is provided for the assessment, equalization and collection of State and county taxes. The Board of Trustees by whom such special tax may be levied shall allow a reasonable compensation to the County Assessor and Tax Collector for their services, provided such allowance to either of said officers shall not exceed three per cent. on the amount of the total proceeds of such tax.

Duty of officers and compensation.

Sixth—A tax at a sufficient rate to pay the interest on the bonds authorized to be issued by the provisions of this Act, and after the year A. D. eighteen hundred and eighty, to pay annually one-tenth part of the principal on said bonds; *provided*, that the whole tax authorized to be levied by the Board of Supervisors, in any one year, for all the purposes in this section enumerated, shall not exceed the sum of three dollars and fifty cents on each hundred dollars of taxable property.

Tax for interest and principal of bonds.

SEC. 8. All moneys paid into the county treasury from the proceeds of the tax for current expenses, as provided by subdivision three of section seven of this Act, and all moneys paid into the county treasury after the first day of September, eighteen hundred and seventy, applicable to the payment of county expenses, derived from licenses, fines and poll taxes, or any other source not otherwise appropriated, shall be applicable to the payment of the current expenses of the county, and shall be apportioned by the County Treasurer among the several funds provided for in section two of this Act, pro rata, according to the amount of appropriations made to each of said funds by the Board of Supervisors, as required by section three of this Act.

Current expenses.

SEC. 9. Any county officer who shall violate or cause to be violated any of the provisions of this Act, shall be deemed guilty of corrupt misconduct in office, and shall be held responsible, personally and on his official bond, to the County of Santa Cruz, or to any person who may be injured by such corrupt misconduct, to the extent of the loss caused thereby.

Penalty for violating provisions of this Act.

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

SEC. 11. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Repeal.

CHAPTER XXXIV.

An Act to authorize the Council of the City of Oakland to lay out, open or improve streets in said city.

[Approved January 31, 1870.]

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

Streets to be opened upon petition if benefits exceed damages.

SECTION 1. Whenever a petition shall be presented to the Council of the City of Oakland, signed by at least three residents and freeholders of said city, each of whom shall be directly interested in the property to be affected thereby, asking for the laying out, opening, extending, straightening or widening any street or highway in said city, it shall be the duty of the said Council to examine into said matter, and if, in the opinion of a majority of all the members elected to said Council, to be expressed by a resolution to be entered upon their minutes, with the names of the members voting therefor, the benefits to arise from granting said petition, in whole or in part, will exceed the damages and expenses to be caused thereby, and the convenience of the public will thereby be promoted, they may by resolution direct the City Engineer to survey and make a map of the said proposed improvement and of the premises to be affected thereby, a copy of which resolution shall forthwith be transmitted by the Clerk of said Council to said City Engineer.

Duty of Engineer.

SEC. 2. It shall be the duty of the City Engineer, upon receiving such notice, to proceed and survey the said proposed improvement, to make a map thereof, showing the location, boundaries, the amount of land necessary to be taken, and the names of the owners or possessors thereof, showing the portions owned or possessed by each, and to return the same to the Council within ten days after the receipt of said resolution by him, unless longer time shall be granted by said Council therefor.

Notice for parties to show cause.

SEC. 3. Upon receiving said map and return from the said Engineer, the said Council shall forthwith give notice of not less than five days, by publication in not less than two daily newspapers, if there be so many published in said city, of the time and place where they will hear all parties desiring to show cause against the said improvement. At the time and place designated in such notice, or at such subsequent time as the said Council may adjourn to—but such adjournments shall not, in the aggregate, exceed seven days—the said Council shall proceed with such hearing.

Commissioners to assess damages and benefits.

SEC. 4. If no objections be made, or if, after hearing the objections thereto, the Council shall remain of the opinion that such improvement should be made, they shall elect, by ballot, three Commissioners, residents and property owners in said city, not interested, directly or indirectly, in the proposed improvement, or in the property to be affected thereby, to assess the damages and benefits to be caused by said improvement.

How to proceed.

Within two days thereafter, said Commissioners shall give notice

of the time and place where they will proceed to examine the property to be affected by such improvement, by an advertisement in two newspapers, if there be so many published in said city, such time to be not more than three days thereafter, at the time and place named; they shall proceed to examine the land and improvements to be affected by the proposed improvement, and shall first ascertain the amount of damages to be sustained, the names of the owners of the property to be damaged, and the amount to be paid to each of such owners therefor. They shall then assess upon the property to be benefited by such improvement a sum sufficient to pay the whole amount of said damages, and the fees and expenses of the said Commissioners, and shall apportion the same among the owners of the several parcels of property to be thus benefited, in proportion to the amount of benefits to accrue to each. In making such estimate and apportionment, they shall take all pertinent testimony that may be offered them, and may examine any witnesses that they shall deem it necessary or advisable to call, and shall have authority to administer oaths to all persons testifying before them. Within twenty-one days after their appointment, unless further time be granted by the Council, they shall make a report to the said Council of the assessments and awards so made by them, with the names and amounts of the persons damaged or benefited as aforesaid. Report.

SEC. 5. Upon receiving such report, said Council may, by ordinance, levy a tax upon the several parcels of property reported as benefited by said improvement, for the amounts severally charged against each in said report, which tax shall be a lien upon said several parcels of property severally, and shall not be removed until said tax is paid. Immediately after levying such tax, they shall give notice thereof by advertisement in two newspapers, if there be so many published in said city, requiring the owners of the property taxed to pay the amounts severally due from each, to the City Clerk, within ten days from the first publication of said notice. At the expiration of said ten days they shall issue to the City Marshal a warrant, to be signed by their President and Clerk, commanding him to levy and collect all of the said tax that shall be then unpaid, with his fees for collection, from the property upon which the same is a lien as aforesaid, and shall thereupon deliver the same to said Marshal. Levy tax on property benefited. Notice. Warrant for collection.

SEC. 6. Upon receiving said warrant, said Marshal shall proceed to collect so much of said tax as is unpaid, by levy upon and sale of the several portions of property upon which said unpaid tax is a lien, in the same manner and with the same authority as on sales on execution by Sheriffs, and shall return said warrant, with his doings thereon, within thirty days after the receipt thereof by him. If for any reason the whole amount thereof shall not be collected, said Council may issue, with like effect, a subsequent warrant or warrants until all be collected. Marshal to collect.

SEC. 7. As soon as money enough for that purpose is received from said tax, said Council shall direct the City Marshal to pay or tender to each party to whom damages have been awarded, the sums severally due to them, and thereupon to proceed forthwith and open said street or other improvement; and the same To pay parties to whom damages are awarded, and open streets.

shall thereupon be deemed open to public use, for the purpose and to the extent in the original ordinance prescribed. If any person or party entitled to damages cannot be found by said Marshal, he shall deposit the amount due to them in the city treasury, as a special deposit, subject to their order, and the same shall be deemed a sufficient payment under this Act. The money so deposited shall not be drawn or used for any other purpose whatever.

Special fund.

SEC. 8. All moneys collected under this Act shall be paid into the city treasury as a special fund, for the purposes for which they were collected, and shall not be drawn out or used for any other purpose whatever.

Power of Engineer and Commissioners.

SEC. 9. The City Engineer and the Commissioners to be appointed, as herein prescribed, shall each have the right to go in or upon any property for the purpose of making the survey and examinations above mentioned, or for any other purpose necessary in the discharge of their duties under this Act. Said Commissioners shall each be entitled to ten dollars for the first day, and two dollars for each subsequent day devoted to their duties as such Commissioners, and they shall not receive any other fees or compensation for such services.

Compensation.

SEC. 10. All Acts and parts of Acts in conflict herewith, so far as they conflict herewith, are hereby repealed.

SEC. 11. This Act shall take effect immediately.

CHAPTER XXXV.

An Act to change the principal place of business of the San Justo Homestead Association.

[Became a law by operation of the Constitution, February 1, 1870.]

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

Place of business, Hollister.

SECTION 1. From and after the nineteenth day of January, A. D. eighteen hundred and seventy, the principal place of business of the San Justo Homestead Association shall be at the Town of Hollister, in Monterey County, State of California.

Articles of incorporation to be filed.

SEC. 2. The Secretary of said San Justo Homestead Association shall file a copy of the articles of incorporation of said association, verified by his oath, in the office of the County Clerk of Monterey County, California, on or before the nineteenth day of January, A. D. eighteen hundred and seventy.

SEC. 3. This Act shall take effect immediately.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this first day of February, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER XXXVI.

An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets, approved March thirtieth, eighteen hundred and sixty-eight.

[Approved February 1, 1870.]

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

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

Section 3. The expenses of the work, as designated in section one and two of this Act, and authorized hereby, also all damages occasioned to property within the district mentioned in section four of the Act of which this is amendatory, by said work, together with the costs, counsel fees and expenses incurred in carrying into effect the provisions of this Act, shall be defrayed by the assessment upon the real estate in said district which is benefited by said work; and under no circumstances shall the same become a charge upon the treasury of the City and County of San Francisco.

Expenses of work to be assessed to real estate benefited.

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

Section 10. Said Commissioners shall proceed to view the lands and premises adjoining and approximate to the streets whereof the grades shall have been modified according to section one of the Act of which this is amendatory, and also any other lands and premises within the district defined in section four of said Act, which they shall deem necessary, and shall examine under oath, which any one of them is hereby authorized, for such purposes, to administer, any claimant for damages who shall desire to be examined, and any witnesses produced before them by any party interested, and all other witnesses they may deem necessary to fully acquaint them with the true amount of benefits and damages which result to the property in said district by the completion of said work.

Commissioners to ascertain damages by hearing evidence.

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

Section 11. Said Commissioners shall first ascertain and determine the amount of damages resulting to any property injured or affected by said work, over and above all benefits, and shall then proceed and assess the whole amount thereof, together with the amount due for all of said work, and also the costs and expenses of all proceedings had under this Act, and the Act of which this is amendatory, including the fees of said Commissioners, and of the counsel and Clerk employed by said Commissioners, upon the lands and premises benefited by said change of grade, and which lie within the district aforesaid, as near as may be in proportion to the benefit which shall have accrued to each lot.

To assess damages and costs on property benefited, in proportion to benefit.

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

Report within six months.

Section 12. Said Commissioners shall make their report in writing, subscribed by them, within six months after the passage of this Act, and file it in the office of the Clerk of the County Court of said city and county. In their said report they shall describe each piece of property in said district which will sustain damage, stating the amount of the damages which it will sustain, by reason of said work and change of grade, over and above all benefits, and shall set forth the name, if known, of the owner or owners of each piece of property so entitled to damages, and the amount of damages to which such owner or owners are entitled, and if such owner or owners be unknown, they shall so state; and they shall also give a brief description of each lot benefited within the said district, and the amount assessed against the same, and the name of the owners thereof, if known. They shall also state in their said report the amount of the cost of said work, and the costs, expenses and fees of all proceedings under this Act and the Act to which this is amendatory, in detail. In case said three Commissioners shall not agree, the award agreed upon by any two of them shall be valid and have the same force and effect as though agreed upon by all of them. The Clerk of said County Court, as soon as said report shall be filed in his office, shall give notice of such filing by publishing a notice thereof in the official newspaper of said Board of Supervisors for a period of five days.

Clerk to give notice of same.

SEC. 5. Section thirteen of said Act is hereby amended so as to read as follows:

Parties dissatisfied may file objections within 20 days.

Section 13. Within twenty days after the publication of said last mentioned notice, any interested party or parties dissatisfied with the report of said Commissioners, or any part thereof, may file with the Clerk of the County Court of said city and county, written objections to said report or any part thereof, setting forth his or their grounds of objections. If no such objections are so filed within said period of twenty days, the report of said Commissioners shall be final and conclusive on all parties interested; and all assessments made and set forth in said report shall be a lien upon the respective parcels of land and property in said district, upon which said assessments are charged by said report. But in case any such objections are so filed within said period of twenty days, the County Court of said City and County of San Francisco shall assign a day for the hearing and trial of said objections, and on the day assigned, or on such other day or days to which the same shall be adjourned, said Court shall hear the allegations of the party or parties so objecting, and shall take proof in support of and against said objections, and of said report and the assessments therein, and shall confirm the said report or may modify the same, or may set the same aside either in whole or in part, or, in its discretion, may refer the matter back to the same Commissioners with instructions, who shall thereupon proceed as hereinbefore provided, or according to said instructions. Upon the hearing of said objections before said County Court, it shall be competent for any party to introduce evidence either in support of said objections or the report of said Commissioners;

County Court to hear same, confirm, modify or set aside.

Parties may object second time.

and in case said report should be referred back to said Commissioners by said County Court, then upon a second report being made by said Commissioners, the same right of objection by any party interested shall exist as to said second or amended report as is hereinbefore provided as to said first report, and upon the coming in of said second or amended report (in case there should be any second or amended report), the said County Court shall have power to render a judgment as to said report, or as to any of the matter therein contained, and such judgment of said County Court as to the premises shall be final and conclusive. And upon the final judgment of said County Court as to the premises, all assessments made and set forth in said report shall, from and after such final judgment, be a lien upon the respective parcels of land and property in said district upon which said assessments are charged by said report.

When County Court may render final decision.

Lien.

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

Section 14. As soon as the report of said Commissioners has been finally confirmed, in any of the modes mentioned in section thirteen, the Mayor of said city shall cause to be made up from said report an assessment roll, in the form used for assessment rolls for city, State and county taxes, in said city, which shall be entitled at the head thereof, "Assessment roll of persons and property benefited by the grading provided for in section one of an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets, approved March thirtieth, eighteen hundred and sixty-eight," in which roll there shall be set down in columns, extending from left to right, the third of which shall be a double column, which shall be headed respectively as follows: First, to whom assessed; second, description; third, amount of assessment, with a sub-heading, dollars, cents. In the first column there shall be set down the names of the owners of the respective parcels of property assessed, if known, and if it be stated in said report that the owner or owners of any parcel of land is unknown, the words "owner unknown" shall be set down in said first column, preceding the description of the respective parcels assessed to owners unknown. In the second column, opposite the name of the owner, shall be set down a certain and specific description of the property assessed to the owner or owners, and where the owner is unknown, a like description of the respective parcels assessed to an owner unknown; and in the third column shall be set down the amount, expressed in dollars and cents, under the respective sub-headings, assessed against each parcel, opposite the description thereof. Said assessment roll, when complete, shall be certified by the Mayor of said city to be correct, by writing his certificate at the end thereof, signed by him and attested with the seal of said city.

Assessment roll to be made.

How made up.

Certified by Mayor.

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

Section 15. Said assessment roll shall then be delivered by the Mayor to the Auditor of said city and county, who shall make a duplicate thereof, certified by him to be a true copy, and deliver said duplicate to the Tax Collector of said city and county, who shall immediately give notice that the same has

Duplicate by Auditor to be delivered to Collector.

been placed in his hands for collection, by publication for ten successive days, in the official newspaper in said city and county; Collection. and at the expiration of said period of ten days, said Collector shall proceed to collect the amount of such assessment, which shall be paid to such Collector within ninety days after the day of the first insertion of the notice by this section required to be given. After the expiration of the last mentioned ninety days, the said Collector shall mark on said duplicate assessment roll, opposite each assessment thereon which has been paid to him, the word "paid," and opposite each assessment which has not then been paid, the word "delinquent," and deliver the same to the Clerk of said Board of Supervisors, which said Board of Delinquent. Supervisors is hereby authorized to employ special counsel, who shall proceed and enforce the collection of all such delinquent assessment by suits in rem. instituted by him in the name of the city and county against the several parcels of lands, the assessments upon which shall be delinquent, who shall receive Prosecution. no other compensation except as herein provided. Such actions may be prosecuted in any of the District Courts now existing in and for said city and for said city and county, and the summons issued in such actions shall be served by delivering a copy thereof to the occupant of the parcel of land against which the action is prosecuted, and if such parcels of lands are unoccupied, by posting a copy of the summons in a conspicuous place upon the parcel of land proceeded against. In such actions the defendant shall demur or answer to the complaint within twenty days after the summons shall have been served, in the Trial. mode herein prescribed for the service thereof. On the trial said assessment roll shall be evidence of the liability of each parcel of land for the amount thereby shown to have been assessed against the same, and the defendant shall not be permitted, on the trial, to make any other proof than of the fact of the payment of the assessment upon the parcel against which the action is brought, to the person or officer by this Act Judgment. authorized to receive the same. The judgment shall be for the amount of the assessment which shall be due at the time the judgment is entered, to which shall be added ten per cent. thereon for counsel fees and all costs of suit. in cases where a defence is interposed, but if the judgment is by default, then two and one-half per cent. only shall be allowed for counsel Sale. fees. The Court, by its decree, shall direct a sale of the lot or premises against which any judgment shall be recovered in any such action, by the Sheriff of said City and County of San Francisco, in the mode prescribed by law for the sale of real estate under execution; and all deeds made by said Sheriff in pursuance of a sale under process issued to enforce any such judgment and decree, shall convey to the grantee therein the title in fee simple absolute to the premises described in the judgment against the same.

Delinquent may pay to Treasurer. SEC. 8. After said assessment roll shall have been delivered to the Clerk of said Board of Supervisors, and before suit shall be brought to enforce the payment of the same, any delinquent assessment may be paid to the Treasurer of said city and county. but if suit shall be brought before such payment, then, in addi-

tion to the amount of the assessment, such counsel fees shall be allowed as are hereinbefore provided.

Second Street Grading Fund.

SEC. 9. All moneys collected under the provisions of this Act shall be paid to the Treasurer of said city and county, and shall constitute a fund, to be designated as the "Second Street Grading Fund." There shall be paid out of said fund, upon warrants drawn thereon by the Mayor of said city and county, and issued to the party or parties entitled to receive the same: To the special counsel who may be employed to collect delinquent assessments, all sums which may be due to him, and paid to said Treasurer for services rendered in collecting the same, which said special counsel shall receive, for his services only, the percentage hereby provided to be collected as counsel fees; all sums due to the contractors for the work provided to be done by sections one and two of the Act of which this Act is amendatory, and all sums awarded as damages to any person, companies or corporations. There shall be paid out of the amount collected and paid into said funds, costs of suit and Sheriff's fees, and all expenses incurred in publishing the notices prescribed by this Act to be published, and all expenses incurred by the Sheriff in advertising notices of sales. And any surplus that may remain in said fund, after paying the several amounts hereby provided to be paid from the same, shall be transferred by the said Treasurer to the General Fund of said city and county.

Fees, costs and expenses to be paid.

Counsel, Commissioners and Clerk, and their compensation.

SEC. 10. The said Board of Commissioners are hereby authorized and empowered to employ legal counsel to advise and assist in their proceedings, who shall receive the sum of six thousand dollars for his entire compensation; also, a Clerk, at a salary of one hundred and fifty dollars per month. The compensation of said Commissioners is hereby fixed at six thousand dollars each. The compensation of said counsel, Clerk and Commissioners, shall be included in their assessment of damages and costs.

Acts of Supervisors and Superintendent of Streets confirmed.

SEC. 11. All orders and resolutions heretofore from time to time passed by the Board of Supervisors of the City and County of San Francisco, to carry into effect the provisions of the Act of the Legislature of the State of California, entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets, approved March thirtieth, eighteen hundred and sixty-eight, and all contracts made under said orders or resolutions, to carry into effect the provisions of said last named Act of the Legislature, and orders and resolutions of said Board of Supervisors of the City and County of San Francisco, and all proceedings of said Board of Supervisors, and of the Superintendent of Public Streets and Highways of said city and county, and all proceedings of contractors and workmen thereunder, or by virtue thereof, are hereby made valid, ratified and confirmed.

Mayor to draw warrant in favor of parties to whom money is awarded.

SEC. 12. Whenever there shall be in said Second Street Grading Fund an amount of money equal to twenty per cent. upon the total amount of all the damages, costs, fees and expenses awarded and charged by said Commissioners in their said report, and so as aforesaid confirmed, the Mayor shall draw his warrants upon said fund for the proportionate amount or

pro rata of the fund in the treasury, in favor of the various persons entitled to any portion of said fund, according to the report of said Commissioners, as confirmed as aforesaid, and so on, from time to time, until the whole of the various amounts awarded by said report, as confirmed, have been fully paid to the parties entitled, according to said report, thereto.

SEC. 13. This Act shall take effect immediately.

CHAPTER XXXVII.

An Act to amend an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty.

[Approved February 1, 1870.]

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 said Act is hereby amended so as to read as follows:

Churches, associations, etc., may appoint Trustees.

Section 175. 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 the affairs relative to the temporalities thereof; and the number first elected or appointed shall not thereafter be increased to more than fifteen nor diminished to less than three,

Vacancies.

and all vacancies that may thereafter take place by death, resignation or otherwise, of any of the Trustees, may be filled by election or appointment in the same manner; *provided*, that no such election or appointment to fill a vacancy, or such increase or diminution of the number of Trustees shall take effect until a certificate of such election or appointment or increase or diminution shall have been filed with the County Clerk of the county in which the original certificate of incorporation shall have been filed.

CHAPTER XXXVIII.

An Act to amend an Act entitled an Act to amend an Act entitled an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six, approved January twenty-second, eighteen hundred and seventy.

[Approved February 1, 1870.]

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

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

Section 2. The area of said town shall be included within, and defined by the following limits: Commencing at the southeast corner of section post of section twenty-seven, in township number sixteen north, range number eight east, Mount Diablo base and meridian; thence north along the eastern boundary line of said section, to the southeast corner of the northeast quarter of the northeast quarter of said section; thence west on line parallel to the north boundary line of said section, to the southeast corner of the northwest quarter of the northwest quarter of said section; thence south, on a line parallel to the eastern boundary line of said section, to the southeast corner of the southwest quarter of the southwest quarter of said section; thence east along the southern boundary line of said section to the point of beginning. Boundaries.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXIX.

An Act to amend an Act to authorize the Board of Supervisors of Inyo County to levy a special tax for building purposes, approved January twenty-ninth, eighteen hundred and sixty-eight.

[Approved February 1, 1870.]

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

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

Section 1. The Board of Supervisors of the County of Inyo may, in addition to the taxes now authorized by law, levy a special tax for building purposes, of not less than twenty-five cents and not more than forty-five cents on each hundred dollars of taxable property in said county. Said taxes shall be collected at the same time and in like manner as other taxes for said county and State purposes are collected. Levy a special tax.

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

Amount restricted.

Section 2. When the amount of money collected under and by virtue of this Act shall amount to the sum of nine thousand eight hundred and thirty-three dollars, no more taxes shall be assessed for said purpose; but if in any year an amount shall be collected under this Act, which, added to the sum already in the treasury, to the credit of said fund, shall exceed the amount herein authorized to be raised, the amount of such excess shall be placed to the credit of the Sinking Fund of said county.

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

CHAPTER XL.

An Act to authorize the Board of Supervisors of Mono County to transfer moneys from one fund to another.

[Approved February 1, 1870.]

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

Transfer funds.

SECTION 1. Whenever there shall be any moneys in the treasury of Mono County to the credit of any particular fund, excepting the School Fund, for which there be no immediate demand, the Board of Supervisors of said county shall have the power to transfer said moneys to any other fund, and make such provisions as they may deem expedient for the return of the same.

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

CHAPTER XLI.

An Act to amend section one of an Act entitled an Act to amend an Act entitled an Act to fix the amount of official bonds of county officers in and for the Counties of Klamath and Del Norte, approved March twenty-sixth, one thousand eight hundred and sixty-eight.

[Approved February 3, 1870.]

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

SECTION 1. Section one of an Act, the title of which is recited in the title of this Act, is hereby amended so as to read as follows:

Bonds of county officers.

Section 1. The county officers hereinafter named, in the Counties of Klamath and Del Norte, shall give bonds for the faithful discharge of their official duties, as prescribed by law, in the following sums, respectively: The Sheriff, in the sum in five thousand dollars; the Sheriff, as Collector, in the sum of

five thousand dollars; the Clerk, in the sum of one thousand dollars; the Clerk, as Recorder, in the sum of fifteen hundred dollars; the Clerk, as Auditor, in the sum of two thousand dollars; the District Attorney, in the sum of two thousand dollars; the County Surveyor, in the sum of fifteen hundred dollars; the Assessor, in the sum of two thousand dollars; the Treasurer, in the sum of ten thousand dollars; the Public Administrator, in a sum to be fixed by the Board of Supervisors, not less than two thousand dollars, and in no case shall the bond of the Public Administrator be less than the value of estates under his care and control; and the Board of Supervisors are empowered and required to increase said bond when necessity may occur.

SEC. 2. All laws and parts of laws, in so far as they conflict with the provisions of this Act, are hereby repealed.

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

CHAPTER XLII.

An Act confirming certain resolutions and ordinances passed by the President and Trustees of the City of San Diego in reference to a park and ground for burial purposes.

[Approved February 4, 1870.]

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

SECTION 1. That so much of the resolution heretofore passed by the President and Trustees of the City of San Diego, setting apart and dedicating certain lands, to wit: Pueblo lots numbered eleven hundred and twenty-nine (1129), eleven hundred and thirty (1130), eleven hundred and thirty-six (1136), eleven hundred and thirty-seven (1137), eleven hundred and forty-two (1142), eleven hundred and forty-three (1143), eleven hundred and thirty-one (1131), eleven hundred and thirty-five and the vacant part of eleven hundred and forty-four (1144), containing eleven hundred and forty (1140) acres of land, said numbers being according to the official survey of the City of San Diego, as made by Charles H. Poole in the year eighteen hundred and fifty-six, to the use of the citizens of said city, for a public park, is hereby approved, confirmed and ratified, and the said lands, and none others, are by this statute declared to be held in trust forever, by the municipal authorities of said city, for the use and purposes of a free and public park, and to be under the control and management of the said authorities, and for no other or different purpose, as fully and effectually as though set apart and dedicated in strict pursuance of a statute passed by the Legislature for such purpose. Resolution confirmed. Lands held in trust for park.

SEC. 2. The ordinance passed by the President and Trustees of said city, on the (29th) twenty-ninth day of October, A. D. Ordinance confirmed.

eighteen hundred and sixty-nine, numbered nine, setting apart of the following described real estate, to wit: Beginning at the northeast corner of pueblo lot number eleven hundred and sixty, a forty acre lot deeded by the city to James Pascoe, and another lot of eighty acres deeded to J. Nash; thence by true meridian courses, the variation being thirteen and one-fourth (13¼) degrees east, north sixty chains; thence east twenty-two chains to the eastern boundary of the city lands, as surveyed by J. C. Hayes; thence along said eastern boundary to the city lands south, seventeen degrees east, sixty-two and seventy-seven one-hundredths (62 77-100) chains, to the place of beginning, containing one hundred and eighty-six and nine one-hundredths (186 09-100) acres, and also the eastern half of pueblo lot eleven hundred and seventy-nine (1179) according to the official survey of the said city, as made by Charles H. Poole in the year eighteen hundred and fifty-six, for the use of the city for burial purposes, is hereby approved, ratified and confirmed, and the said lands declared to be held by the municipal authorities of the said city forever for burial purposes, to be under the management and control of the said city authorities, and for no other or different purpose whatever, as fully and effectually as though set apart and dedicated to such use in strict pursuance of a statute passed by the Legislature for such purpose.

Held in trust for burial purposes.

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

CHAPTER XLIII.

An Act to amend an Act entitled an Act respecting the Trustees of San Diego, approved April twenty-eighth, eighteen hundred and fifty-two.

[Approved February 4, 1870.]

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

President and Trustees may prosecute and defend claims for land.

SECTION 1. The President and Trustees of the City of San Diego, as a body corporate, shall have the power and authority to appear and prosecute and defend any and all claims or interest the City of San Diego has in and to any and all pueblo, tide, marsh or overflowed lands, claimed by the said city, in any and all State and Federal Courts, and before the State Surveyor-General, the United States Surveyor-General, the Commissioner of the Land Office, the Secretary of the Interior, or other Court or person before whom such matter or claim is now pending, or may be brought.

Contracts for same.

SEC. 2. For the purpose of prosecuting or defending any such claim, the said President and Trustees may, in the name of the said city, make any contract for fees, services, or costs and expenses, as may be necessary, in their judgment, to fully and fairly protect the interests of the said city in the same.

Employ counsel, etc.

SEC. 3. The said President and Trustees are hereby authorized to employ counsel and make a contract to pay the same,

for services rendered or to be rendered, in procuring a patent or other evidence of title to the lands claimed by the City of San Diego as city or pueblo land.

Expenses restricted.

SEC. 4. The President and Trustees shall not subject said city to an expense of more than three thousand dollars in any one year for all services of counsel under sections two and three of this Act.

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

CHAPTER XLIV.

An Act to authorize the Board of Supervisors of the County of Siskiyou to transfer moneys from a certain fund to certain other funds.

[Approved February 4, 1870.]

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

Transfer fund of Hospital District No. Two to Road Fund.

SECTION 1. The Board of Supervisors of the County of Siskiyou are hereby authorized to transfer all money that may be in the fund of Hospital District Number Two of said county at the date of the passage of this Act, or such part thereof as they may deem advisable, to the funds of the road districts embraced in said hospital district; and, in apportioning to the funds of said road districts the money hereby authorized to be transferred, the Board of Supervisors shall apportion to each of them a sum which shall bear the same proportion to the whole sum apportioned, as near as may be, as the sum collected from said road district for the Hospital Fund bore to the whole amount collected in said hospital district for the Hospital Fund.

How expended.

SEC. 2. The moneys which shall be transferred to the funds of the above specified road districts, by authority of this Act, shall be expended for the construction and improvements of the roads of said districts, the same as other moneys belonging to said funds.

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

CHAPTER XLV.

An Act to appropriate money to pay for services rendered the State by Dr. C. T. Overton.

[Approved February 4, 1870.]

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

Appropriation.

SECTION 1. The sum of two hundred and twenty-five dollars is hereby appropriated, out of any money in the General Fund

in the State treasury not otherwise appropriated, to pay Mrs C. T. Overton for services rendered by her husband, Dr. C. T. Overton, lately deceased, as Visiting Physician to the State Insane Asylum. The Controller is authorized to draw his warrant on the State Treasurer for the amount above specified, in favor of Mrs. C T. Overton.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLVI.

An Act amendatory of and supplementary to an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March sixteenth, eighteen hundred and fifty-five.

[Became a law by operation of the Constitution, February 6, 1870.]

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

SECTION 1. Section two of the above mentioned Act is amended so as to read as follows:

Exhibitions prohibited where wines, liquors, etc., are disposed of.

Section 2. Any person who shall, on the Christian Sabbath, get up, exhibit, open or maintain, or aid in getting up, exhibiting, or opening or maintaining of any bull, bear, cock or prize fight, horse race, circus, gambling house or saloon, or any other barbarous and noisy amusement, or who shall open, keep, conduct or exhibit any theatre, melodeon, dance cellar or other place of musical, theatrical or operatic performance, spectacle or representation, where any wines, liquors or intoxicating drinks are bought, sold, used, drunk or given away, or who shall purchase any ticket of admission, or directly or indirectly pay any admission fee to or for the purpose of witnessing or attending any such place, amusement, spectacle, performance or representation, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine of not less than twenty nor more than five hundred dollars, or by imprisonment of not less than ten days nor more than three months, or by both such fine and imprisonment. But nothing in this Act contained shall be so construed as to prohibit or render unlawful, on any day of the week, the performance of any other theatrical or operatic play or representation, or any musical concert.

Exceptions.

Disturbing worship.

SEC. 2. Any person or persons who shall get up, open or exhibit, or who shall aid in getting up, opening or exhibiting any place of barbarous or noisy pastime or amusement on the Christian Sabbath, or Sunday, or who shall, by any loud sounds or noise, or tumult, or by any act, conduct or practice whatever, disturb any worshipping assembly or congregation on the Christian Sabbath, or Sunday, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine of not less than fifty nor more than five hundred dollars, or by

imprisonment in the county jail of not less than twenty nor more than ninety days, or by both such fine and imprisonment.

Repeal

SEC. 3. Section three of said Act is hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this sixth day of February, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER XLVII.

An Act to pay the claim of H. F. Hastings, assignee of George Seckel, Clerk of the Supreme Court.

[Approved February 7, 1870.]

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

Appropriation.

SECTION 1. The sum of one thousand and fifty dollars is hereby appropriated, out of any money in the State treasury not otherwise appropriated, to pay H. F. Hastings, assignee of the claim of George Seckel, Clerk of the Supreme Court, for salary paid the Deputy Clerk of said Court by said Seckel, from the first Monday in December, eighteen hundred and sixty-seven, to the first Monday in July, eighteen hundred and sixty-eight.

Clerk of Supreme Court.

Porter.

SEC. 2. The further sum of three hundred and sixty dollars is hereby appropriated, out of any money in the State treasury not otherwise appropriated, to pay H. F. Hastings, assignee of the claim of said Seckel, for salary paid by the said Seckel to the Porter of the Clerk's office, [from] July first, eighteen hundred and sixty-eight, to January first, eighteen hundred and seventy.

Controller to draw warrant.

SEC. 3. The Controller of State is hereby directed to draw his warrant on the Treasurer of State, in favor of said Hastings, for the sum of fourteen hundred and ten dollars, in payment of said claims, and the Treasurer is hereby directed to pay the same. This Act shall be in force from and after its passage.

CHAPTER XLVIII.

An Act making appropriations for payment of claims for furniture, carpets, etc., purchased by the Secretary of State for furnishing the new State Capitol and for furnishing Supreme Court-room, Supreme Judges' rooms, etc.

[Approved February 7, 1870.]

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

Appropriation.

SECTION 1. The sum of forty-eight thousand two hundred and seventy-six dollars and nineteen cents is hereby appro-

priated, out of any moneys in the General Fund not otherwise appropriated, for the objects hereinafter named, to wit: For furnishing the new State Capitol, prior to its occupancy by the Legislature at its eighteenth session, the sum of thirty-three thousand two hundred and seventy-six dollars and nineteen cents; for the purpose of procuring new furniture, etc., for the Supreme Court-room, Supreme Judges' rooms, etc., the sum of fifteen thousand dollars And the Controller of State is hereby authorized and required to draw his warrants for the same, and the Treasurer of State directed to pay the same, when the claims presented have been audited and allowed by the Board of Examiners.

Furnishing new State Capitol.

Furnishing Supreme Court-rooms

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

CHAPTER XLIX.

An Act authorizing the Board of Supervisors of Mono County to levy a special tax for a Contingent Fund.

[Approved February 7, 1870.]

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

SECTION 1. The Board of Supervisors of Mono County are hereby authorized and empowered to levy a special tax on all the taxable property of the county, not to exceed fifty cents on each one hundred dollars valuation of property, for the purpose of creating a Contingent Fund to defray expenses incurred in defending certain suits against the county, and other incidental expenses.

Levy special tax.

SEC. 2. The said tax shall be levied and collected at the same time and in the same manner that other county taxes are levied and collected, and shall be paid in gold and silver coin of the United States.

Levy and collection.

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

CHAPTER L.

An Act to authorize the Supervisors of Kern County to levy a special tax for the County Current Expense Fund.

[Approved February 7, 1870.]

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

SECTION 1. The Supervisors of Kern County are hereby authorized to levy a special tax of fifteen cents (15) on the one

Special tax.

hundred dollars ($100), in the year eighteen hundred and seventy, for the County Current Expense Fund, in addition to the tax already authorized by law.

SEC. 2. This Act shall take effect immediately.

CHAPTER LI.

An Act to create the office of a Notary Public in Sonoma County.

[Approved February 8, 1870.]

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

SECTION 1. The Governor is hereby authorized to appoint an additional Notary Public for the County of Sonoma, who shall reside at the Town of Healdsburg, and shall hold office for two years, and until his successor is elected and qualified. Additional Notary.

SEC. 2. This Act shall take effect immediately.

CHAPTER LII.

An Act to legalize assessments of State and county taxes in the several townships of El Dorado County.

[Approved February 8, 1870.]

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

SECTION 1. The assessments of taxes on all property, both real and personal, in the several townships of El Dorado County, for the years A. D. eighteen hundred and sixty-eight and A. D. eighteen hundred and sixty-nine, are hereby legalized and confirmed, and rendered valid and binding, both in law and equity, against the person and property assessed in said years. Assessments of 1868-9 legalized.

SEC. 2. Any omission or mistake of fact in said assessments, or any of them, touching the ownership or description of said property, or the identity of the personal or corporate owner thereof, shall not invalidate any of said assessments, but may be supplied or corrected in complaints filed in suits for the collection of said taxes, and if controverted by the defendant named, may be shown at the trial by any competent evidence, either documentary or oral. Omissions or mistakes, how corrected.

SEC. 3. Suits heretofore commenced for the taxes of said year, may be dismissed without prejudice, and no suit dismissed or defeated by reason of such omission or mistake of fact as aforesaid, within said years, shall be a bar to any future suit under this Act. Suits dismissed no bar.

Considered supplemental.

SEC. 4. This Act shall be taken and deemed to be supplemental to all existing laws for the collection of taxes in said townships and county, and shall take effect and be in force from and after its passage.

CHAPTER LIII.

An Act for the relief of W. Dana Perkins.

[Approved February 8, 1870.]

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

W. D. Perkins to be credited with poll tax receipts.

SECTION 1. Whereas, W. D. Perkins, Tax Collector of Revenue District Number One, Placer County, did, on the sixth day of November, eighteen hundred and sixty-nine, suffer a loss by fire, of one hundred State poll tax receipts for said year. The Auditor of said county is hereby authorized and required, on settlement with W. D. Perkins, Collector as aforesaid, to credit him with said one hundred State poll tax receipts, and the Controller of State is hereby authorized and required, on settlement with the County Treasurer and County Auditor of said county, to give credit for one hundred State poll tax receipts for said year.

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

CHAPTER LIV.

An Act amendatory of and supplementary to an Act entitled an Act to organize and regulate the Justices' Court in the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.

[Approved February 10, 1870.]

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

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

One Justices' Court.

Powers and jurisdiction.

What Justices compose it.

Section 1. There shall be in and for the City and County of San Francisco one Justices' Court, which shall have the powers and jurisdiction now prescribed and conferred by law upon Justices of the Peace and Justices' Court in said city and county. All actions, suits and proceedings whereof Justices of the Peace and Justices' Courts in said city and county have jurisdiction, shall be commenced, entitled and prosecuted in said Court. The said Court shall be always open, non-judicial days excepted; and causes therein may be tried before the presiding Justice, before any one of the Justices before whom the original

process may be made returnable, or to whom the cause may be assigned or transferred for trial, or before any three Justices of the Peace constituting the Court in banc, as hereinafter provided; but the Court in banc shall have exclusive power to hear and determine all applications for new trials. For the organization of said Court, Justices of the Peace, and a Justices' Clerk, shall be elected or appointed; and the Sheriff of the City and County of San Francisco, ex officio, shall be an officer of said Court, as hereinafter provided. Clerk and Sheriff.

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

Section 3. The Board of Supervisors shall annually appoint one of the Justices of the Peace to be Presiding Justice, who, as such, shall hold office for one year, and until his successor shall in the same manner be appointed; and any one of the other Justices may attend, preside and act as Presiding Justice, during the temporary absence or disability of the Justice so appointed. The Board of Supervisors shall also appoint a Justices' Clerk, on the written nomination and recommendation of the said Justices, or a majority of them, who shall hold office for two years, and until his successor is appointed and qualified. The Clerk shall take the constitutional oath of office, and give bond, with at least two sufficient sureties, to be approved in the same manner as the official bonds of other officers of the City and County of San Francisco, in the sum of ten thousand dollars, payable to the City and County of San Francisco, conditioned for the faithful discharge of the duties of his office, and well and truly to account for and pay into the treasury of said city and county, as required by law, all moneys by him collected or received and by law designated for that use. A new or additional bond may be required by the Mayor, Auditor and County Judge, or any two of them, whenever they may deem it necessary; and on failure to furnish such new or additional bond, within three days after it shall be required, the office shall become vacant. The Justices' Clerk shall have authority to administer oaths, and take and certify affidavits in any action, suit or proceeding in said Justices' Court. Presiding Justice. Appointment of Justices' Clerk. Term of office. Bond. Failure to furnish new bond, office to become vacant. Administer oaths.

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

Section 6. All legal process of every kind which the Justices of the Peace of said city and county, or any of them, are or may be authorized to issue, for the issuance or service of which any fee is or may be allowed by law, shall be issued by the said Clerk upon the order of the presiding Justice, or upon the order of one of the said Justices of the Peace, except as hereinafter provided; and the fees for issuance and service of all such process, and all other fees which now are allowed by law for any official services of Justices, Sheriff or Justices' Clerk, shall be exacted and paid in advance into the hands of said Clerk, and by him, daily or weekly, as the Board of Supervisors may require, and before his salary shall be allowed, accounted for in detail, under oath, and paid into the treasury of the city and county, as part of the Special Fee Fund; *provided*, that such Clerk to issue process of Court. Fees to be paid in city and county treasury.

Fees not required of poor persons

payment in advance shall not be exacted from parties who, upon proving to the satisfaction of the presiding Justice, by their own affidavit or other evidence, setting forth the facts and circumstances of their demand, that they have a good cause of action, and that they are not of sufficient pecuniary ability to pay the legal fees in advance, shall be admitted by such Justice to sue either *in forma pauperis* or without such prepayment.

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

Justices' and Sheriff's fees to be paid to Clerk.

Section 7. After this Act shall take effect, it shall not be lawful for any Justice of the Peace, or the Sheriff, of the City and County of San Francisco, to collect or receive any fee or compensation whatever (other than the salary in this Act allowed out of the treasury) for any official services performed in the service or execution of process issued out of the Justices' Court of the City and County of San Francisco; but all fees or moneys legally chargeable for such services shall be paid into the hands of the Justices' Clerk, as aforesaid; and no judgment shall be rendered in the said Justices' Court, or in any action before said Justices, or any of them, until the fees allowed therefor, and all fees for previous services, which are destined to be paid into the treasury, shall have been paid as in this Act provided, except in case of poor persons, as provided for in the preceding section.

No judgment until fees are paid.

SEC. 5. Section fifteen of said Act is amended so as to read as follows:

Fees exacted in advance (with exception of poor persons), to be paid into treasury.

Section 15. All fees for issuance and service of process in such additional Court, and all other fees which now are or hereafter may be allowed by law for any official services of the Justice or Sheriff, or his deputy, in any cause or proceeding commenced or pending therein, shall be by said Justice exacted in advance (except in case of poor persons, provided for in section six), and be paid into his hands, and be by him, weekly or monthly, as the Board of Supervisors may require, and before his salary shall be allowed, accounted for with the City and County Auditor, in detail, under oath, and in such form as the Auditor shall prescribe, and be paid into the treasury of said city and county as part of the Special Fee Fund.

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

Salaries of presiding Justice, Clerk and Justices of the Peace.

Section 19. The Justices of the Peace and Justices' Clerk shall receive for their official services the following salaries, and no other compensation, payable monthly out of the city and county treasury, and out of the Special Fee Fund, after having been first allowed and audited as other similar demands are by law required to be allowed and audited: To the presiding Justice, three thousand dollars per annum; to the Justices' Clerk and each of the Justices of the Peace (the presiding Justice excepted), twenty-four hundred dollars each per annum.

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

Justices' Clerk and Sheriff not to act as attorney or agent.

Section 20. It shall not be lawful for any Justice of the Peace, the Justices' Clerk, or the Sheriff or any of his deputies, of the City and County of San Francisco, to appear or advocate, or in any manner act as attorney, counsel or agent for any

party or person in any cause or in relation to any demand, account or claim pending, or to be sued or prosecuted before said Justices or any of them, or which may be within their jurisdiction. A violation of the provisions of this section shall be deemed a misdemeanor in office.

Sheriff to be officer of Court—may appoint three deputies.

SEC. 8. The Sheriff of the City and County of San Francisco shall be the officer of said Court, and, in addition to the deputies now allowed by law, may appoint three deputies, whose duty it shall be to assist said Sheriff in serving and executing all the processes, writs and orders of the said Justices' Court. Said deputies shall receive a salary of one hundred and twenty-five dollars per month each, payable monthly out of the city and county treasury, and out of the Special Fee Fund, after having been first allowed and audited as other demands are by law required to be audited and allowed.

Salaries.

Duties of Sheriff.

SEC. 9. It shall be the duty of the said Sheriff to serve and execute, or cause to be served and executed, each and every process, writ or order that may be issued by the Justices' Court in and for the City and County of San Francisco. One of said deputies shall remain in attendance during the session of said Court, as the Court may direct.

Deputies' office—one to remain there.

SEC. 10. It shall be the duty of the Board of Supervisors of the City and County of San Francisco to provide and furnish a suitable office for said deputies, convenient to said Justices' Court, where one of said deputies shall remain during the sessions of said Justices' Court, and at such other times as said Court may order and direct, for the purpose of attending to such duties as may be imposed on said Sheriff or said deputies as herein provided. The said Sheriff shall be liable, on his official bond, for the faithful performance of all duties required of him or his said deputies, under the provisions of this Act.

SEC. 11. Subpœnas for witnesses may be issued by said Justice Clerk without a Justice's order.

Office of Constable abolished.

SEC. 12. The office of Constable, so far as the City and County of San Francisco is concerned, is hereby abolished.

SEC. 13 All Acts and parts of Acts, so far as they are in conflict with this Act, are hereby repealed.

SEC. 14. This Act shall take effect immediately.

CHAPTER LV.

An Act to amend an Act entitled an Act to separate the office of County Recorder from that of County Clerk, in the County of Alameda, and to provide for the election of a County Recorder therein, approved March thirtieth, eighteen hundred and sixty-eight.

[Approved February 10, 1870.]

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

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

County Recorder to be elected. To give bonds.

Section 2. At the election mentioned in section one of this Act there shall also be elected one County Recorder, who shall be ex officio County Auditor. Before entering upon the duties of his said office as County Recorder, he shall take the constitutional oath of office, and shall enter into bonds in the penal sum of not less than five thousand nor more than fifty thousand dollars, at the discretion of the County Judge of said county, with two or more sufficient sureties, to be approved by said Judge, conditioned for the faithful performance of his duties as such Recorder, which bond shall be filed with the Clerk of said county.

SEC. 2. This Act shall take effect immediately.

CHAPTER LVI.

An Act to create a Bridge Fund in the County of Placer and to authorize the levy of a tax therefor.

[Approved February 10, 1870.]

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

To levy tax for Bridge Fund.

SECTION 1. The Board of Supervisors of the County of Placer, when they levy taxes for county purposes each year, are hereby authorized and empowered to levy, on the taxable property of each township in said county, a tax not exceeding twenty cents on each hundred dollars, to constitute a Bridge Fund for the respective townships of said county.

May be levied in any township.

SEC. 2. Said tax may be levied on the taxable property of one or more, or all of the respective townships of said county, and shall be levied, assessed and collected as other taxes are levied and collected, and when paid into the treasury, shall be placed by the Treasurer in a fund for each township, to be called the Bridge Fund for said township.

When not to be levied.

SEC. 3. If in any year the said Board shall be of the opinion that any one or more of said townships do not require said tax to be levied, either because no such fund is required in said township, or because there is already sufficient money in the fund in said township, they shall not levy said tax in said township or townships for that year.

Bridge Commissioner.

SEC. 4. Said Board shall, at their regular meeting each year, when taxes are levied, appoint in each township in said county one Bridge Commissioner, who shall, within ten days after receiving a notification of his appointment, take an oath that he will faithfully discharge the duties of his office as Bridge Commissioner, and file the same with the Auditor of said county, and when said oath is thus filed, shall enter on the discharge of the duties of his office.

Proceedings for building or repair of bridges.

SEC. 5. Whenever a petition of citizens of said township is presented to said Commissioner, asking that a bridge or bridges in said township be built or repaired, said Commissioner shall,

if he deem the work necessary, post three notices in three public places in the township, asking for proposals for constructing or repairing said bridge or bridges, to be delivered to him within three weeks thereafter. Said notices shall describe the work to be done, and the place where; and the proposals shall state the full price for which the person proposing will do the work and furnish all materials. Notices.

SEC. 6. At the time for opening the proposals any citizen of the township may be present, and the Commissioner shall open the same, and shall accept the proposal of the lowest bidder, if, in his opinion, said bid is not too high; and shall then contract with him, in writing, to do the work. The contract shall contain a clause that only one-half of the amount to be paid shall be paid as the work progresses, and that the remainder shall be paid when the work is completed and accepted by the Commissioner. Award contracts. Clause in contract.

SEC. 7. No contract shall be let or proposals made unless there is at the time sufficient money in the Bridge Fund of the township to pay for the same.

SEC 8. When money is required out of the fund, as above provided, the Commissioner shall draw an order on the Treasurer of the county for the same, which order shall be countersigned by the Auditor before the same is paid. The Auditor shall not countersign any such order unless there is money in the fund to pay the same. The order shall state what fund the money is to be paid from, and for what work done. Payment.

SEC. 9. All contracts shall be drawn in triplicate, and the Commissioner shall keep one and file one with the Auditor of the county; and the Audito rshall not countersign any order unless the amount thereof is due on the contract. The Auditor shall keep an account of each fund, and the amounts drawn therefrom, and of the amounts drawn on each contract as the work progresses. Contracts in triplicate. To keep account.

SEC. 10. The Commissioner shall not receive any pay for his services, but the Board of Supervisors may allow him, out of the Bridge Fund of his district, his necessary expenses in travelling in the performance of his duties. Allowance to Commissioner.

SEC. 11. If any person, appointed as Commissioner, refuses to act, or if the Commissioner resign, or his office becomes vacant from any cause, the Board of Supervisors may, at any meeting of the Board, appoint another in his place Vacancy in office

SEC. 12. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 13. This Act shall take effect from and after its passage.

CHAPTER LVII.

An Act to authorize the Board of Supervisors of Sutter County to issue bonds for road purposes.

[Approved February 10, 1870.]

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

To issue bonds.

SECTION 1. The Board of Supervisors of Sutter County are hereby authorized and empowered to issue, as soon as practicable, bonds of said county to such an amount as to them may seem sufficient, not to exceed the sum of twenty-five thousand dollars, bearing interest at the rate of ten per cent. per annum, and for sums not less than one hundred nor more than five hundred dollars. Each of said bonds shall be signed by the Chairman of the Board of Supervisors, and countersigned by the Auditor and Treasurer.

Payable in gold coin.

SEC. 2. Said bonds shall be due and payable in gold coin of the United States, at the office of the Treasurer of said county, on the first day of January, Anno Domini eighteen hundred and ninety; *provided*, that said Board shall have power to redeem said bonds in the manner and at such times as hereinafter provided. The interest on said bonds shall be due and payable in like gold coin, on the first day of January and July of each year, at the office of the County Treasurer of said county.

Interest, when payable.

Coupons.

SEC. 3. Coupons for the interest shall be attached to each bond, and shall be signed in the same manner as the bonds are required to be signed. Said coupons shall each state the amount of interest due, and when payable. When any interest shall be paid upon a bond issued under the provisions of this Act, the coupon for the interest so paid shall be detached and delivered to the County Treasurer, and when the said Treasurer shall receive any of said coupons, he shall deliver the same to the Auditor, taking his receipt therefor, and the Auditor shall file the same in his office.

Date of issue of bonds.

SEC. 4. Said bonds shall bear the date of their issuance, and the first coupon shall be for the interest from such date up to the first day of January or July next succeeding.

Road Bond Interest Fund.

SEC. 5. For the purpose of paying the interest upon said bonds, the Board of Supervisors of said county shall, at the time of levying county taxes each year, levy a special tax on all real and personal property in said county, which shall, in their judgment, be sufficient to pay the interest on all the bonds then outstanding, as the same shall fall due. The said tax shall be assessed and collected the same as other county taxes, and shall be paid into the county treasury, and shall be by the Treasurer set apart as a special fund, to be known as the Road Bond Interest Fund. And it shall be the duty of the Treasurer to pay out of said fund the said coupons, as the same shall fall due.

Deficiency.

SEC. 6. If the special tax authorized by section five shall not produce a sufficient amount to pay all the interest due in any one year on said bonds, the County Treasurer shall pay

the same out of the County General Fund, and he shall retain on hand sufficient of such fund to meet such payments. If more than enough to pay said interest shall be produced by said special tax, then the Treasurer shall transfer the balance to the County School Fund, or to any other fund, if so ordered by the Board of Supervisors. Surplus.

SEC. 7. In and for the year eighteen hundred and seventy-five, and annually thereafter, until the whole of said bonds are redeemed, the Board of Supervisors of said county shall levy and cause to be collected a tax sufficient to pay ten per cent. of the whole issue of said bonds remaining unpaid. All taxes levied and collected under the provisions of this section shall be collected as other county taxes and shall be paid into the county treasury, and shall be by the Treasurer set apart as a special fund, to be known as the Road Bond Redemption Fund. Road Bond Redemption Fund.

SEC. 8. When there shall be one thousand dollars or over in said Redemption Fund, the Treasurer shall cause a notice to be published, once a week, for four successive weeks, in some newspaper printed in said county, or if no newspaper be printed in said county, then in some newspaper printed in an adjoining county, that he is prepared to receive bonds to a certain amount, specifying the same; and on the day specified in the notice, the Treasurer shall, in the presence of the County Auditor, open all the proposals for the surrender of bonds, and shall proceed to redeem such bonds as may be offered at the lowest figure; *provided*, that no bid above par value shall be accepted; and *provided* further, that the bonds shall always accompany the bids. If no bid shall be put in at par or less, or if a sufficient amount shall not be offered to absorb all the money in the said Redemption Fund, then the bonds shall become due and payable in the numerical order in which they were issued; and the Treasurer shall give notice, in the manner above provided, that certain bonds, describing them, are due and payable; and the interest thereon shall cease from and after the date of said notice. Bonds, how redeemed.

SEC. 9. The Board of Supervisors of said County of Sutter may sell any or all of said bonds, at such time or times as they shall deem proper, after having published a notice for thirty days in one newspaper published in said county, one in Sacramento City, and one at San Francisco, inviting proposals for the purchase of the same. Upon a day to be named in said notices, the Board shall meet to consider said proposals, and they shall deliver said bonds, with the coupons attached, to the person or persons bidding the highest therefor, in gold coin of the United States; *provided*, that said Board of Supervisors shall have power to reject any and all bids. Sale of bonds

SEC. 10. All moneys derived from the sale of said bonds shall be set apart by said County Treasurer into three special funds, to be known as Road District Bond Funds Number One, Number Two and Number Three; said road district to correspond unto the present Supervisors' Districts of said county. Eight-twentieths of all moneys derived from the sale of said bonds shall be placed in Road District Bond Fund Number One; six-twentieths in Road District Bond Fund Number Two; and six-twentieths in Road District Bond Fund Number Three. All Special Funds.

moneys thus set apart by the Treasurer shall be paid out on the warrants of the Board of Supervisors of said county.

How expended.

SEC. 11. Said Board of Supervisors shall expend said funds in laying out, constructing and repairing roads and highways throughout said County of Sutter, under the general supervision of competent superintendents or overseers, to be appointed by said Board; *provided*, however, that each of said Road District Bond Funds shall be expended in their respective districts; *provided* further, that the Board of Supervisors may, if they deem it just and proper, expend all or any portion of the fund of District Number One in District Number Three, or they may expend all or any portion of the fund of District Number Three in District Number One.

Award contracts.

SEC. 12. All work done under the provisions of this Act shall be by contract, to the lowest responsible bidder or bidders, and the Board shall award said contracts and work in such parcels as shall seem to them for the best interest of said county, and they shall give full and sufficient notice, by publication or otherwise, for the reception of bids therefor; *provided*, that said Board shall have power to reject any and all bids; and *provided* further, that none of said funds shall be expended on any road or highway which has not been legally and properly condemned, and the title to the same placed in the county.

To keep account.

SEC. 13. The Auditor and Treasurer of said county shall each keep an accurate account of all moneys received and disbursed under the provisions of this Act.

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

CHAPTER LVIII.

An Act to legalize the name of Lake Bigler.

[Approved February 10, 1870.]

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

Name legalized.

SECTION 1. The lake situate near the summit of the Sierra Nevadas, in the Counties of El Dorado and Placer, shall be known as Lake Bigler, and the same is hereby declared to be the official name of the said lake, and the only name to be regarded as legal in official documents, deeds, conveyances, leases and other instruments of writing to be placed on State or county records, or used in reports made by State, county or municipal officers.

CHAPTER LIX.

An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice in this State, approved April twenty-ninth, A. D. eighteen hundred and fifty-one.

[Approved February 10, 1870.]

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

SECTION 1. Section four hundred and ninety-five (495) of the Act to which this is amendatory is hereby amended so as to read as follows:

Section 495. Costs shall be allowed, of course [cause], to the plaintiff, upon a judgment in his favor, in the following cases: When costs allowed to plaintiff.

First—In an action for the recovery of real property.

Second—In an action to recover the possession of personal property, where the value of the property amounts to three hundred dollars, or over, such value shall be determined by the jury, Court or referee by whom the action is tried.

Third—In an action for the recovery of money or damages, where plaintiff recovers three hundred dollars or over.

Fourth—In a special proceeding in the nature of an action.

Fifth—In an action which involves the title or possession of real estate or the legality of any tax, impost, assessment, toll or municipal fine.

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

CHAPTER LX.

An Act to authorize the Board of Supervisors of the County of Amador to levy an additional tax for county expenditures in said county.

[Approved February 10, 1870.]

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

SECTION 1. The Board of Supervisors of Amador County are hereby authorized and empowered to levy, for the years eighteen hundred and seventy and eighteen hundred and seventy-one, fifty-five cents on the one hundred dollars taxable property of said county, in addition to the tax now authorized by law to be levied and collected in said county, for county expenditures, and the income derived from the levy under the provisions of this Act shall be paid into the General Fund of said county, and expended in the same manner as other moneys in said fund. To levy additional tax.

SEC. 2. The tax authorized to be levied in section one of this Act shall be collected at the same time, and in the same How collected.

manner, as other taxes for county purposes are authorized by law to be collected.

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

CHAPTER LXI.

An Act for the incorporation of the City of Anaheim.

[Approved February 10, 1870.]

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

City of Anaheim.

SECTION 1. All that tract of land known by the name of Anaheim, lying and being in the County of Los Angeles, in this State, and comprising the east halves of sections nine and sixteen, and the whole of sections ten, eleven, fourteen and fifteen of township four south, range ten west, of the San Bernardino meridian and base line, shall henceforth be known as the City of Anaheim; and the said city is hereby declared to be incorporated according to the provisions of an Act entitled an Act to provide for the incorporation of cities, passed March eleventh, eighteen hundred and fifty, with such exceptions and changes as are herein specially named.

Incorporated.

Exception.

SEC. 2. The provisions of the said Act requiring a population of over two thousand, and limiting the area to four square miles, shall not apply to the City of Anaheim.

SEC. 3. The Common Council of said city shall consist of five members.

Election, when held.

SEC. 4. An election to fill the offices created by this charter shall be held on the first Monday in May, A. D. eighteen hundred and seventy.

Mayor to act as Recorder.

SEC. 5. There shall be no Recorder in the City of Anaheim; but the duties of said office, as prescribed in the general Act to provide for the incorporation of cities, passed March eleventh, eighteen hundred and fifty, shall be performed by the Mayor of said city.

CHAPTER LXII.

An Act providing for a preliminary survey of the Harbor of Santa Cruz and Salinas Slough, in Monterey Bay.

[Approved February 11, 1870.]

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

Commission appointed.

SECTION 1. General B. S. Alexander and C. W. Lightner are hereby appointed a commission to examine the Harbor at Santa Cruz and Salinas Slough, in the Bay of Monterey, for the pur-

pose of ascertaining whether the same, or either of them are or can be made suitable for a harbor of refuge, and whether the same, or either of them, can by artificial means be improved.

SEC. 2. The said Commission shall visit the said harbor and slough, and report to the Governor of the State the result of their observations, on or before the first of March, A. D. eighteen hundred and seventy. When to report.

SEC. 3. The sum of five hundred dollars is hereby appropriated out of the General Fund, to be paid to said Commission on the submitting of their report. Appropriation.

SEC. 4. This Act shall go into effect from and after its passage.

CHAPTER LXIII.

An Act to repeal an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three.

[Approved February 14, 1870.]

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

SECTION 1. The Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three, is hereby repealed; *provided*, that all complaints now pending in any Court of justice within this State, against any person for a violation of the provisions of said Act, shall be heard, tried and determined in the same manner, and with the same effect, as if said Act had not been repealed. Repealed. Proviso.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXIV.

An Act for the payment of the salary of the County Judge of Tuolumne County.

[Approved February 14, 1870.]

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 Board of Supervisors of the County of Tuolumne for the years A. D. eighteen hundred and seventy and eighteen hundred and seventy-one, to levy and collect, in the same manner that the State and county taxes are levied and collected, a sum sufficient to pay the salary of the County Judge of said county for said years. Salary of County Judge for 1870-71.

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

CHAPTER LXV.

An Act to amend an Act entitled an Act to extend an Act entitled an Act to prevent stallions from running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twentieth, eighteen hundred and sixty.

[Approved February 14, 1870.]

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

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

Act made applicable to other counties.

Section 1. An Act to prevent stallions from running at large in the County of Sacramento, approved March twenty-eighth, one thousand eight hundred and fifty-nine, is hereby extended to and made applicable to the Counties of Sutter, Alameda, Yuba, El Dorado, Placer, Santa Cruz, Mariposa, Merced, Yolo, Stanislaus, Siskiyou, Plumas, Sierra, Calaveras, Amador, Santa Clara, Monterey, Mendocino, San Mateo, Sonoma, Nevada and Alpine.

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

CHAPTER LXVI.

An Act to authorize the Governor of the State of California to appoint three additional Notaries Public for the County of Santa Clara.

[Approved February 14, 1870.]

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

Additional Notaries Public

SECTION 1. The Governor of the State of California is hereby authorized to appoint, in addition to the number now provided by law, three Notaries Public for the County of Santa Clara.

SEC. 2. One of the said Notaries Public shall reside and keep his office in the Town of Gilroy, in said county.

SEC. 3. This Act shall take effect immediately.

CHAPTER LXVII.

An Act to provide for the payment of the salary of the County Judge of Kern County.

[Approved February 14, 1870.]

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

SECTION 1. The Board of Supervisors of Kern County are hereby authorized and required to annually, at their meeting

in February, to transfer and set apart from the General Fund of said county, an amount of money equal to the yearly salary of the County Judge of said county, for the purpose of creating a special fund, which shall be known as the County Judge's Salary Fund of Kern County; and said fund shall be devoted exclusively to the payment of the salary of said County Judge; *provided*, that in the year A. D. one thousand eight hundred and seventy the said Board shall so transfer and set apart the money herein specified prior to the first Monday in April. To transfer moneys from General Fund. County Judge's Salary Fund. Proviso.

SEC. 2. The Auditor shall draw his warrant for the payment of the salary of the County Judge of said county, upon said County Judge's Salary Fund, in monthly instalments, on the first Monday of each and every month. Auditor to draw warrants.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect on and after its passage.

CHAPTER LXVIII.

An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Trinity County to levy a special tax, approved April second, eighteen hundred and sixty-six.

[Approved February 14, 1870.]

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

SECTION 1. Section two of the Act referred to in the title of this Act is hereby amended so as to read as follows:

Section 2. Said tax may be levied at the annual meetings of said Board, at which State and county taxes are authorized to be levied, and shall be collected in the same manner as other county taxes, and the money arising therefrom shall be placed in the fund created by this Act, and shall be devoted exclusively to the payment of the salary of the County Judge of said County; *provided*, that if, at the end of each calendar year, a surplus thereof shall remain in said fund after the payment of the salary of said County Judge, said surplus shall be placed in the General Fund of said county; and *provided* further, that if, at the end of each calendar year, the money in said Salary Fund shall not be sufficient for the payment of the salary of said Judge for that year, the County Treasurer of said county is hereby authorized and requested to transfer the amount of said deficiency from the General Fund of said county into said Salary Fund, which amount, when transferred, shall be applied to the payment of the salary of said Judge for said year. Special tax, when levied. Surplus. Deficiency.

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

CHAPTER LXIX.

An Act granting leave of absence to Richard G. Watkins, District Attorney of Mono County.

[Approved February 14, 1870.]

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

Leave of absence granted.

SECTION 1. Richard G. Watkins, District Attorney elect of the County of Mono, is hereby granted leave of absence from the State for the period of six months, at such time as he may select during his term of office, provided that the said Richard G. Watkins furnish, at his own expense, a competent person to discharge the duties of his office during such absence from the State, which person shall be acceptable to the sureties on the official bonds of said District Attorney.

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

CHAPTER LXX.

An Act amendatory of an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

[Approved February 14, 1870.]

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

SECTION 1. Section one hundred and thirty-two of the Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, is hereby amended so as to read as follows:

Fraudulent disposal of real estate.

Section 132. Any person or persons, after once selling, bartering or disposing of any tract or tracts of land, town lot or lots, or executing any bond or agreement for the sale of any lands or town lot or lots, who shall again, knowingly, sell, barter or dispose of the same tract or tracts of land, town lot or lots, or any part thereof, or shall knowingly and fraudulently execute any bond or agreement to sell, or barter or dispose of the same land or lot or lots, or any part thereof, to any other person or persons for a valuable consideration, with intent to defraud previous or subsequent purchasers of such land or lands, town lot or lots, or any part thereof, shall be punished by imprisonment in the State Prison not less than one nor more than ten years.

How punished.

CHAPTER LXXI.

An Act to legalize and make valid the election of certain officers and to prescribe their duties, in and for the County of Amador.

[Approved February 15, 1870.]

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

SECTION 1. The County Clerk elected at the general election, held in the County of Amador, on the first (1st) day of September, eighteen hundred and sixty-nine, is hereby declared to be ex officio Recorder, Auditor and Clerk of the Board of Supervisors, Equalization and Canvassers of Amador County; and he is authorized and empowered to take possession of all books, papers, records, documents and all things of every kind and description belonging to and in anywise appertaining to said office of Recorder, Auditor and Clerk of the Board of Supervisors, Equalization and Canvassers of Amador County, on the first Monday of March, eighteen hundred and seventy, that being the time fixed by law for the expiration of the term of the present incumbent, whose term of office shall then expire, cease and determine.

County Clerk to be ex officio Recorder, Auditor, etc.

To take possession of papers, records, etc.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act is hereby repealed, so far as the same relates to Amador County.

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

CHAPTER LXXII.

An Act to authorize the incorporation of yacht clubs.

[Approved February 15, 1870.]

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

SECTION 1. Any six or more persons, citizens of this State, may assume corporate powers for the purpose of organizing, conducting and perpetuating yacht or other clubs, designed to promote the science and art of navigation and naval architecture, by filing a certificate of their intention so to do, duly acknowledged as in the case of a deed, with the County Clerk of the county wherein it is proposed their principal place of business shall be located, and a copy thereof in the office of the Secretary of State. Said certificate shall contain the number of Trustees and their names, who shall manage the concerns of the corporation for the first three months or until their successors are elected, the objects for which the corporation shall be formed, together with the corporate name selected for said corporation; and by such corporate name the said corporation

Proceedings to incorporate.

Certificate, what to contain.

may sue and be sued, and have the rights of corporations; may make such constitutions, by-laws, rules and regulations as they may deem proper; *provided*, that they are not contrary to the Constitution and laws of this State. When the certificate shall have been filed, the persons who have signed and acknowledged the same, and their successors, shall be a body politic and corporate, in fact and in name, by the name stated in the certificate.

May hold property.

SEC. 2. The said corporations may acquire and hold all real and personal property which may, in the judgment of said corporation, be necessary for the proper and convenient use of said corporations.

Powers.

SEC. 3. The said corporations may adopt and have a common seal, and may change and alter the same at pleasure, and shall in general have, possess and exercise all the rights, privileges and immunities as by law are incident or necessary to corporations.

SEC. 4. This Act shall be in force from and after its passage.

CHAPTER LXXIII.

An Act to amend an Act entitled an Act concerning escheated estates, approved May fourth, eighteen hundred and fifty-two.

[Approved February 16, 1870.]

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

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

Controller to keep account of escheated moneys and lands.

Section 5. The Controller of State shall keep just and true accounts of all moneys paid into the treasury, all lands vested in the State as aforesaid; and if any person shall appear within twenty years after the death of the intestate, and claim any moneys paid into the treasury as aforesaid, as heir or legal representative, such person may file a petition to the District Court in which the seat of Government may be staying, stating the nature of his claim, and praying such money may be paid him. A copy of such petition shall be served on the Attorney-General at least twenty days before the hearing of said petition, who shall put in answer to the same; and the Court thereupon shall examine said claim and the allegations and proofs, and if the Court shall find that such person is entitled to any money paid into the State treasury, he shall, by an order, direct the Controller to issue his warrant on the treasury for the payment of the same, but without interest or cost to the State, a copy of which order, under the seal of the Court, shall be a sufficient voucher for issuing such warrant. And if any person shall appear and claim land, vested in the State as aforesaid, within five years after the judgment was rendered, it shall be lawful for such person (other than such as was served with a summons or appeared to the proceeding, their heirs or assigns) to file in

Claimant of moneys to file petition.

To serve copy on Attorney-General

Claimant of lands to file petition.

the said District Court in which the lands claimed lie, a petition setting forth the nature of his claim, and praying that the said lands may be relinquished to him, a copy of which petition shall be served on the Attorney-General, who shall put in an answer; and the Court thereupon shall examine said claim, allegations and proofs; and if it shall appear that such person is entitled to such land claimed, the Court shall decree accordingly, which shall be effectual for divesting the interest of the State in or to the lands, but no costs shall be charged to the State; and all persons who shall fail to appear and file their petitions within the time limited as aforesaid, shall be forever barred, saving, however, infants, married women and persons of unsound mind, or persons beyond the limits of the United States, the right to appear and file their petitions as aforesaid, at any time within five years after their respective disabilities are removed; *provided*, however, that the Legislature may cause such lands to be sold at any time after seizure, in such manner as may be provided by law; in which case the claimants shall be entitled to the proceeds in lieu of such lands, upon obtaining a decree or order as aforesaid.

To serve copy on Attorney-General.

Failure to file petition a bar.

Proviso.

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

CHAPTER LXXIV.

An Act concerning public roads and highways in Monterey County.

[Approved February 16, 1870.]

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

SECTION 1. The townships in said county, as now established, shall be road districts within the meaning of the law, and they may be changed, or created, or more distinctly defined, by the Board of Supervisors, at any time when considered necessary; *provided*, that upon the application of thirty citizens of the township, made in writing to the Board of Supervisors, at any regular meeting of said Board, they may divide any township into two or more road districts, defining the same as clearly as possible, and numbering the districts from one upward.

Road districts defined

SEC. 2. In case of the division of any road district, the Roadmaster elect shall be the Roadmaster for the division in which he resides; and for the other divisions, the Board of Supervisors shall appoint a suitable person to act as Roadmaster for said division, until the next general election, as hereinafter provided.

Roadmaster, when district divided.

SEC. 3. At the general election to be held on the first Wednesday in September, A. D. eighteen hundred and seventy, and at every general election two years thereafter, the qualified electors in each road district shall elect some citizen of said road

Election of Roadmaster.

district as Roadmaster of said district, for the term of two years from the first day of October of the year in which he is elected. It shall be the duty of the Clerk of the Board of Supervisors to notify the persons so elected of their election, and each of them shall thereupon, or within ten days thereafter, qualify, by taking the oath of office, and by filing a bond with the County Clerk, in the form prescribed by the Act concerning the official bonds of office, conditional for the faithful performance of the duties of the office, in a penalty of double the probable amount of money that may be collected by him under this Act, during two years, in the district for which he is elected; which bond, before it is filed, shall be approved by the Chairman of the Board of Supervisors.

Clerk to notify persons elected.

Supervisors to levy road poll tax.

SEC. 4. The Board of Supervisors of said county shall have the power annually to levy, in any one or all of the road districts of said county, a road poll tax of not exceeding two dollars on each able-bodied man, between the ages of twenty-one and fifty years, who shall have resided in said State for sixty days, and in said county for thirty days, prior to the levy of said tax. Said tax shall be collected by said Roadmasters, in their respective districts, whenever notified in writing by the Chairman of the Board of Supervisors of such levy, directing them to collect the same.

When collected.

Proceedings to enforce payment.

SEC. 5. If any person liable to pay said road poll tax shall refuse or neglect to pay the same, after having been notified by said Roadmaster that said tax is due, and demand thereof made, said Roadmaster, unless the same be paid within three days after such demand, may seize so much of any and every species of personal property whatever, claimed by any person liable to and refusing or neglecting to pay said road poll tax, or property in possession of or due from any other person, belonging to the person so refusing or neglecting to pay said road poll tax, and shall and may sell the same, at any public place, in day time, upon posting a written notice of said sale, in some public place, one day previous to said sale; and any person indebted to another liable to pay said road poll tax, and who has neglected or refused to pay the same, shall be liable to pay the same, after service upon him by the Roadmaster of a notice, in writing, stating the name or names of such person or persons so liable, and the amount so due; and such debtor may deduct the amount so paid, in settlement with the persons so neglecting or refusing to pay said tax, and also one dollar for serving said notice, which shall also be paid to said Roadmaster.

Costs of seizure.

SEC. 6. The Roadmaster shall be entitled to collect, on any such sale, two dollars, as cost of seizure and sale, and no more; and any surplus, after deducting the said road poll tax and said fee, shall be returned by him to the owner of the property so seized and sold. A delivery of the possession of the said property to the purchaser at any such sale shall be a sufficient title thereto.

Commutation.

SEC. 7. At any meeting of the Board of Supervisors, when said road poll tax shall be levied, as provided in section four of this Act, the said Board shall designate the number of days' labor or work which shall be equivalent to said tax, and the Roadmaster may commute said tax with any person liable to road duty

for his own personal labor, and a certificate of having performed said labor, signed by said Roadmaster, shall exempt such person from payment of said road poll tax; *provided*, that a failure to attend and work after a notice of one day by said Roadmaster, or to obey the directions of said Roadmaster, or to work faithfully, shall be sufficient cause for withholding said certificate, and, in such event, said road poll tax shall be collected from him or them as hereinbefore provided.

Compensation of Roadmaster.

SEC. 8. The Board of Supervisors of said county shall allow to the Roadmaster such compensation as they may deem just, and not to exceed five dollars for each day that each Roadmaster shall be actually employed in the discharge of the duties imposed by this Act.

Duties.

SEC. 9. It shall be the duty of the Roadmaster to have the care and general supervision of the public roads, to cause the same to be kept free from obstruction, within the district, and to maintain them in as good repair, and to erect such necessary bridges and culverts as the means at his command will permit.

Supervisors to furnish blank receipts.

SEC. 10. The Board of Supervisors shall cause blank road poll tax receipts to be printed, of uniform appearance, which shall be numbered consecutively and signed by the Chairman of said Board, who shall thereupon deliver the same to the Clerk of said Board, taking his receipt therefor; said Clerk shall also sign said road poll tax receipts, and issue to each Roadmaster such number of said receipts as may be needed by him, taking his receipt therefor. No other receipts for road poll tax shall be given by said Roadmaster; and the Clerk of said Board shall charge each Roadmaster with all road poll tax receipts issued to him.

Roadmasters to make annual settlement.

SEC. 11. Each Roadmaster shall make an annual settlement with the Board of Supervisors, on the first Monday in February of each year, at which settlement he shall file with the Clerk of said Board, a statement of all moneys expended and paid out by him in repairing and working the roads and highways in his district, and for what purpose and to whom said moneys were paid; he shall take and file also with said Clerk, at said settlement, receipts for all moneys paid out by him for work done on said roads; he shall also file at the same time a list of the names of such persons, if any, who commuted said tax for labor; he shall attach to said statement his affidavit, to the effect that the items of expenditure and moneys paid out, as shown in said statement, were actually expended and paid out in the manner and for the purposes, and to the persons therein stated, in repairing, working or opening roads in his district; and if, on such settlement, it shall be ascertained by said Board, on comparing the poll tax receipts so received by him and not at that time returned to the Clerk of said Board, with the statement and receipts so filed by said Roadmaster, that there remains any surplus in his hands of moneys so collected, the same shall be by him paid over to the County Treasurer of said county, and thereupon become a part of the General Road Fund of said county. Duplicate receipts for any such moneys shall be given by the County Treasurer to said Roadmaster, one of which shall be filed with the Clerk of said Board of Supervisors, and the other with the Auditor of said county.

Repeal.

SEC. 12. An Act entitled an Act concerning public roads and highways in the County of Monterey, approved March (24th) twenty-fourth, eighteen hundred and sixty-eight, is hereby repealed, and so much of all Acts and parts of Acts as are in conflict with this Act are hereby repealed.

SEC. 13. This Act shall take effect on the first day of August, A. D. eighteen hundred and seventy.

CHAPTER LXXV.

An Act authorizing the Controller of State to credit the Treasurer of Tuolumne County with certain State poll tax receipts.

[Approved February 16, 1870.]

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

Controller to credit S. M. Miller with certain State poll tax receipts.

SECTION 1. The Controller of State is hereby authorized and directed to credit the Treasurer of Tuolumne County with ninety-five State poll tax receipts, at three dollars each, and five State poll tax receipts, at two dollars each, issued by said Treasurer to the County Auditor of said county, and by said Auditor on the second day of August, A. D. eighteen hundred and sixty-nine, issued to S. M. Miller, Collector of Revenue District Number Three, of said county, and stolen from the said Miller at Sonora, on the evening that they were issued to him.

To receive credit for same

SEC. 2. It shall be the duty of the Treasurer of said county, on receiving credit for said receipts, as provided in section one of this Act, to credit the said Auditor with said receipts; and it shall be the duty of the said County Auditor to credit the said Miller with said receipts in his settlement with the said Miller.

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

CHAPTER LXXVI.

An Act to amend an Act entitled an Act to separate the office of County Recorder from that of County Clerk in the County of Alameda, and to provide for the election of a County Recorder therein, approved March thirtieth, eighteen hundred and sixty-eight.

[Approved February 16, 1870.]

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

SECTION 1 Section one of said Act is hereby amended to read as follows:

Section 1. At the general election to be holden in the year eighteen hundred and seventy-one (1871), and at every general election thereafter, there shall be elected in the County of Alameda, one County Clerk, who shall be ex officio Clerk of the Board of Supervisors and ex officio County Auditor. Election of County Clerk.

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

Section 2. At the election mentioned in section one of this Act, and at every general election thereafter, there shall be elected for the County of Alameda, one County Recorder. County Recorder.

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

CHAPTER LXXVII.

An Act to expunge from the Journal the judgment of the Senate, entered against James H. Hardy, on the fourteenth day of May, eighteen hundred and sixty-two.

[Approved February 16, 1870.]

WHEREAS, the Assembly of the State of California did, on the twelfth day of April, eighteen hundred and sixty-two, exhibit to the Senate twenty-two articles of impeachment against James H. Hardy, then Judge of the Sixteenth Judicial District; and whereas, the said Senate did acquit the said James H. Hardy on all of said articles, except the fifteenth article, and upon which said article the Senate, by a partisan vote, did find and pronounce against the said James H. Hardy the following judgment: "That James H Hardy, being duly convicted of the high crimes and misdemeanors charged in article fifteen of the articles of impeachment presented by the Assembly, it is hereby adjudged that said James H. Hardy be and he is hereby declared suspended and removed from the office of District Judge of the Sixteenth Judicial District of the State;" and whereas, the said action had in the case of James H. Hardy was influenced by a spirit of partisan feeling and unhealthy excitement in the popular mind, and that justice and the safety of the citizen requires that the Legislature, as far as possible, shall efface all evidences of past vindictive legislation; therefore Preamble

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

SECTION 1. That said resolution and judgment be annulled and expunged, and the Secretary of State is hereby authorized and directed, within ten days after the passage of this Act, to write the words, "expunged by authority of an Act of the Legislature," upon each of the pages of the Journal of proceedings of the Senate of the State of California during its thirteenth session, sitting as a Court of Impeachment, upon which any of the proceedings and judgment in the impeachment trial of Judge James H. Hardy are recorded. Proceedings to be expunged.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXVIII.

An Act for the relief of James S. Houseman.

[Approved February 18, 1870.]

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

Appropriation.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and directed to appropriate, out of the General Fund of said city and county, the sum of one thousand and two hundred dollars in gold coin, to James S. Houseman, for moneys expended by him for clerk hire during his term of office as Harbormaster of the City and County of San Francisco; and the Auditor of said city and county is hereby directed to audit such claim, and the Treasurer of said city and county shall pay the same in gold coin.

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

CHAPTER LXXIX.

An Act for the relief of Green T. Martin.

[Approved February 18, 1870.]

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

Appropriation for legal services.

SECTION 1. The sum of two hundred and fifty dollars is hereby appropriated, out of any moneys in the General Fund of the State treasury not otherwise appropriated, to pay the claim of Green T. Martin, for four days services as an attorney at law in the United States Land Office at Stockton, at the request of the Surveyor-General, and for argument and brief on appeal to Commissioner of General Land Office, and on appeal from said Commissioner to the Secretary of the Interior, in the case of William Wilson against George G. Belt, said Belt claiming fractions one (1), two (2), three (3), in section number thirty-five (35), township six (6) north, of range nine (9) east, of Mount Diablo base and meridian, under purchase from the State of California; and the Controller of State is hereby authorized and required to draw his warrant on the State Treasurer in favor of the said Green T. Martin, for the sum above appropriated, and the Treasurer is hereby required to pay the same

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

CHAPTER LXXX.

An Act to repeal an Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two, and to repeal an Act entitled an Act for the encouragement of silk culture in this State, approved March thirtieth, eighteen hundred and sixty-eight.

[Approved February 18, 1870.]

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

SECTION 1. An Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two, and an Act entitled an Act for the encouragement of silk culture in this State, approved March thirtieth, eighteen hundred and sixty-eight, are hereby repealed. Act repealed

SEC. 2. The Governor, Controller of State and Attorney-General are hereby constituted a Board of Judges, who shall, under such rules and regulations as they may devise, investigate such claims as may be presented for premiums, under the provisions of the Acts above recited, and by a majority vote make their awards in accordance with the provisions of those Acts. State Board of Judges.

SEC. 3. The Board constituted by section two of this Act is intended to be in lieu of the present Board, and shall remain in existence for a period of six months from the date of the passage of this Act. In lieu of.

SEC. 4. This Act shall take effect immediately.

CHAPTER LXXXI.

An Act to amend an Act entitled an Act to provide for the erection of county buildings in the County of Lake and other matters in relation thereto, approved March twenty-fourth, A. D. eighteen hundred and sixty-eight.

[Approved February 18, 1870.]

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

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

Section 1. The County Auditor of the County of Lake is hereby authorized and directed, upon the order of the Board of Supervisors thereof, to issue bonds of said county not exceeding twenty thousand dollars. Said bonds shall be signed by the County Auditor and countersigned by the County Treasurer of said county, and shall be of the denomination of two hundred and fifty dollars each, payable in gold coin of the United States, and shall bear interest at the rate of twelve per cent. per To issue bonds. Denomination.

When payable. annum, and shall be made payable, as nearly as may be, in equal instalments, in ten, twelve and fourteen years from the date of their issue, in gold or silver coin of the United States.

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

CHAPTER LXXXII.

An Act to provide funds for the School Department of the City and County of San Francisco.

[Approved February 19, 1870.]

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

To issue school bonds SECTION 1. The Mayor, Auditor and Treasurer of the City and County of San Francisco are hereby authorized and required to issue school bonds from time to time, in such sums as may be required for school purposes, not to exceed in the aggregate the sum of three hundred thousand dollars. Said bonds shall be signed by the Mayor, Auditor and Treasurer of said city and county, and shall be payable in twenty years from the first day of June, eighteen hundred and seventy. Such bonds shall draw interest at the rate of seven per cent. per annum, from the date of their issuance, which interest shall be payable semi-annually, on the first days of June and December, in the City and County of San Francisco. The coupons attached to said bonds shall be signed by the said Treasurer.

When payable.

Interest.

Principal and interest in gold coin. SEC. 2. The principal and interest of the said bonds shall be payable in gold coin of the United States of America, and the faith and credit of the City and County of San Francisco are hereby pledged for the redemption of said bonds, and the payment of the principal and interest, in said gold coin of the United States of America, as printed in this Act.

Sale of bonds SEC. 3. As soon as said bonds are issued, the Treasurer of said city and county is hereby authorized and empowered to sell the same to the highest bidder therefor, for cash, in gold coin of the United States of America, after having first advertised the same for four weeks in two daily papers in said city and county, and two weeks in two daily newspapers of general circulation in the City of New York; and the proceeds thereof shall be immediately placed in the treasury of said city and county, and constituted a part of the School Fund, and after paying the deficiency in the School Fund for the present fiscal year, as provided in section six, the balance thereof shall be appropriated and used for the sole purpose of purchasing school lots and erecting school houses, and shall be expended by the Board of Education of the City and County of San Francisco, by and with the approval and consent of the Mayor of the City of San Francisco, whose consent shall also be necessary to the adoption of all plans and contracts for the purchases of school lots and building of school houses, as aforesaid; *provided*, the

Proceeds, how applied.

Mayor, Auditor and Treasurer may reject any and all bids for said bonds, as the public good may require.

Provision for payment of principal and interest.

SEC. 4. To secure the payment of the principal and interest of said bonds, it shall be the duty of the Treasurer of said city and county to set apart, annually, out of the first moneys coming into the treasury to the credit of the School Fund, a sum sufficient to pay the semi-annual interest on said bonds, and also to provide a Sinking Fund of fifteen thousand dollars, annually, for the redemption of the same at maturity, as directed in section five of this Act.

Surrender of bonds.

SEC. 5. It shall be the duty of the Superintendent of Common Schools and Treasurer of said city and county to advertise, from time to time, for thirty days, in two daily papers in said City and County of San Francisco, for proposals to surrender said bonds, upon the best terms, not exceeding their par value, and to report the same to the Board of Education, who shall, immediately thereafter, order paid the amount necessary to redeem the bonds so offered, and shall issue demands therefor in the usual form. The Auditor of said city and county is authorized and required to audit and the Treasurer to pay the same out of the Sinking Fund in his hands set apart therefor. And if such proposal to surrender bonds do not equal the amount of such Sinking Fund, then the Superintendent of Common Schools and the Treasurer shall have power to loan any balance remaining thereof, upon the security of any bonds of the City or of the City and County of San Francisco, or of the State of California, or of securities of the United States, at the best rates of interest obtainable therefor; such interest, when paid, to be entered by the Treasurer to the credit of the Sinking Fund, for the redemption of said bonds.

Balance may be loaned

Demands in excess of fund, how paid.

SEC. 6. Should the demands upon the School Fund, for the fiscal year ending June thirtieth, eighteen hundred and seventy, be in excess of the School Fund of that year, it shall be lawful to audit, allow and pay the same from the School Fund of the next fiscal year, not exceeding the sum of fifty thousand dollars.

Tax for support of common schools.

SEC. 7. The Board of Supervisors of the City and County of San Francisco are hereby authorized and required, upon request of the Board of Education of said city and county, to levy and collect upon the real estate and personal property within the said city and county, a tax of forty-five cents on each one hundred dollars of valuation, in lieu of all others, for the support of the common schools therein, in each fiscal year; *provided*, that said amount may be less than forty-five cents, should said Board of Education so request. Said tax shall be levied and collected at the same time and in the same manner as other city and county taxes are levied and collected. All moneys received from this tax shall be placed to the credit of the School Fund.

When levied and collected

To transfer moneys.

SEC. 8. To enable the Board of Education to pay the balance due upon bonds issued in March, eighteen hundred and sixty, and payable on the first day of March, eighteen hundred and seventy, the Board of Supervisors of said City and County of San Francisco are hereby empowered and required to transfer from

the General Fund to the School Fund the sum necessary to pay said bonds; *provided*, such sum shall not exceed twenty thousand dollars; and *provided* further, that said sum so transferred shall be replaced by the first proceeds of the bonds authorized to be issued by this Act.

SEC. 9. All Acts and parts of Acts in conflict with the provisions of this Act, for the purposes of this Act, are hereby repealed.

SEC. 10. This Act shall take effect on and after its passage.

CHAPTER LXXXIII.

An Act for the relief of John W. Ball.

[Approved February 19, 1870.]

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

Appropriation.

SECTION 1. The sum of one thousand dollars is hereby appropriated, out of any money in the General Fund of the State treasury of California not otherwise appropriated, to the payment of the claim of John W. Ball, for services rendered as foreman of blacksmith work at San Quentin.

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of said John W. Ball for the said sum of one thousand dollars, and the Treasurer is hereby authorized to pay the same.

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

CHAPTER LXXXIV.

An Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain claim of P. W. Van Winkle.

[Approved February 19, 1870.]

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

Appropriation.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and directed to appropriate out of the General Fund of said city and county the sum of one thousand and five hundred dollars to P. W. Van Winkle, for services heretofore rendered by said Van Winkle as Secretary of the Committee on Outside Lands of said Board of Supervisors; and the Auditor of said city and county is hereby directed to audit such claim, and the Treasurer of said city and county shall pay the same in gold coin.

SEC. 2. This Act shall take effect immediately after its passage.

CHAPTER LXXXV.

An Act to confirm Order Number Eight Hundred and Eighty-three of the Board of Supervisors of the City and County of San Francisco.

[Approved February 19, 1870.]

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

Order confirmed.

SECTION 1. Whereas, the Board of Supervisors of the City and County of San Francisco passed an order numbered eight hundred and eighty-three, which said order was approved by the Mayor and ex officio President of the Board of Supervisors on the twenty-first day of July, one thousand eight hundred and sixty-nine, and which is as follows:

Order Number Eight Hundred and Eighty-three, providing for an exchange of deeds between the City and County of San Francisco and Edward Tompkins, to certain land in what is known as "Hamilton Square."

The People of the City and County of San Francisco do ordain as follows:

Section 1 Whereas, the City and County of San Francisco and Edward Tompkins are the owners of the following described tract of land, namely: Commencing at a point at the northwestly corner of the Merritt claim and the southeasterly corner of the Hoadley claim; running thence easterly along the northerly line of the Merritt claim, six hundred and ten feet, more or less, to Steiner street; thence southerly along the westerly line of Steiner street to O'Farrell street; thence westerly along O'Farrell street, six hundred and fifty-two feet and six inches, more or less, to the westerly line of the Merritt claim; thence northerly along the said westerly line of the Merritt claim, three hundred and fifteen feet, more or less, to the place of beginning. And whereas, said Tompkins has proposed to segregate and partition the respective interests of the owners thereof, which said proposition the City and County of San Francisco is desirous of accepting, and in settlement of the rights, interests and privileges of the said parties, and to effectuate said segregation and partition on his part, said Edward Tompkins has granted, bargained, sold and conveyed to the said City and County of San Francisco, all that certain parcel of land situated in said City and County of San Francisco, described as follows, to wit: Commencing at a point in the southerly line of Geary street continued, through Hamilton Square, where the northerly line of the Merritt tract intersects the same; running thence westerly along the southerly line of said Geary street continued, to the westerly line of the Merritt tract; thence northerly along said westerly line of the Merritt tract, thirty-nine (39) feet, more or less, to the northwesterly corner of the said Merritt tract and the southeasterly corner of the Hoadley tract; thence easterly along the northerly boundary of the said Merritt tract, to the place of beginning—it being intended hereby to convey to the City and County of San Francisco all

Order confirmed.

the land of the said Merritt tract, owned by said Edward Tompkins, situated or being in Geary street continued, of the width of sixty-eight feet and nine inches; also, that certain other parcel or tract of land, commencing on the northerly line of O'Farrell street, distance five hundred and fifty-two and one-half (552½) feet westerly from the intersection of said line of O'Farrell street with the westerly line of Steiner street; running thence northerly at right angles to O'Farrell street, two hundred and seventy-five feet, to the southerly line of Geary street, as continued; thence westerly and parallel to O'Farrell street, and along the southerly line of Geary street continued, to the westerly boundary of the Merritt tract; thence southerly along said westerly boundary of the said Merritt tract, two hundred and seventy-five (275) feet, more or less, to its intersection with the northerly line of O'Farrell street; thence easterly along the northerly line of O'Farrell street, one hundred (100) feet, more or less, to the place of beginning. Now, therefore, on the delivery of said last named conveyances to the City and County of San Francisco, and in consideration thereof, and to effectuate said segregation and partition on the part of said City and County of San Francisco, the Mayor of said City and County of San Francisco is hereby authorized and empowered to make, execute and deliver to the said Edward Tompkins, his legal representatives or assigns, a good and sufficient deed of conveyance of the City and County of San Francisco, remising, releasing and quitclaiming to the said Edward Tompkins, or his legal representatives or assigns, all the right, title and interest of the said City and County of San Francisco in and to all the following described piece or parcel of land, to wit: Commencing at the northwesterly corner of Steiner and O'Farrell streets; running thence northerly along the westerly line of Steiner street, two hundred and seventy-five feet, to the southerly line of Geary street continued, at the width of sixty-eight feet and nine inches; thence westerly at right angles with Steiner street and along the southerly line of Geary street continued, at a width of sixty-eight feet and nine inches, five hundred and fifty-two feet and six inches; thence southerly and parallel with Steiner street, two hundred and seventy-five feet, to the northerly line of O'Farrell street; thence easterly along the northerly line of O'Farrell street, five hundred and fifty-two feet and six inches, to the place of beginning. Be it therefore enacted, that the within and before recited order be and the same is hereby ratified and confirmed, and all instruments and conveyances which have been made, executed and delivered, or which may hereafter be made, executed and delivered, in conformity to the provisions of said order, are hereby ratified, confirmed and validated, in all respects.

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

CHAPTER LXXXVI.

An Act granting leave of absence from the State to D. B. Spagnoli, County Clerk of Amador County.

[Approved February 19, 1870.]

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

SECTION 1. That D. B. Spagnoli, County Clerk of Amador County, is hereby granted leave of absence from this State for the period of five months, at such time as he may select between the month of March, eighteen hundred and seventy, and the month of March, eighteen hundred and seventy-one; *provided*, that he shall first obtain the written consent of all the sureties on his official bond, and leave a proper and competent deputy to discharge the duties of said office. Leave of absence granted. Proviso.

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

CHAPTER LXXXVII.

An Act to authorize the Board of Trustees of the Vallejo School District, in the County of Solano, to borrow money for school purposes.

[Approved February 19, 1870.]

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

SECTION 1. The Board of Trustees of the Vallejo School District, composed of Job G. Lawton, Martin J. Wright and Isaac S. Halsey, and their successors in office, are hereby authorized and empowered to borrow five thousand dollars for school purposes, and for the securing the re-payment of the same, to execute and deliver a note, together with a mortgage upon lots numbered one (1), two (2), three (3) and four (4), in block numbered three hundred and forty-nine (349), in the City of Vallejo, in the County of Solano; *provided*, that the note to be secured by the said mortgage shall not run for a longer period than three years. School Trustees may borrow money.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXXVIII.

An Act to amend an Act entitled an Act to create the Seventeenth Judicial District, approved March nineteenth, eighteen hundred and sixty-eight.

[Approved February 19, 1870.]

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

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

Terms of Court.

Section 3. The terms of the District Court of the Seventeenth Judicial District, during each year, shall be commenced and held as follows: In the County of San Bernardino, on the first Monday of the months of January, June and September of each year; in the County of Los Angeles, on the first Monday of the months of February, May, August and November of each year; in the County of San Diego, on the first Monday of April, July and October of each year.

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

CHAPTER LXXXIX.

An Act to authorize the Controller of State to issue duplicate warrant to E. Blum.

[Approved February 19, 1870.]

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

Controller to draw duplicate warrant

SECTION 1. The Controller of State is hereby directed to draw a duplicate of warrant number one thousand and thirty-five, dated October fifth, A. D. eighteen hundred and sixty-eight, payable out of the State Capitol Fund, for the sum of eighty-four dollars, and to deliver said duplicate warrant to E. Blum, the owner of the original, alleged to have been lost or destroyed.

Indemnity bond.

SEC. 2. Before receiving said duplicate warrant, said E. Blum shall file with the Controller a good and sufficient bond of indemnity, to be approved by the Attorney-General, which bond shall be in the penal sum of two hundred dollars.

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

CHAPTER XC.

An Act to provide for levying a special tax to construct and furnish a public school house in Merced Falls School District, in the County of Merced.

[Approved February 19, 1870.]

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

Special tax for school purposes.

SECTION 1. The School Trustees of Merced Falls School District, in the County of Merced, are hereby authorized and required, within thirty days after the passage of this Act, to assess and levy a special tax of two thousand dollars upon all property, real and personal, in said school district, for the purpose of building a public school house and furnishing the same.

Election of Assessor and Collector.

SEC. 2. A special election for an Assessor and a Collector shall be ordered by the Trustees of said school district, to be held within twenty days after the passage of this Act, in the manner provided by law for school district elections; *provided*, that any qualified elector may be chosen to fill both offices; and *provided* further, that for such election it shall not be necessary to make up the poll list of enrolled voters required by the Registry Act.

Duty of Assessor.

SEC. 3. The Assessor elected under this Act shall proceed immediately to qualify by subscribing the usual oath of office, and within ten days after his election shall ascertain and enroll, in the manner provided for County Assessors, all the taxable persons and property in said district, and return his roll, footed up and duly certified, to the Trustees of said school district.

Assessment, how estimated.

SEC. 4. The Trustees of said school district, upon receiving the roll, shall deduct fifteen per cent. therefrom for anticipated delinquencies, and there, by dividing the sum of two thousand dollars, together with the estimated cost of assessing and collecting added thereto, by the remainder of the roll, ascertain the rate per cent. required, and the rate so ascertained (using the full cent for each hundred dollars in place of any fraction) shall be and is hereby levied and assessed to, on or against, the persons or property named or described in said roll, and it shall be a lien on all such property until the tax is paid. The said Trustees shall then give five days notice, by notices posted in three public places in said school district, of the times and place when and where they will sit as a Board of Equalization, and at the time and place specified in said notices said Trustees shall meet as a Board of Equalization of said school district, and for two days shall sit as such Board of Equalization, and they shall have the same power as County Boards of Equalization to make any changes in said assessment roll; and within three days after their adjournment as a Board of Equalization, the said Trustees shall deliver said assessment roll to the Collector, who shall forthwith give like notice that the tax provided for in this Act is due and payable, and if not paid in thirty days from the date of the posting of said notices that the same will be delinquent.

Equalization

SEC. 5. The School Trustees of said district shall allow and

Compensation of Assessor and Collector. Delinquent list.

pay to the Assessor and Collector such compensation as may be reasonable; and at the expiration of the thirty days mentioned in the preceding section, the Collector shall make out a correct list of all taxes remaining unpaid on the assessment roll, and shall certify the same to the Board of School Trustees as delinquent. The Board of School Trustees shall then forthwith cause the same to be collected by the District Attorney of Merced County, in the same manner and with the same costs as delinquent State and county taxes.

Collector to give bond.

SEC. 6. The Collector elected under this Act shall give a bond, in the usual form required by law, to the said School Trustees, in the penal sum of two thousand dollars, in gold coin, and shall take and subscribe the oath of office before entering upon the duties of his said office, and shall, immediately after having collected the tax and returned the delinquent tax roll, as provided in section five of this Act, pay over all moneys collected by him to the County Treasurer of Merced County, taking duplicate receipts, one of which he shall deposit with the Clerk of the Board of Trustees; and the County Treasurer is hereby authorized and required to receive and take charge of such moneys, which shall be by him placed to the credit of the Merced Falls School District, subject to the order of the School Trustees of said district, and which shall be drawn by them in the manner now provided by law for other school money, for the purpose only of building and furnishing a public school house in said district.

County Treasurer to take charge of moneys collected.

SEC. 8. This Act shall take effect immediately.

CHAPTER XCI.

An Act to amend an Act entitled an Act concerning roads and highways in the County of Mendocino, approved March twenty-eighth, A. D. eighteen hundred and sixty-eight.

[Approved February 19, 1870.]

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

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

To work on roads.

Section 29. All able bodied men between the ages of twenty-one and fifty years, in said county, shall be required to work on the roads two days in each year; and in default thereof, shall pay two dollars in United States gold coin for each day he shall not work, to be recovered by suit brought by the Overseer for that purpose. In case judgment is for the plaintiff, it shall be for two dollars in United States gold coin for each day defendant failed to work, and for the costs of suit; and the money shall go to the road district where it is collected, and be applied by the Overseer to the construction and repair of roads; *provided*, that the Board of Supervisors of said county may, upon

Default.

Judgment.

Proviso.

petition of a majority of the voters of any road district, require all able bodied men, between the ages of twenty-one and fifty years, in a district so petitioning, to work any number of days, not exceeding five, on the roads in such district, in each year; and, in default thereof, shall be subject to all the penalties of this Act.

Repeal. SEC. 2. Section thirty of said Act is hereby repealed.

SEC. 3. Section thirty-four of said Act is hereby amended so as to read as follows:

Compensation of Road Overseer. Section 34. The Road Overseer shall be allowed such compensation for his services as may be fixed by the Board of Supervisors, to be paid out of the Road Fund of said county.

SEC. 4. Section thirty-nine of said Act is hereby amended so as to read as follows:

Levy of taxes for Road Fund. Section 39. The Board of Supervisors of said county shall cause a tax to be levied and collected, at the same time that other taxes are levied and collected for State and county purposes, not exceeding fifty cents on one hundred dollars of property, and such tax shall constitute the Road Fund of said county; such fund shall be appropriated by said Supervisors as will best conserve the interests of the county.

Supervisors to furnish blank receipts. SEC. 5. The Board of Supervisors shall cause blank road poll tax receipts to be printed of uniform appearance, which shall be numbered consecutively and signed by the Chairman of said Board, who shall thereupon deliver the same to the Clerk of said Board, taking his receipt therefor; said Clerk shall also sign said road poll tax receipts and issue to each Road Overseer such number of said receipts as may be needed by him, taking his receipt therefor. No other receipts for road poll tax shall be given by said Overseer, and the Clerk of said Board shall charge each Road Overseer with all road tax receipts issued to him.

Clerk to issue same.

SEC. 6. This Act shall take effect immediately.

CHAPTER XCII.

An Act ratifying and confirming action of Common Council of the City of Oakland for relief of John Scott.

[Approved February 19, 1870.]

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

Action of Common Council of Oakland confirmed. SECTION 1. That the action of the Common Council of the City of Oakland, Alameda County, by resolution adopted August second, eighteen hundred and sixty-nine, allowing and ordering paid to John Scott seven hundred and fifty dollars, on account of the expenses of the celebration of the fifth of July, eighteen hundred and sixty-nine, out of the General Fund of said city, be and the same is hereby ratified and confirmed.

CHAPTER XCIII.

An Act to provide for the appointment of a Commissioner to visit the Eastern insane asylums, and to define his powers and duties.

[Approved February 19, 1870.]

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

Governor to appoint Commissioner.

SECTION 1. The Governor, with the advice and consent of the Senate, is authorized to appoint and commission some suitable person a Commissioner to visit the principal insane asylums of the United States, Great Britain, Ireland, France and Germany, and to perform the duties herein prescribed.

Duty of Commissioner.

SEC. 2. It shall be the duty of such Commissioner to visit such asylums as soon as possible, and to collect and compile all accessible and reliable information as to their management, the different modes of treatment, and the statistics of insanity.

To make written report.

SEC. 3. Such Commissioner shall, in or before the next session of the Legislature, make a written report to the Governor, in which he shall embody at length a history of the management adopted at such asylums, a statement of the different modes of treatment in use, and such statistics as he may deem reliable, which report shall, by the Governor, be transmitted to the Legislature at its session.

Term of office

SEC. 4. The Commissioner appointed under the provisions of this Act shall hold his office until the first Monday in December, eighteen hundred and seventy-one, and shall receive, in full

Compensation.

payment for his services hereunder, and his travelling expenses, the sum of four hundred dollars per month, payable quarterly, from and after his appointment.

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

CHAPTER XCIV.

An Act to aid the Mercantile Library Association of the City and County of San Francisco in paying its indebtedness.

[Approved February 19, 1870.]

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

Gift concerts authorized.

SECTION 1. It shall be lawful for the Mercantile Library Association of the City and County of San Francisco to give not more than three public entertainments or concerts, at which, or by means of which, personal property, real estate, demands, things in action, or other valuables, may lawfully be disposed of by chance, raffle or other scheme of like character, anything in the laws of this State to the contrary notwithstanding; *provided*, that such gift concert and each of them shall be managed and

controlled in all respects by the Board of Managers of said Library Association, and the proceeds and profits thereof shall be applied solely to the extinguishment of the present indebtedness of said association. Proceeds, how applied.

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

CHAPTER XCV.

An Act to provide for the relief and maintenance of the indigent sick of Humboldt County.

[Approved February 21, 1870.]

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

SECTION 1. The Board of Supervisors of Humboldt County shall annually levy the tax, provided by law, upon all taxable property in said county, the money arising from such taxation to be paid into a fund and applied for the purpose of securing care, maintenance and medical treatment for indigent sick persons in said county. Supervisors to levy tax for support of indigent sick

SEC. 2. The County Treasurer of said county shall report to the Board of Supervisors, on the first day of each regular meeting of said Board, the amount of money remaining in the Indigent Sick Fund at the date of such report and subject to the order of said Board; and in no case shall the Board of Supervisors, at any such meeting, allow or direct the issuance of warrants or orders which will, singly or in the aggregate, exceed the sum reported by the Treasurer to be subject to the order of the Board at said meeting, except as provided in this Act; and in no case shall any order or warrant be issued payable out of any other than the Indigent Sick Fund for any service rendered for or in behalf of the indigent sick of said county. Treasurer to report condition of Indigent Sick Fund. Issue of warrants limited to amount in fund.

SEC. 3. The Board of Supervisors shall, prior to the first day of June in each year, appoint a physician, who shall be styled and known as the County Physician of said county, and who shall hold his position for the term of one year from the first day of June first following the time of his appointment. The said physician shall receive, for all services rendered in pursuance of this Act, a salary not to exceed six hundred dollars per annum, payable out of the Indigent Sick Fund. County Physician. Salary.

SEC. 4. Every physician so employed by the Board of Supervisors shall be a graduate from some legally incorporated college of medicine, and he shall not be entitled to receive any portion of his salary until the said Board are satisfied that the said physician is possessed of the qualifications prescribed by this section, which shall, in every case, be established by competent testimony. Qualifications.

SEC. 5. It shall be the duty of the County Physician to render all the medical aid and treatment that the indigent sick in the county may require, and to pass upon all applications for Duties of physician.

admittance to the hospital of said county, and to give his certificate of admittance thereto in all proper cases; and no person shall be admitted to said hospital without such certificate; and he shall discharge from said hospital, from time to time, all persons whose condition of health shall, in his judgment, warrant their discharge therefrom; and no money shall be drawn from the Indigent Sick Fund for the purpose of rendering any aid to any person outside of the hospital, in any case whatever, unless it shall be proved, to the satisfaction of said physician, or to the Board of Supervisors, if in session, that such person is destitute and actually in need of medical aid and assistance, and that he or she cannot be removed to the hospital, in which case such person shall receive such aid and assistance as may be found necessary, until such person may be safely removed to the hospital, and no longer; *provided*, however, that the amount to be paid for the aid, relief and support of any such person shall in no case exceed the sum of ten dollars per week.

Same.

SEC. 6. It shall be the duty of the County Physician to keep a book, which shall be furnished to him by the Board of Supervisors, to be by him handed over to his successors, wherein he shall enter the names of all persons applying for admittance to the County Hospital, or for temporary assistance outside, their ages, and the character of their sickness, with the dates of such application, stating whether granted or rejected, and the dates of all certificates of admittance, with the names of all persons discharged, with the date of such discharge—which book shall always be subject to the inspection of the Board of Supervisors, the grand jury, and the officers of said county.

To make report.

SEC. 7. The County Physician shall report to the Board of Supervisors at each regular meeting, and in such report shall give a full and detailed account of all matters required by him to be kept in the preceding section, and, in addition, the amount of medicine by him purchased for the use of the county since the date of his last report, with full description of the same, and the prices paid or to be paid therefor, together with all necessary vouchers, and shall be verified by the oath of said physician as being true and correct in each and every particular and specification.

To purchase medicine.

SEC. 8. The County Physician shall purchase for the county all medicine by him deemed necessary for the indigent sick.

SEC. 9. The County Physician shall not be, directly or indirectly, interested in any contract for the care or maintenance of the indigent sick of the county, or otherwise connected with any matter whatever pertaining to the indigent sick, except as such physician. All contracts made in violation of this section are hereby declared void.

Supervisors may contract for care of sick.

SEC. 10. The Board of Supervisors shall, from time to time, contract for the care and maintenance of the indigent sick of said county. Such contract shall be in writing, and shall specify the sum to be paid per week for each person, which said sum shall in no case exceed the sum of eight dollars per week for each person, and shall further bind said party to take care of all indigent persons who may be admitted into said hospital during the continuance of said contract.

SEC. 11. The Board of Supervisors are hereby authorized,

when, from any cause, there shall not, during any one year, come into the treasury a sum sufficient to defray the necessary and proper expenses incurred in the care, keeping and medical treatment of the indigent sick for one year, to transfer from the General County Fund to the Indigent Fund any sum, not to exceed one thousand dollars in any one year. To transfer money.

SEC. 12. An Act entitled an Act in relation to the indigent sick in the County of Humboldt, approved January twenty-ninth (29th), eighteen hundred and sixty-eight (1868), is hereby repealed. Repeal.

SEC. 13. This Act shall take effect immediately from and after the date of its passage.

CHAPTER XCVI.

An Act to authorize Bridget Stannah, administratrix of the estate of William Stannah, deceased, to sell the real estate belonging to said estate in the City and County of San Francisco, at public or private sale.

[Approved February 21, 1870.]

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

SECTION 1. Bridget Stannah, administratrix of the estate of William Stannah, deceased, is hereby authorized and empowered, under the order and direction of the Probate Court, to sell at public or private sale, as she may deem proper, all or any part of the real estate of William Stannah, deceased, situated in the City and County of San Francisco, on such terms for cash or upon credit, and in such parcels and quantities, as in her judgment will best promote the interests of said estate; *provided*, that each sale made under this Act, before it shall be deemed final and complete, shall be reported to the Judge of the Probate Court of the City and County of San Francisco, who shall examine the same and confirm or set aside the said sale and acts of the said administratrix, as in other cases of sales of real estate made under order of said Probate Court. May sell real estate at public or private sale. Proviso.

SEC. 2. Before making any sales under this Act, the said administratrix shall enter into such other and further bonds as may be required by the Probate Judge of said City and County of San Francisco, for the faithful performance of all the acts authorized hereby, and for the faithful accounting and application, according to her trust as administratrix, of the proceeds of all sales made under authority of this Act. Additional bonds.

SEC. 3. This Act shall take effect immediately.

CHAPTER XCVII.

An Act to authorize Morton Bourn to construct and maintain a wharf and chute at Bourn's Landing, on the Pacific Ocean, in Mendocino County.

[Became a law by operation of the Constitution, February 22, 1870.]

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

Franchise granted.

SECTION 1. The right to construct and maintain a wharf and one or more chutes at Bourn's Landing, on the Pacific Ocean, in Mendocino County, and to collect such tolls as the Board of Supervisors of said county may authorize for the use of the same, is hereby granted to Morton Bourn, his associates and assigns, for the term of twenty years from and after the passage of this Act.

Privilege.

SEC. 2. The said grantees are hereby granted the right to the tide lands for the distance of three hundred feet on either side of said wharf, for business purposes connected therewith.

Rates of toll.

SEC. 3. Upon the erection of said wharf, or chute or chutes, the Board of Supervisors of Mendocino County shall, upon petition, prescribe and license the rates of toll for shipping and landing goods, wares, timber, etc.

When to complete.

SEC. 4. The said grantees shall complete said wharf, or one or more chutes, to answer the purposes of commerce, within one year from and after the passage of this Act.

Not to interfere.

SEC. 5. This franchise shall not interfere with private vested rights or with free navigation.

SEC. 6. This Act shall take effect immediately.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this twenty-second day of February, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER XCVIII.

An Act to authorize Lew Gerlock and his associates and assigns to construct and maintain a chute and moorings, at Scott's Landing, on the Pacific Ocean, in Mendocino County, and to charge and collect tolls for the use thereof.

[Became a law by operation of the Constitution, February 22, 1870.]

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

Franchise.

SECTION 1. Lew Gerlock, his associates and assigns, are hereby granted, for twenty years, the right to construct and maintain a chute and necessary moorings, at Scott's Landing, in Mendocino County, and to charge and to collect such tolls

for the use thereof as shall be fixed by the Board of Supervisors of said county; *provided*, said chute and moorings shall in no wise interfere with navigation.

SEC. 2. Said grantees may use the tide lands on either side of said chute, for one hundred feet, during said grant. Privilege.

SEC. 3. This Act shall take effect immediately.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this twenty-second day of February, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER XCIX.

An Act to establish and define the powers and duties of the Board of Education of the City of Petaluma.

[Approved February 25, 1870.]

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

SECTION 1. The Board of Education of the City of Petaluma shall consist of five School Directors, who shall be elected as follows, namely: Two at the next ensuing charter election for city officers for said city, for the term of two years, and three at the next charter election thereafter, for two years; and at every subsequent charter election for city officers of said city, there shall be alternately two and three School Directors elected to take the place of those whose term of office has expired; said term of office in each and every case to be for two years, and until a successor is duly elected and qualified; *provided*, that the present Board of Trustees of the Petaluma School District shall exercise, and are hereby authorized and empowered to exercise, all the powers and duties hereinafter provided as appertaining to the Board of Education created by this Act. Said Board of Education shall meet within ten days after their election, and after qualifying as provided in section one hundred and eight of the revised school law of one thousand eight hundred and sixty-six, shall elect one of their number President, and shall hold meetings monthly thereafter, and at such other times as the Board may determine. A majority of all the members elect shall constitute a quorum to transact business, but a smaller number may adjourn from time to time. The Board may determine the rules of its proceedings; its sessions shall be public, and its records shall be open to public inspection. The Board shall also have power to fill all vacancies occurring in the Board, until the next charter election. Election of School Directors. Meetings.

SEC. 2. The Board of Education shall have power—

First—To establish and maintain public schools, and to establish school districts, and to fix and alter the boundaries thereof. Powers of Board of Education.

Second—To employ and dismiss teachers, Janitors and School Census Marshals, and to fix, alter, allow and order paid their

Powers of Board of Education.

salaries or compensations, and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duty of the Board.

Third—To make, establish and enforce all necessary and proper rules and regulations, not contrary to the State law, for the government and progress of public schools within the said city, the teachers thereof and the pupils therein, and for carrying into effect the laws relating to education

Fourth—To provide for the School Department of said city fuel and lights, water, printing and stationery, and to incur such other incidental expenses as may be deemed necessary by said Board.

Fifth—To build, alter, repair, rent and provide school houses, and to furnish the same with proper school furniture, apparatus, and school appliances, and to insure any and all such school property.

Sixth—To receive, purchase, lease and hold in fee, in trust for the City of Petaluma, any and all real estate, and to hold in trust any personal property that may have been acquired, or may hereafter be acquired, for the use and the benefit of the schools of said city; *provided*, that no real estate shall be bought, sold or exchanged, or expenditures incurred for the construction of new school houses, without the consent of three members of the Board of Education and three members of the Board of Trustees of said city; and *provided* further, that the proceeds of any such sale, or exchange of real estate, shall be exclusively applied to the purchase of other lots or the erection of school houses. The Board of Trustees of said city are hereby authorized and required to make over to said Board of Education, upon application, in writing, by said Board, through its President and Secretary, by good and sufficient deeds of conveyance, all property, both real and personal, now held by said Board of Trustees in trust for said city, for the use and benefit of the public schools, and the said Board of Education is hereby authorized to defray all expenses attending the same.

Seventh—To grade, fence and improve all school lots.

Eighth—To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto, and in pursuance of this provision, the Board of Education shall, on or before the first Monday in April of each year, submit, in writing, to the Board of Trustees of said city, a careful estimate of the whole amount of money to be received from the State and county, and the amount required from the city for the above purposes, and the amount so found to be required from the city shall, by the Board of Trustees of said city, be added to the other amounts to be assessed and collected for city purposes; *provided*, that the amount to be thus assessed for school purposes shall not exceed twenty cents on each one hundred dollars valuation on the assessment roll, and that when collected, it shall be immediately paid into the School Fund of said city, to be drawn out only upon the order of the Board of Education.

Ninth—To establish regulations for the just and equal disbursement of all moneys belonging to the Public School Fund.

Tenth—To discharge all legal incumbrances now existing, or that may hereafter exist, upon any school property.

Eleventh—To admit non-resident children and persons over twenty-one years of age to any of the higher departments of the schools, upon the payment, monthly, in advance, of such rates of tuition as said Board may establish.

Twelfth—To prohibit any child, under the age of five years, from attending the public schools.

Thirteenth—And generally to do and perform such other acts as may be necessary and proper to carry into effect the powers conferred on said Board.

President to administer oaths.

SEC. 3. The President of the Board of Education shall have power to administer oaths and affirmations concerning any demand upon the treasury, payable out of the School Fund, or other matters relating to his official duties.

Contracts void.

SEC. 4. No School Director shall be interested in any contract pertaining in any manner to the school department of said city. All contracts in violation of this section are declared void, and any Director violating, or aiding in violating, the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be punished by fine of not less than fifty nor more than five hundred dollars.

Secretary of Board.

SEC. 5. The said Board are hereby authorized to elect their own Secretary, who shall be a member thereof. The said Secretary shall be subject to removal, at the pleasure of the Board.

Duties.

He shall report to the Board annually, and at such other times as they may require, all matters pertaining to the expenses, income and condition, and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper. He shall observe, and cause to be observed, such general rules and regulations for the government and instruction of the schools, not inconsistent with the law of the State, as may be established by the Board of Education. He shall attend the sessions of the Board, and inform them at each session of the condition of the public schools, school houses, school funds, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the city, and shall perform such other duties as may be required of him by the Board.

Compensation.

He shall receive as compensation for his services, payable out of the School Fund, such sum as the Board of Education, from time to time, may allow.

School Fund, of what to consist.

SEC. 6. The School Fund of the City of Petaluma shall consist of all moneys received from the State and County School Fund, of all moneys arising from taxes which shall be levied annually by the Board of Trustees of said city for school purposes, of all moneys arising from the sale, rent or exchange of any school property, and of such other money as may from any source whatever be paid into said School Fund, which fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes, under the provisions of this Act; and if at the end of any fiscal year any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and shall not be, for any purpose whatever, withdrawn from said fund, except under the provisions of this Act.

How applied

SEC. 7. The School Fund shall be used and applied by said Board of Education for the following purposes—

First—For the payment of the salaries or wages of teachers, janitors, School Census Marshals, and other persons who may be employed by said Board.

Second—For the erection, alteration, repairing and furnishing of school houses.

Third—For the purchase money or rent of any real or personal property, purchased or leased by such Board.

Fourth—For the insurance of all school property.

Fifth—For lighting school rooms, supplying the schools with fuel, water, apparatus, blank books and necessary school appliances, together with books for indigent children.

Sixth—For supplying books, printing and stationary for the use of the Board of Education, and for the incidental expenses of the Board and Department.

Seventh—For grading, fencing and improving all school lots, and for grading, paving and repairing streets and sidewalks in front thereof.

Claims to be filed with Secretary.

SEC. 8. All claims payable out of the School Fund shall be filed with the Secretary of the Board, and after they shall have been approved by a majority of all the members of the Board, they shall be signed by the President and Secretary and be sent to the City Treasurer. Every demand shall have indorsed upon it a certificate of its approval. All demands for teachers' salaries shall be payable monthly.

Treasurer to pay same, when.

SEC. 9. All demands authorized by this Act shall be paid by the City Treasurer, from the School Fund, when the same shall be presented to him, so ordered paid, and approved by the Board; *provided*, that the said Board shall not have power to contract any debt or liabilities, in any form whatever, against the said city, in contravention of this Act.

Vacancy in Board.

SEC. 10. If any member of the Board of Education shall remove from the city or absent himself therefrom for more than twenty days, except by permission of the Board, or shall fail to qualify as prescribed by law within ten days from the time his election is duly ascertained and declared, his office shall thereby be absolutely vacated, and the Board shall thereupon proceed to fill the vacancy until the term of the next charter election.

Duty of Auditor.

SEC. 11. It is hereby made the duty of the Auditor of the County of Sonoma, upon the first Monday of each month, and at such other times as he may deem proper, to certify in duplicate to the Superintendent of Common Schools in said county, the amount of common school money at the time in the county treasury, and the amount received during the previous month. The County Superintendent shall, upon receipt of said certificate, indorse upon one of them the amount of said moneys to which the common schools of the said City of Petaluma are entitled; the certificate so indorsed shall at once be returned to said Auditor, upon whose order the County Treasurer shall pay the sum designated upon said certificate to the legal custodian of the School Fund of said city.

Repeal.

SEC. 12. This Act shall take effect and be in force from and after its passage, and all laws and parts of laws, so far as they are inconsistent with the provisions of this Act are hereby repealed.

CHAPTER C.

An Act to provide a Contingent Fund for the use of the Legislature.

[Approved February 25, 1870.]

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

SECTION 1. The sum of thirty-three thousand dollars is hereby appropriated, out of any money in the State treasury not otherwise appropriated, to defray the contingent expenses of the eighteenth session of the Legislature—eighteen thousand dollars for the expenses of the Assembly and fifteen thousand dollars for the expenses of the Senate—to be subject to the order of each body as herein stated. Appropriation for legislative expenses.

SEC. 2. The moneys hereby appropriated shall be exempt from the provisions of an Act entitled an Act to create a Board of Examiners, to define their powers and duties and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, A. D. eighteen hundred and fifty-eight (1858), and this Act shall take effect from and after its passage. Exemption.

CHAPTER CI.

An Act to appropriate money for the payment of curtains, carpets and matting for Senate and Assembly Chambers.

[Approved February 26, 1870.]

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

SECTION 1. The sum of three thousand four hundred and fifty-three dollars and sixty-six cents is hereby appropriated, out of any money in the General Fund not otherwise appropriated, to pay the claims of W. Sharp for curtains, carpets, matting and lining furnished for use of Assembly Chamber, Senate Chamber, halls, galleries and lobbies, and labor in taking up carpets for purposes of lining, as per order of the respective Sergeant-at-Arms of each House; and the State Controller is hereby authorized to draw his warrant for the above amount, and the State Treasurer is hereby directed to pay the same. Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER CII.

An Act for the relief of W. V. McGarvey.

[Approved February 26, 1870.]

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

Allowance for services as Assessor.

SECTION 1. The Board of Supervisors of Monterey County are hereby authorized to make an allowance of not exceeding five hundred dollars in favor of W. V. McGarvey, for services as Assessor of the said county, in addition to the amount already received by him for services rendered as Assessor, for the year eighteen hundred and sixty-nine. Said allowance to be paid in the same manner and out of the same funds as other allowances to County Assessors.

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

CHAPTER CIII.

An Act for the relief of Patrick Campbell.

[Became a law by operation of the Constitution, February 27, 1870.]

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

Appropriation.

SECTION 1. The sum of three hundred dollars, in United States gold coin, is hereby appropriated, out of the Building School Fund of the City and County of San Francisco, to pay the claim of Patrick Campbell for services rendered in grading a school lot on Eighth street, between Harrison and Bryant streets, in said city and county.

SEC. 2. The Superintendent is hereby authorized and instructed to draw his warrant, and the Treasurer to pay the same.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this twenty-seventh day of February, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CIV.

An Act to authorize Wm. S. Ferguson and his assigns to construct and maintain a chute and landing at or near Fish Rock Landing, Mendocino County, and to charge and collect tolls for the use of the same.

[Became a law by operation of the Constitution, February 27, 1870.]

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

SECTION 1. Wm. S. Ferguson, and his assigns, shall have the right to construct and maintain a chute and landing at or near a point on the shore of the Pacific Ocean known as Fish Rock Landing, Mendocino County, and to collect such tolls for the use of the same as the Supervisors of said county shall from time to time establish. Franchise.

SEC. 2. Said chute and landing shall be of sufficient capacity to ship all the lumber, timber, or other commodities usually shipped at said Fish Rock Landing; and said chute and landing shall be completed within two years from the passage of this Act. Capacity. When to be completed.

SEC. 3. The said chute and landing, when constructed, shall be used for the accommodation of all persons who desire to ship therefrom, upon the payment of the legal toll.

SEC. 4. The franchise herein granted shall indure for the term of twenty years from and after the passage of this Act. Duration.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this twenty-seventh day of February, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CV.

An Act to amend an Act to authorize Lyman Leslie, Paul K. Hubbs, and their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano, approved March thirtieth, eighteen hundred and sixty-eight.

[Became a law by operation of the Constitution, February 27, 1870.]

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

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

Section 2. The said Lyman Leslie, Paul K Hubbs, and their associates and assigns, shall, within two years from the first day of January, A. D. eighteen hundred and seventy (1870), construct a wharf of sufficient dimensions to accommodate the trade and commerce of the said city at that point desired, and Wharf franchise.

shall from time to time enlarge as it becomes necessary, repair the same; and if they fail to so construct and keep said wharf in repair, the rights and privileges herein conceded shall be fully determined and forfeited.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this twenty-seventh day of February, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CVI.

An Act for the relief of Samuel Clayton.

[Approved February 26, 1870.]

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

Controller to draw duplicate warrant

SECTION 1. The Controller of State is hereby directed to draw a duplicate of warrant number (2370) two thousand three hundred and seventy, in favor of Samuel Clayton, for the sum of one hundred and twenty-five dollars, payable out of the State Capitol Fund, and deliver the same to the said Samuel Clayton on complying with the provisions of section two of this Act.

Bond.

SEC. 2. Before delivering the said warrant to the said Samuel Clayton, a bond shall be filed by him in the penal sum of two hundred dollars, which bond shall first be approved by the Attorney-General.

SEC. 3. This Act shall take effect immediately.

CHAPTER CVII.

An Act to repeal an Act entitled an Act authorizing the Board of Supervisors of Plumas County to take and subscribe to the capital stock of the Oroville and Virginia City Railroad Company, and to provide for the payment thereof.

[Approved February 26, 1870.]

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

Act repealed

SECTION 1. An Act entitled an Act authorizing the Board of Supervisors of Plumas County to take and subscribe to the capital stock of the Oroville and Virginia City Railroad Company, and to provide for the payment thereof, approved March thirtieth, one thousand eight hundred and sixty-eight, is hereby repealed.

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

CHAPTER CVIII.

An Act to authorize the Board of Supervisors of Yuba County to levy and collect tolls on the Marysville and Brown's Valley Turnpike.

[Approved February 26, 1870.]

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

SECTION 1. The Board of Supervisors of Yuba County are hereby authorized and empowered, at such times as they may deem expedient, to levy and collect tolls upon the Marysville and Brown's Valley Turnpike for the period of six years from the passage of this Act. To collect turnpike tolls.

SEC. 2. That all moneys collected under the provisions of this Act shall be applied exclusively to improving and repairing said road, and to no other purpose. How to be applied.

SEC. 3. The rates of toll shall be established by the Board of Supervisors, and collected under their direction. Rates of toll.

SEC. 4. This Act shall be in force from and after its passage.

CHAPTER CIX.

An Act to authorize the Board of Supervisors of the County of Sonoma to transfer certain money from the General Fund to the Road Fund.

[Approved February 26, 1870.]

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

SECTION 1. The Board of Supervisors of Sonoma County are hereby authorized and empowered to transfer the sum of ten thousand dollars from the General Fund of said county to the Road Fund; *provided*, that said transfer shall be made whenever said Board of Supervisors, in their discretion, shall deem it required by the public good. Transfer moneys.

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

CHAPTER CX.

An Act to amend an Act, approved March twenty-fourth, eighteen hundred and sixty-four, entitled an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

[Approved February 26, 1870.]

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

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

Not to apply

Section 3. This Act shall not apply to the First, Fifth, Seventh, Thirteenth, Eleventh, Sixth and Seventeenth Judicial Districts, nor any Courts therein.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXI.

An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

[Approved March 1, 1870.]

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

Appropriation for official map.

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized and empowered to appropriate, allow and order paid to William P. Humphreys, City and County Surveyor, the sum of five thousand ($5.000) dollars, for an official map of the City and County of San Francisco.

SEC. 2. The Auditor of said city and county is hereby directed to audit, and the Treasurer of said city and county is hereby directed to pay the said sum or sums allowed and ordered paid to said William P. Humphreys out of the General Fund of said City and County of San Francisco.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXII.

An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds and to provide for the payment of the principal and the interest thereon, approved April eighth, eighteen hundred and sixty-two.

[Approved March 1, 1870.]

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

SECTION 1. Section four is hereby amended so as to read as follows:

Section 4. For the payment of the interest on and principal of said bonds, the Board of Supervisors are hereby authorized and empowered to levy, at any time prior to the first Monday in May, one thousand eight hundred and sixty-two, and annually thereafter, at the time of levying and assessing State and county taxes, to cause to be levied, assessed and collected a tax not exceeding twenty cents on each one hundred dollars value of property subject to taxation in said county, to be styled the road and bridge interest tax; and all moneys collected from such source shall constitute a separate fund, pledged for the payment of the interest on said bonds and the reduction of the principal, and shall be applied for no other purpose. On the first day of January of each year, when there shall be as much as three hundred dollars in the fund mentioned in this section, over and above the interest due on such first day of January and July next, it shall be the duty of the County Treasurer to advertise, for the time and in the manner mentioned in section two of this Act, for proposals to redeem bonds authorized by this Act to be issued. Such bidding shall be conducted as specified in section two, and the award shall be made so as to redeem the largest amount of bonds for such surplus, and the same shall be applied for the redemption of such bonds for which bids were accepted, and the same shall be taken up and cancelled; but no bid shall be received at a higher rate than principal and interest. Road and bridge interest tax.

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

CHAPTER CXIII.

An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.

[Approved March 1, 1870.]

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

SECTION 1. Section two hundred and thirty-six of said Act is hereby amended so as to read as follows:

Rights of purchaser and redemptioner.

Section 236. The purchaser, from the time of the sale until a redemption, and a redemptioner, from the time of his redemption until another redemption, shall be entitled to receive from the tenant in possession, the rents of the property sold, or the value of the use and occupation thereof; *provided*, that when any rents or profits have been received by the judgment creditor or purchaser, or his or their assigns, from the property thus sold, preceding such redemption, the amounts of such rents and profits shall be a credit upon the redemption money to be paid; and *provided* further, that if the redemptioner, before the expiration of the time allowed for such redemption, shall make demand in writing of such purchaser or creditor, or his or their assigns, for a written and verified statement of the amount of such rents and profits thus received, the period for redemption shall be extended five days after such sworn statement shall be given by such purchaser or his assigns to such redemptioner; and *provided* further, that if such purchaser or his assigns shall, for a period of one month from and after such demand, fail or refuse to give such statement, such redemptioner may bring an action in any Court of competent jurisdiction, to compel an accounting and disclosure of such rents and profits; and until fifteen days from and after the final determination of such action, the right of redemption shall be extended to such redemptioner.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXIV.

An Act to transfer certain funds to the Common School Fund of the County of Butte.

[Approved March 1, 1870.]

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

Moneys from certain licenses, how applied.

SECTION 1. All moneys derived from the sale of licenses for vending of spirituous, malt or fermented liquors or wines, in quantities less than one quart, and all moneys derived from the sale of

travelling merchants, hawkers or pedlors' licenses in the County of Butte, shall hereafter be transferred to the Common School Fund of said county, and shall be used and appropriated as a part of said Common School Fund, and for no other purpose whatever.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed, so far as they conflict with this Act. Repeal.

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

CHAPTER CXV.

An Act supplemental to an Act to regulate the care and maintenance of the indigent sick in and for Yuba County, approved April eighteenth, one thousand eight hundred and sixty.

[Approved March 1, 1870.]

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 Yuba are hereby authorized and directed, at their regular meeting in August, Anno Domini one thousand eight hundred and seventy, and at their regular meetings in August every two years thereafter, to appoint the Practicing Physician of the Yuba County Hospital, whose term of office shall commence on the fifteenth day of November following such appointment. Physician to be appointed

SEC. 2. The office of Warden of the Yuba County Hospital is hereby abolished, from and after the expiration of the term of office of the present incumbent, and the duties now required by law to be performed by said Warden are hereby required to be performed by the Practicing Physician of said hospital after the expiration of the term of office of the said Warden; *provided*, that nothing contained in this section shall require the Practicing Physician to reside at the said hospital. Office of Warden abolished.

SEC. 3. All Acts and parts of Acts, so far as they are in conflict with this Act, are hereby repealed.

CHAPTER CXVI.

An Act relating to certificates of incorporation.

[Approved March 1, 1870.]

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

SECTION 1. Any corporation now or hereafter organized under the laws of this State may amend its articles of asso-

Amended certificate of incorporation.

ciation, or certificate of incorporation, by a majority vote of the Board of Directors, or Trustees, and by a vote or written assent of the stockholders representing at least two-thirds of the capital stock of such corporation; and a copy of the said articles of association or certificate of incorporation, as thus amended, duly certified to be correct by the President and Secretary of the Board of Directors, or Trustees of such corporation, shall be filed in the same office, or offices, where the original articles or certificate are required by law to be filed; and from the time of filing such copy of the amended articles or certificate, such corporation shall have the same powers, and it and the stockholders thereof shall be thereafter subject to the same liabilities as if such amendment had been embraced in the original articles or certificate; *provided*, that the time of the existence of such corporation shall not be thereby extended beyond the time fixed in the original articles or certificate; and *provided* further, that such original and amended articles or certificate shall, together, contain all the matters and things required by the law under which the original articles of association or certificate of incorporation were executed and filed; and *provided* further, that nothing herein contained shall be construed to cure or amend any defect existing in any original certificate of incorporation heretofore filed, by reason of the failure of such certificate to set forth the matters required by law to make the same valid as a certificate of incorporation at the time of the filing thereof; also *provided*, that unless the vote or written assent of all the stockholders has been obtained, then a notice of the intention to make such amendment shall first be advertised for sixty days, in some newspaper published in the town or county in which the principal place of business of said company is located; and the written protest of any one of said stockholders, or his duly authorized agent or attorney, whose assent has not been obtained, filed with the Secretary of the said company, shall, unless withdrawn, be effectual to prevent the adoption of such amendment; *provided*, that nothing in this Act shall be construed to authorize any corporation to diminish its capital stock.

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

CHAPTER CXVII.

An Act to ratify and confirm a certain conveyance made by the Board of Education of the City and County of San Francisco.

[Approved March 2, 1870.]

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

Conveyance confirmed.

SECTION 1. That certain conveyance made the nineteenth day of July, eighteen hundred and sixty-six, recorded in liber three hundred and thirty-two of deeds, page three hundred and

nine, whereby Joseph W. Winans and eleven others, consisting of the Board of Education of the City and County of San Francisco, remised, released and quitclaimed unto Alexey W. Von Schmidt fifty vara lot number five, in block number two hundred and eighty-nine, in the western addition of the City and County of San Francisco, be and the same is hereby ratified and confirmed. The Mayor of the said City and County of San Francisco is hereby authorized and required to execute and deliver to Samuel Grosch, assignee of said Von Schmidt, a quitclaim deed of said premises.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXVIII.

An Act to authorize Eliza Madison Hartley, administratrix of the estate of Henry Hare Hartley, deceased, to sell real property belonging to said estate.

[Became a law by operation of the Constitution, March 3, 1870.]

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

Power to sell property at private sale.

SECTION 1. Eliza Madison Hartley, administratrix of the estate of Henry Hare Hartley, deceased, is hereby authorized and empowered, upon the order of the Probate Judge of the County of Sacramento, made in chambers or in open Court, upon petition, without any publication or notice thereof, to sell at private sale all or any portion of the real property belonging to said estate, for cash, or upon such credit as she shall deem most advantageous to the said estate; any sale so made shall be reported to the Probate Court of Sacramento County, and, if approved by the said Court, an order shall be made confirming the sale and directing a conveyance to be executed to the purchaser, and no sale shall be valid until so confirmed.

To report to Probate Court.

Deeds, what to convey.

SEC. 2. Any deed which shall be made and executed by the said administratrix, under the provisions of this Act, shall be deemed to convey all the right, title and interest of the said Henry Hare Hartley at the time of his death, and also any right, title or interest acquired by his estate since his death, in and to the lands so conveyed.

To account for proceeds.

SEC. 3. The said administratrix shall account for the proceeds of any sales made under the provisions of this Act, in the same manner as for the other assets of the said estate, and shall include the same in her regular accounts of her administration of the said estate.

Additional bond.

SEC. 4. Whenever, in consequence of the provisions of this Act, the Judge of the Probate Court of Sacramento County shall deem it necessary or advisable to require a new or additional bond from the said administratrix, he shall make an order to that effect, and said administratrix shall thereupon execute

a bond in accordance with the said order, with two or more sufficient sureties, to be approved by the Probate Judge, and no act of the said administratrix, under the provisions of this law, after said order has been entered, shall be valid or binding until such bond has been executed, approved and filed.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this third day of March, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CXIX.

An Act for the relief of the District Collectors of Revenue Districts One, Two, Three and Four, in Tuolumne County.

[Approved March 2, 1870.]

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

Release from liability.

SECTION 1. The District Tax Collectors of Revenue Districts Numbers One, Two, Three and Four, in and for the County of Tuolumne, are hereby released from all liability to said county by reason of any percentage retained by them, or either of them, for collecting foreign miners' license, State poll tax, road poll tax, State and county licenses and county licenses.

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

CHAPTER CXX.

An Act to provide for the assessment and collection of taxes in the County of Placer.

[Approved March 2, 1870.]

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

Revenue districts.

SECTION 1. The County of Placer is hereby divided into Revenue Districts, as follows: Townships numbered one, two, nine and ten of said county shall constitute the First District; townships numbered three, four and eleven of said county shall constitute the Second District; and townships numbered five, six, seven and eight of said county shall constitute the Third District; which said First, Second and Third Revenue Districts are identical with the Supervisor and revenue districts of said county of the corresponding numbers, as defined and established by section one of an Act entitled an Act to divide the County of

Placer into Supervisor and revenue districts, to provide for the election of Supervisors, Assessors and Tax Collectors therein, and other matters connected therewith, approved April first, eighteen hundred and sixty-four.

Election of Tax Collectors.

SEC. 2. On the day of the next election for members of Congress in this State, held after the passage of this Act, there shall be elected by the qualified voters of the several revenue districts of Placer County respectively, one Tax Collector, who shall take office on the first Monday of March next following his said election, and shall hold office until the first Monday of March, eighteen hundred and seventy-four, and until his successor is elected and qualified; and the Tax Collectors so elected are hereby declared to be the successors in office of the Tax Collectors of the several Supervisor and revenue districts of said county, mentioned and described in section four of this Act; and said several revenue districts are hereby declared to be same in fact as the Supervisor and revenue districts of the corresponding numbers, as described and defined in sections one and four of this Act. At the general election for county officers to be held in the year eighteen hundred and seventy-three, and at such elections to be held every two years thereafter, there shall in like manner be elected one Tax Collector for each of said revenue districts, whose term of office shall commence on the first Monday of March next after his election, and who shall hold office for two years and until his successor is elected and qualified. Said Tax Collectors, before entering upon the duties of the respective offices, shall each take the oath of office and give a bond in the sum of twenty thousand dollars, or such greater sum as the Board of Supervisors of said county shall direct, conditioned as required by law for the faithful performance of all the duties required of him by law, which bond shall be approved by the County Judge of said county; and he shall, as compensation, receive to his own use such compensation, fees and percentages as are or may be allowed by law for his services as Tax Collector.

Election of Assessors.

SEC. 3. At the general election for county officers to be held in said county in the year eighteen hundred and seventy-one, and at such election to be held every two years thereafter, there shall be elected by the qualified electors of each of said revenue districts, for each of said districts, one Assessor, whose term of office shall be two years, commencing on the first Monday of March next after his said election, and shall hold office until his successor is elected and qualified. Each of said Assessors shall, before entering upon the duties of said office, take the oath of office and give a bond in the sum of five thousand dollars, or for such greater sum as the Board of Supervisors of said county shall require, conditioned as required by law for the faithful performance of all the duties required of him by law, to be approved by the County Judge of said county; and shall receive, as compensation for his services, a salary of eight hundred dollars per annum, to be audited and allowed like other accounts, after the completion of his official services for each year.

SEC. 4. Each present incumbent of the office of Tax Collector in the several Supervisor and revenue districts of Placer

Present incumbents in office to hold until successors qualify.

County, as defined in and established by an Act entitled an Act to divide the County of Placer into Supervisor and revenue districts, to provide for the election of Supervisors, Assessors and Tax Collectors therein and other matters connected therewith, approved April first, eighteen hundred and sixty-four, and as defined in section one of this Act, who were elected at the general election held in said county in the year eighteen hundred and sixty-seven, shall hold office until his successor is elected and qualified as provided in section two of this Act, and shall, as compensation, receive to his own use such compensation, fees and percentages as are or may be allowed by law for his services as Tax Collector.

Same.

SEC. 5. Until the election and qualification of Assessors for the several revenue districts of said county, as provided in section three of this Act, the County Assessor of said county who was elected at the general election held in said county in the year eighteen hundred and sixty-nine, shall, on or before the first Monday in August in each year, complete a separate tax list or assessment roll for each of the revenue districts in said county, as defined by section one of this Act, and shall attach his certificate to each of said tax lists or assessment rolls, and deliver the same and all the original lists of property given to him, to the Clerk of the Board of Supervisors of said county; and thereafter said tax lists and assessment rolls shall be proceeded with as under existing laws.

Repeal.

SEC. 6. So much of an Act entitled an Act to regulate salaries and fix the compensation of certain county officers, approved March twenty-eight, eighteen hundred and sixty-eight, as provided that the County Treasurer of Placer County shall be ex officio Tax Collector of said county, and so much of said Act as abolishes the district system for the collection of taxes in said county, and also so much of said Act as affects existing laws governing the assessment and collection of taxes in said county not in conflict with the provisions of this Act, are hereby repealed; *provided*, that nothing herein contained shall be so construed as to repeal so much of section three of said Act as provides for the election in the year eighteen hundred and sixty-nine of a County Assessor within and for said county, and created his term of office; but the County Assessor so elected shall perform the duties of his said office during the term for which he was elected and until his successors shall be elected and qualified, as provided in section three of this Act; and *provided* further, that nothing herein contained shall be so construed as to repeal an Act entitled an Act to divide the County of Placer into Supervisor and revenue districts, to provide for the election of Supervisors, Assessors and Tax Collectors therein and other matters connected therewith, approved April first, eighteen hundred and sixty-four, except so far as the same conflicts with the provisions of this Act; and *provided* further, that except for revenue purposes and for the election of officers as herein provided, the names and designations of the districts of said county, as prescribed by the first section of said Act, approved April first, eighteen hundred and sixty-four, shall remain unchanged.

Proviso.

Not to repeal

Exception

SEC. 7. This Act shall take effect from and after its passage.

CHAPTER CXXI.

An Act to legalize the election of a County Recorder and ex officio Auditor of the County of Sacramento, at the general election held on the first Wednesday in September, eighteen hundred and sixty-nine.

[Approved March 4, 1870.]

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

SECTION 1. The election of a County Recorder and ex officio Auditor of the County of Sacramento, held at the general election held in this State on the first Wednesday in September, eighteen hundred and sixty-nine, is hereby legalized and declared valid, and all acts of the Board of Supervisors of said county, concerning said election and said office, are hereby made legal and valid. Election made valid.

SEC. 2. The person who at said election received the greatest number of votes for said office, is hereby declared to have been duly elected to said office, and he is hereby made the County Recorder and ex officio Auditor of the County of Sacramento, and shall enter upon the duties of said office on the first Monday in March, eighteen hundred and seventy, and shall hold office for two years, and until his successor is elected and qualified; *provided*, the said officer shall first execute and file a bond for the faithful performance of his duties, in such sum and in such manner as is now prescribed by law for such office. When to enter on duties of office.

SEC. 3. At the general election in eighteen hundred and seventy-one, and at the general election held every two years thereafter, the electors of the County of Sacramento shall elect one person as County Recorder, and the person so elected shall be ex officio County Auditor of the County of Sacramento, who shall enter upon the duties of his office on the first Monday of March succeeding his election, and shall hold office for two years and until his successor is elected and qualified. County Recorder, when elected.

SEC. 4. This Act shall take effect immediately.

CHAPTER CXXII.

An Act to provide for the welfare and increase the efficiency of the California Institution for the Deaf and Dumb and the Blind.

[Approved March 4, 1870.]

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

SECTION 1. The sum of twenty-nine thousand five hundred dollars is hereby appropriated, out of any money in the State treasury not otherwise appropriated, to be paid to the Directors Appropriation.

of the California Institution for the Deaf and Dumb and the Blind, and to be expended for the objects hereinafter specified: To reimburse Bank of British North America, nine thousand dollars; to pay M. Heverin for mantles, twelve hundred and fifty dollars; to pay McNally & Hawkins for water pipes, etc., eleven hundred dollars; to pay for heating apparatus, four thousand dollars; to erect gas works, one thousand dollars; to erect shops, three thousand dollars; to erect barn, sheds and out-buildings, sixteen hundred and fifty dollars; to build fences and lay out grounds, three thousand dollars; to put in gas fixtures, five hundred dollars; for furniture, five thousand dollars.

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

CHAPTER CXXIII.

An Act to authorize the Board of Supervisors of Marin County to issue and sell bonds of said county and apply the proceeds thereof to the construction of wagon roads in said county.

[Approved March 4, 1870.]

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

Supervisors to issue bonds.

SECTION 1. The Board of Supervisors of Marin County are hereby authorized and directed to issue, within thirty days after the passage of this Act, the bonds of said county to the amount of fifty thousand dollars, payable on the first day of July, A. D. eighteen hundred and ninety, with interest at the rate of ten per cent. per annum. payable semi-annually on the first day of January and July, both principal and interest to be made payable in United States gold coin only. Said bonds shall be issued in denominations of five hundred dollars, and shall be signed by the Chairman of the Board of Supervisors and countersigned by the Treasurer and Auditor of the county. Interest coupons shall be attached, signed in like manner.

Principal and interest, when payable

Denomination.

Coupons.

Where payable.

SEC. 2. The bonds and coupons shall be payable at the office of the County Treasurer, and when any coupons are paid they shall be detached and filed by the Treasurer with the Auditor, who shall cancel the same.

Date of issue

SEC. 3. Said bonds shall bear the date of their issuance, and the first coupon shall be for the interest from such date up to the first day of January next succeeding.

Special tax to be levied.

SEC. 4. For the purpose of paying the interest on said bonds, the Supervisors of said county shall, at the time of levying the county taxes for each year, levy a special tax on all property in said county sufficient to pay the interest on all bonds then outstanding, as the same shall fall due. The special tax thus levied shall be assessed and collected as other State and county taxes are assessed and collected, and shall be set apart as a special fund, to be known as the Road Bond Interest Fund, and out of said fund the coupons on said bonds shall be paid as they fall due.

Road Bond Interest Fund.

SEC. 5. If the special tax authorized by the preceding section shall at any time be insufficient to pay the coupons due, the County Treasurer shall make up such deficiency out of the General Fund of said county. If the amount realized from said special fund exceeds the amount required to pay the coupons, the Board of Supervisors may transfer such surplus to the General Fund. Deficiency. Surplus.

SEC. 6. In and for the year eighteen hundred and seventy-nine, and each year thereafter, until the whole of said bonds are paid, the Board of Supervisors of said county shall levy and cause to be collected a tax sufficient to pay ten per cent. of the whole issue of said bonds, and the tax thus levied and collected shall be set apart as a special fund, to be known as the Road Redemption Fund. Redemption Fund.

SEC. 7. Whenever there shall be one thousand dollars or more in said fund, the Treasurer shall cause a notice to be published once a week, for four successive weeks, in some paper printed in said county, or in the City and County of San Francisco, which notice shall state that he is prepared to redeem, on a day to be stated therein, bonds to the amount of the fund, and that until said day, at twelve o'clock M., he will, at his office, receive sealed proposals for the surrender of bonds issued under this Act. Immediately after the hour specified he shall, in the presence of the County Auditor, open all such proposals, and shall redeem such bonds as may be offered at the lowest figure; *provided*, that no bid above par value shall be accepted. If no bid shall be put in at par or less, or if a sufficient amount of bonds shall not be offered to absorb all the moneys in said fund, then bonds to the amount of the moneys in said fund shall become due and payable in the order in which they were numbered; and the Treasurer shall give notice, in like manner as above provided for notice, that such bonds have become due, and all interest thereon shall cease from and after thirty days from the first publication of such notice. Redemption of bonds.

SEC. 8. Within forty days after said bonds are issued, the Board of Supervisors of said county shall sell the bonds issued under the provisions of this Act to the highest bidder or bidders therefor. Sale of bonds

SEC. 9. At least twenty days notice shall be given of the time and place of such sale, by publication in two newspapers in San Francisco and one newspaper in Marin County, if any be there published. Said bonds shall be sold for United States gold coin, and for not less than ninety per cent. of their nominal value. Notice of sale. To be sold for coin.

SEC. 10. Bids for the purchase of said bonds shall be made in writing, and inclosed in a sealed envelop, and shall be received until twelve o'clock M. on the day of sale. After that hour, but on the same day, the Board of Supervisors shall meet and open such bids, and shall award the bonds to the person or persons bidding the highest price therefor; *provided*, however, that no bid shall be considered unless the bidder shall have, before it is opened, deposited with the County Treasurer of said county ten per centum of the amount of his bid as security for the payment of the amount bid by him, should his bid be accepted. Immediately upon the acceptance of the bid or bids, the Board Receive bids. Award.

shall receive from the bidder the amount bid, and shall deliver to him or them the bonds purchased.

Moneys, how appropriated

SEC. 11. All moneys derived from the sale of said bonds shall be paid into the county treasury; fourteen-fiftieths of the amount so paid shall be set apart as Road Number One Fund; eleven-fiftieths as Road Number Two Fund; twelve-fiftieths as Road Number Three Fund; seven-fiftieths as Road Number Four Fund, and six-fiftieths as Road Number Five Fund, and shall be paid out on orders drawn on said funds respectively.

Auditor and Treasurer to keep account

SEC. 12. The Auditor and Treasurer shall each keep an account of the bonds issued and the moneys received and disbursed under the provisions of this Act.

Supervisors to locate roads.

SEC. 13. It shall be the duty of said Board of Supervisors, within ninety days after the passage of this Act, to have surveyed and located, by some competent engineer or engineers, five public highways or roads in said county, to wit: A road

Road No. 1.

or highway, to be known as "Road Number One," from the head of Bolinas Bay, on the county road known as the Olema and Bolinas road, over the shortest and most practicable route to point on the San Rafael and Saucileto road, south of

Road No. 2.

Raid's ranch. A road or highway, to be known as "Road Number Two," to commence at a gate in Nicasio Valley, on the south side of the public road leading from Nicasio to Petaluma, opening into the private road leading to what is known as Black's Ranch House and known as Black's Gate, and running thence to a point on the east side and near where the arroyo which passes in front of said house makes a junction with the Arroyo Nicasio; thence westerly along the north side of said Arroyo Nicasio to its junction with the San Geronimo; thence along the north side of the last mentioned arroyo to what is known as Stocker's Bridge, near the house of Charles Hall; thence northwesterly over the most direct and practicable route to a point about one hundred yards east of the United States Coast Survey's camp, in what is known as Surveyors' Gulch, on Miller's ranch; thence in a northwesterly direction to the Petaluma and Marshall Warehouse road, on the lands of George P.

Road No. 3.

Laird A road or highway, to be known as "Road Number Three," to commence at a point between the foot of Rocky Hill and the aforesaid Black's Gate, and running thence in a northerly direction to Finns Valley, on the Soullasulla grant; thence to and across the creek that drains Hicks Valley westwardly; thence down the northeast side of said creek to a point east of the residence of T. H. Iuk; thence down the east side of said creek to the Marshall Warehouse and Petaluma road; thence along said road to the county bridge across Salmon Creek; thence northwesterly down the east side of Salmon Creek to Chilino Valley Creek; thence across said Chilino Valley Creek and down said Salmon Creek about one and one-half miles; thence along the most direct and practicable route to the Petaluma and Tomales road, at a point about one-quarter of a mile

Road No. 4

west of the easterly line of the land of John Keys. A road or highway, to be known as "Road Number Four," to commence on the Petaluma and San Rafael road, in Novata, near the store formerly occupied by one F. Sutton, and running thence westerly over and along the most direct and practicable route to the

Nicasio and Petaluma road in Hicks Valley; and a road or highway, to be known as "Road Number Five," to commence about one hundred feet north of the Santa Marguerita House, and running thence westerly to the rear of the dwelling house recently occupied by James Dixon; thence along the north side of the creek running between the said house and the old saw mill, to the lane of H. J. Miller; thence westerly through said lane to the Nicasio and San Rafael road. Road No. 5.

SEC. 14. Before the expiration of ninety days after the passage of this Act, the engineer or engineers appointed to survey and locate said roads shall make and file with the Clerk of the Board of Supervisors reports, in writing, of such surveys and locations, together with a map and field notes thereof. Such report shall contain a statement of the routes selected and the name of all persons owning land over which said road or roads may pass. Engineer to file report, etc.

SEC. 15. Upon the filing of said report, the Clerk of the Board of Supervisors shall notify the members of said Board thereof, and it shall be the duty of said Board to meet and confirm said report within ten days after the filing thereof, and the meeting for such purpose shall be called by the Chairman of said Board, by written notice thereof served on each member of said Board, at least two days before the time fixed by the Chairman for such meeting. Supervisors to confirm

SEC. 16. After approving said surveys and locations, it shall be the duty of said Board to fix a time, not less than twenty nor more than thirty days distant, for the meeting of said Board to hear and determine all claims for damage that any person or persons, through or over whose lands the said roads, or either of them, may be located, may or will sustain by reason of the location or construction of said road, or either of them, or the appropriation or condemnation of their land therefor; and the said Board shall cause a certified copy of the order of fixing such time of meeting, and stating the object, to be personally served on each person owning or claiming lands through or over which said road, or either of them, have been surveyed or located, at least ten days before the time fixed for such meeting; *provided*, that when such owner or claimant is a minor, idiot or insane person, such copy shall be served upon the legal guardian of such minor, idiot or insane person; and *provided* further, that if the owner, claimant, or legal guardian of any owner or claimant, of any land over which either of said roads may be located, is not personally served as above provided, a copy of said order may be published at least two weeks before said meeting, in some weekly newspaper published in said county, and such publication shall be equivalent to personal service. To hear and determine claims for damages.

SEC. 17. Any person or persons owning or claiming lands through or over which said roads or either of them may be located or surveyed, and desiring to apply for damages arising or to arise to them from the location and construction of either of said roads, or from the appropriation or condemnation of lands therefor, shall, at the meeting provided for in the last section, make application by petition in writing to said Board, wherein shall be set forth the particular road referred to, the amount and character of the land affected thereby, and any other circum- Claimants to file petition.

stances having relation to the subject of damages upon said land; *provided*, that the legal guardians of minors, idiots and insane persons shall be authorized and required to take all measures in the premises which may be necessary fully to protect the right of their respective wards.

Agreement for damages.

SEC. 18. At the meeting of said Board provided for in section sixteen, said Board may agree with any claimant for damages upon the amount thereof, which agreement shall be entered upon the minutes of said Board as the judgment thereof, and shall be final and conclusive upon both parties. If no such agreement is made, the Board shall, from day to day, proceed to hear such evidence as may be offered by the claimants or the District Attorney of said county, and upon such evidence shall determine the amount of damage sustained, or which may be sustained, by each person owning or claiming any lands over which said roads or either of them pass, and shall assess the same in accordance with such determination, which assessment shall be entered upon the minutes of said Board as the judgment thereof, and shall be final and conclusive.

If no agreement made, Board to assess damages.

How estimated.

SEC. 19. In estimating damages under this Act, the benefit that the claimant will derive from the construction of the road located over his land shall be considered and deducted from the damage sustained.

Failure to make application

SEC. 20. All persons who fail to make application for damages within the time and in the manner specified in this Act, shall be deemed to have waived all claims for such damages, and to have dedicated sufficient land along such survey as may be necessary for the construction and maintenance of a public road and highway, and their failure shall forever be a bar to any action for damages.

Damages awarded to be paid from road funds.

SEC. 21. As soon as the said Board shall have completed the examination of all claims for damages, and entered judgment thereon, as herein provided, it shall order the amount of damages sustained by each and every person owning or claiming lands, to be set apart from the different road funds hereby created, to be paid to the proper owner or claimant.

How paid.

SEC. 22. All damages awarded to parties over whose land Road Number One passes, shall be set apart and paid from Road Number One Fund. Damages awarded to parties over whose land Road Number Two passes, shall be set apart and paid from Road Number Two Fund. Damages awarded to parties over whose land Road Number Three passes, shall be set apart and paid from Road Number Three Fund. Damages awarded to parties over whose land Road Number Four passes, shall be set apart and paid from Road Number Four Fund; and damages awarded to parties over whose land Road Number Five passes, shall be set apart and paid from Road Number Five Fund.

When claims settled, lands to be condemned.

SEC. 23. When all claims for damages have been settled, and the moneys to pay the same set apart in the county treasury, as herein provided, for the use and benefit of the claimants, the said Board of Supervisors shall make an order and enter it upon their minutes, condemning lands over which surveys and locations for the purpose aforesaid have been made, in width sufficient to construct and maintain thereon good wagon roads, designating by said order the width of land to be taken, which

shall not exceed the amount allowed for by said Board in settling or estimating damages.

Roads to be constructed.

SEC. 24. As soon as the order provided for in the preceding section has been made, the said Board shall cause at once the different roads herein provided for to be built and constructed as speedily as possible, paying for each of said roads out of the funds hereinbefore created, each fund to be applied to the construction of the road corresponding with it in number; *provided*, however, that Road Number Five shall not be constructed unless it can be done, or a good road over the same route purchased, for the sum appropriated and set outside as Road Number Five Fund.

Proviso.

SEC. 25. The roads constructed under this Act shall be first class wagon roads, and shall be the property of Marin County.

Neglect of duty.

SEC. 26. Any officer charged with the performance of any duties, under this Act, who shall wilfully neglect or refuse to perform any such duties, shall be guilty of a misdemeanor, and on conviction thereof shall be fined five hundred dollars, and imprisonment in the county jail six months.

SEC. 27. This Act shall be in force from and after its passage.

CHAPTER CXXIV.

An Act to provide military instruction in the University of California, and to authorize the Governor to call into service the retired officers of University Cadets in cases of war or insurrection.

[Approved March 4, 1870.]

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

University Cadets.

SECTION 1. The students of the State University of California shall, as soon as practicable, be organized into a body, to be known as the "University Cadets," for the purpose of physical training and military drill and instruction.

Faculty to appoint officers.

SEC. 2. The officers of said Cadets, above and including the rank of Second Lieutenant, and below and including the rank of Colonel, shall be appointed by the Faculty, on a competitive examination, involving both scholarship and capacity for command, and they shall be commissioned by the Governor of the State.

State to furnish equipments.

SEC. 3. The Adjutant-General of the State shall issue such arms, munitions and equipments to carry out the objects of this bill as the Board of Regents may require.

Retired officers

SEC. 4. Upon graduating or retiring from the University, such officers may resign their commissions, or hold the same as retired officers of the University Cadets, liable to be called into service by the Governor in case of war, invasion, insurrection or rebellion. The Military Instructor shall make quarterly reports to the Adjutant-General of the State, showing the number, discipline and equipments of the Cadets.

Military Instructor to report.

Further regulations.

SEC. 5. The Board of Regents shall make such further regulations in carrying out the objects of this law as they shall deem proper and consistent with the Constitution and laws of this State.

Intent.

SEC. 6 It is not the intent of this law to lessen, encroach upon or retard the academic and scientific courses provided for in said University, but to secure a system of physical training, with habits of order and discipline, in aid of mental and moral advancement.

CHAPTER CXXV.

An Act to provide for the erection of a jail in the County of Del Norte.

[Approved March 4, 1870.]

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

Special tax for erection of jail.

SECTION 1. The Board of Supervisors of Del Norte are hereby authorized and required to levy a special tax upon the taxable property of said county, not exceeding one-half of one per cent. on the valuation of the same, which shall be collected and paid over at the same time and in the same manner as the State and county taxes are provided for by law, and the money collected under this Act shall be set apart and held as a special Jail Fund, and used only as herein provided.

Supervisors to advertise for plans.

SEC. 2. It shall be the duty of the Board of Supervisors in and for said county, as soon as practicable, and after the passage of this Act, to advertise for plans, estimates and specifications for the construction of a county jail at Crescent City, and shall adopt such plans and specifications as to them shall or may

For building.

seem best for the county; and after adopting such plans and specifications said Board shall advertise for at least thirty days, that sealed proposals will be received by the Clerk of the Board of Supervisors for building a county jail in accordance to the plans and specifications adopted.

Bids, when to be opened.

SEC. 3. At the expiration of thirty days after the advertisements for said purpose, the said Board shall meet and open each and all bids, proposals or offers made for constructing, building and completing said county jail according to the plans and specifications adopted by said Board of Supervisors and within such time as the Board may designate.

Award contract.

SEC. 4. Said Board of Supervisors shall award the contract to the lowest responsible bidder, who shall give a good and sufficient bond in such sum as said Board may require, conditioned for the faithful performance of said contract; *provided*, however, that this section shall not be so construed as to compel said Board of Supervisors to accept any bids, proposals or offer which, in the judgment of a majority of said Board, is higher than a just and fair compensation, for furnishing material and constructing said county jail.

SEC. 5. The work shall be done under the supervision of the

Board of Supervisors, and they shall appoint one of their number, who shall have the right and whose duty it shall be to inspect the work during its progress, and at the completion of the same the Board shall formally accept the work, before the sureties and the contractor's bond are released. Board to supervise.

SEC. 6. All payments for advertising and services required by this Act and for constructing and furnishing said jail shall be made by warrants drawn on the Jail Fund; and said warrants shall be paid in the order of their presentation to the County Treasurer. Expenses to be paid out of Jail Fund.

SEC. 7. Warrants for seventy-five per cent. of the estimated value of the work done on said jail may be drawn as the work progresses, in such manner and at such times as the Board may direct, at least twenty-five per cent. of the whole amount to be paid being reserved until the completion and acceptance of the work, as additional security for the performance of the contract. Warrants, how drawn.

SEC. 8. The taxes herein specified for the year A. D. eighteen hundred and seventy may be levied by the Board of Supervisors at the May term of said Board, but for all subsequent years said taxes shall be levied at the same time and in the same manner as other county taxes are levied. When tax to be levied.

SEC. 9. This Act shall cease to be of effect when said jail shall be completed, accepted and paid for; and any surplus money then remaining in said Jail Fund shall be transferred to the General Fund of the county. Expiration of Act. Surplus.

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

CHAPTER CXXVI.

An Act for the relief of Henry N. Morse, Sheriff of Alameda County.

[Approved March 4, 1870.]

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

SECTION 1. The Governor is hereby authorized and empowered to pay to Henry N. Morse, the Sheriff of Alameda County, the sum of five hundred dollars for services rendered the State in the capture and arrest of Juan Burton; said sum to be paid out of the fund set apart for the payment of rewards under the Act passed April twenty-ninth, one thousand eight hundred and fifty-one. Payment for arrest of criminal. From what fund.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXVII.

An Act to authorize the Board of Supervisors of Santa Barbara County to pay the claim of Assa Porter and Augustine Janssens.

[Approved March 4, 1870.]

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

Supervisors to pay claim.

SECTION 1. The Board of Supervisors of Santa Barbara County are hereby authorized and empowered to pay the claim of Assa Porter for services rendered as Sheriff of said county, to the amount of three hundred and thirty-two dollars; also, the claim of Augustine Janssens, for services rendered as Assessor of the said county, to the amount of one thousand dollars, payable out of the General Salary Fund.

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

CHAPTER CXXVIII.

An Act to fix and regulate the salaries of the Auditor's Clerk and the Deputy Treasurer of the City and County of San Francisco.

[Approved March 4, 1870.]

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

Payment of salaries.

SECTION 1. Salaries shall be allowed and paid to the following named Clerk and deputies as in this Act provided, and not otherwise, to be audited and paid as the salaries of said officers are now audited and paid, viz: To one Clerk of the Auditor of said city and county, two hundred and fifty dollars per month; to one deputy of the Treasurer of said city and county, two hundred and fifty dollars per month, and to one additional deputy, one hundred and seventy-five dollars per month.

Auditor's clerk

Treasurer's deputy.

In lieu of.

SEC. 2. The salaries allowed by this Act shall be in lieu of the salaries now received, and shall be in full compensation for all official services required of them by law.

Repeal.

SEC. 3. All Acts or parts of Acts in conflict with the provisions of this Act, so far as they affect this Act, are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CXXIX.

An Act to authorize the formation of special partnerships.

[Approved March 4, 1870.]

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

Formation of special partnerships.

SECTION 1. A special partnership may be formed, by two or more persons, in the manner and with the effect prescribed in this Act, for the transaction of any business, except banking or insurance.

Of what to consist.

SEC. 2. A special partnership may consist of one or more persons called general partners, and one or more persons called special partners.

Certified statement.

SEC. 3. Persons desirous of forming a special partnership must severally sign a certificate, stating—

First—The name under which said partnership is to be conducted;

Second—The general nature of the business intended to be transacted;

Third—The names of all the partners, and their residences, specifying which are general and which are special partners;

Fourth—The amount of capital which each special partner has contributed to the common stock; and.

Fifth—The periods at which such partnership will begin and end.

Acknowledged and recorded.

SEC 4. A certificate under the last section must be acknowledged by all the partners, before some officer authorized to take acknowledgment of deeds, and recorded in the office of the Recorder of the county in which the principal place of business of the partnership is situated, in a book to be kept for that purpose, open to public inspection; and if the partnership shall have places of business situated in different counties, a copy of the certificate, certified by the Recorder in whose office it shall be recorded, shall be filed and recorded, in like manner, in the office of the Recorder in every such county. If any false statement shall be made in any such certificate, all the persons interested in the partnership shall be liable, as general partners, for all the engagements thereof.

False statement.

Affidavit of sums contributed.

SEC 5. An affidavit of each of the partners, stating that the sums specified in the certificate of the partnership, as having been contributed by each of the special partners, have been actually and in good faith paid, in the lawful money of the United States, must be filed in the same office with the original certificate.

No partnership, until.

SEC. 6 No special partnership is formed until the provisions of the last five sections are complied with.

Certificate to be published

SEC. 7. The certificate mentioned in section third, or a statement of its substance, must be published in a newspaper printed in the county where the original certificate is filed, and if no newspaper be there printed, then in a newspaper in the State, nearest thereto Such publication must be made once a week for four successive weeks, beginning within one week from the

Non-publication. time of filing the certificate. In case such publication be not so made, the partnership shall be deemed general.

Affidavit of publication filed with Recorder. SEC. 8. An affidavit of the making of the publication mentioned in section seventh, made by the printer, publisher, or chief clerk of the newspaper in which such publication is made, may be filed with the County Recorder with whom the original certificate was filed, and shall be presumptive evidence of the facts therein stated.

Renewal of special partnership. SEC. 9. Every renewal or continuance of a special partnership must be certified, recorded, verified and published in the same manner as upon its original formation.

Who to do business. SEC. 10. The general partners only have authority to transact the business of a special partnership.

Special partners may advise. SEC. 11. A special partner may at all times investigate the partnership affairs, and advise his partners, or their agents, as to their management.

May loan money. SEC. 12. A special partner may lend money to the partnership, or advance money for it, and take from it security therefor, and as to such loans or advances has the same rights as any

Insolvency. other creditor; but, in case of the insolvency of the partnership, all other claims which he may have against it must be postponed until all other creditors are satisfied.

General partners may sue and be sued. SEC. 13. In all matters relating to a special partnership, its general partners may sue and be sued alone, in the same manner as if there were no special partners.

Withdrawal of capital. SEC. 14. No special partner, under any pretence, may withdraw any part of the capital invested by him in the partnership, during its continuance.

Interest and profits. SEC. 15. A special partner may receive such lawful interest, and such proportion of profits as may be agreed upon, if not paid out of the capital invested in the partnership by him, or by some other special partner, and is not bound to refund the same to meet subsequent losses.

Result of withdrawing capital. SEC. 16. If a special partner withdraws capital from the firm, contrary to the provisions of section fourteen, he thereby becomes a general partner.

Preferential transfer void SEC. 17. Every transfer of the property of a special partnership, or of a partner therein, made after, or in contemplation of, the insolvency of such partnership or partner, with intent to give a preference to any creditor of such partnership or partner over any other creditor of such partnership, is void against the creditors thereof; and every judgment confessed, lien created or security given, in like manner and with the like intent, is in like manner void.

Liability of partners. SEC. 18. The general partners in a special partnership are liable to the same extent as partners in a general partnership.

Of special partners. SEC. 19. The contribution of a special partner to the capital of the firm, and the increase thereof, is liable for its debts, but he is not otherwise liable therefor, except as follows:

First—If he has wilfully made or permitted a false or materially defective statement in the certificate of the partnership, the affidavit filed therewith or the published announcement thereof, he is liable, as a general partner, to all creditors of the firm;

Second—If he has wilfully interfered with the business of the

firm, except as permitted by sections ten and eleven, he is liable in like manner; or,

Third—If he has wilfully joined in, or assented to, an act contrary to any of the provisions of sections fourteen and seventeen, he is liable in like manner.

Same.

SEC. 20. When a special partner has unintentionally done any of the acts mentioned in the last section, he is liable, as a general partner, to any creditor of the firm who has been actually misled thereby, to his prejudice.

Errors in creation of special partnerships, when not to affect.

SEC. 21. One who, upon making a contract with a partnership, accepts from or gives to it a written memorandum of the contract, stating that the partnership is special, and giving the names of the special partners, cannot afterwards charge the persons thus named as general partners upon that contract, by reason of an error or defect in the proceedings for the creation of the special partnership, prior to the acceptance of the memorandum, if an effort has been made by the partners, in good faith, to form a special partnership in the manner required by law.

When special partnership becomes general.

SEC. 22. A special partnership becomes general if, within ten days after any partner withdraws from it, or any new partner is received into it, or a change is made in the nature of its business, or in its name, a certificate of such fact, duly verified and signed by one or more of the partners, is not filed with the County Recorder with whom the original certificate of the partnership was filed, and notice thereof published, as is provided in section seven

How new special partners may be admitted.

SEC. 23. New special partners may be admitted into a special partnership upon a certificate, stating the names, residences and contributions to the common stock of each of such partners, signed by each of them, and by the general partners, verified according to section five, acknowledged or proved, and filed, according to section four, with the County Recorder with whom the original certificate of the partnership was filed.

Dissolution.

Notice.

SEC. 24. A special partnership is subject to dissolution in the same manner as a general partnership, except that no dissolution, by the act of the partners, is complete until a notice thereof has been filed and recorded in the office of the County Recorder with whom the original certificate was recorded, and published once in each week for four successive weeks, in a newspaper printed in each county where the partnership has a place of business.

Name of special partner not used, unless.

SEC. 25. The name of a special partner shall not be used in the firm name of partnership, unless it be accompanied with the word "Limited."

SEC. 26. Special partnerships hereafter formed shall be under the provisions of this Act. An Act entitled an Act to authorize the formation of limited partnerships, passed April fourth, eighteen hundred and fifty, is hereby repealed, except as to any existing partnerships formed under said Act, and as to such, it shall remain in full force and virtue.

SEC. 27. This Act shall take effect immediately.

CHAPTER CXXX.

An Act concerning roads and highways in San Bernardino County.

[Approved March 4, 1870.]

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

Supervisors may create road districts

SECTION 1. The road districts in San Bernardino County, as now established and numbered or named, shall be the road districts therein, but the Board of Supervisors may at any regular meeting change or alter the same or create new districts, as the public convenience may require. They shall cause each new district to be numbered or named, and a description of the boundaries thereof, with the number or name, to be entered on their minutes.

Road Overseers.

SEC. 2. The Board of Supervisors at their first regular meeting in the year eighteen hundred and seventy, and at their first regular meeting in each year thereafter, shall appoint a Road Overseer for each road district in said county. It shall be the duty of the Clerk of the Board of Supervisors to notify each Overseer of his appointment within ten days from the date of such appointment, and the Board may have full power to fill all vacancies that occur.

Notice of appointment.

Tax for road purposes.

SEC. 3. The Board of Supervisors of said county are hereby authorized and empowered to levy and cause to be collected an annual tax for the opening, repairing and maintenance of public roads and highways, not to exceed fifteen cents upon each one hundred dollars worth of the taxable property in said county, at their regular meeting for the levying of State and county taxes in the year eighteen hundred and seventy, and every year thereafter. The moneys so collected shall be paid into the county treasury and set apart as a Road Fund, and shall only be expended by the Supervisors in laying out, repairing and maintaining public roads and highways in said county. All sums of money so expended shall be first audited and allowed by the Board of Supervisors, upon the certificate of the Road Overseer of the district in which the work was done, that the labor was faithfully performed or that the materials furnished were necessary to be had; and warrants upon the Road Fund shall thereupon be drawn by the Auditor

Road Fund.

Duty of Road Overseer.

SEC. 4. It shall be the duty of each Road Overseer to keep in repair and have general supervision of all roads within his district, and to erect such bridges and culverts as the means at his command will permit. He shall oversee and direct the labor expended upon the roads, and see that teams, ploughs, scrapers and other implements are furnished to the road service. He shall receive a compensation of two dollars and fifty cents per day for each entire day that he is actually employed, payable out of the Road Fund, after being properly audited and allowed by the Board of Supervisors.

Obstruction of public roads

SEC. 5. If any person or persons shall obstruct any public road or highway in the County of San Bernardino, by felling a tree or trees across it, or running a stream of water across it

without properly bridging the same at his or their own expense, or by negligently permitting any stream of water to flow into or across any road or highway, he or they shall be adjudged guilty of a misdemeanor, and fined not less than ten nor more than fifty dollars for each offence, upon the complaint of the Road Overseer, before any Justice of the Peace in said county.

SEC. 6. This Act shall take effect from and after its approval.

CHAPTER CXXXI.

An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

[Approved March 4, 1870.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, allow and order paid out of the General Fund, the sum of two thousand eight hundred and thirty fifty one-hundredth dollars to Benjamin E. Harris, being money expended by him while Assessor of the City and County of San Francisco for extra work in making up the assessment rolls of personal property and real estate for eighteen hundred and sixty-nine and eighteen hundred and seventy, as per plans and subdivisions of outside lands, and other services incidental thereto. Appropriation.

SEC. 2. The Auditor of the City and County of San Francisco is hereby directed to audit, and the Treasurer of said city and county is hereby directed to pay the said sum allowed and ordered paid to the said Benjamin E. Harris out of the General Fund of said City and County of San Francisco.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXXII.

An Act to amend an Act, approved March twelfth, eighteen hundred and sixty-eight, entitled an Act to provide for the drainage of the City of Sacramento and of the lands of Swamp Land District Number Two.

[Approved March 4, 1870.]

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

SECTION 1. Section seven of the Act the title of which is recited in the title of this Act is hereby amended so as to read as follows:

Empowered to levy tax.

Section 7. The Board of Supervisors of the County of Sacramento is hereby authorized and empowered to levy the following taxes upon the property within said district, to wit: In the year eighteen hundred and seventy, a tax not exceeding ten cents on every one hundred dollars worth of property in said district; in the year eighteen hundred and seventy-one, a tax not exceeding five cents on every one hundred dollars worth of property in said district; which taxes shall be levied, collected, kept and disbursed as required by the other provisions of said Act of March twelfth, eighteen hundred and sixty-eight, except that in addition to the cost of construction, a necessary portion of the moneys may be expended in keeping said canal in repair or in widening or deepening its channel and extending its drainage capacity.

How to be expended.

Not to affect

SEC. 2. This Act shall take effect upon its passage, but none of its provisions shall, except as aforesaid, in any manner affect the provisions of the other sections of said Act of March twelfth, eighteen hundred and sixty-eight, nor affect any assessment, levy, lien or suit for taxes under said Act of March twelfth, eighteen hundred and sixty-eight.

CHAPTER CXXXIII.

An Act to amend section one of an Act entitled an Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county, and to erect a county jail, approved March twenty-fifth, eighteen hundred and sixty-eight.

[Approved March 4, 1870.]

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

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

To issue bonds.

Amount.

Interest.

Denomination.

When and where payable.

By whom signed.

Purport.

Section 1. The Board of Supervisors of the County of Santa Clara are hereby authorized and empowered to issue, on behalf of said county, bonds not exceeding in the aggregate the sum of eighty thousand dollars, for the purpose of completing the Court-house of said county, and to erect a county jail; such bonds to bear interest at a rate not exceeding twelve per cent. per annum, and of the denomination of five hundred dollars each, with coupons for interest attached, and shall be made payable on or before the first day of January, Anno Domini eighteen hundred and eighty-eight, at the office of the Treasurer of said county; and the interest thereon shall be payable by said Treasurer semi-annually, at his said office, on the first day of July and January of each and every year, on the presentation of the respective coupons therefor. Every bond so issued shall be signed by the President of the Board of Supervisors and by the County Clerk of said county, and shall be authenticated by the seal of said county, and shall purport that said

county owes to the holder thereof the sum of five hundred dollars in gold coin, payable and bearing interest as aforesaid; and the principal and interest of said bonds shall be payable in gold coin of the United States. In gold coin.

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

CHAPTER CXXXIV.

An Act relative to the office of District Attorney of the County of Sacramento.

[Approved March 4, 1870.]

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

SECTION 1. The District Attorney of the County of Sacramento shall in all cases, except where the county is a party on the opposite side, be the attorney of the City of Sacramento, but this provision shall not prevent the Board of Trustees of said city from employing additional counsel when they deem it advantageous to the interest of the city. The District Attorney, either in person or by some attorney by him deputed, shall prosecute all criminal cases arising within the limits of the City of Sacramento, and tried or examined before the Police Court. The salary of the District Attorney, for all services by him performed under this Act as such prosecuting attorney, shall be eighteen hundred dollars, gold coin, per annum, payable out of the General Fund of the city treasury of the City of Sacramento, payable monthly, and no fees or compensation other than such salary shall be allowed him for such services. District Attorney of Sacramento County to be City Attorney. To prosecute in the Police Court. Salary.

SEC. 2. Section thirty-two of the Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, Anno Domini one thousand eight hundred and sixty-three, and all Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed. Repeal.

SEC. 3. This Act shall take effect and be in force from and after the second Monday in April, Anno Domini one thousand eight hundred and seventy.

CHAPTER CXXXV.

An Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

[Approved March 4, 1870.]

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

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

No dividend, except from surplus profits.

Section 10. It shall not be lawful for the corporation or the Directors to make any dividend, except from the surplus profits arising from the business of the corporation, and the Directors shall, at such times and in such manner as the by-laws shall prescribe, declare and pay dividends of so much of the profits of the company, and of the interest arising from the capital stock and deposits, as may be appropriated for that purpose by the provisions of the by-laws; and it shall not be lawful for the corporation or the Directors to contract any debt or liability against the corporation for any purpose whatever, except for deposits, but the capital stock and the assets of the corporation shall be a security to depositors who are not stockholders, and the by-laws may provide that the same security shall extend to deposits made by stockholders.

To contract no liability, except for deposits.

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

CHAPTER CXXXVI.

An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

[Approved March 4, 1870.]

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

Appropriation for improving Yerba Buena Park.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate and order to be paid out of the General Fund of said city and county, the Auditor of said City and County of San of Francisco is hereby directed to audit, and the Treasurer of said city and county is hereby directed to pay, out of the General Fund of the City and County of San Francisco, over and above the appropriations heretofore made by law, a further sum of money, not to exceed fifty thousand dollars, for the purpose of grading and otherwise improving Yerba Buena Park, in said city and county, to be expended under the direction of the Mayor, Treasurer and Auditor of said city and county.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

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

CHAPTER CXXXVII.

An Act to amend an Act to cede certain property to the Town of Crescent City, approved March twenty-sixth, eighteen hundred and sixty-eight.

[Approved March 4, 1870.]

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

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

Section 2. The said water front and overflowed lands herein granted shall not be subject to execution upon any judgment against said town. Lands not subject to execution.

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

Section 3. Said cession is made upon the express condition that the corporate authorities of said town shall not sell the property ceded, but may lease or rent the same or such parts or portions thereof, for the construction of wharves or places of landing for freight, as may be necessary for the growing commerce or trade of the country; and before the leasing or renting of any portion of said lands, the corporate authorities aforesaid shall give public notice that an application has been made for the leasing or renting of a portion of said lands, for at least thirty days, in some newspaper published in said town (if such paper there be), if not, then by written notices posted in at least three of the most public places in said town, stating the time and place of the hearing of said application, at which time and place the said corporate authorities shall hear and act on said application (if no reasonable objections are made); they shall grant said applicant a lease for said portion of the lands, on such terms as to them shall seem best for the interest of said Town of Crescent City; and the proceeds of such leasing or renting shall be paid into the treasury of said Town of Crescent City, and used for the public improvement of said town; and in no case shall a larger portion of said lands be leased to one person or one company than one hundred and twenty feet front, extending into the bay to where the water is eighteen feet deep at low water, nor for a longer period of time than twenty years. Conditions of cession. To give notice of application for lands. May lease lands. Proceeds, how applied. Limit.

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

CHAPTER CXXXVIII.

An Act amendatory of and supplemental to an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and the Acts amendatory thereof and supplemental thereto.

[Approved March 4, 1870.]

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

May receive deposits from minors and married women.

SECTION 1. All corporations and their successors, heretofore formed under the provisions of the Act of which this Act is amendatory, for the purpose of receiving from the members thereof and others deposits of money, preserving the same from loss, and of finding secure and profitable investment therefor, may receive deposits of money from minors and married women.

Directors may pay deposits to minors.

SEC. 2. Whenever any deposits shall be made by any minor, the Directors of such corporation may pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed by or for such minor, or the guardian of such minor shall not have authorized the drawing of the same, and the check, receipt or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age; and whenever any deposit shall be made, in her own name, by any woman being or thereafter becoming married, said Directors may pay such sums as may be due to her, or standing to her credit on the books of such corporation, on her own receipt or acquittance, and such receipt or acquittance shall be as valid as if executed by such married woman jointly with her husband. And any person authorized thereto by resolution of the Board of Trustees or Directors of any corporation, association or society, having funds deposited or owning stock in any corporation formed for the purposes aforesaid, under the Act of which this is amendatory, shall be entitled to receive such deposit or transfer such stock, and to cast the vote of such corporation, association or society.

To married women.

To authorized agent of any society.

Receipts valid.

SEC. 3. All receipts or acquittances heretofore executed and delivered to any corporation formed for the purpose aforesaid, under the Act of which this Act is amendatory, by minors or married women, for money deposited by them in such corporations, or for the dividends thereon, shall be, and are hereby declared to be as valid, legal and binding upon all persons as if said receipts had been executed by the duly appointed guardian of such minor, or jointly by said married women and their husbands.

CHAPTER CXXXIX.

An Act amendatory of an Act entitled an Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa.

[Approved March 4, 1870.]

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

SECTION 1. Section twenty-two of the Act entitled an Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa, approved March twenty-third, one thousand eight hundred and sixty-eight, is hereby repealed. Section repealed.

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

CHAPTER CXL.

An Act to regulate fees and salaries in the County of Calaveras, and to define the duties of certain officers in said Calaveras County

[Approved March 4, 1870.]

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

SECTION 1. Such salaries, compensations and fees shall be allowed to the officers of Calaveras County, herein named, for their services rendered in discharging the duties imposed on them by law as herein provided, and such officers may lawfully demand, charge and receive the same in gold and silver coin. Fees and salaries. In coin.

SEC. 2 The Board of Supervisors shall meet at the Court-house of the county quarterly, that is, on the first Monday in the months of March, June, September and December of each year, for the transaction of all business pertaining to the affairs of the county, required of them by law, and for the discharge of all duties imposed on them by law or required of them by virtue of their respective offices as members of the Board of Supervisors; each member shall be entitled to receive a salary of two hundred dollars per annum, which shall be in full compensation for all services required of them by law; *provided*, that each member of the Board of Supervisors shall receive mileage, for going only, from his residence to the county seat, at each regular session of the Board, at the rate of fifty cents per mile; but not more than one mileage shall be allowed to each member at each regular session. At each regular meeting of the Board, they shall remain in session until all the business coming before them at that meeting is finally disposed of or passed for action to the next regular meeting thereafter. Board of Supervisors.

County Assessor.

SEC. 3. Assessments of property in the county shall be made by a County Assessor, who shall, for all services rendered by himself and deputies, receive a salary of fifteen hundred dollars per annum, in full compensation for all duties required of him by the general revenue laws of the State, or by any special law now existing or that may hereafter be enacted. The County Assessor shall be elected in and for said county, every two years, at the general election held for the purpose of electing other county officers and members of the Legislature, and who shall hold office for a term of two years from and after the first Monday in March next succeeding his election, and until his successor is elected and qualified. The election of County Assessor for said county, at the general election held in and for said county on the first day of September, eighteen hundred and sixty-nine, is hereby legalized and declared valid; and such Assessor so elected, upon giving bond as required by law, and taking the oath of office, shall hold office for a term of two years from the first Monday in March, eighteen hundred and seventy; and he shall have full power and authority to do and perform all duties as Assessor, in the manner and form prescribed by the general revenue laws of the State. The salary of the Assessor shall be audited and paid quarterly out of the General Fund of the county; and he shall give bond, in the manner and form prescribed by law for other official bonds, in such sum as may be required by the Board of Supervisors.

County Superintendent of Public Schools

SEC. 4. The County Superintendent of Public Schools shall receive such salary, together with reasonable travelling expenses, as may be allowed by the Board of Supervisors, which shall be paid quarterly out of the General Fund of the county; *provided*, such compensation shall not be less than a sum equal to twenty dollars for each school district in the county; and he shall be allowed, in addition to his salary, for postage and expressage, payable out of the School Fund, a sum equal to one dollar for each school district.

District Attorney.

SEC. 5. The District Attorney shall receive, for all services required of him by law, or by virtue of his office, a salary at the rate per annum of six hundred dollars, payable quarterly out of the General Fund of the county, and the following fees:

For each conviction for felony, when the punishment is death, fifty dollars.

For each conviction for other felony, thirty dollars.

For each conviction for misdemeanor, twenty dollars.

Which said sums shall be assessed against the person convicted, and if the same cannot be collected from such person so convicted, then it shall be considered a county charge, and be audited by the Board of Supervisors and paid out of the County General Fund; but no fees for conviction for misdemeanor, before any Justice of the Peace of the county, shall be allowed, unless it shall appear to the Board, by certificate from the Justice before whom the case was tried, that the District Attorney was present in Court at the time of trial, and prosecuted the case in behalf of the people to conviction.

For collections on bonds or forfeited recognizances, ten per centum.

For every conviction under the Act to prohibit gaming, and

to prohibit lotteries, raffles, gifts, gift enterprises and other schemes, to be collected out of the fine or fines imposed upon the party convicted, the sum of fifty dollars. District Attorney.

For services rendered in the collection of delinquent taxes, a compensation equivalent to ten per centum on the amount recovered, to be added thereto, if paid before the judgment; and if not so paid, then fifteen per centum, to be added to, and constitute a part of the judgment; *provided*, that in no case shall the State or county be liable for such per centum.

For all amounts collected by him for the State or county, by action, eight per centum on the amount collected; *provided*, that in no event shall the compensation in any one case exceed five hundred dollars. Should the amount of fees, commissions and percentage received in any one year, added to the salary allowed by this Act to the District Attorney, exceed the sum of two thousand dollars, then the excess above that sum shall be paid by him into the General Fund of the county treasury. Before any demand for fees, percentage or compensation, presented by the District Attorney to the Board of Supervisors for payment, shall be allowed, he shall make affidavit that the services for which such fees, percentage or compensation is claimed was actually performed, and the amount so demanded, justly due, and he shall also report to the Board of Supervisors, under oath, as hereinafter provided, the amount of commissions and percentages received by him, from quarter to quarter, on account of fees, and also the amount received by him on account of the collection of delinquent taxes.

SEC. 6. The County Judge shall receive an annual salary of twelve hundred dollars, payable out of the County General Fund, quarterly. This section shall not be held to reduce the salary of the present County Judge, but shall take effect at the expiration of the present term. County Judge.

SEC. 7. The Sheriff of the county shall be ex officio Collector of taxes, and shall collect, by self or deputies, all and every kind of tax or license in and for the county, required by law to be collected, except road poll taxes; and for the collection of said tax and licenses he shall receive the following rates and percentages, which he shall keep and retain for his own use and benefit: Sheriff, as Collector of taxes.

For the collection of all taxes on personal property, collected previous to the first Monday of August in each year, six per centum on the first ten thousand dollars, four per centum on the second ten thousand, and upon all sums over that amount two per cent.

For the collection of poll and hospital tax, fifteen per cent. on the amount collected.

For the collection of foreign miners' licenses, twenty per cent.

For the collection of traders' licenses, liquor licenses, theatre, pedler and all kinds and character of licenses required by law to be collected, ten per cent. upon the amount collected. In all civil cases, the mileage allowed by this Act to the Sheriff shall be retained by him for his own use and benefit.

The Sheriff, as such, and as ex officio Tax Collector, in addition to the mileage in civil cases and the percentage allowed him for the collection of personal property taxes, poll and hos-

pital taxes, foreign miners' licenses, and all other licenses, shall receive, in full compensation, and for all services of himself and deputies or assistants, a salary of thirty-eight hundred dollars per annum, and he shall be allowed one deputy, as Jailer, who shall be allowed a salary of nine hundred dollars per annum, which said salaries shall be payable quarterly out of the General Fund of the county.

Fees of Sheriff in civil cases.

The fees which it shall be lawful for the Sheriff to charge, demand and receive for the services of himself, deputies or assistants, rendered in discharging the duties imposed on him by law, shall be as in this section provided, which shall be collected and paid into the General Fund of the county as is in this Act provided, except the mileage in civil cases, and the commissions and percentage for collection of poll and hospital taxes, foreign miners' licenses, and all other licenses.

FEES OF SHERIFF IN CIVIL CASES.

For serving a summons and complaint, or any other process, by which actions or proceedings commenced, on each defendant, two dollars.

For serving every notice, bill or order, one dollar.

For serving a subpœna, for each witness summoned, fifty cents.

For serving an attachment on property, or levying an execution, or executing an order for the delivery of property, or order of arrest, in civil cases, three dollars.

For travelling, per mile, in civil cases, to be computed in all cases from the Court-house in the county, for each mile necessarily travelled, in going only, fifty cents; *provided*, if any two or more summonses, subpœnas, or other papers, are required to be served in the same suit, at the same time and in the same direction, mileage shall be charged for the most distant place of service only.

For taking bond or undertaking, in any case in which he is authorized to take the same, two dollars.

For copy of any writ, process or other paper, when demanded or required by law, for each folio, forty cents.

For making and posting notices, and advertising property for sale on execution, or under any judgment or order of sale, not to include the cost of publication in a newspaper, three dollars.

For commissions for receiving and paying over money on execution or process, when lands or personal property has been levied on, advertised and sold, five per cent. on the first five hundred dollars; four per cent. on all over five hundred dollars and under one thousand dollars; and two per cent. on all sums over one thousand dollars.

For commissions for receiving and paying over money on execution, without levy, or when lands or goods levied upon shall not be sold, two per cent. on the first one thousand dollars, and one per cent. on all over that sum.

The fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money on an execution, shall be collected from the defendant by virtue of the

execution, and in the same manner as the sum therein directed to be made.

For drawing and executing any Sheriff's deed, to be paid for by the grantee, who shall, in addition, pay for the acknowledgment thereof, and also all United States revenue stamps required, three dollars.

For serving a writ of possession or restitution, putting any person entitled in possession of premises and removing occupant, six dollars.

For services in Justice's Court, the same fees as are allowed for like services in other Courts.

The fees allowed by law for delivering prisoners at the State Prison, or for taking insane persons to the State Insane Asylum, shall be for the use and benefit of the Sheriff, and need not be entered on his fee book, named in section seventeen of this Act.

County Clerk. SEC. 8. The County Clerk, to include all services rendered as ex officio Recorder, Auditor, Clerk of the Board of Supervisors, Clerk of the District, County and Probate Court, and Clerk of the Board of Equalization and Canvassers, to include pay of deputies, shall receive the sum of two thousand five hundred dollars per annum, in full compensation for all services required of him by law, to be paid quarterly out of the General Fund of the county. The fees which it shall be lawful for the Clerk, as County Clerk, Auditor, ex officio Recorder, Clerk of the District, County and Probate Courts, to charge and collect for services rendered in discharging the duties imposed on him by law, shall be as provided in this section :

FEES OF CLERK OF DISTRICT COURT.

As Clerk of District Court. For entering each suit on the Clerk's register of actions, and making the necessary entries thereon during the progress of the trial, for each folio, thirty cents.

For issuing every suit or process under seal, one dollar.

For issuing subpœna for one or more witnesses, fifty cents.

For filing each paper, twenty-five cents.

For entering each motion, rule, order, default, discontinuance, dismissal or nonsuit, twenty-five cents.

For calling and swearing every jury, one dollar.

For receiving and entering each verdict of a jury, seventy-five cents.

For entering every final judgment, for the first folio, seventy-five cents; for each subsequent folio, forty cents.

For filing judgment roll, fifty cents.

For entering judgment on judgment docket, fifty cents.

For entering satisfaction of judgment, seventy-five cents.

For administering every oath or affirmation, twenty-five cents.

For certifying every oath or affirmation, twenty-five cents.

For copy of any proceeding, record or paper, for each folio, twenty-five cents.

For every certificate under seal, seventy-five cents.

For searching the files of each year in his office, but not to charge suitors or attorneys, seventy-five cents.

For issuing every commission to take testimony, seventy-five cents.

For taking down testimony of witnesses during trial, for each folio, twenty-five cents.

For issuing every execution or other final process, seventy-five cents.

For issuing every decree or order of sale of mortgaged property, seventy-five cents.

For issuing writ of injunction or attachment, one dollar.

For entering judgment by confession, the same fees as in other cases for entering judgment.

For receiving and filing every remittitur from the Supreme Court, and accompanying papers, seventy-five cents.

For taking each bond required by law, fifty cents; for justification thereto, fifty cents for each surety.

For acknowledgment of deed or other instrument, including all writing and the seal, for each name thereto, one dollar.

For indexing every suit in the general index of the Court, as required by law, for each name, twenty cents.

As Clerk of County Court. The fees of the Clerk of the County Court shall be as follows:

For filing all papers sent on appeal from Justices' Court, in each case, three dollars.

For all other services, the same fees as are allowed in the District Court for similar services.

As Clerk of Probate Court. The fees of the Clerk of the Probate Court shall be as follows:

For issuing letters of administration or testamentary, one dollar.

For certificate of appointment of appraisers, or guardians, one dollar.

For writing and posting notices, when required, for each copy, fifty cents.

For notice given by publication, in addition to the cost of publication, fifty cents.

For recording wills, for each folio, twenty-five cents.

For all other services, the same fees as are allowed the Clerk of the District Court for similar services.

As County Recorder. The fees of the County Recorder shall be as follows:

For recording any instrument, paper or notice, when required, for each folio, thirty cents.

For copies of any papers or records, per folio, thirty cents.

For filing or receiving every instrument for record, and making the necessary entries thereon, twenty-five cents.

For making, in the several indexes required, all the entries required of the filing and recording any instrument, paper or notice, for every such instrument, paper or notice, twenty-five cents.

For every certificate under seal, to copies of records or papers in his office, when required, fifty cents.

For every entry of discharge of mortgage on margin of record, fifty cents.

For searching records and files of each year in his office, when required, fifty cents.

For abstract or certificate of title, when required, for each conveyance or encumbrance certified, one dollar.

For recording town plats, for every course, fifteen cents.

For figuring and lettering plats and maps, seventy-five cents per folio.

For issuing marriage license, two dollars.

For filing marriage license, together with the certificate of the officiating clergyman, priest, or officer performing the marriage ceremony, fifty cents.

For all other services, the same fees as are allowed the Clerk of the District Court for similar services.

County Treasurer.

SEC. 9. The County Treasurer shall receive a salary of twelve hundred dollars per annum, payable out of the General Fund of the county, quarterly, which shall be in full for all services as Treasurer, and also for making out all delinquent tax bills and collecting all delinquent taxes, or for performing any other duty required of him by law; *provided*, he shall be entitled to retain for his own use and benefit such per centum of the State's portion of all taxes collected in his county and paid over to the State Treasurer, except upon school money, as is now allowed by law.

Fees to be paid into the General Fund.

SEC. 10. The officers named in sections seven and eight of this Act shall collect and safely keep all fees, commissions and percentage allowed them by the provisions of this Act for services rendered by them in their several official capacities, except for such services as the State or county are chargeable with, and on the second day of each regular quarterly meeting of the Board of Supervisors shall pay the same into the General Fund of the county treasury.

Fee book to be kept.

SEC 11. The officer named in sections five, seven and eight of this Act, all assistants and deputies, if so required by the Board of Supervisors, shall, from and after the first Monday in March, A. D. eighteen hundred and seventy, keep a book to be denominated the "Fee Book," which book shall be the property of the county, and which shall be open to public inspection during office hours. In this book shall be entered by such officers, assistants and deputies, in detail, all fees or compensation, of whatever kind or nature, collected or chargeable, in one column the fees and compensation belonging to the county, and in another column the fees and compensations which, under this Act, may be retained by the officer. On the first Monday in March, eighteen hundred and seventy, and at each regular meeting of the Board of Supervisors thereafter, the officer shall carefully add up the several columns and set down the totals, and the compensation and fees collected or chargeable for the county shall be paid to the County Treasurer, accompanied by a full, accurate and detailed statement, in duplicate, under oath, of all fees, percentage and compensation, of whatsoever kind, collected for or charged for the county. Upon receiving the Treasurer's receipt for the payment of such fees or compensation, said receipt, and one of the statements herein required to be made out in duplicate, shall be filed with the Auditor; and until the payment of such fees or compensation, which, under this Act, shall belong to the county, shall be made to the Treasurer, and said Treasurer's receipt and such officer's detailed statement have been filed with the Auditor, said Auditor is prohibited from drawing any warrant, and the Treasurer from paying any warrant in favor of such officer, or any such officer's depu-

Statement of fees.

Fees credited

ties. It is hereby expressly provided that any officer crediting any fee or percentage for any official service, which, under this Act, is provided to be paid into the county treasury, shall do so at his own risk, and said officer shall set down the same in his fee book, and it shall be paid by him into the county treasury, as herein provided, the same as if he had collected said fee at the time or prior to the performance of the service for which said fee was chargeable. The duplicate certificate herein provided to be filed with the Treasurer and Auditor shall be sworn

Oath.

to as follows: "I, ——— ———, Sheriff (or other officer, as the case may be) of the County of Calaveras, do solemnly swear that the entire fees, compensation, percentage and payment for official services rendered by me, or any deputy or person connected with my office, for me, has been entered in detail in the fee book of my office, and added up, and that the portion belonging to the county is ———, and that said amount is the full amount received or chargeable since the last payment, and neither myself, nor, to my knowledge, any deputy for me, has rendered any service, except service for the county or State, which is not entered or added up to make the aforesaid sum." All fees or compensation for official services, which, under the provisions of this Act, are required to be paid into the county treasury, shall be paid into the County General Fund. The county officers named in this Act shall perform all services required of them by law, for county purposes, without fee or compensation other than is provided for in this Act.

Punishment for non-compliance with this Act

SEC. 12. For a wilful neglect or a refusal to comply with any of the provisions of this Act, any officer or officers herein named, their assistants, clerks or deputies, shall, on conviction, be subject to a fine not exceeding five thousand dollars, a forfeiture of their offices, to imprisonment in the State Prison not less than one nor more than three years, or to any one or more

Proviso.

of said penalties, in the discretion of the Court; *provided*, that nothing in this section shall release any one of them from their liability on their official bond required by law, or from any civil responsibility to any and all persons in relation to the business of their said offices, that may be by law applicable to their said several official duties.

Officers to render account for services.

SEC. 13. On the second day of each regular quarterly meeting of the Board of Supervisors, the officer named in sections two, three, four, five, six, seven and eight of this Act shall make out and present to the Board the account for their services and the services of their deputies, as provided in this Act; and if it shall appear to the satisfaction of the Board that said officers have complied with the provisions of this Act, the Board of Supervisors shall audit, allow and order paid out of the General Fund of the county, or any other money in the treasury not set apart for any specific purpose, the amount severally due them for salaries during the preceding quarter.

Supervisors, when to meet.

SEC. 14. The first regular quarterly meeting of the Board of Supervisors under the provisions of this Act shall be commenced on the first Monday in March, eighteen hundred and seventy.

To examine accounts of officers.

At each regular quarterly meeting thereafter, on the second day of said meeting, they shall examine the accounts of the officers that may be presented to them under the provisions of this Act;

and it shall be their duty to order the Auditor to draw his warrants on the County Treasurer for the respective amounts that may be due the officers, their assistants, clerks or deputies, as provided for by the provisions of this Act.

Prohibition. SEC. 15. The Board of Supervisors are hereby expressly forbidden to allow to any Constable or other person fees or commissions for the service of any papers in any criminal case pending before the grand jury, District or County Court.

Duties of Sheriff as Tax Collector. SEC. 16. It shall be the duty of the Sheriff, as ex officio Tax Collector of the county, to collect from each person within the county liable to pay the same, all poll taxes for State and county purposes, all foreign miners' licenses, and all other license taxes and other dues (except road poll taxes) now authorized by law to be collected for State and county purposes.

Same. SEC. 17. The Sheriff shall keep a book in which he shall enter—

First—The name of each person or persons from whom he shall have collected any tax or license, the amount so collected, and for what particular tax or license the same was collected.

Second—He shall enter in said book the names of all persons within his county engaged in any business, the carrying on of which is by law required to be done under a license from either State or county, and shall correct said list from time to time, as any person or persons cease to be engaged in said business, or as any person or persons shall engage in any business, trade or occupation, or profession, for which, before engaging therein, they should have procured a license. Said book shall be the property of the county, and open for public inspection, at the office of said Sheriff, on the first Monday in each month, from eight o'clock A. M. to four o'clock P. M., and shall be by the Sheriff turned over to his successor in office.

Same. SEC. 18. The Sheriff shall, on the first Monday in each month, or within three days thereafter, on and from and after the first Monday in April, eighteen hundred and seventy, make a final settlement with the County Treasurer and Clerk of the Board of Supervisors. He shall first pay over all moneys collected by him, or by any of his deputies, for foreign miners' licenses and poll taxes, and State and county licenses, less his fees for collection, to the County Treasurer, and take from the said Treasurer a duplicate receipt for the same. The said receipt shall show the amount paid to said Treasurer for money collected for the various classes and kinds of licenses and taxes, designating how much has been received for each class and kind, also the total receipts, and that the Sheriff has returned all unsold State and county licenses for the preceding month, and has settled and paid in cash for all not returned. The Sheriff shall forthwith present one of said Treasurer's receipts to the Auditor of the county, and settle with said officer; and if said Auditor shall find, on final settlement with said Sheriff, that he has accounted to the County Treasurer for all State and county licenses received from him, and has paid over all moneys by him collected for the various kinds and classes of licenses and taxes, and that the accounts of said Sheriff are correct, he shall give to said Sheriff a receipt in full; and on the presentation of said Auditor's receipt in full, and final settlement for the preceding

month, to the County Treasurer and to the Auditor, they may then, and not before, deliver to said Sheriff so many of the various licenses and tax receipts as may be required by him for the succeeding month.

Oath.

SEC. 19. The Sheriff shall, at each monthly settlement with the County Treasurer and Auditor, and before each of them, take the following oath: "I do solemnly swear that I have, for the month preceding this statement, diligently and faithfully and to the best of my ability, performed the duties of Tax Collector for Calaveras County; and that I have not knowingly, nor, to my knowledge, has any of my deputies or assistants, permitted any person or persons to escape from or avoid or evade the payment of any foreign miners' license tax or poll tax, or any license for State and county purposes, that I have the authority to enforce the collection of; and that the sum of ——, this day paid over by me to the County Treasurer, is the just and true sum received by me for the preceding month, from all licenses and taxes collected by me, less the percentage allowed me by law for collecting the same; and that the foreign miners' license and poll tax receipts, and licenses for State and county purposes, which I now surrender, are all that remain in my hands unsold. So help me God."

May appoint deputies.

SEC. 20 The Sheriff may appoint one or more deputies to assist him in the collection of all licenses and taxes which he is authorized by this Act to collect, and for whose official conduct the Sheriff shall be liable on his official bond; but such deputy or deputies shall receive no compensation other than what is allowed in this Act to the Sheriff for the rendering of such service.

Repeal.

SEC. 21. All Acts and parts of Acts, so far as they relate to Calaveras County, in conflict with the provisions of this Act, are hereby repealed.

SEC. 22. This Act shall take effect and be in force from and after its passage.

CHAPTER CXLI.

An Act to regulate the salaries and fix the compensation of certain county officers in the County of Nevada.

[Approved March 5, 1870.]

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

Fees and salaries.

SECTION 1. Such salaries and fees shall be allowed and paid to the following officers of the County of Nevada as in this Act provided, and not otherwise, and shall be in full compensation for all official services required of them by law.

Board of Supervisors.

SEC. 2. Each member of the Board of Supervisors shall be entitled to receive for his services, for each day's necessary attendance on the business of the county, the sum of eight dollars per day, and not to exceed in the aggregate, during any

one year, five hundred dollars; and he shall receive twenty cents per mile for each mile necessarily travelled in going to and returning from the county seat; *provided*, that no charge shall be made for more than one trip going from and returning to the residence of such Supervisor, at each term held.

County Assessor.

SEC. 3. The County Assessor shall receive a salary of three thousand dollars per annum, and he shall also be allowed two Deputy Assessors, who shall each be paid by the county at the rate of six dollars per day for the time actually employed, during the term allowed by law for the assessment of taxes; *provided*, that neither of the Deputy Assessors shall receive, during any one year, more than six hundred dollars for all services required of him as Deputy Assessor.

Sheriff.

SEC. 4. The Sheriff shall receive a salary of three thousand dollars per annum; he shall also be allowed to retain, for his own use and benefit, the mileage now allowed by law, and twenty-five per cent. of all other fees and percentage allowed by law and collected by him by virtue of his office. The Sheriff shall be allowed one Under Sheriff and one Jailer, who shall receive the following salaries: The Under Sheriff shall receive, for all services required of him by law, the salary of fifteen hundred dollars per annum. The Jailer shall receive, for all services required of him by law, the salary of one thousand dollars per annum. The Sheriff shall also be allowed one Deputy Sheriff, whenever the Board of Supervisors shall deem it necessary, who shall receive, for all services required of him by law, a salary at the rate of fifteen hundred dollars per annum, for such time only as the Board shall, by an order entered upon the records, direct.

County Clerk.

SEC. 5. The County Clerk shall be ex officio Clerk of the Board of Supervisors, and ex officio County Auditor, and he shall receive, in full compensation for his services as County Clerk, ex officio Clerk of the Board of Supervisors and ex officio County Auditor, two thousand seven hundred dollars per annum. The County Clerk shall be allowed one Deputy Clerk, who shall receive, for all services required of him, a salary of eighteen hundred dollars per annum.

County Recorder.

SEC. 6. The County Recorder shall receive, for all services required of him by law, a salary of two thousand and four hundred dollars per annum. The County Recorder shall be allowed one Deputy Recorder, who shall receive, for all services required of him, a salary of twelve hundred dollars per annum. The County Recorder shall be allowed one additional Deputy County Recorder, at such times as the Board of Supervisors may deem it necessary, to discharge the duties of said office, who shall receive a salary at the rate of twelve hundred dollars per annum, for such times only as the Board shall, by an order entered on the minutes, direct.

County Treasurer.

SEC. 7. The County Treasurer shall receive, in full compensation for all services required of him by law, a salary of two thousand dollars per annum, and he shall also be allowed to retain for his own use all sums allowed him by the State as mileage.

District Attorney.

SEC. 8. The District Attorney shall receive, for all services required of him by law, a salary of twelve hundred dollars per

annum, and the following named additional fees and percentage:

For each conviction for felony, when the punishment is death, the sum of fifty dollars.

For each conviction for other felonies, twenty-five dollars.

For each conviction for misdemeanor, the sum of fifteen dollars.

Which said several sums shall be assessed against the person convicted; and if the same cannot be collected from the person so convicted, then it shall be adjudged an indebtedness against said county, and be audited by the Board of Supervisors of said county.

For all collections on bonds or forfeited recognizances, ten per centum.

For all actions in which the State or county shall be a party thereto, except actions for collections of taxes, he shall receive the same compensation, fee or percentage allowed by the general laws of the State to District Attorneys.

For services rendered in the collection of delinquent taxes, in each case when the tax does not exceed fifteen dollars, if paid before judgment, a fee of one dollar and fifty cents; if paid after judgment, a fee of two dollars and twenty-five cents; and in each case when the tax exceeds fifteen dollars, ten per centum on the sum collected, if paid before judgment; and if paid after judgment, fifteen per centum on the sum collected. In every case the said fee shall be added to the original tax, which shall constitute a part of the demand or judgment against the delinquent or the property assessed; *provided*, that in no case shall the State or county be liable for any costs, fee or percentage in the collection of taxes.

County Judge.

SEC. 9. The County Judge shall receive, for all services required of him by law, a salary of two thousand four hundred dollars per annum.

Tax Collector.

SEC 10. The Collector, for collecting all taxes for State and county purposes, shall receive one thousand dollars per annum and the fees and percentage now allowed by law for collecting licenses, poll taxes and foreign miners' licenses.

Fees collected to be paid monthly into treasury.

SEC. 11. The Sheriff, Clerk, Recorder and Tax Collector on real and personal property, named in this Act, who are entitled to charge and collect or receive any fees, commissions, percentage or other compensation, of whatever nature or kind, allowed by law for services by them or their deputies, in their several official capacities, or for the performance of duties appertaining to said offices, shall collect and safely keep the same, and on the first Monday in April, A. D. eighteen hundred and seventy, and on the first Monday of each month thereafter, shall account for, settle and pay the amount by them received, (excepting such fees, mileage and percentage as they are to receive for their own use under the provisions of this Act), to the Treasurer of said county. It shall be and is hereby made the duty of all such officers who are entitled to charge and collect or receive fees, commissions or other compensation for their official services, to keep a book or books, in which shall be entered by items the amount received for all official services performed by them or any of their deputies, showing the date and nature of such ser-

Fee book to be kept.

vices, and the amount received therefor; which book or books shall, at all office hours, be open to the inspection of the Board of Supervisors or any citizen; and each of said officers shall, at the expiration of each month, make out and verify by oath, and file with the Auditor, a full and accurate transcript from his said book or books, of the entries of the preceding month. All fees or compensation for official services which, under this Act, are required to be paid to the County Treasurer, shall be credited to the General Fund of the county, and be applied to the payment of Auditor's warrants, as now provided by law.

Open to inspection.

Fees to be credited to General Fund.

SEC. 12. The County Auditor of Nevada County shall, on the first Tuesday of each month, or as soon thereafter as application is made by the proper officer or Clerk entitled to salary under this Act, draw his warrant on the County Treasurer for one-twelfth part of his yearly salary, which shall be paid out of the General Fund; *provided*, he shall not issue his warrant for any salary in advance

Auditor to draw warrants for salaries

SEC. 13. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they apply to the County of Nevada.

Repeal.

SEC. 14. This Act shall take effect from and after its passage.

CHAPTER CXLII.

An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

[Approved March 5, 1870.]

WHEREAS, The Board of Supervisors of the City and County of San Francisco did, on the twenty-eighth day of July, eighteen hundred and sixty-eight, pass an ordinance in the words and figures following: Resolved, Clerk's office, Board of Supervisors, San Francisco, August twenty-seventh, eighteen hundred and sixty-eight. Order Number Eight Hundred and Twenty-seven: The People of the City and County of San Francisco do ordain as follows:

Preamble.

Section 1. The faith of the City and County of San Francisco is hereby pledged to pay, out of the General Fund of said city, the sum of three thousand dollars ($3.000), in gold coin of the United States, with lawful interest, as soon as the Legislature of this State shall authorize the same, to such parties as may advance to the California Labor Exchange said amount in monthly payments of two hundred and fifty dollars ($250), for the next twelve months; *provided*, the said amount be paid to said California Labor Exchange, under the express condition that the benefit of the institution to be given, without charge, to all men seeking information or obtaining engagements through its assistance.

Sec. 2. This order shall take effect and be in force from and after its passage, etc., etc.

And also, whereas, The Board of Supervisors of said City and County of San Francisco did, on the twenty-second day of November, A. D. eighteen hundred and sixty-eight, pass a further ordinance, in the words and figures following: Resolved, Order Number Nine Hundred and Seven: Pledging the faith of the city and county to such parties as may advance the sum of one thousand dollars to the California Labor Employment Exchange. The People of the City and County of San Francisco do ordain as follows:

Section 1. The faith of the City and County of San Francisco is hereby pledged to pay, out of the General Fund of said city, the sum of one thousand dollars ($1,000) in gold coin of the United States, with lawful interest, as soon as the Legislature of this State shall authorize the same, to such parties as may advance to the California Labor and Employment Exchange said amounts, in monthly payments of two hundred and fifty dollars ($250) for the next four months; *provided*, the said amount to be paid to said California Labor and Employment Exchange under the express condition that the benefits of the institution be given without charge to all men asking information or obtaining engagements through its existence.

Sec. 2. This order shall take effect and be in force from and after its passage, etc., etc.

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

Payment authorized.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized to pay, out of the General Fund of said city and county, the sum of four thousand dollars ($4,000) in gold coin of the United States, with lawful interest from the passage of said ordinances, to such citizen or citizens as may have advanced the said sum of four thousand dollars ($4,000) in gold coin of the United States, for the purpose of aiding the California Labor and Employment Exchange.

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

CHAPTER CLXIII.

An Act to provide and pay for services rendered for the City and County of San Francisco.

[Became a law March 4, 1870, by a constitutional majority of both Houses, over the Governor's objections.]

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

SECTION 1. The County Judge of the County Court of the City and County of San Francisco is hereby authorized, directed

and empowered, upon written application of the Commissioners, approved under Resolutions Numbers Six Thousand Three Hundred Seventy-one (6,371) and Seven Thousand Five Hundred (7,500), of the Board of Supervisors of the City and County of San Francisco, approved, respectively, January seventh, eighteen hundred sixty-seven, and October twenty-eighth, eighteen hundred sixty-seven, and upon notice of three days to the City and County Attorney of said city and county, to fix, allow and determine the compensation to be paid to the Commissioners appointed under said Resolutions Numbers (6,371) Six Thousand Three Hundred and Seventy-one and (7,500) Seven Thousand Five Hundred, for the services rendered under said Resolutions (6,371) Six Thousand Three Hundred and Seventy-one, and (7,500) Seven Thousand Five Hundred, in the matter of extending Montgomery street, from the date of their appointment to the presentation of such application, and also the amount to be paid for services of counsel, clerk hire, compensation of Secretary, stationery, office rent, and such other incidental expenses as shall have been incurred by said Commissioners, or under their direction.

Compensation of Commissioners determined.

SEC. 2. Said County Judge may hear testimony upon the matters enumerated in section one of this Act, and may examine each of said Commissioners under oath, or under the direction of said Board of Supervisors.

County Judge to hear testimony.

SEC 3. Said County Judge shall file with the Auditor of said city and county his determination, under his signature; and thereupon the same shall be audited by said Auditor, who shall draw his warrant for the amount thereof on the General Fund in the treasury of said city and county, and the County Treasurer of said city and county shall pay the amount thus audited out of the General Fund belonging to said city and county.

File determination.

Auditor to draw warrant.

SEC. 4. The amount paid out of said treasury shall be assessed upon the property benefited by the extension of Montgomery street, as provided for in said Resolution Number (7,500) Seven Thousand Five Hundred, and when collected shall be repaid into the General Fund of the treasury of said city and county.

How refunded

SEC. 5. This Act shall take effect immediately.

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both Houses by the constitutional majority, it has become a law this fourth day of March, A. D. eighteen hundred and seventy.

WM. HOLDEN,
President of the Senate.
GEO. H. ROGERS,
Speaker of the Assembly.

CHAPTER CXLIV.

An Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto.

[Approved March 5, 1870.]

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

Fees and salaries.

SECTION 1. Fees and salaries are allowed to the officers hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein provided; and such officers may lawfully charge, demand and receive the same to their own use and benefit, in gold and silver coin of the United States, and all costs recovered in any suit or proceeding shall be payable in gold and silver coin.

In coin.

No fees for naturalization papers.

SEC. 2. No fees or other compensation shall be paid for certificate of declaration to become a citizen of the United States and for making a record thereof, or for issuing a certificate of citizenship to become a citizen of the United States, or for making a record thereof, and this section shall apply to all the counties in this State

FEES OF CLERK OF THE DISTRICT COURT.

Clerk of District Court.

SEC. 3. At the commencement of each suit the Clerk shall be entitled to demand and receive from the plaintiff, in addition to the Judge's docket fee, as prescribed by law, not to exceed the sum of ten dollars, to cover costs to time of judgment; and from the defendant, three dollars, to cover costs for the same time. If, in the progress of the action, the sums allowed the Clerk should be insufficient, he shall be entitled to demand from either party such further sum as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action, shall be returned by the Clerk to the party who advanced them, on demand.

SEC. 4. In the Counties of Amador, Alpine, Butte, Colusa, Del Norte, Inyo, Klamath, Kern, Lake, Mariposa, Marin, Napa, Mono, Merced, Nevada, Placer, Plumas, Sacramento, Lassen, Sierra, Stanislaus, San Diego, San Mateo, San Joaquin, San Luis Obispo, Shasta, Santa Barbara, Sutter, Tehama, Fresno, Trinity, Yolo, Tuolumne and Tulare, the Clerk of the District Court, the Clerk of the County Court, the Clerk of the Probate Court, the County Clerk and the County Recorder, shall receive the fees hereinafter specified:

The Clerk of the District Court shall receive, for entering each suit on the Clerk's register of actions, and for making the necessary entries therein during the progress of the suit and of the trial and subsequent proceedings, for the first folio, fifty cents; for each subsequent folio, twenty-five cents.

For issuing every writ or process, under seal, fifty cents, except the writ of habeas corpus.

Clerk of District Court.

For issuing each subpœna for one or more witnesses, fifty cents.

For filing each paper, twenty-five cents.

For entering every motion and order, rule, default, discontinuance, dismissal or nonsuit, fifty cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, fifty cents.

For calling and swearing every jury on voire dire, fifty cents.

For calling and swearing every jury to try cause, fifty cents.

For receiving and entering each verdict of a jury, fifty cents.

For entering every final judgment, for the first folio, one dollar; for each subsequent folio, twenty-five cents.

For making up and filing judgment roll, fifty cents.

For each entry of judgment on judgment docket, twenty-five cents.

For entering satisfaction or credit on judgment docket, fifty cents.

For administering every oath or affirmation, twenty-five cents.

For certifying the same, twenty-five cents.

For copy of any proceeding, record or paper, per folio, twenty cents.

For every certificate under seal, fifty cents.

For issuing every commission to take testimony, one dollar.

For writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), twenty-five cents.

For issuing every execution or other final process, under seal, fifty cents.

For copy of every decree or order of sale of mortgaged property, for each folio, twenty-five cents.

For receiving and filing every remittitur from Supreme Court and accompanying papers, one dollar.

For taking and approving each undertaking or bond, fifty cents.

For taking justification thereto, fifty cents.

For taking testimony on justification to undertaking or bond, for each folio, twenty-five cents.

For taking acknowledgment of deed or other instrument, to include all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents.

For indexing every suit in the general index of the Court, as required by law, for each name, twenty cents.

For filing and entering papers on transfer of cases from other Courts, three dollars.

For transmission of files or transfer of cases to other Courts, including certificate of order of transfer, two dollars.

For searching records or files of each year, except for suitors or their attorneys, fifty cents.

When the Court is sitting as a Court of criminal jurisdiction, the Clerk shall receive, for the trial of each issue, five dollars; he shall receive no other fees in a criminal action or proceeding, except twenty cents per folio for copies of papers, and also twenty-five cents per folio for writing down testimony of witnesses on trial, when so ordered by the Court; all which criminal business shall be a charge against the county.

FEES OF CLERK OF COUNTY COURT.

Clerk of County Court.

For filing all papers on appeal from Justices' Courts, for each case, one dollar and fifty cents.

When the Court is sitting as a Court of criminal jurisdiction, he shall receive for the trial of each issue, where the charge is misdemeanor, three dollars; and where the charge is felony, five dollars.

He shall receive no other fees in a criminal case except for copies of papers, per folio, twenty cents; and for taking down testimony during a trial, when ordered by the Court, for each folio, twenty-five cents; all of which criminal business to be a charge upon and paid for by the county.

For all other services, the same fees as are allowed the Clerk of the District Court for like services.

FEES OF CLERK OF PROBATE COURT.

Clerk of Probate Court.

For issuing letters testamentary, or of administration, or of guardianship, fifty cents.

For writing and posting each notice required, fifty cents.

For each notice for publication, in addition to the cost of publication, fifty cents.

For recording wills, or other papers required by law to be recorded, for each folio, twenty-five cents.

For all other services, the same fees as are allowed the Clerk of the District Court for like services; *provided*, that if, upon the filing of the appraisement of any estate, it appear that the whole estate is not of the value of one thousand dollars, no further Clerk's fees shall be charged.

No fees shall be allowed Probate Judges.

FEES OF COUNTY CLERK.

County Clerk.

For issuing each marriage license, one-half to be paid to the County Recorder, two dollars.

For recording official bonds and other papers required by law to be recorded, for each folio, twenty-five cents; for indexing same, twenty-five cents.

For recording the testimony and commitment, upon examination of insane persons, when it is ascertained by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, per folio, twenty-five cents.

For filing all papers to be kept by him, and not required to be recorded, twenty-five cents.

For indexing same, for each name indexed, twenty-five cents.

For issuing any license required by law, one dollar.

For all services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services.

For services under Registry Act, the fees in said Act provided.

In the County of Sacramento, the County Clerk and Clerk of the District, County and Probate Courts shall receive such fees as are provided in this section, with the following exceptions, to wit:

For recording or copying any paper or notice, he shall receive but twenty cents per folio.

As Clerk of the Probate Court he shall receive, for writing and posting notices, for each copy, twenty-five cents.

For each notice given by publication, twenty-five cents, in addition to costs of publication; *provided*, that the County Clerk of Butte County shall receive, in lieu of the fees herein provided, as ex officio Clerk of the several Courts of record and Probate Court, and County Clerk, exclusive of services as Clerk of Board of Supervisors, the annual salary of three thousand dollars, payable out of the county treasury in the same manner as the salaries of other officers, and all fees allowed by this Act to the said County Clerk for his services as Clerk of the District, County and Probate Courts, and County Clerk, shall be collected and paid over into the county treasury in the manner provided by section two of an Act amendatory of an Act amendatory and supplemental of an Act entitled an Act to prescribe the duties and to provide for the compensation of the several county officers of the County of Butte, approved May third, eighteen hundred and sixty-one, approved April fourteenth, eighteen hundred and sixty-two; and *provided* further, that the salary herein provided shall be in full compensation for all services of deputies and assistants, and all laws allowing compensation for deputies and assistants are hereby repealed, so far as they refer to the County of Butte.

FEES OF COUNTY RECORDER.

For recording every instrument, paper or notice, for each folio, twenty cents. County Recorder.

For indexing every instrument, paper or notice, twenty-five cents for each name indexed.

For copies of any record or paper, per folio, twenty cents.

For filing every instrument for record, and making the necessary entries thereon, twenty cents.

For each certificate under seal, fifty cents.

For every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same and indexing same, fifty cents

For searching records or files in his office for each year, when required, fifty cents.

For abstract of title, for each conveyance or encumbrance certified, fifty cents

For recording every plat or map, for each course, ten cents.

For figures and letters on plats or maps, per folio, fifty cents. *provided*, the fees for recording any town plat shall not exceed one hundred dollars.

For taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents

For recording marriage license and certificate, to be paid by the Clerk, one dollar.

For recording transcript, and for all other services in estray cases, one dollar.

For recording each mark or brand, seventy-five cents.

For administering oath or affirmation, twenty-five cents.

For certifying same, twenty-five cents.

For filing, indexing and keeping each paper not by law required to be recorded, fifty cents.

For recording mining claims and water rights, the same as are allowed for recording any other instrument.

For all other services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services.

In the Counties of Sacramento, San Joaquin and Humboldt, the County Recorder shall receive the same fees as prescribed for County Recorders in the preceding section of this bill, with the following exception, to wit:

For recording or copying any instrument of writing, paper, record or notice, twenty cents per folio.

SEC. 5. In the Counties of Humboldt and Mendocino the County Clerk and the Clerk of the District, County and Probate Courts, and the County Recorder, shall receive the fees hereinafter specified:

FEES OF THE CLERK OF THE DISTRICT COURT.

Clerk of District

For entering each suit on the Clerk's register of actions, and making the necessary entries thereon during the progress of the trial, for each folio, fifteen cents.

For issuing every writ or process under seal, forty cents, excepting for issuing the writ of habeas corpus.

For issuing subpœna for one or more witnesses, twenty cents.

For filing each paper, fifteen cents.

For entering each motion, rule, order, default, discontinuance, dismissal or nonsuit, twenty cents.

For entering every cause on calendar, and for making copy thereof for the bar, for each term of Court, twenty cents.

For calling and swearing every jury, twenty cents.

For receiving and entering each verdict of a jury, forty cents.

For entering every final judgment, for the first folio, seventy-five cents; for each subsequent folio, fifteen cents.

For filing judgment roll, twenty cents.

For entering judgment on judgment docket, twenty cents.

For entering satisfaction of judgment, forty cents.

For administering every oath or affirmation, fifteen cents.

For certifying every oath or affirmation, fifteen cents.

For copy of any proceeding, record or paper, for each folio, fifteen cents.

For every certificate under seal, forty cents.

For searching the records or files of each year in his office (but not to charge suitors or attorneys), twenty-five cents.

For issuing every commission to take testimony, forty cents

For writing down testimony of witnesses during a trial, for each folio, fifteen cents, to be paid be the party requiring the same.

For issuing every execution or other final process, forty cents.

For issuing every decree or order of sale of mortgaged property, forty cents.

For issuing writ of injunction or attachment, forty cents.

For entering judgment by confession, the same fees as in other cases of entering judgment.

For receiving and filing remittitur from the Supreme Court, and the accompanying papers, forty cents.

For taking each bond or undertaking required by law, forty cents.

For taking justification thereto, thirty cents.

For acknowledgment of deed or other instrument, including all writing necessary and the seal, for the first name thereto, fifty cents; for each subsequent name, twenty-five cents.

When the Court is sitting as a Court of criminal jurisdiction, he shall receive, for the trial of each issue, when the charge is misdemeanor, three dollars.

He shall receive no fee for any service whatever in a criminal action or proceeding, except for copies of papers, and for taking down testimony on trial, when required by the Court, for each folio, fifteen cents.

For the trial of each issue, when the charge is felony, four dollars, which shall be a charge against the county.

FEES OF CLERK OF COUNTY COURT.

Clerk of County Court.

For filing all papers sent on appeal from Justices' Courts, in each cause, and making the necessary entries concerning the same, one dollar and fifty cents.

For all other services, the same fees as are allowed in the District Court for similar services.

FEES OF CLERK OF PROBATE COURT.

Clerk of Probate Court.

For issuing letters testamentary, or of administration, or of guardianship, forty cents.

For certificate of appointing appraisers, forty cents.

For writing and posting notices when required, for each copy, forty cents.

For recording wills and all other papers required to be recorded, per folio, fifteen cents.

For all other services, the same fees as are allowed the Clerk of the District Court for similar services.

For notice given by publication, in addition to the cost of publication, forty cents.

FEES OF COUNTY CLERK.

County Clerk.

For issuing marriage licenses, one dollar.

For drawing an affidavit, deposition or other paper, per folio, fifteen cents.

For filing transcript of judgments of Justices' Courts, for docketing the same and issuing execution thereon, two dollars.

For recording certificate of incorporation, where recording is required by law, fifteen cents per folio.

For recording official bonds, when required by law, fifteen cents per folio

For indexing same, twenty cents.

For recording the testimony and commitment, upon examina-

tion, of insane persons, when it is ascertained by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, fifteen cents per folio.

For issuing writ of habeas corpus, and all services in relation thereto, two dollars.

FEES OF RECORDER.

Recorder.

For recording any instrument, paper or notice, when required, for each folio, fifteen cents.

For copies of any record or paper, per folio, fifteen cents.

For filing or receiving every instrument for record, and making the necessary entries thereon, fifteen cents.

For making, in the several indexes required, all the entries required of the filing and recording any instrument, paper or notice; for every such instrument, paper or notice, twenty cents.

For any certificate under seal, forty cents.

For every entry of discharge of mortgage or other instrument, on margin of record, forty cents.

For searching records and files of each year in his office, twenty-five cents.

For abstract or certificate of title, when required, for each conveyance or encumbrance certified, fifteen cents.

For recording any town plat, for every course, ten cents.

For figures and lettering plats and maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed the sum of one hundred dollars.

For taking and writing acknowledgments, including seal, for the first signature, fifty cents; for each additional name, twenty cents.

For recording marriage certificate, one dollar.

For filing and keeping each paper not required to be recorded, and indorsing same, if required, twenty cents.

SEC. 6. In the Counties of Contra Costa, Alameda, Monterey, Santa Clara, Sonoma, Santa Cruz, Solano, Los Angeles, Fresno, Tulare and Kern, the County Clerk and Clerk of the District, County and Probate Courts, and the County Recorder, shall receive the fees hereinafter specified; *provided*, that in the County of Los Angeles he shall receive in full compensation, for all services rendered by him to the State and county, the sum of twelve hundred dollars per annum, payable monthly:

FEES OF THE CLERK OF THE DISTRICT COURT.

Clerk of District Court.

For entering each suit on the Clerk's register of actions, and making the necessary entries therein during the trial, fifty cents for the first folio, and for each subsequent folio, twelve cents.

For issuing every writ or process under seal, forty cents, excepting for issuing the writ of habeas corpus.

For issuing each subpœna for one or more witnesses, twenty cents.

For filing each paper, ten cents.

For entering every motion, and order, rule, default, discontinuance, dismissal or nonsuit, twenty cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, twenty cents. Clerk of District Court.

For calling and swearing every jury, forty cents.

For receiving and entering each verdict of a jury, twenty-five cents.

For entering every final judgment, for the first folio, fifty cents; for each subsequent folio, twelve cents.

For filing judgment roll, twenty-five cents.

For each entry of judgment on judgment docket, twenty cents.

For each entry of satisfaction of judgment, twenty-five cents.

For administering every oath or affirmation, fifteen cents.

For copy of any proceeding, record or paper, for each folio, twelve cents.

For every certificate under seal, forty cents.

For issuing every commission to take testimony, forty cents.

For writing down testimony of witnesses during the trial, for each folio, fifteen cents, to be paid by the party requiring the same.

For issuing every execution or other final process, under seal, forty cents.

For issuing every copy of decree or order of sale of mortgaged property, for each folio, twelve cents.

For receiving and filing every remittitur from Supreme Court, and accompanying papers, forty cents.

For approval and justification of each bond required by law, forty cents; and for taking testimony thereon, fifteen cents per folio.

For acknowledgment of deed or other instrument, including all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents.

For indexing every suit in the District Court, in general index, as required by law, for each name, fifteen cents.

For filing and entering papers on transfer of cases from other Courts, including indexing, two dollars.

For transmission of files, or transfer of cases to other Courts, including certificate of order of transfer, one dollar and fifty cents.

For searching records or files of each year, except for suitors or their attorneys, twenty-five cents.

For services under the Act to provide for the reclamation of salt marsh and tide lands, approved April twenty-seventh, eighteen hundred and sixty-three, he shall receive the fees therein prescribed.

When the Court is sitting as a Court of criminal jurisdiction, the Clerk shall receive, for the trial of each issue, when the charge is felony, three dollars; and for the trial of each issue, when the charge is misdemeanor, two dollars.

He shall receive no other fees in a criminal action or proceeding, except twelve cents per folio for copies of papers, and for taking down testimony, when required.

COUNTY CLERK.

For issuing marriage licenses, one dollar. County Clerk.

For drawing an affidavit, deposition or other paper, per folio, fifteen cents.

For filing transcript of judgment of Justices' Courts, for docketing the same and issuing execution thereon, two dollars.

For recording certificates of incorporation, where recording is required by law, twelve cents per folio.

For recording official bonds, when required by law, twelve cents per folio; for indexing same, twenty cents.

For recording testimony and commitment, upon examination, of insane persons, when it is ascertained by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, fifteen cents per folio.

For all other services, the same fees as allowed to Clerks of District Courts for similar services.

CLERK OF THE PROBATE COURT.

Probate Court.

For issuing letters testamentary or of administration, forty cents.

For all certificates under seal, twenty-five cents.

For writing and posting notices, for each copy, twenty-five cents.

For recording wills, and all other instruments required by law to be recorded, for each folio, twelve cents.

For filing each paper, ten cents.

For copies of all papers, twelve cents per folio.

For issuing each notice for publication, twenty-five cents.

For all other services, the same fees as are allowed the Clerk of the District Court for like services.

CLERK OF COUNTY COURT.

County Court.

For filing all the papers sent on appeal from a Justice's Court in each cause, and making the necessary entries concerning the same, one dollar and fifty cents.

For all other services, the same fees as are allowed in the District Court for similar services.

COUNTY RECORDER.

County Recorder.

For recording every instrument, paper or notice, for each folio, twelve cents.

For copies of any record, per folio, twelve cents.

For filing every instrument for record and making the necessary entries therein, including certificate of record, twenty-five cents.

For indexing every instrument, paper or notice, as required by law, for each name, ten cents.

For every certificate under seal, forty cents.

For every entry of discharge of mortgage or other instrument on margin of record, and indexing same, fifty cents.

For searching records and files of each year in his office, when required, twenty-five cents.

For abstract or certificate of title, when required, for each conveyance or encumbrance certified, fifty cents.

For recording every town plat or map, for every course,

six cents; for figures and lettering plats and maps, per folio, twenty-five cents; for topography, for every creek, river, road or chain of mountains represented on the map, fifteen cents; *provided*, the fees for recording any town plat shall not exceed the sum of one hundred dollars.

For taking and writing acknowledgments, including seal, for the first signature, fifty cents; for each additional name, twenty-five cents.

For recording marriage license and certificate, one dollar.

For filing and keeping each paper not required to be recorded, twenty cents

For recording transcript, and all other services in estray cases, one dollar.

For recording brands and marks, fifty cents.

FEES OF SUPREME COURT CLERK.

Clerk of Supreme Court.

SEC. 7. He shall collect in all civil cases hereafter appealed to the Supreme Court, when the transcript is filed, to include the issue of remittitur to Court below, twenty dollars.

For dismissing appeal on Clerk's certificate from Court below, when dismissed for want of prosecution, two dollars and fifty cents.

For all proceedings in each case of mandamus, certiorari and prohibition, returnable before the Supreme Court in banc, ten dollars.

And in addition to the fees above required to be collected, the Clerk of the Supreme Court shall, upon filing the transcript on appeal, or the papers instituting any original proceeding in the Supreme Court, in all civil cases, demand and collect, for the use of the Supreme Court Library Fund, before filing the same, of the party filing said transcript or papers instituting such original proceeding, in the same manner as other costs in said cases are collected, the sum of five dollars; and for every certificate of admission to practice as attorney in the Courts of this State, said Clerk shall demand and collect ten dollars for the use of said Supreme Court Library Fund, as provided by an Act entitled an Act to provide a law library for the Supreme Court, approved March thirtieth, one thousand eight hundred and sixty-eight. The fees collected by the Clerk of the Supreme Court shall be for the use of the State treasury, and shall be paid over to the State Treasurer on the first of every month; *provided*, the fees accrued and to accrue under the fee bill in force prior to the first day of December, one thousand eight hundred and sixty-seven, shall belong to the Clerk.

FEES OF NOTARY PUBLIC.

Notary Public.

SEC. 8. For drawing and copying every protest for non-payment of a promissory note, or for the non-payment or non-acceptance of a bill of exchange, draft or check, one dollar.

For drawing and serving every notice of non-payment of a promissory note, or of the non-payment or non-acceptance of a bill of exchange, order, draft or check, fifty cents.

For recording every protest, fifty cents.

For drawing an affidavit, deposition or other paper, for which provision is not herein made, for each folio, twenty cents.

For taking an acknowledgment or proof of a deed or other instrument, to include the seal and the writing of the certificate, for the first signature, fifty cents; and for each additional signature, twenty-five cents.

For administering and certifying an oath or affirmation, twenty-five cents.

For every certificate, under seal, to include the writing the same, fifty cents.

FEES OF SHERIFF.

Sheriff. SEC. 9. In the Counties of Alpine, Alameda, Amador, Butte, Colusa, Del Norte, Fresno, Inyo, Klamath, Kern, Lake, Lassen, Mariposa, Mono, Merced, Napa, Nevada, Placer, Plumas, San Diego, San Joaquin, San Luis Obispo, Shasta, Santa Barbara, Sierra, Solano, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, Sacramento and San Mateo, the Sheriff shall receive the fees hereinafter specified:

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, two dollars.

For serving an attachment upon any ship, boat or vessel, in proceedings to enforce any lien thereon created by law, three dollars

For his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sum as the Court shall order, provided that no more than three dollars per diem shall be allowed to a keeper.

For taking bond or undertaking, in any case in which he is authorized to take the same, one dollar.

For copy of any writ, process or other paper, when demanded or required by law, for each folio, twenty cents.

For serving every notice, rule or order, one dollar.

For advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, each notice, one dollar.

For serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant, three dollars.

For holding each inquest, or trial of right of property, to include all service in the matter, except mileage, three dollars.

For serving a subpœna, for each witness summoned, fifty cents.

For travelling, to be computed in all cases from the Courthouse, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in executing a writ of

habeas corpus; *provided*, that if any two or more papers be required to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged, to the most distant points to complete such service; for each mile necessarily travelled, in going only, thirty cents; *provided*, in the County of San Diego he shall receive, for each mile necessarily travelled, in going only, fifty cents. Sheriff.

For commissions for receiving and paying over money on execution, or other process, when lands or personal property has been levied on and sold, on the first one thousand dollars, three per cent.; on all sums above that amount, two per cent.

For commissions for receiving and paying over money on execution without levy, or where the lands or goods levied on shall not be sold, on the first one thousand dollars, one and one-half per cent.; and one per cent. on all over that sum.

The fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be made.

For drawing and executing a Sheriff's deed, to include the acknowledgment, exclusive of stamps, to be paid by the grantee before delivery, three dollars and fifty cents.

For executing a certificate of sale, exclusive of the filing and recording of the same, one dollar.

For attending, when required, on any Court of record, in person or by deputy, for each day, to be paid out of the county treasury, three dollars.

For making every arrest in a criminal proceeding, two dollars.

For summoning a grand jury of twenty-four persons, eight dollars.

For summoning a trial jury of twelve persons or less, four dollars.

For summoning each additional juror, twenty-five cents.

For executing every sentence of death, twenty dollars.

For all civil services arising in Justices' Courts, the same fees as are allowed to Constables for like services.

For every mile necessarily travelled, in going only, in executing any warrant of arrest, subpœna or venire, bringing up a prisoner on habeas corpus, taking prisoners before a magistrate or to prison, or for mileage in any criminal case or proceeding; *provided*, that in serving a subpœna or venire, when two or more jurors or witnesses live in the same direction, but one mileage shall be charged, thirty cents; *provided* further, that in the Counties of Amador and Sacramento, for every mile necessarily travelled, in any criminal case, twenty cents.

For delivering a prisoner at the State Prison, fifty cents per mile, one way, for the distance established by law from the county seat of his county to the prison, and for every additional prisoner taken at the same time, twenty-five cents per mile.

For delivering an insane person at the asylum, fifty cents per mile, one way, for the distance established by law from the county seat of his county to the asylum, and for every additional insane person taken at the same time, twenty-five cents per mile.

Sheriff. For conveying a prisoner, when under arrest, the necessary expenses incurred in the transportation.

Each Sheriff shall be allowed a deputy, as Jailer, whose compensation shall be fixed by the Board of Supervisors, and paid out of the County General Fund; *provided*, that in the County of Sacramento, the Sheriff shall be paid by the county the sum of twenty-four hundred dollars per annum for his services as Jailer; and *provided* further, that the Sheriff of the County of Amador shall be paid eight hundred dollars for his services as Jailer; *provided* further, that in the County of San Diego, the Sheriff shall receive from the county a salary of three thousand dollars per annum, in lieu of all fees chargeable to the county for criminal business; *provided* further, that in the Counties of Alameda, Amador, Yolo, Napa, Lake, Sacramento, Alpine, Fresno, Lassen, Butte, Kern, Tulare, Colusa, Tehama, Solano and Trinity, the Sheriff shall be business license collector, and shall receive ten per cent. on all moneys so collected, and twenty per cent. on foreign miners' licenses; *provided*, that the Sheriff of Nevada County shall be allowed only such deputies as may be authorized by any special statute in relation to said county; and *provided*, that the Sheriff of Shasta County shall be ex officio Collector of all taxes and licenses, except the road poll tax; and it is further *provided*, that in the County of Tuolumne the Sheriff shall be ex officio Collector of all taxes and licenses.

SEC. 10. The Sheriff of Sacramento County shall be ex officio Tax Collector of all taxes and licenses, excepting poll taxes; and the Sheriff of Amador, Plumas, Tuolumne and Lassen Counties shall be ex officio Tax Collector of all taxes and licenses except road tax.

SEC. 11. In the Counties of Sonoma, Mendocino and Marin, the Sheriff shall be entitled to receive the fees hereinafter specified:

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar and twenty-five cents.

For serving an attachment upon any ship, boat or vessel, in proceedings to enforce any lien thereon created by law, one dollar and twenty-five cents.

For his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, as the Court shall order, provided that no more than three dollars per diem shall be allowed to a keeper, three dollars.

For taking bond or undertaking, in any case in which he is authorized to take the same, forty cents.

For copy of any writ, process or other paper, when demanded or required by law, for each folio, fifteen cents.

For serving every notice, rule or order, forty cents.

For advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, each notice, one dollar.

For serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant, three dollars. Sheriff.

For holding each inquest, or trial of right of property, to include all services in the matter except mileage, three dollars.

For serving a subpœna, for each witness summoned, forty cents.

For travelling, to be computed in all cases from the Court-house, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in executing a writ of habeas corpus; *provided*, that if any two or more papers be required to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged, to the most distant points to complete such service; for each mile necessarily travelled, in going only, thirty cents.

For commissions for receiving and paying over money on execution or other process, when lands or personal property has been levied on and sold, on the first one thousand dollars, two per cent; on all sums above that amount, one per cent.

For commissions for receiving and paying over money on execution without levy, or when the lands or goods levied on shall not be sold, on the first one thousand dollars, one and one-half per cent; and one per cent. on all over that sum.

The fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing a Sheriff's deed, to include the acknowledgment, exclusive of stamps, to be paid by the grantee before delivery, three dollars and fifty cents.

For executing a certificate of sale, exclusive of the filing and recording of the same, one dollar.

For attending, when required, on any Court, in person or by deputy, for each day, to be paid out of the county treasury, three dollars.

For making every arrest in a criminal proceeding, one dollar and fifty cents.

For summoning a grand jury of twenty-four persons, eight dollars.

For summoning a trial jury of twelve persons or less, four dollars.

For summoning each additional juror, twenty cents.

For executing every sentence of death, twenty dollars.

For all civil services arising in Justice's Courts, the same fees as are allowed in County and District Courts.

For every mile necessarily travelled in executing any warrant of arrest, subpœna or venire, bringing up a prisoner on habeas

Sheriff. corpus, taking prisoners before a magistrate or to prison, or for mileage in any criminal case or proceeding; *provided*, that in serving a subpœna or venire, when two or more jurors or witnesses live in the same direction, but one mileage shall be charged, forty cents, in going only.

For delivering a prisoner at the State Prison, fifty cents per mile, one way, for the distance established by law from the county seat of his county to the prison, and for every additional prisoner taken at the same time, twenty-five cents per mile.

For delivering an insane person at the asylum, fifty cents per mile, one way, for the distance established by law from the county seat of his county to the asylum, and for every additional insane person taken at the same time, twenty-five cents per mile; *provided*, that in the County of Sonoma the Board of Supervisors shall fix the mileage.

For conveying a prisoner, when under arrest, the necessary expense incurred in the transportation.

Each Sheriff shall be allowed a deputy, as Jailer, whose compensation shall be fixed by the Board of Supervisors, and paid out of the County General Fund; *provided*, that in the County of San Joaquin the Sheriff shall be paid the sum of twelve hundred dollars per annum as Jailer; and *provided*, that in the Counties of Sonoma, Marin and Mendocino he shall be ex officio Tax Collector.

Sec. 12. In the Counties of Contra Costa, Humboldt, Monterey, Santa Clara, Los Angeles, Santa Cruz and Tulare, the Sheriff shall be entitled to receive the fees hereinafter specified:

For serving a summons and complaint, or any other process by which action or proceeding is commenced, on each defendant, one dollar.

For taking bond or undertaking in any case in which he is authorized to take the same, fifty cents.

For copy of any writ, process or other paper, when demanded or required by law, for each folio, fifteen cents.

For serving every notice, rule or order, fifty cents

For serving a subpœna, for each witness summoned, twenty-five cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar and fifty cents; but no travelling fees shall be allowed on such attachment, order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit, and may be executed at the time of the service of the summons, unless for the distance actually travelled beyond that required to serve the summons. He shall be allowed such further compensation for his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, as the Court shall order; *provided*, no more than three dollars per diem shall be allowed to a keeper.

For serving an attachment upon any ship, boat or vessel, in proceedings to enforce any lien thereon created by law, one dollar and fifty cents; also, three dollars per day for each day while such ship, boat or vessel is in the actual custody of the

Sheriff, and such further necessary expenses incurred in serving the process and resulting from such custody as are supported by the oath of the officer making such service and allowed by the Court. Sheriff

For selling any boat, vessel or tackle, apparel or furniture thereof so attached, or other goods attached, and for advertising such sale, the same fees as for sale on execution.

For advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, one dollar.

For commissions for receiving and paying over money on execution or other process, when lands or personal property has been levied on and sold, on the first one thousand dollars, two per cent.; on all sums above that amount, one per cent.

For commissions for receiving and paying over money on execution without levy, or when the lands or goods levied on shall not be sold, on the first one thousand dollars, one and one-half per cent., and one per cent. on all over that sum.

The fees herein allowed for the levy of an execution, and for advertising and for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing a Sheriff's deed, inclusive of acknowledgment and exclusive of stamps, four dollars, to be paid by the grantee.

For serving a writ of possession or restitution, or putting any person entitled into possession of premises and removing the occupant, five dollars.

For attending, when required, on any Court of record, in person or by deputy, for each day, to be paid out of the county treasury, three dollars.

For holding each inquest, or trial of right of property, to include all service in the matter, except mileage, three dollars.

For making every arrest in a criminal proceeding, two dollars.

For summoning a grand jury, six dollars.

For summoning a trial jury, in any case, three dollars; for each additional juror, twenty cents.

For travelling, to be computed in all cases from the Court-house, to serve any summons and complaint, or any other process by which action or proceeding is commenced, notice, rule, order, subpœna, venire, attachment on property, or to levy an execution, or execute an order of arrest, or order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in bringing up a prisoner on writ of habeas corpus, for each mile necessarily travelled, in going only, twenty-five cents; or for travelling to serve any process in criminal cases, or for taking a prisoner from prison before a Court or magistrate, for each mile necessarily travelled, in going only, he shall receive twenty cents per mile; for taking a prisoner from the place of arrest to prison, or before a Court or magistrate, for each mile necessarily travelled, in going only, twenty-five cents per mile; for each additional prisoner taken at the same time, fifteen cents per

Sheriff. mile; *provided*, that if any two or more papers be required to be served in the same suit or proceeding, at the same time and in the same direction, one mileage only shall be charged; and *provided* also, in serving a subpœna or venire, when two or more jurors or witnesses live in the same direction, travelling fees shall be charged only for the most distant; and *provided* further, that only one mileage per day shall be charged for taking a prisoner from prison, before a Court or magistrate; *provided*, that in the County of Santa Clara the Sheriff shall be entitled to thirty cents per mile, going only, as travelling fees in civil cases.

For executing every sentence of death, twenty dollars.

For all services in Justices' Courts, the same fees as are allowed to Constables.

For delivering a prisoner at the State Prison, fifty cents per mile, one way, for the distance established by law from the county seat of his county to the prison; and for every additional prisoner taken at the same time, twenty-five cents per mile.

For delivering an insane person at the asylum, forty cents per mile, one way, for the distance established by law from the county seat of his county to the asylum; and for every additional insane person taken at the same time, twenty cents per mile.

And *provided*, that in the County of Los Angeles the Sheriff shall receive the sum of twelve hundred ($1,200) dollars per annum as Jailer; and for all services rendered the people of the State within his county, he shall receive the further sum of fifteen hundred ($1,500) dollars per annum, to be paid out of the county treasury; and *provided* further, that the Sheriff of Los Angeles County shall be ex officio Tax Collector of all taxes and business licenses for said county, and shall receive ten (10) per cent. of the gross amount collected from poll tax receipts; fifteen (15) per cent of the amount collected for State poll tax receipts; and twenty (20) per cent. on the amount collected from foreign miners' licenses; and for the collection of State and county taxes (except taxes for school purposes) he shall receive, on the first ten thousand dollars ($10,000) collected, four (4) per cent.; on all sums over ten thousand ($10,000) dollars and under twenty thousand ($20,000) dollars, two (2) per cent.; and on all sums over twenty thousand ($20,000) dollars, one and one-half (1½) per cent.

FEES OF TAX COLLECTOR.

Tax Collector. SEC. 13. The Tax Collector of the several counties shall receive ten per cent. of the gross amount collected from road poll tax receipts; fifteen per cent. of the amount collected on State poll tax receipts; and twenty per cent. upon the amount collected from foreign miners' licenses; and for the collection of State and county taxes, except taxes for school purposes, he shall receive six per cent. on the first ten thousand dollars collected; four per cent. on all over ten thousand and under twenty thousand dollars; and two per cent. on all over twenty thousand dollars; *provided*, that in the County of Monterey

the Tax Collector shall receive for the collection of all State and county taxes, except taxes for school purposes, on the first ten thousand dollars collected, four per cent.; on all over ten thousand dollars and under twenty thousand dollars, two per cent., and on all over twenty thousand dollars, one and one-half per cent.; *provided* further, that in the County of Humboldt the Tax Collector shall receive for the collection of State and county taxes, four per cent. on the first ten thousand dollars collected; three per cent. on all over ten thousand dollars and less than twenty thousand dollars, and two per cent. on all over twenty thousand dollars; *provided* further, the Assessor of Solano County shall be ex officio State Poll and Road Tax Collector; *provided* further, that in the County of Shasta the Collector of foreign miners' licenses shall pay into the County School Fund thirty-seven and one-half per cent. of the fees received by him for the collection of said licenses under this section. The said Tax Collector, except in the Counties of Alameda, Amador, Yolo, Napa, Lake, Sacramento, Alpine, Fresno, Lassen, Butte, Kern, Tulare, Colusa, Tehama, Solano and Trinity, shall also receive one dollar for each business license sold, one-half of which shall be paid to the County Auditor. No percentage shall be allowed for the collection of taxes for school purposes. There shall be allowed by the State to all the counties, ten per centum due on all moneys payable into the State treasury, derived from the sale of business licenses, in full for all expenses which may be incurred for collecting such licenses; *provided*, that in the County of Monterey no percentage shall be allowed for the collection of road poll taxes; *provided*, that the Assessor of Sutter County shall be ex officio State Poll Tax Collector; *provided*, that in the Counties of Shasta and Trinity the Collector shall receive no percentage on the road poll tax, and said tax shall be collected as prescribed by existing laws; *provided*, that the provisions of this section shall not apply to the Tax Collector of Siskiyou County.

CLERK OF THE BOARD OF SUPERVISORS.

Clerk of Board of Supervisors.

SEC. 14. In the Counties of Butte, Placer, Tehama, Santa Clara, Alameda, San Joaquin, Plumas, Solano, Napa, the Clerk of the Board of Supervisors shall receive a salary of five hundred dollars per annum; and in the Counties of Yolo, Santa Barbara and Colusa, the sum of four hundred dollars per annum; and in the Counties of Alpine, Amador, Contra Costa, Fresno, Humboldt, Inyo, Kern, Lake, Lassen, Los Angeles, Marin, Mariposa, Mendocino, Mono, Merced, Monterey, San Diego, San Luis Obispo, San Mateo, Santa Cruz, Shasta, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, he shall receive a salary of two hundred and fifty dollars per annum; and in the County of Sacramento, twelve hundred dollars per annum; and in the Counties of Del Norte and Klamath he shall receive a salary of one hundred and fifty dollars per annum; *provided*, that in the County of Sonoma he shall receive such sum as the Board of Supervisors may allow. In addition to the above salaries, the Clerk of the Board of Supervisors in each of the counties of this State shall be allowed to demand and receive, for issuing

each bridge or ferry license, one dollar; for copy of any record or paper, per folio, twenty cents; for each certificate, fifty cents; *provided*, that in the County of Placer the Recorder shall be Clerk of the Board of Supervisors.

Compensation of Assessors and Auditors

SEC. 15. There shall be allowed by the State to the several counties, in lieu of all allowances for salaries and fees authorized by law to be made by the State to the Assessors and Auditors of the several counties, and for all services, for copying assessment rolls and extending the totals of taxes thereon, the following amounts or percentage on the amount of State revenue derived from taxes on real and personal property, and paid into the State treasury during any fiscal year:

FOR AUDITOR'S COMPENSATION.

On the first ten thousand dollars, two per centum.

On all sums over ten thousand dollars and less than twenty thousand dollars, one and one-half per centum.

On all sums over twenty thousand dollars and less than fifty thousand dollars, one per centum.

On all sums over fifty thousand dollars, three-fourths of one per cent.

FOR ASSESSOR'S COMPENSATION.

On the first ten thousand dollars, four per centum.

On all sums over ten thousand dollars and less than twenty thousand dollars, three per centum.

On all sums over twenty thousand dollars and less than thirty thousand dollars, two per centum.

On all sums over thirty thousand dollars and less than fifty thousand dollars, one and one-half per centum.

On all sums over fifty thousand dollars, one per centum.

The Controller of State is hereby authorized and required to make the allowance as herein specified, at any settlement of the County Treasurer with the State; and *provided*, the said Controller shall withhold the allowances for services of Auditor, until said Auditor shall have made such reports to said Controller as he is by law required to make.

COUNTY AUDITOR.

County Auditor.

SEC. 16. He shall receive, as a full compensation for all services required to be performed by him by law, as County Auditor, the following amounts or percentage on all moneys which shall be paid into the county treasury during any fiscal year: On the first twenty thousand dollars, two per centum; on all sums over twenty thousand dollars, and less than forty thousand dollars, one and one-half per cent.; on all sums over forty thousand dollars, and less than sixty thousand dollars, one per centum; and on all sums over sixty thousand dollars, one-half of one per centum; *provided*, that he shall not receive any percentage on moneys paid into the county treasury for school purposes; and *provided* further, that in the following counties, in lieu of said percentage, the annual compensation of County Auditor shall be as follows: In the County of Santa

Clara, fifteen hundred dollars; in the Counties of Solano and Sonoma, twelve hundred dollars; in the Counties of Contra Costa, Marin, Santa Cruz and Los Angeles, nine hundred dollars; in the County of Sutter, seven hundred and fifty dollars; in the Counties of Klamath, Monterey and Del Norte, four hundred dollars; in the Counties of Humboldt and Butte, six hundred dollars; in the Counties of San Diego and Inyo, five hundred dollars. The compensation of the County Auditor shall be allowed by the Board of Supervisors quarterly; and the several County Treasurers are hereby authorized to apply the amounts allowed by the State for the Auditors' compensation to the payment of such allowances.

COUNTY TREASURERS.

SEC. 17. County Treasurers shall each receive an annual salary as herein provided: County Treasurer.

In the Counties of Napa and Alameda, three thousand dollars.

In the Counties of Santa Clara and San Joaquin, four thousand dollars.

In the Counties of Marin and Sonoma, twenty-five hundred dollars.

In the County of Amador the Treasurer shall receive a salary of eighteen hundred dollars per annum.

In the Counties Butte, Colusa, Tehama, Placer, Yolo and Solano, the sum of two thousand dollars.

In the Counties of Contra Costa and Monterey, the sum of eighteen hundred dollars.

In the Counties of Los Angeles, Mendocino, Fresno and Tulare the sum of fifteen hundred dollars per annum.

In the Counties of Shasta, Sutter, San Luis Obispo, Humboldt, Santa Cruz and Santa Barbara, the sum of one thousand dollars.

In the Counties of Kern, Tuolumne, Mariposa, Plumas, San Mateo, Stanislaus, Merced and Lake, the sum of twelve hundred dollars; *provided*, that the County Treasurer of Mono County shall receive a salary of four hundred dollars.

In the Counties of Alpine, Del Norte, Inyo, Klamath and Lassen, the sum of six hundred dollars.

In the Counties of San Diego and Trinity, the sum of nine hundred dollars; *provided*, that the amounts above specified shall be in full for the compensation for all services, except mileage; and all commissions received from the State and county and all other sources, except mileage, shall be paid into the General Fund of the county.

The Treasurer of Sacramento County shall receive the commissions allowed by the State, and one per centum on all moneys paid into the treasury for county purposes; *provided*, he shall not be allowed to charge or retain commissions on all money paid in for hospital or school purposes. In all counties where the Treasurer is ex officio Collector of taxes, excepting the County of Sacramento, the percentage allowed by law for collection of taxes on real and personal property, on all taxes collected by such Treasurer, after the completion of the assessment roll, shall

be paid into the treasury for county purposes; *provided*, that in the County of Santa Clara the Collector shall not receive any percentage other than from license and poll taxes; and *provided* further, that the Treasurer of Alameda County shall be allowed, for his services as ex officio Tax Collector, the fees allowed in section thirteen; and *provided*, that the Treasurer of Solano County, as ex officio State and County Tax Collector, shall receive, as such Collector, two per cent. on all moneys by him collected.

COUNTY ASSESSOR.

County Assessor.

SEC. 18. County Assessors shall each receive an annual salary as herein provided:

In the County of Alameda, three thousand dollars.

In the Counties of Santa Clara, Yolo, San Joaquin, Butte, Los Angeles, two thousand dollars.

In the County of Sonoma, twenty-seven hundred dollars.

In the Counties of Mariposa, Stanislaus, Merced, Tuolumne and Solano, eighteen hundred dollars; *provided*, that in the County of Mariposa, the Assessor shall be ex officio Collector of business and foreign miners' licenses, and shall receive as compensation twenty per cent. of such licenses.

In the Counties of Amador, San Mateo, Monterey, Marin and Mendocino, fifteen hundred dollars.

In the Counties of Humboldt, Contra Costa, Shasta, Trinity, Plumas, San Luis Obispo and Santa Barbara, twelve hundred dollars

In the County of Placer, twenty-five hundred dollars, for all services for himself and all deputies.

In the Counties of Tulare, Kern, Fresno, Sutter and Santa Cruz, one thousand dollars.

In the Counties of Alpine, Inyo, Klamath, Lassen and San Diego, six hundred dollars; *provided*, that in Mono County the Assessor shall receive a salary of five hundred dollars.

In the County of Del Norte, five hundred dollars.

In the Counties of Napa, Lake, Colusa and Tehama, he shall receive such compensation, not exceeding six dollars per diem for each day necessarily employed in making assessments, as the Board of Supervisors shall determine; *provided*, that in the County of Solano, the Assessor shall be ex officio State and Road Poll Tax Collector, for which service he shall receive the per cent. hereinbefore directed; *provided* further, that the Assessor of Butte County shall be Collector of State poll tax and personal property tax, of persons owning no real estate in the county, for which service he shall receive the percentage allowed by law.

The Board of Supervisors shall designate what number of Deputy Assessors may be appointed, and they shall receive a sum not exceeding five dollars per day for each day they actually and necessarily attended to the duties of the office; *provided*, however, that no Deputy Assessor shall be paid by said counties for any services rendered between the first Monday in August and the first Monday in the following March; *provided*, that in the Counties of Humboldt, Klamath, Del Norte, Sutter, Stanislaus, Tuolumne, Santa Cruz, Monterey, Lake, Sonoma, Marin,

Trinity, Shasta, Amador, Alpine, Santa Barbara, San Luis Obispo, Los Angeles and Butte, no compensation shall be allowed for services of deputies; *provided*, that in the County of Alameda the Board of Supervisors shall not allow, for the expense of deputies, an amount exceeding two thousand dollars.

The County Treasurers of the several counties are hereby authorized and directed to apply the amounts allowed by the State for Assessor's compensation.

Assessor of Sacramento County.

SEC. 19. The County Assessor of Sacramento County, and his deputies, shall be paid by the county the salaries allowed them by the provisions of an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three; and the Assessor may retain, for his own use, the percentage allowed by law for collecting poll taxes. The Assessor may appoint deputies, as authorized by said Act, and he may appoint a Chief Deputy, who shall be the office deputy and draughtsman, who may be employed the entire year, and shall be paid one hundred and fifty dollars per month. And the Assessor of said county shall (in addition to the duties now required by law) be required to make in each year a map book of said county, by United States townships, on a scale of not less than two inches to the mile; said book to contain, as near as may be ascertained, the exterior lines of each piece of real estate, as assessed, and the owner's name thereon; said book to be delivered to the Tax Collector on the day that the assessment roll is delivered by the Auditor to the Tax Collector.

The Assessor of Sacramento County shall be ex officio Collector of poll taxes.

DISTRICT ATTORNEYS.

District Attorney.

SEC. 20. The District Attorney shall receive for his services, to be paid quarterly, a salary, in the County of Sacramento, of two thousand dollars per annum.

In the Counties of Sonoma, San Joaquin, Santa Clara and Placer, fifteen hundred dollars per annum; the District Attorney in Amador County shall receive for his services, to be paid quarterly, a salary of twelve hundred dollars.

In the Counties of Butte, Mariposa, Contra Costa, Los Angeles, San Mateo, Shasta, Stanislaus, Merced and Tuolumne, twelve hundred dollars per annum.

In the Counties of Alameda, Colusa, Tehama, Trinity, Solano, Napa, Monterey, Fresno, Tulare, Kern, Yolo, Mendocino, Sutter and Marin, they shall receive the sum of one thousand dollars per annum.

In the Counties of Inyo, Plumas, San Luis Obispo and Santa Barbara, they shall receive the sum of eight hundred dollars per annum.

In the County of Santa Cruz he shall receive the sum of nine hundred dollars per annum.

In the Counties of Alpine and San Diego, six hundred dollars per annum.

In the Counties of Humboldt, Klamath, Lake, Lassen, Mono and Del Norte, five hundred dollars per annum.

In addition to the salary herein provided for, the District Attorneys of each of the counties of this State shall be entitled to charge and receive ten (10) per cent. on all forfeited bonds and recognizances collected by him; for services rendered by him in the collection of delinquent taxes, ten per centum on the amount recovered, to be added thereto if paid before judgment, if not so paid, then fifteen per centum, to be added to and constitute a part of the judgment; *provided*, that in no case shall the State or county be liable for such per centum.

For all amounts collected by him for the State or county, other than delinquent taxes, bonds or recognizances, eight (8) per cent. on the amount collected; *provided*, that in no event shall the compensation in any one case exceed five hundred dollars.

For every conviction had under the Act to prohibit gaming and the Act to prohibit lotteries, gifts, raffles, gift enterprises and other schemes, to be collected from the party or parties offending or convicted, fifty (50) dollars.

For each conviction of felony, where the penalty is death, fifty dollars; for every other conviction of felony, except as herein provided for, twenty-five dollars, and for each conviction in cases of misdemeanor, fifteen dollars.

In all convictions, the fees herein allowed shall be assessed against the defendant, and shall not become a county charge; *provided*, that in the Counties of San Joaquin, Sonoma, Stanislaus, Merced, Mariposa, Fresno, Tehama, Colusa, Contra Costa, Napa, Lake, Kern, Tulare, Mendocino, Solano, Sacramento, Yolo, Alpine, Amador, Humboldt, Alameda, Marin, San Luis Obispo, Santa Barbara and Monterey, the fees herein allowed shall become a county charge, in case of the inability of the defendant to pay the same.

SUPERINTENDENT OF PUBLIC SCHOOLS.

Superintendent of Public Schools.

SEC. 21. The Superintendent of Public Schools, in each and all of the several counties of this State, shall be allowed for his services, twenty dollars per annum for each school district, and all necessary travelling expenses; and he shall be allowed in addition to his salary, for postage and expressage, payable out of the County School Fund, a sum equal to fifty dollars; *provided*, that in the County of Siskiyou he shall receive such compensation as shall be provided by special Act; and *provided*, that in the counties hereinafter named, he shall receive a salary as follows, in full for all compensation:

In the County of Sonoma, sixteen hundred dollars.

In the County of Alameda, two thousand dollars.

In the County of Santa Clara, eighteen hundred dollars; no fees.

In the County of Tulare, five hundred dollars.

In the Counties of Solano, Stanislaus, Merced and Mariposa six hundred dollars.

In the County of Humboldt, four hundred dollars.

In the County of Del Norte, one hundred and fifty dollars.

In the Counties of Kern and Marin, five hundred dollars.

In the County of Sutter, the Superintendent shall receive twenty dollars per annum for each school district, in full for all services required of him by law, payable out of the County General Fund.

In the counties hereinafter named, the Superintendent of Common Schools shall receive, in full compensation for all services, an annual salary, payable out of the County General Fund, as follows:

In the County of Contra Costa, seven hundred and fifty dollars.

In the County of Santa Cruz, six hundred dollars.

In the Counties of Monterey and Los Angeles, four hundred dollars.

In the County of Yolo, eight hundred dollars; he shall also be allowed in addition to his salary, for postage and expressage, payable out of the County School Fund, the sum of one dollar per annum for each school district.

In the County of Nevada, the Superintendent shall receive an annual salary of one thousand dollars and his necessary travelling expenses, payable out of the General Fund, in the same manner as other salaried officers are paid.

In the County of Butte, eight hundred dollars, in full for all compensation.

In the County of San Diego, one hundred dollars per annum, in full for all services required of him.

The Superintendent of Common Schools in the Counties of Fresno, Lake, Merced, Stanislaus, San Luis Obispo, Santa Barbara and Napa shall receive such compensation as may be allowed by the Board of Supervisors of said counties, to be paid out of the County General Fund.

FEES OF PUBLIC ADMINISTRATORS.

Public Administrator

SEC. 22. Public Administrators in the several counties of this State shall hereafter be entitled to receive for their services the same fees as are allowed executors and administrators by an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

FEES OF CONSTABLES.

Constable.

SEC. 23. For serving summons in civil cases, for each defendant, fifty cents.

For summoning any jury before a Justice of the Peace, including mileage, two dollars; *provided*, that in the Counties of Amador and Butte he shall have two dollars and mileage.

For making sales of estrays, the same fees as for sales on execution.

For all other services, the same fees as are allowed to Sheriffs for similar services.

For services performed by the several officers under the Act concerning water craft found adrift, and lost money and property, passed April fifth, eighteen hundred and fifty, they shall receive the fees as are prescribed in said Act; *provided*, that in the County of Los Angeles the Constables therein shall receive,

in full compensation for all services rendered by them in criminal cases, a sum not to exceed three hundred dollars each per annum, in the aggregate; and *provided*, that in the County of San Joaquin, Constables shall receive the same fees as the Sheriff of said county is allowed for like services.

FEES OF COUNTY CORONERS.

County Coroner.

SEC. 24. County Coroners in the several counties of this State shall receive for their services compensation as follows:

For general services in holding an inquest, ten dollars.

For each witness subpœnaed, twenty-five cents.

For each mile necessarily travelled, in going to the place of inquest, twenty-five cents.

For directing or attending the interment of each body upon which an inquest has been held, two dollars; which fees shall be all that he shall be entitled to charge.

In the County of Sacramento, for each mile necessarily travelled in holding an inquest, twenty-five cents.

For swearing each witness or juror, twenty-five cents.

For writing down testimony, twenty-five cents per folio.

FEES OF COUNTY SURVEYOR.

County Surveyor.

SEC. 25. For the first mile actually run with compass and chain, in wood or bush, or salt marsh and tide lands, four dollars; for each succeeding mile, two dollars.

For each mile run with compass alone, one dollar and fifty cents.

For the first mile actually run with compass and chain, in open land, three dollars; for each succeeding mile, one dollar and fifty cents.

For each mile run with compass alone, one dollar.

For each lot laid out and platted in any city or town, one dollar.

For recording a survey, seventy-five cents.

For calculating the quantity of every tract of land, or any subdivision thereof (town lots excepted), ten cents for each course.

For travelling to the place of survey, for each mile, in going only, thirty cents; and if he shall be required and duly notified, or otherwise, to make other surveys while in the discharge of his official duty, while in the field, he shall be entitled to mileage only from the place last surveyed by him.

For ascertaining the location of every town lot in an old survey, measuring and marking the same, one dollar.

For copies and certificates, per folio, fifteen cents.

For erecting a monument at the corner of any survey, when required, fifty cents.

For erecting a monument, when running a line at a variation or offset, when required, twenty-five cents.

For copy of plat of any survey and certificate required by any person, or to be transmitted to the Surveyor-General, one dollar, to be paid by the party requiring the survey.

Expenses of assistants shall be an additional charge, to be

agreed upon between the parties; or in cases of surveys ordered by the Court or Board of Supervisors, such compensation as shall be by them allowed. County Surveyor.

In the Counties of Santa Clara, San Joaquin, Alameda, Tulare and Kern, the fees shall be as follows:

For the first mile run with compass and chain, five dollars.

For each succeeding mile, three dollars.

For each mile run with compass alone, one dollar and fifty cents.

For traverse work with compass and chain, ten dollars per day.

For each lot laid out and platted in any city or town, three dollars.

For recording a survey, one dollar.

For calculating the quantity of every tract of land, or any subdivision thereof (town lots excepted), twenty cents for each course.

For ascertaining location of town lots in old survey, and measuring and marking the same, three dollars.

For erecting a monument, when required, at the corner of any survey, one dollar

For copies, per folio, twenty cents.

For certificates, twenty-five cents.

For travelling fees, going to the place of survey (going only), for each mile, thirty cents.

Expenses of assistants shall be an additional charge, to be agreed upon between the parties.

In cases of surveys ordered by the Court or Board of Supervisors, such compensation as shall be by them allowed.

In the County of Sutter, the Surveyor shall be allowed to charge and receive the following fees:

For the first mile actually run with compass and chain, in brush land, four dollars; for each succeeding mile, in brush land, two dollars.

For the first mile actually run with compass and chain, in open land, two dollars and fifty cents; for each succeeding mile, in open land, one dollar and fifty cents.

For each mile with compass alone, one dollar and twenty-five cents.

For each lot laid out and platted in any city or town, one dollar.

For recording survey, one dollar.

For calculating the quantity of every tract of land, or any subdivision thereof (town lots excepted), ten cents for each course.

For travelling to the place of survey, for each mile, in going only, thirty cents; and if he shall be required, and duly notified or otherwise, to make other surveys while in the discharge of his official duty, while in the field, he shall be entitled to mileage only from the place last surveyed by him.

For ascertaining the location of every town lot in an old survey, measuring and marking the same, one dollar and fifty cents;

For copies and certificates, per folio, twenty cents.

For erecting a monument, when running a line at a variation or offset, when required, fifty cents.

For copy of plat of any survey and certificate required by any

person, or to be transmitted to the Surveyor-General, one dollar and fifty cents, to be paid by the party requiring the same.

Expenses of assistants shall be an additional charge, to be agreed upon between the parties; or in cases of surveys ordered by the Court or Board of Supervisors, such compensation as shall be by them allowed.

FEES OF JUSTICE OF THE PEACE IN THE SEVERAL COUNTIES OF THIS STATE.

Justice of the Peace.

SEC. 26. For filing each paper, twenty-five cents.

Issuing any writ or process by which suit is commenced, fifty cents.

For entering every cause upon his docket, fifty cents.

For issuing subpœna, twenty-five cents.

For administering an oath or affirmation, twenty-five cents.

For each certificate, twenty-five cents.

For issuing writ of attachment or of arrest, or for the delivery of property, fifty cents.

For entering any final judgment, for the first folio, one dollar; for each additional folio, twenty cents.

For taking or approving any bond or undertaking, directed by law to be taken or approved by him, fifty cents.

For taking justification to a bond, fifty cents.

For swearing a jury, fifty cents.

For taking deposition, per folio, twenty cents.

For entering satisfaction of a judgment, fifty cents.

For copy of a judgment, order, docket, proceedings or paper in his office, for each folio, twenty cents.

For issuing commission to take testimony, fifty cents.

For issuing supersedeas to an execution, fifty cents

For making up and transmitting transcript and papers on appeal, one dollar and fifty cents.

For issuing search warrant, fifty cents.

For issuing an execution, fifty cents.

For celebrating marriage and returning certificate thereof to the Recorder, five dollars.

For all services and proceedings before a Justice of the Peace in the County of Los Angeles, in a criminal action or proceeding, whether on examination or trial, three dollars, to be collected from the defendant; but in no case shall the same be a charge against the county if not so collected.

For taking bail, after commitment, in criminal cases, one dollar.

For entering cause without process, one dollar

For entering judgment by confession, and only on affidavit; as required in District Court, three dollars.

For entering every motion, rule, exception, order or default, twenty-five cents.

For transcript of judgment, per folio, twenty cents; *provided*, that in the Counties of Amador and Sierra, Justices of the Peace may lawfully charge, demand and receive the fees allowed by an Act to regulate fees of office, approved April tenth, eighteen hundred and fifty-five; *provided* further, that in the Counties of Alameda, Santa Clara, Santa Cruz, Monterey, Shasta and Sutter,

each Justice of the Peace shall be allowed, in a civil action before him, the following fees, and no others: Justice of the Peace.

For all services required to be performed by him before trial, two dollars; and two dollars additional for each writ of attachment or replevin; and for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution thereon, three dollars; and twenty-five cents for each hour actually occupied by the trial of each cause; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, three dollars.

For certificate and transmitting transcript and papers of appeal, one dollar.

For copies of papers or docket, per folio, fifteen cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For celebrating a marriage and returning a certificate thereof to the County Recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For administering an oath, and certifying the same, twenty-five cents.

For issuing a commission to take testimony, fifty cents.

For all services and proceedings before a Justice of the Peace, in a criminal action or proceeding, whether on examination or trial, three dollars.

For all services connected with the posting of estrays, including the transcript for the Recorder, two dollars.

In cases before Justices of the Peace, when the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive two dollars; and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him

All fees of Justices of the Peace, including those on trial and those on appeal, must be paid before the Justice shall be compelled to forward any papers on appeal.

For all services appertaining to the Coroner's office, which the Coroner is unable to attend to, the Justices of the Peace shall receive the same fees as are allowed the Coroner for similar services; *provided*, that in the County of Los Angeles no Justice of the Peace shall be entitled to receive, in full compensation for all services rendered by him in criminal cases, a sum exceeding three hundred ($300) dollars, in the aggregate, per annum.

SUPERVISORS IN THE SEVERAL COUNTIES OF THIS STATE.

SEC. 27. Each member of the Board of Supervisors shall receive the sum of six dollars per day for each day necessarily employed; and said members shall, in addition thereto, be allowed a mileage of twenty cents per mile, in travelling to Board of Supervisors.

Board of Supervisors. and from their residence to the county seat; *provided*, no charge shall be made for more than one trip going from and returning to the residence of such Supervisors, at each term held in any county of this State; *provided*, that in the County of San Joaquin, each member of the Board of Supervisors shall receive a salary of eight hundred dollars per annum.

And in the County of Amador, each member of the Board of Supervisors shall receive a salary of six hundred dollars per annum.

And in the County of Contra Costa, each member of the Board of Supervisors shall be entitled to receive for his services, for each day's necessary attendance at the meetings of the Board, in addition to the mileage, the sum of five dollars per day, but not to exceed in aggregate, during any one year, three hundred dollars.

And in the County of Santa Cruz, each member of the Board of Supervisors shall receive for his services, for each day's necessary attendance on the business of the county, in addition to the mileage, the sum of four dollars per day, not to exceed in the aggregate, during any one year, four hundred dollars.

And in the Counties of Humboldt, Mono and San Diego, the per diem and mileage for each Supervisor shall not exceed two hundred and fifty dollars per annum.

And in the Counties of Marin, Sonoma, Solano, Lake, Los Angeles and Napa, each member of the Board of Supervisors shall be entitled to receive, in addition to mileage, the sum of five dollars for each day's necessary attendance at the meetings of the Board; *provided*, the Chairman be entitled to one dollar per day extra.

And in the Counties of Monterey and Santa Clara, the per diem of any member of the Board of Supervisors shall not exceed four hundred dollars per annum; and *provided*, that in the County of Monterey, no extra per diem shall be allowed the Chairman, and in said County of Monterey the members of the Board shall be allowed twenty-five cents per mile, travelling to and from their residence to the county seat.

And in the County of Butte, the per diem of any member of the Board of Supervisors shall not exceed five hundred dollars per annum.

And in the County of Sutter, each member of the Board of Supervisors shall receive six dollars per day for each day necessarily employed, payable out of the county treasury in the same manner as other county officers are paid; and in addition thereto, twenty cents per mile for every mile necessarily travelled to and from their place of residence to the county seat; said mileage to be allowed only for every regular meeting established by law.

FEES OF JURORS.

Jurors SEC. 28. Grand and trial jurors shall receive two dollars per day for attendance upon a Court of record, and twenty-five cents per mile for travelling from their residence to the place of trial; *provided*, that in the Counties of Santa Clara and Santa Cruz they shall receive twenty cents per mile for travelling from

their residence to the place of trial. No juror who shall be excused from attendance, upon his own motion, on the first day of his appearance in obedience to the venire, shall receive per diem, but mileage only. In civil cases, the party in whose favor verdict is rendered, before the same be entered, shall pay the jury fees, but the same may be recovered as costs from the party losing the case; *provided*, that Clerks of Courts of record shall keep an account of all moneys received for trials by each juror during the term, and if the sum so received by such juror shall not amount to two dollars per day and mileage, he shall deliver to such juror a certificate of the time and mileage for which he is still entitled to receive pay, which shall be paid out of the county treasury as other county dues. If in any trial in a civil case the jury be for any cause discharged, without finding a verdict, the fees of the jury shall be paid by the party who demanded the jury, but may be recovered as costs if he afterwards obtain judgment; and until they are paid, no further proceedings shall be allowed in the action. Jurors in a Justice's Court, in civil cases, shall receive two dollars per day, but no mileage, to be taxed against the party losing the suit; *provided*, that in the Counties of Placer, Nevada, Mariposa, Alpine, Amador, Sierra, Humboldt, Klamath, Del Norte, Tuolumne, Mono, Inyo, Fresno, Shasta and Siskiyou, grand and trial jurors shall receive three dollars per day.

On the first day of each regular meeting of the Board of Supervisors, the Clerk of Courts of record shall file with the Clerk of the Board of Supervisors of their respective counties, a detailed statement containing a list of the jurors, and the amount of fees and mileage earned by each juror, and paid out of the county treasury. No allowances shall be made to any Clerk for any service performed by him until the statement required by this section shall have been filed as aforesaid.

FEES OF COURT COMMISSIONERS.

SEC. 29. The Court Commissioners shall be entitled to charge and receive for their services the following fees, viz: Court Commissioners.

For hearing and determining every ex parte motion for any order or writ, three dollars.

For hearing and determining such contested motions or issues of law or fact as may be referred to them, or for taking proof upon or determining any matter of fact upon which information may be required by the Court, five dollars

For every day spent in the business of the reference in such cases, for examining into the qualifications of sureties on bonds or undertakings, when an exception has been taken to their sufficiency, five dollars.

For taking and certifying every affidavit, and for the approval of every bond or undertaking, fifty cents.

For taking and certifying depositions, twenty-five cents per folio.

For every delinquent tax case referred to the Commissioner, for all the services performed by him, three dollars.

Provided, That in the Counties of Contra Costa, Monterey, Santa Clara, Santa Cruz, Solano and Sutter, the Court Commissioners shall be entitled to charge and receive for their services the following fees:

For hearing and determining every ex parte motion for any order or writ, three dollars.

For taking proof and reporting his conclusions thereon as to any matter of fact upon which information is required by the Court, three dollars.

For every day necessarily spent in the business of the reference, for examining into the qualifications of sureties on bonds or undertakings, when an exception has been taken to their sufficiency, three dollars.

For taking and certifying each affidavit, and for the approval of each bond or undertaking, twenty five cents.

For taking and certifying depositions, twenty cents per folio.

In delinquent tax cases referred to the Commissioner, for all services performed by him, one dollar and fifty cents; said fees to be paid by the party by whom or at whose instance the matter may be brought before said Commissioner; or if referred by the Court, without motion from either party, or if by consent thereby, the plaintiff, and the fees so fixed to be taxed with the costs, against the losing party. Such Court Commissioner shall have the right to demand his fees, as aforesaid, at the time the services are performed, and may retain any and all papers, in cases when such fees have not been paid, until the same are paid.

COUNTY JUDGES.

County Judge.

SEC. 30. County Judges shall each receive an annual salary, as herein provided:

In the County of Sacramento, three thousand dollars.

In the Counties of Alameda and Mariposa, twenty-five hundred dollars.

In the Counties of Amador, Napa, Placer, Santa Clara, Solano, Sonoma, Los Angeles and San Joaquin, two thousand dollars.

In the Counties of Butte, Contra Costa, Merced, Stanislaus, Marin, Mendocino, Siskiyou, Yolo, Sutter, Tehama and Colusa, fifteen hundred dollars.

In the Counties of Humboldt, Mariposa, Monterey, Plumas, Shasta, Fresno, Santa Cruz, Santa Barbara, San Luis Obispo, Tuolumne and Kern, twelve hundred dollars.

In the Counties of Alpine, Klamath, Lake, Lassen, San Mateo, San Diego and Trinity, one thousand dollars.

In the Counties of Del Norte, Inyo and Mono, eight hundred dollars.

WITNESS FEES.

Witnesses.

SEC. 31. For attending in any civil suit or proceeding before any Court of record, Referee, Commissioner, or Justice of the Peace, for each day, two dollars; for travelling to the place of trial, for each mile, twenty cents In case of impeachment and contested elections, for travelling to the place of trial, ten cents per mile. No person shall be obliged to attend or testify in a civil action, unless his fees shall have been tendered, or he

shall have not demanded the same. No fees shall be allowed any witness in a criminal action or proceeding, unless he shall attend before a grand jury or Court of record, as a witness on behalf of the people, upon a subpœna or by virtue of a recognizance, and it shall appear that he has come from any place out of the county, or that he is poor, the Court, if the attendance of the witness be upon a trial, by an order upon its minutes, or in any other case, the County Judge, by an order subscribed by him, may direct the Treasurer of the county to pay the witness a reasonable sum, to be specified in the order, for his expenses; and no person who resides without any county shall be obliged, in a civil action or proceeding, to attend as a witness in said county, unless the distance be less than thirty miles from his place of residence to the place of trial; *provided*, that in the County of Monterey, witnesses shall be allowed, for attending in any civil suit before any Court of record, Referee or Commissioner, for each day, two dollars; for travelling to the place of trial, for each mile, twenty cents; before Justices of the Peace, two dollars for each day, but no mileage.

FEES OF JUDGES AND CLERKS OF ELECTIONS.

Judges and Clerks of Election.

SEC. 32. The Judges and Clerks of Election shall be allowed such compensation as the Board of Supervisors shall prescribe, not exceeding three dollars per day each for the time they are necessarily employed, and not exceeding five days pay in any one year for each of the Judges, and six days for the Clerks, which shall be full compensation for all services required by law to be performed.

FEES OF INTERPRETERS AND TRANSLATORS.

Interpreters and Translators.

SEC. 33. Interpreters and translators shall be allowed such compensation for their services as the Court shall allow, to be taxed and collected as other costs; but the same shall not exceed three dollars per day.

No other fees allowable.

SEC. 34. The officers above named shall receive no other fees for any services performed by them, in any action or proceeding, or for the performance of any service for which fees are allowed; and in case of any violation of the provisions of this Act, the party demanding or receiving any fees not herein allowed shall be liable to refund the same to the party aggrieved, with treble the amount as damages, besides costs of suit, and may be indicted, and if found guilty, shall be fined in a sum not exceeding five hundred dollars, and be removed from office.

Penalty for violation

Fees paid when service rendered.

SEC. 35. The fees herein allowed shall be payable at the time the service is rendered; and any officer, when it is not otherwise expressly provided by law, may refuse to perform any service, in any suit or proceeding in which there are any fees due (criminal proceedings excepted) from the person applying, until such fees are paid; *provided*, that if any person shall make an affidavit before the County Judge, setting forth that he has a good cause of action or defence, and that he is unable to pay the fees in advance, the County Judge may, in his discretion, make an order that the officer perform such services without any

Proviso.

pay in advance, or may require such person to give security for the costs, and then require such officer to perform such service; and it shall be the duty of such officer to obey the order of the County Judge. Monterey County excepted from the provisions of this section.

Exception.

Table of fees

SEC. 36. Every officer herein specified shall prepare and set up in his office a plain table of his fees, as prescribed in this Act, within two months of the time when the same goes into effect, in some conspicuous place, for the inspection of all persons, upon pain of forfeiting, for each day, a sum not exceeding twenty dollars, which may be recovered, with costs, by any person, before any Justice of the Peace of the same county.

Costs of publication in advance.

SEC. 37. When, by law, any publication is required to be made by an officer, of any suit, process, notice, order or other paper, the costs of the same shall be first tendered by the party, if demanded, for whom such order of publication was granted, before the officer shall be compelled to make such publication.

Execution for fees due.

SEC. 38. If any Clerk, Sheriff, Justice of the Peace or Constable shall not have received any fees due to him for services rendered in any suit or proceeding, he may have execution therefor, in his own name, against the party by whom they are due, to be issued from the Court in which the action is pending.

Folio, how construed.

SEC. 39. The term "folio," when used as a measure for computing fees, shall be construed to mean one hundred words, counting every figure necessarily used as a word. Any portion of a folio, when in the whole draft or paper there shall not be a complete folio, and when there shall be an excess over the last folio exceeding one-half, shall be computed as a folio.

Mileage

SEC. 40. When any Sheriff, Constable or Coroner serves more than one process in the same cause, not requiring more than one journey from his office, he shall receive mileage only for the more distant service.

Receipt for fees.

SEC. 41. Every officer, upon receiving any fees for official duty or service, may be required, by the person paying the same, to make out, in writing, and deliver to such person, a particular account of such fees, specifying for what they respectively accrued, and shall receipt the same; and if he refuse or neglect to do so when required, he shall be liable to the party paying the same for three times the amount so paid.

Oath of office

SEC. 42 No fees shall be charged by any officer for administering and certifying the oath of office.

Witness fees.

SEC 43. The Attorney-General, or any District Attorney, is authorized to cause subpœnas to be issued, and compel the attendance of witnesses on behalf of the State, without paying or tendering fees in advance, to either officers or witnesses; and any witness refusing or failing to attend, after being served with a subpœna, may be proceeded against, and shall be liable in the same manner as provided by law in other cases, where fees have been tendered or paid.

SEC. 44. The Clerk of any Court before which any witness shall have attended on behalf of the State, in any civil action, shall give to such witness a certificate, under seal, of travel and attendance, which shall entitle him to receive the same from the State treasury on the Controller's warrant.

SEC. 45. The provisions of the two preceding sections of this

Act shall extend to all actions and proceedings brought in the name of the Attorney-General, or any other person or persons, for the benefit of the State.

To complete business of office.

SEC. 46. It shall be the duty of all officers in this Act named to complete the business of their respective offices to the time of the expiration of their respective terms; and in case any officer, at the close of his term, shall leave to his successor official labor to be performed, for which he has received compensation, or which it was his duty to perform, he shall be liable to pay to his successor the full value of such services, which may be recovered in any Court of competent jurisdiction.

No other compensation.

SEC. 47. None of the officers mentioned in this Act shall receive any other compensation whatever for any services that now are and may be hereafter required of them in the discharge of their respective offices.

Fee book.

SEC. 48. It shall be the duty of every officer in this Act named, authorized to receive any fees for official services of himself or deputies, to keep a fee book, in which he shall enter an exact and full account in detail of all fees, commissions or compensations, of whatever nature or kind, by him or his deputies earned, collected or chargeable, with the date, the name of the payer, if paid, and the nature of the services in each case. In the first week of January and July, respectively, in every year, he shall file in the office of the Clerk of the Board of Supervisors a sworn statement, in writing, of the amount of fees earned, collected or chargeable by him or his deputies for official services during the six calendar months ending on the last day of the previous month. If any person shall hold more than one office, he may keep a separate fee book for each office, and may make separate statements for each, or he may keep a joint fee book and make joint statements, at his discretion. The Clerk of the Board of Supervisors of the several counties of this State are hereby required, respectively, to make an abstract of the amount of fees returned to him as having been earned, collected or chargeable by the respective officers named in this Act, and shall forward the same, duly sworn and certified to, to the Secretary of State, in the month of January of every year, to be by him filed in his office.

Statement of fees.

Abstract.

Penalty for neglect.

SEC. 49. If any officer named in this Act shall refuse or wilfully neglect to keep a fee book, or to file a sworn statement, or to make returns to the Secretary of State, as herein required, he shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars, and by a sentence of removal from office, if in office at the time of sentence; and on failure of any officer herein required to make returns to the office of Secretary of State, he shall, within thirty days thereafter, give information thereof to the District Attorney of the proper county, who shall, without delay, proceed to enforce the provisions of this Act.

SEC. 50. All and every officer of the several counties of this State, all local officers resident and officiating therein, under the State laws, and all State officers within this State not named in this Act, who are authorized by law to receive any fees for official services of themselves or deputies, shall keep a fee book, in which they shall enter an exact and full account, in detail, of

all fees, commissions or compensation, of whatever nature or kind, by them or their deputies earned, collected or chargeable, with the date, the name of the payer, if paid, and the nature of the service in each case. Within two weeks after the close of their official term, they shall deposit said book in the office of the Secretary of State. In the first week of January and July of every year, they shall file, in the office of the Secretary of State, a sworn statement, in writing, of the amount of fees earned, collected or chargeable, by them or their deputies, for official services during the six calendar months ending on the last day of the previous month.

Fee book and statement filed with Secretary of State.

Sacramento County—statement of fees.

SEC. 51. In the County of Sacramento, the County Clerk, Sheriff, County Recorder and District Attorney, shall, at the end of each month, file with the County Auditor a sworn statement of the net amount of fees which they are respectively entitled to charge or receive for services rendered by themselves, their deputies or clerks, after deducting clerk hire and office expenses, and they shall at the same time pay into the county treasury ten per cent. of said net proceeds of fees, which shall by the Treasurer be placed to the credit of the County School Fund. And if any of the above named officers shall fail to make such statement as herein provided, or shall wilfully neglect or refuse to pay said percentage into the county treasury, he shall be deemed guilty of a misdemeanor, and be punished by a fine of not more than one thousand dollars, or imprisonment for not longer than one year, and may be removed from office.

Excepted.

SEC. 52. The City and County of San Francisco is hereby excepted from all the provisions of this Act, except so far as the provisions of section two are made applicable to said city and county.

SEC. 53. The County of Nevada is hereby excepted from all the provisions of sections fourteen, seventeen, eighteen, twenty, twenty-seven, thirty, forty-seven, forty-eight, forty-nine and fifty.

SEC. 54. The Counties of San Bernardino, Yuba and El Dorado are hereby excepted from all the provisions of this Act, except sections two and fifteen.

County Clerk of Shasta County.

SEC. 55. The County Clerk of the County of Shasta, to include all services rendered as ex officio Recorder, Auditor, Clerk of Boards of Supervisors, Equalization and Canvassers, and to include the pay of deputies and clerk hire, shall receive for compensation all fees allowed by this Act to the amount of three thousand dollars per annum; and when the fees, commissions and percentage allowed by this Act to said County Clerk, as ex officio Recorder, Clerk of Board of Supervisors, Equalization and Canvassers, shall exceed the amount of compensation prescribed in this section, the surplus shall be paid to the County Treasurer, to go into the General Fund of Shasta County; and *provided* further, that the Sheriff in and for the said County of Shasta shall be ex officio Collector of taxes; he shall receive, to include the pay of deputies and Jailer, in addition to mileage allowed by law and twelve and a half per cent. of the foreign miners' license, the fees, commissions and percentage as provided in this Act, and the percentage herein allowed for the collection of taxes, other than foreign miners' license, to the amount

Sheriff.

in the aggregate of thirty-eight hundred dollars per annum, which shall be in full compensation for all services rendered by him, or his deputies or assistants, as Sheriff and ex officio Tax Collector; and should the fees, commissions and percentage, exclusive of mileage and twelve and one-half per centum of the foreign miners' license, exceed the amount of three thousand eight hundred dollars, the surplus shall be paid by the said Sheriff to the County Treasurer, and form part of the General Fund of Shasta County.

County Clerk of Sutter County.

SEC. 56. All fees that may be collected by the County Clerk of the County of Sutter, for his services as County Clerk, including the fees that he may collect and be entitled to receive, under the provisions of this Act, as ex officio Recorder and Auditor, shall not exceed annually the sum of three thousand dollars, in gold coin; and it is especially *provided*, that all moneys and fees said County Clerk shall receive, under the provisions of this Act, for his duties as County Clerk and ex officio Auditor and Recorder, over and above the said sum of three thousand dollars per annum, in gold coin, shall be paid over, annually, to the Treasurer of said Sutter County for county purposes, and he shall also file monthly with the Treasurer, a statement under oath, of all fees, commissions and percentage received by him, as earned in his office for official services as Clerk, Recorder and Auditor. And it is *provided* further, that all the fees that may be collected by the Sheriff of the County of Sutter, under the provisions of this Act, either as such Sheriff or ex officio Collector of taxes, exclusive of mileage, shall not exceed annually the sum of three thousand eight hundred dollars, in gold coin, which shall be compensation in full for all services rendered by him, or his deputies or assistants, as Sheriff and ex officio Tax Collector; and it is specially *provided* further, that all moneys and fees, exclusive of mileage, over and above said thirty-eight hundred dollars per annum, in gold coin, shall be annually paid over to the Treasurer of Sutter County for county purposes, and he shall also file monthly a statement with the County Treasurer, under oath, of all fees, commissions and percentage, exclusive of mileage, by him received or earned in his office, for official services as Sheriff and ex officio Tax Collector.

Sheriff.

Fees and salaries in Yuba County.

SEC. 57. Such fees and salaries are allowed to the officers hereinafter named within the County of Yuba, for their services rendered in discharging the duties imposed on them by law, as are hereinafter provided, and such officers may lawfully charge, demand and receive the same in gold and silver coin of the United States, to and for their own use and benefit respectively.

FEES OF THE CLERK OF THE DISTRICT COURT.

Clerk of District Court

SEC. 58. At the commencement of each suit, the Clerk shall be entitled to demand and receive from the plaintiff, including Judge's docket fee, as prescribed by law, not to exceed the sum of fifteen dollars, to cover costs to the time of judgment, and from the defendant five dollars, to cover his costs for the same time. If in the progress of an action the sums above named should prove to be insufficient to cover the costs that may accrue before judgment, the Clerk shall be entitled to demand from

Clerk of District Court.

each party such further sum or sums as he may deem necessary to cover costs of each party respectively up to the time of and including the entry of judgment. Any excess of fees so advanced by either party, shall, on the determination of the action, be returned by the Clerk to the party who advanced the same.

For entering each suit on the Clerk's register of action and making the necessary entries therein during trial, fifty cents.

For issuing every writ or process under seal, fifty cents.

For issuing each subpœna for one or more witnesses, twenty cents.

For filing each paper, fifteen cents.

For entering every motion and order, rule, default, discontinuance, dismissal or nonsuit, twenty-five cents.

For calling and swearing every jury, fifty cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, twenty cents.

For receiving and entering each verdict of a jury, twenty-five cents.

For entering every final judgment, for the first folio, fifty cents; and for each subsequent folio, fifteen cents.

For making up and filing every judgment roll, fifty cents.

For each entry of judgment on judgment docket, twenty-five cents.

For each entry of satisfaction of judgment, twenty-five cents.

For taking every oath or affirmation requiring certificate, and certifying to the same, twenty-five cents.

For administering oath without certificate, twenty cents.

For copy of any proceeding, record or paper, for each folio, fifteen cents.

For every certificate under seal, except to oath or affirmation above provided for, fifty cents.

For issuing every commission to take testimony, fifty cents.

For writing down testimony of witnesses during the trial, for each folio, fifteen cents, to be paid by the party requiring the same.

For issuing every execution or other final process under seal, fifty cents.

For issuing every copy of decree or order of sale of mortgaged property, and for every decree or order of sale made by a Court of equity, for each folio, fifteen cents.

For a copy of any map, for each course thereon, ten cents; and for letters and figures thereon, for each one hundred, twenty cents.

For receiving and filing every remittitur from Supreme Court and accompanying papers, and making the necessary entries and indorsements required by law upon the receipt and filing of such remittitur, fifty cents.

For approval and justification of each bond required by law, forty cents; and for taking testimony thereon, fifteen cents per folio.

For acknowledgment of deed or other instrument, including all writing and the seal, for each name thereto, fifty cents.

For indexing every suit, in the District Court, in the general index, as required by law, fifty cents.

For filing and entering papers on transfer of cases from other Courts, including the indexing of the same, two dollars.

For transmission of files on transfer of cases to other Courts, including the certificate of order of transfer, one dollar and fifty cents.

For searching the records or files of each year, except for suitors or their attorneys, fifty cents.

For issuing writ of injunction or attachment, fifty cents.

When the District Court is sitting as a Court of criminal jurisdiction, the Clerk shall receive no fees or other compensation, for any service whatever in a criminal action or proceeding, other than the salary hereinafter provided for criminal service.

FEES OF CLERK OF COUNTY COURT.

Clerk of County Court.

SEC. 59. For filing all the papers sent on appeal from Justices' Court, and making the necessary docket entries in each cause, one dollar and fifty cents.

For all other services the same fees as are above provided and allowed to the Clerk of the District Court for similar services.

FEES OF THE CLERK OF PROBATE COURT.

Clerk of Probate Court.

SEC. 60. For issuing letters testamentary or of administration, fifty cents.

For all certificates under seal, twenty-five cents.

For writing and posting notices, when required, for each copy, fifty cents.

For recording wills, and all other instruments required by law to be recorded, for each folio, fifteen cents.

For filing each paper, fifteen cents.

For certified copies of all papers or proceedings in the Probate Court, for each folio, fifteen cents.

For all other services the same fees as are above provided and allowed to the Clerk of the District Court for similar services.

For each notice given by publication, in addition to costs of publication, fifty cents.

FEES OF THE COUNTY CLERK.

County Clerk.

SEC. 61. For issuing every marriage license, one dollar.

For drawing an affidavit, deposition or other paper, per folio, fifteen cents.

For filing transcript of judgment of Justice's Court, for docketing the same and issuing execution thereon, if required, two dollars.

For recording certificates of incorporation, where recording is required by law, twenty cents for each folio; and for indexing the same, twenty-five cents.

For recording official bonds, when required by law, fifteen cents per folio; and for indexing the same, twenty cents.

For recording the testimony and commitment upon examination of insane persons, where it is ascertained by the County or

Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, fifteen cents for each folio.

For issuing writs of habeas corpus, when required of him as such Clerk, and all services in relation to the same, until a decision thereon, three dollars.

SALARY OF THE COUNTY CLERK IN CERTAIN CASES.

SEC. 62. The Clerk, when acting as the Clerk of the District Court or County Court, in criminal cases, for the people of the State or the county, and when acting as ex officio Clerk of the Boards of Supervisors, Equalization and Canvassers of his county, and for all other duties required of him which are chargeable to his county, shall receive a salary therefor of fifteen hundred dollars per annum, in gold and silver coin of the United States, payable quarterly out of the county treasury.

FEES OF THE COUNTY RECORDER.

County Recorder.

SEC. 63. The County Clerk, as ex officio County Recorder, shall be allowed, for the duties of such office of Recorder, as follows:

For recording every instrument, paper or notice of proceeding, required by law to be recorded, for each folio, twenty cents.

For copies of any record or paper, per folio, fifteen cents.

For filing every instrument, paper or proceeding, for record, and making the necessary entries thereon, twenty-five cents.

For indexing every instrument, paper, notice or proceeding, as required by law, twenty-five cents.

For every certificate under seal, fifty cents.

For every entry of discharge or satisfaction of mortgage, or other instrument or lien, on the margin of the record thereof, and indexing the same, twenty-five cents.

For searching the records and files of the office for each year, when required, fifteen cents.

For abstract or certificate of title, when required, for each conveyance or encumbrance certified, twenty-five cents.

For recording every town plat, or other plat or map, for every course, ten cents; and for figures and lettering of such plats or maps, fifteen cents per folio; *provided*, the fees for recording any such plat or map shall not exceed the sum of one hundred dollars.

For taking and writing acknowledgments, including seal, for each signature, fifty cents.

For filing and entering a minute of certificate of all sales required to be filed, fifty cents.

For recording marriage licenses and certificate, one dollar.

For receiving, filing and keeping each paper not required to be recorded, and indorsing same, if required, twenty-five cents.

For recording transcripts, and all other services in estray cases, one dollar.

For recording brands and marks, fifty cents for each brand and mark.

FEES OF COUNTY AUDITOR.

SEC. 64. The County Clerk, as ex officio County Auditor, shall receive, as compensation for the duties required of him by law, a salary of one thousand dollars per annum, to be paid quarterly, pro rata, by the State and county, as now by law provided; and in matters of licenses and poll tax, such fees and compensation as are now or may be hereafter provided for by the revenue laws of the State. County Auditor.

SEC. 65. The County Clerk, as such, and as ex officio Clerk of the Court of record and Clerk of the Board of Supervisors, Equalization and Canvassers and also as ex officio Recorder and Auditor, shall receive the fees and salaries allowed by the foregoing sections two to eight, inclusive; but should such fees, salaries or other compensation exceed in the aggregate the sum of five thousand five hundred dollars in any one year, then and in such case any excess above that amount shall, at the end of the official year, be paid into the county treasury to the credit of the General Fund. County Clerk.

FEES OF SHERIFF.

SEC. 66. For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, two dollars. Sheriff.

For taking bond or undertaking, in any case in which he is authorized to take the same, one dollar.

For copy of any writ, process or other paper, when demanded or required by law, for each folio, twenty cents.

For serving every notice, rule or order, one dollar.

For serving a subpœna, for each witness summoned, fifty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, two dollars; but no travelling fees shall be allowed on such attachment, order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit and may be executed at the time of the service of the summons, unless for the distance actually travelled beyond that required to serve the summons. He shall be allowed such further compensation for his trouble and expense in taking and keeping possession of and preserving property, under attachment or execution, or other process, as the Court shall order; *provided*, no more than three dollars per diem shall be allowed to a keeper.

For serving an attachment upon any ship, boat or vessel, in proceeding to enforce any lien thereon created by law, two dollars; also, three dollars per day for each day while such ship, boat or vessel is in the actual custody of the Sheriff, and such further necessary expenses incurred in serving the process, and resulting from such custody, as are supported by the oath of the officer making such service, and allowed by the Court.

For selling any boat, vessel or tackle, apparel or furniture thereof, so attached, or other goods attached, and for advertising such sale, the same fees as for sale on execution.

Sheriff. For advertising property for sale on execution, or under any judgment or order of sale, exclusive of the costs of publication, two dollars.

For commissions for receiving and paying over money on an execution or other process, when lands or personal property has been levied on and sold, on the first one thousand dollars, two per cent.; on all sums above that amount, one per cent.

The commissions for receiving and paying over money on execution without levy, or where the lands or goods levied on shall not be sold, on the first one thousand dollars, one and one-half per cent., and one per cent. on all over that sum; the fees herein allowed for the levy of an execution, and for advertising and for making or collecting the money or execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing a Sheriff's deed, to include the acknowledgment, three dollars, to be paid by the grantee.

For serving a writ of possession or restitution, putting any person entitled into possession of premises and removing the occupant, five dollars.

For attending, when required, on any Court, in person or by deputy, for each day, to be paid out of the county treasury, three dollars.

For holding each inquest or trial of right of property, to include all service in the matter, except mileage, five dollars.

For making every arrest in a criminal proceeding, two dollars.

For summoning a grand jury, eight dollars.

For summoning each trial jury of twelve persons in any case, six dollars; for each additional juror, fifty cents.

For travelling, to be computed in all cases from the Court-house, to serve any summons and complaint or any other process by which action or proceeding is commenced, notice, rule, order, subpœna, venire, attachment on property, or to levy an execution, or to execute an order of arrest, or order for delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in bringing up a prisoner on habeas corpus, or for service of any process in criminal cases, or for taking prisoners before a magistrate or to prison, for each mile necessarily travelled, in going only, he shall receive twenty-five cents per mile; *provided*, that if any two or more papers be required to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged; and *provided* also, in serving a subpœna or venire, when two or more witnesses or jurors live in the same direction, travelling fees shall be charged only for the most distant.

For executing every sentence of death, fifty dollars.

For all service in Justice Court, the same fees as are allowed to Constables.

For delivering a prisoner at the State Prison, fifty cents per mile one way, for the distance established by law from the county seat of his county to the prison; and for every additional prisoner taken at the same time, twenty-five cents per mile.

For delivering an insane person at the asylum, fifty cents per mile one way, for the distance established by law from the

county seat of his county to the asylum; and for every additional insane person taken at the same time, twenty-five cents per mile; and the the Sheriff or his deputy shall be the only person authorized to perform that duty.

The Sheriff shall be Collector of foreign miners' licenses, and he shall receive therefor twenty per centum on the total amount collected.

It is hereby provided, that if the fees or other compensation allowed by this section, excepting the percentage of foreign miners' licenses, exceed in the aggregate for any year the sum of seven thousand five hundred dollars, then and in such case the excess above such sum shall be paid by the Sheriff into the county treasury, to the credit of the General Fund.

FEES OF COUNTY SURVEYOR.

SEC. 67. For the first mile actually run with compass and chain, five dollars; for each succeeding mile, four dollars. County Surveyor.

For each mile run with compass alone, three dollars.

For each lot laid out and platted, in any city or town, two dollars.

For recording a survey, two dollars.

For calculating the quantity of each made in a tract of land, town lots excepted, one dollar.

For travelling to the place of survey, for each mile, in going only, twenty-five cents; the distance shall be computed from his place of residence, or from where his office is kept, to the place of survey; and if the County Surveyor shall be required and duly notified, verbally or otherwise, to make other surveys, while in the discharge of his official duty in the field, he shall only be entitled to mileage from the place last surveyed by him; but if the distance shall be greater from the place last surveyed where his services are required, he shall only be entitled to mileage from the county seat of the county in which he lives; and in no case shall constructive mileage be allowed.

For ascertaining the location of every town lot in an old survey, and measuring and marking the same, three dollars.

For copies and certificates, per folio, twenty cents.

For erecting a monument at the corner of any survey, when required, two dollars.

For copy of a plat of any survey and certificate required by law to be transmitted to the Surveyor-General, two dollars, to be paid by party requiring the survey and not otherwise.

Expenses of assistants shall be an additional [charge] of four dollars per day, or as shall be agreed upon between the parties.

CORONER'S FEES.

SEC. 67. For summoning a jury of inquest, two dollars. Coroner.

For swearing a jury, forty cents.

For issuing a subpœna for one or more witnesses, twenty-five cents

For issuing a warrant of arrest, forty cents.

For each mile necessarily travelled in going to the place of the dead body, twenty cents; which fees, in all inquests, shall

be paid out of the effects of the deceased, if any; if not, from the county treasury.

For swearing each witness, twenty-five cents.

For taking down testimony, per folio, twenty cents.

When acting as Sheriff, he shall receive the same fees as that officer for like services.

FEES OF PUBLIC ADMINISTRATOR.

Public Administrator.

SEC. 68. The fees of the Public Administrator shall be four per cent. upon the amount of the estates administered by him, which percentage shall be the only compensation allowed for his services.

FEES OF INTERPRETERS AND TRANSLATORS.

Interpreters and Translators.

SEC. 69. Interpreters and translators shall be allowed such compensation for their services as the Court shall allow, to be taxed and collected as other costs; but the same shall not exceed three dollars per day.

FEES OF JUDGES AND CLERKS OF ELECTION.

Judges and Clerks of Elections.

SEC. 70. The Judges and Clerks of Election shall be allowed compensation as the Board of Supervisors shall prescribe, not exceeding three dollars per day each for the time they are necessarily employed, and not exceeding five days pay in any one year for each of the Judges, and six days for the Clerk, which shall be full compensation for all services required by law to be by them performed.

FEES OF JURORS.

Jurors.

SEC. 71. Grand and trial jurors shall receive two dollars per day for attendance upon a Court of record, and twenty cents per mile for travelling from their residence to the place of trial. No juror who shall be summoned and excused from serving shall receive per diem, but mileage only; nor shall mileage be paid to any juror who shall live within two miles of the Court-house nor shall any juror receive per diem who shall be summoned to complete a jury, but who, for any cause, shall be excused. In civil causes, the party in whose favor verdict is rendered, before the same be entered, shall pay the jury fees; but the same may be recovered as costs from the party losing the case; *provided*, that the Clerk of Courts of record shall keep an account of all moneys received for trials by each juror during the term; and if the sum so received by such juror shall not amount to two dollars per day and mileage, he shall deliver to such juror a certificate of the time and mileage for which he is still entitled to receive pay, which shall be paid out of the county treasury as other county dues. If, in any trial in a civil case, the jury be for any cause discharged without finding a verdict, the fees of the jury shall be paid by the plaintiff, but may be recovered as costs if he afterwards obtains judgment; and until they are paid, no further proceeding shall be allowed in the action. Jurors in a Justice's Court, in civil cases, shall

receive two dollars per day, but no mileage, to be taxed against the party losing the action.

WITNESS FEES.

Witnesses. SEC. 72. For attending in any civil suit or proceeding before any Court of record, Referee, Commissioner, or Justice of the Peace, for each day, two dollars.

For travelling to the place of trial, for each mile, twenty cents.

In cases of impeachment and contested elections, for travelling to the place of trial, ten cents per mile.

No person shall be obliged to attend or testify in a civil action, unless his fees shall have been tendered, or he shall not have demanded the same. No fees shall be allowed any witness in a criminal action or proceeding, unless he shall attend before a magistrate, grand jury or Court, as a witness on behalf of the people, upon a subpœna or by virtue of a recognizance; and if it shall appear that he has come from any place out of the county, or that he is poor, the Court, if the attendance of the witness be upon a trial, by an order on its minutes, or in any other case, the County Judge, by an order subscribed by him, may direct the Treasurer of the county to pay the witness a reasonable sum, to be specified in the order, for his expenses; and no person who resides without the county shall be obliged, in a civil action or proceeding, to attend as a witness in said county, unless the distance be less than thirty miles from his place of residence to the place of trial.

FEES OF JUSTICES OF THE PEACE.

Justices of the Peace. SEC. 73. Each Justice of the Peace shall be allowed, in a civil action before him, for all services required to be performed by him before trial, two dollars; and for the trial, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution thereon, five dollars; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, three dollars.

For all services and proceedings in a criminal action or proceeding, whether on examination or trial, three dollars.

For taking bail, after commitment by another magistrate, fifty cents.

For certificate, and transmitting transcript and papers on appeal, one dollar and fifty cents.

For copies of papers or docket, per folio, fifteen cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For celebrating a marriage, and returning a certificate thereof to the County Recorder, five dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For administering an oath and certifying the same, twenty-five cents.

For issuing a commission to take testimony, fifty cents.

For all services connected with the posting of estrays, including the transcript for the Recorder, two dollars.

In cases before Justices of the Peace, where the venire shall be changed, the Justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive two dollars; and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

CONSTABLE'S FEES.

Constable.

SEC. 74. For serving summons in civil cases, for each defendant, fifty cents.

For summoning any jury before a Justice of the Peace, one dollar.

For taking a bond, required by law to be taken, fifty cents.

For summoning each witness, fifteen cents.

For serving an attachment against the property of a defendant, one dollar and fifty cents.

For summoning and swearing a jury to try the right of property, and taking the verdict, one dollar and fifty cents.

For receiving and taking care of property on execution, attachment or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct, and the expenses were necessarily incurred.

For collecting all sums on execution, two per cent., to be charged against the defendant in the execution.

For serving a warrant or order for the delivery of personal property, or for making an arrest in civil cases, one dollar and fifty cents.

For making an arrest in criminal cases, one dollar and fifty cents.

For every mile necessarily travelled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty cents; but when two or more persons are summoned or served in the same suit, mileage shall be charged only for the most distant, if they live in the same direction.

For making sales of estrays, the same fees as for sales on execution.

For all other services, the same fees as are allowed to Sheriffs for similar services.

FEES OF COURT COMMISSIONERS.

Court Commissioners.

SEC. 75. For hearing and determining every ex parte motion, for any order or writ, two dollars.

For taking proof and reporting his conclusions thereon, as to any matter of fact upon which information is required by the Court, two dollars.

For every day necessarily spent in the business of the reference, for examining into the qualifications of sureties on bonds,

or undertakings, when an exception has been taken to their sufficiency, two dollars.

For taking and certifying each affidavit, and for the approval of each bond or undertaking, twenty-five cents.

For taking and certifying depositions, fifteen cents per folio, and said fees to be paid by the party by whom or at whose instance the matter may be brought before such Commissioner; or, if referred by the Court without motion from either party, or if by the consent of the parties, then by plaintiff; the fees so paid to be taxed as costs, if the party paying the same be the prevailing party.

In delinquent tax cases referred to the Commissioner, for all services performed by him, one dollar.

SALARY OF THE COUNTY JUDGE.

SEC. 76. The County Judge shall receive an annual salary of twenty-four hundred dollars, payable to him monthly, out of the county treasury. County Judge.

FEES AND SALARY OF THE DISTRICT ATTORNEY.

SEC. 77. The District Attorney shall be allowed for his services a salary of one thousand dollars per annum, payable quarterly, out of the county treasury, and the following fees: District Attorney.

For each conviction for felony, when the punishment is death, fifty dollars.

For each conviction for other felony, twenty-five dollars.

For each conviction for misdemeanor, fifteen dollars, which said sums shall be assessed against the person convicted, and if the same cannot be collected from him, then it shall be considered a county charge, and be audited by the Board of Supervisors and payable out of the county treasury.

For all collections on bonds or forfeited recognizances, ten per centum.

For every conviction under the Act to prohibit gaming, and the Act to prohibit lotteries, raffles, gifts, gift enterprises and other schemes, to be collected out of the fine or fines imposed upon the party convicted, fifty dollars.

For services rendered in the collection of delinquent taxes, in each case where the tax does not exceed fifteen dollars, if paid before judgment, a fee of one dollar and fifty cents; if paid after judgment, a fee of two dollars and twenty-five cents; and in each case where the tax exceeds fifteen dollars, ten per centum on the sum recovered and collected, if paid before judgment, and if not so paid, then fifteen per centum to be added to and to constitute a part of the judgment; *provided*, that in no case shall the State or county be liable for such per centum.

For all amounts collected by him for the State or county by action, ten per centum on the amount collected; *provided*, that in no event shall the per centum in any one case exceed five hundred dollars; *provided*, should the salary, fees and other compensation allowed by this section, exceed in the aggregate

for any year the sum of three thousand dollars, then and in such case any excess above such sum of three thousand dollars shall, at the end of the official year, be paid by the District Attorney into the county treasury, to the credit of the General Fund.

COUNTY ASSESSOR.

County Assessor.

SEC. 78. The County Assessor shall be allowed for his services a salary of three thousand dollars per annum, payable quarterly out of the county treasury. He shall collect all State and county taxes upon personal property situate outside of the corporate limits of the City of Marysville, assessed to persons having no real estate, or improvements upon real estate, assessed to such persons; also, all State poll taxes from all persons residing within the county and outside said corporate limits of the City of Marysville, and shall be entitled and allowed to receive and retain therefor the following percentage: For the collection of property taxes, two per cent. of the total amount collected, and for poll taxes fifteen per cent. of the total amount collected.

COUNTY SUPERINTENDENT OF PUBLIC SCHOOLS.

Superintendent of Public Schools.

SEC. 79. The County Superintendent of Public Schools shall be allowed and receive for his services a salary of one thousand dollars, together with fifty dollars to be used for postage and expressage in the business of his office, to be paid quarterly, out of the county treasury, and reasonable travelling expenses to be allowed by the Board of Supervisors of said county, while in discharge of his official duties.

SUPERVISORS OF YUBA COUNTY.

Supervisors.

SEC. 80. The Supervisors of the County of Yuba shall each be allowed eight dollars per day for each day's actual attendance at the meetings of the Board of Supervisors, and of the Boards of Equalization and Canvassers, and mileage at the rate of twenty cents per mile, in going only, from their residence to the county Court-house; *provided* always, that the Chairman of the Board shall receive no other or greater compensation than as herein provided; and it is hereby declared to be unlawful for said Supervisors, or any of them, to take or receive any constructive or other per diem, though they should sit as a Board of Supervisors, a Board of Equalization and a Board of Canvassers on the same day.

SALARY AND FEES OF THE COUNTY TREASURER, AS SUCH, AND AS EX OFFICIO COLLECTOR OF TAXES AND LICENSES AND POLL TAXES.

County Treasurer.

SEC. 81. The County Treasurer, as such, shall be allowed and receive a yearly salary of fifteen hundred dollars, payable quarterly, out of the county treasury, in compensation for the services required of him as County Treasurer; and he shall be allowed and entitled to receive and retain, as ex officio Collector of taxes and licenses, the following percentage or fees, viz:

For the collection of poll taxes from all persons residing within the corporate limits of the City of Marysville, fifteen per centum of the total amount collected.

For every license sold, he shall be entitled to demand and receive as a fee, the sum of one dollar, to be paid by the party procuring the license, one-half of which shall go to the Auditor.

For the collection of all other taxes or moneys he shall receive two per centum of the total amount collected and paid over by him.

The said Treasurer, as such, and as such ex officio Collector of taxes and licenses, shall be entitled to have and retain the foregoing salary and percentage and fees in this section named, to and for his own use and benefit, and shall receive no other or greater compensation for any duties that are or may be required of him as such officer and ex officio officer; but he shall collect all other fees, money and percentage which by law now are or hereafter may be allowed for any other duties of his said offices, and pay the same into the General Fund of the county treasury quarterly and before the payment of his quarterly salary; and he shall at the same time file with the County Auditor a statement, under oath, of the items and amount of the same; *provided*, that if the salary, percentage and fees allowed by this section to be retained by said Treasurer and ex officio Collector of taxes, for his own use and benefit, shall exceed in the aggregate, during any year, the sum of thirty-five hundred dollars, then and in such case, any excess above such sum of thirty-five hundred dollars shall, at the end of the official year, be paid by him into the county treasury, to the credit of the General Fund.

MISCELLANEOUS PROVISIONS.

Table of fees.

SEC. 82. Every officer whose fees are herein ascertained shall publish and set up in his office fair tables of his fees, according to this Act, within one month after this Act goes into effect, in some conspicuous place, for inspection of all persons who have business in his office, upon pain of forfeiting, for each day, a sum not exceeding twenty dollars, which may be recovered by any person by action before any Justice of the Peace of the same county, with costs.

Costs of publication.

SEC. 83. When, by law, any publication is required to be made by an officer of any suit, process, notice, order or other paper, the costs of such publication shall be first tendered by the party, if demanded, for whom such process or order was granted, before the officer shall be compelled to make publication thereof.

Execution for fees due.

SEC. 84. If any Clerk, Sheriff, Justice of the Peace or Constable shall not have received any fees which may be due him for services rendered in any suit or proceeding, he may have execution therefor, in his own name, against the party from whom they are due, to be issued from the Court in which the action is pending.

Services not chargeable

SEC. 85. The Secretary of State, State Treasurer and Controller, the Attorney-General and District Attorneys, shall be authorized to require searches in the respective offices of the officers whose fees are herein provided for, and in the office of

the Clerk of the District Court, of the County Court, of the Probate Court, of the Recorder's Court, for any papers, records or documents necessary to the discharge of the duties of their respective offices, and to require copies thereof and extracts therefrom, without the payment of any fee or charge whatever.

Folio, how construed. SEC. 86. The term "folio," when used as a measure for computing fees or compensation, shall be construed to mean one hundred words, counting every figure necessarily used as a word. Any portion of a folio, when in the whole draft or paper, should then not be a complete folio, and when there should be an excess over the last folio exceeding a quarter, shall be computed as a folio. The filing of a paper shall be construed to include the certificate of the same.

Mileage. SEC. 87. When any Sheriff, Constable or Coroner serves more than one process in the same case, not requiring more than one journey from his office, he shall receive mileage only for the most distant service.

No fees as witness SEC. 88. No counsellor or attorney-at-law in any case shall be allowed any fees for attendance as a witness in such cause.

Receipt for fees. SEC. 89. Every officer, upon receiving any fees for official duty or services, may be required, by the person making the same, to make out in writing and deliver to such person, a particular account of such fees, specifying for what they respectively accrued, and shall receipt for the same; and if he refuse or neglect to do so, when required, or shall receive illegal fees, he shall be liable to the party paying, for three times the amount so paid.

Oath of office SEC. 90. No fees shall be charged by any officer for administering and certifying the oath of office.

No other compensation. SEC. 91. Officers whose fees and compensation are set forth in this Act shall not be entitled to charge or receive any fees, compensation or salary not herein enumerated and provided for.

Witness fees SEC. 92. The Attorney-General or any District Attorney is authorized to cause subpœnas to be issued and compel the attendance of witnesses on behalf of the State, without paying or tendering fees in advance to any officers or witnesses; and any witness failing or neglecting to attend, after being served with a subpœna, may be proceeded against and shall be liable in the same manner as provided by law in other cases when fees have been tendered or paid.

Same. SEC. 93. The Clerk of any Court at which any witness shall have attended on behalf of the State in a civil action, shall give to such witness a certificate, under seal, of travel and attendance, which shall entitle him to receive the same from the State treasury on the Controller's warrant.

No other fees SEC. 94. No other fees shall be charged than those specifically set forth herein, nor shall any fees be charged for any other services than those mentioned in this Act.

Fee book. SEC. 95. It shall be the duty of each and every of said officers, hereinbefore mentioned, to keep severally a book, to be called a "Fee Book," in their respective offices, open to the inspection of any one desiring to inspect the same, in which book shall be stated the fees charged, and the services for and the title of the case in which they are charged; and it shall be the duty of the District Attorney to inspect said books at least

once in every three months; and the foreman of each and every grand jury shall also have the same before him, and shall examine the same.

SEC. 96. The provisions of sections thirty-six and thirty-seven of this Act shall extend to all actions and proceedings brought in the name of the Attorney-General, or any other person or persons, for the benefit of the State.

SEC. 97. An Act entitled an Act to regulate fees in office, approved April 10th (tenth), one thousand eight hundred and fifty-five, excepting and reserving section seventy-three of that Act, and an Act supplementary thereto, approved April thirtieth, one thousand eight hundred and fifty-five, and Act entitled an Act to amend an Act to regulate fees in office, approved April thirtieth, one thousand eight hundred and fifty-five, and an Act entitled an Act amendatory of an Act entitled an Act to regulate fees in office, approved April first, one thousand eight hundred and fifty-six, and an Act entitled an Act to amend an Act to regulate fees in office, approved April fifth, one thousand eight hundred and fifty-six, so far as they affect the County of Yuba, and an Act entitled an Act to regulate fees in office in the County of Yuba, approved April twenty-eighth, one thousand eight hundred and fifty-seven, and an Act entitled an Act to amend an Act entitled an Act to regulate fees in office in the County of Yuba, approved April (20th) twentieth, one thousand eight hundred and fifty-seven, approved April twenty-fourth, one thousand eight hundred and fifty-eight, and an Act entitled an Act to amend an Act entitled an Act to regulate fees in office in the County of Yuba, approved April twenty-eighth, one thousand eight hundred and fifty-seven, approved April twenty-sixth, one thousand eight hundred and fifty-eight, and an Act entitled an Act to regulate fees in office in the County of Yuba, approved April twenty-first, one thousand eight hundred and sixty, and an Act entitled an Act to amend an Act entitled an Act to regulate fees in office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty, approved May second, eighteen hundred and sixty-two, and an Act entitled an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six, so far as the same relates to or makes provision for the fees, percentage, compensation or salary of any officer in and for Yuba County, and an Act entitled an Act to amend an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six, approved March twentieth, eighteen hundred and sixty-eight, and an Act entitled an Act to regulate fees in office, approved March twenty-eighth, eighteen hundred and sixty-eight, so far as the same applies to or is made applicable to the County of Yuba, and an Act entitled an Act to regulate salaries and fix the compensation of certain officers, approved March twenty-eighth, eighteen hundred and sixty-eight, so far as the same provides for the payment of all, every or any of the officers of said Yuba County, or fixes, or establishes, or declares what shall be their or any of their fees, percentage, salaries or other compensations, or makes any provisions touching or concerning

Acts repealed.

Acts repealed.

the pay, compensation, fees or salaries of any officers of said Yuba County, contrary to, or different from, or inconsistent with the provisions of this Act, and all other Acts or parts of Acts inconsistent or in conflict with the provisions of this Act, are hereby repealed.

SEC. 98. The Act entitled an Act to regulate fees of office, approved March twenty-eighth, eighteen hundred and sixty-eight, and the Act entitled an Act to regulate salaries and fix the compensation of certain county officers, approved March twenty-eighth, eighteen hundred and sixty-eight, and all Acts or parts of Acts, so far as the same are in conflict with the provisions of this Act, are hereby repealed; *provided*, that said Act to regulate salaries and fix the compensation of certain county officers, approved March twenty-eighth, eighteen hundred and sixty-eight, is hereby continued in force in the Counties of Sierra and Siskiyou; *provided*, that section twenty-two of an Act entitled an Act to regulate salaries and fix the compensation of certain county officers, approved March twenty-eighth, eighteen hundred and sixty-eight, so far as the same is applicable to the County [of] Butte, is hereby repealed; and *provided* further, that nothing herein contained shall be construed to affect or impair the tenure of office of the County Assessor of Placer County, who was elected at the general election held in said county in the year eighteen hundred and sixty-nine.

SEC. 99. This Act shall take effect from and after its passage.

CHAPTER CXLV.

An Act to regulate fees and salaries of officers and defining their duties, in the County of El Dorado, and other matters relating thereto.

[Approved March 5, 1870.]

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

Fees and salaries.

SECTION 1. Such salaries, compensation and fees, shall be allowed to the officers hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein provided; and such officers may lawfully charge, demand and receive the same in gold and silver coin.

In coin.

Supervisors.

SEC. 2. Supervisors, for all services required of them by law or by virtue of their office, shall receive five dollars per diem, and twenty cents per mile in travelling from the place of their residence to the Court-house; *provided*, that only one mileage shall be allowed at each term; and *provided* further, that no Supervisor shall be allowed more than one day's pay for any one day, by reason of his being on the committees appointed by the Board of Supervisors, or for any other cause; and the per diem in any one year, including committee duty, shall not exceed in the aggregate the sum of three hundred and fifty dollars to each member of the Board.

SEC. 3. Assessments shall be made by a County Assessor, who shall qualify and give bonds, as hereinafter provided, and shall receive, in full compensation for services of himself and deputies, the sum of fifteen hundred dollars, payable out of the Salary Fund of the county; *provided*, that the Board of Supervisors shall retain and withhold from the said Assessor the sum of three hundred dollars of said amount, until the Assessor shall file with the Clerk of the Board a statement that he has fully complied with all laws relating to his office, made out all lists, statistical tables, and other papers required to be by him made out, and that the same have been filed with the proper officers; which statement shall be verified by his oath. Assessor.

The Assessor shall be ex officio Collector of foreign miners' licenses, poll tax, road tax, and State and county business licenses

For the collection of money from foreign miners' licenses, he shall receive twenty per centum on the total amount collected.

For the collection of poll taxes and road taxes, fifteen per centum on the total amount collected.

For every business license sold, he shall demand, and be entitled to receive, as a fee, the sum of one dollar, fifty cents of which shall be paid into the County Salary Fund.

The fees and percentage herein allowed shall be retained by the Assessor for his own use and benefit.

SEC. 4. The County Treasurer shall receive a salary of fifteen hundred dollars per annum, payable out of the County Salary Fund, which shall be in full for all services as Treasurer, and also for making out all delinquent tax lists, or performing any other duty required of him by law. The Treasurer shall be ex officio Collector of taxes on real and personal property. For the collection of said property tax, except school moneys, he shall receive ten per centum on all amounts collected and paid over by him in each fiscal year, commencing on the first Monday of March, one per centum of which shall be retained by him for his own use and benefit; and he is required and directed to, and shall pay the other nine per centum of the amount allowed for collecting said taxes, into the County Salary Fund; *provided*, that for the collection of taxes levied for State purposes, the same percentage shall be allowed by the State to the Tax Collector of El Dorado County as is allowed under the provisions of section seven of an Act to regulate salaries and fix the compensation of certain county officers, approved March twenty-eighth, eighteen hundred and sixty-eight. Treasurer

SEC. 5. The Sheriff shall receive, in full compensation for the services of himself, Under Sheriff, deputies or assistants, the sum of four thousand dollars per annum, payable out of the Salary Fund of the county, and the mileage as hereinafter provided. Sheriff.

SEC. 6. The County Clerk, to include all services rendered as County Clerk, and ex officio as Recorder, Auditor, Clerk of the Boards of Supervisors, Equalization and Canvassers, to include the pay of deputies and clerk hire, shall receive four thousand dollars per annum, payable out of the Salary Fund. County Clerk.

SEC. 7. The District Attorney shall receive, for all services required of him by law, or by virtue of his office, a salary at District Attorney.

the rate per annum of fifteen hundred dollars, payable out of the Salary Fund; and for services rendered in the collection of delinquent taxes, he shall receive, for his own use and benefit, eight per centum on the amount recovered, to be added thereto if paid before judgment, and if not so paid, then twelve per centum, to be added to and constitute a part of the judgment; *provided*, that in no case shall the State or county be liable for such per centum.

County Judge.

SEC. 8. The County Judge shall receive an annual salary of fifteen hundred dollars, payable out of the County Salary Fund. This section shall not be held to reduce the salary of the present County Judge, but shall take effect at the expiration of the present term.

Superintendent of Common Schools.

SEC. 9. The County Superintendent of Common Schools, for all services required of him by law, to include travelling expenses, postage and expressage, an annual salary of nine hundred dollars, payable out of the Salary Fund.

Salaries, when ordered paid.

SEC. 10. At any regular meeting of the Board of Supervisors, the officers to whom per diem, fees or salaries are due, may make out and present to the Board the account of their services, as provided in this Act; and if it shall appear to the satisfaction of said Board that said officers have complied with the provisions of the same, they shall allow and order paid, out of the Salary Fund, the amount severally due such officers; *provided*, that the salaries of the several officers shall be paid monthly, but if at the end of any month there should not be sufficient money in the Salary Fund to pay all, the Treasurer shall pay to each his pro rata of the whole amount in the Salary Fund, and as the money is received into the Salary Fund the Treasurer shall pay it pro rata to the several officers, until the whole amount due has been paid. When less than the whole amount is paid any officer at the end of any month, the Treasurer shall indorse the amount paid upon the warrant; *provided* further, that before allowing the salary or account of any officer who is required to pay fees into the county treasury, the Board of Supervisors shall require him to comply with section thirty-one of this Act, and until complied with they shall not allow the account.

Business of office to be completed.

SEC. 11. It shall be the duty of all the officers named in this Act to complete the business of their respective offices to the time of the expiration of their respective terms; and in case any officer, at the close of his term, shall leave to his successor official labor to perform, for which he has received compensation, or which it was his duty to perform, he shall be liable to pay to his successor the full value of such services, which may be recovered in any Court of competent jurisdiction.

Fees, etc., to be paid to County Treasurer.

SEC. 12. The Clerk, Clerk as ex officio Recorder and Auditor, Sheriff, Treasurer, Assessor as ex officio Collector of business licenses, and the District Attorney, shall collect and safely keep all fees, commissions and percentage now allowed by law for services rendered by them in their several official capacities, and upon the first Monday of each month pay over the same to the County Treasurer, which shall become a part of the Salary Fund; except that the several officers need not pay over those sums which by this Act they are allowed to retain for their own

use. And any compensation or allowance made by the revenue or other laws of the State, out of the State treasury or funds, to the Auditor, Assessor, Treasurer or Collector, shall hereafter be retained in, or be paid into the county treasury, and be a part of the County Salary Fund, except only the mileage allowed by the State to the County Treasurer, which he shall be entitled to receive and retain for his own use and benefit.

Receiving taxes.

SEC. 13. For the purpose of receiving taxes, the Treasurer shall, during the month of November of each year, either in person or by deputy, be and remain two days in each township of the county; due notice of the time shall be given at least ten days preceding.

FEES OF OFFICERS.

Fees of office

SEC. 14. The fees and percentage which it shall be lawful for the Sheriff, Clerk, ex officio Recorder and Auditor, and District Attorney to charge, demand and receive for the services of themselves, deputies or assistants, rendered in discharging the duties imposed on them by law, shall be as in the following sections provided, which shall be collected and paid into the County Salary Fund.

FEES OF SHERIFF.

Sheriff.

SEC. 15. For serving a summons and complaint, or any other process by which action or proceeding is commenced, on each defendant, two dollars.

For travelling in making such service, in going only, to be computed in all cases from the Court-house of the county, fifty cents per mile; *provided*, that if any two or more writs or papers are required to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged.

For taking bond or undertaking, in any case in which he is authorized to take the same, one dollar

For copy of any writ, process or other paper, when demanded or required by law, for each folio, thirty cents.

For serving every notice, rule or order, one dollar.

For serving a subpœna, for each witness summoned, fifty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest (in civil cases), or order for the delivery of property, two dollars.

For travelling, per mile, to serve either of the papers mentioned in the preceeding clause, or serving a subpœna, for each mile travelled, in going only, fifty cents per mile; *provided*, that if served with the summons in the suit, no mileage shall be charged, if served in the same direction, unless for distance actually travelled beyond that required to serve the summons; *provided*, also, that when two or more persons are subpœnaed in the same suit at the same time, mileage shall be charged for the most distant only, if living in the same direction.

For making and posting notices, and advertising property for sale on execution, or under any judgment or order of sale, not to include the cost of publication in a newspaper, two dollars.

Sheriff. For commissions for receiving and paying over money on execution or process, when lands or personal property has been levied on, advertised and sold, four per cent. on the first five hundred dollars; three per cent. on all over five hundred dollars and under one thousand dollars; two per cent. on all over one thousand dollars and under fifteen hundred dollars; one per cent. on all over fifteen hundred dollars.

For commissions for receiving and paying over money on execution without levy, or when lands or goods levied on shall not be sold, two per cent. on the first thousand dollars, and one per cent. on all over that sum.

The fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money on an execution, shall be collected from the defendant, by virtue of the execution, and in the same manner as the sum therein directed to be made.

For drawing and executing any Sheriff's deed, to be paid for by the grantee, who shall in addition pay for the acknowledgment thereof, and also all United States revenue stamps, three dollars.

For serving a writ of possession or restitution, putting any person entitled into possession of premises, and removing the occupant, five dollars.

For holding each inquest, or trial of the right of property, to include all services in the matter, except mileage, five dollars.

For travel, in the service of any process not hereinbefore mentioned (in civil cases), for each mile necessarily travelled, in going only, fifty cents per mile; *provided*, no other paper or writ in the same suit is served at the same time.

For services in Justices' Courts, the same fees as are allowed Constables for like services.

For service of any process in criminal cases, for each mile necessarily travelled, twenty cents.

For taking a prisoner before a magistrate or to prison, or service of any process in criminal cases, he shall receive mileage for the most distant only, where witnesses or parties upon which services is made live in the same direction; which mileage, as well as that allowed for services in civil cases, and also the fees allowed by law for delivering prisoners at the State Prison, and for taking insane persons to the State Insane Asylum, shall be for the use and benefit of the Sheriff, and need not be entered on his fee book, named in section thirty of this Act.

County Clerk. SEC. 16. The fees of the County Clerk, and the County Clerk as ex officio Recorder and Auditor, shall be as in this section provided:

FEES OF THE COUNTY CLERK, AS CLERK OF THE DISTRICT COURT.

As Clerk of District Court. The Clerk of the District Court shall receive, for all services performed by him in any action or proceeding in which an attachment, injunction, or other provisional remedy, is sought before trial, including judgment by default, and the entering up of the same, the sum of twelve dollars, to be paid by the plaintiff at the time of filing the complaint, and the further sum

of five dollars, to be paid by the defendant at the time the answer, demurrer, or other appearance in writing, is filed.

For all services in any other action or proceeding, before trial, including judgment by default and the entering up of the same, the sum of ten dollars, to be paid by the plaintiff at the time of filing the complaint; and the further sum of four dollars, to be paid by the defendant at the time the answer, demurrer, or other paper, is filed.

For all services performed by him during the trial of any action or proceeding, up to and including the entry of the final judgment, the sum of six dollars, to be paid by the party moving the cause, at the time the same is entered upon the trial calendar; *provided*, for taking testimony during the trial, he shall receive thirty cents for each folio, for his own use and benefit, to be paid by the party demanding the service; and to secure the payment of the same, the said Clerk may lawfully require a deposit of a sufficient sum of money in advance.

For all services subsequent to the entry of final judgment, up to and including the entry of satisfaction thereof, the sum of five dollars, to be paid by the party in whose favor the judgment has been entered, at the time execution or other final process is demanded; *provided*, when an appeal is taken, he shall be allowed, in addition, thirty cents for each folio contained in the transcript, to be paid by the party demanding the same.

For all services performed by him in any case of judgment by confession, without action, up to and including the making up and filing of the judgment roll, the sum of twelve dollars; and for all subsequent services, the same as in other cases.

When any cause has been appealed to the Supreme Court and a new trial ordered, or when a new trial has been granted in the District Court, the said Clerk shall be allowed, upon the second trial, the same fees as are above provided for the first trial.

AS CLERK OF THE COUNTY COURT.

As Clerk of County Court.

The Clerk of the County Court shall receive, for all services performed by him, in any action or proceeding commenced in said Court, the same fees which are allowed the Clerk of the District Court for similar services.

For all services performed by him in any cause brought to said Court by appeal, before trial, the sum of three dollars, to be paid by the party presenting the papers on appeal, at the time of the filing thereof.

For all services during the trial, up to and including the entry of the final judgment, the sum of five dollars, to be paid by the party moving the cause; for all subsequent services, the same fees which are allowed the Clerk of the District Court for similar services.

AS CLERK OF THE PROBATE COURT.

As Clerk of Probate Court.

For issuing letters testamentary, or of administration, fifty cents.

For certificate of appointing appraisers, and all other certificates under seal, fifty cents.

For writing and posting notices, for each copy, fifty cents.

For issuing notice for publication, fifty cents.

For filing each paper, twenty-five cents.

For recording wills and all other instruments required by law to be recorded, for each folio, thirty cents.

For copies of all papers, thirty cents per folio.

For all other services, the same fees as are allowed County Clerk or Clerk of the District Court for similar services.

For each motion, twenty-five cents.

For each order or decree, citation or subpœna, fifty cents.

FEES OF COUNTY CLERK.

County Clerk. For issuing a marriage license, two dollars.

For issuing a writ of habeas corpus, and all services in relation to the same, to be paid by the party applying for the same, three dollars.

For recording certificates of incorporation, where recording is required by law, thirty cents per folio.

When more than one copy of a complaint is required in any case, either in the District Court or County Court, said Clerk shall receive, in addition to the fees already provided, two dollars for the second copy, and one dollar for each additional copy of said complaint.

The said Clerk shall receive, for each certificate of declaration to become a citizen of the United States, and for making a record thereof, three dollars; and for a certificate of citizenship, and making a record thereof, three dollars; the same to be in full for all proceedings in the case.

For filing transcripts of judgments of Justices' Courts, for docketing the same and issuing execution thereon, three dollars.

For every affidavit or affirmation certified, twenty-five cents.

For each justification to bond, twenty-five cents.

FEES AS EX OFFICIO RECORDER.

As Recorder. For recording every instrument, paper or notice, when required, for each folio, thirty cents.

For copies of any record or paper, for each folio, twenty-five cents.

For filing or receiving every instrument or paper for record, and making the necessary entries thereon, twenty-five cents.

For filing and keeping each paper not required to be recorded, and indorsing the same if required, twenty-five cents.

For making, in the several indexes required, all the entries required of the filing and recording any instrument, paper or notice, twenty-five cents.

For every certificate or attestation under seal, fifty cents

For every entry of discharge, on margin or record, twenty-five cents.

For searching records and files of each year in his office, when required, fifty cents.

For abstract or certificate of title, when required, for each conveyance or encumbrance certified, one dollar

For recording every town plat, for every course, twenty cents; for figures and lettering plats and maps, per folio, thirty cents; *provided*, the fees for recording any town plat shall not exceed the sum of one hundred dollars.

For taking acknowledgment, including writing and seal, for the first name, fifty cents; for each additional name, twenty-five cents.

For filing and entering minute of certificate of Sheriff's sale, fifty cents.

For filing and entering minute of certificate of tax sale, fifty cents.

For recording a marriage certificate, one dollar.

For recording transcript and all other services in estray case, one dollar.

For recording brands and marks, fifty cents.

FEES OF DISTRICT ATTORNEYS.

SEC. 17. For all collections on bonds and forfeited recognizances, ten per centum. District Attorney.

For every conviction under the Act to prohibit gaming, and to prohibit lotteries, raffles, gifts, gift enterprises, and other schemes, to be collected with the fine or fines imposed upon the party convicted, fifty dollars.

For all amounts collected by him for the State or county by action, eight per centum on the amount collected.

SEC. 18. The County Surveyor, Coroner, Public Administrator, Court Commissioner, Justices of the Peace, Constables, jurors, witnesses, interpreters and translators, referees, and Judges and Clerks of Election, shall receive for their own use and benefit, for services rendered in the discharge of the duties imposed on them by law, such fees as are in this Act provided, and they may lawfully charge, demand and receive the same in gold and silver coin.

FEES OF COUNTY SURVEYOR.

SEC. 19. For the first mile actually run with compass and chain, three dollars; for each succeeding mile, two dollars. County Surveyor.

For each mile run with compass alone, two dollars.

For each lot laid out and platted in any city or town, two dollars.

For recording a survey, one dollar and fifty cents.

For calculating the quantity of every tract of land, or any subdivision thereof (town lots excepted), one dollar.

For travelling to the place of survey, for each mile, twenty cents; and if he shall be duly notified, verbally or otherwise, to make other surveys, while in the discharge of his official duty while in the field, he shall be entitled to mileage only from the place last surveyed by him.

For ascertaining the location of every town lot in an old survey, measuring and marking the same, two dollars.

For copies and certificates, per folio, thirty cents.

For erecting a monument at the corner of any survey, when required, two dollars.

For erecting a monument when running a line at a variation or offset, when required, fifty cents.

For copy of any plat or survey, and certificate required by any person, or to be transmitted to the Surveyor-General, two dollars; to be paid by the party requiring the survey.

Expenses of assistants shall be an additional charge, to be agreed upon between the parties; or in cases of survey ordered by the Court or Board of Supervisors, such compensation as shall be by them allowed.

FEES OF CORONER.

Coroner.

SEC. 20. For summoning a jury of inquest, three dollars.

For swearing a jury, fifty cents.

For issuing a subpœna for one or more witnesses, twenty-five cents.

For issuing a warrant of arrest, fifty cents.

For each mile necessarily travelled, in going to the place of the dead body, twenty cents.

For swearing each witness, twenty-five cents.

For taking down testimony, per folio, twenty cents.

Which fees, in all inquests, shall be paid out of the effects of the deceased, if any; if not, from the Salary Fund of the county.

When acting as Sheriff, he shall receive the same fees as that officer for like services.

FEES OF PUBLIC ADMINISTRATOR.

Public Administrator.

SEC. 21. The fees of the Public Administrator shall be five per cent. upon the amount of the estates administered by him; which percentage shall be the only compensation allowed for his services.

FEES OF COURT COMMISSIONER

Court Commissioner.

SEC. 22. For hearing and determining every ex parte motion for any order or writ, three dollars.

For taking proof and reporting his conclusions thereon as to any matter of fact upon which information is required by the Court, three dollars.

For every day necessarily spent in the business of the reference, for examinations into the qualifications of sureties on bonds or undertakings, when an exception has been taken to their sufficiency, three dollars.

For taking and certifying each affidavit, and for the approval of each bond or undertaking, fifty cents.

For taking and certifying depositions, per folio, twenty cents.

For all services performed by him in delinquent tax cases referred to him, one dollar and fifty cents.

Said fees to be paid by the party by whom, or at whose instance, the matter may be brought before such Commissioner; or if referred by the Court, without motion from either party, or if by consent of the parties, then by the plaintiff; the fees so paid to be taxed as costs, if the party paying the same be the prevailing party.

FEES OF JUSTICES OF THE PEACE.

SEC. 23. Each Justice of the Peace shall be allowed, in a civil action before him, for all services required to be performed by him before trial, two dollars. Justice of the Peace.

For the trial, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment, four dollars.

In all cases where judgment is rendered by default or confession, for all services, from the filing of the complaint to and the entry of judgment, three dollars.

For issuing a writ of attachment, to include all affidavits, taking and approving bond, and all oaths and certificates necessary thereto, three dollars.

For all services and proceedings in a criminal action or proceeding, whether on examination or trial, three dollars; *provided*, that if the defendant pleads guilty, only two dollars shall be allowed.

For taking bail after commitment by another magistrate only, fifty cents.

For making transcript of docket, making up and transmitting papers on appeal, including the certificate to the same, two dollars.

For copies of docket, or papers in his office, per folio, twenty cents.

For issuing a search warrant, to be paid by the party demanding the same, one dollar.

For celebrating a marriage and returning the certificate to the Recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, twenty cents.

For administering an oath, twenty-five cents; certifying same, twenty-five cents.

For each certificate, twenty-five cents.

For issuing a commission to take testimony, seventy-five cents.

For all services connected with the posting estrays, to include the transcript for the Recorder, three dollars.

For issuing an execution, and entering satisfaction of the judgment, fifty cents.

In all cases before Justices of the Peace, where the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive three dollars; and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

CONSTABLES' FEES.

SEC. 24. For serving a summons in civil cases, for each defendant, to include the copy required by law, one dollar. Constable.

For summoning a jury of twelve or less, before a Justice of the Peace, one dollar and fifty cents.

For each additional juror above twelve, twenty-five cents.

For taking any bond required by law to be taken, fifty cents.

For summoning each witness, twenty-five cents.

For serving an attachment, or levying an execution on the property of a defendant, one dollar and fifty cents.

For summoning and swearing a jury to try the rights of property, and taking the verdict, two dollars.

For receiving and taking care of property on execution, order or attachment, his actual necessary expenses, to be allowed by the Justice who issued the order, attachment or execution, upon the affidavit of the Constable that the charges are correct, and that the expenses were necessarily incurred.

For collecting all sums on execution, three per cent., to be charged against the defendant named in the execution.

For serving a warrant, or order for the delivery of personal property, or for making an arrest in a civil case, one dollar and fifty cents.

For making each arrest in criminal cases, two dollars.

For every mile necessarily travelled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; but when two or more persons are served or summoned in the same suit, and at the same time, mileage shall be charged only for the most distant, if they live in the same direction.

For sales of estrays, the same fees as for sales on execution.

For the transportation of prisoners to the county jail, the actual necessary expenses.

For attending a Justice's Court and taking charge of a jury, when required, in each case, fifty cents.

For all other services, the same fees as are allowed Sheriffs for like services.

FEES TO JURORS.

Jurors. SEC. 25. Grand and trial jurors shall receive two dollars and fifty cents per day for attendance upon a Court of record, and twenty cents per mile for travelling from their residence to the place of trial. No person who shall be summoned, and excused, at his request, from serving, shall receive per diem, but mileage only; nor shall mileage be paid to any juror who shall live within two miles of the Court-house, nor shall any juror receive per diem who shall be summoned to complete a jury, but who, for any cause, shall be excused. In civil cases, the party in whose favor the verdict is rendered, before the same be entered, shall pay the jury fees, but the same may be recovered as costs from the party losing the case; *provided*, that Clerks of Courts of record shall keep an account of all moneys received for trials by each juror during the term, and if the sum so received by each juror shall not amount to two dollars and fifty cents per day, and mileage, he shall deliver to such juror a certificate of the time and mileage for which he is still entitled to receive pay, which shall be paid out of the Salary Fund of the county. If, in any trial in any civil case, the jury be for any cause discharged, without finding a verdict, the fees of the jury shall be paid by the plaintiff, and until they are paid, no further proceedings shall be allowed in the case. Jurors in a Justice's Court, in a civil case, shall receive two dollars per day, but no mileage, to be taxed against the party losing the action.

FEES OF WITNESSES.

SEC. 26. For attending in any civil suit or proceeding before any Court of record, Referee or Commissioner, for each day, two dollars and fifty cents; before a Justice of the Peace, for each day, two dollars. Witnesses.

For travelling to the place of trial, for each mile, twenty cents.

In cases of impeachment and contested elections, for travelling to the place of trial, fifteen cents per mile.

No person shall be obliged to attend or testify in a civil action unless his fees have been tendered, or he shall not have demanded the same.

No fees shall be allowed any witness in a criminal action or proceeding, unless he attend before a Court of record as a witness on behalf of the people, on a subpœna, or by virtue of a recognizance; and if it shall appear that he has come from any place out of the county, or that he is poor, the Court, if the attendance be upon the trial, by an order upon its minutes, or in any other case the County Judge, by an order subscribed by him, may direct the Treasurer of the county to pay the witness a reasonable sum, to be specified in the order, for his expenses; and no person who resides without any county shall be obliged, in a civil action or proceeding, to attend as a witness in said county, unless the distance be less than thirty miles from his place of residence to the place of trial.

FEES OF INTERPRETERS AND TRANSLATORS.

SEC 27. Interpreters and translators shall be allowed such compensation for their services as the Court may allow, to be taxed and collected as other costs; but the same shall not exceed three dollars per day. Interpreters and Translators

FEES OF REFEREES.

SEC. 28. For every day necessarily spent in the business of the reference, three dollars. Referees.

For taking testimony and certifying the same, per folio, thirty cents.

FEES OF JUDGES AND CLERKS OF ELECTION.

SEC. 29. Judges and Clerks of Election shall be allowed such compensation as the Board of Supervisors shall prescribe, not exceeding three dollars per day each, for the time they are necessarily employed, and not exceeding five days pay in any one year, which shall be full compensation for all services required by law to be by them performed. Judges and Clerks of Election.

SEC. 30. It shall be the duty of every officer in this Act named, authorized to receive any fees for official services of himself or deputies, to keep a fee book, in which he shall enter an exact and full account, in detail, of all fees, commissions or compensations, of whatever nature or kind, by him or his deputies earned, collected or chargeable, with the date, name of payer, and the nature of the service in each case. If any per- Fee book.

son shall hold more than one office, he may keep a separate fee book for each office and make separate statements, or he may keep a joint fee book and make joint statements, at his discretion. At the close of every six months, or within five days thereafter, the officers herein named, who are required to keep a fee book, shall file with the County Auditor a statement, under oath, of the amount of fees charged therein during the preceding six months, ending on the last day of the month. The County Auditor shall, in the month of March, make an abstract of the statements filed in his office for each officer, and forward the same to the Secretary of State, which abstract shall be sworn to. Any officer required to keep a fee book, as in this section provided, who shall refuse or wilfully neglect to keep such book or to file sworn statements, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine not exceeding five hundred dollars, and removal from office if in office at time of sentence.

Penalty for neglect.

Fee book to be presented to Supervisors

Affidavit.

SEC. 31. The officers named in this Act who are required to pay the fees collected by them into County Salary Fund, shall, on the first Monday of each and every month, at the regular meeting of the Board of Supervisors, present his fee book to said Board, with the same footed up and the County Treasurer's receipt annexed, that the amount has been paid into the treasury. He shall also make an affidavit in the form as follows: "I, —— ——, Sheriff (or other officer, as the case may be) of the County of El Dorado, do solemnly swear that the entire fees, compensation, commissions, percentage or payments for all services by me, or any deputy or person connected with my office, for me, has been entered in detail in this fee book of my office and added up, and that the amount thereof is the full amount received or charged since the last payment, and that neither myself, nor, to my knowledge, any deputy for me, has rendered any service for which fees are chargeable and payable to the county, which is not entered in the fee book and added up to make the sum paid to the Treasurer." Both the Treasurer's receipt and the affidavit named in this section shall be written upon the face of the fee book, following the record of fees for the month.

Fees credited

SEC. 32. Any officer required by this Act to pay his fees into the treasury, who shall credit any person for fees, percentage or commissions, for any service rendered under this Act, for which he is allowed to charge, shall do so at his own risk, and the same shall be entered in the fee book and paid over at the end of the month, the same as if it had not been credited.

Penalty for neglect of duty.

SEC. 33. For a wilful neglect or refusal to comply with section thirty-one of this Act, the officer or officers named shall, in addition to having his account rejected by the Board of Supervisors, be deemed guilty of a misdemeanor, and, on conviction thereof, be fined in any sum not exceeding one thousand dollars or imprisoned in the county jail not to exceed one year, or both such fine and imprisonment, and shall be deprived of his office; *provided*, that nothing in said section thirty-one shall release them from giving any bond required of them by law, or from any civil responsibility, to any and all persons, in relation

to the business that may be applicable to their several official duties.

Table of fees

SEC. 34. Every officer herein specified shall prepare and set up in his office a plain table of his fees, within twenty days after entering upon the duties of his office, in some conspicuous place, for the inspection of all persons, upon pain of forfeiting for each day a sum not less than five nor more than twenty dollars, which may be recovered by any person, before any Justice of the Peace of the same county, one-half for the use and benefit of the person complaining, and the other one-half to be paid to the Salary Fund.

Costs of publication.

SEC. 35. When by law any publication is required to be made by an officer, of any suit, process, notice, order or other paper, the costs shall be tendered the officer by the party requiring the publication, before said officer shall be compelled to make the same.

Execution for fees due.

SEC. 36. If any Clerk, Sheriff, Justice of the Peace or Constable, shall not have received the fees due him for services rendered by him, he may have execution in his own name against the party by whom they are due, to be issued by the Court in which the action is pending.

Receipt for fees.

SEC. 37. Every officer may be required to give to the party paying the same, a detailed account of fees, receipting said account, and for refusing or neglecting to do so when required, shall be liable to the party paying the same, for three times the amount so paid.

BONDS.

Bonds.

SEC. 38. The several officers named in this Act, before entering upon the duties of their respective offices, shall execute a bond with two or more sureties, to be approved by the County Judge, in the several amounts specified in the next section, conditioned for the faithful performance of all duties enjoined upon them by law, and more particularly that they will account for, and pay over to the proper persons, all moneys which may come into their hands, said bonds to be governed by the laws relating to official bonds, and to be filed with the County Clerk, except that the County Clerk shall file his bonds with the County Treasurer.

SEC. 39. The amount of the bonds of the several officers named in this Act shall be as follows:

County Clerk, ten thousand dollars.

County Clerk, as ex officio Recorder, ten thousand dollars.

County Clerk, as ex officio Auditor, ten thousand dollars.

Sheriff, thirty thousand dollars.

Treasurer, forty thousand dollars.

Treasurer, as ex officio Tax Collector, twenty thousand dollars.

Assessor, five thousand dollars.

Assessor, as ex officio Collector of poll tax, road tax, licenses and foreign miners' licenses, fifteen thousand dollars.

District Attorney, three thousand dollars.

Surveyor, one thousand dollars.

Coroner, one thousand dollars.

County Superintendent of Common Schools, two thousand dollars.

Public Administrator, ten thousand dollars, which may be increased, in the discretion of the Probate Judge.

Justices of the Peace, five hundred dollars.

Constables, five hundred dollars.

Duty of Sheriff.

SEC. 40. The Sheriff shall serve all warrants, subpœnas, venires and other papers in criminal cases pending in the District or County Court of the county; and no charge therefor shall be made by him against the county, except for mileage; and he shall be responsible to any and all persons whom he may appoint or authorize to serve papers of any kind or description; and the Board of Supervisors are hereby forbidden to allow any Constable or other person fees or commissions for the service of any papers in any criminal case pending before the grand jury, District or County Court.

County Clerk, as ex officio Recorder and Auditor.

SEC. 41. The County Clerk elected at the general election held in the County of El Dorado on the first day of September, A. D. eighteen hundred and sixty-nine, is hereby declared to be ex officio Recorder and Auditor of said county, and he is hereby authorized to take possession of all books, papers, records, documents and all things of every kind and description appertaining to the said offices of Recorder and Auditor of said El Dorado County, on the first Monday of March, A. D. eighteen hundred and seventy, that being the time fixed by law for the expiration of the term of the present incumbent, whose term of office shall cease, determine and expire.

Sheriff, as ex officio County Treasurer.

SEC. 42. The Sheriff, at the general election to be held in the year A. D. one thousand eight hundred and seventy-one, shall be ex officio County Treasurer; and for his services as such ex officio Treasurer he shall receive the sum of seven hundred dollars per annum, in addition to his salary as Sheriff; and he shall be subject to and governed in all respects as is herein provided for the Treasurer, and, in addition to his bond as Sheriff, shall give, as ex officio Treasurer, the bond herein provided for the Treasurer. From and after the first Monday in March, A. D. one thousand eight hundred and seventy-two, the offices of Sheriff and Treasurer are hereby declared to be united and consolidated in said county.

Coroner, as ex officio Public Administrator.

SEC. 43. The Coroner elected at the general election to be held in the year A. D. eighteen hundred and seventy-one, shall be and he is hereby declared to be ex officio Public Administrator, and shall be governed by all laws appertaining to the said office; and from and after the first Monday in March, A. D. eighteen hundred and seventy-two, the said offices of Coroner and Public Administrator are hereby declared to be consolidated and united in said county.

Repealed.

SEC. 44. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they apply to the County of El Dorado.

To take effect.

SEC. 45. This Act shall take effect and be in force from and after the sixth day of March, A. D. eighteen hundred and seventy.

CHAPTER CXLVI.

An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco, and to authorize said Board to appropriate money for certain purposes.

[Approved March 7, 1870.]

Preamble. WHEREAS, The Board of Supervisors of the City and County of San Francisco passed an order, numbered eight hundred and forty (840), and approved by the Mayor and President of said Board, October twenty-sixth, eighteen hundred and sixty-eight, and which order is as follows: Order Number Eight Hundred and Forty (840). The People of the City and County of San Francisco do ordain as follows:

Section 1. The faith of the City and County of San Francisco is hereby pledged to pay, out of the General Fund of said city, the sum of three thousand ($3,000) dollars, in gold coin of the United States, with lawful interest (as soon as the Legislature of this State shall authorize the same), to such parties as may advance to the Mechanics' State Council, for the use of the Mechanics' Eight Hour Exchange, said amount, in monthly payments of two hundred fifty dollars ($250), for the next twelve months; *provided*, the said amount be paid to the said Mechanics' State Council under the express condition that the benefits of the institution be given to all persons seeking information, or obtaining engagements through its assistance, free of charge.

Sec. 2. This order shall take effect and be in force from and after its passage.

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

Order confirmed. SECTION 1. That said before recited order be and the same is hereby ratified and confirmed, and said Board of Supervisors are hereby authorized to pay out of the General Fund the sum of money named in said order, to the parties entitled thereto.

Payment authorized. SEC. 2. The said Board of Supervisors are hereby authorized, if in their discretion they see proper so to do, to pay out of the General Fund of the Mechanics' State Council, for the use of the Eight Hour Labor Exchange, in San Francisco, the sum of two hundred and fifty dollars per month, in gold coin, said payments to be on condition that the benefits of said institution shall be free to all persons seeking information, or obtaining employment through the assistance of said institution.

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

CHAPTER CXLVII.

An Act to authorize Elizabeth W P. Keeny, administratrix of the estate of George Keeny, deceased, to sell certain lands of said estate.

[Became a law by operation of the Constitution, March 9, 1870.]

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

May sell at public or private sale.

SECTION 1. Elizabeth W. P. Keeny, administratrix of the estate of George Keeny, deceased, is hereby authorized, under the direction of the Probate Judge of Nevada County, to sell at public or private sale, all or any part of the lands or real estate, belonging to the estate of the said deceased, situated and being in the said County of Nevada or in any other county in said State.

Report to Probate Judge.

SEC 2. Upon making any sale under the provisions of this Act, the said administratrix shall make full report of the same to the Probate Judge of Nevada County, and such Judge shall examine and confirm or set aside the same, as in other cases of sales made under the order of the Probate Judge.

Additional bond.

SEC. 3. Before making any sale under this Act, the said administratrix shall give such other and further bond as may be required by said Probate Judge, for the faithful performance of all acts done under and in pursuance of this Act, and for the proper application of the proceeds and money derived from said sale or sales.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this ninth day of March, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CXLVIII.

An Act to authorize the Board of Supervisors of Plumas County to build certain wagon roads in said county.

[Approved March 9, 1870.]

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

Supervisors may build road.

SECTION 1. The Board of Supervisors of Plumas County are hereby authorized and empowered to build a wagon road from the Town of Quincy, in said county, to Indian Valley, via the junction of Indian and Spanish Creeks. The said road to be constructed at least twelve feet wide, with good and sufficient turnouts for wagons, and upon a grade not to exceed twelve inches to the rod at any point; the same to be completed on or before the first day of September, Anno Domini one thousand eight hundred and seventy.

When to be completed.

SEC. 2. The Board of Supervisors are hereby authorized and further empowered to repair the road leading from Quincy to Beckworth's Valley in such manner as said Board may deem best; said repairs to be made on or before the first day of September, Anno Domini one thousand eight hundred and seventy. And the said Board of Supervisors are hereby further authorized and empowered, in their discretion, to expend any portion of the moneys hereinafter authorized to be raised in the construction, maintenance or repair of the road leading from Indian Valley, in said county, by the way of Genesee and Red Clover Valleys, to Beckworth Valley, in said County of Plumas. May repair certain roads

SEC. 3. The building and repair of said roads to be done by contract or under the immediate control and direction of the Board of Supervisors, as said Board may deem best. Work, how done.

SEC. 4. Upon the completion of the road provided for in section one of this Act, the Board of Supervisors shall establish, or authorize some private person to establish toll gates at some point on said roads, and collect, or authorize some private person to collect such tolls as will keep said roads in good repair; and the said Board are hereby empowered and directed to have the said roads kept in good travelling order. Collect tolls.

SEC. 5 To enable the Board of Supervisors to construct and repair said roads, the said Board shall, by order, direct their Chairman, in conjunction with the Auditor and Treasurer of said county, who, for the purposes of this Act, in addition to their other duties as such officers and their successors in office, shall constitute a Board of Commissioners, to be styled "The Bond Commissioners" of said county; as such Bond Commissioners to issue bonds, from time to time as may be required, to the amount of twenty-seven thousand dollars, of a denomination not less than one hundred nor more than one thousand dollars; *provided*, that not more than twenty thousand dollars of said bonds shall be issued or used in building the road from Quincy to Indian Valley. The principal of said bonds shall be made payable on a specified day, to be named in said bonds, which day shall be ten years from the date of their issue. Said bonds shall draw interest at the rate of seven per cent. per annum from the date of their issue, and said interest shall be made payable on a specified day, to be named in coupons, which payments shall be annual, and both the principal and interest shall be made payable in United States gold coin, at the office of the County Treasurer of Plumas County. Said bonds shall be signed by the Chairman of said Board of Supervisors, the Auditor and Treasurer of said county, as such officers and ex officio Bond Commissioners; and when so signed, shall be presented by the Chairman of the Board of Supervisors to the Clerk of said county, who shall countersign the same, as such Clerk, in the presence of a quorum of such Board at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered in a book to be kept for that purpose, together with the number, date and amount of each bond so countersigned by such Clerk; and it shall then be the duty of the Board of Supervisors to cause the seal of said county to be affixed to each bond so issued. The Board of Supervisors shall then sell or otherwise

Bond Commissioners. To issue bonds. Interest. By whom signed.

dispose of said bonds, to enable them to construct and repair said roads.

Coupons. SEC. 6. Coupons for the interest shall be attached to each of the bonds issued under the provisions of this Act, so that the same may be detached without mutilation to the bond; said coupons shall be signed by the Bond Commissioners. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, indorse the word "Cancelled" on the backs thereof, and deliver the same to the County Clerk of said county, taking his receipt therefor, whose duty it shall be to file the same in his office, and make a report thereof at the next meeting of the Board of Supervisors.

Interest tax. SEC. 7. It shall be the duty of the Board of Supervisors of Plumas County, for the year eighteen hundred and seventy, and for each year thereafter, so long as the said bonds shall be outstanding and unpaid, to levy a tax to be styled "bond interest tax," sufficient to raise the amount of interest required to be paid each year on the bonds issued under the provisions of this Act; and they shall at the same time, so long as the said bonds are outstanding and unpaid, levy a tax not exceeding forty cents, which in their judgment shall be sufficient to carry out the provisions of this Act, on each one hundred dollars worth of taxable property in said county, for the purpose of raising a fund for the liquidation of said bonds, which shall be styled "Bond Fund." The said taxes shall be levied and collected in the same manner as the general taxes, and when collected shall be paid unto the County Treasurer, who shall place the former in the Interest Fund named above and the second into the Bond Fund aforesaid, to be paid out by him at the order of the Bond Commissioners of said county, as follows:

Bond Fund.

First—The Interest Fund to the payment of the interest falling due on said bonds.

Second—The Bond Fund to the redemption of said bonds as hereinafter provided.

Surplus. SEC. 8. Should there be collected as such interest tax, a sum greater than is required to pay the annual interest on said bonds issued under the provisions of this Act, then the said Bond Commissioners shall, on the first Monday in February in each year, pass over such surplus into the said Bond Fund.

Payment of interest. SEC. 9. It shall be the duty of the Bond Commissioners to make arrangements for the payment of the interest on said bonds when the same falls due, at least thirty days before the time of payment, and in the event said Interest Fund is insufficient, the said Treasurer shall draw on the General Fund of said county for such purpose, and pay out the same at the order of said Bond Commissioners; and in the event that the General Fund proves inadequate, the said Commissioners are 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.

Redemption of bonds. SEC. 10. Whenever at any time there shall be in said Bond Fund a sum of money amounting to two thousand dollars or upwards, the said Commissioners shall advertise in a public newspaper published in said county, for a space of four weeks,

for sealed proposals for the redemption of said bonds; and ten days from the expiration of the time of such publication the said Commissioners shall open the sealed proposals and shall pay and liquidate, as far as the Bond Fund then on hand shall extend, such bonds, presented under said proposals, as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and *provided*, should there be no proposals made for less than par value, then the payment of said Bond Fund on hand shall be made on said bonds according to the number of their issue and date, of which number and date of the bonds to be paid the said Commissioners shall give four weeks notice by publication, after which time such bonds shall cease to draw interest; and *provided* further, whenever there shall be sufficient moneys in such Bond Fund for the extinguishment of all the bonds outstanding, issued under this Act, it shall be the duty of the said Commissioners to advertise in like manner, for a space of four weeks, for the redemption of all the outstanding bonds issued as aforesaid, after which time said bonds shall cease to draw interest. Any moneys remaining in said Bond Fund after the redemption of all of said bonds shall go into the General Fund of said county.

Cancelled bonds.

SEC. 11. Whenever any bonds shall have been redeemed, by order of the said Commissioners, the Treasurer shall mark the same cancelled, over his signature as Treasurer, and immediately deliver the same to the County Clerk, taking his receipt therefor; and the said Clerk, upon the receipt of such cancelled bonds, shall file the same in his office.

To keep account.

SEC. 12. The County Auditor of Plumas County shall keep an account of the Interest Fund and of the Bond Fund above provided for, the same as of other funds in the county treasury, and shall furnish to the Bond Commissioners a statement of the same on the first Mondays of January, April, July and October of each year.

Liabilities.

SEC. 13. The said Commissioners, and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall, in all things herein required of them, be subject to all the liabilities and penalties to which they are subject for a failure to perform any other of the duties of their respective offices; and they shall be allowed by the Board of Supervisors a reasonable compensation for their services under the provisions of this Act, to be paid out of the General Fund of said county. And the Board of Supervisors may, and are hereby directed to require of each of said Commissioners such bonds for the faithful performance of their duties herein as may by said Board be deemed proper; not to exceed the sum of five thousand dollars to each of said Commissioners.

Compensation.

Bonds.

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

CHAPTER CXLIX.

An Act to fix the terms of the County Court and Probate Court of the County of Monterey.

[Approved March 9, 1870.]

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

Terms of County Court.

SECTION 1. The regular terms of the County Court in and for the County of Monterey shall be held at the county seat of said county, on the second Monday in January, third Monday in March, second Monday in July, third Monday in September in each year.

Probate Court.

SEC. 2. The regular terms of the Probate Court in and for the County of Monterey shall be held at the county seat of said county, commencing on the first Monday of each month; each term of said Court shall, either with or without intermediate adjournment, continue to the commencement of the next term.

Repealed.

SEC. 3. That an Act approved March twenty-sixth, eighteen hundred and sixty-eight, entitled an Act to fix the terms of the County Court and Probate Court of the County of Monterey, be and the same is hereby repealed, and all other Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CL.

An Act concerning the funded debt of San Bernardino County.

[Approved March 9, 1870.]

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

Supervisors to levy tax.

SECTION 1. For the purpose of paying the interest on the outstanding bonds of San Bernardino County issued in accordance with an Act of the Legislature of the State, entitled an Act to fund the debt of the County of San Bernardino, approved February twenty-sixth, eighteen hundred and fifty-nine, and also to constitute a sinking fund for the redemption of said bonds, the Board of Supervisors are hereby authorized and empowered to levy and cause to be collected, during the year eighteen hundred and seventy and every year thereafter, until said bonds are paid and discharged, a tax of not less than twenty nor more than forty cents on each one hundred dollars worth of taxable property in said county.

Redemption Fund.

SEC. 2. The money collected in accordance with section one of this Act shall be set apart by the County Treasurer and known as the Redemption Fund.

SEC. 3. The interest on said bonds shall be paid annually on

the first Monday in March in each year; and on the first Monday in March in each year, when there shall be as much as three hundred dollars in the county treasury, collected by the provisions of this Act, over and above the interest due on the first Monday in March in each year, it shall be the duty of the County Treasurer to advertise in some newspaper published in the County of San Bernardino or in the County of Los Angeles, and by posting notices in three conspicuous places in said County of San Bernardino, for twenty days, stating the amount of such surplus in the Sinking Fund and inviting sealed bids at said Treasurer's office on a given day, specifying the hour, to redeem the said bonds. Such bids shall be opened and inspected publicly; and it shall be the duty of the Treasurer to accept such bids as will redeem the greatest amount of bonds with such surplus in the Sinking Fund, and the same shall be applied to the redemption of such bonds for which bids were accepted, and the same shall be taken up and cancelled; but no bid shall be received at a higher rate than principal and interest. Interest, when paid. Redemption.

SEC. 4. All Acts and parts of Acts contrary to the provisions of this Act are hereby repealed. Repealed.

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

CHAPTER CLI.

An Act to fix the fees of witnesses in criminal actions in San Bernardino County.

[Approved March 9, 1870.]

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

SECTION 1. Witnesses in criminal actions shall receive fees, to be fixed by the Board of Supervisors, only when they attend before the County Court or District Court on behalf of the people, upon a subpœna or by virtue of a recognizance. Witness fees.

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

CHAPTER CLII.

An Act to provide for the payment of certain salaries in the County of Calaveras.

[Approved March 9, 1870.]

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

SECTION 1. The Board of Supervisors for the County of Calaveras are hereby authorized and required to levy, for the year

Supervisors to levy additional tax.

eighteen hundred and seventy, in addition to the tax now authorized by law to be levied and collected, a tax of not exceeding fifty cents on each one hundred dollars valuation of the taxable property of said county; such tax to be levied, assessed and collected at such time and in the same manner as other property taxes are levied, assessed and collected under the revenue laws of this State. The money derived from said tax to be applied to the payment of said salaries, or such warrants as may be issued therefor and be outstanding against the Salary Fund of said county on the eighth day of March, eighteen hundred and seventy.

How applied

Duty of Treasurer.

SEC. 2. It shall be the duty of the County Treasurer of the said County of Calaveras to set apart the money collected according to the requirements of section one of this Act, in a separate fund, and to pay the same out in liquidation of the said salaries, or such warrants as may be outstanding against the said Salary Fund, in the order of their registration.

Surplus.

SEC. 3. Any money remaining in said fund after said warrants shall have been paid, shall be transferred to the General Fund, and used for the general purposes of said county.

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

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

CHAPTER CLIII.

An Act to repeal an Act entitled an Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain overflowed lands in the County of San Mateo, approved March thirtieth, eighteen hundred and sixty-eight

[Approved March 9, 1870.]

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

Act repealed

SECTION 1. That an Act entitled an Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain overflowed lands in the County of San Mateo, approved March thirtieth, eighteen hundred and sixty-eight, be and the same is hereby repealed.

CHAPTER CLIV.

An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof, and authorize appropriations by said Board.

[Approved March 9, 1870.]

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

Payment authorized.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and order paid, out of the General Fund, an amount not to exceed ten thousand ($10,000) dollars, said amount to be used in construction of an additional number of cells in the county jail, said cells to be constructed under the supervision and direction of the Chairman of the Committee on Public Buildings of the Board of Supervisors and the Sheriff of said city and county.

Prison van.

SEC. 2. The Board of Supervisors are hereby authorized and directed to procure a strongly-built covered spring wagon, capable of seating twelve persons, also two horses and harness, etc., to be used under the direction of said Sheriff, and exclusively in the transportation of prisoners and insane persons.

Sheriff to appoint driver.

SEC. 3. The Sheriff of the City and County of San Francisco is hereby authorized to appoint a suitable person to drive and take charge and care of the two horses, wagon, etc., named in section two of this Act, who shall receive a salary of seventy-five dollars per month, payable out of the General Fund of said city and county.

Salary.

Expenses.

SEC. 4. The Board of Supervisors are hereby authorized and directed to allow and order paid, out of the General Fund, fifty ($50) dollars per month, to the Sheriff, which shall be in full satisfaction for the keeping and maintaining of the horses named in section two of this Act.

SEC. 5. This Act shall take effect immediately.

CHAPTER CLV.

An Act to authorize the Mayor and Common Council of the City of Marysville to close up Virgin alley, between Seventh and Eighth streets.

[Approved March 9, 1870.]

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

Alley vacated.

SECTION 1. The Mayor and Common Council of the City of Marysville are hereby empowered to close up Virgin alley, between Seventh and Eighth streets, in said city, and to dedicate that portion of said alley so authorized to be closed up as aforesaid, permanently to the use of the Seminary of the Sisters of Notre Dame of said city.

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

CHAPTER CLVI.

An Act to provide for the building of a bridge across Putah Creek, Napa County, and to authorize the Supervisors of Napa County to levy a special tax for that purpose.

[Approved March 9, 1870.]

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

Supervisors to erect bridge.

SECTION 1. The Board of Supervisors of Napa County are hereby authorized and required to cause a suitable bridge to be constructed across Putah Creek, where the county road leading from Napa City to Monticello now crosses said creek, within one year of the passage of this Act.

To contract for building.

SEC 2. The said Board of Supervisors of Napa County shall contract with the lowest responsible bidder for the construction of said bridge, upon such plan as they may designate, first giving thirty days notice by publication in some newspaper published in the County of Napa, and by public notice set up in three of the most public places in said county, one of which shall be set up in the Town of Monticello.

Tax levied.

SEC. 3. The Board of Supervisors of Napa County are hereby authorized and directed, in addition to the taxes already authorized by law to be collected, to levy, for the year eighteen hundred and seventy, to be collected as other taxes are collected, on all property, real and personal, throughout the County of Napa, liable to taxation, such sum as in their judgment, after causing an estimate to be made by a competent person or persons of the probable cost of a suitable and proper bridge over said creek, may be necessary to construct and complete said bridge; *provided*, that the said tax shall not exceed the sum of twenty-five cents on each one hundred dollars worth of property so subject to taxation within said Napa County.

Bridge Fund

SEC. 4. The money collected from said special tax shall be paid into the county treasury by the Collector as other moneys, and shall constitute a special fund, to be known as the Putah Creek Bridge Fund. And upon the completion of said bridge according to contract, and upon the approval of the Board of Supervisors of Napa County of the account for the same, the Auditor of said county shall draw his warrant upon the Treasurer of said county, payable out of said special fund.

Deficiency Fund.

SEC. 5. If the amount of money in said fund arising from such tax shall from any cause be insufficient to pay the amount of such warrant, the balance remaining unpaid shall bear interest at the rate of seven per cent. per annum; and the Board of Supervisors of Napa County shall, and they are hereby directed to levy and cause to be collected, in the year eighteen hundred and seventy-one, an additional tax to raise such balance and

interest, which tax shall be levied and collected in precisely the same manner as the tax provided for in section three of this Act, and shall be placed to the credit of said special fund, and be payable upon said warrant; *provided*, that the tax to be levied in the year eighteen hundred and seventy-one shall under no circumstances exceed the sum of twenty cents on each one hundred dollars of taxable property in said county.

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

CHAPTER CLVII.

An Act to amend an Act entitled an Act to protect sheep and lambs in this State, approved May eighteenth, eighteen hundred and sixty-one.

[Approved March 9, 1870.]

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

SECTION 1. Section one is amended so as to read as follows:

Section 1 The owner, possessor or harborer of any dog or other animal that shall kill or wound any sheep, lamb or Angora or Cashmere goats shall be liable to the owner or owners of the same for double their value, and may be prosecuted therefor before any Court of competent jurisdiction. Liabilities of owners of dogs.

CHAPTER CLVIII.

An Act to amend an 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, and the several Acts amendatory thereof and supplemental thereto.

[Approved March 9, 1870.]

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

SECTION 1. Section six hundred and seven of the above entitled Act is hereby amended so as to read as follows:

Section 607. It shall be the duty of every Justice of the Peace, upon the expiration of his term of office, to deposit with his successor his official dockets and all papers filed in his office, as well his own as those of his predecessors, or any other which may be in his custody, to be kept as public records. If the office of a Justice become vacant, by his death or removal from the township or city, or otherwise, before his successor is elected and qualified, the docket and papers in possession of such Justice shall be deposited in the office of some other Justice in the Duty of Justice, at expiration of term. Vacancy.

township, to be by him delivered to the successor of said Justice; and while in his possession he may issue execution on a judgment, there entered and unsatisfied (may make all orders in proceedings supplemental to execution, and may file notices and undertakings on appeal, and may take the justification of the sureties, and on the filing of the undertaking on appeal, order stay of execution), in the same manner and with the same effect as the Justice by whom the judgment was entered might have done. If there be no other Justice in the township, then the docket and papers of such Justice shall be deposited in the office of the County Clerk of the county, to be by him delivered to the successor in office of the Justice.

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

CHAPTER CLIX.

An Act for the relief of the San Francisco Cadets.

[Approved March 9, 1870.]

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

Appropriation.

SECTION 1 The sum of one hundred and fifty dollars is hereby appropriated, out of any money in the Military Fund in the State treasury not otherwise appropriated, to pay the San Francisco Cadets, on account of moneys due them by the State, and for which a warrant—number four thousand four hundred and twelve (4,412), dated June thirtieth, eighteen hundred and sixty-nine—was drawn in favor of said San Francisco Cadets, but which warrant has been lost and never paid; *provided*, that the Captain and Secretary of said San Francisco Cadets shall first execute a bond to the State of California in double that sum, with two or more sufficient sureties, to the effect that they will save harmless the State of California against any demand that may be hereafter made for the payment of said warrant or sum due as aforesaid.

Indemnity bond.

To be approved.

SEC. 2. The bond mentioned in the first section shall be approved by the State Treasurer, and shall be kept on file in his office.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLX.

An Act to authorize the Trustees of the City of Benicia to refund the debt of said city.

[Approved March 9, 1870.]

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

SECTION 1. Upon presentation to the Trustees of the City of Benicia, by any holder thereof, of any outstanding and unpaid bonds or warrants of said city, issued prior to the year eighteen hundred and sixty, the said Trustees shall compute the interest on the same, from the date to which interest has been paid upon such bond or warrant to the first day of January preceding the date of such presentation, at the rate of ten per cent. per annum, and shall, in lieu thereof, issue to such holder new bonds, signed by all the Trustees, of denominations of not less than one hundred dollars each, equal in amount to the principal and interest aforesaid, bearing date on such first day of January, payable at the option of the said Trustees at any time after one year, and within ten years from date, with interest at the rate of five (5) per cent. per annum, payable annually until paid; principal and interest payable in gold coin of the United States, at the treasury of Solano County. Trustees to issue new bonds.

SEC. 2. The annual tax for the Interest and Redemption Fund of said city shall remain the same as now established by law until the whole debt is extinguished, and shall be applied as follows, to wit: Tax, how applied.

First—To the payment of the interest on the bonds authorized by this Act.

Second—To the redemption of outstanding bonds or warrants of said city as now provided by law; *provided*, that if after payment of the interest aforesaid there shall remain in the Interest and Redemption Fund a sum less than three hundred dollars, the said Trustees shall not be compelled to advertise for such redemption until the following year.

SEC. 3. If at any bidding for redemption of the debt of said city there shall not be bids sufficient at par or under to exhaust the money in the Interest and Redemption Fund, the Trustees of said city may advertise once a week for four consecutive weeks, in one newspaper published in the County of Solano, and one published in the City of San Francisco, describing any outstanding bond or warrant of said city, issued prior to the year eighteen hundred and sixty, and announce that the Treasurer of Solano County will, upon presentation, pay such bond or warrant; and if such bond or warrant is not presented for payment within thirty days after its first advertisement, it shall cease to bear interest thereafter; and any other outstanding bond or warrant may be advertised in the same manner and subject to the same conditions, until all the outstanding bonds or warrants have been so advertised; and any bond not presented for Redemption.

payment within thirty days after such first advertisement thereof, as aforesaid, shall cease thereafter to bear interest.

SEC. 4. This Act shall be in force from and after its passage.

CHAPTER CLXI.

An Act to protect the rights of married women in certain cases.

[Approved March 9, 1870.]

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

Earnings of wife.

SECTION 1. The earnings of the wife shall not be liable for the debts of the husband.

Separate property.

SEC. 2. The earnings and accumulations of the wife, and of her minor children living with or being in her custody, while the wife is living separate and apart from her husband, shall be the separate property of the wife.

To have sole control.

SEC. 3. The wife, while living separate and apart from her husband, shall have the sole and exclusive control of her separate property, and may sue and be sued, without joining or being joined with her husband, and may avail herself of and be subject to all legal process in all actions, including actions concerning her real estate.

May sell and convey real estate.

SEC. 4. The wife, while living separate and apart from her husband, may sell, and by her deed, without joining with her husband, convey her real estate as hereinafter provided:

First—Before such sale and conveyance, she shall cause to be recorded in the office of the Recorder of the county where the real estate to be sold is situated, her declaration, duly verified and acknowledged before an officer authorized by law to take acknowledgment of deeds, containing a description of such real estate, the name of her husband, her own place of residence, and that she is a married woman, living separate and apart from her husband.

Second—Upon filing in the County Court of the proper county her petition, duly verified, containing a substantial copy of such record, and showing that she is still living separate and apart from her husband, and intends to sell any part or the whole of such real estate, describing the same, such Court, or the Judge thereof, shall appoint a day for the hearing of the matter, not less than thirty days from the date of the filing of such petition, and may direct such notice of such hearing to be given by publication, in some newspaper or otherwise, as to such Court or Judge may seem proper, the same not to be more than three weeks; and upon such hearing, if it appears that the foregoing provisions have been complied with, the Court shall, if it so appear in proof, adjudge that such person is a married woman, living separate and apart from her husband, and is authorized to sell and convey any or all of her real estate, in such petition

described, which judgment shall be final and conclusive of the matters contained therein.

SEC. 5. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed. Repealed.

SEC. 6. This Act shall take effect immediately.

CHAPTER CLXII.

An Act to fix the terms of the District Court of the First Judicial District of the State of California.

[Approved March 9, 1870.]

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

SECTION 1. The regular terms of the District Court of the First Judicial District of the State of California shall be held as follows: At the county seat of the County of San Luis Obispo, on the first Monday of January, May and September in each year, and at the county seat of the County of Santa Barbara on the third Monday of February, June and October in each year. Terms of Court. San Luis Obispo. Santa Barbara.

SEC. 2. All Acts and parts of Acts in conflict with any of the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXIII.

An Act to provide for the settlement of statements on appeal and on motion to set aside reports of Commissioners in certain cases.

[Approved March 9, 1870.]

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

SECTION 1. In all cases wherein Commissioners have been heretofore appointed and have not yet reported, or shall be hereafter appointed to assess compensation for the taking of private property for public uses, such Commissioners shall file with their report all the evidence taken by and before them, and shall certify that fact to the Court. Commissioners to file evidence.

SEC. 2. Such Commissioners shall also, so far as practicable, assess compensation for each piece of land taken, and for each source of damage, separately; and shall, on request of either party, state the principle upon which such compensation is assessed, and shall note such exception as shall be taken by any party, and certify the same with the evidence. Compensation, how assessed.

Motion to set aside.

SEC. 3. Any party may, within ten days after service of written notice of the filing of such report, file a motion to set aside the same; and the entire report of the Commissioners, including the testimony and exceptions, shall be deemed a statement on such motion, and may be used and read thereon.

Appeal.

SEC. 4. Any party deeming himself or itself aggrieved by any order of the District Court, denying or allowing such motion, may appeal to the Supreme Court; and such appeal shall be taken, in all respects, as from an order sustaining or denying a motion for a new trial, except as provided in section five hereof.

Statement on appeal.

SEC. 5. Any motion made in such inferior Court to set aside such report shall state the points upon which the mover will rely; and the party appealing shall file his statement on appeal within twenty days after receiving written notice of the decision of such motion, wherein he shall state the points upon which he or it will rely on the appeal, with so much of the evidence as shall be necessary to the full hearing of such points. And if such statement shall not be agreed to, the Judge shall settle the same, using the evidence as reported by the Commissioners for that purpose.

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

CHAPTER CLXIV.

An Act making appropriations for deficiencies in the appropriations for the twenty-first fiscal year.

[Approved March 9, 1870.]

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

Appropriation.

SECTION 1. The sum of eight thousand four hundred and fifty dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for the objects herein named, to wit:

For stationery, lights, fuel, etc., for the Legislature and State officers, to be expended under the direction of the Secretary of State, eight thousand dollars.

For copying and indexing the laws of the eighteenth session in the office of the Secretary of State, four hundred and fifty dollars.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXV.

An Act supplementary to an Act entitled an Act concerning assessments upon the stock of corporations, approved March twenty-sixth, eighteen hundred and sixty-six.

[Approved March 9, 1870.]

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

Affidavit of publication.

Affidavit of sale.

To be filed.

SECTION 1. The publication of any and all notices required by the provisions of said Act to which this is supplementary may be proved by the affidavit of the printer or his forman, or principal clerk of the paper in which the same was published; and the affidavit of the Secretary or other auctioneer who may have sold any stock for delinquencies under said Act shall be prima facie evidence of the time and place of such sale, of the quantity and particular description of the stock sold, and to whom and for what price, and of the fact of the purchase money being paid. Such affidavits shall be filed in the office of the corporation, and copies of the same, certified by the Secretary thereof as true and correct, shall be admissible in evidence in all Courts the same as the original, and shall be prima facie evidence of the facts therein stated. Such certificate purporting to be signed by said Secretary, and purporting to be under the seal of such corporation, shall be prima facie proof of the fact that the person signing the same was, at the date thereof, such Secretary, that his signature thereto is genuine, and that such seal is the seal of said corporation.

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

CHAPTER CLXVI.

An Act to provide for the construction and maintenance of a wagon road in Lake County.

[Approved March 9, 1870.]

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

To construct wagon road.

SECTION 1. William H. Manlove, and those whom he may associate with him, are hereby authorized to construct a graded wagon road, from the northwest corner of Charles Piner's farm, west of Kelsey Creek, in Lake County, over the most practicable and direct route to a point near Bradford's, in Locolloyome Valley, in said County of Lake; road to cross Kelsey Creek at or near Boll's farm and to run the most direct and practicable route to the Ben Moore Mill; thence to the "Snow Place," on the divide between Cobb Valley and Locolloyome Valley; thence to Bradford's on the best and most practicable route.

When bonds to issue.

SEC. 2. Whenever the said William H. Manlove and his associates shall have constructed five miles of said road and the bridges thereon, to the satisfaction of the Board of Supervisors of said county, it shall be the duty of said Board to receive the same, and to issue and deliver to Manlove and his associates bonds of said county in such denominations as they think best, to the amount of five thousand dollars; and as fast as the said Manlove and his associates shall complete such succeeding five miles, not exceeding thirty miles in all, it shall be the duty of said Board, after it has examined said road and accepted said sections of road, to issue and deliver to the said Manlove and his associates the bonds of said county, in like manner and amount as aforesaid, the whole amount of said bonds not to exceed thirty thousand dollars.

When payable.

SEC 3. Said bonds shall be payable in ten years from the date of their issue, in United States gold coin, and shall bear interest at the rate of eight per cent. per annum, payable annually, and shall have the proper interest coupons attached.

Road to be property of the county.

SEC. 4. Whenever said road is fully completed, it shall be the property of said Lake County, and the Board of Supervisors of said county shall have power to levy and collect such tolls thereon as shall be sufficient, after keeping said road in good repair, to pay the interest on said bonds and to provide for the redemption of the same; and said rates of toll shall in no case exceed such per cent. as shall be necessary for the purpose above stated.

Levy tax to supply deficiency.

SEC. 5. In case the tolls collected on said road are insufficient to keep the same in repair and to pay the interest and provide for the redemption of said bonds, said Board shall levy a tax, sufficient to supply the deficiency, upon all property in that portion of said county which lies to the west of a line through the centre of range eight west, Mount Diablo meridian; thence north to Colusa County line; thence south, including Jamison's Ranch and Locolloyome Valley, following the division line between Locolloyome and Guenoc grants to the Napa County line; *provided*, that no property lying east of said line shall be taxed for the purposes of this road.

How to be assessed and collected.

SEC. 6. The tax so levied shall be assessed and collected at the same time and in the same manner as other State and county taxes are assessed and collected, and the revenue derived therefrom shall constitute a special fund, to be known as the "Wagon Road Interest and Redemption Fund," and shall be devoted exclusively to the purposes for which it is levied and collected.

Completion of road.

SEC. 7. Said road shall be commenced within three months from the passage of this Act, and shall be completed within two years. Said road shall be of sufficient width for all purposes of travel and teaming, and shall have the necessary bridges, culverts and turnouts.

Lands, how condemned.

SEC. 8. If it shall be necessary, for the purpose of the location and establishment of said road, to take any private property to which the consent of the owners thereof cannot be obtained, it shall be the duty of said Board of Supervisors to condemn the same under the provisions of the general railroad law of this State. And the said William H. Manlove and his associates shall pay any damages which may be awarded to any person.

SEC. 9. This Act shall take effect immediately.

CHAPTER CLXVII.

An Act to amend an Act entitled an Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixt -three, approved March twenty-fourth, eighteen hundred and sixty-six, and approved March fourteenth, eighteen hundred and sixty-eight.

[Approved March 9, 1870.]

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

SECTION 1. Section one of said Act is here amended so as to read as follows:

Section 1. The Counties of Klamath, Sutter, Sacramento, Placer, San Joaquin, Humboldt, Plumas, Nevada, Trinity, Mendocino and Butte, and all incorporated cities and towns, are exempt from the provisions of this Act; *provided*, that the City of Marysville shall be subject to the provisions of section thirteen until the first Monday of March, Anno Domini eighteen hundred and seventy-two; and further *provided*, that for the year commencing the first Monday of March, Anno Domini eighteen hundred and seventy, the Board of Supervisors in and for the County of Yuba may levy, and are hereby authorized and required to levy said taxes, either at a special meeting of the Board for that purpose or at a regular meeting thereof, as the necessity of the case may require. And the Counties of Sonoma and Marin from the provisions of the thirteenth to the twentieth section, inclusive; and the County of Sierra from the provisions of the thirteenth to the eighteenth sections, both inclusive. This Act shall not apply to the City and County of San Francisco, except so much of it as provides for the location, alteration and vacation of any road or highway; and said portion of this Act shall only apply to road districts which may be established in the eleventh and twelfth election districts of said city and county. Exempt. Not to apply, except.

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

CHAPTER CLXVIII.

An Act concerning the State Normal School.

[Approved March 10, 1870.]

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

SECTION 1. The Legislature of this State is hereby authorized and empowered to select a permanent location for the State Permanent location.

Normal School, by resolution adopted in a joint convention of Senate and Assembly, held for that purpose.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXIX.

An Act to pay certain outstanding indebtedness of the County of Mono, incurred prior to the segregation of said county by virtue of the Act of the State of California to provide for surveying and establishing the eastern boundary of this State, approved April twenty-seventh, A. D. eighteen hundred and sixty-three.

[Approved March 10, 1870.]

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

Appropriation for payment of bonds

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, for the purpose of purchasing and paying for the outstanding bonds of the County of Mono, issued in the year eighteen hundred and sixty-three, in aid of the construction of a wagon road in said county, known as the Sonora and Mono Road.

Same.

SEC. 2. The said sum of fifteen thousand dollars so appropriated shall be set apart and dedicated to the payment of the indebtedness of the said County of Mono, as evidenced by the outstanding bonds of said county, issued at the time and for the purpose set forth in the first section of this Act, and issued by the said County of Mono prior to the survey authorized by the State of California, under an Act approved April twenty-seventh, A. D. eighteen hundred and sixty-three, to ascertain and mark a portion of the eastern boundary of this State, and under and by virtue of which the said county was segregated and a portion of the same relinquished to the State of Nevada.

To be paid to Mono Co.

SEC. 3. The said sum of fifteen thousand dollars, so appropriated and set apart, shall be known as the "Mono County Relief Fund," and shall be paid by the Treasurer of the State of California to the County of Mono, in the manner in this Act hereinafter designated.

Holders of bonds to be notified.

SEC. 4. On or before the first day of June, A. D. eighteen hundred and seventy, the Board of Supervisors of Mono County, at a regular or called meeting of said Board, shall cause a personal notice to be served on the original holder or holders, transferees or assignees of the said Mono road bonds. The said notice shall be in printed form, signed by the Chairman of the Board of Supervisors, and attested by the Clerk of said Board or by the Clerk of said county. And said notice shall set forth in substance that at the eighteenth (18th) session of the Legislature of the State of California, for the year eighteen hundred and sixty-nine and seventy, an Act was passed appropriating fifteen thousand dollars for the payment of the outstanding

bonds of the County of Mono, issued in aid of the construction of the Sonora and Mono Road, and that the holders of such bonds are required to present the same to the Board of Supervisors of the County of Mono, on or before the first day of August, A. D. eighteen hundred and seventy, or their claim for payment under and by virtue of the provisions of this Act will be forever barred. If the holders, assignees or transferees of said bonds be unknown, then a like notice shall be published in three papers published in this State, for a period of one month. One of such notices shall be published in the County of Mono, if there be a newspaper in said county; if not, then in an adjoining county. The remaining two notices shall be published, one in the City of San Francisco and the other in the City of Sacramento, in newspapers published in said cities. But the Board of Supervisors of the County of Mono, and the officers thereof, shall, during the time of the publication of the notices herein set forth, make diligent inquiry to ascertain the residence of the holders of the said bonds.

Supervisors to compute number of bonds.

SEC. 5. Two days after the expiration of the time required to be given by section four, the Board of Supervisors of the said County of Mono shall meet at the county seat of said Mono County, and proceed to make a final computation of the number of bonds presented for payment of the same, and of the amount due each holder, assignee or transferee; but in making such computation, the coupons for interest attached to said bonds shall be detached, and no interest shall be allowed on the same. After the computation required by section five shall have been made, the Board of Supervisors of said Mono County shall cause a certificate to be issued to the holder, assignee or transferee of any bond presented to them for payment, as aforesaid; such certificate shall state in substance that, in pursuance of an Act of the Legislature of the State of California, passed at its eighteenth session, in the year eighteen hundred and sixty-nine and seventy, wagon road bond number (No. of bond) has been presented for payment, and that there is due the bearer the sum of (specifying the amount due on same). The said certificate shall be signed by the President or Chairman of the Board of Supervisors of the said county, and shall be countersigned by the Clerk of said County Court of Mono County, with his official seal affixed; and the bond or bonds for which such certificate is issued shall be attached to said certificate, and shall become a part thereof.

No interest allowed.

Certificate to issue.

Controller to draw warrant.

SEC. 6. On the presentation of the certificate mentioned in the preceding section to the Controller of State, he shall draw his warrant on the Treasurer of the State in favor of the person described in such certificate, and for the amount specified in such certificate; and the Treasurer shall pay the said amount out of the fund herein set apart for the payment of the same, and shall credit the amount so paid against said fund.

Surplus.

SEC. 7. When all of said wagon road bonds shall have been paid by the State Treasurer, or such as, within the time prescribed by this Act, shall have been presented to the Board of Supervisors of said Mono County, the money remaining in the

Termination of payment.

fund, if any, hereby created, shall be transferred to the General Fund; and notice of the time when the payment of said bonds shall cease shall be served by the Chairman or President of the Board of Supervisors of Mono County upon the Controller and Treasurer of State; and from the time such notice is served, the payment authorized by this Act shall cease, and no money thereafter shall be paid out of said fund.

SEC. 8. This Act shall take effect from and after its passage.

CHAPTER CLXX.

An Act to repeal an Act entitled an Act supplementary to the Act entitled an Act concerning crimes and punishments, approved April first, eighteen hundred and sixty-four.

[Approved March 10, 1870.]

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

Act repealed

SECTION 1. An Act entitled an Act supplementary to the Act entitled an Act concerning crimes and punishments, approved April first, eighteen hundred and sixty-four, is hereby repealed.

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

CHAPTER CLXXI.

An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

[Approved March 10, 1870.]

Preamble.

WHEREAS, On the twelfth day of July, A. D. one thousand eight hundred and sixty-nine, the Board of Supervisors of the City and County of San Francisco passed Resolution Number Eighty, in the words and figures following, to wit: Resolution Number Eighty (80), new series. Whereas, The City and County of San Francisco is indebted to the Order of the Sisters of Mercy for the invaluable aid rendered by the sisters of that Order in attending upon the sick, at the Small-pox Hospital, during the prevalence of the late epidemic, saving, by their noble and self-sacrificing efforts, many lives of our citizens; and whereas, in addition to those services, and as a recognition on our part of the great pecuniary assistance rendered to the city by them, inasmuch as they obviated the employment of nurses at a time when great expense was incurred; therefore,

Resolved, That in consideration of the said services, it is the intention of this Board to apply to the next Legislature for the

power to authorize and order paid the sum of five thousand ($5,000) dollars to the Order of the Sisters of Mercy. Therefore,

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

Appropriation

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, allow and order paid, out of the General Fund, the sum of five thousand ($5,000) dollars to the Order of the Sisters of Mercy.

To be audited and paid.

SEC. 2. The Auditor of the City and County of San Francisco is hereby directed to audit, and the Treasurer of said city and county is hereby directed to pay, the said sum allowed and ordered paid to the Order of the Sisters of Mercy, out of the General Fund of said City and County of San Francisco.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXXII.

An Act entitled an Act relating to the Board of Education of the City and County of San Francisco, and more particularly defining its powers and duties.

[Approved March 10, 1870.]

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

Cosmopolitan Schools.

SECTION 1. The Board of Education of the City and County of San Francisco shall have the power to establish and maintain public schools, in which may be taught the German and French languages, in conjunction with studies in the English language. Such schools shall be designated as Cosmopolitan Schools, and shall be subject to such rules and regulations as may be prescribed by said Board of Education.

Repealed.

SEC. 2. All Acts and parts of Acts, so far as they are in conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXXIII.

An Act to provide for increasing the law library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the Bar, the City and County Government, and the people of the City and County of San Francisco.

[Approved March 9, 1870.]

Preamble.

WHEREAS, In the great and rapidly increasing City of San Francisco, a large and more complete law library, which shall

be conveniently located, and at all appropriate times be readily accessible to the various Courts, the bar, the municipal officers, and litigants, is essential to the orderly, speedy and correct administration of the city and county government, and more especially to the administration of justice therein; and whereas, in view of such want it is deemed important for the complete and perfect accomplishment of the public purposes for which the municipal government of the City and County of San Francisco is organized and maintained, that a complete public law library should be established, and its use secured to the various Courts, the bar, the municipal authorities, and the citizens of San Francisco. Now, therefore, with a view to and for the purpose of the accomplishment of the said objects,

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

Board of Trustees, how constituted

SECTION 1. The San Francisco Law Library, from and after the acceptance of the provisions of this Act in the mode hereinafter provided, shall be under the direction and control of a Board of Trustees, consisting of the Mayor of the City and County of San Francisco, the several Judges of the District Courts having jurisdiction in said city and county, all of whom shall be ex officio members of said Board, and seven other Trustees, who shall be elected by the shareholders at the time and in the manner hereinafter provided, and annually thereafter; and until the election of said Trustees, the San Francisco Law Library shall continue to be under the direction and control of its Board of Trustees elected under the Act now in force. Any six members of said Board of Trustees herein provided for shall constitute a quorum for the transaction of business.

Shareholder.

SEC. 2. A shareholder, within the meaning of this Act, shall be any member of the bar of the State of California, who has subscribed and paid or who shall hereafter, upon being first elected by the existing shareholders, in such manner as they shall prescribe by the by-laws, subscribe and pay into the treasury of said corporation, for the use of the Library Fund hereinafter provided, the sum of one hundred dollars in gold coin; but no party who has already subscribed, or shall hereafter subscribe, shall be entitled to the rights and privileges of a shareholder until the said sum shall have been actually paid in full

Privileges of public officers.

SEC. 3. Shareholders, the Judges and officers of the United States Courts, the Justices and officers of the Supreme Court, the Judges, Justices and officers of all State Courts within the City and County of San Francisco, the Mayor, Auditor, Treasurer, Tax Collector, Recorder, Assessor, Sheriff, District and City and County Attorneys, and the members of the Board of Supervisors and of the Board of Education of said city and county, shall have free access to and the full and entire use and enjoyment of said law library, and all the advantages and privileges thereof, free of expense, under such rules and regulations as may be provided by the by-laws adopted by the Trustees.

Terms of membership

SEC. 4 Any member of the bar of the State of California, and any citizen of San Francisco, upon the payment to the

Treasurer for the use of said Library Fund, semi annually in advance, of such sum in gold coin as shall be prescribed by the Trustees, not exceeding the rate of two dollars and fifty cents per month, shall have free access to and the full and entire use and enjoyment of said law library, under the same rules and regulations in other particulars as shall be prescribed for shareholders and public officers.

No book removed without permission.

SEC. 5. No book shall be loaned or removed from the library except to the Court-room of some Court of record or the chambers of their Judges, by the permission of the Trustees, and under such rules, regulations and restrictions as they may prescribe. And in case of the loss of, or damage to any book or books, or other property of the association, the party chargeable with the loss or damage shall be liable for treble the value of the book or set, when the book cannot well be replaced, or treble damages, to be recovered in any Court of competent jurisdiction, and the delinquent party may be suspended from all use or privileges of the library until the book be restored, or the damage made good to the satisfaction of the Trustees.

Loss or damage.

Library Fund.

SEC. 6. On the commencement of an action or any civil proceeding, in any District Court in the City and County of San Francisco, within the next three years after the acceptance of this Act by the shareholders of the said San Francisco Law Library, the plaintiff, or the party instituting the proceeding, shall pay to the Clerk of said Court the sum of three dollars, and after the expiration of the said three years, for the next two succeeding years, the sum of two dollars, and after the expiration of the said two years, the sum of one dollar thereafter, for a fund which shall be designated the "Library Fund," to be expended by the Trustees of the said San Francisco Law Library in the purchase of such books and periodicals as they may select for such library, and for such other purposes connected with said library as they may deem necessary; and before the filing of the papers in the case, the Clerk shall demand and collect said sum, for which sum so required to be collected, the said Clerk shall be responsible on his official bond; the Clerk shall keep a true and accurate account of all such sums so received and required to be collected, and shall pay over the same at the end of each month to the Treasurer of the said San Francisco Law Library, taking duplicate receipts therefor, one of which shall be filed by the Clerk in his office, and the other, together with a certificate of the true number of causes and civil proceedings commenced in said Court during the preceding month, subject to such payment, under his hand and seal, and certified by the District Attorney to be correct, upon an examination had in all respects as prescribed in section five hundred and nine (509) of the Practice Act, in the cases therein prescribed, shall be delivered to the Recording Secretary of the said San Francisco Law Library, and be filed by him and kept as a part of the records of his office.

Appropriation of books

SEC. 7. There shall be appropriated and granted to said San Francisco Law Library, one copy of all the statutes of the State since the adoption of the State Constitution, of the statutes of the United States, one copy of the reports of the decisions of the Supreme Court of California, and of the reports and jour-

nals of the Legislature of the State of California now on hand, to be delivered by the Secretary of State or by the Librarian of the State Library, out of any surplus copies not required for the use of the State Library, to the Librarian of the said San Francisco Law Library, or other person authorized to receive them; and the said Secretary of State is in like manner authorized and required to deliver to such Librarian or other person, for the use of said library, two copies of all such laws, reports of decisions and public documents as may be hereafter published or procured for the use of the State; and the Clerk of the Supreme Court is also hereby authorized and required to deliver, for the use of said library, to said Librarian or other person, out of any surplus copies deposited in his office, one copy of the printed transcripts, briefs and petitions for rehearing in all cases pending in the Supreme Court.

Supervisors to furnish rooms, etc.

SEC. 8. The City and County of San Francisco is hereby authorized and required to provide, fit up and furnish, and provide with fuel, lights, stationery and all necessary conveniences and care, rooms convenient and accessible to the Courts, sufficient for the use and accommodation of said law library and those who have occasion for its use. And the Board of Supervisors of the City and County of San Francisco are hereby authorized, empowered and required to appropriate, allow and order paid out of the General Fund such sums as may be necessary for the purposes aforesaid; all sums lawfully appropriated and expended under the provisions of this section shall be paid out of the General Fund, on demands duly audited in the mode prescribed by law for auditing other demands of similar character on the treasury.

Rights unimpaired until Act accepted.

SEC. 9 Until the acceptance of this Act by the San Francisco Law Library, the rights of said association and the shareholders therein shall in no way be impaired or affected by its provisions; but upon the acceptance of this Act, manifested in the mode hereinafter prescribed, all the books, furniture and property of every description of the said San Francisco Law Library, and the interests of the shareholders therein, shall thenceforth be held, appropriated and used for the public municipal purposes provided in this Act, and in all respects subject to its provisions.

Meeting of shareholders

SEC. 10. Within a reasonable time after the passage of this Act, the President of the San Francisco Law Library shall call a meeting of the shareholders therein, to be held at the rooms of the said association on a day and at an hour to be designated, for the purpose of considering and acting upon the question of the acceptance or rejection of this Act, and a notice to the shareholders of such meeting shall be sent through the Post-office to each known shareholder, addressed to San Francisco, and shall be published daily, for at least six successive days, in some daily paper published in San Francisco; and if three-fourths of the shareholders who attend such meeting shall vote to accept the provisions of this Act, the same shall be deemed and held to be accepted; and those shareholders who fail to attend said meeting in person, or otherwise notify their dissent to such meeting, shall be deemed and held to have assented to the acceptance of the said Act.

SEC. 11. A copy of the notice, after such due publication, with a statement that it has been sent through the Post-office to each known shareholder and published as required by this Act, together with the resolution accepting or rejecting this Act, shall be entered in the minutes of the proceedings of said meeting and attested by the signatures of the President and Recording Secretary; and the said minutes so attested shall, for all purposes, thereafter be conclusive evidence of the facts therein appearing. Minutes of proceedings.

SEC 12. In case of the acceptance of this Act as hereinbefore provided, the shareholders present at said meeting, or such other meeting as may be called by the President for the purpose, shall proceed to elect Trustees for the ensuing year under this Act. Election of Trustees.

SEC. 13. Upon the acceptance of this Act as hereinbefore provided, a copy of said proceedings relating to said acceptance, from the minutes thereof hereinbefore required to be kept, certified by the President and Recording Secretary, shall be deposited with and filed by the County Clerk, and the Clerk of the Board of Supervisors of the City and County of San Francisco; and from the date of deposit and filing, the said County Clerk and the said Board of Supervisors shall be deemed and held to have notice of the provisions of said Act and of said acceptance, and shall thereupon, and not before, proceed to act under and carry out the provisions of said Act applicable to said Clerk and said Board of Supervisors. Supervisors to be notified of acceptance of Act.

SEC. 14. After the acceptance of this Act and the appointment of a Librarian thereunder by the Board of Trustees, the said Librarian shall be ex officio Recording and Corresponding Secretary of said San Francisco Law Library; but in the absence or other disability of the Recording Secretary at any meeting of the Trustees, a Recording Secretary pro tem. may be appointed. Librarian.

SEC. 15. The Trustees shall require the Treasurer to give bonds for the faithful discharge of his duties, in such form and for such amount, and with such sureties, as may be prescribed by them. Treasurer to give bonds.

SEC. 16. The provisions of an Act in reference to library associations, approved April twenty-seventh, eighteen hundred and sixty-three, not inconsistent with the provisions of this Act, shall continue to be applicable to the said San Francisco Law Library. Applicable

SEC. 17. This Act shall take effect and be in force from and after its passage, and it shall be deemed and held to be a public Act, of which notice, judicial and otherwise, shall be taken in the same manner as other public Acts, and its provisions shall be liberally construed for the purposes of accomplishing the objects therein provided for. Public Act.

CHAPTER CLXXIV.

An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

[Approved March 9, 1870.]

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

Appropriations authorized.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, allow, and order paid, out of the General Fund, the several sums of money hereinafter mentioned, and to exercise the following powers, to wit:

First—To appoint a Janitor for the City Hall, at a salary of seventy-five dollars per month.

Second—To appoint four gardeners to take charge of Portsmouth, Washington, Union and Columbia Squares, at a salary of seventy-five dollars per month each.

Third—To authorize the Board of Health to appoint two Health Inspectors, at a salary of one hundred and twenty-five dollars each per month.

Fourth—To authorize the Board of Health to appoint a Clerk for the Health Office, at a salary of one hundred and fifty dollars per month.

Fifth—To expend a sum not exceeding ten thousand dollars per month for the support, care and maintenance of such persons as may be admitted to the City and County Hospital and Almshouse, which sum shall be in lieu of all sums now authorized by law to be expended for such purposes.

Sixth—To expend a sum, not to exceed fifteen thousand dollars, for extending and repairing the fire alarm and police telegraph, payable out of the General Fund.

Seventh—For inclosing with wood the city and county property, including a portion of the land reserved for public use by the Outside Land Committee, fifteen thousand dollars.

Eighth—To pay, out of the General Fund, for inclosing and improving the City Cemetery, and paying keeper thereof, the sum of six thousand five hundred dollars.

Same.

SEC. 2. To pay, out of the General Fund, the following sums, which have heretofore been allowed by said Board, and ordered paid, in excess of respective allowances provided by law:

First—For Small-pox Hospital purposes, eighty-seven thousand five hundred and sixty-seven dollars.

Second—For City and County Hospital and Almshouse, thirteen thousand eight hundred and thirty-three dollars.

Third—For rebuilding City Hall, and other public buildings destroyed by the earthquake, sixty-one thousand eight hundred dollars.

Fourth—For running expenses and material for the Fire Department, two thousand six hundred and ninety dollars.

Fifth—For the Street Department Fund, thirteen thousand dollars.

Sixth—For inclosing and improving public grounds, two thousand five hundred and twenty-four dollars.

Seventh—For purposes of urgent necessity, seven thousand dollars.

Eighth—For advertising and election printing, one thousand eight hundred and ninety-three dollars

Ninth—For the employment of special counsel, four thousand dollars.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXXV.

An Act for the regulation of sailors' boarding houses and of shipping offices in the City and County of San Francisco.

[Approved March 10, 1870.]

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

SECTION 1. There shall be and is hereby created a Board of Commissioners, to be denominated the Marine Board of the Port of San Francisco, for licensing sailors' boarding houses and shipping masters in the City and County of San Francisco. Said Board shall consist of three members, one of whom shall be the Chief of Police of the City and County of San Francisco, and two shall be appointed by the Governor of the State of California. All the members of said Board shall be commissioned by the Governor, and shall take an oath of office as prescribed by law The Board shall maintain an office in the City of San Francisco, the rent whereof shall not exceed fifty dollars per month, gold coin. Marine Board.

SEC. 2. The Marine Board hereby constituted shall organize for the transaction of business as soon as practicable. Said Board shall appoint one of it members President, and shall appoint a Secretary, and shall make such by-laws and adopt such regulations as may be needful for the orderly conduct of its business, not inconsistent with the Constitution and laws of this State. A majority shall constitute a quorum for the transaction of business. Organize.

SEC. 3. The compensation of the members and officers of said Board shall be as follows: The President shall receive the sum of six hundred dollars, gold coin, per year; the other two members of said Board shall each receive the sum of five hundred dollars, gold coin, per year; the Secretary shall receive a salary to be fixed by the Board, not to exceed the sum of fifteen hundred dollars, gold coin, per year; and there shall be allowed, in addition to the foregoing, a sufficient sum to pay the necessary and incidental expenses of said Board. Compensation of members and officers.

SEC. 4. The Board shall receive the application of any per-

Applications for license.

son applying for a license to keep a sailors' hotel or boarding house, or for a license to open and carry on a shipping office in the port of San Francisco, and upon satisfactory evidence of the respectability and competency of such applicant and of the suitableness of his accommodations, shall issue to him a license which shall be good for one year, unless sooner revoked by the Board; and such license shall be conspicuously and permanently posted in the office or principal room of each boarding house or hotel and shipping office so licensed, together with such directions, instructions or requests as the said Board may direct to be attached thereto And the said Board shall have power and authority at discretion to revoke any such license for the violation of the rules and regulations which it may prescribe, as well as for the violation of the provisions of this Act.

Revocation of license.

License fees.

SEC. 5. For each and every license issued for a sailors' hotel or boarding house, there shall be paid by the party to whom such license is issued, the sum of fifty dollars, in United States gold coin, each year; and for every license to carry on the business of a shipping office, there shall be paid by the party to whom said license is issued, the sum of one hundred dollars, in United States gold coin, each year. All licenses shall be payable in advance.

Badges furnished.

SEC. 6. The said Board shall furnish to each sailors' hotel or boarding house keeper licensed by them, one or more badges or shields, on which shall be printed or engraved the name of such hotel or boarding house keeper, and the number and street of his hotel or boarding house; and said badges or shields shall be surrendered to said Board upon the revocation by them or expiration of any license granted by them as herein provided.

Runners, etc., to wear badges.

SEC. 7. Every sailors' hotel or boarding house keeper, and every agent, runner or employé of such hotel or boarding house keeper, when boarding any vessel in the harbor of San Francisco, or when inviting or soliciting the boarding or lodging of any seaman or person employed on any vessel, shall wear, conspicuously displayed, the shield or badge referred to in the foregoing section.

SEC. 8. It shall not be lawful for any person, except those named in the preceding section, to have, wear, exhibit or display any such shield or badge to any of the crew employed on any vessel, with the intent to invite, ask or solicit the boarding or lodging of any of the crew employed on any vessel in the harbor of San Francisco.

Not to solicit without license

SEC. 9. It shall not be lawful for any person not having the license in this Act provided, or not being the regular agent, runner or employé of a person having such license, to invite, ask or solicit, in the City or harbor of San Francisco, the boarding or lodging of any of the crew employed on any vessel.

Not to keep hotel without license.

SEC. 10. It shall not be lawful for any person to keep, conduct or carry on, as owner, proprietor, agent or otherwise, any sailors' boarding house or sailors' hotel, in the City and County of San Francisco, without having the license in this Act provided.

Boarding vessels.

SEC. 11. It shall not be lawful for any sailors' boarding house or hotel keeper, landlord, runner or shipping master, or any one of their employés, to board any vessel entering the

harbor of San Francisco, before such vessel shall have been made fast to the wharf.

Same. SEC. 12. It shall not be lawful for any owner, agent, master or other person having charge of any vessel arriving in the port of San Francisco, to authorize or permit any sailors' hotel or boarding house keeper, nor any runner, agent or employé of any sailors' boarding house or hotel keeper to board or attempt to board any vessel arriving in the harbor of San Francisco before such vessel shall have been made fast to the wharf; nor to board or attempt to board any vessel lying or being in the harbor aforesaid, unless he shall wear a badge or shield as hereinbefore provided, nor unless such sailors' hotel or boarding house keeper shall have been duly licensed as provided in this Act.

To leave vessels when ordered. SEC. 13. It shall not be lawful for any sailors' hotel or boarding house keeper, having boarded any vessel in the port of San Francisco, to refuse or neglect to leave said vessel after having been ordered so to do by the master or person having charge of such vessel.

Hotel keepers to make returns. SEC. 14. Every licensed boarding house or hotel keeper shall make a return every Monday of each week to the Marine Board hereby constituted, of the number of men boarding and lodging at his house, the number received, the number shipped during the week, and the number of men ready for shipment.

When license may be revoked. SEC. 15. Upon satisfactory evidence of the disorderly character of any sailors' hotel or boarding house, licensed as herein provided, or of the keeper or proprietor of any such house, or of maltreatment of any boarder or lodger therein, or of any force, fraud, deceit or misrepresentation in inviting or soliciting boarders or lodgers for such house, on the part of such keeper or proprietor, or of any of his agents, runners or employés, or of any attempt to persuade or entice any of the crew to desert from any vessel in the port of San Francisco, or of harboring or concealing any deserter from any vessel, knowing or having good reason to believe him to be such deserter, or of any other illegal or dishonest conduct by such keeper or proprietor, or of any of his agents, runners or employés, said Board may revoke the license for keeping such house.

Shipping master to procure license. SEC. 16. It shall not be lawful for any person to carry on the business of a shipping master, or the business of shipping seamen or crews for vessels, in the City and County of San Francisco, or to ship or procure to be shipped seamen or crews for vessels lying or being in the harbor of San Francisco, for a compensation paid or to be paid for such service, without first having procured a license as provided in this Act, or otherwise than as herein provided.

No seaman shipped while intoxicated. SEC. 17. No seaman or other person shall be shipped while in a state of intoxication, by any shipping master licensed by the said Board; and if any seaman shall come or be brought to the office of any shipping master in a state of intoxication, the shipping master may cause him to be detained until he shall become sober and capable of acting intelligently.

Violation of Act. SEC. 18. If any shipping master or other person licensed under the provisions of this Act to open or carry on a shipping office, shall be guilty of a violation of any of the provisions of

this Act, or if such shipping master or other person, or his agent, servant or employé, shall be guilty of oppressive, fraudulent or unjust conduct towards any seaman, or otherwise shall be guilty of any illegal, oppressive or unjust act in carrying on the business for which he is licensed, the Board, upon satisfactory proof thereof, may revoke the license granted to such person.

Accounts against seamen.

SEC. 19. If, at the time of shipment of any seaman or other person, or previous thereto, any person shall file with the Board an account against such seaman, or other person, for board, clothing, or other necessary things furnished him while in port since his last previous voyage, said Board shall cause an investigation to be made as to the correctness of such account; and if the same shall be found to be correct and proper, it shall be a lien on any wages to be paid for the voyage for which such seaman or person may be shipped, and the said Board shall have power to collect the same for the benefit of the party entitled thereto. Said Board shall make such regulations in regard to allowing accounts so presented, as may be calculated to prevent seamen in port from being furnished with intoxicating liquors.

Deserters.

SEC. 20. If any seaman, after shipping for a voyage on any vessel in the port of San Francisco, and signing the shipping articles, shall refuse to render himself on board such vessel, according to the terms of his agreement, or shall desert from such vessel, he shall be deemed and held to be a deserter, and may be arrested by any police officer, on a certificate of the fact of such shipment, signed by the President of said Board and countersigned by the Secretary, in such manner as the rules or by-laws of said Board shall require; and the police officer arresting such seaman shall immediately carry him before a Justice of the Peace of the City and County of San Francisco, giving notice thereof at the office of said Board, and if such Justice, on an investigation of the matter, shall be satisfied that such person is not a deserter, he shall discharge him from arrest.

Rules and regulations.

SEC. 21. Said Marine Board may make such by-laws, rules and regulations concerning the shipment of seamen, the paying off of crews of vessels, the reference of controversies and the general transaction of its business and for the proper and faithful performance of the provisions of this Act, as it may deem proper and are not inconsistent with the Constitution and laws of this State and of the United States; and it shall be the duty of the Chief of Police or City Marshal, with the force at command, to execute all orders of said Board.

Penalty for violating Act.

SEC. 22. Whoever shall offend against any or either of the provisions contained in this Act, and any Commissioner or Secretary appointed under this Act who shall directly or indirectly receive any gratuity or reward other than as herein provided, or on account of any license under this Act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in a county jail for a term not exceeding one year and not less than thirty days, or by a fine not exceeding five hundred dollars and not less than one hundred dollars, or by both such fine and imprisonment.

SEC. 23. Said Board shall file, within ten days after the first

day of July in each year, in the office of the Clerk of the City and County of San Francisco, a statement showing the number of licenses issued for the year next previous to the said first day of July, the number of licenses revoked, together with the names of the persons to whom issued and the street and number of the houses licensed, and the names of the persons whose licenses shall have been revoked; and also a statement of the amount of moneys received by it during the said year, specifying on what account such moneys shall have been received, and also an account of its disbursements. Board to file statement.

SEC. 24. All fees and moneys for licenses received under this Act shall be paid into the treasury of the City and County of San Francisco, to the credit of the General Fund; and the salaries of the Commissioners and Secretary of said Board and the necessary expenses of said Board shall be paid out of the General Fund of the treasury of said city and county; and the Auditor shall audit and the Treasurer shall pay the same. Moneys paid into General Fund.

SEC. 25. All Acts and parts of Acts inconsistent with the provisions of this Act, or authorizing licenses to be issued to the parties herein authorized to take out a license, are hereby repealed; *provided*, that all such parties holding unexpired licenses authorized by the law heretofore in force, shall not be required to take out new licenses until the expiration thereof, but in all other respects such parties shall be governed by the provisions of this Act; and such unexpired licenses shall be liable to revocation as herein provided. Repealed. Proviso.

SEC. 26 This Act shall take effect from and after its passage.

CHAPTER CLXXVI.

An Act to incorporate the Town of San Juan.

[Approved March 10, 1870.]

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

SECTION 1. The inhabitants of the Town of San Juan, County of Monterey, are hereby constituted a body corporate and politic, under the name and style of "The Inhabitants of the Town of San Juan," and by that name and style they and their successors shall be known in law and have perpetual succession, and be invested with all the rights and privileges conferred by, and be subject to all liabilities, restriction and provisions of an Act entitled an Act to provide for the incorporation of towns, approved April nineteenth, A. D eighteen hundred and fifty-six, so far as the provisions of said Act may be consistent with the provisions of this Act. Town of San Juan.

SEC. 2. The corporate limits of said town shall be as follows: Beginning at the section corners of section twenty-eight, twenty nine, thirty-two and thirty-three of township twelve south, range four east, Mount Diablo base and meridian; running Corporate limits.

thence east forty chains; thence south thirty-seven and fifty-seven one-hundredths chains; thence north, sixty-nine and one-half degrees east, two and forty one-hundredths chains; thence north, thirty-four and one-half degrees east, ten and one-half chains; thence south, forty-eight degrees east, eleven and five one-hundredths chains; thence south, thirty-five and three-fourths degrees west, four and fifty-five one-hundredths chains; thence east six and twenty-one one-hundredths chains; thence south forty chains, to the township line between townships twelve and thirteen south; thence along said township line, west, fifty-seven and one-half chains, to the line of the Rancho San Antonio; thence along the ranch line north, thirty-five degrees east, fourteen and sixty one-hundredths chains, to post marked "M. L. 1;" thence continuing on said ranch line north, eighteen degrees and thirty-five minutes west, seventy-one and seventy-four one-hundredths chains; thence east eleven and ninety one-hundredths chains, to the place of beginning; containing three hundred and eighty-six and thirty-four one-hundredths acres of land.

Board of Trustees.

SEC. 3. Daniel Harris, Peter Breen, George Pullen, James F. Black and Juan B. Careaga are hereby constituted and appointed a Board of Trustees of said town, who shall hold their office until the first Monday in May, eighteen hundred and seventy and until their successors are elected and qualified.

Officers.

SEC. 4. In addition to the Board of Trustees, the officers of said town shall consist of a Marshal, Treasurer and Assessor, who shall receive such compensation as may be allowed by the Board of Trustees.

Election.

SEC. 5. The annual election for officers in said town shall take place on the first Monday in May, of the year one thousand eight hundred and seventy, and on the first Monday of May thereafter in each year; and the officers elected shall hold their offices for one year and until their successors are elected and qualified.

Orders ratified.

SEC. 6. All orders and acts heretofore done by the above named Board of Trustees, under and by virtue of the order of the Board of Supervisors of the County of Monterey, incorporating said town, are hereby ratified.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAPTER CLXXVII.

An Act in relation to the Omnibus Railroad Company in the City and County of San Francisco.

[Became a law by operation of the Constitution, March 11, 1870.]

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

Street railroad franchise.

SECTION 1. The right is hereby granted to the Omnibus Railroad Company, in the City and County of San Francisco,

being the assignee of the parties named as the grantees of an Act entitled an Act to provide for a railroad within the City and County of San Francisco, passed April seventeenth, one thousand eight hundred and sixty-one, to lay down and maintain within the City and County of San Francisco an iron railroad, with a single or double track, with all the necessary switches, side tracks and turnouts, as follows: From and connecting with the said company's railroad on Third street, at King street; thence on and along said King street to Second street; thence on and along Second street to Townsend street; and along and upon Second street, from Brannan street to and connecting with the said company's track on Second street, at Howard street. Said railroad company shall have planked, macadamized or paved, at their own expense, in the manner as the proper authorities of said city and county shall direct, the space within the rails along said tracks, and keep the same at all times in good repair; and in case the said owners fail to plank, pave or macadamize, in the manner and as the proper authorities of said city and county shall direct, the space within the rails along said tracks, or in case they fail to keep such space in good repair, then the Superintendent of Streets of said city and county shall give the owners or Superintendent of said railroad notice in writing, in which notice he shall specify the work required to be done, and if after the expiration of ten days from the date of said notice the owners of said road shall fail to have the work done, as required in said notice, then the said Superintendent of Streets shall have power and is hereby authorized to have said work done; and the expense of such work shall be collected from the owners of such railroad, in the same manner as is provided by law for the collection of assessments in the said city and county, and shall, until collected, continue as a lien against such railroad, subject to all the conditions, provisions and limitations imposed by law, by an Act of the Legislature entitled an Act to provide for a railroad within the City and County of San Francisco, approved March seventeenth, eighteen hundred and sixty-one, and all the Acts amendatory thereof and supplementary thereto. Route.

SEC. 2. So much of section seven of an Act entitled an Act to provide for a railroad within the City and County of San Francisco, passed April seventeenth, one thousand eight hundred and sixty-one, as requires the owners of the franchise by said Act granted to first obtain the consent in writing of a majority of the owners of property abutting upon the route from Market street to and through Montgomery street to Jackson street, is hereby repealed, and the said condition is abrogated and released, so far as respects the laying, maintaining and continuing of a single track upon said route, as the same is now constructed, with the necessary switches, turnouts and connections; *provided*, however, that nothing in this section shall be so construed as to impair or abrogate any agreement between the owners of property abutting upon the said route from Market street, to and through Montgomery street, to Jackson street, and the said Omnibus Railroad Company, relative to keeping said portion of Montgomery street in repair. Condition abrogated. Not to impair.

SEC. 3. The said Omnibus Railroad Company is hereby

Relinquishment. authorized and empowered to relinquish and abandon, at any time within one year, that portion of their route on Sixteenth street, between Howard and Dolores streets, without prejudice to their rights, privileges and franchise in the remaining portions of their routes; and such relinquishment and abandonment shall be evidenced by filing a certificate to that effect in the office of the Secretary of State, which said certificate shall be under the hands of the President and Secretary, and the corporate seal of said company.

SEC. 4. This Act shall take effect from and after its passage.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this eleventh day of March, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CLXXVIII.

An Act to confirm the action of the Board of Trustees of the City of Vallejo, in relation to certain privileges granted to the Vallejo City Water Company.

[Became a law by operation of the Constitution, March 11, 1870.]

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

Action confirmed. SECTION 1. The proposal of the Vallejo City Water Company to furnish the City of Vallejo with water for the extinguishment of fires, in consideration of the privilege asked for, of laying down water pipes in the streets of said city, and the acceptance of the same by the Board of Trustees of said City of Vallejo, together with the leave granted said Vallejo City Water Company to lay down pipes and erect hydrants and reservoirs within the city limits, by said Board of Trustees, dated the seventh day of September, eighteen hundred and sixty-eight, Conditions. are hereby ratified and confirmed. This confirmation is upon the express conditions that said company, in excavating the streets of said city for the purpose of laying or repairing said pipes, shall at all times comply with the orders or ordinances of the municipal authorities of said city, under such penalties as may be prescribed by the ordinances thereof.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this eleventh day of March, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CLXXIX.

An Act to regulate fees of office and salaries of officers in Siskiyou County.

[Approved March 12, 1870.]

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

Fees and salaries.

SECTION 1. Fees and salaries shall be allowed to the officers of Siskiyou County hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein provided; and such officers may lawfully charge, demand and receive the same, to be applied, as hereinafter provided, in gold and silver coin of the United States, and all costs recovered in any suit or proceeding shall be paid in gold and silver coin.

In coin.

Naturalization papers.

SEC. 2. No fees or other compensation shall be charged or received for certificate of declaration to become a citizen of the United States, and for making a record thereof, or for issuing a certificate of citizenship to become a citizen of the United States, or for making a record thereof.

FEES OF CLERK OF THE DISTRICT COURT.

Clerk of District Court.

SEC. 3. At the commencement of each suit, the Clerk shall be entitled to demand and receive from the plaintiff, in addition to the Judge's docket fee, as prescribed by law, not to exceed the sum of ten dollars, to cover costs to the time of judgment, and from the defendant, three dollars, to cover costs for the same time. If, in the progress of the action, the sums allowed the Clerk should be insufficient, he shall be entitled to demand from either party such further sum as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action, shall be returned by the Clerk to the party who advanced them, on demand.

SEC. 4. The Clerk of the District Court shall receive, for entering each suit on the Clerk's register of actions, and for making the necessary entries therein during the progress of the suit and of the trial and subsequent proceedings, for each folio, twenty-five cents.

For issuing every writ or process under seal, fifty cents.

For issuing each subpœna, for one or more witnesses, twenty-five cents.

For filing each paper, fifteen cents

For entering every motion or order, rule, default, discontinuance, dismissal or nonsuit, twenty-five cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, fifty cents.

For calling and swearing every juror to try cause, fifty cents.

For receiving and entering each verdict of a jury, fifty cents.

Clerk of District Court.

For entering every final judgment, for the first folio, fifty cents; for each subsequent folio, twenty-five cents.

For making up and filing judgment roll, twenty-five cents.

For entering judgment on judgment docket, twenty-five cents.

For entering satisfaction or credit on judgment docket, fifty cents.

For administering every oath or affirmation, and certifying the same, twenty-five cents.

For copy of any proceeding, record or paper, per folio, twenty cents.

For every certificate under seal, fifty cents.

For issuing every commission to take testimony, fifty cents.

For writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), twenty cents.

For issuing every execution or other final process, under seal, fifty cents.

For copy of every decree or order of sale of mortgaged property, for each folio, twenty cents.

For receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents.

For taking and approving each undertaking or bond, and for taking justification thereto, fifty cents

For taking testimony on justification to undertaking or bond, for each folio, twenty cents.

For taking acknowledgment of deed or other instrument, to include all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents.

For indexing each suit in the general index of the Court, as required by law, fifty cents.

For filing and entering papers on transfer of cases from other Courts, including indexing, two dollars.

For transmission of files or transfer of cases to other Courts, including certificate of order of transfer, one dollar and fifty cents.

For searching records or files of each year, except for suitors or their attorneys, fifty cents.

When the Court is sitting as a Court of criminal jurisdiction, the Clerk shall receive, for the trial of each issue, five dollars; he shall receive no other fees in a criminal action or proceeding, except twenty cents per folio for copies of papers, and also twenty cents per folio for writing down testimony of witnesses on trial, when so ordered by the Court, all which criminal business sha'l be a charge against the county.

FEES OF CLERK OF COUNTY COURT.

Clerk of CountyCourt

For filing all papers on appeal from Justices' Courts, for each case, one dollar and fifty cents.

When the Court is sitting as a Court of criminal jurisdiction, he shall receive, for the trial of each issue, where the charge is misdemeanor, three dollars; and where the charge is felony, five dollars.

He shall receive no other fees in a criminal case, except for copies of papers, per folio, twenty cents; and for taking down

testimony during a trial, when ordered by the Court, for each folio, twenty cents; all of which criminal business shall be a charge upon and paid for by the county. For all other services, he shall receive the same fees as are allowed the Clerk of the District Court for like services.

FEES OF CLERK OF PROBATE COURT.

Clerk of Probate Court.

For issuing letters testamentary, or of administration, or of guardianship, fifty cents.

For writing and posting each notice required, twenty-five cents.

For each notice for publication, in addition to the cost of publication, twenty-five cents

For recording wills or other papers required by law to be recorded, for each folio, twenty cents.

For all other services, the same fees as are allowed the Clerk of the District Court for like services. No fees shall be allowed the Probate Judge.

FEES OF COUNTY CLERK.

County Clerk.

For issuing each marriage license, one-half to be paid to the County Recorder, two dollars.

For recording official bonds and other papers, required by law to be recorded, for each folio, twenty cents.

For indexing same, twenty-five cents.

For recording the testimony and commitment upon examination of insane persons, when it is ascertained by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, per folio, twenty cents.

For filing and indexing all papers to be kept by him, and not required to be recorded, twenty-five cents

For issuing any license required by law, one dollar.

For all services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services. For services under the Registry Act, the fees in said Act provided.

FEES OF COUNTY RECORDER.

County Recorder.

For recording every instrument, paper or notice, for each folio, twenty cents.

For indexing every instrument, paper or notice, twenty-five cents.

For copies of any record or paper, per folio, twenty cents.

For filing every instrument for record, and making the necessary entries thereon, twenty-five cents.

For each certificate under seal, fifty cents.

For every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same, and indexing same, fifty cents.

For searching records or files in his office for each year, when required, fifty cents.

For abstract of title, for each conveyance or encumbrance certified, fifty cents.

For recording every plat or map, for each course, ten cents.

For figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars.

For taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents.

For recording marriage licenses and certificates, to be paid by the Clerk, one dollar.

For recording transcript, and for all other services in estray cases, one dollar.

For recording each mark or brand, seventy-five cents.

For administering oath or affirmation, twenty-five cents.

For certifying same, twenty-five cents.

For filing, indexing and keeping each paper not by law required to be recorded, twenty-five cents.

For all other services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services.

SALARY OF COUNTY CLERK.

Salary of County Clerk.

SEC. 5. The County Clerk, to include all services rendered as ex officio Recorder, Auditor, Clerk of Boards of Supervisors, Equalization and Canvassers, and to include the pay of deputies and clerk hire, shall receive the fees, commissions, percentages and salaries provided in this Act, to the amount of three thousand dollars per annum; *provided*, that if in any year said fees, commissions, percentages and salaries allowed by this Act to said County Clerk as ex officio Recorder, Auditor, Clerk of the Boards of Supervisors, Equalization and Canvassers, shall exceed three thousand dollars, said Clerk shall pay the surplus over three thousand dollars to the County Treasurer, for the use of the County General Fund.

FEES OF SHERIFF.

Sheriff.

SEC. 6. In the County of Siskiyou, the Sheriff shall receive the fees hereinafter specified:

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, two dollars.

For serving an attachment upon any ship, boat or vessel, in proceedings to enforce any lien thereon created by law, three dollars.

For his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sum as the Court shall order; *provided*, that not more than three dollars per diem shall be allowed to a keeper.

For taking bond or undertaking, in any case in which he is authorized to take the same, one dollar.

For copy of any writ, process or other paper, when demanded or required by law, for each folio, twenty cents. Sheriff

For serving every notice, rule or order, one dollar.

For advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, each notice, one dollar.

For serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, three dollars.

For holding each inquest or trial of right of property, to include all service in the matter, except mileage, three dollars.

For serving a subpœna, for each witness summoned, fifty cents.

For travelling, to be computed in all cases from the Court-house, to serve any summons and complaint, or other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in executing a writ of habeas corpus; *provided*, that if any two or more papers be required to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged, to the most distant points to complete such service; for each mile necessarily travelled, in going only, thirty cents.

For commissions for receiving and paying over money on execution, or other process, when lands or personal property have been levied on and sold, on the first one thousand dollars two per cent.; on all sums above that amount, one and one-half per cent. .

For commissions for receiving and paying over money on execution without levy, or where the lands or goods levied on shall not be sold, on the first one thousand dollars, one and one-half per cent.; and one per cent. on all over that sum.

The fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be made.

For drawing and executing a Sheriff's deed, to include the acknowledgment, exclusive of stamps, to be paid by the grantee before delivery, three dollars.

For executing a certificate of sale, exclusive of the filing and recording of the same, one dollar.

For attending, when required, on any Court of record, in person or by deputy, for each day, to be paid out of the county treasury, three dollars

For making every arrest in a criminal proceeding, two dollars.

For summoning a grand jury of twenty-four persons, eight dollars.

For summoning a trial jury of twelve persons or less, four dollars

For summoning each additional juror, twenty-five cents.

For executing every sentence of death, forty dollars.

Sheriff. For all civil services arising in Justices' Courts, the same fees as are allowed to Constables for like services.

For every mile necessarily travelled in executing any writ in any criminal case, twenty cents.

For delivering a prisoner at the State Prison, fifty cents per mile, one way, for the distance established by law from the county seat to the prison; and for each additional prisoner taken at the same time, twenty-five cents per mile.

For delivering an insane person at the asylum, fifty cents per mile, one way, for the distance established by law, from the county seat to the asylum; and for every additional insane person taken at the same time, twenty-five cents per mile.

For conveying a prisoner, when under arrest, the necessary expenses incurred in the transportation.

SEC. 7. The Sheriff shall be ex officio Tax Collector of property taxes, business licenses and foreign miners' licenses. The Sheriff, as ex officio Tax Collector of the taxes herein specified, shall execute a bond in the same amount and conditioned the same as required by law for County Tax Collectors, said bond to be in addition to the bond he is required to execute as Sheriff.

SEC. 8. The mileage allowed by this Act, to the Sheriff, and the percentage allowed by law for the collection of foreign miners' licenses, shall belong to and be collected and retained by him for his own use and benefit. In addition to said mileage and percentage, he shall receive, to include the pay of deputies and Jailer, the fees, commissions and percentage provided in this Act for his services as Sheriff, and the percentage herein allowed for the collection of property taxes and business licenses, to the amount, in the aggregate, of thirty-eight hundred dollars per annum, which shall be in full compensation for all services rendered by him, or his deputies or assistants, as Sheriff and ex officio Tax Collector. And any excess over thirty-eight hundred dollars which he may receive in any one year from said fees, commissions and percentage allowed him by this Act to collect for his services as Sheriff, and the percentage allowed him as ex officio Tax Collector, for collecting property taxes and business licenses, he shall pay over to the County Treasurer, for the use and benefit of the County General Fund.

FEES OF TAX COLLECTOR.

Tax Collector. SEC. 9. The Tax Collector of the County of Siskiyou shall receive fifteen per cent. of the amount collected on State poll tax receipts; twenty per cent. upon the amount collected from foreign miners' licenses; and for the collection of State and county taxes, except taxes for school purposes, he shall receive six per cent. on the first ten thousand dollars collected; four per cent on all over ten thousand and under twenty thousand dollars; and two per cent. on all over twenty thousand dollars. The said Tax Collector shall also receive one dollar for each business license sold, one-half of which shall be paid to the County Auditor. No percentage shall be allowed for the collection of taxes for school purposes; there shall be allowed by the State, to the county, ten per centum on all moneys payable into the State treasury, derived from the sale of business

licenses, in full for all expenses which may be incurred for collecting such licenses.

CLERK OF THE BOARD OF SUPERVISORS.

Clerk of Board of Supervisors.

SEC. 10 In the County of Siskiyou, the Clerk of the Board of Supervisors, Board of Equalization and Board of Canvassers, shall receive a salary of three hundred dollars per annum; in addition to the above salary, said Clerk shall be allowed to demand and receive, for issuing each bridge or ferry license, one dollar; for copy of any record or paper, per folio, twenty cents; for each certificate, fifty cents.

Compensation for Auditor and Assessor.

SEC. 11. There shall be allowed by the State to the County of Siskiyou, in lieu of all allowances for salaries and fees authorized by law to be made by the State to the Assessors and Auditors of the several counties, and for all services for copying assessment rolls and extending the totals of taxes thereon, the following amounts or percentage on the amount of State revenue derived from taxes on real and personal property, and paid into the State treasury during any fiscal year:

FOR AUDITOR'S COMPENSATION.

On the first ten thousand dollars, two per centum; on all sums over ten thousand dollars and less than twenty thousand dollars, one and one-half per centum; on all sums over twenty thousand dollars and less than fifty thousand dollars, one per centum; on all sums over fifty thousand dollars, three-fourths of one per centum.

FOR ASSESSOR'S COMPENSATION.

On the first ten thousand dollars, four per centum; on all sums over ten thousand dollars and less than twenty thousand dollars, three per centum; on all sums over twenty thousand dollars and less than thirty thousand dollars, two per centum; on all sums over thirty thousand dollars and less than fifty thousand dollars, one and one-half per centum; on all sums over fifty thousand dollars, one per centum. The Controller of State is hereby authorized and required to make the allowance, as herein specified, at any settlement of the County Treasurer with the State; and *provided*, the said Controller shall withhold the allowances for services of Auditor until said Auditor shall have made such reports to said Controller as he is by law required to make.

COUNTY AUDITOR.

County Auditor.

SEC. 12. The County Auditor shall receive, as a full compensation for all services required to be performed by him by law, as County Auditor, the following amounts or percentage on all moneys which shall be paid into the treasury during any fiscal year: On the first twenty thousand dollars, two per centum; on all sums over twenty thousand dollars and less than forty thousand dollars, one and one-half per centum; on all sums over forty thousand dollars and less than sixty thousand dollars, one per centum; and on all sums over sixty thousand dollars,

one-half of one per centum; *provided*, that he shall not receive any percentage on moneys paid into the county treasury for school purposes. The compensation of the County Auditor shall be allowed by the Board of Supervisors quarterly, and the County Treasurer is hereby authorized to apply the amounts allowed by the State for Auditor's compensation to the payment of such allowances.

COUNTY TREASURER.

County Treasurer.

SEC. 13. In the County of Siskiyou, the County Treasurer shall receive a salary of eight hundred dollars per annum, which shall be in full compensation for all services required of him by law; *provided*, that he shall be allowed to retain, for his own use and benefit, the mileage allowed by law to County Treasurers for travelling to and from the seat of government to make their quarterly or semi-annual settlements with the Controller and Treasurer of State.

COUNTY ASSESSOR.

County Assessor.

SEC. 14. In the County of Siskiyou, the County Assessor shall receive a salary of fifteen hundred dollars per annum; *provided*, that he shall be ex officio Collector of State poll taxes and hospital poll taxes, and shall be allowed, as compensation for his services in collecting said taxes, in addition to the salary above provided for him as Assessor, the percentage allowed by law for collecting the same; *provided*, that the Assessor who shall be elected at the general election, in the year one thousand eight hundred and seventy-one, and the Assessor who shall be elected at the general election every second year thereafter, shall be ex officio Collector of all taxes on movable personal property belonging to any person, firm, corporation, association or company, who does not own real estate in the county, all State poll taxes, all hospital poll taxes, and all poll taxes whatever, except road poll taxes; and he shall receive, as his compensation for collecting said taxes, in addition to the salary allowed him as Assessor, the percentage allowed by law for collecting the same; *provided*, that the Sheriff elected at the general election, in the year one thousand eight hundred and seventy-one, and his successors in office, shall not be ex officio Collector of taxes on movable personal property belonging to any person, firm, corporation, association or company, who does not own any real estate in the county. The County Treasurer is hereby authorized and directed to apply the amounts allowed by the State for Assessor's compensation.

SEC. 15. The Board of Supervisors are hereby empowered to require of the County Assessor, as ex officio Collector of the taxes above specified, a bond, in such sum as they shall deem necessary, conditioned for the faithful performance of his duty as ex officio Collector of said taxes herein specified; said bond to be in addition to the bond he is required to give as Assessor.

DISTRICT ATTORNEY.

SEC. 16. In the County of Siskiyou, the District Attorney

shall receive for his services, to be paid quarterly out of the County General Fund, a salary of twelve hundred dollars per annum. In addition to the salary herein provided for, said District Attorney shall be entitled to charge and receive ten per centum on all forfeited bonds and recognizances collected by him. District Attorney.

For services rendered by him in the collection of delinquent taxes, ten per centum on the amount recovered, to be added thereto, if paid before judgment; and if not so paid, then fifteen per centum, to be added to and constitute a part of the judgment; *provided*, that in no case shall the State or county be liable for such per centum

For all amounts collected by him for the State or county, other than delinquent taxes, bonds or recognizances, eight per centum on the amount collected; *provided*, that the compensation in any one case shall not exceed five hundred dollars.

For every conviction had under the Act to prohibit gaming and the Act to prohibit lotteries, raffles, gift enterprises and other schemes, to be collected from the party or parties offending or convicted, fifty dollars

For each conviction of felony, where the penalty is death, fifty dollars; for every other conviction of felony, except as herein provided for, twenty-five dollars; and for each conviction in cases of misdemeanor, fifteen dollars.

In all convictions, the fees herein allowed shall be assessed against the defendant, and shall not become a county charge; *provided*, however, said fee shall become a charge on the County General Fund in case of the inability of the defendant to pay the same. Should the fees, commissions and percentage received in any one year by the District Attorney, added to his salary herein provided for, exceed the sum of two thousand dollars, the excess over two thousand dollars shall be paid by him into the county treasury, and shall constitute a part of the County General Fund.

SUPERINTENDENT OF PUBLIC SCHOOLS.

SEC. 17. In Siskiyou County, the Superintendent of Public Schools shall be allowed for his services, twenty dollars per annum for each school district, and all necessary travelling expenses. And he shall be allowed, in addition to his salary, for postage and expressage, a sum equal to one dollar for each school district of the county. Said compensation and allowance for postage and expressage to be paid out of the County General Fund Superintendent of Public Schools.

FEES OF PUBLIC ADMINISTRATOR.

SEC. 18. In Siskiyou County, the Public Administrator shall hereafter be entitled to receive for his services the same fees as are allowed executors and administrators by an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one. Public Administrator.

FEES OF CONSTABLES.

Constables. SEC. 19. For serving summons in civil cases, for each defendant, fifty cents.

For summoning any jury before a Justice of the Peace, including mileage, two dollars.

For making sales of estrays, the same fees as for sales on execution.

For all other services, the same fees as are allowed to Sheriffs for similar services

For services performed by the several officers under the Act concerning water craft found adrift, and lost money and property, passed April fifth, eighteen hundred and fifty, they shall receive the fees prescribed in said Act.

FEES OF COUNTY CORONER.

County Coroner. SEC. 20. In the County of Siskiyou, the County Coroner shall receive, for his services, compensation as follows:

For general services, in holding an inquest, ten dollars.

For each witness subpœnaed, fifty cents.

For each mile necessarily travelled, in going to the place of inquest, thirty cents.

For directing or attending the interment of each body upon which an inquest has been held, two dollars.

Which fees shall be all that he shall be entitled to charge.

FEES OF COUNTY SURVEYOR.

County Surveyor. SEC. 21. In the County of Siskiyou, the County Surveyor shall receive the following fees:

For the first mile actually run with compass and chain, in wood or brush, or salt marsh and tide lands, four dollars; for each succeeding mile, two dollars.

For each mile run with compass alone, one dollar and fifty cents.

For the first mile actually run with compass and chain, in open land, three dollars.

For each succeeding mile, one dollar and fifty cents.

For each mile run with compass alone, one dollar.

For each lot laid out and platted, in any city or town, one dollar.

For recording a survey, seventy-five cents.

For calculating the quantity of each tract of land, or any subdivision thereof (town lots excepted), ten cents for each course.

For travelling to the place of survey, for each mile, in going only, thirty cents; and if he shall be required and duly notified to make other surveys while in the discharge of his official duty, while in the field, he shall be entitled to mileage only from the place last surveyed by him.

For ascertaining the location of each town lot in an old survey, measuring and marking the same, one dollar.

For copies and certificates, per folio, twenty cents.

For erecting a monument at the corner of any survey, when required, one dollar.

For erecting a monument, when running a line at a variation or offset, when required, fifty cents.

For copy of plat of any survey and certificate, required by any person, or to be transmitted to the Surveyor-General, one dollar and one-half, to be paid by the party requiring the survey; expenses of assistants shall be an additional charge, to be agreed upon between the parties; or in cases of surveys ordered by the Court or Board of Supervisors, such compensation as shall be by them allowed.

FEES OF JUSTICES' OF THE PEACE.

SEC. 22. In the County of Siskiyou, Justices of the Peace shall receive fees as follows: Justice of the Peace.

For filing each paper, twenty-five cents.

For issuing any writ or process by which suit is commenced, fifty cents.

For entering each cause on his docket, fifty cents.

For issuing subpœna, twenty-five cents.

For administering an oath or affirmation, twenty-five cents;

For each certificate, twenty-five cents.

For issuing writ of attachment or of arrest, or for the delivery of property, fifty cents.

For entering any final judgment, for the first folio, one dollar; for each additional folio, twenty cents.

For taking or approving any bond or undertaking, directed by law to be taken or approved by him, fifty cents.

For taking justification to a bond, fifty cents.

For swearing a jury, fifty cents.

For taking depositions, per folio, twenty cents.

For entering satisfaction of a judgment, fifty cents.

For copy of a judgment, order, docket, proceedings or paper in his office, for each folio, twenty cents.

For issuing commission to take testimony, fifty cents.

For issuing supersedeas to an execution, fifty cents.

For making up and transmitting transcript and papers on appeal, one dollar and fifty cents.

For issuing search warrant, fifty cents.

For issuing an execution, fifty cents.

For celebrating marriage and returning certificate thereof to the Recorder, five dollars.

For all services and proceedings before a Justice of the Peace, in a criminal action or proceeding, whether on examination or trial, three dollars.

For taking bail after commitment in criminal cases, one dollar.

For entering cause, without process, one dollar.

For entering judgment by confession, and only on affidavit as required in District Courts, three dollars

For entering every motion, rule, exception, order or default, twenty-five cents.

For transcript of judgment, per folio, twenty cents.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For all services connected with the posting of estrays, including the transcript for the Recorder, two dollars.

In cases before Justices of the Peace, where the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive two dollars; and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

All fees of Justices of the Peace, including those on trial and those on appeal, must be paid before the Justice shall be compelled to forward any papers on appeal.

For all services appertaining to the Coroner's office, which the Coroner is unable to attend to, the Justices of the Peace shall receive the same fees as are allowed the Coroner for similar services.

SUPERVISORS.

Supervisors. SEC. 23. In the County of Siskiyou, each member of the Board of Supervisors shall receive a salary of two hundred and fifty dollars per annum, and mileage at the rate of twenty cents per mile, in travelling from his residence to the county seat and returning home from the same; *provided*, that but one mileage shall be charged for each term of the Board; said salary and mileage to be paid quarterly out of the County General Fund.

FEES OF JURORS.

Jurors SEC. 24. In the County of Siskiyou, grand and trial jurors shall receive three dollars per day for attendance upon a Court of record, and thirty cents per mile for travelling from their residence to the place of trial. No juror who shall be excused from attendance, upon his own motion, on the first day of his appearance in obedience to the venire, shall receive per diem, but mileage only. In civil cases, the party in whose favor verdict is rendered, before the same shall be entered, shall pay the jury fees; but the same may be recovered as costs from the party losing the case; *provided*, that Clerks of Courts of record shall keep an account of all moneys received for trials by each juror during the term, and if the sum so received by such juror shall not amount to three dollars per day and mileage, he shall deliver to such juror a certificate of the time and mileage for which he is still entitled to receive pay, which shall be paid out of the County General Fund as other county dues are paid. If in any trial in a civil case the jury be for any cause discharged without finding a verdict, the fees of the jury shall be paid by the party who demanded the jury, but may be recovered as costs, if he afterwards obtain judgment; and until they are paid, no further proceeding shall be allowed in the action. Jurors in a Justice's Court, in civil cases, shall receive three dollars per day, but no mileage, to be taxed against the party losing the suit.

FEES OF COURT COMMISSIONERS.

SEC 25. In the County of Siskiyou, Court Commissioners shall

be entitled to charge and receive, for their services, the following fees: Court Commissioners.

For hearing and determing every ex parte motion for any order or writ, three dollars.

For hearing and determining such contested motions or issues of law or fact as may be referred to them, or for taking proof upon or determining any matter of fact upon which information may be required by the Court, five dollars.

For every day spent in the business of the reference in such cases, for examining into the qualifications of sureties on bonds or undertakings, when an exception has been taken to their sufficiency, five dollars.

For taking and certifying every affidavit, and for the approval of every bond or undertaking, fifty cents.

For taking and certifying depositions, twenty-five cents per folio.

For every delinquent tax case referred to the Commissioner, for all the services performed by him, three dollars.

Said fees to be paid by the party by whom or at whose instance the matter may be brought before said Commissioner; or if referred by the Court, without motion from either party, or if by consent thereby, the plaintiff, and the fees so fixed to be taxed, with the costs, against the losing party. Such Court Commissioner shall have the right to demand his fees, as aforesaid, at the time the services are performed, and may retain any and all papers, in cases where such fees have not been paid, until the same are paid.

COUNTY JUDGE.

SEC. 26. In Siskiyou County, the County Judge shall receive a salary of fifteen hundred dollars per annum; *provided*, that the provisions of an Act entitled an Act to fix the salaries of judicial officers and provide for the payment of the same, approved April twenty-seventh, one thousand eight hundred and sixty-three, so far as they relate to the salary of the County Judge of Siskiyou County, shall remain in force till the first day of January, one thousand eight hundred and seventy-two. County Judge.

WITNESS FEES.

SEC. 27. In the County of Siskiyou, witnesses shall receive fees as follows: Witness fees

For attending in any civil suit or proceeding before any Court of record, Referee, Commissioner, or Justice of the Peace, for each day, three dollars.

For travelling to the place of trial, for each mile, thirty cents.

In case of impeachment and contested elections, for travelling to the place of trial, twenty cents per mile.

No person shall be obliged to attend or testify in a civil action, unless his fees shall have been tendered, or he shall not have demanded the same.

No fees shall be allowed any witness in a criminal action or proceeding unless he shall attend before a grand jury or a Court of record, as a witness on behalf of the people, upon a subpœna or by virtue of a recognizance, and it shall appear that

he has come from any place out of the county, or that he is poor, the Court, if the attendance of the witness be upon a trial, by an order upon its minutes, or in any other case, the County Judge, by an order subscribed by him, may direct the Treasurer of the county to pay the witness a reasonable sum, to be specified in the order, for his expenses, and no person who resides without any county shall be obliged, in a civil action or proceeding, to attend as a witness in said county, unless the distance be less than thirty miles from his place of residence to the place of trial.

FEES OF JUDGES AND CLERKS OF ELECTION.

Judges and Clerks of Election.

SEC. 28. Judges and Clerks of Election shall be allowed three dollars per day each for the time they are necessarily employed in the discharge of the duties imposed on them; *provided*, that Judges of Election shall not be allowed for more than five days service in any one year; *provided*, that the Board of Supervisors shall allow Clerks of Elections for as many days service as it shall appear that they were actually employed in discharging the duties by law imposed on them.

FEES OF INTERPRETERS AND TRANSLATORS.

Interpreters and Translators.

SEC. 29. Interpreters and translators shall receive such compensation for their services as the Court shall allow, to be taxed and collected as other costs; but the same shall not exceed four dollars per day.

Re-enacted.

SEC. 30 Sections thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty five, forty-six, forty-seven, forty-eight, forty-nine and fifty of an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, one thousand eight hundred and seventy, are hereby re-enacted and made part of this Act.

Repealed.

SEC. 31. An Act entitled an Act to regulate fees of office, approved March twenty-eighth, one thousand eight hundred and sixty-eight, and an Act entitled an Act to regulate salaries and fix the compensation of certain county officers, approved March twenty-eighth, eighteen hundred and sixty-eight, so far as the same are in conflict with the provisions of this Act, are hereby repealed, in their application to the County of Siskiyou, and all other Acts and parts of Acts in conflict with this Act are repealed, so far as the same apply to the County of Siskiyou.

SEC. 32. This Act shall take effect and be in force from and after its passage.

CHAPTER CLXXX.

An Act to incorporate the City of Gilroy.

[Approved March 12, 1870.]

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

SECTION 1. The inhabitants of the Town of Gilroy, in the County of Santa Clara, are hereby constituted and shall continue to be a body politic and corporate, under the name and style of the City of Gilroy, and by that name and style they and their successors shall be known in law; shall have perpetual succession; may sue and be sued; may complain or defend in all actions and proceedings, and in all Courts; may grant, purchase, hold and receive property, real and personal, within said city and no other, excepting only burial grounds and cemeteries and the appurtenances thereto; and may control, manage, regulate, lease, sell and otherwise dispose of the same for the benefit of the city; and may have a common seal and alter it at pleasure. City of Gilroy.

SEC. 2. The boundaries of the said City of Gilroy shall be as follows: Commencing at a point in the centre of Monterey street, situated south, twenty degrees east, forty-six chains from the centre of said street, where the south boundary line of Fourth (formerly Bodfish) street intersects said Monterey street; thence running westerly, at right angles with said Monterey street, forty chains; thence northerly, at right angles and parallel with said Monterey street, one hundred and ten chains; thence easterly, at right angles with said last mentioned lines, eighty chains; thence southerly, and parallel with said Monterey street, one hundred and ten chains, and thence at right angles westerly, forty chains, to place of beginning. Boundaries.

SEC. 3. The government of said city shall be vested in a Mayor, a Common Council, to consist of six members, a City Marshal, who shall be ex officio City Tax Collector, a City Clerk, who shall be ex officio City Assessor, and a City Treasurer. Government

SEC. 4. On the first Monday of May in each and every year a charter election shall be held, at which the legally qualified voters of said city shall elect the several respective officers as hereinafter provided, viz: a Mayor, Clerk, Treasurer and Marshal, who shall hold their offices for one year and until their successors are duly elected and qualified. Six Councilmen shall be elected at the charter election to be held on the first Monday in May, A. D. eighteen hundred and seventy, three of whom shall hold their offices for the term of one year, and three for the term of two years, and until their successors are duly elected and qualified. At the charter election to be held on the first Monday in May, A. D. eighteen hundred and seventy-one, and each succeeding charter election thereafter, there shall be three Councilmen elected, who shall hold their offices for the term of two years, and until their successors are duly elected and qualified. Charter election. In 1870. In 1871.

SEC. 5 It shall be the duty of the Common Council to call all city elections; to designate the time and places of holding Manner of holding elections.

the same, giving at least ten days notice thereof, and for all of which they shall appoint one Inspector and two Judges of Election, who, together with two Clerks, to be appointed by them, shall take the oath of office prescribed by law for Inspectors, Judges and Clerks of State and county elections; and all provisions of law regulating elections for State and county officers shall apply, so far as practicable, to elections under this charter. The polls for all elections shall be opened at nine o'clock A M., and continue open until six o'clock P. M. of the same day. In case any of the officers so designated shall fail to attend, those attending, with the electors assembled, shall fill their places by appointing other competent persons from among the qualified electors present; and all returns of city elections shall be made out and be signed by the officers of such election in the usual form, and deposited with the City Clerk; and the persons having the plurality of the votes cast for each of the respective offices voted for shall be declared duly elected; and no person who is not a qualified voter shall be eligible to any office under this charter, nor shall any person be entitled to vote at any city election unless he shall be an elector for State and county officers, and shall have actually resided within the city thirty days next preceding such election.

Canvass returns.

SEC. 6. The Mayor and Common Council shall meet within five days after any election, and canvass the returns and declare the result; and when two or more persons for any office have an equal and highest number of votes, the Common Council shall decide the election by a plurality vote of their own Board. Should any of the officers elected fail to qualify and give the bonds required, for the period of ten days after their election, the office shall be deemed vacant, and shall be filled as hereinafter provided.

Meetings of Common Council.

SEC. 7. The Mayor and Common Council shall hold their regular meetings on the first Monday of each month. A majority of all the members shall be a quorum; a less number may adjourn from time to time, and may compel the attendance of absent members. The Mayor shall preside at all meetings of the Common Council, but shall be entitled to no vote unless in case of a tie. In the absence of the Mayor at any of the regular, or adjourned or called meetings of the Common Council, if five members be present, they may choose one of their own number to preside at such meeting, and all business transacted at such meeting, and all acts of their presiding officer, shall have the same validity as if presided over or done by the Mayor. Every order made and ordinance passed by the Common Council, in order to have legal force, must receive the approval of the Mayor; or, if he refuses to approve the same, to render such order or ordinance valid it must receive the votes of five of the Councilmen.

Vacancy in office.

SEC. 8. If, at any time, either or any of the officers created by this Act, by sickness, absence or otherwise, shall neglect, refuse or be unable to perform the duties of his office for a period of three consecutive months, his office shall be deemed vacant, and shall be so declared by the Common Council. If any such vacancy shall occur in the office of Mayor or Councilmen at any time three months previous to the regular election, the same

shall be filled by a special election, to be called by the Common Council for that purpose. If any vacancy shall occur in the office of City Marshal, Clerk or Treasurer, the same shall be filled by appointment by the Common Council.

Powers of Common Council.

SEC. 9. The Common Council shall determine the rules of its own proceedings, shall judge of the qualifications of its own members, keep a journal of its proceedings, compel the attendance of its members, and punish for disorderly conduct; and for such conduct may expel a member by a two-thirds vote. They shall have power to pass all proper and necessary laws for the regulation, improvement and sale of lands and other property of the city, except the sale and disposal of public squares; to license all and every kind of business authorized by law and transacted or carried on in said city; to fix the rates of license tax upon all such business, which shall not exceed the amount fixed by law for State and county purposes, with fifty per cent. added thereto; *provided*, that in the business of selling intoxicating drinks in less quantities than one quart, and on any other business not provided for by law, the amount of license shall be fixed at their discretion, as they may deem the interest and good order of the city may require; to purchase, hold and lease property on which to erect suitable buildings for public schools and fire department of the city, including lands and structures required for public use and utility to the city; to purchase, sell, hold and maintain fire engines and all implements for the prevention and extinguishment of fires; to organize and maintain a fire department and establish fire limits; to construct wells and cisterns and viaducts to supply the city with water; to lay out, alter, open, improve, cleanse and repair the streets and sidewalks; to repair any property of the city; to regulate for the protection of health, cleanliness, ornament, peace and good order of the city; to prevent and remove nuisances; to establish prisons; to provide for the care and regulation of prisoners, for the employment of vagrants and prisoners upon the public works of the city; to prohibit and suppress gambling houses and houses of ill fame, all indecent and immoral amusements and exhibitions; regulate the location of slaughter houses, markets, and houses for the storage of gunpowder and other combustibles; to impose and appropriate fines, penalties and forfeitures for any and all violations of city ordinances, and for a breach or violation of any city ordinance, may fix the penalty by fine or imprisonment, or both fine and imprisonment; but no such fine shall exceed one hundred dollars, or such imprisonment for a term exceeding thirty days for any one offence, or may sentence to labor on the streets or public property of the city; to levy and collect taxes upon all the taxable property within the city which, for city purposes, as apportioned to the General Fund for current expenses, shall not exceed one-half of one per cent. upon the assessed value thereof; to pass such ordinances, resolutions and by-laws for the regulation of the police and entire government of said city as may not be inconsistent with the provisions of this charter or with the Constitution and laws of this State or of the United States.

Liabilities. SEC 10. The Common Council shall not create, audit or allow, nor permit to accrue any debts or liabilities above the actual revenue and available means in the treasury that may be legally apportioned and appropriated for such purposes; nor shall any warrant be drawn nor evidences of indebtedness be issued, unless there shall be sufficient money in the treasury justly applicable to meet the same (except as hereinafter provided).

Accounts and demands. SEC. 11. All accounts and demands that shall lawfully arise against the city shall be submitted to the Common Council, and if found correct, shall be allowed, and an order made that the demand be paid; upon which, the Mayor shall draw his warrant, countersigned by the Clerk of the Council, upon the Treasurer, in favor of the owner or owners, specifying for what purpose and by what authority it is issued, and out of what fund it shall be paid; and the Treasurer shall pay the same out of the proper fund.

Special taxes SEC 12. At each regular meeting of the Common Council, they shall inquire into the condition of the streets, bridges, sewers, schools, school houses and fire department, and all property of the city. And if at any time it shall appear that the interests of the city demand an expenditure of more money than at such time is in the treasury applicable for such purposes, they shall make a report of the same, to be published for at least four consecutive weeks in some newspaper printed and published in said city, particularly specifying the object or objects for which the expenditure is required, and the amount of money necessary to be raised by special tax to meet the same. At any time, within fifteen days after the expiration of such publication, the Common Council shall order an election, giving ten days notice thereof, at which those persons who are legal voters of said city may vote for or against such tax. The election shall be conducted, and returns made and canvassed in all respects as the general elections of said city, and the voting shall be by ballot, and a majority vote shall determine if such tax shall be levied or not. If the vote is in favor of levying the tax, the Common Council shall forthwith order the tax or taxes to be levied and collected upon the basis of the last assessment, and shall make the proposed expenditure; *provided*, that the special tax thus to be levied shall for no one year be more than one-half of one per cent. upon the valuation of the real and personal property, as shown by the last assessment roll; and *provided* further, that if the amount of money as specified in said notice for such proposed improvements, and voted to be raised, shall exceed the sum of one-half of one per cent, the Common Council are hereby authorized to issue interest-bearing certificates of indebtedness for any such deficiency, which certificate shall state the rates of interest to be paid, which in no case shall exceed the sum of ten per cent. per annum; and *provided* further, that no other debt can be created, nor special election called to create any debt, until the outstanding interest-bearing certificates of indebtedness of said city shall have been fully paid and cancelled. All special taxes ordered to be levied and collected shall be so levied and collected in the manner, forms and

ways prescribed for the levying and collecting of the general taxes of said city.

Levy and collect taxes

SEC. 13. The Common Council shall have power, and it is hereby made their duty, to provide by ordinance for the levying and collecting of all city taxes, and in so doing, shall be governed by the State laws in reference to the levying and collecting of State and county taxes, so far as the same may be applicable, and may in like manner, from time to time, provide for the collection, by civil action or otherwise, of all taxes levied or assessed by them, or under their authority, for city purposes, that now have or may hereafter become delinquent; and in case such taxes be collected by civil action, the Courts of justice shall have the same jurisdiction, the complaint, answer and other pleadings shall substantially conform to the same requirements, and the summons and other process of such Court shall be issued, served and returned in the same manner as is or may be provided by law for the collection of delinquent taxes levied for State purposes; and all sales and conveyances of property made and executed for the non-payment of delinquent taxes, shall have the same force and effect as when made and executed for the non-payment of delinquent taxes levied for State purposes. And every tax levied by said Common Council under the provisions of this Act or of any former Act which was in force and effect, and which may become repealed by the provisions of this Act, is hereby made a lien against the property assessed, which lien shall attach on the first Monday in May in each year, and shall not be satisfied or removed until the taxes are all paid, or the property has absolutely vested in a purchaser under a sale for taxes. The delinquent list, or a copy thereof, certified by the City Clerk, made out substantially in the form prescribed for making out the list of delinquent taxes levied for State purposes, showing unpaid taxes against any person or property, shall be prima facie evidence in any Court to prove the assessment of the property assessed, the delinquency, the amount of taxes due and unpaid, and that all forms of law in relation to the assessment and levy of such taxes have been complied with.

Delinquent list.

Grading and repairing of streets.

SEC. 14. The Common Council are hereby authorized and empowered to order the whole or any portion of any street or streets, lane or lanes, alleys, courts or squares, graded or regraded to the official grade, paved, gravelled or macadamized, and have the same repaired; to order sidewalks, culverts, sewers, drains and curbings constructed and repaired; to improve and beautify the public squares, and to order any other work to be done which shall be necessary to make and complete the whole or any portion of the said streets, sidewalks, lanes, alleys and squares, as in their opinion the public good and convenience requires.

Notice of intention.

SEC. 15. The Common Council may order any of the work herein authorized to be done, after a notice of their intention so to do, in the form of a notice of intention, describing the proposed work, signed by the Clerk—after being published for two consecutive weeks. At the expiration of the time as given in any such notice of intention, said Common Council shall be deemed to have acquired jurisdiction to order any of the work

Remonstrance.

herein provided for to be done; and all owners of lands or lots, or portions of lots, who may feel aggrieved, or who may have objections to any of the subsequent proceedings of the Common Council in relation to the work proposed and described in the notice of intention, shall file with the City Clerk a remonstrance, wherein they shall state in what respect they feel aggrieved, and their reasons for objecting to the proceedings. Said remonstrance shall be considered by the Common Council, and their decision thereon shall be final and conclusive; *provided*, that if more than one-half of the owners or occupants, or the owners or occupants of more than one-half of the real estate fronting on any street, lane, alley or square on which as a whole said work or improvement is proposed to be done, shall remonstrate against said work or improvement, said Common Council shall then suspend further proceedings for the term of six months, unless such owners or occupants aforesaid shall sooner petition the Common Council to have such improvements made; and it being further *provided*, that if at any time of the hearing of such remonstrance against said work or improvements, or at any time subsequent thereto, it shall come to the knowledge of the Common Council that said proposed improvements, or any portion of them, are an immediate public necessity, they shall then proceed in reference to said proposed work or improvements, or so much thereof as they may deem and declare to be necessary, as if no remonstrance had been made.

Survey to be made.

SEC. 16. It shall be the duty of the Common Council to cause an immediate survey of any such proposed work or improvements, to be made by the City or some other competent Surveyor, who shall, on the conclusion of said survey, produce a map or diagram indicating the proposed grade, and the amount of excavation or filling in front of each person's real estate to the middle of the streets; all lots on the corners of blocks to include the cross streets; or if the improvements only extend to the sidewalks, then he shall indicate, as aforesaid, the amount of excavation or filling of the sidewalks in front of each person's real estate. If the Common Council approve the survey, diagram and specifications of the Surveyor, the same shall be placed on file in the office of the City Clerk; and they shall order said improvements to be made, and shall cause such order to be published for at least three consecutive weeks in some newspaper published in the City of Gilroy. At the expiration of such notice, the Common Council may determine, by ordinance or resolution, at what time said work or improvements shall be commenced, and within what time all of which shall be completed; and also may, in their discretion, extend the time so fixed; and such of the persons having frontage on the line of the proposed work or improvements, shall have the privilege of doing the same in accordance with the requirements of the order, survey, diagram and specifications of the Surveyor on file in the office of the Clerk, as aforesaid; but if the owner or occupant of any such real estate fail or neglect so to do within the time fixed for doing the same, or within any extension of time which may have, in the discretion of the Common Council, been granted, it shall be the duty of the City Marshal to let out, in a manner described by the resolution or

To be filed, if approved.

Commencement and completion of work.

ordinance of the Common Council, the doing of all the work or the making of all the improvements remaining unfinished; and when the doing of all such work, or the making of all such improvements shall have been finished and accepted by the Surveyor and City Marshal, they shall certify the same to the Common Council, who shall order the City Clerk, as ex officio City Assessor, to make an assessment of the cost thereof, as apportioned to each of the persons or occupants owning or occupying said real estate—which said assessment shall constitute a lien upon such real estate, dating from the time such work or improvements was ordered—and after due notice, present the same to the Common Council, who shall, on a specified day, sit as a Board of Equalization thereon, and shall hear and determine in reference thereto in manner as is required for the equalization of other city taxes; and all persons feeling aggrieved in reference to any such assessment, shall, at such time, either in writing or otherwise, specifically make known the cause of their objections and complaint, which shall be heard and passed upon by said Board of Equalization, and their determination therein shall be final and conclusive; and when thus equalized and approved by them, said list shall be properly certified by the City Clerk and placed in the hands of the City Marshal for collection; and all subsequent proceedings in relation thereto shall be the same as prescribed herein for the collection of other city taxes, as far as the same may be applicable.

Assessment.

Equalization

SEC. 17. The cost of the survey, specifications, maps or diagram of any of the work or improvements hereinbefore mentioned, together with all culverts and street crossings, shall be paid by the city.

Costs.

SEC. 18. When any street or portions of any street, or the sidewalks or any portions thereof, becomes in a condition to be dangerous, or in a condition to cause great public inconvenience, the City Marshal shall, by notice in writing, to be delivered to them personally, or posted on the premises of the owners, occupants or tenants, upon any real estate in front of which such repairs or improvements are required to be made, require them to make such improvements or repairs forthwith, particularly specifying in such notice what improvements or repairs are required to be made. If such improvements or repairs are not commenced within three days after notice given as aforesaid, and diligently prosecuted to completion without unnecessary delay, the City Marshal shall be deemed to have acquired jurisdiction to contract for the doing of the work or improvements required by said notice, and may enter into a contract with any competent person to make the required improvements or repairs at the expense of the owner of such real estate, at such price as he may deem reasonable and just, and such owner shall be liable to pay the same; and such sum or sums of money contracted to be paid for said work or improvements shall be a lien upon the real estate in front of which, to the middle of the street, said work or improvements shall have been made, and may be collected by civil action from the personal effects of such owner or owners, or a tax levied or assessed and equalized, as provided in section sixteen of this Act; and all money collected by the City Marshal for the construction, improve-

Repair of streets and sidewalks.

ments or repairs of any street, lane, alley or sidewalk, if collected by an assessment duly equalized and certified, shall be paid to the City Treasurer, as a special fund, to the credit of the particular object for which it was assessed; or, if collected by voluntary payment or by civil action, from the personal effects of the owner of such real estate, he shall pay the same over to the contractor, taking his receipt therefor, a duplicate of which he shall file with the City Clerk; and for all assessments made upon real estate for the construction, improvement or repairs of any street, lane, alley or sidewalk, such an amount shall be added to each and every of such assessments, in addition to the contract price thereof, as will be sufficient to pay the fees of the Collector and Treasurer, as allowed by law.

When city responsible for work done.

SEC. 19. The city or the proper authorities thereof shall not be held responsible for nor assume the payment of any money for work done or repairs and improvements made until after all demands on the owners or occupants of such real estate have been paid or prosecuted to final collection; and in case of failure on the part of the city to collect such taxes from the owner or occupant, or from the real estate, the person or persons having contracted for, done and completed any part of or the whole of such work done, or repairs and improvements made, may present the same to the Common Council and be allowed and paid therefor from the General Fund of said city.

City Attorney and City Surveyor.

SEC. 20. The Common Council, when in their opinion the public good so requires, shall appoint a City Attorney, also a City Surveyor; the duties and compensation of each of said officers to be prescribed by the Common Council.

Board of Equalization

SEC. 21. The Common Council, or a committee of their number appointed for that purpose, shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed in his assessment, and after ten days notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor; and shall have power to modify and change such valuation in any way they, or a majority of them, shall deem just and proper. Said meetings may be held from time to time, as in said notice specified, for the period of two weeks and no longer. When meeting as a Board of Equalization upon assessments for the construction or repairs of any street or sidewalks, they shall hold their sessions for such period of time only as may be required to consider the matters submitted to them and take action in reference thereto. The Mayor and members of the Common Council shall receive no compensation for their services (except as in this Act is allowed to the Mayor), neither shall they, or either of them, or any subordinate officer of the city government, be interested directly or indirectly, during their term of office, in any contract pertaining to any of the departments of the city; and all contracts in violation of this provision shall be declared void.

No compensation.

Petition for opening of new street.

SEC. 22. The Common Council of the City of Gilroy shall, whenever a petition signed by twenty-five citizens of said city, praying for the opening of any new street or streets, or the extending, widening, altering or vacating of any street or streets, lanes or alleys in said city, if deemed by them a public

necessity, direct by ordinance the City Surveyor to make an accurate survey of any such proposed street or streets, lane or alleys, and return the same to the Common Council at its next regular meeting, or within such time as the Common Council shall by ordinance or resolution direct. Said survey shall be accompanied with a report and diagram map, showing the location of such proposed street or streets, lane or alley, and the width thereof; also the boundaries of the lands of each owner thereof through whose land such street or streets, lane or alley are proposed to be located, widened, altered or vacated. And for the purpose of making such surveys, the Surveyor shall have the right to enter upon any and all lands; but the city shall be liable to the owner or owners for any injury done to any such premises by reason of such entry.

Survey and map.

Enter upon lands.

SEC. 23. Within ten days after the filing of such report and map of the proposed work, the City Attorney shall, by careful examination of the records of the county, ascertain and report to the Common Council, the names of all owners of any such lands, as the same shall appear of record, with the description of the land belonging to each person. Upon the filing of the report the City Clerk shall issue notice, directed generally to all persons interested, setting forth that such petition has been filed and that the survey of such proposed street or streets has been made, and that the names of the owners and occupants of the lands through which said street or streets will run are thereon designated; and also a statement that proceedings will be instituted for the condemnation of such lands for public purposes, unless all such owners shall, within ten days of the date thereof, make, execute and deliver to the city, deeds of donation of the lands sought to be so appropriated; said notices shall be served by the City Marshal, by posting copies of the same in some conspicuous place on the premises belonging to each owner. If, after the expiration of said ten days, all or any of said owners shall fail to donate said lands for such purposes, the City Attorney shall file in the Clerk's office of the District Court, in the County of Santa Clara a petition, stating therein that the petition referred to in the twenty-third section was duly presented to the Common Council; that such survey had been made, the description by metes and bounds, or by some accurate designation of said street or streets, and the width thereof, which in no case shall exceed one hundred feet; the description of the tracts of land belonging to each person through which such street or streets will run, and the description and amount of land taken by such street or streets from each of said owners; that the said last named tract or tracts of land are necessary for said purposes, and the names of the persons in possession of said tract or tracts of land, and of those claiming any right, title or interest therein, as far as the same can be ascertained by reasonable diligence.

City Attorney to make report.

Notice.

Condemnation.

Failure to donate lands.

SEC. 24. The persons in the occupation of said tract or tracts of land and those having any right, title or interest therein, whether named in the petition or not, shall be defendants thereto, and may appear and be heard before the Commissioners herein provided for, and in proceedings subsequent thereto, in the same manner as if they had appeared and answered said petition.

Defendants.

Hearing of petition.

SEC. 25. The said Court, or Judge thereof, either in term time or vacation, shall, by order, appoint the time for the hearing of said petition; and such hearing may be had, and all orders in said proceedings may be made by the said Court, or the Judge thereof, either in term time or vacation.

Notice of pendency of petition.

SEC. 26. The City Attorney shall cause all the owners and occupants of said tract or tracts of land, so far as the same can be ascertained by reasonable diligence, who reside in said city, to be personally notified of the pendency of said petition, at least ten days before the hearing thereof; and if any of said occupants or owners are unknown, or do not reside in said city, and have not been personally notified of the pendency of said petition, said City Attorney shall cause a notice, stating the filing of said petition, the object thereof, the tract or tracts of land sought to be appropriated, and the time and place of the hearing of said petition, to be published for three successive weeks previous to the time of hearing of said petition, in some newspaper published in said city.

Commissioners to be appointed.

SEC. 27. The defendants to said petition may appear and show cause against said petition on or before the time for the hearing thereof, or such other time as the hearing may be continued to; and upon satisfactory proof being made that the defendants have been duly notified of the pendency of said petition, as herein prescribed; and upon the hearing of the allegations and proofs of the said parties, if said Court or Judge shall be satisfied that the lands, or any part thereof, are necessary or proper for any of the purposes mentioned in said petition, then such Judge or Court shall appoint three competent and disinterested persons as Commissioners, one of whom shall be selected from among the persons, if any, named for that purpose by said city, and one shall be selected from among the persons, if any, named on the part of any of the defendants, to ascertain and assess the compensation to be paid to the person or persons having or holding any right, title or interest in or to each of said tracts of land, for and in consideration of the appropriation of such land to the use of said city. If any vacancy occur among said Commissioners by reason of any one or more of them refusing or neglecting to act, or by any other means, one or more Commissioners may be appointed by said Court or Judge to fill such vacancy, upon notice being given of such vacancy, as said Court or Judge may direct.

Vacancy.

Time and place of meeting.

SEC. 28. The said Court or Judge shall appoint the time and place for the first meeting of said Commissioners, and the time for the filing of their report, and may give such further time as may be necessary for that purpose if they shall not have completed their duties. The said Commissioners, or a majority of them, shall meet at the time and place as ordered, and before entering on their duties shall be duly sworn to honestly, faithfully and impartially perform the duties imposed upon them; and any one of them may issue subpœnas for witnesses for either parties, and may administer oaths; and said Commissioners may adjourn from place to place and from time to time, as may be necessary for the proper discharge of their duties.

Duties of Commissioners.

SEC. 29. The said Commissioners shall proceed to view the several tracts of land as ordered by the said Court or Judge,

and shall hear the allegations and proofs of said parties, and shall ascertain and assess the compensation of the lands sought to be appropriated, to be paid to the person or persons having or holding any right, title or interest in or to each of the several tracts of land. In ascertaining such compensation they shall take the actual value of such land, and the actual value of improvements thereon that may be wholly destroyed or rendered valueless by such appropriation, but the amount of any resulting damages that they may find from the evidence of any such person will have sustained by reason of such appropriation, other than such actual value of said premises, may be offset against the value of any benefit or advantage that in their opinion will accrue to him or them by reason of the opening, widening or extending of any street or streets, lane or alleys; and said Commissioners shall, on or before the time or times as ordered by said Court or Judge, file in said Clerk's office their report, signed by them or a majority of them, setting forth their proceedings in the premises; and they may include all of said tracts in one report, or make several reports, including one or more of said tracts of land, if the said Court or Judge should so order, or if they shall deem it proper.

Adverse claims.

SEC. 30. In case there are adverse or conflicting claims to the compensation or damages assessed for any tract of land, or any right, title or interest therein, thus sought to be appropriated, the parties thus ascertaining [asserting] such claim should present the same by petition to the Court or Judge after the report of the Commissioners shall have been filed, and said Court or Judge shall proceed to determine the same, and in such case said city, instead of paying to any of said parties so contesting, may pay the amount of such compensation to the Clerk of said Court, to abide the order of the Court or Judge in said proceedings, and the city shall not be liable for any of the costs caused by the adjudication of such conflicting claims. The said city, or any of said defendants, if dissatisfied with the report, may, within twenty days after the time for the filing of said report, and after ten days notice to the parties interested, move to set aside the report and to have a new trial as to any tract of land; and upon good cause shown therefor, the said Court or Judge shall set aside the report as to such tract of land, and may recommit the matter to the same or to other Commissioners, who shall be ordered to proceed in like manner as those first appointed, but such matter shall not be more than once recommitted to [the] Commissioners.

Motion for new trial.

Confirmation of reports.

SEC. 31. Upon the expiration of twenty days after the filing of said report or reports, or at such further time as may be appointed therefor, if the motion and notice shall not have been made and given as aforesaid, and if the proceedings of said Commissioners appear to have been properly and correctly done, the said Court or Judge shall confirm each of said reports, and certify the same thereon.

To be recorded.

SEC. 32. Each of said reports and the certificates thereon, upon the compensation therein named being paid, shall be recorded in the Recorder's office of the said county by said city.

The said Court or Judge may make all such orders as may be necessary or proper in special proceedings provided for in this Act, and shall cause the pleadings and proceedings to be amended whenever justice may require it to be done; and shall direct the manner of service of all orders and notices not herein specially provided for. Costs in such special proceedings shall be taxed by the Clerk at the rates prescribed in the fee bill for said county in civil actions, and shall be paid by said city, except in case where a defendant shall move for a new trial; and the compensation assessed by the Commissioners shall not be increased more than ten per cent. upon the previous assessment, in which case the defendants shall pay the cost.

Costs in special proceedings.

When title to vest in city.

SEC. 33. Upon the report of the Commissioners being filed for record, as above provided for, and upon the payment or tender of the compensation and costs, as provided for in this Act, the real estate, or the right, title or interest therein, described in such report, shall be and become the property of said city, to be used as a public street or streets and appropriated to public use.

Tax levied for payment of claims.

SEC. 34. Within thirty days after the final confirmation of the report or reports, the Common Council may, if there be no money in the treasury to be appropriated for such purpose, and if they deem such an amount of expenditure necessary for the general interest of the city, provide for the raising and paying of such sum or sums as may have been finally awarded by the said Court or Judge to any person or persons for property appropriated as aforesaid, as specially directed and provided for in foregoing sections of this charter; and if said tax shall, as required, be voted for, levied, collected and received into the city treasury, the same shall, upon the order of the Common Council, be paid by the City Treasurer to the County Clerk, for the person or persons entitled thereto, the said Treasurer taking the said Clerk's receipt therefor; and the same shall be deemed and taken as a payment to such person or persons, and shall be as effectual, for all purposes whatever, as if the said sum or sums of money had been paid personally to each of the persons entitled thereto.

Claims to be paid.

SEC. 35. The said Court or Judge shall, at the time of the payment of the said sum of money to the said Clerk, or at such other time or times as may be ordered, direct and order the same to be paid over to the person or persons who shall upon satisfactory proof appear to be entitled thereto; and shall at the time direct that any and all persons having or holding possession of any of the lands or premises described in said report, yield and deliver up the same to the city; and the said Clerk, on the demand of the City Attorney, shall issue a writ commanding the Sheriff to remove all persons therefrom.

Possession given.

Minutes of proceedings.

SEC. 36. The minutes of the proceedings had before such Judge shall be entered by said Clerk in the same manner and with the same force and effect as if the proceedings were had before said Court in term time.

Powers and duties of Mayor.

SEC. 37. The executive power of the corporation shall be be vested in the Mayor. It shall be the duty of the Mayor to be vigilant and active in causing the laws and ordinances of the city to be duly executed and enforced; to be at the head of

the police; to exercise a constant supervision and control over the conduct 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, and certify the same to the Common Council, and may suspend the function of such officer until the charges preferred against him can be inquired into by the Common Council; to sign all licenses and warrants on the treasury; to administer oaths or affirmations upon any and all matters and business pertaining to said city, and generally perform all such duties as may be prescribed for him by law or by city ordinances; to communicate to the Common Council, semi-annually, and oftener, if he thinks proper, a general statement of the situation and condition of the city in relation to its government, finances and improvements, and such recommendations in reference thereto as he may deem expedient.

Vacancy.

SEC. 38. When there shall be a vacancy in the office of Mayor, or the Mayor shall be absent from the city, or from other cause may be prevented from attending to the duties of his office, the Common Council shall appoint one of their number, who, as President pro tem. of the Common Council, shall also be ex officio Mayor of said city during such vacation, and shall in all respects be legally qualified to discharge the duties of such position; and if such vacancy be so filled for the period of one month, such incumbent shall be entitled to the emoluments of such office for such period of time.

Powers and duties of City Marshal.

SEC. 39. The department of police of said city shall be under the direction of the City Marshal; and for the suppression of any riot, public tumult, disturbance of the public peace, or any organized resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon Sheriffs by the laws of this State, and his lawful orders shall be promptly executed by deputies, police officers, watchmen and Constables in said city, and every citizen shall also lend him aid when required for the arrest of offenders and maintenance of public order. He shall, and is hereby authorized, to execute and return all process issued and directed to him by any legal authority; to inforce all ordinances passed by the Common Council, and arrest all persons guilty of a violation of the same; to prosecute, before some competent tribunal, for all breaches or violations of city ordinances; to collect all license taxes that shall at any time be due the city, and to receipt for the same; to receive the tax list, and upon receipt thereof to proceed to collect the same, at the same time and in the same manner as is prescribed by law for the collection of State and county taxes, the said Marshal being hereby vested with all and the same powers to make collections of taxes, by sale and conveyance of real estate, as is or shall hereafter be conferred upon Collectors and Sheriffs for the collection of State and county taxes; and it shall be the duty of the City Marshal to collect, in the same manner and with the same authority, any tax list placed in his hands, without any unnecessary delay; and to pay all taxes, license and other money collected by him, belonging to the city, to the City Treasurer, on the first Monday of each month,

or as much oftener as the Common Council may by ordinance direct, taking the City Treasurer's duplicate receipts therefor, one of which he shall file with the City Clerk; he shall also at the same time file with the City Clerk his affidavit stating that such receipt embraces all the money collected by him belonging to said city for the preceding month, or such other period of time as may have been prescribed, which oath shall be subscribed and sworn to before the City Clerk.

Same. SEC. 40. The City Marshal shall also have the charge of the City Prison and prisoners confined therein, and all those who are sentenced to labor upon the streets or public works of the city, and shall see that all orders and sentences in reference to such are fully executed and complied with.

Same. SEC. 41. The City Marshal shall also perform the duties of Street Commissioner, and in reference thereto he shall be governed by the provisions of this charter and such laws and regulations in reference thereto as are now in force or may hereafter be adopted by the Common Council.

Same SEC. 42. It shall be the duty of the Marshal or his deputies to execute all process issued by any Justice of the Peace of Gilroy Township, officiating as Police Justice or otherwise, or from other legal authority commanding his services, as such officer to attend upon the Court officiating as a Police Court; to be in attendance at all meetings of the Common Council, and to do and perform such other duties as may be required of him by the Mayor and Common Council. He may also, with the concurrence of the Mayor, when the same may be deemed necessary for the preservation of public order, appoint additional policemen, men of sobriety and good moral standing in the community, who shall discharge the duties assigned to them for one day only, but shall be entitled to receive no pay from the city.

Duties of City Clerk SEC. 43. The City Clerk, before entering upon the duties of his office, shall give a bond in the sum of five thousand dollars, conditioned for the faithful discharge of the duties of his office, and whose duties it shall be to keep a true and correct record of all the business transacted by the Common Council; he shall sign, as City Clerk, and issue to the Marshal, license certificates for all branches of business for which a license may be required, and take his receipt therefor; he shall keep a true list of all such licenses issued by him, and the amount of money received by the Marshal therefor. The City Clerk shall also be ex officio City Assessor, and shall, on each year, between the first day of May and the first day of August, make out a true list of all the taxable property within the limits of said city, which list, when so made out and certified by him, shall be placed in the hands of the Common Council for equalization. The mode of making out such list and ascertaining the value of property shall be the same as prescribed by law for assessing State and county taxes. He shall apportion the taxes upon the assessment, and make out and deliver to the Marshal a tax list in the usual form, as soon as practicable after the Common Council, as a Board of Equalization, have equalized the assessment, and to do and perform all such other duties as may be pre-

scribed by this Act, or as by ordinance or otherwise may be required of him by the Common Council.

Same. SEC. 44. It shall be the duty of the City Clerk to report to the Common Council, quarterly, a full and detailed statement of the receipts and disbursements of the city government and the state of each particular fund; and at the expiration of the fiscal year, to make a full and detailed statement of the receipts and expenditures of the city during said year, specifying the different sources of revenue and the amount received from each; the several appropriations made by the Common Council, and the objects for which they were made, and the amount of money expended under each; evidences of indebtedness issued, and what portion thereof remains outstanding, with the rate and amount of interest due thereon; and for any and all business matters pertaining to said city he shall be deemed qualified to administer oaths or affirmations.

Duties of City Treasurer. SEC. 45. The City Treasurer, before entering upon the duties of his office, shall give such bonds as may be required of him by the Common Council; it shall be his duty, as City Treasurer, to receive and safely keep all moneys that shall come into his hands as City Treasurer, for all of which he shall give duplicate receipts, one of which said receipts shall be filed with the Clerk of the Common Council; he shall pay out said money by order of the Common Council, on a warrant issued by the Mayor and countersigned by the Clerk, and shall perform such other duties as may be required of him by said Council; and for his compensation said Treasurer shall be allowed a commission of three per cent. on all moneys paid out by him as such Treasurer, from other than from the School Fund, and for which School Fund he shall receive no compensation. The Treasurer shall make quarterly settlements with the City Clerk, and file with the Common Council an abstract of the same.

Oath of office. SEC. 46. All city officers, whether elected by the people or appointed by the Common Council, shall, before entering upon the duties of their office, take and subscribe the oath of office prescribed by law. The Marshal, Treasurer and Clerk shall each, before entering upon the duties of his office, give a bond, with sureties, to be approved of by the Mayor and Common Council, payable to the Mayor and Common Council of the City of Gilroy, in such sum as may be fixed by ordinance, conditioned for the faithful performance of the duties of his office, as required by law and the ordinances and regulations passed and approved by the Mayor and Common Council of the said City of Gilroy. Should the bond of any officer become insufficient, he shall give such additional security as the Common Council may require, and upon his failure to do so at the time required, his office shall be declared vacant, and may be filled as herein provided for. The official bond of every officer named in this Act, except the bond of the Clerk, shall be filed in the office of the City Clerk; the official bond of the Clerk shall be filed with the City Treasurer. Bonds.

Justices of the Peace. SEC. 47. Justices of the Peace for Gilroy Township are hereby declared competent to discharge all the duties of Police Justices for the City of Gilroy, and all fines imposed by such Justices for any breach of the peace within the corporate limits

of the City of Gilroy, or for any violation of the city ordinances, after deducting therefrom the costs in such prosecution, shall be paid into the city treasury. If at any time the Justices of the Peace of Gilroy Township refuse or fail to perform the duties of Police Justice, as by this Act required, it shall be competent and is hereby made the duty of the Mayor to hold such Court, with all such jurisdiction and authority as is conferred by law upon Justices of the Peace in all criminal matters wherein the crime may have been committed within the corporate limits of said city, and for the trial of all violation of city ordinances, and shall be entitled to collect and retain the fees in all cases as by law and the provisions of this Act would be paid to such Justices.

Compensation of officers.

SEC. 48. The Common Council shall determine and fix the compensation of all officers in said city, when the compensation is not fixed by this Act, and shall also determine and fix the amount of bonds to be given by the different officers.

City cemetery.

SEC. 49. The Common Council of the City of Gilroy shall, as soon after organization under the provisions of this Act as convenient, procure a suitable piece of land, somewhere within convenient distance of said City of Gilroy, for a graveyard or cemetery for said city, and shall cause the same to be inclosed and otherwise prepared for burial purposes, and shall, as soon as it can be conveniently done, cause all the dead bodies now buried in the present graveyard or cemetery to be disinterred and removed to and buried in the graveyard so to be procured, inclosed and prepared, as hereinabove provided, all to be done at the expense of said city, and in the manner and mode to be determined upon by the Common Council; and said Common Council shall have power, by ordinance, to prohibit the future interment of dead bodies in the present cemetery or graveyard in said City of Gilroy.

Incumbents in office to hold until successors qualify

SEC. 50. The present officers of the Town of Gilroy shall continue to hold their respective offices until the officers mentioned in this Act are duly elected and qualified, and they shall perform the duties and shall have and exercise the powers and functions devolving upon each respectively under this Act; and the Recorder, Marshal, Treasurer and Assessor shall be, and shall be known as the Recorder, Marshal, Treasurer and Assessor of the City of Gilroy, respectively. If a vacancy shall occur in the office of Recorder, Marshal, Treasurer and Assessor of said city, before the successor of the present incumbents shall be elected and qualified, as in this Act provided, the Common Council of said City of Gilroy shall have the power, and it shall be their duty, to fill such vacancies by appointment, and the person so appointed to each office shall hold for the unexpired term of the officers whom he succeeds.

Present Board of Trustees.

SEC. 51. The present Board of Trustees of the Town of Gilroy shall be known in law as the Common Council of the City of Gilroy, and under that name they and the other officers of the Town of Gilroy shall constitute the city government of of said City of Gilroy, until the Mayor, Common Council, and other officers of said City of Gilroy, shall be elected and qualified, as herein provided. The present President or Chairman of said Board of Trustees (or, in case of his death, absence, or

other disability, the President or Chairman to be elected by said Board), shall be the Mayor of said city, and shall perform all the duties, and shall have and exercise all the powers conferred upon the Mayor by this Act, until a Mayor shall be elected and qualified, as herein provided; and he, together with the other members of said Board of Trustees, shall constitute the Common Council of said city, and shall have and exercise all the powers and functions conferred by this Act upon the Common Council of said city, until the Mayor and Councilmen herein provided to be elected shall be elected and qualified; and all the ordinances now passed by the Board of Trustees of the Town of Gilroy, and now in force, relating to the municipal government and police regulations, including all ordinances levying assessments and taxes, or in any way relating to the revenue of the Town of Gilroy, are hereby ratified and confirmed, and shall be and continue in force until repealed, amended or superseded by such ordinances as may hereafter be adopted by the Common Council of said city.

Chairman of Board to act as Mayor.

Ordinances confirmed.

SEC. 52. The Common Council shall have power, and are hereby authorized to levy, annually, a road poll tax of two dollars upon each male inhabitant of the City of Gilroy not exempt from taxation, for the purpose of keeping in repair the roads and streets within said city, the time and manner for collecting said taxes to be regulated by the Common Council of said city.

Road poll tax.

SEC. 53. The City of Gilroy shall be exempt from the provisions of an Act concerning roads and highways in the County of Santa Clara, approved March the thirty-first, eighteen hundred and sixty-six, and amended and approved March the fourteenth, eighteen hundred and sixty-eight, except so much thereof as authorizes the Board of Supervisors to levy tax on the taxable property of the said county.

Exempt.

SEC. 54. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Repealed.

SEC. 55. This Act shall take effect and be in force from and after its passage.

CHAPTER CLXXXI.

An Act for the protection of deer in the County of San Mateo.

[Approved March 12, 1870.]

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

SECTION 1. It shall not be lawful at any time to hunt, chase, course or kill deer with or by the use or aid of any hound or hounds, or other dogs, in the County of San Mateo. Every person violating the provisions of this Act shall, upon conviction, be punished for each offence by a fine of not less than one hundred dollars nor more than five hundred dollars, besides the costs of prosecution, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Unlawful to hunt deer with dogs.

Penalty.

Liability of owners of dogs.

SEC. 2. The owner, claimant or keeper of any hound or hounds, or other dogs accustomed to hunt deer, suffering or permitting such hound or hounds, or other dogs, to hunt, chase, course or kill deer in said County of San Mateo, shall, upon conviction, be punished as provided in section one of this Act.

Fines, how appropriated

SEC. 3. All fines collected under the provisions of this Act shall be paid into the Common School Fund of said county.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CLXXXII.

An Act to legalize certain conveyances made by Gretta C. Thomson.

[Approved March 12, 1870.]

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

Conveyances legalized.

SECTION 1. Two several conveyances heretofore made by Gretta C. Thomson, late of Alameda County, now deceased, to her husband, James S. Thomson, dated October tenth (10th), A. D. eighteen hundred and sixty-six, and recorded in the office of the Recorder of Deeds for said County of Alameda, in book "W" of deeds, pages one hundred and sixty and one hundred and sixty-one and one hundred and sixty-two, are hereby legalized, declared valid, and sufficient and full conveyances of all the interest and estate of the said Gretta C. Thomson in the real estate described in said deeds, as if the said Gretta C. Thomson, at the time of the signing and acknowledging said deeds, had been a *femme sole*, or had been joined by her husband in such conveyances.

SEC 2. This Act shall take effect immediately.

CHAPTER CLXXXIII.

An Act in relation to the office of Court Commissioner of the County of San Joaquin.

[Approved March 12, 1870.]

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

Office for Court Commissioner.

SECTION 1. It shall be the duty of the Board of Supervisors of the County of San Joaquin to provide a suitable office for the use of the Court Commissioner of said county. Such office to be selected by said Commissioner, and the rent therefor not to exceed the sum of fifteen dollars per month.

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

CHAPTER CLXXXIV.

An Act to provide for redeeming and paying the warrants outstanding against Tuolumne County, and for paying the current expenses of said county in cash, and defining and limiting the powers and duties of certain officers in relation thereto.

[Approved March 12, 1870.]

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

SECTION 1. The Board of Supervisors of Tuolumne County shall have power, and it is made their duty, to levy a special tax annually, in addition to other taxes provided for by law, upon the taxable property of said county, of one per cent., and said tax shall be collected at the same time and in like manner as other taxes are collected in said county, to be called the Redemption Fund, which fund shall be used for the redemption of any county warrants drawn upon the Treasurer of Tuolumne County prior to the passage of this Act, such redemption to be made as hereinafter prescribed. Special tax to be levied.

SEC. 2. It shall be lawful for any person or persons, being the owner, or the lawful agent or holder for any lawful owner, of any county warrants drawn upon any of the different funds in the treasury of Tuolumne County, to file sealed proposals with the Treasurer of Tuolumne County for the surrender of county warrants, which proposals shall be accompanied with the warrant or warrants proposed to be surrendered. Surrender of warrants.

SEC. 3. On the first Wednesday after the first Monday in January, May, August and November in each year, the Board of Supervisors, together with the County Auditor and County Treasurer, shall attend at the office of the Board of Supervisors, and then and there open all proposals, and accept the lowest bids for the surrender of county warrants; *provided*, that no bid shall be accepted for more than the par value of said warrants, nor shall any bid be accepted unless accompanied by the warrants proposed to be surrendered. Accept bids.

SEC. 4. When any bids are accepted the County Auditor and County Treasurer shall each take a description of the warrants to be redeemed, specifying therein the number and the amount of each warrant to be redeemed and the amount to be paid for each warrant, and make a several record thereof in their respective offices, and thereupon the Board of Supervisors shall make an order directing the County Treasurer to purchase the warrants designated in the accepted bids and pay for the same out of the Redemption Fund, and the warrants so redeemed shall be cancelled as other redeemed county warrants, except that the County Treasurer shall write on the face of said warrants "Purchased" and the amount paid for the same, and shall sign his name and official designation thereto. The order of the Board of Supervisors directing the purchase of said warrants, together with the record made by the County Auditor, shall be sufficient Redemption. Vouchers.

vouchers for the County Treasurer in the settlement of his accounts. The bids being equal, the preference shall be given to the smallest amount of warrants; the bids and amount of warrants being equal, each shall be accepted pro rata, or as nearly so as possible; *provided*, however, that all bids shall propose to surrender the warrant or warrants accompanying them for a given per cent, to be stated in the bid, of the gross amount due upon the warrants for principal and interest, and the per cent. stated in the bids being equal, that bid shall be considered lowest which will stop the accruing of the greatest amount of interest. The County Treasurer shall return all unaccepted bids, together with the warrants therein contained, to the owners, on demand.

Current Expense Fund.

SEC. 5. The tax now provided by law for county expenditures shall be levied and collected annually and paid into the county treasury, and, together with all revenue collected from foreign miners' licenses, county proportion of all State and county licenses, all county licenses, all fines and forfeitures, all receipts from toll bridges and ferries, all fees for official services provided by law to be paid into the county treasury, together with all sums due from Stanislaus County, and all poll tax collected for county purposes, shall constitute the Current Expense Fund of said county, and shall be disbursed as hereinafter provided.

How applied

SEC. 6. The current expenses of said county for each fiscal year shall be paid out of the fund provided therefor in section five of this Act, and no part of said fund shall ever be applied to the payment of any current expenses, debt or liability of any preceding year incurred after the passage of this Act; and neither the Board of Supervisors of Tuolumne County, nor any officer, officers or authority, shall have power to contract any debt against the County of Tuolumne, and no person or property therein shall ever be liable to be assessed, or be subject to taxation in any form, to provide for the payment of any debt hereafter contracted or of any claims against the county, except such legal and proper expenses thereof as shall accrue after the commencement of the fiscal year for which the tax for county expenditures shall be levied; and the Auditor of Tuolumne County is hereby forbidden to draw his warrant upon the County Treasurer of said county for any demand payable out of the Current Expense Fund of said county, unless at the time of drawing such warrant there is sufficient money in said fund to pay such warrant; neither the Supervisors of said county nor any official thereof, shall have power to contract or audit any debt against said county in any fiscal year, which, added to the expenses fixed and chargeable against said county by law for such fiscal year, will exceed the revenue for current expenses for such fiscal year; and if any debt shall be so contracted or audited, it shall be invalid both in law and equity against said county, but shall become a legal debt against each of the Supervisors contracting the same, or against the officer contracting the same.

No warrants drawn in excess of amount in fund.

Debts invalid

Supervisors to estimate current expenses.

SEC. 7. At the regular quarterly meetings of the Board of Supervisors of said county, in the months of February, May, August and November of each year, it shall be the duty of said Board to estimate the probable current expenditures of

said county for the next three months, and the probable revenue to come into the Current Expense Fund for the same period, and to add such an amount of the moneys in the Current Expense Fund (if there is such amount) to the probable revenue for the next three months as will make a sum greater by five hundred dollars than the probable current expenditures for the next three months, and to enter such proceedings on their record; and if after so doing there shall remain in the Current Expense Fund a surplus of money, they shall enter an order on their records that the Treasurer of said county pay one-half of such surplus in the redemption of warrants, in the order of their registration, drawn upon the Treasurer of said county, and payable out of the General Fund of said county, and the other half of such surplus in the redemption of warrants, in the order of their registration, drawn upon the Treasurer of Tuolumne County, and payable out of the Current Expense Fund of said county; *provided*, that such payment of warrants payable out of the Current Expense Fund shall only be made upon warrants drawn for a debt contracted prior to the passage of this Act; and *provided* further, that whenever all the outstanding warrants payable from either of said funds shall be cancelled, then the whole of such surplus shall be applied in the payment of warrants outstanding against the other of said funds. Surplus, how applied.

SEC. 8. All demands against said county for official salaries, or for any other claim, the payment of which out of said county treasury is expressly authorized by the statute, and the precise amount of which is fixed by law, the Board of Supervisors having no authority either to reject the demand or to modify or determine the amount to be allowed and paid, shall be presented, duly verified, to the County Auditor of said county, and, if there is money in the Current Expense Fund of said county with which to pay such demand, he shall draw a warrant upon the Treasurer of said county for the amount thereof; but if there is not money in said fund with which to pay said demands, he shall number the same in the order in which they are presented, and when money shall come into said fund sufficient to pay said demands, or any of them, in the order presented, he shall draw warrants therefor in the order presented, upon the Treasurer of said county, payable out of the Current Expense Fund of said county; *provided*, that if the demand [be] for the salary of the Auditor himself, it shall be presented to and allowed by the County Judge, and shall afterwards be filed in the Auditor's office, and the Auditor may thereupon draw a warrant therefor as upon other demands in this section provided; and *provided* further, that the claims or demands for compensation due to jurors and witnesses, which by some express provision of law may be made payable out of the county treasury, may in like manner, at the end of each term of the several Courts, be audited and a warrant therefor drawn by the County Auditor, payable out of the Current Expense Fund of said county. Salaries of officers. Salary of Auditor.

SEC. 9. All claims and demands against said county, other than those referred to in section eight of this Act, shall be submitted to the Supervisors for their allowance or rejection; and if the Supervisors allow the same they shall indorse their Claims against the county.

District Attorney to examine.

allowance thereon; and every such claim so allowed shall be presented to the District Attorney for examination, whose duty it shall be to inquire carefully into the legality of every such claim, and if found to be a legal and proper charge against said county, to countersign the same; and every such claim so allowed and countersigned may be presented to the County Auditor of said county, whose duty it shall be to audit and allow the same and draw his warrant therefor upon the Treasurer of said county, payable out of the Current Expense Fund of said county, in the same manner that other warrants are drawn as provided by section eight of this Act.

Fiscal year.

SEC. 10. For the purposes of this Act, the fiscal year shall commence on the first Monday of March in each year.

Exempt.

SEC. 11. The County of Tuolumne is hereby exempted from and excepted out of every provision of law which is in conflict or inconsistent with the provisions of this Act.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAPTER CLXXXV.

An Act concerning the office of Tax Collector in the Counties of Contra Costa and Santa Cruz.

[Approved March 12, 1870.]

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

Collector of licenses and poll taxes.

SECTION 1. The Sheriffs of the Counties of Contra Costa and Santa Cruz shall be ex officio Collector of licenses, poll taxes and road poll taxes.

Collector of taxes on property.

SEC. 2. The Treasurer of the Counties of Contra Costa and Santa Cruz shall be ex officio Collector of all taxes on real and personal property.

Compensation of Treasurer.

SEC. 3. The Treasurer, as such, and as ex officio Collector of taxes, in addition to the mileage allowed by law, shall receive as a full compensation for his services in each year, in the County of Contra Costa, eighteen hundred dollars, and in the County of Santa Cruz, fourteen hundred dollars. All percentages and commissions allowed by law for collecting and disbursing State and county taxes on real and personal property shall be paid into the county treasury for county purposes.

Of Sheriff.

SEC. 4. The Sheriff, as ex officio Collector of licenses, shall be entitled to retain eight per centum of all moneys collected by him from licenses.

When this Act to apply

SEC. 5. This Act shall not in any manner affect the rights and duties or fees and salaries of the Treasurer and Sheriff of the County of Santa Cruz in office at the time of the passage of this Act, during the term of their respective offices, but shall apply to the Treasurer and Sheriff who shall be elected at the general election in the year one thousand eight hundred and seventy-one, and to their successors in office. The Sheriff of

the County of Santa Cruz in office at the time of the passage of this Act shall be and remain ex officio Collector of taxes during the term of his office.

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

CHAPTER CLXXXVI.

An Act in relation to the county officers of the County of Sierra.

[Approved March 12, 1870.]

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

SECTION 1. No repeal, express or implied, of the Act entitled an Act to regulate salaries and fix the compensation of certain county officers, approved March twenty-eight, eighteen hundred and sixty-eight, shall in any manner affect such portions of said Act as make the Sheriff of Sierra County ex officio Collector of taxes, and the County Clerk of said county ex officio Recorder, Auditor and Clerk of the Board of Supervisors, Equalization and Canvassers of said county; and such portions of said Act are hereby declared to be, and remain in full force and effect in the County of Sierra; all taxes heretofore collected by the Constable and Collector of each township in said county shall hereafter be collected by the Sheriff, as ex officio Tax Collector, and he shall be subject to all the laws and regulations governing the collection of property taxes, foreign miners' licenses, poll taxes, and State and county licenses, in this State, and shall be liable to all the penalties and punishments of the same; *provided*, that nothing herein contained shall be construed to interfere with the right of the Road Overseers in said county to collect the road poll taxes under the special road law in force in said county. Not to affect. Sheriff as Tax Collector.

SEC. 2. The Sheriff shall receive a salary at the rate of twenty-seven hundred dollars per annum, and in addition thereto he shall receive, for his own use, all mileage allowed by law. Salary of Sheriff.

For all services as Tax Collector, the Sheriff shall receive the following percentage, to wit: Fees.

For the collection of money from foreign miners' licenses, he shall receive twenty per centum on the amount collected.

For all business licenses, he shall receive four per centum on the amount collected.

For the collection of poll taxes, he shall receive fifteen per centum on the amount collected.

For the collection of all property taxes he shall receive three and one-half per centum on the total amount collected by him; *provided*, however, that no percentage or commissions shall be allowed for the collection of taxes for school purposes. The compensation provided in this section shall be in full for all services rendered by the Sheriff, his deputies or assistants, in the offices of Sheriff, Keeper of the Jail and ex officio Tax Collector.

Before entering upon his duties as Tax Collector, the Sheriff shall, in addition to his official bond as Sheriff, give such bond as Tax Collector as is now or may hereafter be required by law.

County Clerk. SEC. 3. The County Clerk shall receive a salary of three thousand dollars per annum, which shall be in full for all services rendered by him, his deputies or assistants, as County Clerk, ex officio Recorder, Auditor and Clerk of the Courts of record and Boards of Supervisors, Equalization and Canvassers of said county. The County Clerk, in addition to the official bonds heretofore required of him, as County Clerk and as ex officio Recorder, shall also, before entering upon his official duties as Auditor, execute and file a separate bond, with two or more sufficient sureties, in a sum not to exceed eight thousand dollars, in the discretion of the Board of Supervisors, which bond shall be conditioned for the faithful performance of all his duties as Auditor and Clerk of the Board of Supervisors, Equalization and Canvassers of said county. All the official bonds given by the County Clerk, as aforesaid, shall be filed with the County Treasurer of Sierra County; *provided*, that nothing contained in this section shall prevent the giving and filing of such bond as Auditor, as may be required to be given and filed with the State Controller, by the revenue laws of the State.

County Treasurer. SEC. 4. The County Treasurer shall receive a salary of one thousand dollars per annum, and shall also receive, for his own use, all mileage allowed him by law, and the compensation allowed by this section shall be in full for all services required of him by law, or by virtue of his office.

County Assessor. SEC. 5. The County Assessor shall receive such compensation, not exceeding six dollars per diem for each day necessarily employed, by himself or deputies, in making assessments, as the Board of Supervisors shall determine.

Supervisors. SEC 6. Each member of the Board of Supervisors of Sierra County shall receive six dollars per diem for each day necessarily employed in the duties of his office, and twenty cents per mile for each mile necessarily travelled in going from his residence to, and returning from the county seat; *provided*, that only one mileage shall be allowed at each term; and *provided* further, that in no event shall the compensation herein allowed to each member of the Board exceed the sum of five hundred dollars per annum.

County Judge. SEC. 7. The County Judge shall receive a salary of twelve hundred dollars per annum.

District Attorney. SEC. 8. The District Attorney shall receive a salary of eight hundred dollars per annum, and, in addition thereto, the following percentage and fees for his own use:

He shall be entitled to charge and receive ten per centum on all forfeited bonds and recognizances collected by him.

For services rendered by him in the collection of delinquent taxes, ten per centum on the amount received, to be added thereto, if paid before judgment; if not so paid, then fifteen per centum, to be added to and constitute a part of the judgment; *provided*, that in no case shall the State or county be liable for such per centum.

For all amounts collected by him for the State or county,

other than delinquent taxes, bonds or recognizances, eight per centum on the amount collected; but in no event shall the compensation in any one case exceed five hundred dollars.

For every conviction under the Act to prohibit gaming and the Act to prohibit lotteries, gifts, raffles, gift enterprises and other schemes, to be collected from the party or parties convicted, fifty dollars.

For each conviction of felony, where the penalty is death, fifty dollars; for every other conviction of felony, except as herein provided for, twenty-five dollars; and for each conviction in cases of misdemeanor, fifteen dollars.

In all convictions, the fees herein allowed shall be assessed against the defendant, and shall not become a county charge; but in case the same cannot be collected from the defendant, then fifty per centum thereof shall be considered a county charge, and be audited by the Board of Supervisors.

Superintendent of Public Schools.

SEC. 9. The County Superintendent of Public Schools shall receive, for all services required of him by law, a salary of four hundred dollars per annum.

District Attorney to be Public Administrator.

SEC. 10. After the expiration of the term of the Public Administrator elected in Sierra County, at the general election held on the first day of September, eighteen hundred and sixty-nine, the District Attorney shall be ex officio Public Administrator in said county, and in addition to his official bond as District Attorney he shall give such bond, and receive such compensation as Public Administrator, as is now or may hereafter be required or allowed by law; but he shall receive no compensation as attorney's fees for settling estates.

To be paid into treasury.

SEC. 11. The Sheriff and County Clerk shall collect and safely keep all fees and commissions now allowed by law for services rendered by them in their several offices and ex officio offices, for which a salary is provided by this Act, and upon the first Monday in each month, shall pay the same into the county treasury.

Fee book.

SEC. 12. The said Sheriff and County Clerk, from and after the passage of this Act, shall each keep a book, to be denominated a "Fee Book," which book shall be the property of the county, and which shall be open, during office hours, to public inspection. In this book shall be entered, in detail, all fees or compensation, of whatever nature or kind, collected or chargeable in their respective offices and ex officio offices. In one column of said book shall be entered the fees or compensation belonging to the county, and in another column, the fees or compensation which, under this Act, may be retained by the officer. On the first Monday in April, eighteen hundred and seventy, and on the first Monday of each month thereafter, the officer shall carefully add up each column, and set down the totals, and the compensation and fees collected or chargeable for the county shall be paid to the County Treasurer, accompanied by a full, accurate and detailed statement, in duplicate, under oath, of all fees, percentages and compensation, of whatever kind, collected for or charged for the county. Upon receiving the Treasurer's receipt for the payment of such fees or compensation, said receipt, and one of the statements herein required to be made out in duplicate, shall be filed with the

Statement of fees.

Auditor, and until the payment of such fees or compensation which, under this Act, shall belong to the county, be made to the Treasurer, and until said Treasurer's receipt and such officer's detailed statement have been filed with the Auditor, said Auditor is prohibited from drawing any warrant in favor of such officer, or any of such officer's deputies; and it shall be discretionary with the Board of Supervisors to further prohibit the drawing of any such warrant until such statement and receipt have been examined and approved by the Board. It is hereby expressly provided, that any officer crediting any fee or percentage for any official services which, under this Act, is provided to be paid by him into the county treasury, shall do so at his own risk, and said officer shall set down the same in his fee book, and it shall be paid by him into the county treasury, as herein provided, the same as if he had collected the said fee at the time or prior to the performance of the service for which said fee or percentage was chargeable. The duplicate certificate herein required to be filed with the Treasurer and Auditor shall be sworn to as follows: "I, ——, Sheriff (or other officer, as the case may be) of the County of Sierra, do solemnly swear that the entire fees, compensation, percentage and payments for official services rendered by me, or any deputy or person connected with my office, or ex officio for me, have been entered in detail in the fee book of my office and added up, and that the portion belonging to the county is —— dollars; that said amount is the full amount received or chargeable since the last payment, and that neither myself, nor, to my knowledge, any deputy for me, has rendered any service, except service for the county, which is not entered and added up to make the aforesaid sum."

Fees credited.

Oath.

Salary Fund account.

SEC. 13. The County Treasurer of Sierra County shall, in addition to the several fund accounts of which he is now by law required to keep, also keep in his books an account entitled the "Salary Fund."

Fees paid in, how applied.

SEC. 14. All fee or compensation for official services which, under this Act, are required to be paid into the county treasury, shall be charged to the Salary Fund of the county, and be applied to the payment of the salaries and per diem of the officers mentioned in the foregoing sections of this Act. The said officers shall perform all services required of them by law for county purposes without fee or compensation other than that hereinbefore provided in this Act.

Same.

SEC. 15. All moneys paid to the Treasurer of Sierra County, under and by virtue of this Act, shall constitute the Salary Fund, out of which all the salaries and per diem in this Act allowed shall be paid by the Treasurer; *provided*, that if at any time there shall not be money enough in the Salary Fund to make the payments required by this Act, then the Treasurer shall transfer from the General Fund to the Salary Fund so much money as may be necessary to make such payment; *provided*, that the Treasurer shall, at the end of each fiscal year, transfer to the General Fund all moneys remaining in the Salary Fund.

Receipts and disbursements.

SEC. 16. The County Treasurer shall, from and after the passage of this Act, in the statement of the condition of the

treasury he is now by law required to make monthly, set out the receipts and disbursements of the Salary Fund.

Penalty for neglect.

SEC. 17. For a wilful neglect or refusal to comply with the provisions of this Act, or any one of them, any officer or officers herein named shall, on conviction, be subject to a fine not exceeding five thousand dollars, and a forfeiture of their office or offices, or to imprisonment in the State Prison not less than one year nor more than two years, or to one or more of said penalties, in the discretion of the Court; *provided*, that nothing in this Act shall release them from giving any bond required of them by law, or from any civil responsibility to any and all persons, in relation to the business of their said office or offices, that may be by law applicable to their several official duties.

Salaries to be paid monthly.

SEC. 18. The salaries provided in this Act for the Sheriff, County Clerk, County Treasurer, County Judge, District Attorney and Superintendent of Schools, shall be payable in equal monthly instalments, and the County Auditor shall, on the first Monday of April, eighteen hundred and seventy, and on the first Monday of each month thereafter, draw his warrant upon the County Treasurer in favor of the respective officers, for the amount of salary due; *provided*, that such officers shall have complied in every respect with the provisions of this Act; and *provided* further, that nothing herein contained shall be construed to interfere with the discretionary power granted to the Board of Supervisors in section twelve of this Act. The County Auditor shall draw his warrant upon the Treasurer in favor of the County Assessor, and of each member of the Board of Supervisors, for the amount of compensation due, whenever such amount shall have been audited and allowed by the Board of Supervisors.

No other compensation.

SEC. 19. None of the officers mentioned in this Act shall receive any other compensation whatever, than that herein provided, for any services that are now or may hereafter be required of them in their respective offices.

Monthly returns of moneys received.

SEC. 20 Every officer mentioned in this Act who is entitled by law to receive any fees, commissions or percentage, for official services, shall collect and safely keep all such fees, commissions and percentage, and pay the same, except such as he is herein expressly allowed to retain for his own use, upon the first Monday of each month, into the county treasury, and the same shall become a part of the Salary Fund; and any compensation made by the revenue or other laws of the State, out of the State treasury or funds, to the Assessor, Auditor, Treasurer or Collector, shall hereafter be retained in, or paid into the county treasury as a part of the Salary Fund, except the mileage allowed by the State to the County Treasurer, which he shall be entitled to retain for his own use.

Repealed.

SEC. 21. An Act entitled an Act concerning the collecting of poll taxes, license taxes and foreign miners' licenses, in the County of Sierra, approved April ninth, eighteen hundred and sixty-two; and an Act entitled an Act to further regulate the collection of taxes in Sierra County, approved March thirty-first, eighteen hundred and sixty-six; and all other Acts and

parts of Acts, so far as the same are in conflict with the provisions of this Act, so far as the same apply to the County of Sierra, are hereby repealed.

SEC. 22. This Act shall take effect and be in force from and after its passage.

CHAPTER CLXXXVII.

An Act to amend an Act entitled an Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-eighth, eighteen hundred and sixty-eight.

[Approved March 12, 1870.]

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

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

Supervisors may levy taxes.

Section 2. The Board of Supervisors of San Mateo County shall hereafter have power to levy and collect, for county purposes, upon the whole amount of taxable property in the county entered and appearing upon the assessment roll, after the completion and equalization thereof each year, the following taxes:

General Fund.

For the General Fund, such rate or proportion as upon the aggregate value of said roll, as footed up, will produce an amount not exceeding eight thousand and five hundred dollars;

School Fund.

for the School Fund, a rate ascertained and fixed in the same manner, which will produce an amount not exceeding nine thousand and five hundred dollars; the rate for the General Fund and the School Fund, being ascertained and fixed in all cases by mathematical calculation, without allowing for delinquencies. The County Auditor shall calculate the rate and certify to its correctness, which certificate shall be attached to the assessment roll. The Board of Supervisors, if they deem it necessary, shall have power to increase the rate of taxation for the General Fund and the School Fund to such extent each year successively as will add five hundred dollars to each of said funds.

May increase rate.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXXVIII.

An Act to amend an Act entitled an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one.

[Approved March 12, 1870.]

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

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

Section 4. Divorces from bed and board, or from the bonds of matrimony, may be granted— Divorces granted.

First—For impotence existing at the time of marriage. Impotence.

Second—When the female at the time of the alleged marriage was under the age of fourteen years, and the alleged marriage was without the consent of her parents or guardian, or other person having the legal custody or charge of her person; and when such marriage was not voluntarily ratified on her part after she had attained the age of fourteen years. Marriage under age.

Third—By an act of adultery by either of the parties; but no divorce shall be granted upon the application of the party guilty of the act of adultery complained of; nor if it appear to the Court that the adultery complained of was by collusion of the parties; nor when it shall appear that the parties have voluntarily lived and cohabited together as man and wife after knowledge of the act of adultery complained of. Adultery.

Fourth—For extreme cruelty in either party (by inflicting upon the other grievous bodily or mental suffering), or for habitual intemperance, or for wilful desertion by either party for a period of two years, or for wilful neglect on the part of the husband to provide for his wife the common necessaries of life for the period of two years, having the ability to provide the same, or failing so to do by reason of his idleness, profligacy or dissipation. Extreme cruelty.

Fifth—When the consent of either of the parties to the marriage was obtained by force or fraud, upon the application of the party injured. Force or fraud.

Sixth—In case of the conviction of either party for a felony after marriage. Conviction of felony

SEC. 2. Either party may be a witness on the trial of such action, but no divorce shall be granted on their testimony, unless corroborated by other evidence. Either party may be witness

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXXXIX.

An Act in relation to road indebtedness of Tuolumne County, incurred in the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

[Approved March 12, 1870.]

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

Claims made valid.

SECTION 1. It shall be lawful for any person or persons holding any bills contracted for the construction, alteration or repairs of any of the public roads in Tuolumne County, in the years Anno Domini eighteen hundred and sixty-six and eighteen hundred and sixty-seven, to present, within three months after the passage of this Act, said bills properly verified, to the Board of Supervisors of said county, for allowance; *provided*, such bills have been certified to as being correct, by the Supervisors of said county contracting the same; and all such bills contracted in good faith, for which labor and materials were actually expended on such roads, shall be valid in law, notwithstanding there may not have been money in the fund of the district for which they were contracted, at the date they were contracted; and every such bill so presented shall be as valid and legal as it would have been had such bill been so presented within one year after it was contracted; and it shall be the duty of the Board of Supervisors of said county to audit and allow any such bill or bills so presented, in the same manner they would have done had the same been so presented within one year from the time the same was contracted; and they shall cause county warrants upon the District Road Fund of the district for which such bill or bills were contracted, to issue to the proper party for the amounts so audited and allowed, which warrant or warrants shall be paid by the County Treasurer of said county out of said fund, in the order of their presentation.

To be audited and allowed.

Claims rejected.

SEC. 2. In case any such bill or bills so presented shall be rejected by said Board of Supervisors, the party holding the same shall be entitled to bring suit thereon, in the proper Court, in the same manner as though such bill or bills had been presented, properly verified, within one year from the date they were contracted; and if suit has heretofore been brought on any such bill or bills and judgment obtained against the party bringing such suit or suits, it shall be no bar to any future action on such bill or bills, or no reason why said Board of Supervisors shall reject such bill or bills.

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

CHAPTER CXC.

An Act to provide for the liquidation of the floating indebtedness of the County of Santa Barbara, and to repeal sections eight and eleven of an Act entitled an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara, and prohibit the contracting of any new indebtedness against said county, approved April fourth, eighteen hundred and sixty-four.

[Approved March 12, 1870.]

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

Supervisors to levy special tax.

SECTION 1. The Board of Supervisors of Santa Barbara County is hereby authorized and empowered to liquidate all of the outstanding indebtedness of the County of Santa Barbara, which may have accrued prior to the first day of July, in the year of our Lord one thousand eight hundred and sixty-nine, standing in the shape of warrants, legally drawn by the Auditor of said county, on the Treasurer thereof, and of accounts, audited or unaudited, legally chargeable against the said county; and for that purpose, to levy a special tax on all the real and personal property within said county, of two mills on each dollar, assessed valuation thereof, before or during their regular session in May, one thousand eight hundred and seventy, and annually thereafter, on or before the first day of March, in the year one thousand eight hundred and seventy-one, and one thousand eight hundred and seventy-two, and to cause the same to be collected at the same time, and in like manner, as are collected the State and county taxes for other purposes.

Certificate of indebtedness.

SEC. 2. Every holder of county warrants, legally issued or drawn in due form of law, or other floating indebtedness which may have accrued prior to the first day of July, in the year one thousand eight hundred and sixty-nine, may, in order to obtain the benefit or relief afforded by this Act, present the same to the Board of Supervisors within three months from and after the first day of May, Anno Domini one thousand eight hundred and seventy: and it shall be the duty of the Board of Supervisors of said County of Santa Barbara, on or before the fifteenth day of August, Anno Domini one thousand eight hundred and seventy, to issue certificates for the amounts of such warrants and evidences of indebtedness, with interest thereon, as may be by law allowed, to be styled "Certificates of the Floating Indebtedness of Santa Barbara County," to be signed by the Chairman and Clerk of the Board of Supervisors of said county, to be countersigned by the Treasurer, and to be stamped with the seal of the Auditor of said county. Said certificates shall be dated the first day of July, Anno Domini one thousand eight hundred and seventy, shall bear interest therefrom till paid at the rate of seven per cent. per annum, shall be payable at the office of the Treasurer of said county, and to the order of the holders of said warrants and evidences of floating indebtedness, and shall be numbered consecutively in the order corresponding

Interest.

to that in which the warrants for which the certificate is to be issued may have been presented to the Treasurer of the county.

Treasurer to keep record.

SEC. 3. It shall be the duty of the Treasurer of said county to keep a correct record of all certificates that may be issued under the provisions of this Act, showing the number, date, the amount of each, and to whom issued; and at any time when there shall be as much as one thousand dollars collected under the provisions of this Act, it shall be his duty to advertise in some public newspaper in said county, for thirty days, stating the amount of such surplus in the fund provided for by this Act, and the numbers of the certificates which will be payable therefrom upon demand.

Redemption.

Floating Indebtedness Fund.

SEC. 4. The fund by this Act authorized to be created shall be styled the "Floating Indebtedness Fund of eighteen hundred and sixty-nine, of Santa Barbara County," and the surplus, if any, that may remain therein after all the certificates authorized by this Act to be issued shall have been paid or provided for, shall be transferred to the Road Fund of said county.

Repealed.

SEC. 5. So much of an Act to fix the compensation of officers, to provide for the funding the floating debt of the County of Santa Barbara, and prohibit the contracting of any new indebtedness against said county, approved April fourth, eighteen hundred and sixty-four, that conflicts with this Act, is hereby repealed.

SEC. 6 This Act shall take effect and be in force after the third day of May, Anno Domini eighteen hundred and seventy.

CHAPTER CXCI.

An Act to amend an Act entitled an Act more clearly to define the boundaries of Sacramento, Sutter and Placer Counties, approved March thirteenth, eighteen hundred and sixty-six.

[Approved March 12, 1870.]

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

SECTION 1 Section one of said Act of March thirteenth, eighteen hundred and sixty-six, above mentioned, is hereby amended so as to read as follows, to wit:

Boundaries of Sacramento County.

Section 1. The boundaries of Sacramento County shall be as follows: Beginning at a point ten miles due north of the mouth of the American River, and running thence in an easterly direction to the junction of the north and south forks of said river; thence up the middle of the principal channel of the south fork to a point one mile above the head of Mormon Island, so as to include said island in Sacramento County; thence in a southerly direction to a point on the Cosumnes River eight miles above the house of William Daylor; thence due south to Dry Creek; thence down the middle of said creek to its entrance into the Mokelumne River; thence down the middle of said

Mokelumne River to a point where said river divides into east and west branches; thence down the east branch of said Mokelumne River to its junction with the west branch of said Mokelumne River; thence down the middle of said river to its junction with the San Joaquin River; thence down the middle of the said San Joaquin River to the mouth of the Sacramento River, at the head of Suisun Bay; thence up the middle of the Sacramento River to the mouth of Merritt's Slough; thence up the middle of said Merritt's Slough to the mouth of Sutter Slough; thence up the middle of said Sutter Slough to the Sacramento River; thence up the middle of the Sacramento River to a point due west of the place of beginning, being the northwest corner of Sacramento County; thence due east to the place of beginning.

SEC. 2. All Acts and parts of Acts, so far as they conflict with this Act, are hereby repealed. Repealed.

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

CHAPTER CXCII.

An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one.

[Approved March 12, 1870.]

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

SECTION 1. Section two hundred of said Act is amended so as to read as follows:

Section 200. In an action to recover the possession of personal property, judgment for the plaintiff may be for the possession, or the value thereof in case a delivery cannot be had, and damage for the detention. If the property has been delivered to the plaintiff and the defendant claim a return thereof, judgment for the defendant may be for a return of the property, or the value thereof in case a return cannot be had, and damages for taking and withholding the same. In an action on a contract or obligation in writing for the direct payment of money, made payable in a specified kind of money or currency, judgment for the plaintiff, whether the same be by default or after verdict, may follow the contract or obligation and be made payable in the kind of money or currency specified therein; and in all actions for the recovery of money, if the plaintiff shall allege in his complaint that the same was understood and agreed by the respective parties to be payable in a specified kind of money or currency, and the same shall be admitted by the default of the defendant or established by evidence to the satisfaction of the Court, referee or jury by whom the action shall be tried, the judgment for the plaintiff shall be made payable in the kind of money or currency so specified in the complaint;

Judgment in action for recovery of personal property.

Judgment in action on a contract or obligation for payment of money

and in an action against any person for the recovery of money received by such person in a fiduciary capacity, or to the use of another, judgment for the plaintiff, whether the same be by default or after verdict, may be made payable in the same kind of money or currency so received by such person.

Repealed. SEC. 2. All provisions of any Act conflicting herewith are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXCIII.

An Act concerning Notaries Public in the County of San Joaquin.

[Approved March 12, 1870.]

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

Additional Notaries Public. SECTION 1. There shall be appointed and commissioned, in the same manner and for the same term as now defined by law, three additional Notaries Public in the County of San Joaquin.

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

CHAPTER CXCIV.

An Act to provide for the building of a bridge and roadway across the estuary of San Antonio, in the County of Alameda.

[Approved March 12, 1870.]

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

Bonds to be issued. SECTION 1. The County Auditor of the County of Alameda is hereby authorized and directed, upon the order of the Board of Supervisors of Alameda County, to issue bonds of said County not exceeding twenty thousand dollars; said bonds shall be signed by the Chairman of the Board of Supervisors, the County Auditor, and countersigned by the Treasurer of said county, and shall be of the denomination of five hundred dollars each, payable in gold coin of the United States, and shall

Interest. bear interest at the rate of ten per cent. per annum, in like gold coin, payable semi-annually. Said bonds shall be made payable

When payable. ten years from the date of their issue, and redeemable after five years from the date of their issue, at the option of the Board of Supervisors of said county.

Proceeds, how applied. SEC. 2. Said bonds and their proceeds, when so issued, shall only be used by the Board of Supervisors to build and construct a suitable bridge or roadway over the estuary of San Antonio,

between the Townships of Brooklyn and Oakland, on the main county road leading from Clinton to the City of Oakland, in said county, and said Board of Supervisors shall have full power and authority to build said bridge and roadway and do and perform all acts and things which may be necessary and requisite to carry out the provisions and objects of this Act.

Coupons. SEC. 3. The said Auditor, upon the order of the said Board of Supervisors, shall attach coupons to said bonds, and the interest and bonds shall be made payable at the office of the County Treasurer; said coupons shall be duly numbered, and there shall be expressed thereon the amount of interest on coupons and when and where payable, and they shall be signed by the Chairman of the Board of Supervisors and County Auditor, and countersigned by the County Treasurer.

Auditor to keep record. SEC. 4. It shall be the duty of the said Auditor to keep a record of the number, denomination and amount of all bonds issued, showing the date of issue, to whom issued, and the number of each coupon to each particular bond.

Bridge Redemption Fund. SEC. 5. In addition to the taxes now authorized by law in the County of Alameda, the Board of Supervisors are hereby authorized to levy and have collected, by the proper officers, such additional tax as they may be deem necessary, which shall be set apart to pay the interest on said bonds, and for no other purpose; *provided* further, that in the fiscal year of eighteen hundred and seventy-five and eighteen hundred and seventy-six, the Board of Supervisors shall have power to levy an additional tax, not to exceed the sum of ten cents on the one hundred dollars, to be collected by the proper officers, to be called the "Bridge Redemption Fund," and all money so collected shall be set apart and used for the redemption of said bonds created by this Act, and for no other purpose. The manner of levying and collecting said tax shall be the same as that provided by law for levying and collecting State and county taxes.

Redemption of bonds. SEC. 6. Five years after the issuance of said bonds, if there be sufficient money in the Bridge Redemption Fund, after paying the interest due on the said bonds, the County Treasurer shall publish notice in one or more newspapers published in said county, that he will redeem bond or bonds, the number, commencing with the first number, and shall give the name to whom it was issued, and the amount, and shall publish said notice for four weeks; and after the expiration of said publication, if the owner or owners of said bond or bonds do not present them for payment, or refuse to receive payment thereon, the interest shall cease, and the County Treasurer is hereby prohibited from paying the interest on the same thereafter; said bonds shall express on their face, "Redeemable after five (5) years, at the option of the Board of Supervisors of said county."

To be cancelled. SEC. 7. Whenever the County Treasurer shall pay any coupons or bonds under the provisions of this Act, he shall cancel the same and preserve the said cancelled coupons and bonds, and keep a record thereof, giving the number, date and amount of each, and from whom received, and shall write across said coupons or bonds the words "Cancelled by me," and sign his name, as County Treasurer, thereon.

Surplus.

SEC. 8. All moneys that may remain in the said Bridge Redemption Fund, after payment of the coupons and bonds aforesaid, shall be transferred to the General County Fund of the county.

Liability in case of division of county.

SEC. 9. Should the said County of Alameda be divided at any time before the expiration of the time for which said bonds are to bear interest, then the part of said county in which said bridge or roadway shall be wholly situated shall assume and be liable for the payment of said bonds at their maturity, with all the interest that may be due or become due upon said bonds; *provided*, that that portion of said county in which no part of said bridge or roadway is situated shall not be liable in any manner for the amount of said bonds or the interest thereon.

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

CHAPTER CXCV.

An Act to protect and encourage the production and sale of pure and wholesome milk, and to prohibit and punish the production or sale of unwholesome or adulterated milk

[Approved March 12, 1870.]

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

Sale of adulterated milk unlawful.

SECTION 1. It shall be unlawful for any person or persons to sell, exchange or distribute, or expose for sale, exchange or distribution, any impure, adulterated or unwholesome milk; or to adulterate any milk for the purpose of offering the same for sale, exchange or distribution; or to keep any cows for the production of milk for market, sale, exchange or distribution, in a crowded and unhealthy condition; or to feed the same on any food which would produce impure, diseased or unwholesome milk; and every person or persons who shall engage in or carry on the sale, exchange, distribution, or any traffic in milk, shall have the cans in which the milk is exposed for sale, exchange or distribution, and the vehicle from which the same is vended, exchanged or distributed, conspicuously marked with his or their names; also indicating by said mark the locality from whence said milk is obtained or produced; and any sale, distribution or exchange of any milk, in cans or by a vehicle so marked as to convey the idea that said milk was produced from a different locality than it really was, shall be and is hereby forbidden.

Cans to be marked with name of vender.

Penalty for violation.

SEC. 2. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and be punished by a fine not less than one hundred dollars for the first offence, and double such amount for each subsequent offence, and by imprisonment according to law, if such fine be not paid. One-half of such fine shall be paid to the informer or prosecuting witness, and the other half to the School Fund of the county. And any

Fines, how appropriated

person may be compelled to testify concerning violations of this Act; but such testimony shall not be used against such witness in any criminal prosecution.

SEC. 3. The Health Officer and Health Inspectors of the City and County of San Francisco shall inform against and diligently prosecute all persons violating the provisions of this Act.

SEC. 4. This Act shall take effect immediately after its passage.

CHAPTER CXCVI.

An Act to provide for the payment of deficiency in the State Insane Asylum.

[Approved March 12, 1870.]

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

SECTION 1. The sum of thirty-one thousand dollars is hereby appropriated, payable out of the General Fund, to pay the deficiency in the amount needed for the support of the Insane Asylum, during the fiscal year ending June thirtieth, A. D. one thousand eight hundred and sixty-nine. Appropriation.

SEC. 2. So much of the amount hereby appropriated as is needed to pay the amount advanced to the Board of Directors, being thirty thousand dollars, with interest, shall be devoted to the repayment of said amount by the Board of Directors, and the residue shall be applied to the current expenditures of the Asylum. How disbursed

SEC. 3. The State Board of Examiners shall audit and allow a claim in favor of the Board of Directors for the amount hereby appropriated, and the Controller shall thereupon draw his warrant for the amount, payable out of the General Fund. To be audited and allowed.

CHAPTER CXCVII.

An Act to grant further powers to the Board of Trustees of the City of San Diego and establish the boundaries of the said city.

[Approved March 12, 1870.]

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

SECTION 1. The boundaries of the City of San Diego shall be as follows: All that tract of land known as the Pueblo of San Diego, as surveyed for the city authorities of San Diego in July, eighteen hundred and fifty-eight, by John C. Hays, United States Deputy Surveyor-General for the State of Cali- Boundaries.

fornia, shall henceforth be known as the City of San Diego, the boundaries of which shall be as made in the field notes of the said survey, a copy of which field notes are on file in the office of the President and Trustees of the present City of San Diego.

To be divided into wards.

SEC. 2. The said city shall be divided into three wards, which shall not be changed or altered except by the State Legislature or a unanimous vote of the Board of Trustees. That

First Ward.

said wards shall be as follows: The First Ward—That part of the city lying west of the line between Old Town and Middle Town, as laid down by James Pascol, County Surveyor, on his map of Middle Town, extending the said line north to the northern limit of the said city, to the line between the ex-Mission lands and

Second Ward

the city. The Second Ward—All that part of the city lying between the said line and the line between New San Diego and Horton's Addition to San Diego, extending the said line to the said boundary line between the ex-Mission and the said city.

Third Ward.

The Third Ward—All that part of said city lying east of the said line between Horton's Addition and New San Diego, as surveyed by A. B. Gray.

Powers of Board of Trustees.

SEC. 3. The Board of Trustees of the City of San Diego, in addition to the powers heretofore conferred by statute upon the municipal authorities of said city, shall have power to levy and collect a tax upon all property, both real and personal, within the limits of said city, subject to taxation under general statute for State and county purposes, of not exceeding one per centum per annum, upon the assessed value of such property; to license and regulate auctioneers, taverns, bar rooms, tippling houses and dram shops, hawkers, pedlers and pawnbrokers; to regulate and prohibit dance houses, houses of ill fame and disorderly houses of all kinds; to require bonds of all city officers except the Trustees; to declare what are nuisances, and provide for their abatement; to increase the number of policemen, not to exceed ten; but shall not contract any liability, either by borrowing money, loaning the credit of the city or contracting debts, which, singly or in the aggregate, with any previous debts or liabilities contracted by said Board of Trustees, shall exceed one thousand dollars over and above the amount in the treasury; *provided*, this Act shall not affect the right of the said Board of Trustees to employ an attorney and contract for his compensation, to defend the land interests of the city. All lawful orders or ordinances of the Board of Trustees may be enforced under the penalty provided in section one hundred and forty-three of an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Sheriff.

SEC 4. The Sheriff of the County of San Diego shall be ex officio Marshal and ex officio Tax Collector of the City of San Diego, and shall receive as a compensation as such Tax Collector, five per cent. of all taxes collected by him, but for his services as City Marshal he shall receive no compensation whatever.

As City Marshal.

As City Marshal he shall have power to appoint a Deputy City Marshal, two policemen for the First Ward, and three for the Second and Third Wards. The Deputy Marshal shall receive a compensation of one thousand dollars per annum, and each policeman the sum of fifty dollars per month, to be paid out of the city treasury, at stated times, upon warrants drawn by the

Board of Trustees. In the event of the increase of the number of police by the Board of Trustees, the City Marshal shall appoint such additional number, and may remove from office such persons appointed by him, but shall, in all cases of removal, give his reasons therefor, in writing, to the Board of Trustees, who shall file the same among their records.

Assessor.

SEC 5. An Assessor shall be elected for said City of San Diego by the qualified electors thereof, at the regular ensuing municipal election, and hold his office for two years and until his successor is elected and qualified, whose duty it shall be to assess all the taxable property of said city, as soon after his election as may be, and each year thereafter at such time as by general law Assessors of counties are required to make their assessment, and receive a compensation of two hundred and fifty dollars per annum.

Further powers of Trustees.

SEC. 6. The Board of Trustees shall have further power to make such orders and ordinances as may be required to carry into effect the foregoing and heretofore granted powers.

Time of holding election.

SEC. 7. In the year A. D eighteen hundred and seventy, the election of Trustees for the City of San Diego, as provided in section two of an Act entitled an Act to repeal the charter of the City of San Diego, and to create a Board of Trustees, passed January thirtieth, A. D. eighteen hundred and fifty, shall take place on the first day of May, A. D. eighteen hundred and seventy, and in each year thereafter on the first Monday in March.

Repealed.

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

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

CHAPTER CXCVIII.

An Act granting certain privileges to the North Beach and Mission Railroad Company.

[Became a law by operation of the Constitution, March 13, 1870.]

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

Time extended.

SECTION 1. The time for the North Beach and Mission Railroad Company to lay and complete the several railroads which it is authorize to construct, equip and maintain in the City of San Francisco, is hereby extended for the period of two years from and after the first day of September, eighteen hundred and seventy.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this thirteenth day of March, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CXCIX.

An Act to confirm a certain ordinance and contract relating to lighting the streets of the City of Oakland.

[Became a law by operation of the Constitution, March 13, 1870.]

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

Agreement confirmed.

SECTION 1. The contract and agreement made July thirty-first, Anno Domini one thousand eight hundred and sixty-eight, and bearing date that day, between the City of Oakland, by S. Merritt, Mayor, and the Oakland Gaslight Company, and the ordinance referred to therein, providing for lighting the streets of said city, are hereby ratified and confirmed.

SEC. 2. This Act shall take effect immediately.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this thirteenth day of March, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CC.

An Act to amend an Act entitled an Act to amend an Act supplementary to an Act entitled an Act to provide for a street railroad within the City and County of San Francisco and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three, the Act hereby amended having been approved March thirtieth, eighteen hundred and sixty-eight.

[Became a law by operation of the Constitution, March 13, 1870.]

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

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

Time extended.

Section 1. The time for the City Railroad Company, as the assignee of Isaac Rowell, J. W. Reay and others, to lay and complete that portion of the street railroad within the City and County of San Francisco which is hereinafter described, the right to construct and maintain which is granted by the Act to which this is supplementary, approved April twenty-first, Anno Domini eighteen hundred and sixty-three, is hereby extended for the term of two years from the first day of May, Anno Domini eighteen hundred and seventy; and the grant and provisions contained in the Act last mentioned shall apply to that portion of the road mentioned in section one of said Act, described as follows: Commencing at the intersection of East and Mission streets; thence along and upon Mission to Navy street; and from the intersection of Chestnut and Stockton

streets, along and upon Stockton street, to Union street; along and upon Union street, to Dupont street; thence along and upon Dupont street, to the intersection of Market street; thence along and across Market to Fifth street; thence along and upon Fifth street, to Mission street; *provided*, that if any portion of said road shall not be constructed within the period of this extension, then the grant and provisions of the Act to which this is supplementary shall apply only to such portions thereof as shall have been completed within said period, and shall thereafter cease and determine as to the portions thereof not so completed. Proviso.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this thirteenth day of March, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCI.

An Act amendatory of and supplementary to an Act entitled an Act to establish a paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six.

[Approved March 14, 1870.]

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

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

Section 1. There shall be a Board of Fire Commissioners of the City and County of San Francisco, consisting of five persons of good character and standing, citizens of the United States, and who shall have been residents of said city and county for at least two years previous to their appointment or election as such Commissioners, and said Board of Fire Commissioners shall be composed of the following named persons, who shall hold office for the periods of time, to be computed from and after the first Monday of December, A. D. eighteen hundred and sixty-nine, set opposite their respective names: Benjamin H. Freeman, for the term of five years; Samuel Rainey, for the term of four years; James H. Reynolds, for the term of three years, and two others to be appointed by the Governor within ten days after the passage of this Act, by and with the advice and consent of the Senate, first had and obtained, one to hold for the term of two years from and after the first Monday of December, A. D. eighteen hundred and sixty-nine, and one for the term of one year from and after said day and year; and afterwards of five persons, who shall serve for the term of five years, and one of whom shall be Board of Fire Commissioners.

elected each year, at the general election in said city and county; the first of such persons to be elected at the general election of the year eighteen hundred and seventy. The offices of Commissioners elected or appointed heretofore by the Board of Underwriters are hereby declared vacant.

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

Vacancy, how filled.

Section 2. In the event of a refusal or neglect to perform the duties of their office of any one or more of said Commissioners, or in the event of a vacancy occurring from any cause, the Board of Supervisors of said city and county, being duly certified thereof by any one or more of said Commissioners, shall declare the office of such Commissioner vacant, and shall appoint a suitable person to fill such vacancy until the next ensuing general election.

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

Engineer and assistants.

Section 5 The Chief Engineer and two Assistant Engineers shall be appointed by said Board of Fire Commissioners, each for the term of two years from and after his appointment, to be removable at the pleasure of said Board, and all subordinate officers and extra men shall be appointed by said Board, and shall be removable at its pleasure.

Repealed.

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

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

CHAPTER CCII.

An Act entitled an Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, approved April twenty-first, eighteen hundred and fifty-seven, and the Act amendatory thereof, approved April twenty eighth, eighteen hundred and sixty.

[Approved March 14, 1870.]

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

SECTION 1. Section one of the amendatory Act hereinbefore referred to, approved April twenty-eighth, eighteen hundred and sixty, is amended so as to read as follows:

Herding of sheep on possessory claims.

Section 1 It shall not be lawful for any person or persons owning or having charge of any sheep within the Counties of Sonoma, Solano, Marin, San Mateo, Sutter, Santa Clara, Tulare, San Bernardino, Los Angeles, Contra Costa, Alameda, San Joaquin, Placer, Colusa, Stanislaus, Calaveras, Yolo, Sacramento, Humboldt, Monterey, Merced, San Luis Obispo, Mariposa, Napa, Mendocino, Shasta, Fresno and Siskiyou, to herd the same or permit them to be herded on the land or possessory claim of

other than the land or possessory claims of the owners of such sheep.

SEC. 2. Section five of the original Act, recited in the title of this Act, is amended so as to read as follows:

Section 5. Nothing in this Act shall be so construed as to prohibit or prevent the herding of sheep upon any unoccupied public lands of this State or of the United States, within said counties; *provided*, that in the Counties of Mendocino, Calaveras, Yuba, Merced, Shasta, Siskiyou, Fresno and Tulare, it shall not be lawful for any person or persons, owning or having charge of any sheep, to herd the same on any unoccupied lands of this State or of the United States, where such herding may cause injury or inconvenience to actual settlers residing contiguous to such lands, who have horses or cattle ranging on such unoccupied lands, and for a violation of this provision the penalties of section two of the original Act, to which this is amendatory, shall apply. On unoccupied lands.

SEC. 3. All Acts and parts of Acts inconsistent with the provisions of the aforementioned sections of this Act are hereby repealed. Repealed.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCIII.

An Act amendatory of an Act entitled an Act supplementary to an Act entitled an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba and Santa Clara, approved May seventeenth, one thousand eight hundred and sixty-one.

[Approved March 14, 1870.]

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

SECTION 1. Section one of said entitled Act is so amended as to read as follows:

Section 1. The Act to which this Act is supplementary shall be held and is hereby declared to apply to the County of Calaveras, and also to the Townships of Liberty and Trinidad, in the County of Klamath. Act made applicable.

CHAPTER CCIV.

An Act to repeal an Act entitled an Act to amend section eighteen of an Act to establish and maintain public pounds for the better securing of estrays and other stock in the County of Alameda, approved March thirty-first, eighteen hundred and sixty-six.

[Approved March 14, 1870.]

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

Act repealed

SECTION 1. Said Act to amend section eighteen of an Act entitled an Act to establish and maintain public pounds for the better securing of estrays and other stock in the County of Alameda, approved March twenty-eighth, eighteen hundred and sixty-eight, is hereby repealed.

Section repealed.

SEC. 2. Section eighteen of an Act to establish and maintain public pounds for the better securing of estrays and other stock in the County of Alameda, approved March thirty-first, eighteen hundred and sixty-six, is hereby repealed.

Impounding of animals.

SEC. 3. Any person may impound any swine, neat cattle, horses, mules, jacks, jennets, sheep, goats, or other stock that shall be found doing damage on his lands, whether the same are fenced or not, or if such animals are found going at large on any highway or street, or any common within said pound district.

SEC. 4. This Act shall take effect on and after its passage.

CHAPTER CCV.

An Act to amend section four of an Act entitled an Act to provide for the licensing of auctioneers and to define their duties and liabilities, approved April eighteenth, eighteen hundred and fifty-nine.

[Approved March 14, 1870.]

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

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

Auctioneers' licenses.

Section 4. Any person who shall have filed his bond in accordance with the provisions of this Act shall, upon payment of the sum specified in this section, receive from the County Treasurer a license of the class for which he has paid; said license shall be renewed quarterly, and rated as follows:

First Class—Auctioneers whose average monthly sales shall amount to one hundred thousand dollars and upwards shall constitute the first class, and shall pay a license of four hundred dollars per quarter.

Second Class—Auctioneers whose average monthly sales shall

amount to seventy-five thousand dollars, and less than one hundred thousand dollars, shall constitute the second class, and pay a license of three hundred dollars per quarter. Auctioneers licenses.

Third Class—Auctioneers whose average monthly sales shall amount to fifty thousand dollars, and less than seventy-five thousand dollars, shall constitute the third class, and pay a license of two hundred dollars per quarter.

Fourth Class—Auctioneers whose average monthly sales shall amount to thirty thousand dollars, and less than fifty thousand dollars, shall constitute the fourth class, and pay a license of one hundred and twenty-five dollars per quarter.

Fifth Class—Auctioneers whose average monthly sales shall amount to twenty thousand dollars, and less than thirty thousand dollars, shall constitute the fifth class, and pay a license of one hundred dollars per quarter.

Sixth Class—Auctioneers whose average monthly sales shall amount to ten thousand dollars, and less than twenty thousand dollars, shall constitute the sixth class, and pay a license of sixty dollars per quarter.

Seventh Class—Auctioneers whose average monthly sales shall amount to twenty-five hundred, and less than ten thousand dollars, shall constitute the seventh class, and pay a license of twenty-five dollars per quarter.

Eighth Class—Auctioneers whose average monthly sales shall be less than twenty-five hundred dollars shall constitute the eighth class, and pay a license of seven dollars and a half per quarter.

CHAPTER CCVI.

An Act empowering the Board of Education of the City and County of San Francisco to pay the claim of William Craine.

[Approved March 15, 1870.]

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

SECTION 1. The Board of Education of the City and County of San Francisco is hereby authorized and empowered to pay the claim of William Craine, amounting to four hundred and seventy-five dollars, for services rendered as architect of the school department of said city and county during the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven. Payment of claim authorized.

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

CHAPTER CCVII.

An Act for the relief of S. D. Smith.

[Became a law by operation of the Constitution, March 15, 1870.]

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

Appropriation.

SECTION 1. The sum of four hundred and ninety-three dollars is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, to pay the claim of S. D. Smith for work and labor performed and material furnished by him in the State Burial Ground, and the State Controller is hereby authorized to draw his warrant in favor of the said S. D. Smith for said sum.

SEC. 2. This Act shall take effect immediately.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this fifteenth day of March, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCVIII.

An Act for the relief of Gordon E. Sloss.

[Became a law by operation of the Constitution, March 15, 1870.]

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

Appropriation.

SECTION 1. The sum of sixty-eight dollars and forty cents ($68 40) is hereby appropriated, out of any moneys in the General Fund of the State treasury not otherwise appropriated, to pay the claim of Gordon E. Sloss, and the Controller of State is hereby authorized to draw his warrant on the State Treasurer in favor of said Gordon E. Sloss, for the sum above appropriated, and the Treasurer is hereby required to pay the same.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this fifteenth day of March, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCIX.

An Act concerning the charter election of eighteen hundred and seventy for the City of Marysville.

[Approved March 15, 1870.]

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

Notice of election.

SECTION 1. For the purposes of the next charter election in the City of Marysville, such election shall be lawful if notice thereof be given by proclamation of the Mayor of said city, at least three days before the time authorized by law for holding such election; and it shall be the duty of the Mayor of the City of Marysville to issue such proclamation at least three days before the time authorized by law for holding such election, the same to be published and posted in the same manner as is now by law required.

SEC. 2. All Acts and parts of Acts, so far as they conflict with this Act, are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCX.

An Act for the relief of Patrick Creighton, James Brennan and Patrick Donohue.

[Became a law March 11, 1870, by a constitutional majority of both Houses, over the Governor's objections.]

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

Supervisors to pay claim of Patrick Creighton.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and directed to order paid to Patrick Creighton, the sum of thirteen thousand and five hundred and six dollars, with legal interest on the said amount from July, A. D. eighteen hundred and sixty-two, until paid, in United States gold coin, which said amount of principal remains due and unpaid to the said Patrick Creighton on the contract of grading Union street, from Taylor to Larkin street, including the crossing thereof, in the City and County of San Francisco, as per assessment on record in volume eight of street assessments in the office of the Superintendent of Public Streets and Highways, in said City and County of San Francisco.

Of James Brennan.

SEC. 2. The Board of Supervisors of the City and County of San Francisco are hereby authorized and directed to order paid to James Brennan, three thousand three hundred and ninety dollars, with legal interest on said amount of three thousand three hundred and ninety dollars from April, A. D. eighteen hundred and sixty, until paid, in United States gold coin, which said

amount of principal remains due and unpaid to the said James Brennan on the contract for grading Taylor street, from Bush to Sacramento street, including the crossing thereof, in the City and County of San Francisco, as per assessment on record in volume three of street assessments in the office of the Superintendent of Public Streets and Highways, in said City and County of San Francisco.

Of Patrick Donohue

SEC. 3. The Board of Supervisors of the City and County of San Francisco are hereby authorized and directed to order paid to Patrick Donohue, the sum of two thousand and forty-seven dollars, with legal interest on said amount of two thousand and forty-seven dollars from April, A. D. eighteen hundred and sixty, until paid, in United States gold coin, which said amount of principal remains due and unpaid to the said Patrick Donohue on the contract of grading Dupont street, from Francisco to Bay street, in the City and County of San Francisco, as per assessment in volume three of street assessments in the office of the Superintendent of Public Streets and Highways, in the said City and County of San Francisco.

Auditor to issue warrants.

SEC. 4. The Auditor of the said City and County of San Francisco is hereby authorized and directed to audit the said three principal sums, with legal interest thereon, as above specified in sections one, two and three of this bill, and to issue his warrants therefor to Patrick Creighton, James Brennan and Patrick Donohue; thereupon and upon the presentation of the said warrants to the Treasurer of the City and County of San Francisco, the said Treasurer of the City and County of San Francisco shall pay the said warrants, as other indebtedness of the said City and County of San Francisco, in United States gold coin, to the above said Patrick Creighton, James Brennan and Patrick Donohue, to each his separate amount, in person, as in sections one, two and three of this bill.

Treasurer to pay the same

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both Houses by the constitutional majority, it has become a law this eleventh day of March, A. D. eighteen hundred and seventy.

GEO. H. ROGERS,
Speaker of the Assembly.
WM. HOLDEN,
President of the Senate.

CHAPTER CCXI.

An Act concerning roads and highways in the County of Humboldt.

[Approved March 16, 1870.]

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

Road districts.

SECTION 1. Each township in the County of Humboldt shall constitute one road district, and each road district shall have one Road Overseer, who may appoint one or more deputies, for whose conduct he shall be responsible.

Appointment of Road Overseers.

SEC. 2. The Board of Supervisors for Humboldt County shall, at their first regular meeting after the passage of this Act, appoint a Road Overseer for each road district in said county; and Road Overseers so appointed shall continue in office until their successors are elected and qualified.

Election of Road Overseers.

SEC. 3. Road Overseers for the several road districts in said county shall be elected at the general election for the year eighteen hundred and seventy-one, and every two years thereafter. They shall hold their offices for the term of two years from and after the first Monday in November next after their election; and the Board of Supervisors shall fill, by appointment, any vacancy that may occur in the office of Road Overseer in any road district in said county.

Oath of office and bond.

SEC. 4. Any person elected or appointed Road Overseer in pursuance of the provisions of this Act, shall, before entering on the duties of his office, take and subscribe to the usual oath of office, and shall execute a bond to the people of the State of California, with two or more sufficient sureties, in a sum double the probable amount of road moneys that will come into his hands; which said bond shall be approved by the Board of Supervisors, and shall be conditioned on the faithful performance of the duties of his office.

Labor on highways.

SEC. 5. All able-bodied male persons, between the ages of eighteen and sixty years, who may be residents of said county, shall be bound and liable to perform each year, on the roads and highways of their respective districts, two days labor. And it shall be the duty of Road Overseers to warn and require all persons in their respective districts who, by the provisions of this Act, may be liable to perform two days labor on the roads and highways of the district; and they shall notify such persons of the time when and the place where such service will be required; and they shall superintend and direct such labor; and any person who, having been thus notified, shall neglect or refuse to perform the labor, shall pay the sum of four dollars to the Road Fund of the district where such labor was due.

Penalty for refusal

Extra labor performed.

SEC. 6. When any person shall perform more than two days labor on the highways in any one year, the Overseer of the district in which such labor shall be performed shall receipt to such person for the extra amount of labor so performed, and such receipt shall be good and receivable for road dues for the year next ensuing, in the district in which such extra labor was performed.

Collection of road tax.

SEC. 7. To enforce the collection of the road tax due from any person who, on the requirement of the Overseer, shall have neglected or refused to perform two days labor on the highways, the Overseer may seize so much of any and every species of property, right, possession or claim belonging to such person so liable and neglecting or refusing to pay such road tax, or in the possession of or due from any other person, and belonging to such person refusing or neglecting to pay such road tax, as will be sufficient to pay the same, together with costs of seizure and sale, and may sell the same at any time and place, on giving notice one hour previous to such sale; and any person indebted to another liable to pay such road tax, and who shall refuse or neglect to pay the same, shall be liable

for the tax of such other person, after service on him by the Overseer of a notice, stating the name of the person so liable and owing said road tax, and the amount of the tax due from such person, and the amount of the tax due may be deducted from such indebtedness. The Overseer, after deducting the tax for which such property was sold, together with the necessary fees and costs of sale, shall pay over the surplus, if any there be, to the owner of the property. A delivery of the possession of the property sold by the Overseer to any purchaser, at any such sale, shall be a sufficient title to the purchaser without the execution of a deed therefor by the Overseer.

Blank receipts.

SEC. 8. The Board of Supervisors shall cause proper blank receipts for road taxes to be printed, and it shall be the duty of the Clerk of said Board to sign such receipts, and issue the same to the Road Overseers for the several districts, on their order, and said Clerk shall charge to the Overseers, in a book to be kept by him, the receipts which he shall issue to them; and when any person shall perform two days labor on the highways, or in lieu thereof shall pay the sum of four dollars, the Road Overseer of the district shall deliver to him a road tax receipt, with the blanks properly filled.

Compensation of Overseers.

SEC. 9. Road Overseers shall, for each day that they may be actually and necessarily employed in working on the roads in their respective districts, or in superintending work on said roads, receive such per diem as may be allowed by the Board of Supervisors, not to exceed four dollars per day, payable out of the General Road Fund of said county; and for collecting the road tax from persons who neglect or refuse to work on the roads, ten per cent. of the amount so collected; and *provided*, that the time occupied in collecting said road tax shall not in any case be construed as time spent in actual and necessary work on the roads.

Overseers to make reports

SEC. 10. On the first Monday in November in each year the Road Overseers shall report to the Board of Supervisors for said county. Said report shall contain a list of the names of all persons in their respective districts liable to perform service on the roads, the names of all persons who have performed such service, and of all persons who, in lieu thereof, have paid the sum of four dollars. They shall also contain a full and correct statement of all sums of money paid out, to whom paid and for what purposes, together with all the necessary vouchers; and each Overseer shall state in his report the number of days that he has actually and necessarily been employed in working on the roads within his district, or in superintending work on said roads; and such reports shall be certified to under oath by said Road Overseers as being just, true and correct in each and every particular and specification; and at the time of presenting said report, he shall pay all moneys remaining in his hands, after deducting the percentage for collecting, into the county treasury; and he shall file with his report all receipts which he may have received from the County Treasurer, and also all road tax receipts which remain in his hands unsold.

Supervisors to examine.

SEC. 11. The Board of Supervisors shall examine the report of each Road Overseer, and finding it correct, and that the persons who have paid road taxes, together with the road tax

receipts returned, are equal to the whole number of receipts issued to him, shall order the Clerk of the Board to balance his account, and the Board of Supervisors shall direct the Auditor to draw his warrant on the Treasurer, payable out of the Road Fund of said county, in favor of such Overseer, for the amount of per diem due him, as shown by his report. And any balance due such Overseer for materials furnished, or for the pay of laborers employed by him to work on the roads in his district, shall be payable out of the Road Fund of the district of which he shall be Overseer, and shall not in any case be paid out of any other fund. Balance due.

SEC 12. When any Road Overseer shall pay any money into the county treasury, it shall be the duty of the Treasurer to place it in the fund of the district of which he is Overseer. The funds of the several road districts shall be under the control of the Board of Supervisors, who may disburse the same for the construction of bridges and the opening and improving of roads. Each fund shall be expended in the district in which it was collected. The Board of Supervisors shall draw money from the District Road Funds by their order on the Treasurer, and the Treasurer shall pay such orders out of any moneys remaining in said District Road Funds Road funds, how disbursed.

SEC. 13. The Road Overseers of the several road districts in said county shall cause all public highways within their respective districts to be kept clear of obstructions, and in good repair, and cause banks to be graded and bridges and causeways to be constructed, when the same may be found necessary, and shall cause the same to be kept in good condition, and shall cause guide-boards to be prepared and placed at the intersection of roads wherever the convenience of the travelling public may require the same, and for the above named purposes they shall have full powers to contract for such labor and materials as may be found necessary to accomplish the same. Duties of Overseers.

SEC. 14. Any Overseer neglecting or refusing to perform any of the duties prescribed in this Act, shall be deemed guilty of a misdemeanor, and, on conviction thereof before any Justice of the Peace in said county, shall be fined in a sum not exceeding two hundred dollars, for which the sureties on his official bond shall be liable; and such fine, when collected, shall be paid into the county treasury and placed in the Road Fund of his district. Penalty for neglect.

SEC. 15. The Board of Supervisors for said county shall levy, annually, on or before the second Monday in May in each year, in addition to the taxes provided for by law, a tax upon all the taxable property in said county of not less than ten nor more than forty cents on each one hundred dollars in value of taxable property, as assessed in the year in which such levy shall be made; and said tax shall be assessed and collected at the same time, and in the same manner, as are other property taxes in said county, and the percentage for collecting shall be the same. Additional tax.

SEC. 16. The tax provided for in the preceding section of this Act shall be paid into the Road Fund of said county, and How appropriated.

shall be used for the payment of warrants drawn against said fund by order of the Board of Supervisors prior to the passage of this Act, and for the payment of warrants that may be hereafter drawn against said fund by order of the Board of Supervisors, for the per diem of Road Overseers and for the construction of bridges, and for the opening and improving roads of general value and interest to said county; and all bridges built, and all work done on roads under the provisions of this section, shall be under the direction of the Board of Supervisors, and shall be done under contracts awarded to the lowest responsible bidder, after at least ten days notice shall have been given by publication in some newspaper published in said county, calling for sealed proposals, and stating the amount and description of the work to be done or materials furnished, and the time to be allowed for its completion; and *provided*, that any and all proposals may be rejected if the Board of Supervisors shall consider such proposal or proposals exorbitant.

Work to be done under contract.

Completion of contract.

SEC. 17 Whenever any contract that shall have been awarded under the provisions of the preceding section, shall have been completed in a manner satisfactory to the Board of Supervisors, said Board shall direct the Auditor to draw his warrant on the Treasurer, payable out of the Road Fund of said county, for the amount due on such contract, and all warrants drawn, or that may be drawn, against said Road Fund by the order of the Board of Supervisors, shall be paid in the order in which they were drawn.

Made applicable.

SEC. 18. The provisions contained in sections one, three and five of an Act entitled an Act concerning roads and highways, approved April twenty-eighth, eighteen hundred and fifty five, and the sections from one to twelve, both sections inclusive, of an Act entitled an Act to provide for the establishment, maintenance and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, are hereby extended over and made applicable to Humboldt County, and are hereby declared to be in full force and effect in said county, anything contained in any other Act to the contrary notwithstanding.

Acts repealed.

SEC. 19. An Act entitled an Act concerning roads and highways in the Counties of Humboldt, Napa and Siskiyou, approved February twenty-second, eighteen hundred and sixty, and all Acts amendatory thereof, are hereby repealed, in so far as they apply to Humboldt County. And an Act entitled an Act to authorize the Supervisors of Humboldt County to levy an additional tax for road purposes, approved December twenty-seventh, eighteen hundred and sixty-five, and an Act entitled an Act to continue in force in Humboldt County a certain Act therein named, and to regulate the disbursement of road moneys in said county, approved January twentieth, eighteen hundred and sixty-eight, are hereby repealed, and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they may conflict with the provisions of this Act.

SEC. 20. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXII.

An Act to authorize the Odd Fellows' Cemetery Association of San Francisco to borrow money for certain purposes, and to secure the same by mortgage upon real estate.

[Approved March 16, 1870.]

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

May borrow money.

SECTION 1. The Odd Fellows' Cemetery Association of San Francisco are hereby authorized and empowered to borrow so much money as may be necessary for, and to be applied to the purpose of paying the assessment now due to the City of San Francisco, upon and from the lands of said association, the same being a portion of the "outside lands," so called, of said city and county; and for the moneys so borrowed, said association may give their promissory note, and to secure the payment of the same, may give a mortgage upon so much of the unsold portions of their real estate as shall be found necessary for that purpose. Said note and mortgage to be executed on behalf of the association by their President and Secretary, and under their corporate seal.

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

CHAPTER CCXIII.

An Act in relation to the office of Tax Collector in the County of Monterey.

[Approved March 16, 1870.]

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

Sheriff as Tax Collector.

SECTION 1. The Sheriff of the County of Monterey and his successors in office shall be ex officio Tax Collector in and for said county.

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

CHAPTER CCXIV.

An Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide for a bounty for the same.

[Approved March 16, 1870.]

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

Special tax for a Bounty Fund.

SECTION 1. The respective Board of Supervisors in and for the Counties of Alameda, Contra Costa, Fresno, Stanislaus, Merced, San Joaquin and Yolo shall, at the time of making their annual levy of the State and county taxes, or at any regular meeting of said respective Boards, on or before the first Monday in June, eighteen hundred and seventy, and every year thereafter, levy a special tax, not to exceed in the Counties of Alameda, Stanislaus, Merced, Fresno, San Joaquin and Yolo, two cents, and in the County of Contra Costa not to exceed five cents, on each one hundred dollars valuation of all taxable property on the respective assessment rolls of said counties, which tax shall be collected at the same time and manner in which other county and State taxes are collected, and when so collected, less only the fees allowed by law for the collection and disbursement of the same, shall constitute in each of said counties a fund to be known as the Bounty Fund.

Bounty for destruction of squirrels and gophers.

SEC. 2. Any person who shall, within either of said counties, kill or destroy, or cause to be killed or destroyed by any person or persons in his or their employ, in any manner not prohibited by law and in accordance with the subsequent provisions of this Act, any squirrels or gophers, shall be entitled to the sum of five cents for each squirrel and ten cents for each gopher so destroyed, and shall, upon the presentation of the scalps of not less than fifty squirrels or twenty-five gophers so destroyed, to any Justice of the Peace of the county within which the same were taken, and by oath or affirmation, or otherwise, prove to the satisfaction of said Justice of the Peace that such squirrels or gophers were killed within the county in which said claim is presented; and the Justice of the Peace shall at once count and destroy the scalps so presented, and shall issue to said claimant

Certificate.

a certificate as follows, viz: I, ———, Justice of the Peace in and for the County of ———, do hereby certify that ——— has this day presented to me ——— (No.) scalps of ———, and furnished the necessary proof that they were killed within this county, and is entitled to ——— dollars bounty, payable out of the Bounty Fund. ———, Justice of the Peace. ———, eighteen hundred ———.

Claims allowed.

SEC. 3. On presentation by the lawful holder of any one or more of said certificates to the Board of Supervisors of the proper county, said Board shall consider and allow the same in like manner as other claims against said county are allowed, and the County Auditor of said county shall draw upon the County Treasurer, payable only out of the said Bounty Fund, in the manner prescribed by law for the drawing of warrants upon other funds of the county, and shall be in like manner paid.

SEC. 4. It shall be lawful for any person, under the provisions of this Act, to enter any inclosure not occupied as a garden, vineyard, nursery or orchard, between the first day of November and the first day of May of each year, and not otherwise, unless permission be granted by the owner of said premises; *provided*, that this Act shall not be so construed as to prevent an action for damages in case of wilful or unlawful destruction of property. Right of entry.

SEC. 5. The County Clerk shall prepare blank certificates and furnish the same to each Justice of the Peace within the county. Each Justice of the Peace shall be entitled to a fee of twenty-five cents for each certificate issued under the provisions of this Act. Blank certificates. Fee.

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

CHAPTER CCXV.

An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

[Approved March 16, 1870.]

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

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

Section 9. There shall be held in the Sixth Judicial District terms of said Court as follows: In the County of Sacramento, on the first Monday in February, April, June, August, October and December; in the County of Yolo, on the third Monday in January, May and September. Terms of Court.

SEC. 2 This Act shall take effect immediately.

CHAPTER CCXVI.

An Act to settle and pay the unpaid expenses of the State Geological Survey.

[Approved March 16, 1870.]

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

SECTION 1. The Board of Examiners are authorized and directed to examine, and if found correct, to allow all unpaid accounts of the State Geologist, for the expense of said survey, up to April thirtieth, eighteen hundred and sixty-eight, and all Unpaid accounts allowed.

expenses that have been incurred by or under the direction of the Governor since that time, for the preservation and protection of the property of said survey; but nothing herein contained shall authorize the payment of any salaries or expenses of said survey, since April the thirtieth, eighteen hundred and sixty-eight, except those authorized by [the] Governor as aforesaid.

Proceeds of sales.

SEC. 2. All the proceeds from sales of the publications of said survey shall be applied, under the direction of the Governor, to the completion of the unfinished publications of said survey.

Appropriation.

SEC. 3. A sum not exceeding twenty-five thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to the payment of said accounts when allowed by said Board of Examiners; but no money shall be paid under this Act until all property of every kind and description properly belonging to the State or to the survey, including instruments, specimens, preparations and all other effects, shall have been first surrendered to the Governor or such person as he shall authorize to receive the same.

Property to be surrendered.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCXVII.

An Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four.

[Approved March 16, 1870.]

Preamble.

WHEREAS, It has been the policy of this State to invest the moneys derived from the sale of school lands in the interest-bearing bonds of this State, and to place such bonds in the hands of the State Treasurer, in trust for the School Fund; and whereas, the whole of the bonds issued under said Act and outstanding will, before the first day of May, eighteen hundred and seventy, have been absorbed by such investment; and whereas, the investment is the most desirable and secure that could be made of said moneys, and hence it is no longer expedient to provide for more than the interest on such bonds; to that end,

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

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

Interest tax to be levied.

Section 15. For the payment of the interest on the bonds issued under this Act, there shall be levied and collected annually, in the same manner as other State revenue is or may be directed by law to be levied and collected, upon all real and personal

property taxable in this State, a tax of two cents upon each one hundred dollars of valuation of such property, in addition to taxes for general State purposes, and the fund derived from this tax shall be set apart and applied to the payment of the interest accruing on the bonds herein provided for; and if at any time there should not be a sufficient sum of money in said fund to pay said interest when due, then an amount sufficient to make up such deficiency shall be taken from the General Fund for that purpose, and whenever, on the first day of July of any year, there shall remain a surplus in said fund after the payment of the interest on said bonds as hereinbefore provided, such surplus shall be paid into the General Fund.

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

CHAPTER CCXVIII.

An Act to amend an Act entitled an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eighth, eighteen hundred and fifty-seven.

[Approved March 16, 1870.]

Preamble.

WHEREAS, The tax levied under section six of said Act is more than sufficient to pay the interest on and to redeem the bonds issued thereunder at maturity; and whereas, the holders of such bonds are not desirous that they should be redeemed before maturity, and will not surrender them at par value until compelled to do so by law; and whereas, a tax of fifteen cents on each one hundred dollars of the assessed value of the property in this State will fully and promptly meet every obligation incurred under the provisions of said Act; and whereas, it is expedient, at this time, to reduce taxation to the lowest point consistent with the honor of the State and the duty it owes to its creditors; therefore,

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

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

Tax for redemption of bonds.

Section 6. For the payment, within twenty years, of the principal and interest on the bonds issued under this Act, there shall be levied annually, until the bonds are paid, and promptly collected, in the same manner as is or may be provided by law for ordinary State taxes, a tax of fifteen cents on each one hundred dollars of the assessed value of real and personal property in the State, and the fund derived from this tax shall be set apart and applied exclusively to the payment of the interest on the bonds herein provided, and the final redemption of the principal of said bonds; and the faith of the State of California is hereby pledged for the payment, as herein provided, of the

bonds issued by virtue of this Act, and the interest thereon; and all moneys that may be received by the State of California from the United States Government on account of the Civil Fund, so called, are hereby irrevocably pledged to the payment of the principal and interest on the bonds issued under this Act.

Penalty for neglect to levy tax.

A wilful refusal or neglect by the Supervisors, or any other officers, to levy or collect the taxes imposed by this Act, shall be a misdemeanor, and the person or persons convicted thereof shall be removed from office and punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

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

CHAPTER CCXIX.

An Act to authorize the Board of Supervisors of San Joaquin County to issue a certain bond.

[Approved March 16, 1870.]

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

Supervisors to issue bond.

SECTION 1. Whenever hereafter George Bucknell shall execute to the County of San Joaquin a bond in the sum of eight hundred dollars, in gold coin of the United States, with sureties to be approved by the Board of Supervisors, conditioned that the County of San Joaquin shall be saved harmless against the payment of the principal and interest of San Joaquin County bond number thirty-three (33), issued under an Act entitled an Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and sixty-six, and to provide for the payment of the same, approved March twenty-sixth, eighteen hundred and sixty-six, the Board of Supervisors shall issue to the said George Bucknell a bond for the sum of five hundred dollars, with the same rate of interest and of the same tenor and effect as the bonds issued by said county under the Act aforesaid. Such bond shall, when issued, have the same force and effect, and shall be dealt with in all respects in the same manner as if it had been issued under said Act, approved March twenty-sixth, eighteen hundred and sixty-six.

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

CHAPTER CCXX.

An Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Valley Agricultural Society.

[Approved March 16, 1870.]

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

Appropriation.

SECTION 1. The Board of Supervisors of San Joaquin County are hereby authorized and empowered to appropriate the sum of two thousand dollars, for the use and benefit of the San Joaquin Valley Agricultural Society, to be paid out of the General Fund of said county.

When and how payable.

SEC. 2. The amount so appropriated shall be payable as follows, to wit: One thousand dollars on the first day of August, Anno Domini eighteen hundred and seventy, and one thousand dollars on the first day of August, Anno Domini eighteen hundred and seventy-one. The warrants for the payment of said appropriations to be drawn in favor of the President, Treasurer and Secretary of said society.

How applied

SEC. 3. The Board of Managers of said society shall hold a fair or exhibition at some time during the years Anno Domini eighteen hundred and seventy and eighteen hundred and seventy-one, and the sums of money herein authorized to be appropriated by the Board of Supervisors of San Joaquin County shall be applied by the Board of Managers of said society to the payment of such premiums as may be offered by said Board of Managers, a printed list of which shall be published in each year, previous to the time herein specified for the payment of the appropriation.

CHAPTER CCXXI.

An Act supplementary to an Act prescribing certain conditions for the transaction of insurance business in the State of California, approved March twenty-sixth, eighteen hundred and sixty-eight.

[Approved March 18, 1870.]

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

Deposit of securities by life insurance companies.

SECTION 1. Whenever existing or future laws of any State of the United States shall require any life insurance company incorporated by or organized under the laws of this State to deposit with some officer of this State securities in trust for, or for the benefit of the policy holders of such company, as a prerequisite to any such company transacting business in such other State, the Insurance Commissioner of this State is hereby

Insurance Commissioner to hold in trust.

authorized to receive from such life insurance company securities of the amount required by the laws of such other State on deposit and in trust for the policy holders of such company, the value of which shall be equal to the value of interest-bearing stocks, bonds or other securities of the United States. The

To deposit in State treasury.

Insurance Commissioner shall receive, and upon the receipt of said securities shall forthwith make a special deposit of the same, in packages marked with the name of the company from whom received, in the State treasury, where they shall remain as security for policy holders in the companies to which they

Solvent companies may collect dividends.

respectively belong; but so long as any company so depositing shall continue solvent, he shall permit such company to collect the interest or dividends on its securities so deposited, and from time to time to withdraw any such securities on depositing other securities in the stead of those to be withdrawn, such new securities to be of the same value mentioned in this Act, but such securities, or any part of the same, shall not be withdrawn from the State treasury unless upon the written order of the acting President and Secretary of the company making the deposits, which order shall be indorsed by the Insurance Commissioner; or upon the order and authority of some Court of competent jurisdiction. It shall be the duty of the State Treasurer to receive and safely keep the deposit provided for in this Act.

Commissioner to issue certificate of deposit.

SEC. 2. Whenever any life insurance company, incorporated under the laws of this State, shall have deposited with the Insurance Commissioner of this State the requisite securities, in conformity with the laws of the State or States in which such company is desirous of transacting its business, it shall be the duty of the Insurance Commissioner to issue to such company a certificate, under his official seal, of such deposit, for each State which shall require the same, which certificate shall state the items and amount of securities thus deposited, and that the said Insurance Commissioner is satisfied that they are of the market value represented therein, but no securities shall be estimated above the par value of the same. For each certificate issued as herein provided there shall be paid to the Insurance Commissioner, by the company applying therefor, the sum of five dollars in United States gold coin.

Fee.

When deposits to be delivered up.

SEC. 3. Whenever any life insurance company shall have so deposited its securities with the Insurance Commissioner of this State, and said company shall have caused all its unexpired policies to be paid, cancelled or reinsured, and all its liabilities under such policies thereby to be extinguished, or to be assumed by other responsible company or companies having a similar deposit with said Insurance Commissioner, it shall be the duty of said Insurance Commissioner, on application of such company, verified by the oath of its President and Secretary, and on being satisfied by an examination of the books of the company, and of its officers under oath, that all of its policies are so paid, cancelled, extinguished or reinsured, to deliver up to said company the securities deposited by such company

To examine securities annually.

SEC. 4. An examination shall be made annually by the Insurance Commissioner of the securities received by him as aforesaid from each life insurance company; and in case it shall

appear at any time that the securities deposited by any company amount to less than the sum required for the purposes for which said deposit was made, the Insurance Commissioner shall notify the said company thereof; and unless the deficiency is made up within thirty days after said notice, it shall be the duty of the Insurance Commissioner to countermand all the certificates he may have issued said company under the second section of this Act, and to give notice thereof to the officers of the several States to whom said certificate may have been transmitted; and said Insurance Commissioner shall also publish said notice for three weeks successively, in one daily newspaper printed in the City of Sacramento and one daily newspaper printed in the City of San Francisco, at the expense of said company, collected by assessment, and in manner provided by an Act concerning the transaction of insurance business in this State, approved March twenty-sixth, eighteen hundred and sixty-eight. In case of insufficiency

SEC. 5. Whenever the existing or future laws of any State of the United States shall require of life insurance companies, incorporated under the laws of this State, and having agencies in such other State, or of the agents thereof, any further or greater license, fees, charges, impositions, taxes, deposit of securities, statements, publications or certificates of authority, or shall inflict any greater fines or penalties upon such companies or agents than is or are required and inflicted from or upon similar companies or agents of other States, doing business in this State, then, and in every such case, every company of such other State which has, or is about to establish agencies in this State, shall be and is hereby required, before it shall continue or commence to do business in this State, to pay the same license, fees, charges, impositions and taxes to the Insurance Commissioner of this State, and to make the same statements, publications, certificates of authority to him, and the same deposit of securities to and with the Insurance Commissioner of this State, as is required by the laws of such State of similar companies and agents of this State doing business in such other State, and the same fines and penalties shall be inflicted upon companies of such other States and their agents, as are inflicted by such States upon companies of this State and their agents, under the laws of such other States. Increased charges in other States.

CHAPTER CCXXII.

An Act entitled an Act to amend an Act entitled an Act to amend an Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six, approved March thirteenth, eighteen hundred and sixty-eight.

[Approved March 18, 1870.]

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

SECTION 1. Section four of said Act of eighteen hundred and sixty-six, amended by the Act approved March thirteenth, eighteen hundred and sixty eight, is further amended so as to read as follows:

Road poll tax.

Section 4 The said Board shall have power to levy a road poll tax on all able-bodied men, except Indians, between the ages of twenty-one and fifty years, which tax shall not exceed four dollars per annum, payable in coin; *provided*, that any person liable to pay said tax may pay the same when called on by the Roadmaster, in labor on the road, under the direction of said Roadmaster, at the rate of two dollars per day; and having fully worked out his road poll tax, the Roadmaster shall deliver to him a receipt therefor. Said road poll tax shall be levied by said Board at their last regular meeting in each year, for the year next following; which tax, so levied, shall be due and payable on or after the first day of January thereafter; *provided* further, that upon the filing of a petition with the said Board, signed by a Roadmaster and ten residents of his road district, praying for an additional road poll tax to be levied in the road district of the Roadmaster so petitioning, the said Board shall have power to levy, from time to time, additional road poll taxes, not exceeding in the aggregate the sum of eight dollars per annum, upon each and every person liable to pay the same within the road district of the Roadmaster so petitioning; which additional tax shall be payable immediately upon its being levied, and in the same manner as other road poll tax, and may be levied at any regular or special meeting of said Board for the three months next ensuing. And said Board may, in their discretion, levy a property tax for road purposes, upon all taxable property in said county, of not more than thirty cents upon the one hundred dollars; which said property tax shall be levied and collected at the same time, in the same manner and by the same officers, as other property taxes; *provided*, the said Board may levy the road poll tax for the year eighteen hundred and seventy at any regular or special meeting of the said Board in said year.

When levied and payable.

Additional road poll tax

Property tax

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

CHAPTER CCXXIII.

An Act providing for the appointment of phonographic reporters in certain cases.

[Approved March 18, 1870.]

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

Appointment of phonographic reporters.

SECTION 1. The Judges of the County Courts of the Counties of Sacramento, Yolo, El Dorado and Amador are hereby authorized to appoint a competent phonographic reporter, to take testimony in such cases of felony as they may deem necessary, which are tried in said Courts; also in civil cases; *provided*, that no reporters shall be appointed in civil cases unless the parties to the suit request the same.

Notes as evidence.

SEC. 2. The notes of said reporter shall be taken as prima facie evidence of the testimony given upon any trial where such notes are taken.

Compensation.

SEC. 3. Said reporter shall receive for his services, when actually employed, such compensation as is allowed by law to the reporters in the District Courts of this State; and in criminal cases such compensation shall be paid by the county.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCXXIV.

An Act to prevent the destruction of fish and game in, upon and around the waters of Lake Merritt or Peralta, in the County of Alameda.

[Approved March 18, 1870.]

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

Destruction of fish prohibited.

SECTION 1. From and after the passage of this Act, it shall be unlawful for any person to take, catch, kill, capture, or in any manner destroy, any fish in the waters of Lake Merritt or Peralta, in the County of Alameda, except by the use of a hook and line; but it shall be unlawful to use any set lines, night lines or crawls in said lake.

Wild animals or game.

SEC. 2. And be it further enacted, that from and after the passage of this Act, it shall be unlawful for any person to take, kill or destroy, in any manner whatever, any grouse, any species of wild duck, crane, heron, swan, pelican, snipe, or any wild animal or game, of any kind or species whatever, upon, in or around Lake Merritt or Peralta, in the County of Alameda, and within one hundred rods from high water mark upon the land around said lake.

Penalty for violation.

SEC. 3. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction

thereof before any Justice of the Peace of said county, or Police Judge of any city within said county, shall be punished by a fine of not exceeding five hundred dollars, and in default of payment of such fine, shall be imprisoned in the county jail of said county, or within a city prison within said county, not more than six months nor less than one month.

Fines, how paid in.

SEC. 4. The fines collected under this Act shall be paid into the county treasury, in all cases prosecuted before a Justice of the Peace, and into the city treasury in all cases of prosecution before a Police Judge of any city within the county.

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

CHAPTER CCXXV.

An Act relating to the Yreka School District, in Siskiyou County.

[Approved March 18, 1870.]

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

Tax for school purposes.

SECTION 1. An ad valorem tax of fifty cents upon each one hundred dollars value of taxable property is hereby levied and directed to be collected, annually, upon the assessed value of all property in Yreka School District, in Siskiyou County, in this State, to provide a fund to pay contracts authorized to be made by the Board of Trustees of said district; *provided*, that said Board of Trustees may, by an order entered on the record of their proceedings, reduce the rate of tax hereby levied, for one year at a time.

Trustees to contract for erection of schoolhouse.

SEC. 2. Said Board of Trustees are hereby authorized to enter into contracts for the erection, completion and furnishing of a building for the use of a High School in said district, and are directed to apply the moneys collected by authority of this Act exclusively to the payment of such contracts; and

May issue bonds.

should said moneys at any time be insufficient to make such payments, then said Board are authorized and empowered to issue the bonds of said district for the amount of such deficiency. Said bonds shall be signed by two members of said Board, and shall be in sums of fifty, one hundred and five hundred dollars, respectively, and shall be payable to the bearer within one, two, three and five years, at the option of said

Interest.

Board, respectively, and shall bear interest at the rate of twelve per cent. per annum, to be paid annually, on the first day of January each year. Said Board shall keep a record of the date, amount and time when payable, and by whom received, of each bond issued by authority of this Act; and said bonds

Redemption.

may be redeemed at any time there shall be funds arising from the tax authorized by this Act for that purpose; and at such time said Board shall cause notice to be published, in two newspapers published in said county, that they are ready to pay the principal and interest of the bonds (describing them by

date and amount of those first falling due and the first issued of them), to the amount of said funds in their treasury; and said notice shall designate a day and place for the surrender of said bonds so described, which day shall not be longer than one month from the first publication of said notice, which shall be published at least two weeks; and said bonds so described in said notice shall cease to bear interest from the day so designated for their surrender.

Tax continued until all claims paid.

SEC. 3. The tax provided for in this Act shall be continued, annually, until all claims against said district arising by reason of the construction and furnishing of said building shall be fully paid; *provided*, the same shall not exceed five years.

Allowance for assessing and collecting.

SEC. 4. There shall be allowed, annually, not exceeding fifty dollars for assessing and fifty dollars for collecting the taxes on the property of said district.

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

CHAPTER CCXXVI.

An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six.

[Approved March 18, 1870.]

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

SECTION 1. Section six is amended to read as follows:

Supervisors to appoint Road Viewers.

Section 6. Upon the filing of a sufficient bond, and proof of the notice required in section two of this Act, together with the affidavits required in section three of this Act, at the time specified in said notice, the Board of Supervisors shall appoint as Road Viewers three disinterested citizens, one of whom shall be the County Surveyor, and shall place in the hands of such Road Viewers the petition for the road which they are to view, together with all applications for damages in the premises; and upon a day named by the Supervisors, or within five days thereof, after taking an oath to perform faithfully the duties devolving upon them by law as such Road Viewers, they shall proceed to view the proposed location, alteration or vacation, and shall decide whether such proposed location, alteration or vacation is required for public convenience; and they shall take into consideration private as well as public interests. If in the opinion of the Viewers the prayer of the petitioner is reasonable, and the location, alteration or vacation necessary to the public, they may take to their assistance two chainmen and a marker, who shall be sworn by one of the Road Viewers, who are each hereby authorized to administer all oaths required by this Act, and shall proceed to survey said proposed location, alteration or vacation, and shall distinctly mark the commencement, the courses, distances and the termination of said route;

Duties.

and the County Surveyor shall make a plat and field notes of said survey, which shall be filed as a part of the report of said Viewers; at or before the first day of the regular meeting of the Board of Supervisors next succeeding that at which Road Viewers have been appointed as provided by this Act, or upon or before any day which the Board of Supervisors may name, they shall file with the Clerk of the Board of Supervisors a report of their proceedings in the premises, in which they shall set forth—

To file report

First—Who of them were present.

Second—That they were sworn.

Third—Whether such location, alteration or vacation is or is not advisable.

Fourth—A plat and field notes of survey.

Fifth—The expenses of view of survey.

Sixth—The amount of damages, which they are authorized and required to assess, sustained separately by each and every person owning or having any right, title or interest, in or to the lands, through or upon which said location, alteration or vacation is proposed to be made.

Seventh—The width of the road, which shall not exceed sixty-six feet.

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

Compensation.

Section 18. Any person performing any service in this Act in reference to the "view," location or survey of roads, shall receive as compensation the following per diem, to wit: Road Surveyor, ten ($10) dollars; Viewers, five ($5) dollars; assistants, three ($3) dollars each; which sum shall be allowed by the Board of Supervisors and paid by their order, either by the petitioners or by warrants drawn on the County Road Fund.

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

CHAPTER CCXXVII.

An Act relating to the care and custody of minor children in certain cases.

[Approved March 18, 1870.]

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

Custody of children.

SECTION 1. The husband and father, as such, shall have no rights superior to those of the wife and mother, in regard to the care, custody, education and control of the children of the marriage, while such husband and wife live separate and apart from each other.

SEC. 2. Without application for a divorce, the husband or the wife may bring his or her action for the exclusive control of the children of the marriage; and the Court may, during the pending of such action, or at the final hearing thereof, or afterwards, make such order or decree in regard to the support, care,

custody, education and control of the children of the marriage, as may be just and in accordance with the natural rights of the parents, and the best interests of the children, and may at any time thereafter amend, vary or modify such order or decree, as the natural rights and the interests of the parties, including the children, may require.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCXXVIII.

An Act to establish a State Board of Health.

[Approved March 18, 1870.]

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

State Board of Health.

SECTION 1. The Governor shall appoint seven physicians, two from the City of Sacramento and the other five from different sections of the State, who shall constitute the State Board of Health and Vital Statistics. The physicians so appointed shall hold their offices for four years and until their successors are appointed, and all vacancies in the Board shall be filled by the Governor.

Duties of Board.

SEC. 2. The State Board of Health shall place themselves in communication with the local Boards of Health, the hospitals, asylums and public institutions throughout the State, and shall take cognizance of the interests of health and life among the citizens generally. They shall make sanitary investigations and inquiries respecting the causes of disease, especially of epidemics, the source of mortality and the effects of localities, employments, conditions and circumstances on the public health; and they shall gather such information in respect to these matters as they may deem proper for diffusion among the people. They shall devise some scheme whereby medical and vital statistics of sanitary value may be obtained, and act as an advisory Board to the State in all hygienic and medical matters, especially such as relate to the location, construction, sewerage and administrations of prisons, hospitals, asylums and other public institutions. They shall, at each biennial session of the Legislature, make a report of their doings, investigations and discoveries, with such suggestions as to legislative action as they may deem proper.

Same.

SEC. 3. It shall be the duty of the Board, and they are hereby instructed, to examine into and report what in their best judgment is the effect of the use of intoxicating liquor as a beverage upon the industry, prosperity, happiness, health and lives of the citizens of the State; also, what legislation, if any, is necessary in the premises.

Meetings.

SEC. 4. The Board shall meet at the Capital of the State, at

least once in every three months, and as much oftener as they may deem proper. Their first meeting shall be held at the Capital at the expiration of one week after their appointment shall have been made, and three members shall always constitute a quorum for business. They shall elect from their own number a President and a Permanent Secretary; the latter shall reside at the Capital and shall be their executive officer.

Compensation. No member, except the Secretary, shall receive any compensation, but the actual travelling expenses of the members while engaged in the duties of the Board shall be allowed, and paid out of the General Fund.

Secretary, duties of. SEC. 5. The Secretary shall perform and superintend the work prescribed in this Act, and shall perform such other duties as the Board may require. He shall also furnish the Legislature, when in session, such information cognate to this Act as

Salary. from time to time they may deem necessary. An annual salary of twenty-five hundred dollars and his office and other necessary expenses, incurred in the performance of his duties, shall be paid to him in the same manner as that of other State officers.

Expenses limited. SEC. 6. The expenses of the Board, including the salary of the Secretary, shall not exceed four thousand dollars a year.

SEC. 7 This Act shall take effect and be in force from and after its passage.

CHAPTER CCXXIX.

An Act to extend an Act entitled an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six, to certain other judicial districts of the State of California.

[Approved March 18, 1870.]

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

Made applicable. SECTION 1. The provisions of an Act entitled an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six, are hereby extended and made applicable to the Fifth, Fourteenth and Seventeenth Judicial Districts of this State.

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

CHAPTER CCXXX.

An Act to prevent the kidnapping and importation of Mongolian, Chinese and Japanese females, for criminal or demoralizing purposes.

[Approved March 18, 1870.]

Preamble. WHEREAS, the business of importing into this State Chinese women for criminal and demoralizing purposes has been car-

ried on extensively during the past year, to the scandal and injury of the people of this State, and in defiance of public decency; and whereas, many of the class referred to are kidnapped in China, and deported at a tender age, without their consent and against their will; therefore, in exercise of the police power appertaining to every State of the Union, for the purpose of remedying the evils above referred to and preventing further wrongs of the same character,

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

Immigration of Chinese females.

SECTION 1. It shall not be lawful, from and after the time when this Act takes effect, to bring, or land from any ship, boat or vessel, into this State, any Mongolian, Chinese or Japanese females, born either in the Empire of China or Japan, or in any of the islands adjacent to the Empire of China, without first presenting to the Commissioner of Immigration evidence satisfactory to him that such female desires voluntarily to come into this State, and is a person of correct habits and good character, and thereupon obtaining from such Commissioner of Immigration a license or permit particularly describing such female and authorizing her importation or immigration.

Violation of Act.

SEC. 2. Any master, officer, owner or part owner of any steamship, sailing or other vessel, or any other person violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, or imprisonment for a term not less than two nor more than twelve months, or by both such fine and imprisonment.

SEC. 3. Every individual person of the class hereinbefore referred to, transported into this State contrary to the provisions of this Act, shall render the person so transporting liable to a separate prosecution and penalty, and the transportation of each one as aforesaid shall create a separate and distinct offence, and render the person offending liable to the pains and penalties herein provided.

Commissioner of Immigration.

SEC. 4. The Commissioner of Immigration shall reside and keep his office in the City of San Francisco, and perform all the duties assigned to him by this Act, and also all such duties and functions as may devolve upon such Commissioner under the laws now in force. He shall hold his office for the term of four years, and shall be subject to removal by the Governor. Before entering upon his duties, the Commissioner shall take and subscribe the constitutional oath of office, and file in the office of the Secretary of State a bond in the sum of twenty-five thousand dollars, with sufficient sureties, to be approved by the Governor, conditioned for the faithful performance of his duties. The office of Commissioner of Immigration, as it now exists, is hereby declared vacant.

Fees and compensation.

SEC. 5. All fees and commissions collected or received by the Commissioner of Immigration shall, less twenty per cent. retained as his fees and commissions, be paid by him into the State treasury each month, and a detailed statement of the same, verified by oath, shall be, at the time of each payment,

filed by him in the office of the Controller of State. Such stationery as he may require shall be furnished to him by the Secretary of State.

County Courts to have jurisdiction.

SEC. 6. The County Courts throughout the State shall each have jurisdiction of prosecutions for offences against the provisions of this Act.

Repealed.

SEC. 7. All Acts and parts of Acts, so far as they may be in conflict with the provisions of this Act, are hereby repealed.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXXXI.

An Act to prevent the importation of Chinese criminals and to prevent the establishment of Coolie slavery.

[Approved March 18, 1870.]

Preamble.

WHEREAS, Criminals and malefactors are being constantly imported from Chinese seaports, whose depredations upon property entail burdensome expense upon the administration of criminal justice in this State; and whereas, by the importation of such persons a species of slavery is established and maintained which is degrading to the laborer and at war with the spirit of the age; now, therefore, in the exercise of the police powers appertaining to this State,

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

Mongolian immigration

SECTION 1. It shall not be lawful, from and after the time when this Act takes effect, to bring or to land from any ship, boat or vessel, into this State, any Chinese or Mongolian, born either in the Empire of China or Japan, or in any of the islands adjacent to the Empire of China, without first presenting to the Commissioner of Immigration evidence satisfactory to him that such Chinaman or Mongolian desires voluntarily to come into this State, and is a person of correct habits and good character, and thereupon obtaining from such Commissioner of Immigration a license or permit, particularly describing such Chinaman or Mongolian and authorizing his importation or immigration.

Violation of Act.

SEC. 2. Any master, officer, owner or part owner of any steamship, sailing or other vessel, or any other person, violating any of the provisions of this Act, or assisting in such violation, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, or by imprisonment for a term of not less than two nor more than twelve months, or by both such fine and imprisonment.

SEC. 3. Every individual person of the class hereinbefore referred to, transported into this State contrary to the provisions of this Act, shall render the person so transporting liable to a separate prosecution and penalty, and the transportation of each

one, as aforesaid, shall create a separate and distinct offence, and render the person so offending liable to the pains and penalties herein provided.

SEC. 4. The several County Courts throughout the State shall each have jurisdiction of prosecutions for offences against the provisions of this Act. County Courts to have jurisdiction.

SEC. 5. This Act shall take effect and be in force from and after the first day of July, Anno Domini, eighteen hundred and seventy. When to take effect.

CHAPTER CCXXXII.

An Act to define the time when certain reports shall be made.

[Approved March 18, 1870.]

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

SECTION 1. The Controller, State Treasurer, Secretary of State, Attorney-General, Surveyor-General, Adjutant-General, Superintendent of Public Instruction, State Librarian, Directors, Visiting Physicians and Resident Physicians of the Insane Asylum, Directors of the State Prison, State Capitol Commissioners, Trustees of the State Reform School, Trustees of the Institution for the Education and Care of the Deaf, Dumb and Blind, Board of State Harbor Commissioners, Tide Land Commissioners, Regents of the University of the State of California, and all other officers and Boards of officers who now are, or who may hereafter be required by law, to make reports to the Governor or to the Legislature, shall send such reports to the Governor on or before the first day of August, eighteen hundred and seventy-one, and every two years thereafter; and *provided*, that such biennial reports shall be made in the form and manner now prescribed by law. Reports of State officers, when to be made.

SEC. 2. It shall be lawful for the Governor to require of any officer or Board of officers who now are, or may hereafter be required by law to make biennial reports, such special reports as he may deem necessary, concerning the business of their respective offices; and it is hereby made the duty of such officers or Boards of officers to make such special reports to the Governor, when required by him to do so. Special reports.

SEC. 3. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed, so far as they conflict with the provisions of this Act. Repealed.

CHAPTER CCXXXIII.

An Act authorizing the Board of Supervisors of San Mateo County to allow, and the Treasurer to pay, a certain claim of Charles Carvalho, for interpreting.

[Approved March 18, 1870.]

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

Supervisors to pay claim.

SECTION 1. The Board of Supervisors of San Mateo County are hereby authorized to allow, and the Treasurer to pay, to Charles Carvalho, or his legal representatives, a sum not exceeding one hundred dollars, for services rendered by said Carvalho as Chinese interpreter, in the cases of The People of the State of California against Hop Chung, and The People against Muck San, tried in the Twelfth District Court, in and for San Mateo County, in the month of June, one thousand eight hundred and sixty-five.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXXXIV.

An Act supplementary to an Act entitled an Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society, or any other orphan asylum society in this State, to bind, as apprentices, clerks and servants, orphan and half orphan children under their care and tuition, approved February twenty-second, eighteen hundred and sixty.

[Approved March 18, 1870.]

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

Power granted to bind out orphan children.

SECTION 1. In case the surviving parent or guardian of any half orphan child received, or which may be received, into the San Francisco Orphan Asylum Society, or any other orphan asylum society in this State, shall neglect or refuse, for the period of six months, to pay such sum of money for the board and education of such child as may have been stipulated and agreed upon between said parent or guardian and the Managers of said Orphan Asylum Society, the said Managers may, at their discretion, if deeming it for the welfare of such child, bind out, to any proper person, such half orphan child, in the same manner, with the same restrictions and guarantees, and as fully in all respects as they can bind out orphan children under the provisions of the Act to which this is amendatory.

Assent of children.

SEC. 2. In binding out or apprenticing either orphan or half orphan children, as provided in this Act and the Act to which this is supplementary, the assent of children under ten years of age may be assumed.

SEC. 3. The surviving parent of any half orphan child may surrender all control and authority over such child to the Managers of the said San Francisco Orphan Asylum Society, or of any other orphan asylum society in this State; and such surrender, made in writing and acknowledged before a Notary Public or magistrate, shall vest in said Managers as full and complete authority over such half orphan child as they can legally exercise over orphan children. Half orphan children

SEC. 4. All provisions of any other Act inconsistent with the provisions of this Act are hereby repealed. Repealed.

SEC. 5. This Act shall take effect immediately.

CHAPTER CCXXXV.

An Act to authorize the County of Sacramento to issue bonds to raise money for Court-house and jail purposes.

[Approved March 18, 1870.]

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 issue, in its corporate name of "The Board of Supervisors of the County of Sacramento," either at one time, or from time to time, bonds, to be known as "The Court-house and Jail Bonds," to such an amount, not exceeding in the aggregate the sum of fifty thousand dollars, as the Supervisors may deem proper, pledging, in each of said bonds, the faith of the county, that at the expiration of thirty years from the first day of January, in the year eighteen hundred and seventy-one, it will pay, in the gold coin of the United States, in the City of Sacramento, to the holder of said bond, the sum of money named therein (which sum shall be either one hundred dollars, or some multiple thereof); and that it will also pay, semi-annually, in said city, in like coin, on the first days of January and July in each year, interest on the said sum at the rate of eight per centum per annum; but every such bond shall also contain a clause reserving to said county the right to call in and pay off said bond at or at any time after the first day of July in the year eighteen hundred and eighty-one, upon giving, by publication in some newspaper published in the City of Sacramento, six months notice of its intention to do so; and at the expiration of six months from the commencement of such publication, all interest on such bond shall cease; *provided*, however, that no such publication shall be made prior to the first day of January, eighteen hundred and eighty-one. Supervisors may issue bonds. Interest. Reserved right.

SEC. 2. It is hereby made the duty of the Board of Supervisors, each year, at the time of levying the annual taxes, to estimate what sum will be required to meet the interest for the fiscal year on the then outstanding bonds, and, after making proper allowances for delinquencies in tax payers, to levy a tax Tax for payment of interest.

Redemption tax.

sufficient to pay such interest And at the time of levying said taxes in the year eighteen hundred and eighty-six, and every year thereafter, they shall levy an additional tax of five cents upon each one hundred dollars of property; and at the time of levying said taxes in the year eighteen hundred and ninety-one, and every year thereafter, they shall levy a still additional tax of a further five cents upon each one hundred dollars of property; and in the year eighteen hundred and ninety-six they shall estimate what further tax, if any, in addition to the three prior taxes herein provided for, will be necessary per year to provide means of paying off all of said bonds on the first day of January, in the year nineteen hundred and one; and in said year eighteen hundred and ninety-six, and each year thereafter, they shall levy such further additional tax; *provided*, however, that all the levies required by this section shall cease when said bonds are paid, and that all surplus moneys arising from said levies shall be paid into the General Fund. All the taxes which this section requires to be levied shall be, from time to time, as they are levied, considered and treated as one "Court-house and Jail tax;" and the moneys arising therefrom shall be kept in one special fund, to be known as the "Court-house and Jail Bond Interest and Sinking Fund," and shall be used for no purpose whatever other than paying the principal and interest of the bonds issued under this Act.

Moneys, how disbursed.

Coupons.

SEC. 3. The bonds shall have interest coupons attached to them; and whenever either any interest coupon that is due, or any bond that is due, is presented to the Treasurer, he shall pay it without further order or voucher, and if settling with the Auditor, the cancelled coupon or bond shall be his sufficient authority and voucher for the payment.

Redemption of bonds.

SEC. 4. Whenever in any year there shall, after setting aside sufficient money to pay the interest falling due upon the next succeeding first of January and first of July, remain in the Court-house and Jail Bond Interest and Sinking Fund a sum exceeding one thousand dollars, the Treasurer shall give thirty days notice, by advertisement in some newspaper in the City of Sacramento, that he will dispose of the same by sealed proposals, to be opened in public at a specified time and place, to the party who will make the most advantageous bid, in bonds, therefor; *provided*, however, no bid shall be received at a greater rate than par and accrued interest

Sale of bonds.

SEC. 5. When the Supervisors wish to dispose of the whole or any part of said bonds, they shall advertise the fact and amount, in at least two newspapers in Sacramento and one in San Francisco, for thirty days, stating where and when they will open sealed proposals, and the conditions, if any, that must accompany the bid, and they shall award the same to the best bidder; *provided*, however, that they may reject any or all of the bids, and they shall not have power to make any advertisement, or contract, or agreement, to the contrary. The money arising from the sale of these bonds shall be applied exclusively, so far as necessary, to building or repairing a county jail and furnishing it, and to raising and remodelling the county Court-house and furnishing it, and to filling the grounds, and to raising and grading, and paving and planking the streets

and sidewalks. The surplus, if any, may be applied to such purposes or be transferred to such funds as the Supervisors deem proper.

By whom signed.

SEC. 6. The bonds and coupons shall be signed by the Treasurer, and the bonds shall also be signed by the President of the Board of Supervisors and be countersigned by the Auditor; and the several county officers shall keep a similar record in regard to these bonds and their interest coupons, and the dates, amounts, time and person, that they are required by law to do in regard to the county hospital bonds; and the several officers and other persons who may be employed in or about these bonds shall be paid for their respective services such reasonable compensation as the Supervisors may deem proper.

Record.

Act to be printed on bond.

SEC. 7. This Act shall take effect upon its passage, and it shall be printed in full upon the back of each bond, and shall form a part of the contract between its holder and the county.

CHAPTER CCXXXVI.

An Act to provide for the redemption of the outstanding warrants of Amador County, and to prevent a further increase of the indebtedness of said county.

[Approved March 18, 1870.]

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

Special Fund.

SECTION 1. The Treasurer of Amador is hereby authorized and required to set apart a fund, to be known as the Special Fund of the County of Amador.

How created

SEC. 2. It shall be the duty of said Treasurer to pay into said fund—

First—Sixty cents of the one hundred and fifteen cents now authorized by law to be levied upon the real and personal property in Amador County, for benefit of the General Fund of said county.

Second—Whatever surplus may remain in the treasury of said county on the first day of January, eighteen hundred and seventy-one, and whatever surplus, after paying the ordinary annual expenses of said county, may remain in said treasury on the first day of March every year thereafter. And no payments shall be made out of said General Fund until said sixty cents shall have been set apart and paid into said Special Fund, as herein provided.

How applied

SEC. 3. The Special Fund hereby created shall be applied for the sole purpose of redeeming outstanding warrants, drawn upon the General Fund of said county.

Redemption of warrants.

SEC. 4 Whenever, at any time, there shall be in said Special Fund a sum of money amounting to three thousand dol-

lars or upwards, the County Treasurer shall give notice, in some newspaper published in said county, that he is ready to redeem outstanding warrants, designating only in such notice that warrants presented for payment prior to such a date are redeemable; and from the date of such notice said warrants shall cease to bear interest; and warrants shall be redeemed according to the order of their registration; *provided*, that if a less sum than three thousand dollars will redeem all outstanding warrants, then the Treasurer shall be permitted to advertise for redemption as hereinbefore required

Prohibition. SEC. 5. The Auditor of Amador County, from and after the date on which this Act shall go into effect, shall be prohibited from drawing any warrant upon the General Fund of said county, unless there shall be at the time sufficient moneys in said fund to pay the same.

Treasurer to keep record. SEC. 6. Full and particular account and record of said special fund shall be kept by said Treasurer, and shall at all times be open to the inspection of the District Attorney, Recorder, Board of Supervisors and grand jury of said county, and any committee appointed by said Board or grand jury.

When to take effect. SEC. 7. This Act shall take effect from and after the first day of October, eighteen hundred and seventy, after 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 as herein provided.

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

CHAPTER CCXXXVII.

An Act authorizing the Trustees of the San Francisco Lying-in Hospital and Foundling Asylum to take the charge of, bind out and give away children coming under their care.

[Approved March 18, 1870.]

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

Surrender of children. SECTION 1. Any child born out of wedlock, and while the mother thereof shall be under the care of the San Francisco Lying-in Hospital and Foundling Asylum, may, by the mother of such child, be surrendered and given to said asylum; and an entry made in a book of the corporation kept for that purpose, stating such gift, and signed by the mother of the child, shall constitute conclusive proof of such gift.

Trustees as guardians. SEC. 2. The Trustees of said asylum shall be the guardians of every child that shall be surrendered and given to said asylum, as provided in section one of this Act; and also of every foundling that shall come to the care of said asylum, for any of the following purposes:

First—To support, care for and educate such child or foundling.

Second—To bind out such child or foundling, if a male under twenty-one years, or if a female under eighteen years.

Third—To give such child or foundling to such person as may be desirous of adopting the same; but in no case shall a child be given, under this provision, to any person or persons, unless such person or persons shall enter into an obligation, in writing, to raise such child as his or their own, which obligation shall run to the State of California. And upon the execution of such obligation, such child shall become the child of the person or persons signing the same, and shall bear the name of such person, and shall be considered in law as the heir of such person or persons, and shall inherit the estate of such person or persons in like manner as if born of the body of such person.

Binding effectual.

SEC. 3. When any child shall be bound out, under the provisions of this Act, such binding shall be as effectual as if such child had bound itself with the consent of its father, mother or guardian.

Made applicable.

SEC. 4. The provisions of sections four, five, six, seven and eight of an Act entitled an Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society, or any other orphan asylum society in this State, to bind as apprentices, clerks and servants, orphans and half orphan children under their care and tuition, approved April twenty-second, eighteen hundred and sixty, shall so far apply to all cases of binding under this Act.

CHAPTER CCXXXVIII.

An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

[Approved March 18, 1870.]

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

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

Trustees to keep streets in repair.

Section 60. Whenever any of the streets shall have been graded, planked or paved, as provided in the previous section, and accepted by the Street Commissioner, the same shall be kept in repair at the expense of the city, and paved or planked streets may also be kept clean and free from dust by the city, if the Board of Trustees shall so order, and for that purpose the Street Commissioner shall make and file with the Board, on the third Monday in March, eighteen hundred and seventy, and in each year, an estimate of the probable expense of such repairing and cleaning of streets during the ensuing year. When the Board of Trustees levy the regular annual tax for city purposes, they shall also levy a special tax, based upon the estimate of the Street Commissioner aforesaid, which shall be called the street tax, and when collected shall be paid into a separate fund, called the Street Fund. All the expenses incurred

Special tax.

by the Street Commissioner in keeping streets clean and in repair shall be paid by warrants drawn by the Board of Trustees upon said Street Fund; *provided*, where streets have once been planked or paved, and in the judgment of the Board of Trustees new planking or pavement is required on such streets, the Board may order the same to be newly planked or paved, but such new work shall be at the expense of the property owners, as now provided by law; and *provided* further, that said Board shall not require less than one block in extent of such new planking or pavement to be constructed at any one time. After the first day of April, A. D. eighteen hundred and seventy, the Street Commissioner shall receive a compensation of fifty dollars per month, in addition to his salary as a member of the Board of Trustees.

Compensation of Street Commissioner.

CHAPTER CCXXXIX.

An Act concerning public roads and highways in the Counties of Santa Cruz and San Diego.

[Approved March 21, 1870.]

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

Supervisors to oversee roads.

SECTION 1. The Supervisors of each Supervisor District shall have the general supervision of the public roads in his Supervisor District. He shall view all work performed on and materials furnished for the public roads, and shall be present at any view or location, or change of location, of any public road or proposed public road, authorized to be made by the Board of Supervisors.

Roadmasters.

SEC. 2. The Board of Supervisors shall appoint a Roadmaster for each road district, who shall hold his office from the time of appointment and until the expiration of the road year during which he was appointed; *provided*, the said Board may remove from office any Roadmaster at any time, by a unanimous vote. Each Roadmaster shall be a resident citizen and tax payer of the district for which he is appointed. It shall be the duty of the Clerk of the Board of Supervisors to notify the persons so appointed of their appointment, and each of them shall thereupon, or within ten days thereafter, qualify by taking the oath of office and by filing a bond with the County Clerk in the form prescribed by the Act concerning the official bond of office, conditioned for the faithful performance of the duties of the office, in the penal sum of one thousand dollars; *provided*, that nothing herein contained shall be construed so as to authorize the removal from office of any Roadmaster now in office, at any time prior to the first day of January, A. D. eighteen hundred and seventy-one.

Notice of appointment

Road poll tax.

SEC. 3. The Board of Supervisors shall levy annually, at the regular meeting of the Board in November, or at any meeting

thereafter, a road poll tax of not exceeding three dollars, for the succeeding road year, on all able-bodied men between the ages of twenty-one and fifty years, and shall cause proper blank road poll tax receipts to be prepared, of a uniform appearance, which shall be numbered consecutively, and signed by the Chairman of the Board, who shall thereupon deliver the same to the Auditor, taking his receipt therefor. The Auditor shall countersign said poll tax receipts and enter the amount of tax thereon, and issue to the Road Poll Tax Collector such number of said receipts as may be needed by him, taking his receipt therefor.

Sheriff to collect tax.

SEC. 4. The Sheriff shall be, and is hereby declared to be ex officio Road Poll Tax Collector. It shall be the duty of said Road Poll Tax Collector to proceed to collect the said road poll tax on the first Monday of January in each year, and shall continue to collect and enforce the collection of said tax from all residents of said county liable to pay such tax while any of said tax remains unpaid. If any person liable to pay such tax shall refuse or neglect to pay the same, the said Tax Collector shall have the power, and shall proceed to collect the same, in the same manner as is provided by law for the collection of poll taxes; *provided*, that nothing in this Act contained shall be construed so as to deprive the Roadmaster elect of the power and right to collect and to enforce the collection of the road poll taxes in their respective districts during the year one thousand eight hundred and seventy.

Tax receipt.

SEC. 5. Upon the payment of a road poll tax, the Road Poll Tax Collector shall deliver to the person paying such tax, receipt as furnished to him by the Auditor, and signed by the said Tax Collector. Any Tax Collector failing to deliver a receipt, as required by this section, to any person who has paid his road poll tax, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars.

Employer to give list of names.

SEC. 6. The Road Poll Tax Collector shall have the right to demand of any employer of working men, a complete and correct list of the names of the men employed by him; and any such employer refusing or neglecting to give such list, when demanded of him by the said Tax Collector, shall be liable to a fine of not less than ten nor more than fifty dollars, to be recovered by action before a Justice of the Peace, in the name of the Road Poll Tax Collector. All fines collected under the provisions of this Act shall be paid into the county treasury, and shall be placed to the credit of the Road Fund of the district in which the said fine is collected.

Statement by Tax Collector.

SEC. 7. The Road Poll Tax Collector shall, on the first Monday in each month, deliver to the County Auditor a statement, in writing, under oath, containing a full, true and correct list of all persons who shall have paid a road poll tax, and the total amount of road poll taxes collected in each road district during the preceding month. The County Auditor shall place to the credit of each road district the amount of road poll taxes collected in said district, less ten per centum of such amount, which is allowed by law to the said Tax Collector as fees for collection, and shall furnish to the said Tax Collector a state-

ment of the amount due to each road district of the tax thus collected and accounted for. The said Tax Collector shall thereupon present such statement to the County Treasurer, and shall pay to him the amount of money due, as shall appear by such statement. The County Treasurer shall deliver to the said Tax Collector duplicate receipts for the money thus paid, one of which receipts shall be filed with the County Auditor. On the first Monday in January in each year the said Tax Collector shall return to the County Auditor all road poll tax receipts then remaining in his hands and not used; and the County Auditor shall then and there make a final settlement with the said Tax Collector for all road poll tax receipts delivered to him.

Duty of County Treasurer.

SEC. 8. The County Treasurer shall place to the credit of each road district the amount of money received by him from the said Tax Collector, derived from the collection of road poll taxes in such district, and shall pay out of the same all warrants of the County Auditor, which warrants shall be based upon allowances made by the Board of Supervisors for labor performed on, or material furnished for, the public roads of such district.

Commutation of tax

SEC. 9. The Board of Supervisors shall have the power to authorize the Roadmaster of any or all road districts to commute the payment of the road poll tax with any or all of the persons liable to pay said tax in such district, by performance of labor on the public roads in such districts, on such terms as the Board of Supervisors may direct. Upon the performance of such labor, the Roadmaster shall deliver to the person who has performed the same, a receipt for such labor; and any person holding such receipt shall not be liable to pay a road poll tax during the road year in which such labor was performed.

Establishment of toll gates.

SEC. 10. Upon the presentation of a petition to the Board of Supervisors, signed by at least twenty taxpayers, living in the vicinity of any public road, praying for the establishment of a toll gate and the collecting of toll on such road, the said Board shall have the power to cause a toll gate to be erected and toll to be collected on such roads, to appoint some resident citizen and taxpayer of the road district in which such toll gate is situated, as Toll Collector, to prescribe by ordinance the duties of such Collector, to fix his compensation, and to remove such Collector from office at any time; *provided*, that no toll gate shall be erected or toll collected on any road within one-half a mile of any town or village. The Toll Collector shall qualify before entering upon the duties of his office, by taking the oath of office and by filing a bond with the County Clerk in the form prescribed by the Act concerning the official bond of office, conditioned for the faithful performance of the duties of the office, in the penal sum of one thousand dollars. The said Board shall also provide by ordinance for the enforcement of collection of the toll on such roads. The violation of any ordinance passed by the said Board by authority of the provisions of this Act, shall be deemed a misdemeanor.

Toll Collector.

Tolls collected, how expended.

SEC. 11. All moneys derived from the collection of toll under the provisions of section ten of this Act, after the compensation of the Toll Collector has been paid therefrom, shall be expended,

under the direction of the Board of Supervisors, in the improvement and maintenance of the road on which such toll shall have been collected.

Protection of roads and bridges.

SEC. 12. The Board of Supervisors shall have power to provide by ordinance for the protection of all public highways and bridges.

Repealed.

SEC. 13. Sections eleven, thirteen, sixteen, eighteen, nineteen, twenty, twenty-one and twenty-two of an Act entitled an Act to provide for the establishment, maintenance and protection of public and private roads in the County of Santa Cruz, approved April seventeenth, eighteen hundred and sixty-two, and sections two and three of an Act entitled an Act amendatory of and supplemental to an Act to provide for the establishment, maintenance and protection of public and private roads in the County of Santa Cruz, approved April seventeenth, eighteen hundred and sixty-three, and all Acts or parts of Acts, so far as the same are in conflict with the provisions of this Act, are hereby repealed; *provided*, that the repeal of the sections herein named shall not take effect until the first day of January, A. D. eighteen hundred and seventy-one.

SEC. 14. This Act shall take effect from and after its passage.

CHAPTER CCXL.

An Act to prevent hunting and shooting on private grounds in the Counties of Alameda and San Mateo.

[Approved March 21, 1870.]

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

Unlawful entry.

SECTION 1. It shall not be lawful for any person or persons to enter any inclosure belonging to or occupied by another for the purpose of hunting with hounds, or to shoot, kill or destroy any kind of game, without first having obtained permission from the owner or agent of such inclosure.

Penalty.

SEC. 2. Any person who shall violate the provisions of this Act shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction, by a fine of not less than twenty-five dollars nor more than four hundred dollars, or imprisonment in the county jail for a term not to exceed sixty days, or by both such fine and imprisonment.

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

CHAPTER CCXLI.

An Act fixing the times at which the Board of Supervisors of the County of San Joaquin shall hold their regular sessions.

[Approved March 21, 1870.]

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

Time fixed. SECTION 1. The Board of Supervisors of the County of San Joaquin shall hold their regular sessions on the first Monday of each month.

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

CHAPTER CCXLII.

An Act to regulate the drawing of warrants on the Treasurer of Shasta County.

[Approved March 21, 1870.]

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

Warrants to draw interest. SECTION 1. All warrants drawn upon the County Treasurer of Shasta County, after the first Monday of March, one thousand eight hundred and seventy, for any service or indebtedness whatsoever, shall draw interest at the rate of seven per cent. per annum; and all warrants drawn upon the Treasurer of said county shall be paid in the order of their issue.

Auditor to furnish list monthly. SEC. 2. It is hereby made the duty of the County Auditor of said county to furnish monthly to the Treasurer a list of all warrants drawn by him, which list shall contain the date, number, amount, fund drawn against, and the name of the person to whom each warrant was issued.

Repealed. SEC. 3. All Acts or parts of Acts, so far as the same are in conflict with the provisions of this Act, are hereby repealed.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCXLIII.

An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo and Benicia.

[Approved March 22, 1870.]

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

Pilot Commissioners. SECTION 1. It shall be the duty of the Governor, by and with the advice of the Senate, to appoint three experienced and com-

petent shipmasters or nautical men, who shall be citizens of the United States and residents of the Cities of San Francisco or Oakland, Vallejo or Benicia, or of the Towns of Brooklyn or Alameda, and the said three persons shall constitute a Board of Pilot Commissioners for the ports of San Francisco, Mare Island and Benicia.

Oath of office.

SEC. 2. Each Commissioner shall, before entering upon his official duties, take the following oath or affirmation, which shall be indorsed on his commission, and shall be signed by him and certified by the County Judge of the County of San Francisco: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Pilot Commissioner without fear, favor or affection, according to the best of my ability."

Term of office.

SEC 3. The Commissioners shall hold their offices during the pleasure of the power appointing them, not exceeding four years from the date of their commission. Vacancies in the Board of Commissioners shall be filled in the same manner as appointments are made.

Powers of Board.

SEC. 4. The Board of Commissioners shall keep an office at San Francisco, and shall meet therein at least once in each month. It shall elect one of their members President, who shall be authorized to administer oaths, and under his hand and private seal to issue subpœnas for the attendance of witnesses, in all cases arising before the Board under this Act. A witness disobeying such subpœna shall forfeit and pay a sum not exceeding one hundred dollars which may be sued for and recovered in a civil action, in the name of the President of the Board. It shall make by-laws and rules for its own government, and all needful rules and regulations for the government of the pilots, not inconsistent with the laws of this State or of the United States. A majority of such Board shall constitute a quorum for the transaction of business, and may meet and adjourn from time to time, according to agreement or appointment.

Secretary.

SEC. 5. The Board may appoint a Secretary and fix his compensation, not to exceed two hundred and fifty dollars a month, whose duty it shall be to keep correct minutes of all the proceedings of the Board, in books to be provided for that purpose, and to register the names of all the pilots, with the dates of their licenses and places of residence. The books and register shall always be open to public inspection.

Not to be interested.

SEC. 6. Neither the Commissioners nor the Secretary shall have any interest, directly or indirectly, in any pilot boat or steam tug, or the earnings thereof, other than for compensation as herein provided.

To examine and license pilots.

SEC. 7. The Commissioners may organize as a Board at any time after their appointment and qualification. After their organization, they shall proceed to examine and license, in the manner prescribed herein, not less than fifteen nor more than twenty pilots for the port of San Francisco, and not more than two pilots for the ports of Mare Island, Vallejo and Benicia,

exclusive of steam tug pilot boats. They shall also license for the same ports, pilots solely for the purpose of being attached to steam tug pilot boats, capable of towing and piloting vessels of such registered tonnage as may be specified in the license. Whenever a steam tug pilot boat is licensed, the license shall state whether it is limited or unlimited. If it be limited to a class of vessels, it must specify the maximum of tons registered measurement of vessels it is licensed to tow or pilot.

Qualifications of pilots.

SEC. 8. No person shall be appointed a pilot unless he is an American citizen, and over twenty-one years of age, and before being appointed he shall be rigidly examined by the Board touching his qualifications and practical knowledge of the management of sailing vessels and steamboats, and of the tides, soundings, bearings and distances of the several shoals, bars, rocks, points of land, light-houses and fog signals of the said ports and harbors; and if after such examination he shall be deemed qualified, and shall be found to be of good moral character and temperate habits, and to be possessed of sufficient skill, ability and experience to act as a pilot, and not otherwise, he shall receive a license as pilot for the term of twelve months, and the Board may thereafter renew the license, unless in its opinion there be good cause for withholding it; whenever such cause shall exist, the Board shall cause a notice to be served by its Secretary upon the pilot, ten days in advance of the expiration of his license, informing him that the same will not be renewed.

Pilots to take oath and give bond.

SEC. 9. Every pilot receiving a license, before entering on the discharge of his duties, shall take the oath prescribed by the Constitution of this State, which shall be indorsed upon his license, signed by him, and certified by the President of the Board, and shall give a bond in the sum of twenty-five hundred dollars, with two sureties, to be approved by the Board, payable to the State of California, and conditioned that he will faithfully perform all the duties required of him as a pilot under this Act, and will observe the rules, regulations and decisions of the Board; such bond, when approved, shall be filed in the office of the Board. The pilots shall renew their bonds whenever the Board may deem it necessary, and shall so order. In all cases where a pilot shall have been deprived of his license before the expiration thereof, for any of the causes hereinafter specified, it shall be the duty of the President of the Board, provided a majority of the Board shall so instruct, to place the bond of such pilot in the hands of the Attorney-General of the State of California for collection. If any amount be collected thereon in such suit, it shall be paid to the Board, and shall constitute a fund out of which it shall be the duty of the Board to provide rewards to encourage the relief of vessels and passengers in distress, and generally to encourage the pilots in the energetic performance of their duties.

Steam tug pilot boat license.

SEC. 10. Pilots shall at all times keep for their exclusive use boats of such description and good condition as shall be directed by the Board. Whenever a pilot shall be licensed to be attached to a steam tug pilot boat, the license shall contain the name of the pilot, and the name and the steam power of such boat, and in all cases, before the issuing of the license, satisfactory proof

shall be made to the Board that such steam tug pilot boat is of sufficient power to tow vessels of the tonnage for which it is licensed, to and from sea, and to and from Vallejo, Mare Island and Benicia, at ordinary times. Such steam tug pilot boats shall have all the appliances needed for the service for which they are to be employed, and shall have the certificate of the United States Inspector of Steamboats. A steam tug pilot can only act as pilot for and with the steam tug for which he is licensed, and for the piloting and towage of vessels of such tonnage, registered measurement, as may be named in his license. If any steam tug pilot boat shall undertake the towage or pilotage of any vessel of a registered tonnage beyond that for which it is licensed, such steam tug pilot boat, her tackle and apparel, and the pilot and owners thereof, shall be liable for all damages.

Duties of pilots.

SEC. 11. It shall be the duty of every pilot in charge of a vessel arriving in the port or harbor of San Francisco, to have the vessel safely moored in such position as the master of the vessel or Harbormaster may direct. It shall also be the duty of every pilot in charge of such vessel to prevent all persons (excepting officers of the State or Federal Governments, owners or consignees of the vessel or cargo, and persons admitted on the express order of the master only,) from boarding such vessel until she has been safely moored, as hereinbefore provided. For the purpose of enforcing the provisions of this section, and of an Act entitled an Act to establish police regulations for the harbor of the City and County of San Francisco, and to authorize and empower the Board of Supervisors to regulate the same, approved April fourth, eighteen hundred and sixty-four, every pilot in charge of a vessel entering the harbor of San Francisco is hereby authorized and empowered to arrest every person, except as aforesaid, who shall, in opposition to the master's orders, persist in boarding such vessel, or who, having boarded her, shall refuse to leave on the command of such master or pilot, and the person so arrested shall be immediately brought before the Police Judge's Court, or admitted to bail as provided in section six of said Act.

To render monthly account of pilotage.

SEC. 12. Every pilot of the harbors of San Francisco, Mare Island, Vallejo and Benicia, shall, once in each month, render to the Board an account of all moneys received by him, or by any other person for him, or on his account, and shall pay five per cent. on the amount thereof to the Board, which shall be in full compensation for its official services, for the services of its Secretary, and all incidental expenses.

Board may revoke license.

SEC. 13. The Board shall have power summarily to suspend pilots for misconduct, inattention to their duty, intoxication or violation of any of the rules and regulations provided for the government of pilots by the Board, and shall have power to revoke the license of said pilots for the causes hereinafter mentioned, upon due proof thereof, as hereinafter provided. The Board shall immediately suspend every pilot complained of, and such suspension shall continue until the complaint has been investigated and decided.

Causes for revocation.

SEC. 14. Any pilot may be deprived of his license before the expiration thereof, for the following causes only:

First—For neglect, for thirty days after the same shall become

due, as provided in the twelfth section of this Act, to render an account to the Board of Pilot Commissioners of all moneys received by him for pilotage.

Second—For neglect for thirty days after the same shall become due, to pay over to the Board the five per cent. on the pilotage money received by him

Third—For rendering a false account to the Board of pilotage received.

Fourth—For absenting himself from duty for more than one month at any one time, except upon leave granted by the Commissioners, or by reason of sickness or personal injury.

Fifth—For refusing to exhibit his license when requested to do so by the master of any vessel he may have boarded.

Sixth—For habitual or occasional intoxication, whether the same shall occur while in charge of any vessel as pilot, or in charge of a pilot boat, or at any other time.

Seventh—For negligently, ignorantly or wilfully running any vessel on shore, or otherwise rendering her liable to injury; *provided*, that any pilot deprived of his license under this subdivision shall thereafter be ineligible to a license as pilot under this Act.

Eighth—For wilful violation of the rules and regulations that shall be adopted by the Board of Commissioners for the government of pilots.

Complaint against pilot.

SEC. 15. No complaint against any pilot for any of the charges specified in section fourteen, shall be entertained by the Board unless it be within the knowledge of the Commissioners, or be reduced to writing and verified, as in civil actions. When a written complaint has been filed, the pilot accused shall be forthwith served with a copy thereof by the Secretary, and required to appear and answer within ten days thereafter If upon a hearing of a complaint and the testimony in relation thereto, the Board shall adjudge the complaint well founded, and that said pilot is guilty of any of the acts or causes herein declared, sufficient for depriving him of his license, the Board shall so adjudge and declare, and shall forthwith revoke his license. Such order shall be entered of record in the minutes by the Secretary.

Decisions of Board.

SEC. 16. All the decisions of the Board touching the revocation of licenses, suspension of pilots, and refusal to reappoint a pilot, as provided in section eight, shall be final, and without right of review or appeal to any Court of law; but the said Board may, at its discretion, grant a rehearing in any case, for cause shown in writing, duly verified by the party affected thereby.

Piloting vessels without license.

SEC. 17. Any person not being the master or owner, and not holding a license as pilot, issued by said Commissioners, who shall pilot any vessel into or out of the harbor of San Francisco by way of the Heads, or shall pilot any vessel between the harbor of San Francisco and the ports of Mare Island, Vallejo or Benicia, except such as are exempt by virtue of this Act, shall be deemed guilty of a misdemeanor, and on conviction in any Court of competent jurisdiction, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding ninety days.

SEC. 18. Every pilot carried to sea against his will, when a pilot boat is in attendance to receive him, shall be entitled to receive the sum of eight dollars per day while absent, which sum may be recovered from the master or owners of the vessel so taking him away; *provided*, the amount herein allowed to be recovered shall in no case exceed one thousand dollars. When pilots are carried to sea.

SEC. 19. The pilotage inside the Heads, to the anchorage opposite San Francisco and about the harbor, or between the harbor of San Francisco and the ports of Mare Island, Vallejo or Benicia, shall be at such rates as shall be agreed on between the parties, not to exceed five dollars per foot draught. Pilotage.

SEC. 20. The following shall be the rates of pilotage into or out of the harbor of San Francisco: All vessels under five hundred tons, five dollars per foot draught; all vessels over five hundred tons, five dollars per foot draught, and four cents per ton for each and every ton of registered measurement; all vessels engaged in the whaling or fishing trades, one dollar per foot draught. When a vessel is spoken and the services of a pilot are declined, one-half of the rates shall be paid. If the vessel be inward bound, the above rates and one-half rates in this section mentioned are to be chargeable only when such vessel is spoken off the entrance to the harbor, and outside the bar. In all cases where inward vessels are not spoken until inside the bar, the rates of pilotage and one-half pilotage shall be reduced fifty per cent. All vessels coasting between San Francisco and any port or ports in Oregon, or in Washington or Alaska Territories, and all vessels coasting between ports of this State, shall be exempt from all charge for pilotage, unless a pilot be actually employed; *provided*, a steam tug pilot boat shall in no case be allowed to charge for pilotage or towage, unless the services of such boat be actually accepted. Same.

SEC. 21. Where any vessel is in tow of a steam tug, outward bound, or between the harbor of San Francisco and the ports of Mare Island, Vallejo or Benicia, said vessels shall not be liable for pilotage unless a licensed pilot be actually employed. If a pilot be employed by any outward bound vessel in tow of a steam tug not licensed, the rates of pilotage shall be one-half the rates specified in section twenty. Same.

SEC. 22. All vessels, their tackle, apparel and furniture, and the master and owners thereof, shall be jointly and severally liable for pilotage fees, to be recovered in any Court of competent jurisdiction. Liable for pilotage.

SEC. 23. Every pilot boarding a vessel shall, at the request of the master, exhibit his license, and if he wilfully refuse to do so, he shall be liable to a fine of fifty dollars, which may be recovered of him in any Court of competent jurisdiction by the Board of Pilot Commissioners, and said Board of Pilot Commissioners may revoke his license unless the said fine so imposed by them is paid within such reasonable time as said Board may grant such pilot. License to be exhibited.

SEC. 24. All Acts and parts of Acts heretofore passed in relation to pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia, and particularly an Act entitled an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia, approved Repealed.

April fourteenth, eighteen hundred and sixty-four, are hereby repealed.

SEC. 25. This Act shall take effect from and after its passage, except that the Pilot Commissioners and pilots heretofore appointed, under the provisions of the Act entitled an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia, approved April fourteenth, eighteen hundred and sixty-four, shall continue in office and perform the duties required of the Commissioners and pilots, until Commissioners and pilots shall be appointed and qualified under this Act, and no longer.

CHAPTER CCXLIV.

An Act amendatory and supplemental to an Act entitled an Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April twenty-third, eighteen hundred and fifty-eight.

[Approved March 22, 1870.]

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

SECTION 1. Section first of an Act entitled an Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April twenty-third, eighteen hundred and fifty-eight, is hereby amended so as to read as follows:

Secretary of Supreme Court.

Section 1. The Judges of the Supreme Court are hereby authorized to employ the services of a Secretary, who shall also act as Librarian of the Supreme Court Library, and receive the sum of two hundred and fifty dollars per month for such services.

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

Expense Fund.

Section 3. The sum of three thousand dollars per annum is hereby set apart, and the same shall be paid out of any moneys in the General Fund not otherwise appropriated, to meet the expenses accruing under this Act.

Salary, when payable.

SEC. 3. The salary by this Act provided shall commence and be payable from the first day of January, Anno Domini eighteen hundred and seventy.

SEC. 4 This Act shall take effect from and after its passage.

CHAPTER CCXLV.

An Act to amend an Act entitled an Act to authorize the establishment of county infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved March thirty-first, one thousand eight hundred and fifty-five, approved April eighteenth, eighteen hundred and sixty.

[Approved March 22, 1870.]

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

SECTION 1. Section twenty-six of the Act whereof this Act is amendatory is hereby so amended as to read as follows:

Section 26. The following counties are exempt from the provisions of this Act: Humboldt, Placer, Yuba, Sacramento, Mendocino, Santa Cruz, San Luis Obispo, Shasta, Sierra, Calaveras, Yolo, Plumas, Nevada, Tuolumne, Sonoma and Monterey. Exemption.

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

CHAPTER CCXLVI.

An Act for the relief of Mary Likins and others.

[Approved March 22, 1870.]

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

SECTION 1. The sales of real estate belonging to the estate of William Likins, late of Vallejo, in Solano County, deceased, purporting to be made by Mary Likins, executrix of the last will and testament of said William Likins, deceased, are hereby confirmed, and the present administrator of said estate is authorized to execute a conveyance therefor, subject to the provisions of this Act. Conditional confirmation of sales.

SEC. 2. Before such sales shall be finally confirmed, the said Mary Likins shall present an account of all debts against said estate paid by her, and the expenses of her administration, of all sales made of the property belonging to said estate; and thereupon the Probate Judge of Solano County, at a regular day of term of said Court, shall examine the same, first causing due notice of the hearing and examination thereof, as is by the provisions of the probate law required to be given upon the return and confirmation of sales of real estate by executors and administrators; and upon such examination and hearing he may confirm or set aside said sales, in whole or in part, as he may deem just and proper. After the approval and confirmation of the sale or sales so made, by the Probate Court, the administrator of said estate shall convey to the purchaser or purchasers the property so sold, and the title so conveyed shall be as valid as if made Probate Judge to approve.

under an order and decree of sale and confirmation in the Probate Court, in due course of law.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCXLVII.

An Act to appropriate money for per diem and mileage of the Legislature.

[Approved March 22, 1870.]

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

Per diem and mileage.

SECTION 1. The sum of twenty-one thousand five hundred dollars is hereby appropriated, out of any money in the General Fund of the State treasury not otherwise appropriated, for the following purposes, viz: Nine thousand five hundred dollars for per diem and mileage of Lieutenant-Governor and Senators, and twelve thousand dollars for per diem and mileage of members of the Assembly, for the eighteenth session of the Legislature.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXLVIII.

An Act to legalize certain applications for the purchase of lands belonging to this State.

[Approved March 24, 1870.]

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

Applications made valid.

SECTION 1. All applications heretofore made for the purchase of lands belonging to this State, under the provisions of an Act entitled an Act to provide for the management and sale of lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight, where there are not two or more applicants for the purchase of the same land, or conflicts between claimants, shall be held good and valid, although the affidavits on which such applications are based may not be in compliance with the provisions of said Act, either in form or substance.

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

CHAPTER CCXLIX.

An Act to expedite the settlement of land titles in the City and County of San Francisco, and to ratify and confirm the acts and proceedings of certain of the authorities thereof.

[Approved March 14, 1870.]

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

Petition for grant of lands.

SECTION 1. Upon receiving a petition from any person or persons, claiming that they, by themselves, their tenants, or the persons through whom they claim or derive possession, have been, from and including the eighth day of March, Anno Domini eighteen hundred and sixty-six (1866), and still are, in the possession of any of the lands without the corporate limits of the City of San Francisco, as defined in an Act to reincorporate said city, passed by the Legislature of the State of California on the fifteenth day of April, Anno Domini eighteen hundred and fifty-one (1851), and described in the decree of Justice Field, of the United States Circuit Court, confirming the claim of the City and County of San Francisco, entered November second, Anno Domini eighteen hundred and sixty-four (1864), in the Circuit Court of the United States for the Northern District of the State of California, and that they, or the persons through whom they claim or derive possession, have paid to the Tax Collector of the City and County of San Francisco the amount assessed by the Outside Land Committee upon the land described in said petition, to pay for land reserved for public use, provided for in section ten (10) of Order Eight Hundred (800), and also paid the taxes mentioned in section four (4) of said order, and all the taxes levied on said lands for State and municipal purposes now due and remaining unpaid; or, upon receiving a petition from any person or persons, setting forth that said petitioners, by themselves, their tenants, or the persons through whom they claim or derive possession, were, on or before the first (1st) day of January, Anno Domini eighteen hundred and fifty-five (1855), to and including the twentieth (20th) day of June, Anno Domini eighteen hundred and fifty-five (1855), and still are, in possession of the land described in said petition, embraced within the corporate limits of the City of San Francisco, and above high water mark, as defined in the Act to incorporate said city, passed by the Legislature of the State of California, on the fifteenth (15th) day of April, Anno Domini eighteen hundred and fifty-one (1851); and such petition in either case setting forth that such lands have not been sold, leased, dedicated, reserved or conveyed by authority of the said City and County of San Francisco, or the United States, to any one, or for any purpose, and asking for a grant from said city and county, the Board of Supervisors shall proceed to act thereon as hereinafter provided. This petition shall be verified by the oath or affirmation of the party in whose behalf the peti-

tion is presented, or by some one acting as his agent, and conversant with the facts detailed in the petition.

Consideration of petition.

SEC. 2. All petitions mentioned in the first section of this Act shall be referred to the Committee on Outside Lands. The Clerk of the Board of Supervisors shall be the Clerk of the Outside Land Committee The party presenting the said petition may appear before said Clerk and make proof, verbal and documentary, of the truth of the matters alleged in his petition. Copies of the documentary evidence shall be filed with said Clerk, and the oral testimony shall be reduced to writing by said Clerk and subscribed by the witness. The proofs of the petitioner being closed, the said committee shall proceed to consider the same, and shall make such report and recommendation thereon as to them shall seem just and proper in the premises. The said committee shall file with the Clerk of the Board of Supervisors the testimony taken as aforesaid, together with the report of the said committee, and said report shall be submitted to the Board of Supervisors for their approval, and if, in their judgment, the claim of the petitioner is well founded, they shall, by an order entered in their minutes, adjudge and award a grant of such lands to the petitioner or petitioners therefor, less the amount reserved for public use. The said Board shall thereupon give public notice of their award by notice, published at least once a week for three successive weeks, in some daily newspaper published in the City and County of San Francisco, which notice shall specify the name of the applicant, the date and filing of his petition, and the tract of land awarded, by a good and sufficient description thereof; proof of publication of such notice shall be made in the manner now or hereafter required by law for the proof of publication in civil process. The Clerk of the said committee shall be allowed compensation, for taking the oath or affirmation of witnesses, twenty five cents; and for reducing the testimony to writing, twenty cents a folio, which shall be in full for all services rendered by him as Clerk of said committee. The compensation herein allowed to the Clerk of said committee shall be paid to said Clerk by the party presenting the petition.

Notice of award.

Fees of Clerk.

Deed of conveyance.

SEC. 3. Upon receiving proof of the publication of the notice provided for in the second section hereof, and the payment of all necessary expenses for deeds, the Mayor of the City and County of San Francisco is hereby authorized and empowered to execute, acknowledge and deliver to the party or parties presenting the aforesaid petition, a deed of conveyance of the tract or lot of land as aforesaid, adjudged and awarded to the petitioner, and attach thereto the corporate seal of the City and County of San Francisco; *provided*, the petitioner or petitioners shall, before receiving a deed as aforesaid, be required to quitclaim and peaceably deliver the possession of all land claimed by said petitioner or petitioners, reserved by the Commissioners acting under Ordinance Eight Hundred and Twenty-two (822), and all those lands reserved by the Committee of the Board on Outside Lands for the use and benefit of the City and County of San Francisco; *provided*, however, that in case a suit shall be pending between the petitioner and some third

Reserved lands

person, involving the right of possession of the tract, or some portion thereof, petitioned for, and such third person shall file with the Clerk of the Board of Supervisors a copy of the complaint filed in such action, before the deed shall have been executed and delivered to the petitioner, and also competent proof that such third persons, or the persons through whom they claim or derive possession, have paid the taxes and assessments mentioned in the first section of this Act, then and in that case the deed shall be withheld until such suit shall be finally determined; and there shall thereafter be executed a deed of conveyance of so much of the tract of land as shall be involved in the said suit, to the party in whose favor the said suit shall be finally determined as aforesaid; *provided* further, that the expenses hereinafter provided for shall be paid before such conveyance shall be delivered.

Deposit for payment of expenses.

SEC. 4. Upon the filing of a petition, as hereinbefore provided, the petitioner shall deposit with the Clerk of the Board of Supervisors a sum of money sufficient to pay for the publication of the notice hereinbefore provided, and other expenses incident to the granting of the prayer of the petitioner. But the Clerk shall not receive on file any petition that shall not be in conformity with the provisions of this Act.

Conveyance how to operate.

SEC. 5. A conveyance executed and delivered in pursuance of the provisions of this Act shall operate as an acknowledgment on the part of the said city and county, that the title to the land therein described has passed under and by virtue of said Order Number Eight Hundred (800), or of said Ordinance Number Eight Hundred and Twenty-two (822), as the case may be, and also under and by virtue of the several Acts of Congress and the Legislature ratifying said order and ordinance, or under the authority of which the same have been passed; and such conveyance shall likewise operate to grant, convey, remise and release to the party, his heirs and assigns, named therein, the lands in such conveyance described, and all the estate and interest, present and future, of the said City and County of San Francisco, in and to such lands. But no such conveyance shall in any event be held to import a warranty or covenant of title on the part of, or to bind said city and county, or any officer thereof.

Orders repealed.

SEC. 6. All orders and parts of orders of the Board of Supervisors of the City and County of San Francisco, conflicting with Order Eight Hundred and Sixty-six (866), are hereby repealed, but such repeal shall not invalidate any of the proceedings instituted under the order of which Order Eight Hundred and Sixty-six (866) is amendatory, and such proceedings may be continued under the provisions of said Order Eight Hundred and Sixty-six (866). Whenever such proceedings have been completed, and the Committee on Outside Lands of said Board of Supervisors, or a majority of them, have executed and delivered a deed or deeds, the person or persons to whom such deed or deeds were executed, may obtain from the Mayor, at his or their own expense, a deed of the same land, executed by him and sealed with the corporate seal of the City and County of San Francisco, without further petition, proof, award or notice; and the Mayor is hereby authorized and empowered to execute

Deeds.

such deeds. Any and all such deeds shall have the like force and effect as the conveyances mentioned in section five of this Act; *provided*, that if any grantee in any deed executed by such committee has heretofore sold or conveyed any land included in such deed, or his, her or their interest in such land, by writing recorded in the office of the City and County Recorder of the City and County of San Francisco, the deed executed by the Mayor, and sealed with the aforesaid corporate seal, shall be, as to the lands so sold or conveyed, for, and inure to the benefit of such purchaser or purchasers, grantee or grantees, and their heirs, and the deed executed by the Mayor shall expressly so state.

Payment of assessments.

SEC. 7. Whereas, divers co owners and tenants in common of certain tracts of land situate in the City and County of San Francisco, and within the limits described in Order Number Eight Hundred (800) of said Board of Supervisors, who are or claim to be in possession thereof as such owners and tenants in common, under and in accordance with the terms and provisions of said Order Number Eight Hundred (800), and as such alleged co-owners and tenants in common, have had said tracts of land delineated by metes and bounds, and as entireties, upon the map mentioned and provided for in said Order Number Eight Hundred (800), and have also severally paid their proportionate share of the taxes upon said tracts of land for the five fiscal years preceding the year beginning July first (1st), eighteen hundred and sixty-six (1866), and all subsequent taxes due thereon, and have filed with said Board their petition, claiming said land under and in accordance with the terms and provisions of said order and Order Number Seven Hundred and Forty-eight (748) of said Board; now, therefore, it shall be lawful for any such alleged co-owners or tenants in common of lands situate within the limits described by said Order Number Eight Hundred (800), or one or more thereof, or his or their successor or successors in interest, who shall have performed the acts and conditions aforesaid, to pay, as such co-owners or tenants in common, his or their proportionate share of the amount of any and all taxes or assessments now levied and due, or which may hereafter (at any time prior to the delivery of a deed from the City and County of San Francisco, for his or their undivided interest in said lands) be levied and become due upon the tract or tracts of land, wherein he or they hold as such co-owners or tenants in common; and to facilitate the payment of such proportionate shares, the Tax Collector is hereby authorized to divide into smaller parcels any tract of land claimed by co-owners, owners in severalty or tenants in common, and to apportion to each subdivision the ratable proportion, value considered, of the assessment made to the whole tract so divided, and after the payment of the apportioned assessment upon any one of such subdivisions, no valid objection shall be made by any party to the acts of the Tax Collector in respect to such division, and the apportioned assessment shall become as valid and binding upon the respective subdivisions to which they have been so apportioned, as if no division had been made by said Tax Collector.

To facilitate payment.

SEC. 8. All of the acts and proceedings of the Tax Collector

of the City and County of San Francisco, taken or done by him in pursuance of or under the authority of any order or resolution of the Board of Supervisors of said city and county, or in pursuance of or under the authority of any Act of the Legislature of the State of California, in reference to the collection of the taxes or assessments upon what are commonly designated as the outside lands of the said city and county, are hereby ratified and confirmed, and declared to be legal, valid and binding, both upon the lands embraced within the purview of any such Act of the Legislature of this State, or order or resolution of said Board of Supervisors of said city and county. Proceedings of Tax Collector made valid.

SEC. 9. And whereas, certain lands, known as outside lands of the City and County of San Francisco, have been advertised for sale by the Tax Collector of said city and county, for the non-payment of taxes or assessments levied thereon, known as the outside land tax, which sale has been postponed from time to time by said Tax Collector; and whereas, some of the parties claiming to be the owners of portions of said lands refuse or neglect to pay the taxes so levied as aforesaid, and have enjoined the said Tax Collector from proceeding with said sale; now, therefore, be it enacted, that all the pieces or parcels of land so advertised by the said Tax Collector as aforesaid, on which assessments heretofore levied have not been already paid, or shall not be paid to said Tax Collector within thirty days from and after the passage of this Act, shall be sold by said Tax Collector, for gold coin of the United States, as hereinafter provided. Said sales may be adjourned from time to time by said Tax Collector, not exceeding in all sixty days, and may take place at such place in said city and county as the said Tax Collector may designate. The time during which any injunction may be in force restraining the said Tax Collector or other officer of said city and county from proceeding with said sale shall not be computed as any part of the periods limited and fixed within which he may perform the acts and duties herein defined, but shall be excluded therefrom. The said Tax Collector may retain in his custody so much of the proceeds arising from said sale as shall be necessary to liquidate and pay off the appraisements for reserved lands as heretofore made, pursuant to Order Number Eight Hundred, and all such proper and necessary costs as he may be at in conducting said sale and the collection of such assessments and the overplus thereof, he shall pay over to the Treasurer of the said city and county; and said Treasurer shall carry the amount so paid to him to the credit of the General Fund of said city and county. The amount so retained by the said Tax Collector shall be paid over by him to the parties entitled thereto under section eleven of Order Number Eight Hundred, in discharge of the appraisements for reserved lands; and within thirty days from and after he shall have received a sum from assessments equal to the total amount of appraisements for reserved lands, over and above the expenses and costs of making collections, he shall settle and pay off in full the appraisements made as aforesaid; *provided*, however, when there are conflicting claimants for particular appraisements, said Tax Collector shall not be obliged to make payment in such cases until such conflicting claims Sale of lands for delinquent taxes.

shall be determined, amicably or otherwise; and the said Tax Collector is hereby authorized, from time to time, to make distribution on account of said appraisements for reserved lands, pro rata, as often as he shall have on hand fifty per cent. or less thereof.

Receipt of purchase.

SEC. 10. Said Tax Collector shall issue to each successful purchaser a receipt, in duplicate, for the amount bid and paid by him, which receipt shall also contain a brief description of the premises sold, and upon its face entitle the bidder, or his assigns, to a deed of conveyance of the premises therein described, at the expiration of twelve months from the date of the sale, unless there shall be a redemption of the premises as hereinafter provided.

Redemption.

SEC. 11. Said lands shall be sold subject to redemption, and such redemption may be made at any time within twelve months from the date of sale, upon paying to the said Tax Collector the amount bid therefor, together with twenty-five per cent. thereon and in addition thereto; and the party redeeming shall also pay such expenses of advertising and other expenses as the said Tax Collector may have incurred in and about the particular tract from the sale of which redemption is sought to be effected; *provided*, that all lands sold for assessment prior to the passage of this Act shall have the same right of redemption as provided for in section eleven of this Act.

Conveyance, when made.

SEC. 12. The Tax Collector, after the expiration of twelve months from the date of sale, in which there has been no redemption, shall make a conveyance of the premises sold to the purchaser thereof, or his assigns; and where there has been a redemption, he may make conveyance thereof to the redemptioner. In cases of redemption, the Tax Collector shall pay over to the holders of receipts the amount bid, together with the sum paid by the redemptioner, in addition to the bid.

SEC. 13. This Act shall take effect and be in force from and after its passage.

CHAPTER CCL.

An Act for the relief of Robert M. Folger.

[Approved March 24, 1870.]

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

Auditor to draw warrant.

SECTION 1. The Auditor of Alpine County is hereby authorized and directed to draw a warrant on the Contingent Fund of Alpine County for the sum of one hundred and sixty-nine dollars, in favor of Robert M. Folger, in payment for advertising in the *Alpine Chronicle*.

Treasurer to pay same.

SEC. 2. The Treasurer of Alpine County is hereby authorized and directed to pay said warrant, out of any money not otherwise appropriated.

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

CHAPTER CCLI.

An Act relative to the publication of certain reports.

[Approved March 24, 1870.]

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

Publication of reports.

SECTION 1. It shall be the duty of the Governor, on or before the first day of September, eighteen hundred and seventy-one, and every two years thereafter, to deliver to the State Printer for publication all biennial reports for the two preceding years, of officers and Boards of officers who now are or may hereafter be required by law to report to the Governor.

When to be completed.

SEC. 2. It shall be the duty of the State Printer to print such reports, and such printing shall be completed on or before the last Monday in November next after the receipt of such reports

Number of copies to be printed.

SEC. 3. The number of copies of the several reports required to be printed under the provisions of this Act shall be as follows, to wit:

Of the report of the Secretary of State, twelve hundred copies.

Of the State Controller's report, two thousand six hundred and forty copies.

Of the State Treasurer's report, two thousand one hundred and sixty copies.

Of the report of the Surveyor-General, five thousand two hundred and eighty copies.

Of the report of the Superintendent of Public Instruction, five thousand two hundred and eighty copies.

Of the report of the Attorney-General, twelve hundred copies.

Of the report of the Adjutant-General, twelve hundred copies.

Of the report of the State Librarian, twelve hundred copies.

Of the report of the Directors, Resident Physician, Visiting Physicians of the Insane Asylum, two thousand four hundred copies.

Of the report of the Directors of the State Prison, two thousand four hundred copies.

Of the report of the State Capitol Commissioners, twelve hundred copies.

Of the report of the Trustees of the State Reform School, twelve hundred copies.

Of the report of the State Board of Harbor Commissioners, twelve hundred copies.

Of the report of the Regents of the University of California, two thousand four hundred copies.

Of the report of the Tide Land Commissioners, twelve hundred copies.

Of the report of the Trustees of the Institution for the Education and care of the Deaf, Dumb and Blind, twelve hundred copies.

Of the report of the Secretary of the Supreme Court, twelve hundred copies.

How delivered.

SEC. 4. The copies of the several reports specified in section three of this Act shall be furnished and delivered to the order of the following named officers and Boards of officers, on or before the first Monday in December next after the publication of said reports:

To the State Librarian, ten copies of each report.

To the Secretary of State, thirty copies of each report.

To the Superintendent of Public Instruction, two thousand five hundred copies of his report, for distribution to School Trustees and school teachers throughout the State, and for exchange with other States.

To the Surveyor-General, one thousand copies of his report, for distribution to the County Surveyors, Assessors and County Clerks of the several counties, and for exchange with other States.

To the Adjutant-General, five hundred copies of his report, to be distributed at his discretion.

To the Attorney-General, one hundred copies of his report, for distribution to the several District Attorneys of the State.

To the Controller, two hundred copies of his report.

To the Secretary of State, two hundred copies of his report.

To the State Treasurer, one hundred copies of his report.

To the State Librarian, two hundred copies of his report.

To the officers of the Insane Asylum, two hundred copies of their report.

To the Directors of the State Prison, one hundred copies of their report.

To the Trustees of the State Reform School, one hundred copies of their report.

To the Regents of the State University, two hundred copies of their report.

To the Trustees of the Deaf, Dumb and Blind Asylum, five hundred copies of their report.

For distribution by the officers and Boards of officers above mentioned, at their discretion; and the remaining copies of the several reports specified in section three of this Act shall be delivered, one-third to the order of the Sergeant-at-Arms of the Senate and two-thirds to the order of the Sergeant-at-Arms of the Assembly, to be by them distributed, pro rata, to the members of the Senate and Assembly.

To be printed in English.

SEC. 5. The printing of the several reports specified in this Act shall be in English, and in the form and manner prescribed by law.

Repealed.

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

CHAPTER CCLII.

An Act to provide for the maintenance of the indigent sick in certain townships therein named, in Siskiyou County.

[Approved March 24, 1870.]

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

Hospital Funds.

SECTION 1. The Tax Collector of Siskiyou County shall keep a separate account of all taxes collected for hospital purposes in each of the townships known as Surprise Valley Township and Big Valley Township, and when he pays the same over to the County Treasurer, according to law, it shall be the duty of said County Treasurer to keep the moneys so collected in each of said townships for hospital purposes, and paid to him, in separate funds; and said separate funds shall constitute and be the Hospital Funds of said townships respectively, and shall be used only for the maintenance of the indigent sick of said respective townships.

Board of Commissioners.

SEC. 2. The Justices of the Peace in each of the aforesaid townships shall be a Board of Commissioners, who shall take charge of, and provide for the maintenance of the indigent sick of its respective townships The Board of Commissioners herein provided for shall employ such medical aid for the proper treatment and care of the indigent sick, falling under their care, as may, in their judgment, be necessary, and shall fix the compensation of the same. They shall provide such other aid and assistance to the indigent sick as the condition and circumstances of the same shall require. All applications for the benefits of this Act shall be made to the Commissioners herein provided for.

Bills for services rendered indigent sick.

SEC. 3. All bills or accounts for medical aid or other assistance, rendered the indigent sick in either of the aforesaid townships, shall be made out and presented to the Board of Commissioners of the indigent sick of said township. If, upon examination, the Board approve of said bill, whether the same be for medicines, medical attendance, services in taking charge of the indigent sick, or for anything whatever necessary for said indigent sick to have, of which necessity the Board shall be the sole judge, the Board shall certify the same to be correct. And the Clerk of the Board of Supervisors, upon the receipt of any such bill or account, certified as correct by the proper Board of Commissioners, as herein provided, shall draw an order on the Hospital Fund of the township from which such bill or account comes, for the amount of said bill, and in favor of the person or persons in whose name the bill or account is made out, and the Treasurer shall pay the same out of any moneys in the fund against which said order shall be drawn. But in no case shall any bill or account, certified as herein provided for, become a charge against any fund except the Hospital Fund of the township in which the bill shall have been made.

Compensation of Commissioners.

SEC. 4. The Commissioners provided by section two of this Act shall receive such compensation for their services, as such Commissioners, as the Board of Supervisors of the county shall from time to time allow, said compensation to be a charge against the Hospital Fund of the township in which the said Commissioners shall belong.

Repealed.

SEC. 5. All Acts and parts of Acts, so far as the same are in conflict with the provisions of this Act, are hereby repealed.

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

CHAPTER CCLIII.

An Act amendatory of and supplementary to an Act entitled an Act concerning roads and highways in the County of San Mateo.

[Approved March 24, 1870.]

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

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

Bond for payment of costs.

Section 5. Upon the filing, by the petitioners or some one of them, of a sufficient bond, in the penal sum to be fixed by the Board, for the payment of the costs of the location, alteration or vacation of the proposed road, and proof of the notice required in the second section of this Act, together with the affidavits required in the third section of this Act, at the time specified in said notice, the Board of Supervisors shall appoint as Road Viewers three disinterested citizens, one of whom shall be a practical surveyor, and shall place in the hands of such Viewers the petition for the proposed road. Said Viewers, after taking an oath to faithfully perform the duties devolving upon them by law as such Road Viewers, shall proceed, without delay, to view the proposed location, alteration or vacation, and shall decide whether such proposed location, alteration or vacation is required for public convenience, and they shall take into consideration private as well as public interest. If, in the opinion of the Viewers, the public interest requires the proposed location, alteration or vacation, they shall take to their assistance two chainmen and a marker, and shall proceed to survey said proposed location or alteration, and shall distinctly mark the commencement, the courses and distances, and the terminus of said road, as located or altered; and the surveyor shall make a plat and field notes of said survey, which shall be filed as a part of the report of said Viewers.

Road Viewers appointed.

Duties.

Applications for damages.

SEC. 2. After said Viewers have located the road, as above provided, they shall fix a time and place at which they will receive written applications for damages from parties whose lands may be affected by the location or alteration of said road, and from parties who will otherwise be pecuniarily affected by the proposed location or alteration, which time shall be suffi-

ciently remote to enable all parties interested to have a full opportunity to be heard.

Owners to be notified.

SEC. 3 After fixing such time and place, said Viewers shall cause to be notified, in writing, all persons owning land which will be affected by such proposed location or alteration, which said notice shall state the time and place for receiving said applications. Said notice shall be served by delivering to the said owner, personally or by leaving it at his usual place of residence; *provided*, said owner lives upon the lands affected. If the owner does not live upon the lands affected. then it shall be served by inclosing the same in an envelope, with the postage prepaid, and properly directed, and addressed to the Post-office of said owner. If the Post-office address of said owner be not known to the Viewers, then by posting said notice on some conspicuous place on said land.

Failure to file claim a bar.

SEC. 4. Any person, notified as in this Act provided, failing to file his claim for damages with said Viewers at the time fixed, shall be deemed to have dedicated the land over which such road shall pass to public use, and such person shall be forever barred from bringing any action for damages therefor, or from bringing or commencing any suit or proceeding whereby such road might be defeated or vacated, and said notice shall specify that fact.

Examination of applications.

SEC. 5. At the time fixed for receiving applications for damages, or at such further time as the Viewers may continue the same to, said Viewers shall proceed to hear the parties and such evidence as they may produce bearing upon the case, and may continue the matter, from time to time, until they have completed the examination.

Report of Viewers.

SEC. 6. At or before the first day of the regular meeting of the Board of Supervisors next succeeding that at which said Viewers were appointed, they shall file with the Clerk of the Board of Supervisors a report of their proceedings in the premises, in which they shall state, amongst other things, the amount of damages awarded in each township through which the road passes. Said report, before it has been finally acted upon, may be referred back to the Viewers for the correction of any mistakes or omissions in the same. The Viewers, in estimating the damages that any one will suffer by reason of the proposed location or alteration, may take into consideration the benefits that such person will receive, by reason of location or alteration, as an offset to said damages.

Repealed.

SEC. 7. Section nine of the Act of which this Act is amendatory and supplementary, and all other Acts or parts of Acts in conflict or inconsistent with the provisions of this Act, are hereby repealed.

SEC. 8. This Act shall take effect immediately.

CHAPTER CCLIV.

An Act amendatory and supplemental to an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and the Acts amendatory thereof and supplemental thereto.

[Approved March 24, 1870.]

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

Renewal of term of existence.

SECTION 1. All corporations formed under the provisions of the Act of which this Act is amendatory, for the purpose of receiving from the members thereof deposits of money and preserving the same from loss, and finding secure and profitable investment therefor (whose term of existence, as fixed by their certificate of incorporation, shall have been less than fifty years), may at any time renew and extend their term of existence for such term as they may deem proper; *provided*, however, that the term of such renewal and extension, and the term of their existence, as fixed by their certificate of incorporation, shall not in the aggregate exceed fifty years.

Certificate of renewal to be filed.

SEC. 2. Such renewal and extension may be made by filing with the County Clerk of the county in which the principal place of business of such corporation is located, and a certified copy thereof in the office of the Secretary of State, a certificate stating their intention and election to renew and extend the term of their existence, and the term of such renewal and extension; which intention and election may be made and declared by the Directors or Trustees, or acting Directors or Trustees of such corporation or corporations, or a majority thereof. The certificate stating such intention and election shall be signed by the President and Secretary or Director of such corporation or corporations, and shall be acknowledged before some officer competent to take the acknowledgment of deeds.

Inoperative.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby declared inoperative, so far as they affect this Act.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCLV.

An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Redwood City, approved March twenty-seventh, eighteen hundred and sixty-eight.

[Approved March 24, 1870.]

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

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

Section 14. The assessments provided for in section thirteen of this Act shall be made upon the lots and lands fronting upon the street to be improved, each lot or portion of lot being separately assessed in proportion to its frontage, at such rate per front foot as the Board of Trustees may have agreed upon, not to exceed the one-half of the cost of such improvement in front of such property. Assessments, how levied.

SEC. 2. All streets within the corporate limits of said town that have been graded or macadamized, either at public or private expense, or that may hereafter be graded or macadamized, shall be kept in repair, under the direction of the Board of Trustees, by the owners of the land fronting thereon, one-half of the street to be kept in repair by the owners of the lands fronting thereon, each owner keeping in repair to the middle of the street in front of his property. Whenever, in the opinion of said Board of Trustees, any of said streets, or any portion thereof, need repairing, it shall be the duty of the Marshal, under the direction of the Board of Trustees, to notify, in writing, the owners or occupants of the property fronting on that portion of the street needing repairs (and if there be no occupant, then by posting said notice on said property, and putting a copy of the same in the Post-office, directed to the address of the owner, if known), of the character of the repairs to be made, and the time in which they shall be completed, all of which shall be fixed by the Board of Trustees. If the person so notified shall fail or neglect to make such repairs as shall have been required in said notice, and within the time required, then said repairs shall be made, under the order of said Board, by the Marshal, at the expense of the owners of the property required to make them; and the expense of making said repairs shall be a lien on such property, and collected in the same manner as provided in section thirteen of the Act of which this Act is amendatory and supplemental Repair of streets.

SEC 3. Said Board of Trustees shall, without a written or verbal petition, have power to order to be constructed, on any of the streets within said town, between any two points on any such street, sidewalks of no greater width than five feet. Whenever said Board shall order any sidewalk to be constructed as provided in this section, then the same notice shall be given to the owners or occupants of the lands fronting on said proposed sidewalk, as provided in section two of this Act. The owners of the lands fronting on said sidewalk are hereby made liable for the construction of the sidewalk in front of his lands respectively, and the crossings to be at the expense of the owners of the two quarter blocks adjacent thereto. If any person so notified to construct said sidewalk and crossing shall fail to construct the same in accordance with said notice, then the Marshal shall proceed to construct said sidewalk and crossings, and enforce payment for the same in the same manner as provided in section twelve of the Act of which this is amendatory and supplementary. Construction of sidewalks.

SEC. 4. All that portion of the moneys hereafter belonging to the County of San Mateo and arising from the sale of licenses to persons doing business within the incorporate limits of said Money received from sale of licenses.

town, shall be turned over by the License Collector to said town, for its exclusive use and benefit.

CHAPTER CCLVI.

An Act to amend an Act entitled an Act in reference to library associations, approved April twenty-seventh, eighteen hundred and sixty-three.

[Approved March 24, 1870.]

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

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

Incorporation of public libraries.

Section 1. That from and after the passage of this Act, it shall and may be lawful for any number of persons, not less than twenty, in any county, city, town, village or neighborhood of this State, who shall determine and desire to associate themselves together, for the purpose of procuring, erecting and using a public library, to assemble, at a day, time and place to be appointed, to elect and appoint not less than five of their number Trustees, to take charge of the property, both real and personal, and moneys belonging to the corporation thereby created, and to transact all affairs relative to the same

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

Officers.

Section 4. That forever hereafter there shall not be less than five Trustees for every library incorporated as aforesaid, who shall hold their offices for one year, and until others shall be elected in their places, and shall manage the business of the said corporation; and that there shall forever hereafter be one President of said Trustees, one Vice President, one Treasurer, one Recording Secretary and one Corresponding Secretary, who, with the Trustees elected as such, shall constitute the Board of Trustees, to be elected in the manner hereinafter mentioned; and it shall be lawful for the said Trustees, in their discretion, whenever they conceive it necessary, to appoint a suitable person as Librarian, and as many assistants as they shall deem necessary, but said Librarian or his assistants shall not be chosen from the Board of Trustees; *provided*, the same person may fill the offices of Recording and Corresponding Secretary, or President and Corresponding Secretary.

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

CHAPTER CCLVII.

An Act extending the authority of E. L. Craig, late District Attorney of the County of Placer, in the prosecution and defence of certain actions and proceedings, and other matters relating thereto.

[Approved March 24, 1870.]

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

Authority extended.

SECTION 1. E. L. Craig, late District Attorney of the County of Placer, whose term of office as such expired on the first Monday of March, eighteen hundred and seventy, is hereby authorized and empowered to prosecute to final determination all actions and proceedings wherein the people of the State of California or the County of Placer are plaintiffs, and to defend in all such actions and proceedings wherein the County of Placer or the Boards of Supervisors or of Equalization of said county are defendants, which were prosecuted or defended by him prior to the expiration of his said term of office, and to complete all legal business in his hands as District Attorney when his said term expired, with like powers and authority in regard thereto as if his said term had not expired, and he shall be entitled to receive therefor, to his own use, such fees, percentage and emoluments as he would have been entitled to had such actions, proceedings and business been completed during his said term.

SEC. 2. The provisions of this Act shall not be so construed as to confer upon the said E. L. Craig any authority or control over any criminal prosecutions or proceedings in said county.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCLVIII.

An Act to provide for the submission to the people of the proposed amendment to the Constitution of the State, as proposed by the Legislature at its sixteenth session, and adopted by the Legislature at its seventeenth session, to the votes of the qualified electors at the next general election.

[Approved March 24, 1870.]

Preamble.

WHEREAS, The Legislature, at its sixteenth session, did propose, and the Legislature, at its seventeenth session, did adopt a proposed amendment to the Constitution of the State, which said amendment is in the words following, to wit: Article one, Section twenty-two. The Legislature shall have no power to make an appropriation of money, for any purpose whatever, for a longer period than two years; now, therefore,

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 Governor to advertise the proposed amendment to the Constitution of the State, as

Amendment to be published.

proposed by the Legislature at its sixteenth session and adopted by the Legislature at its seventeenth session, in the same manner as he is now directed by law, in the case of proclamations and official notices, for the space of three months next preceding the next general election.

Manner of voting.

SEC. 2. The proposed amendment shall be voted upon in the manner and form prescribed by the Governor, which manner and form shall be printed with the proposed amendment, and for the same length of time that they shall be advertised, as provided in section one of this Act.

Votes to be canvassed.

SEC. 3. The votes cast for and against said proposed amendment shall be canvassed in the same manner as now provided by law in the election of State officers, other than Governor and Lieutenant-Governor, and if it shall appear that a majority of all the votes cast upon the question of such amendment, at said next general election, are in favor of such amendment as a part of the Constitution of the State, then the Governor shall issue his proclamation declaring such fact, and the said amendment thus adopted shall become and be a part of the Constitution of this State.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCLIX.

An Act concerning the office of County Clerk of Napa County.

[Approved March 24, 1870.]

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

Salary of County Clerk.

SECTION 1. The County Clerk of Napa County shall receive, for all services required of him as County Clerk and ex officio Clerk of the District Court, County Court, Probate Court, and Clerk of the Board of Supervisors and Board of Equalization, a salary of three thousand dollars per annum, which salary shall be in full for all services required of him as aforesaid, and shall be paid monthly out of the county treasury of Napa County.

Fees to be paid into treasury.

SEC. 2. The County Clerk of said county shall collect and safely keep all fees and compensation, of whatever kind or nature, allowed him by law for services rendered by him in his several official capacities, and upon the first Monday of each and every month, shall pay the same over to the County Treasurer of said county, and shall, at the times herein provided for the paying over to the said Treasurer, make out and file with said Treasurer a full and accurate statement, under oath, of all fees or compensation, of whatever nature or kind, received in his said several official capacities for the preceding month.

Treasurer to receipt.

SEC. 3. It shall be the duty of the County Treasurer to receive and receipt for all moneys paid over to him under the the provisions of this Act.

SEC. 4. It shall be the duty of the County Auditor of said county, on the first Monday of each and every month, to draw a warrant upon the County Treasurer, in favor of the County Clerk, for the amount of salary due each month. Payment of salary.

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

CHAPTER CCLX.

An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of San Luis Obispo, approved April fourteenth, eighteen hundred and sixty-three.

[Approved March 24, 1870.]

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

SECTION 1. Section seven of this Act is hereby amended so as to read as follows:

Section 7. The Board of Trustees shall have power to pass such ordinances as they may deem necessary to prevent and remove nuisances, to license theatres, menageries, shows and all exhibitions where money is charged for admission; to prevent and punish breaches of the peace and disorderly conduct; and to alter, keep open, grade and repair and lay out streets, alleys and sidewalks for the town; and to collect, annually, a tax upon all the property in the town, not exceeding one per cent. on the assessed value thereof; and to pass all ordinances necessary for the protection of the town against fire. Powers of Board of Trustees.

SEC. 2. One-third of the expense which may be incurred in grading, sewering and repairing the public streets, alleys and sidewalks, already laid out by lawful authority within the limits of said Town of San Luis Obispo, or which shall hereafter be laid out, shall be paid out of the town treasury; and the remaining two-thirds of said expense shall be assessed equally upon the property on each side of the portion of said street, alley or sidewalk to be graded, sewered or repaired. Expense of work on streets, how paid.

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

CHAPTER CCLXI.

An Act to provide funds for the School Department of the City of Oakland.

[Approved March 24, 1870.]

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

City Council to issue school bonds

SECTION 1. The City Council of the City of Oakland are hereby authorized to issue and sell school bonds, to an amount not exceeding fifty thousand dollars, payable, at the option of the said City Council, at any time within ten years from the date of the issuance of said bonds, in gold coin of the United States, and to bear interest at a rate not to exceed ten per cent. per annum, payable quarterly, on the second day of January, April, July and October of each year, in gold coin of the United States

Denomination.

SEC. 2. Said bonds shall be in sums of not less than one hundred dollars nor more than five hundred dollars, and shall be signed by the Mayor and Treasurer of the said city, and shall have the seal of the city affixed thereto by the City Clerk. Coupons for the interest shall be attached to each bond, signed by the Mayor and Treasurer of the city.

Coupons.

Sale of bonds.

SEC. 3. Before the sale of said bonds, the City Council shall, at a regular meeting of the Council cause to be entered upon the records of said Council an order directing the sale of a specified amount of said bonds, and the day and hour of such sale; and shall cause a copy of such order to be inserted in a newspaper published in said city, for at least twenty days, and in any other newspaper published in the State, at their discretion, and a notice that sealed proposals will be received by said Council for the purchase of said bonds on the day and hour named in said order The said City Council shall open all sealed proposals received by them, and shall award the purchase of said bonds to the highest responsible bidder; *provided*, that said Council may reject all bids; and *provided* further, that no bonds shall be sold for less than ninety cents, in gold coin, on the dollar, par value.

Record of sale.

SEC. 4. The amount of bonds sold, their number and dates, shall be entered upon the records of said Council, in a book kept for that purpose.

Proceeds, how applied.

SEC. 5. The proceeds of the sale of said bonds shall be paid into the city treasury, to the account of the School Fund of said city, and shall be used for the sole purpose of purchasing additional lots and erecting additional school buildings; *provided*, that no portion of the funds thus received from the sale of said bonds shall be expended without the consent of four members of the Board of Education and four members of the City Council.

Interest tax.

SEC. 6 After any of said bonds are sold, and until all bonds sold are redeemed, the said City Council are hereby authorized, and it shall be their duty, to levy annually, at the same time, and in the same manner that other city taxes are levied, a tax

on all the taxable property in the city, sufficient to pay the interest on all of said bonds not paid. Said tax, when collected, shall constitute a fund for the payment of the interest on said bonds, and shall be called the "School Bond Interest Fund;" and if any interest shall be due on said bonds and there is no money in the said fund to pay the same, the City Council shall order the Treasurer to transfer from any or all other funds of said city, except the School or other Interest and Sinking Fund, a sufficient sum to pay said interest, All moneys remaining in the treasury belonging to the School Bond Interest Fund, after all interest has been paid, shall be applied to the redemption of bonds, as hereinafter provided.

Redemption tax.

SEC. 7. The City Council may, at their discretion, in each year, until the year eighteen hundred and eighty, levy a tax not to exceed in each year ten cents on each one hundred dollars in value, on all taxable property in said city. The said tax, when collected, shall constitute a fund which shall be called the "School Bond Redemption Fund;" and whenever there shall stand to the credit of that fund upon the Treasurer's books the sum of one thousand dollars or more, the City Council shall advertise in a newspaper published in the city, for the space of three weeks, for sealed proposals for the redemption of said bonds; and in one week from the expiration of the time of such publication, the said Council shall open the sealed proposals and shall pay the bonds offered at the lowest price, as far as the money in the said School Bond Redemption Fund will extend; *provided*, that no bids shall be considered for more than par value of said bonds; should there be no proposals made for par value or less, then the money in said fund shall be used for the redemption of said bonds according to the number of their issue, of which the City Treasurer shall give notice in the manner mentioned heretofore in this section, and after four weeks from the date of said notice the bonds proposed to be redeemed shall cease to draw interest; and if any of such bonds shall not be presented for redemption within three months from the date of said notice, the City Treasurer shall apply the money for the redemption of the bonds next in order of the number of their issue, as heretofore directed; *provided*, that in the year eighteen hundred and seventy-seven the City Council are authorized, and it shall be their duty, to levy a tax sufficient to pay one-half of the bonds then outstanding and not paid; and in the year eighteen hundred and seventy-nine they shall also provide in the same manner for the payment of all bonds issued under this Act and at that time unpaid.

When bonds to be redeemed.

Bonds cancelled.

SEC. 8. Whenever any bond shall have been paid, the City Treasurer shall mark the same "Cancelled," over his signature, and return the same to the Mayor, with the interest coupons which are not then due attached.

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

CHAPTER CCLXII.

An Act to provide for paying certain claims against the City of Oakland, and to contract a funded debt for that purpose.

[Approved March 24, 1870.]

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

Bonds to be issued.

SECTION 1. For the purpose of liquidating, funding and paying the claims against the City of Oakland, hereinafter specified, the Treasurer of the City of Oakland shall cause to be prepared suitable bonds of the City of Oakland, not to exceed the sum of seventy thousand dollars ($70.000), bearing interest at the rate of ten (10) per cent. per annum from the date of their issue, payable at the office of the City Treasurer of the City of Oakland on the first (1st) day of July, eighteen hundred and ninety. The interest accruing on said bonds shall be due and payable at the office of the Treasurer of said city on the first (1st) day of January and July in each and every year; *provided*, that the first payment of interest shall be on the first (1st) day of January, eighteen hundred and seventy-one. Said bonds shall be signed by the Mayor of the City of Oakland and countersigned by the President of the Council of said city, and indorsed by the City Treasurer, with the seal of the city affixed thereto.

By whom signed.

Denomination.

SEC. 2. The denomination of the bonds herein mentioned shall be as follows: The lowest denomination shall be fifty dollars; the highest, one thousand; or such intermediate sums as the Council may direct.

Coupons.

SEC. 3. Coupons for the interest shall be attached to each bond, so that they may be removed without injury or mutilation to the bonds. Said coupons shall be consecutively numbered and signed by the City Treasurer.

Treasurer to keep record.

SEC. 4. It shall be the duty of the City Treasurer to keep a separate record of all such bonds as may be issued, showing the number, date and amount of each bond, and to whom the same was issued, and upon what claim and its amount.

Claimants against city.

SEC. 5. All persons having any claim against the City of Oakland—audited and allowed and entitled to be funded as hereinafter specified—shall, upon presentation to the City Treasurer of the City of Oakland, receive in exchange therefor a bond or bonds of the City of Oakland provided for in the first section of this Act, but no bond shall be issued for a less sum than fifty dollars; but the City Treasurer is hereby authorized to issue certificates of indebtedness for fractional parts, not bonded, which said certificates shall be transferable and entitled to be funded as before provided. The City Treasurer shall indorse on the back of each claim so received and liquidated the date on which he received the same and from whom, and the number of the bond or bonds issued in exchange therefor, and the number and amount of any certificate for any fractional part, as herein provided. Such claim and indorsement shall be filed in the office of the City Clerk.

Interest tax.

SEC. 6. For the payment, within twenty years, of the prin-

cipal and interest of the bonds issued under this Act, the City Council are hereby authorized, and it shall be their duty, to levy annually, at the same time and in the same manner as other city taxes are levied, a tax on all the taxable property in the city sufficient to pay the interest on all said bonds not paid; and the fund derived from this tax shall be set apart and applied exclusively to the payment of the interest of the bonds herein provided; and in the year eighteen hundred and eighty, and annually thereafter, in addition to the tax for the payment of said interest, a tax not exceeding ten (10) cents on each one hundred ($100) dollars shall be levied, as aforesaid, to create a fund for the final redemption of the principal of said bonds, at the time when they shall become due; and the faith of the city is hereby pledged for the prompt payment of the bonds, principal and interest, issued by the city as herein provided, and the final and complete redemption thereof; and any money so received by taxation shall not be applied or used for any other purpose than as herein provided. The money raised by taxation, by virtue of this Act, shall be set apart and called the Sinking Fund of the City of Oakland.

Redemption tax.

SEC. 7. On the first day of February, eighteen hundred and eighty, and on every year thereafter, whenever there remains in the Sinking Fund the sum of two (2) thousand dollars more than will pay the interest on the following July, as herein provided, the Treasurer shall advertise for one month, in one daily newspaper in the City of Oakland, for sealed proposals, to be opened in ten days after the expiration of such publication, by the City Treasurer, in presence of the President of the Council, for the surrender of bonds issued under this Act; which advertisement shall state the amount of money he has on hand for the purpose of redemption; and they shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the amount of cash on hand is exhausted; *provided*, however, in case a sufficient amount of such bonds shall not be offered as aforesaid, to exhaust the Sinking Fund, as appropriated to the payment of the principal of said bonds, then it is hereby made the duty of the City Treasurer to advertise in a daily newspaper within the City of Oakland, for three months, which advertisement shall state the amount in the Sinking Fund appropriated for the payment of bonds as provided in this Act, and the number of bonds, numbering them in the order of their issuance, which said fund is set apart to pay and discharge; and if such bonds so numbered in such advertisement shall not be presented for payment and cancellation within ten days after the expiration of the publication of said notice, then said fund shall remain in the treasury to discharge such bonds whenever presented; but they shall not draw interest after such publication as last aforesaid.

Redemption of bonds.

SEC. 8. The City Treasurer shall keep a full and particular account and record of all his proceedings under this Act, and of the bonds issued, redeemed and surrendered; and he shall transmit to the Council an abstract of all his proceedings under this Act, with his annual report.

Treasurer to keep record.

SEC. 9. It shall be the duty of the City Treasurer to pay the interest on said bonds, when the same falls due, out of the

Deficiency in Sinking Fund.

money in the Sinking Fund appropriated to the payment of interest, and if said Interest Fund be not sufficient, then to pay the deficiency out of the General Fund.

Claims to be funded

SEC. 10. The following are specified as the claims which are entitled to be secured and funded under this Act:

First—All outstanding claims against the City of Oakland, which have been or may be allowed by the City Council and ordered paid.

Second—All salary bills due and to grow due to city officials, in any department thereof, when allowed and ordered paid by the City Council; when the Salary Fund is exhausted, the same shall be entitled to be received and funded under this Act.

Third—All just and legal claims against the city, arising from a necessary expense incurred for the purpose of carrying on the city government, after the same has been audited, allowed and ordered paid by the City Council, shall be entitled to be received and funded under this Act, including expenses hereafter to be incurred in fitting up the City Hall building, and finishing the same so as to be used and occupied, and inclosing and improving the grounds on which said building is located, in a sum not exceeding twenty thousand dollars.

SEC. 11. This Act shall take effect and be in full force on and after its approval.

CHAPTER CCLXIII.

An Act to district the County of San Diego and to provide for the election of Supervisors.

[Approved March 24, 1870.]

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

Supervisor districts.

SECTION 1. The County of San Diego shall be divided into four Supervisor districts, which shall be known and designated as follows: District Number One to consist of the Election Precincts of San Luis Rey, Temacula, San Jacinto and San Pascual; District Number Two, of the Precincts of Agua, Caliente, Fort Yuma, Milquatay and Monument City; District Number Three, of the Precinct of San Diego; District Number Four, of the Precinct of South San Diego; and one Supervisor for the county at large.

Special election.

SEC. 2. At a special election, of which the County Clerk of said county shall give twenty days public notice, to be held on the first day of May, in the year A. D eighteen hundred and seventy, there shall be elected, by the qualified electors of the respective districts one Supervisor for Supervisor District Number One, and one Supervisor for Supervisor District Number Three; said Supervisors shall, together with the Supervisors heretofore elected and qualified, constitute the Board of Supervisors of said county; and they shall receive the same compensation for their services, and shall succeed to all the powers and

duties of the next preceding Board of Supervisors; and their term of office shall expire at the same time with those heretofore elected under existing laws.

SEC. 3. At the general election for county officers for the year eighteen hundred and seventy-one, and every two years thereafter, there shall be elected for each district mentioned in section one of this Act, one Supervisor, who shall be elected by the qualified electors of said respective districts; and one Supervisor for the county at large shall be elected by the qualified electors of the county. General election.

SEC. 4. The Supervisor elected for the county at large, and his successor in office, shall, after the expiration of the supervisoral term of the present President of the Board of the Supervisors, be ex officio President of said Board. Supervisor at large

SEC. 5. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed. Repealed.

SEC. 6. This Act shall go into effect and be in full force from and after its passage.

CHAPTER CCLXIV.

An Act to authorize the Board of Trustees of the City of Sacramento to allow a certain claim therein mentioned.

[Approved March 24, 1870.]

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

SECTION 1. The Board of Trustees of the City of Sacramento are hereby authorized and empowered, in their discretion, to audit and allow the claim of A. D. Rightmire, heretofore allowed by the Board of Supervisors of the City and County of Sacramento, for expenses incurred under and by virtue of a certain contract made and entered into by said A. D. Rightmire and said Board of Supervisors, on the fifth day of December, A. D. eighteen hundred and sixty-one. May allow claim.

SEC. 2. Said claim, when allowed as authorized in the preceding section, shall be paid out of the General Fund of said city.

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

CHAPTER CCLXV.

An Act to authorize the Board of Supervisors of Butte County to direct the issuance of a warrant to W. S. Reese.

[Approved March 24, 1870.]

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

Supervisors to issue warrant.

SECTION 1. The Board of Supervisors of Butte County are hereby authorized, in their discretion, and when they shall be fully satisfied that said warrants were duly issued and have not been paid, to issue to W. S. Reese, or to his heirs or assigns, a warrant, bearing date of June thirtieth, eighteen hundred and sixty-two, for the sum of six hundred and forty-nine and fifty one-hundredths dollars, in lieu of original warrants belonging to him being lost.

Indemnity bond.

SEC. 2. Before the said warrant shall be delivered to the person above named, or his legal representatives, the Auditor shall demand and receive from him, his heirs or assigns, a bond of indemnity in the penal sum double the amount of said warrant, said bond being payable to the County of Butte, conditioned against the appearance of the warrants lost by him, and against the payment of the said warrants lost to any person or persons, and the said bond to be approved by the Board of Supervisors of Butte County.

Warrant effectual.

SEC. 3. The warrant herein provided to be issued shall be as effectual, to all intents and purposes, as though it was the original warrant; *provided*, that if the original warrants hereafter be found, the warrant in lieu thereof herein directed to be issued shall be null and void.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCLXVI.

An Act to authorize the payment of certain claims against Redwood Township, in the County of San Mateo.

[Approved March 24, 1870.]

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

Trustees to audit certain claims.

SECTION 1. The Board of Trustees of Redwood Township, in the County of San Mateo, are authorized and directed to audit and allow, out of the township treasury, such sums as they shall find to be justly due from said township to R. J. Weeks, A. Eikenkottor and S. B. Gilbert, for services rendered as Township Trustees; also, such sums as they shall find to be justly due Wm. Laswell, for services rendered as Clerk of the Board of Township Trustees, and Samuel Hall, for services ren-

dered as Roadmaster of said township. Also, such sum as they shall find to be justly due A. S. Langley, for bridge plank, labor and materials furnished for road purposes; *provided*, said claims shall not exceed an aggregate sum of three hundred dollars.

SEC. 2. The Treasurer of said township is authorized, and it shall be his duty, to pay any or all of the claims mentioned in the foregoing section, after the same shall have been audited and allowed, out of any moneys in the township treasury not otherwise appropriated. Treasurer to pay the same

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

CHAPTER CCLXVII.

An Act to separate the office of County Recorder from the office of County Clerk of the County of Yuba.

[Approved March 24, 1870.]

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

SECTION 1. The office of County Recorder of the County of Yuba is hereby separated from the office of County Clerk of said county, and at the next general election, to be held in September, one thousand eight hundred and seventy-one, a County Recorder shall be elected to said office. Offices separated.

SEC. 2. The said County Recorder shall be ex officio County Auditor, and he shall qualify and give bonds as required by law, and shall enter on the discharge of his duties on the expiration of the term of office of the County Clerk elected in one thousand eight hundred and sixty-nine. Recorder to be ex officio Auditor.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this is hereby repealed.

CHAPTER CCLXVIII.

An Act authorizing the Board of Supervisors of the County of Santa Clara to pay to the Sheriff of said county certain moneys therein mentioned.

[Approved March 24, 1870.]

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 Santa Clara are hereby directed to allow and order paid, to the Sheriff of the County of Santa Clara, the sum one hundred fifty dollars per month. Payment ordered.

How applied. SEC. 2. Said Sheriff shall apply the said monthly payment so made to him for the salary of one of his deputies.

SEC. 3. The proper officers of said county are hereby directed to audit, allow and pay said sum of one hundred and fifty dollars per month to said Sheriff, as hereinbefore provided.

To continue. SEC. 4. The monthly payments ordered to be made as hereinbefore provided shall continue to the office of Sheriff of Santa Clara County.

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

CHAPTER CCLXIX.

An Act concerning roads and highways in Sierra Township, County of Sierra.

[Approved March 25, 1870.]

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

Road tax levied. SECTION 1. A tax of twenty-five cents on each one hundred dollars shall be levied on all the real and personal estate in Sierra Township, in the County of Sierra, to be assessed and levied at the same time and in the same manner as other taxes are assessed and levied, for the purpose of building and repairing roads and highways in said township.

Tax list. SEC. 2. The Supervisors of Sierra County shall, at the same time and in the same manner that other tax lists are made out, make out a list of the taxes of Sierra Township, according to the provisions of this Act, and deliver the same, certified, within ten days thereafter, to the Road Overseer of said township.

Duty of Road Overseer. SEC. 3. Upon the receipt of said list, the Road Overseer shall proceed forthwith to notify the persons and property so assessed, from time to time, as he may deem proper, to appear at such time and place as he may direct, with the necessary tools and implements, to work out the taxes assessed to him or them, upon the roads and highways in said township; and for every day's work so performed, three dollars shall be allowed, and for all material furnished, and for the use of teams and tools, such compensation shall be allowed as the Overseer may deem just. But the person and property so assessed may, at his own election, pay to the Road Overseer the amount of his taxes in gold coin of the United States.

Tax receipts. SEC. 4. The Supervisors shall issue to the Road Overseer blank receipts, duly numbered, at the time of the delivery of the tax list, and shall charge him with the full number; one of which receipts shall be given to every person who shall have paid his taxes according to the provisions of this Act. And the Overseer shall take from the person so paying his tax, a written statement, under his own signature, setting forth the manner in which he shall have paid said tax, whether in labor

or coin, which statement, together with all receipts unsold, he shall deposit with the County Auditor, at the time provided by law for him to make his annual settlement.

Moneys to be paid to Treasurer.

SEC. 5. All moneys collected under the provisions of this Act by the Road Overseer shall be immediately paid over by him to the County Treasurer of Sierra County, who shall give him a receipt therefor, which shall be filed with the County Auditor, and the Treasurer shall place such money to the credit of Sierra Township.

Delinquent taxes.

SEC. 6. All taxes, under the provisions of this Act, remaining unpaid on the first Monday of December of each year, shall be deemed delinquent, and within ten days thereafter shall be made out by the Road Overseer, as other delinquent tax lists are made out, under the general revenue laws, with fifteen per cent. added, and certified by him, and delivered to the District Attorney of said county, who shall forthwith proceed to collect them in the same manner that other delinquent taxes are collected by him; and all moneys so collected, after deducting the fees allowed by law, he shall deposit with the County Treasurer, taking his receipt therefor, in duplicate, one of which he shall file with the County Auditor; and all such moneys so deposited shall be placed by the County Treasurer to the credit of Sierra Township.

Moneys, how disposed of.

SEC. 7. All moneys that shall be paid into the county treasury under the provisions of this Act shall be disposed of in the manner prescribed in an Act entitled an Act concerning roads and highways in the County of Sierra, approved March sixteenth, one thousand eight hundred and sixty-four.

SEC. 8. Nothing in this Act shall be construed so as to conflict with an Act entitled an Act concerning roads and highways in the County of Sierra, approved March sixteenth, one thousand eight hundred and sixty-four.

SEC. 9. This Act shall take effect immediately.

CHAPTER CCLXX.

An Act to authorize a tax to be levied upon the taxable property of Red Bluff School District, Tehama County, for building purposes.

[Approved March 25, 1870.]

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

Election.

SECTION 1. The Board of Trustees of Red Bluff School District, in the County of Tehama, shall, within sixty days after the passage of this Act, call an election and submit to the qualified electors of the district the question whether a tax shall be levied on the property of the district, for the purpose of erecting a school house therein. Such election shall be called by posting notices in three of the most public places in the district, for ten days, and by publication in some newspaper in the dis-

trict for two weeks. Said notices shall contain the time and place of holding the election, and the rate per cent. proposed to be levied on the property of the district, which shall not exceed one dollar and fifty cents upon the one hundred dollars.

How conducted

SEC. 2. The Trustees shall appoint three Judges of Election, who shall conduct the election as near as practicable in conformity with the general election law; *provided*, that the poll lists required by the registry law may be dispensed with.

SEC. 3. At such election the ballots shall contain the words "Tax—Yes" or "Tax—No," and also the name of one person as Assessor and Tax Collector. If a majority of the votes cast are "Tax—Yes," the officers of the election shall certify the fact to the Board of Trustees, and also the name of the person receiving the plurality of votes for Assessor and Tax Collector, and the Trustees shall issue to such person a certificate of election.

Certificate of election.

Assessment roll.

SEC. 4. The Assessor and Tax Collector shall give bond in such sum as may be directed by the Board of Trustees, and shall forthwith proceed to ascertain and enroll, in the manner provided for County Assessor, all the taxable persons and property in the district, and shall, within thirty days, return his roll footed up, to the Trustees, who shall give notice thereof by publication, for two weeks, in some newspaper of the district, as well as of the time when they will meet as a Board of Equalization.

Equalization

SEC. 5. For the purposes of equalizing the assessment, the Board of Trustees shall have all the power conferred by law upon County Boards of Equalization. The rate per cent. voted at such election shall be and is hereby levied and assessed to, on or against the person and property named or described in said roll so equalized, and it shall be a lien on all such property until the tax is paid; and the said tax, if not paid within thirty days from the date of such equalization, shall be recovered by suit in the same manner and with the same costs as delinquent State and county taxes.

Moneys, how disbursed.

SEC. 6. The money so collected shall be paid into the county treasury, and be drawn therefrom by the warrant of the County Superintendent of Common Schools, on the order of the Trustees, for building purposes, and for no other purpose

SEC. 7. This Act shall be in force from and after its passage.

CHAPTER CCLXXI.

An Act concerning the offices of County Clerk and County Surveyor of the County of Los Angeles

[Approved March 25, 1870.]

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

SECTION 1. The County Clerk of Los Angeles County shall receive for his services, for fees and compensation, the same fees

and compensation as are provided for in section four (4) of an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy. Compensation of County Clerk.

SEC. 2 The County Clerk of Los Angeles County shall, as Clerk of the County Court, District Court, Probate Court and County Recorder, receive in full compensation for all services rendered by him to the State and county, the sum of one thousand five hundred ($1,500) dollars per annum, payable monthly. Same.

SEC. 3. So much of section six (6) of an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy, as conflict with the provisions of this Act, is hereby repealed. Repealed.

SEC. 4. Section sixteen (16) of said Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy, is hereby amended by striking out the words "Los Angeles" from said section; and *provided*, that hereafter the County Auditor of Los Angeles County shall receive for his services the same fees and percentage as is provided for the County Auditors of the counties of this State not specially named in said section, or otherwise specially provided for in said Act. Section amended.

SEC. 5. The County Surveyor of Los Angeles County shall receive for his services the same fees and compensation as are allowed the County Surveyors in the several Counties of Santa Clara, San Joaquin, Alameda, Tulare and Kern, as provided for in section twenty-five (25) of an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth (5th), eighteen hundred and seventy (1870). Fees of County Surveyor.

SEC. 6. So much of said Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth (5th), eighteen hundred and seventy (1870), as may be in conflict with the provisions of this Act, is hereby repealed. Repealed.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLXXII.

An Act to empower the Board of Trustees of the State Library to authorize the State Librarian to appoint an additional deputy, and to fix the compensation therefor.

[Approved March 25, 1870.]

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

SECTION 1. The Board of Trustees of the State Library are hereby authorized and empowered to authorize the State Libra- Deputy Librarian.

rian to appoint an additional deputy, whenever, in the judgment of the Board, such additional deputy shall be necessary; and, when so authorized and appointed, said deputy shall receive for his services the sum of one hundred and fifty dollars per month, to be paid out of any moneys in the State treasury not otherwise appropriated.

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

CHAPTER CCLXXIII.

An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

[Approved March 25, 1870.]

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

SECTION 1. Section ten of the Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three, is hereby amended so as to read as follows:

Terms of Court.

Section 10 There shall be four terms of the Court in each year, for the hearing of causes, to commence respectively on the second Monday of January, April, July and October. The Court shall be deemed always open for the filing of opinions and the rendition of judgments and orders.

CHAPTER CCLXXIV.

An Act to legalize certain county warrants in the County of Tuolumne.

[Approved March 25, 1870.]

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

Warrants legalized

SECTION 1. No county warrant that has been drawn, or which was authorized by the Board of Supervisors to be drawn, on the Current Expense Fund of the County of Tuolumne, issued between the first day of June, Anno Domini eighteen hundred and sixty-six, and the tenth day of April, Anno Domini eighteen hundred and sixty-nine, shall be void or invalid, for the want of a verification by the oath or affidavit of the party attached to the accounts, but the said warrants shall be considered as legal and valid, to all intents and purposes, as the same would have been had they been verified as required by the Act approved April second, eighteen hundred and sixty-six.

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

CHAPTER CCLXXV.

An Act to modify the grade of certain streets in the City and County of San Francisco.

[Approved March 25, 1870.]

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

SECTION 1. That the grade of Ellis street, commencing at Franklin street, be raised gradually, until it reaches the height of seven feet at Gough street and ten feet at Octavia street, above the present grade, and then gradually sloped off to the present grade at Laguna street. Grades modified.

SEC. 2. That the grade of Eddy street, commencing at Franklin street, be gradually raised, until it reaches the crossing of Gough street, at a height of seven feet, and the crossing of Octavia street, at ten feet above the present grade, and then gradually sloped off to Laguna street.

SEC. 3. That the grade of Octavia street, commencing at O'Farrell street, be gradually raised, until it reaches the crossing of Ellis street, at a height of ten feet, and Eddy street and Jefferson square, at ten feet above the present grade.

SEC. 4. That the grade of Gough street, commencing at O'Farrell street, be gradually raised, until it reaches the crossing of Ellis street, at a height of seven feet, and the crossing of Eddy street, at a height of seven feet above the present grade, and then be gradually sloped off until it reaches Turk street, at the present grade.

SEC. 5. This Act shall take effect immediately.

CHAPTER CCLXXVI.

An Act to continue the Geological Survey of the State of California.

[Approved March 25, 1870.]

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 Geologist to proceed, and with all reasonable diligence, complete the geological survey of this State and the publication of the results thereof. Geological survey.

SEC. 2. The sum of two thousand dollars per month, payable monthly, for the period of two years, is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay the expenses of said survey and publication. Appropriation.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCLXXVII.

An Act to amend an 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.

[Approved March 25, 1870.]

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

SECTION 1. Section two hundred and nineteen of said Act is hereby amended so as to read as follows:

Property exempt from execution.

Section 219. The following property shall be exempt from execution, except as herein otherwise specially provided:

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

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

Third—The farming utensils or implements of husbandry of the judgment debtor, also two oxen, or two horses, or two mules, and their harness, four cows, with their sucking calves, one cart or wagon, and food for such oxen, horses, cows or mules, for one month; also, all seed, grain or vegetables actually provided, reserved or on hand for the purpose of planting or sowing, at any time within the ensuing six months, not exceeding in value the sum of two hundred dollars.

Fourth—Tools or implements of a mechanic or artisan, necessary to carry on his trade; the instruments and chest of a surgeon, physician, surveyor and dentist, necessary to the exercise of their profession, with their scientific and professional libraries; the law libraries of attorneys and counsellors, and the libraries of ministers of the gospel.

Fifth—The cabin or dwelling of a miner, not exceeding in value the sum of five hundred dollars; also, his sluices, pipes, hose, windlass, derrick, cars, pumps, tools, implements and appliances necessary for carrying on any kind of mining operations, not exceeding in value the aggregate sum of five hundred dollars; and two horses, mules or oxen, with their harness, and food for such horses, mules or oxen for one month, when necessary to be used for any whim, windlass, derrick, car, pump or hoisting gear.

Sixth—Two oxen, two horses or two mules, and their harness, and one cart or wagon, one dray or truck, one coupee, one hack or carriage, for one or two horses, by the use of which a cartman, drayman, truckman, huckster, pedler, hackman, teamster or other laborer habitually earns his living, and one horse, with vehicle and harness or other equipments, used by a physician, surgeon or minister of the gospel in making his professional visits, with food for such oxen, horses or mules for one month.

Seventh—All fire-engines, hooks and ladders, with the carts,

trucks and carriages, hose, buckets, implements and apparatus thereto appertaining, and all furniture and uniforms of any fire company or department organized under any law of this State. Property exempt from execution

Eighth—All arms, uniforms and accoutrements required by law to be kept by any person.

Ninth—All Court-houses, jails, public offices, and buildings, lots, grounds and personal property; the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the Court-house, jail and public offices belonging to any county of this State, and all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of the fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State; but no article or species of property mentioned in this section shall be exempt from execution issued upon a judgment recovered for its price or upon a mortgage thereon.

Tenth—The earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution or levy of attachment, when it shall be made to appear by the debtor's affidavit or otherwise that such earnings are necessary for the use of his family residing in this State, supported wholly or part by his labor.

CHAPTER CCLXXVIII.

An Act to amend section one of an Act entitled an Act extending the time for the payment of a debt of ten thousand dollars, due from Alpine County to Amador County, approved February twenty-ninth, eighteen hundred and sixty-eight, and to provide for the payment thereof.

[Approved March 25, 1870.]

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

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

Section 1. The time for the payment of two several county warrants issued by the Auditor of Alpine County on the seventh day of April, one thousand eight hundred and sixty-five, and payable to the County of Amador, in the sum of five thousand dollars each, and numbered, respectively, three hundred and forty-three, payable on the eighteenth day of November, eighteen hundred and sixty-six, and three hundred and forty-four, payable on the eighteenth day of November, eighteen hundred and sixty-seven, is hereby extended as follows: Number three hundred and forty-three, until the eighteenth day of November, A. D. one thousand eight hundred and seventy-two, Time of payment extended.

and number three hundred and forty-four, until the eighteenth day of November, A. D. one thousand eight hundred and seventy-four.

Special tax. SEC. 2. It shall be the duty of the Board of Supervisors of Alpine County to cause to be levied and assessed, annually, a special tax, to be collected in the same manner as is now provided by law in force or which may be hereafter enacted, on the real and personal property of said county, not less than fifty cents on each one hundred dollars of the valuation thereof, to create a special fund, known as the Amador Fund, for the redemption of said warrants; and the creation of the Fund provided for by this Act shall continue in force until said warrants and the interest thereon are fully paid and discharged. The tax herein provided shall be due and collectable, commencing with the present year; and when at any time this fund amounts to five hundred dollars or over, the same shall, on demand, be paid to the owner or holder of said warrants, after the same becomes due

For payments of warrants.

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

CHAPTER CCLXXIX.

An Act authorizing the condemnation of private property within the limits of the public streets of the City and County of San Francisco, within the Laguna survey.

[Approved March 25, 1870.]

Preamble. WHEREAS, certain public streets of the City and County of San Francisco are laid out and platted across and upon certain private property, known as the Laguna survey, and lying between Green, Union, Filbert, Greenwich, Lombard and Chestnut streets, on the one side, and Polk street, Van Ness avenue and Franklin street, on the other side; and whereas, it is desirable that such streets be opened, and the lands lying within the lines thereof, and within the said Laguna survey, be appropriated for such uses; now, therefore,

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

Streets to be opened. SECTION 1. It shall be the duty of the Board of Supervisors of the City and County of San Francisco, within sixty days after the passage of this Act, to order the following public streets within the said city and county to be opened, as marked out and platted on the official map of said City and County of San Francisco, to wit: Those portions of Green, Union, Filbert, Greenwich, Lombard and Chestnut streets, on the one side, and Polk street, Van Ness avenue and Franklin street, on the other side, the same being through what is known as the Laguna survey of the said City and County of San Francisco. That said Board of Supervisors of said city and county shall make the said order, and all further orders necessary for the opening and

condemning of the lands lying within the boundaries of said streets, without first having received any petition or petitions from the property owners thereof, or of any of them, or from any person or persons interested therein, requesting the same to be done; and that all further proceedings shall be had in manner and form now provided by law for the opening or widening of streets and condemning lands for public streets in the said City and County of San Francisco, and for other purposes And it is further *provided*, that it shall be the duty of the County Court of the said City and County of San Francisco, within thirty days after the passage of the first order above referred to, by the said Board of Supervisors, to appoint three disinterested reputable citizens of said city and county, who are freeholders of the said city and county, and who are competent judges of real estate therein, and not interested in said proceedings, as Commissioners, to assess the benefits and damages to each separate lot of land materially affected by the said condemning and opening of said streets. Commissioners to be appointed.

SEC. 2. The opening of said streets named in the last preceding section, and assessing benefits and damages, and making awards and collecting such assessments, hearing and taking and reporting testimony, and all other matters pertaining to the said opening and condemning of said streets, and collecting assessments therefor, shall be done and performed in all respects as is now provided by law, except as is herein otherwise especially prescribed.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCLXXX.

An Act to authorize the Treasurer of Lassen County to pay to William Williams a certain sum of money adjudged to be due him for erecting the county buildings of said county.

[Approved March 25, 1870.]

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

SECTION 1. The Treasurer of Lassen County is hereby authorized and required to pay to William Williams, or his assigns, such sum or sums of money as is now or hereafter may be in the Building Fund of said county, or as much thereof as shall satisfy a judgment and writ of mandate issued from the District Court of the Fourth Judicial District, for the City and County of San Francisco, in the case of the People of the State of California, at the relation of William Williams, against the Board of Supervisors of Lassen County. Treasurer to pay claim.

SEC. 2. The Treasurer shall take receipts for all payments made by him, and when the judgment and mandate of said District Court shall be fully satisfied this Act shall be null and void. To take receipt.

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

CHAPTER CCLXXXI.

An Act granting leave of absence from the State to Henry L. Waldo, District Attorney of Amador County

[Approved March 25, 1870.]

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

Leave of absence granted.

SECTION 1. That Henry L. Waldo, District Attorney of Amador County, be and he hereby is granted leave of absence from this State for the period of five months, at such time as he may select, during the year one thousand eight hundred and seventy; *provided*, that he first obtain the written consent of all his security, and leaving a competent deputy to attend the duties of said office during his absence.

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

CHAPTER CCLXXXII.

An Act to establish and define the powers and duties of the Board of Education of the City of Vallejo.

[Approved March 25, 1870.]

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

Board of Education.

SECTION 1. The Board of Education of the City of Vallejo shall consist of a City Superintendent of Public Schools, who shall be ex officio President of the Board, and four School Directors, one from each ward in said city.

Election of Superintendent and Directors.

SEC. 2. At the next ensuing charter election for city officers of the City of Vallejo, and at each and every charter election thereafter, the legally qualified voters residing within the limits of said city shall elect a City Superintendent of Public Schools for said city, who shall hold his office for the term of two years, and until his successor is duly elected and qualified; and at each and every of the said charter elections, the legally qualified voters residing within the limits of each of the said wards shall elect one person as a School Director, and the persons so elected shall hold office for the term of two years, and until their successors are elected and qualified; *provided*, however, that Job G. Lawton, as such City Superintendent, and E. M. Benjamin, Martin J. Wright, Isaac S. Halsey and Benjamin T. Osborne, as such School Directors, shall constitute the Board of Education of said city until the said next charter election for city officers of said city, and shall exercise, and are hereby authorized, empowered and enjoined to exercise, all the powers and duties hereinafter provided, as appertaining to the Board of Education created by this Act.

SEC. 3. The said Board of Education shall meet within ten days after their election, and after qualifying as provided in section one hundred and eight, revised school law, passed March twenty-fourth, eighteen hundred and sixty-six, shall elect their Secretary, who may be a member of the Board. The said Secretary shall be subject to removal at the pleasure of the Board, and shall perform such duties as may be required of him by the Board or the Superintendent. The Superintendent shall preside at all meetings of the Board, but shall not be entitled to a vote, unless in case of a tie, and if absent, one of the members may be appointed to preside in his stead. A majority of the members shall constitute a quorum to transact business, but a smaller number may adjourn from time to time. The Board of Education, as constituted aforesaid, shall exercise a general supervision and control of the public schools of the City of Vallejo, and shall meet once a month, and as much oftener as business pertaining to the schools may require, and may be called together at any time by the Superintendent. The Board may determine the rules of its proceedings. Its sessions shall be public, and its records shall be open to public inspection. Meetings.

SEC. 4. The Board of Education shall have sole power— Powers of Board.

First—To establish and maintain public schools, and to establish school districts, and to fix and alter the boundaries thereof; and to fix the terms upon which non-resident pupils may attend the said schools, and to collect the tuition for such non-resident pupils, and to expend the same for educational purposes.

Second—To employ and dismiss teachers, janitors and School Census Marshals, and to fix, alter, allow and order paid their salaries or compensation, and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the Board.

Third—To make, establish and enforce all necessary and proper rules and regulations, not contrary to law, for the government and progress of public schools within the said city, the teachers thereof and the pupils therein, and for carrying into effect the laws relating to education

Fourth—To provide for the school department of said city, fuel and lights, water, blank books, maps, charts, printing, stationery, and such other articles, materials or supplies, as may be necessary and appropriate for use in schools, and to incur such incidental expenses as may be deemed necessary by said Board.

Fifth—To build, alter, repair, rent and provide school houses, and furnish them with proper school furniture, apparatus and school appliances and to insure any and all such school property, and to procure necessary books for indigent pupils.

Sixth—To receive, purchase, lease and hold in fee, in trust for the City of Vallejo, any and all real estate, and to hold in trust any personal property that may have been acquired, or may hereafter be acquired, for the use and the benefit of the public schools of said city, and to sell and convey the same; *provided*, that no real estate shall be purchased, sold or exchanged or expenditure incurred for the construction of new school houses, without the consent of two-thirds of all the members of the Board of Education and two-thirds of all the members of the Board of Trustees of said city, and *provided* further, that

Powers of Board.

the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots or the erection of school houses.

Seventh—To grade, fence and improve all school lots, and in front thereof to grade, sewer, plank or pave and repair streets, and to construct and repair sidewalks.

Eighth—To sue for any and all lots, lands and property belonging to or claimed by the said school department, and to prosecute and defend all actions at law or in equity, necessary to recover and maintain the full enjoyment and possession of said lots, lands and property, and to employ and pay counsel in such cases; *provided*, the amount of fees paid to such counsel shall not exceed five hundred dollars in any one year; and further, to do any and all lawful acts necessary thereto.

Ninth—To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and, in pursuance of this provision, the Board shall, on or before the first Monday of March of each year, submit in writing to the Board of Trustees of said city a careful estimate of the whole amount so required, for the ensuing year, together with an estimate of the amount of money to be received from the State and county, and the amount required from the city for the above purposes; and the amount so found to be required from the city shall by the Board of Trustees of said city be added to the other amounts to be assessed and collected for city purposes; *provided*, that the amount to be assessed for school purposes shall not exceed thirty-five cents on each one hundred dollars valuation upon the assessment roll, and that when collected it shall be immediately paid into the School Fund of the said city, to be drawn out only upon the order of the Board of Education.

Tenth—To establish regulations for the just and equal disbursement of all moneys belonging to the public School Fund.

Eleventh—To examine and allow, in whole or in part, every demand payable out of the School Fund, or to reject any such demand, for good cause.

Twelfth—To discharge all legal encumbrances now existing or which may hereafter exist upon any school property.

Thirteenth—And generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said Board.

Administer oaths.

SEC. 5. The City Superintendent of Public Schools, as President of the Board of Education, shall have power to administer oaths or affirmations concerning any demand upon the treasury payable out of the School Fund, or other matters relating to his official duties.

Sealed proposals.

SEC. 6. Before giving out any contract or incurring any liability to mechanics or laborers for expenditures herein authorized, to any amount exceeding two hundred dollars, the Board of Education shall cause due public notice to be published for at least ten days, inviting sealed proposals for the object contemplated, and all proposals offered shall be delivered to the City Superintendent of Public Schools; and the said Board shall, in open session, open, examine and publicly declare the same, and award the contract to the lowest bidder therefor offering ade-

quate security; *provided*, said Board may reject any and all bids should they deem it for the public good so to do.

Not to be interested.

SEC. 7. No School Director or Superintendent shall be interested in any contract pertaining, in any manner, to the school department of said city. All contracts in violation of this section are declared void; and any Director or Superintendent violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars.

Superintendent to make annual report.

SEC. 8. The Superintendent shall report to the Board of Education, annually and at such other times as they may require, all matters pertaining to the income, expenditures, condition and progress of the public schools of said city during the preceding year; the number of teachers employed and of pupils taught in each of the primary, intermediate, grammar and high schools; the average attendance of said pupils; the amounts paid, respectively, for teachers, with such recommendations as he may deem proper, a duplicate of which report he shall file with the Clerk of the Board of Trustees of said city.

Duty of Superintendent

SEC. 9. It shall be the duty of the Superintendent to visit and examine each school at least once a month; to observe and cause to be observed such general rules for the regulation, government and instruction of the schools, not inconsistent with the laws of the State, as may be established by the Board of Education; to attend the sessions of the Board, and to inform them at each session of the condition of the public schools, school houses, school funds and other matters connected therewith, and to recommend such measures as he may deem necessary for the advancement of education in the city. He shall acquaint himself with all the laws, rules and regulations governing the public schools in said city and the judicial decisions thereon, and give advice on subjects connected with the public schools, gratuitously, to officers, teachers, pupils and their parents and guardians.

Vacancy in office.

SEC. 10. In case of a vacancy in the office of Superintendent, the Board of Education shall have power to fill the vacancy by election, by a majority vote of all the members of the Board then in office, until the next ensuing charter election. Any vacancy in the office of School Director shall be filled by appointment by the Superintendent, with the consent of a majority of the members then in office, and such appointee shall hold office until the next ensuing charter election, and the election and qualification of his successor; but no such appointment shall be valid unless the appointee be, at the time of appointment, an elector in the ward wherein the vacancy occurs.

Salary of Superintendent.

SEC. 11. The City Superintendent of Public Schools shall be allowed, as compensation for his services, to be paid out of the School Fund, a sum not exceeding four hundred dollars per annum, to be determined by the Board of Education at the first regular meeting of said Board after the election of said Superintendent. The Secretary of the Board of Education shall be paid a salary not to exceed the sum of two hundred dollars per annum, to be fixed by the Board of Education and to be paid out of the School Fund.

Of Secretary.

School Fund. SEC. 12. The School Fund of the City of Vallejo shall consist of all moneys received from the State School Fund, and all moneys received from a due apportionment of the County School Fund, and all moneys arising from taxes which shall be levied annually by the Board of Trustees of said city for school purposes; of all moneys arising from the sale, rent or exchange of any school property, and of such other moneys as may, from any source whatever, be paid into said School Fund; which fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this Act; and if, at the end of any fiscal year, any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and shall not be, for any purpose whatever, diverted or withdrawn from said fund, except under the provisions of this Act.

How applied SEC. 13. The said School Fund shall be used and applied by said Board of Education for the following purposes, to wit:

First—For the payment of the salaries or wages of teachers, janitors, School Census Marshals and other persons who may be employed by said Board.

Second—For the erection, alterations, repairs, rent and furnishing of school houses.

Third—For the purchase money or rent of any real or personal property purchased or leased by said Board

Fourth—For the insurance of all school property.

Fifth—For the discharge of all legal encumbrances now existing on any school property.

Sixth—For supplying the schools with fuel, lights, water, apparatus, blanks, blank books, maps, charts, stationery and necessary school appliances, together with books for indigent children.

Seventh—For supplying books, printing and stationery for the use of the Superintendent and Board of Education, and for the incidental expenses of the Board and department.

Eighth—The grading, fencing and improving all school lots, and for grading, sewering, planking or paving and repairing streets, and constructing and repairing sidewalks in front thereof.

Ninth—For the payment of the salaries of the Superintendent of Public Schools and the Secretary of the Board of Education.

Claims to be filed and approved. SEC. 14. All claims payable out of the School Fund shall be filed with the Secretary of the Board, and after they shall have been approved by a majority of all the members elect of the Board, they shall be signed by the Superintendent of Public Schools and the Secretary of the Board of Education, whose signatures, indorsed on each claim, shall be a certificate of its approval by the Board. It shall then be the duty of the Secretary of the Board to issue warrants for the amount of said allowed and certified claims, in favor of the claimant, which warrants shall be countersigned by the Superintendent. All demands for teachers', Superintendent's and Secretary's salaries shall be payable monthly.

Treasurer to pay the same SEC. 15. All demands authorized by this Act, when audited and approved, and warrants issued thereon, as herein pre-

scribed, shall be presented to the City Treasurer for payment, and the said Treasurer is hereby authorized and required to pay the same from the School Fund of the city; *provided*, the said Board of Education shall not have power to contract any debt or liability, in any form whatsoever, against the said city, in contravention of this Act

Apportionment of school moneys.

SEC. 16. It is hereby made the duty of the Auditor of the County of Solano, upon the first Monday in each month, and at such other times as he may see proper, to certify in duplicate to the Superintendent of Schools of said county the amount of common school moneys at that time in the county treasury, and the amount received during the previous month; the County Superintendent shall, upon receipt of said certificates, indorse upon one of them the amount of said moneys to which the common schools in the City of Vallejo are entitled. The certificate so indorsed shall at once be returned to said Auditor, who shall direct upon the same the County Treasurer to pay the sum designated upon said certificate to the legal custodian of the School Fund of said city.

SEC. 17. The Treasurer of said County of Solano is hereby required to pay the sum directed by the Auditor as above provided; and when said moneys are placed in said City School Fund, they shall be used in precisely the same manner as moneys raised by city school taxes in said city.

Removal or absence.

SEC. 18 If the Superintendent of Public Schools or any member of the Board of Education shall remove from the city or absent himself therefrom for more than thirty days, except by permission of the Board, or shall fail to qualify as prescribed by law within ten days from the time his election is duly ascertained and declared, his office shall be thereby absolutely vacated, and the Board shall thereupon proceed to fill the vacancy until the time of the next ensuing charter election.

SEC. 19. This Act shall take effect and be in force immediately from and after its passage; and all laws and parts of laws, so far as they are inconsistent with this Act, are hereby repealed.

CHAPTER CCLXXXIII.

An Act concerning the revenue.

[Approved March 25, 1870.]

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

No separate assessment.

SECTION 1. There shall be no separate listing or assessment made of "growing crops," but the Assessor shall, in making the assessment, treat growing crops as part of the land producing such crops.

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

CHAPTER CCLXXXIV.

An Act amendatory of and supplemental to an Act entitled an Act to reincorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two.

[Approved March 26, 1870.]

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

Additional tax.

SECTION 1. The Trustees of the City of Sonora are hereby authorized to levy and collect, annually, a tax upon each and every able-bodied male inhabitant resident of said city, between the ages of twenty-one and sixty years, an additional tax of not exceeding four dollars, which said amount so levied and collected shall be kept separately from the other funds of the city.

Street Fund, how expended.

SEC. 2. The amount authorized to be assessed and collected by the first section of this Act shall be paid in United States gold and silver coin, and be denominated the Street Fund, and shall be expended from time to time, under the orders and directions of the Board of Trustees of said city, for the repair and improvement of the streets, bridges, sewers and drains of said city.

When tax to be levied.

SEC. 3. The tax authorized to be levied and collected by sections one and two of this Act may be levied between the first Monday of March and the first Monday of April in each year, and collected from and after the first day of May, one thousand eight hundred and seventy, and so annually assessed and collected thereafter.

Repealed.

SEC. 4. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

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

CHAPTER CCLXXXV.

An Act to authorize the Board of Supervisors of Humboldt County to transfer money from the Building Fund to the Road Fund.

[Approved March 26, 1870.]

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

Transfer of moneys.

SECTION 1. The Board of Supervisors of the County of Humboldt are hereby authorized to transfer all moneys now in the treasury of said county, belonging to the Public Building Fund, to the Road Fund of said county; *provided*, that the money so transferred shall be used for the purpose of opening and constructing a road around Humboldt Hill, in said county, and for no other purpose.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCLXXXVI.

An Act to confer additional powers upon the Board of Trustees of the Town of Eureka, in the County of Humboldt.

[Approved March 26, 1870.]

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

SECTION 1. The Board of Trustees of the Town of Eureka, in the County of Humboldt, shall, in addition to the powers now conferred upon them by law, have the right to appoint any number of persons, not exceeding four, to act as a police force within the said town. The policemen so appointed shall possess and exercise, as to all offences and misdemeanors committed within the corporate limits of the town, the like powers and duties as are by law conferred upon Constables, and shall receive a salary for their services, not to exceed sixty dollars per month for each, and be subject to removal at any time by the Board of Trustees. Trustees to appoint police.

SEC. 2. This Act shall take effect immediately after its passage.

CHAPTER CCLXXXVII.

An Act to legalize the survey of Clark's addition to the Town of Eureka.

[Approved March 26, 1870.]

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

SECTION 1. The survey of Clark's addition to the Town of Eureka, in Humboldt County, made by J. S. Murray, County Surveyor of said county, which is represented by a plat of said survey filed in the Recorder's office of said county on the sixteenth day of July, A. D. one thousand eight hundred and sixty-six, is hereby declared legal and binding upon all persons. Survey legalized.

SEC. 2. It shall be the duty of the Trustees of said Town of Eureka to recognize and adopt said survey of so much of said Clark's addition as lies west of C street and within the corporate limits of said town, as the legal and authorized plan of that portion of said town contained within said limits.

CHAPTER CCLXXXVIII.

An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax.

[Approved March 26, 1870.]

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

Additional tax.

SECTION 1. The Board of Supervisors of Solano County are hereby authorized, on or before the first Monday in April, A D. one thousand eight hundred and seventy, and at their regular meeting in February, A D. one thousand eight hundred and seventy-one, to levy an additional tax, not exceeding thirty cents on each one hundred dollars, on all taxable property in said county. Said tax shall be assessed and collected in the same manner as other taxes are assessed and collected; and when collected, shall be paid into the treasury and placed to the credit of the Road Fund of said county, and shall be subject to the order of the Board of Supervisors of said county. Said fund shall be used for no other purpose than for the laying out and improving public roads and building and repairing bridges in Solano County.

Road Fund

How applied

Expiration of Act.

SEC. 2. This Act shall remain in force until the first Monday in March, A. D. one thousand eight hundred and seventy-two, and no longer.

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

CHAPTER CCLXXXIX.

An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas and Siskiyou, approved April nineteenth, one thousand eight hundred and fifty-nine, and the Acts amendatory and supplemental thereto.

[Approved March 26, 1870.]

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

SECTION 1. Section thirty-one of said Act is amended to read as follows:

Property tax for road purposes.

Section 31. The Board of Supervisors shall have power to levy a property tax for road purposes, which shall not exceed twenty cents on each one hundred dollars, to be levied and collected at the same time and in the same manner as other property taxes are collected; *provided*, that all moneys collected under the provisions of this section shall be paid into the county treasury and be kept in separate funds for the sole use of the particular townships wherein the moneys are collected; and *provided* further, that money may be appropriated from said

funds, for the benefit of the roads of the proper township, in the discretion of the Board of Supervisors.

SEC. 2. This Act shall apply only to the County of San Joaquin.

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

CHAPTER CCXC.

An Act granting leave of absence to F. R. Dray, County Assessor of the County of Sacramento.

[Approved March 26, 1870.]

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

SECTION 1. F. R. Dray, County Assessor of the County of Sacramento, is hereby granted leave of absence from the State for a period not exceeding four months, at such time as he may select during his present term of office; *provided*, however, that he and his bondsmen shall be liable on his official bond for any misfeasance or malefeasance during his absence, by his deputy or deputies. Leave of absence granted.

SEC. 2. This Act shall take effect upon its passage.

CHAPTER CCXCI.

An Act granting leave of absence to John Gale, District Attorney of Sierra County.

[Approved March 26, 1870.]

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

SECTION 1. John Gale, District Attorney of the County of Sierra, is hereby granted leave of absence from the State for the period of one hundred days, at such time as he may select during his term of office; *provided*, that the said John Gale furnish a competent person to discharge the duties of his office during such absence from the State, which person shall be acceptable to the sureties on the official bond of said District Attorney. Leave of absence granted.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXCII.

An Act granting leave of absence to W. B. C. Brown, County Clerk of the County of Sacramento.

[Approved March 26, 1870.]

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

Leave of absence granted.

SECTION 1. W. B. C. Brown, County Clerk of the County of Sacramento, is hereby granted leave of absence from the State for a period not exceeding four months, at such time as he may select, during his present term of office; *provided*, however, that he and his bondsmen shall be liable on his official bond for any misfeasance or malefeasance during his absence, by his deputy or deputies.

SEC. 2. This Act shall take effect upon its passage.

CHAPTER CCXCIII.

An Act to legalize and provide for the collection of delinquent taxes in the County of Yolo for the fiscal year commencing March first, eighteen hundred and sixty-nine.

[Approved March 26, 1870.]

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

Assessment legalized.

SECTION 1. The assessment of all property, real, personal or mixed, made by E K. Swaine, Acting Assessor, either district or county, in and for the County of Yolo, in the State of California, for State, county or other purposes, for the fiscal year commencing on the first day of March, eighteen hundred and sixty-nine, are hereby legalized and confirmed, and rendered valid and binding, both in law and equity, against the persons and property assessed; and no want of description, or indescription, informality or irregularity in the description of the property or person assessed upon the assessment roll (or supplemental assessment roll), or defect or informality in the levy, shall invalidate the assessment or constitute a defence to any action brought to enforce the payment of such taxes; *provided*, that in an action against the party or parties assessed, or against the property, it shall be lawful for the defendant to set up in his answer the following defences, and none other:

First—That the taxes have been paid before suit

Second—That he had not the property mentioned in the complaint at the time of the assessment, and has never been liable to pay said taxes; and no answer shall be filed in any such case unless the same be verified by the oath of the defendant.

Judgment

SEC. 2. If it shall appear on the trial of any case tried after

the passage of this Act, that the defendant owns, or owned at the time of the assessment, the quantity of property assessed to him in said county, whether the same be correctly described or not, judgment shall be rendered against him for the full amount; and if it appear that he owns a less amount of property, then judgment shall be rendered against him for the amount due on such less quantity.

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

CHAPTER CCXCIV.

An Act to authorize the State Treasurer to surrender certain bonds.

[Approved March 26, 1870.]

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

Surrender bonds.

SECTION 1. Whenever the Treasurer shall have advertised for the redemption of bonds, as provided for in the Funding Acts of eighteen hundred and fifty-seven and eighteen hundred and sixty, and when, on the day named in such advertisement for the reception of proposals, the amount of bonds offered is insufficient to exhaust the Sinking Fund to an amount less than ten thousand dollars, the Treasurer may, in his discretion, surrender bonds of eighteen hundred and fifty-seven and eighteen hundred and sixty, held by him in trust for the School Fund, at their par value, with accrued interest, and in such amounts only as he may be able to replace in bonds of the civil funded debt of the State, issued since the twenty-seventh day of April, eighteen hundred and sixty-three, at a rate not exceeding their par value. And upon the surrender of said bonds of eighteen hundred and fifty-seven and eighteen hundred and sixty, the amount so derived shall be placed to the credit of the State School Land Fund; and upon the purchase, by the Treasurer, of the bonds issued since the twenty-seventh day of April, eighteen hundred and sixty-three, as herein provided, the Treasurer shall certify to the Controller the number and amounts of the bonds so purchased, together with the amount of accrued interest; and the Controller shall then draw his warrant, payable out of the School Land Fund, in favor of the party or parties from whom such bonds are purchased, for the amount so certified, and the Treasurer shall pay the same; and the bonds so purchased shall be held by the Treasurer in trust for the School Fund.

To credit of School Land Fund.

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

CHAPTER CCXCV.

An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

[Approved March 26, 1870.]

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

SECTION 1. Section one hundred and twenty-one of the Act of which this Act is amendatory is hereby amended so as to read as follows:

Property set apart.

Section 121. Upon the return of the inventory, or at any subsequent time during the administration, the Court or Probate Judge may, of his own motion or on application, set apart for the use of the husband or wife, or the minor child or children, of the deceased, all personal property which is by law exempt from execution, and the homestead, as designated by the general homestead law, or by section one hundred and twenty-four of this Act.

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

CHAPTER CCXCVI.

An Act amendatory of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

[Approved March 26, 1870.]

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

SECTION 1. Section sixty-seven of said Act is hereby amended to read as follows:

Revocation of letters of administration.

Section 67. When letters of administration have been granted to any other person than the surviving husband or wife, the child, the father, mother, brother or sister of the intestate, any one of them may obtain the revocation of the letters and shall be entitled to the administration, by presenting to the Probate Court a petition praying the revocation, and that letters of administration may be issued to him or her.

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

Prior rights.

Section 70. The surviving husband or wife, where letters of administration have been granted to a child, to the father, to a brother, or to a sister of the intestate, or any of such relatives, when letters have been granted to any other of them, may assert his or her prior right, and obtain letters of administration, and have the letters before granted revoked in the manner prescribed in the three preceding sections.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCXCVII.

An Act to prescribe the duties of certain officers in the County of Butte.

[Approved March 26, 1870.]

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

Treasurer, as Collector of property taxes.

SECTION 1. The County Treasurer shall be ex officio Tax Collector of all property taxes. After the completion of the assessment roll of the County of Butte, he shall receive all taxes tendered to him and receipt for the same; he shall make out and turn over to the District Attorney, on the first Monday of December in each year, a list of all taxes remaining unpaid on the first day of December in each year, which shall be considered delinquent taxes; and the District Attorney, upon the receipt of the delinquent tax list as provided in this section, shall proceed to collect the same in the manner prescribed by an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Delinquent list.

Bond.

SEC. 2. The County Treasurer shall, before entering upon the discharge of his duties, enter into bond to the State, with two or more sureties, to be approved by the Board of Supervisors, in the sum of sixty thousand dollars, for the faithful performance of the duties required of him as Treasurer and ex officio Tax Collector, which bond shall be filed in the office of the Clerk of the County of Butte.

Office.

SEC. 3. The Treasurer and ex officio Tax Collector shall keep his office in the Court-house at the county seat of Butte County.

Sheriff, as Collector of taxes.

SEC. 4. The Sheriff of said County of Butte shall be Collector of all business license taxes and foreign miners' licenses in and for said county, for the collection of which he shall receive the compensation allowed by law. He shall be subject to all the duties and liabilities imposed by law on Tax Collectors, so far as the same relates to the collection of business license taxes and foreign miners' licenses, and before entering upon the duties herein provided for he shall enter into bond to the State of California, with two or more sureties, to be approved by the Board of Supervisors, in the sum of five thousand dollars, conditioned for the faithful performance of the duties required of him by this Act, which bond shall be filed in the office of the Clerk of the county.

Bond.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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

CHAPTER CCXCVIII.

An Act to increase the number of Notaries Public for Stanislaus and Merced Counties.

[Approved March 26, 1870.]

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

Additional Notaries Public.

SECTION 1. The Governor is authorized and empowered, by this Act, to forthwith appoint three Notaries Public for the County of Stanislaus, and two Notaries Public for the County of Merced, in addition to the number now allowed by law.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXCIX.

An Act to amend an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty.

[Approved March 26, 1870.]

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 said Act is hereby amended so as to read as follows:

May elect or appoint Trustees.

Section 175. 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; and all vacancies that may thereafter take place by death, resignation or otherwise, of any of the Trustees, may be filled by election or appointment in the same manner; *provided*, that no such election or appointment to fill a vacancy shall take effect until a certificate of such election or appointment, as provided in the next section, shall have been filed with the County Clerk, in which the original certificate of incorporation shall have been filed.

Vacancies.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCC.

An Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved March thirteenth, eighteen hundred and sixty-six.

[Approved March 26, 1870.]

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

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

Section 1. The Board of Supervisors of Del Norte County are hereby authorized and empowered annually to levy and collect a special tax, in addition to other taxes provided for by law, upon all the taxable property in said county, not to exceed one per cent., nor less than one-quarter of one per cent.; and the said tax shall be collected at the same time and in like manner as other taxes are collected in said county. Special tax.

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

CHAPTER CCCI.

An Act to authorize the Assessor of Contra Costa County to employ a deputy.

[Approved March 26, 1870.]

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

SECTION 1. The Assessor of the County of Contra Costa is hereby authorized and empowered to employ a deputy, and the Board of Supervisors of said county shall allow said Assessor, for the services of said deputy, a sum not exceeding four hundred dollars per annum, payable out of the General Fund of said county. May employ deputy.

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

CHAPTER CCCII.

An Act granting leave of absence to S. P. Moffat, County Clerk of Inyo County.

[Approved March 26, 1870.]

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

Leave of absence granted.

SECTION 1. S. P. Moffat, County Clerk elect of the County of Inyo, is hereby granted leave of absence from the State for a period of four months, at such time as he may select during his term of office; *provided*, that the said S. P. Moffat furnish a competent person to discharge the duties of his office during such absence from the State, which person shall be acceptable to the sureties on the official bond of said County Clerk.

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

CHAPTER CCCIII.

An Act to encourage the destruction of squirrels, gophers and other wild animals in the Counties of Santa Clara and Monterey, and create a bounty therefor.

[Approved March 26, 1870.]

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

Special tax.

SECTION 1. The respective Boards of Supervisors in and for the Counties of Santa Clara and Monterey shall, at the time of making their annual levy and assessments in their respective counties, in each year, shall levy a special tax, not to exceed in the County of Santa Clara one cent on each one hundred dollars, nor in the County of Monterey three cents on the hundred dollars. Said special tax shall be levied on all the taxable property of said counties, and when so levied and collected shall be set apart and known as the County Fund.

Bounties.

SEC. 2. Any person who shall kill or destroy, or cause to be killed or destroyed in said counties, any wild animals, shall be entitled to receive the following bounty, to wit: For every grizzly bear or California lion, five dollars; for every wild cat or cayote, one dollar; for every squirrel, five cents; for each gopher so killed or destroyed, eight cents; *provided*, that in the County of Santa Clara no bounty shall be paid except for squirrels and gophers.

Scalps to be presented.

SEC. 3. The scalps of animals shall be presented to any Justice of the Peace of the county in which they were killed, and by oath or affirmation, or otherwise, prove to the satisfaction of said Justice that the animals were killed within the county from

Certificate.

which bounty is claimed. Said Justice shall count and destroy the scalps so presented, and he shall issue to the party claiming bounty thereon a certificate, in which he shall set forth the

number of scalps and the number of the different kinds of scalps, which certificate, when presented to the Board of Supervisors, shall order the same to be paid out of said Bounty Fund in the same manner as other claims are now allowed by law.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCCIV.

An Act to promote the study of anatomy.

[Approved March 26, 1870.]

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

SECTION 1. Any physician or surgeon duly qualified according to the laws of this State, or any medical student under the authority of any such physician or surgeon, may obtain, as hereinafter provided, and have in his possession human dead bodies, or the parts thereof, for the purposes of anatomical inquiry or instruction. May obtain dead bodies.

SEC. 2. Any Sheriff, Coroner, Warden of a county poor-house, public hospital, county jail or State prison, or the Mayor or Board of Supervisors of the City of San Francisco, shall surrender the dead bodies of such persons as are required to be buried at the public expense, to any regular physician or surgeon duly qualified according to law, to be by him used for the advancement of anatomical science, preference being always given to medical schools by law established in this State, for their use in the instruction of medical students; *provided*, no such deceased person did, during his or her last sickness, request to be buried; or if, within twenty-four hours after his or her death, no person claiming to be of kindred or a friend to the deceased shall require to have the body buried; or if such deceased person was a stranger or traveller, who suddenly died before making himself or herself known; such dead body shall, in all such cases, be buried. Surrender of bodies. Proviso.

SEC. 3. Every physician or surgeon shall, before receiving such dead body, give to the Board or officer surrendering the same to him, a certificate from the medical society of the county in which he resides, or, if there shall be none, from the Board of Supervisors of the same, that he is a fit person to receive such dead body. He shall also give a bond, with two sureties, that each body so by him received shall be used only for the promotion of anatomical science, and that it shall be used for such purpose within this State only, and so as in no event to outrage the public feeling, and that after having been so used, the remains thereof shall be properly buried in some public cemetery, and the usual record made of name and burial at the expense of the physician being in possession of said body Certificate. Bond.

SEC. 4. All Acts or parts of Acts in conflict herewith are hereby repealed. Repealed.

SEC. 5 This Act shall take effect immediately after its passage.

CHAPTER CCCV.

An Act to amend an Act entitled an Act to reincorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two.

[Approved March 26, 1870.]

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

SECTION 1. Section three of an Act entitled an Act to reincorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two, is amended so as to read as follows:

Trustees, terms of office.

Section 2. The government of said city shall be vested in a Board of five Trustees, who shall hold their offices for two years, except as herein provided, viz: On the first Monday of March, eighteen hundred and seventy-one, there shall be elected five Trustees, two of whom shall go out of office at the expiration of one year, and three at the expiration of two years, so that after the next municipal election there shall be annually elected two and three alternately; and said Trustees shall, within ten days after the election, take the oath of office, and organize as a Board by choosing a President from among their number.

CHAPTER CCCVI.

An Act to authorize Harriet Wilkins, administratrix of the estate of Henry Wilkins, deceased, to sell the real and personal estate of said deceased.

[Became a law by operation of the Constitution, March 26, 1870.]

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

May sell real estate.

SECTION 1. Harriet Wilkins, administratrix of the estate of Henry Wilkins, deceased, under the order and direction of the Probate Court of the County of Marin, or of any other Probate Court in this State having jurisdiction, is hereby authorized and empowered to sell at public or private sale, for cash or on credit, as the said administratrix may deem most advisable for the best interest of the said estate, all the right, title and interest which the said Henry Wilkins had at the time of his death in and to any real or personal estate situated in the State of California.

Report to Probate Court.

Any such sale shall be reported to the Probate Court, and the Court shall examine the same and confirm or set aside the sale and acts of the administratrix as in other cases of sales made under the order of the Probate Court.

Account for proceeds.

The said administratrix shall account for the proceeds of any sales made under the provisions of this Act in the same manner as for other assets of the said estate, and shall include the same in her regular account of her administration of the estate.

SEC. 2. The said administratrix, upon any such sale being made and confirmed, may execute, acknowledge and deliver to the purchaser or purchasers, a good and sufficient deed of conveyance of the premises sold, which shall operate to convey all the right, title or interest which the said Henry Wilkins had at his death in said real or personal estate. Deed of conveyance.

SEC. 3. Before making any sale under this Act, the said administratrix shall enter into such other and further bonds as may be required by the Probate Court of Marin County, or by any other Probate Court having jurisdiction thereof, conditioned for the faithful performance of the acts authorized hereby and for the faithful accounting and application of the proceeds of all sales made under this Act. Additional bonds.

SEC 4. This Act shall take effect immediately.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this twenty-sixth day of March, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCCVII.

An Act to equalize the rates of fares of the City Railroad Company with certain other street railroad companies in the City and County of San Francisco.

[Became a law by operation of the Constitution, March 27, 1870.]

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

SECTION 1. Hereafter it shall be lawful for the City Railroad Company, as the assignee of the rights, franchises and privileges granted to Isaac Rowell, J. W. Reay and others, by Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three, to charge for passengers the same rates of fare which are prescribed for the following street railroad companies within the city and county, to wit: The Omnibus Railroad Company, the North Beach and Mission Railroad Company, the Central Railroad Company, and the Front Street, Mission and Ocean Railroad Company, by an Act entitled an Act to regulate the rates of fare and paving on certain street railroads in the City and County of San Francisco, approved April second, eighteen hundred and sixty-six. Rates of fare equalized.

SEC 2. So much of all Acts and parts of Acts as are in conflict with any of the provisions of this Act are hereby repealed. Repealed.

SEC. 3. This Act shall take effect immediately.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this twenty-seventh day of March, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCCVIII.

An Act to authorize and require the County of Santa Cruz to pay over certain school moneys to certain school districts in San Mateo County.

[Became a law by operation of the Constitution, March 27, 1870.]

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

Moneys to be paid over.

SECTION 1. The Board of Supervisors of Santa Cruz County are hereby authorized and directed, immediately after the passage of this Act, to order the Treasurer of Santa Cruz County to pay over to the Treasurer of San Mateo County, out of the School Fund of Santa Cruz County, the sum of four hundred and eighty-one eighty-two one-hundredths dollars, in gold coin; *provided*, that if there is no money in the School Fund applicable to that purpose, then out of the General Fund of said county.

In case of refusal.

SEC. 2. Upon the receipt of said order by said Treasurer of Santa Cruz County, it shall be his duty to pay over said money as provided in section one of this Act; and in case said Board of Supervisors shall refuse to make said order, or said Treasurer shall refuse to pay over said money after said order shall have been made, then the Treasurer of San Mateo County, in his own name, is hereby authorized to commence proceedings by mandamus, in the Court of proper jurisdiction, against the Board of Supervisors of Santa Cruz County, or the Treasurer of said county, as the case may require, to enforce compliance with the provisions of this Act.

Moneys, how apportioned.

SEC. 3. Said moneys, when paid to the Treasurer of San Mateo County, as above provided, shall be apportioned, by the Superintendent of Public Schools of San Mateo County, to Pescadora and Bell School Districts, in such amounts as may be found due to each of said districts.

SEC. 4. This Act shall take effect and be in full force immediately after its passage and approval by the Governor.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this twenty-seventh day of March, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCCIX.

An Act to provide for the payment of the State's portion of the salary of the County Auditor of Fresno County.

[Approved March 26, 1870.]

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

Appropriation.

SECTION 1. The sum of two thousand five hundred and eighty dollars and eighteen cents is hereby appropriated, out of any

money in the General Fund in State treasury not otherwise appropriated, to pay the State's portion of the salary of the Auditor of Fresno County, from the seventeenth day of May, Anno Domini eighteen hundred and sixty-one, to the first day of March, Anno Domini eighteen hundred and sixty-eight, and the Controller of State is hereby authorized and required to draw his warrant on the State treasury in favor of the Treasurer of Fresno County, for the sum herein appropriated, and the State Treasurer is hereby required to pay the same.

SEC. 2. This Act shall take effect from and after its passage, and shall not be subject to the provisions of law requiring its approval by the Board of State Examiners. Exempt.

CHAPTER CCCX.

An Act to legalize, ratify and confirm deeds of conveyance and grants of lands within the pueblo lands of San Diego.

[Approved March 26, 1870.]

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

SECTION 1. All deeds of conveyance or grants of lands in fee, within the limits of the pueblo lands of San Diego, heretofore made, executed and delivered in good faith to any person or persons, by any Ayuntamiento, Town Council, Alcalde, Syndic or Justice of the Peace of the Town or Pueblo of San Diego, or by any Mayor and Common Council or Board of Trustees of the City of San Diego, or by any person or persons acting as such Ayuntamiento, Town Council, Alcalde, Syndic, Justice of the Peace, Mayor and Common Council or Board of Trustees, are hereby legalized, ratified and confirmed, and shall be deemed, held and taken to convey a valid title in and to the premises therein specified, to the person or persons therein mentioned as grantee or grantees, and to their heirs and assigns, to the extent of the interest purporting or attempted to be conveyed or granted, as fully and effectually as though such deeds of conveyance or grants had been made in strict accordance with a decree or statute passed and enacted by the proper and appropriate legislative authorities, directing and authorizing the same; *provided*, that nothing in this Act contained shall be so construed as to legalize, ratify or confirm any lease for an indefinite amount of land, or for an indefinite period of time; and *provided*, that this Act shall be so construed as to affect only deeds of conveyance and grants of land made prior to the second Monday in March, A. D. one thousand eight hundred and sixty-eight. Deeds and grants legalized. Proviso.

CHAPTER CCCXI.

An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, A. D. eighteen hundred and sixty-six.

[Approved March 26, 1870.]

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

SECTION 1. Section eleven of an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six, is hereby amended so as to read as follows:

Made applicable to certain counties

Section 11. This Act shall apply only to the Counties of Marin, Stanislaus, San Joaquin, Yolo, and so much of Sacramento County as lies west and south of the Sacramento and Jackson road, the Third Supervisor District in the County of Solano, and that portion of the first township in the County of Santa Barbara described as follows: Beginning on the Pacific Ocean in a southerly direction from the Town of San Buenaventura, at the mouth of a gulch or barancha; running thence with said gulch or barancha, in a northerly direction, leaving the graveyard, which is east of said town, on its west side and bank, to the summit of the mountain on the north side of the Santa Clara River, following said summit in an easterly direction to the Sespe River; thence down said river to its mouth; thence due south to the Los Pasos Creek; thence down said creek until it strikes the foot-hills on the south side of the Santa Clara River Valley near the corner of Callequas and Guadlasca grants, in an easterly direction from the place now occupied by Wilson Morris; thence with the foot-hills to the Pacific Ocean; thence up the coast to the place of beginning; and to that portion of the County of San Diego described as follows: Commencing at the foot of Spring avenue, on the Bay of San Diego, in said county; running thence in a northeasterly direction to the western boundary line of the Cajon Rancho; thence northerly along said western boundary line to the northern boundary line of said Cajon Rancho; thence easterly along said northern boundary line to the southeastern boundary line of said Cajon Rancho; thence due south to the boundary line between this State and Lower California; thence along said boundary line to the Pacific Ocean; thence along the shore of said ocean and Bay of San Diego to the place of beginning; and to all that portion of the County of Merced situated and lying on the east side of the San Joaquin River, and township three in the County of Contra Costa, and to all that portion of the County of Los Angeles included in the Precinct of Anaheim and Silver Precinct.

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

CHAPTER CCCXII.

An Act to provide for the relocating of the county seat of the County of Monterey by the qualified electors of said county.

[Approved March 26, 1870.]

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

Relocation of county seat.

SECTION 1. The question of relocating the county seat of Monterey County shall be submitted to a vote of the qualified electors of said county, on the first Tuesday in June, A. D. eighteen hundred and seventy, to be held at the usual polling precincts of said county, and to be conducted and returns thereof made in all respects in accordance with the laws governing general elections, except as may be herein otherwise provided.

Form of ballots.

SEC. 2. Each elector voting for the removal of the county seat shall have written or printed on his ballot the words "For removal," also the name of the place at which he desires the county seat to be located; and each person voting against removal of the county seat shall have written or printed on his ballot the words "Against removal."

Result of election.

SEC. 3. If upon return and canvass of the votes cast at the election provided for by this Act, it appear that a majority of all the legal votes cast in said county are against removal, an entry thereof shall be made on the records of the Board of Supervisors in and for said County of Monterey, and no further proceedings shall be had under this Act; but should it appear from such canvass that a majority of all the votes cast at said election are for removal, and that any one place voted for has received a majority of all the votes cast in said county, the Board of Supervisors of said county shall order an entry to be made upon the records of the Board of Supervisors, declaring such place to have been duly selected as the county seat of Monterey County from and after the date of said entry aforesaid, and said Board of Supervisors shall give public notice thereof by causing the result to be published in some newspaper published in said county, once a week for four consecutive weeks, and the Clerk of the Board of Supervisors shall immediately transmit by mail a certified statement of the canvass, under his official seal, to the Secretary of State, after the entry last above provided for has been made in the records of the Board of Supervisors

Second election.

SEC. 4. But should it be found, upon a canvass of the votes cast at the election herein provided for, that a majority of all the votes cast were for removal, but that no one place voted for has received a majority of all the votes cast in said county, then, and in that case, the Board of Supervisors shall order an entry to be made accordingly on the records of their proceedings, and shall immediately order another election to be held, upon a day to be fixed by said Board of Supervisors, not less than twenty days nor more than forty days from the time of completing the canvass of the votes of the first election held under this Act, and shall cause notice of the second election to be holden under

this Act, as herein provided, to be given as required by law for giving notices of a general election for county officers.

How conducted. SEC. 5. The second election herein provided for shall be conducted in the same manner as the first election except that each elector voting at said second election shall have written or printed upon his ballot the name of one of the two places which received the greatest number of votes at the first election for the county seat; and no votes cast for any other place shall be counted by the Board of Supervisors when canvassing the votes, nor be reckoned or estimated by said Board in making up the result; and whichever of said two places shall receive the greatest number of votes at said second election, shall be the county seat of Monterey County; and the Board of Supervisors shall, immediately after said canvass, order an entry to be made upon the records of the proceedings of the Board, declaring such place to have been duly selected and located as the county seat of Monterey County, and the Board of Supervisors shall thereupon give the notice, and the Clerk of the Board transmit the statement provided for in section three of this Act

County seat.

Removal of county property SEC. 6. Should the county seat of Monterey County be removed at any election held under the provisions of this Act, the Board of Supervisors of said county shall cause the archives, county records, books, maps, papers, furniture and all other public property of said county to be removed to the place selected as the county seat of said county, except the present county buildings and premises upon which they are situated, within twenty days after the entry shall have been made upon the records of the Board of Supervisors, declaring such place the county seat, as in this Act provided for; and said Board of Supervisors shall procure suitable rooms at the place selected as the county seat, for the safe keeping of the records and public property, and for county offices, and for the holding of the Courts of said county, until the erection of county buildings.

Sale of present county buildings. SEC 7. Should the county seat of Monterey County be relocated under the provisions of this Act, it shall then be the duty of the Board of Supervisors, within two years from the date of said relocation, to cause to be sold at public auction, after giving twenty days notice thereof, in some newspaper published in the county, the present County Court-house and jail, together with the plat of land upon which they are situated, and known as the Court-house lots or square, in the City of Monterey; and the proceeds of such sale, and such gifts and donations as may have been made or secured to the county for that purpose, and any other funds which may be made available for that purpose shall be expended by said Board in the erection of county buildings in the county seat of said county.

Proceeds, how expended.

Made applicable. SEC. 8. All laws governing general elections and the qualification of electors, and all the penalties attached or pertaining thereto, shall be applicable to the elections provided for in this Act, as hereinbefore otherwise provided.

Repealed. SEC. 9. All Acts or parts of Acts inconsistent or conflicting with the provisions of this Act are hereby repealed.

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

CHAPTER CCCXIII.

An Act to confirm and legalize the acts and proceedings of any and all of the Mayors, Common Councils, Alcaldes, Justices of the Peace of the Pueblo of Sonoma, State of California.

[Approved March 28, 1870.]

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

Proceedings confirmed.

SECTION 1. That all the ordinances, resolutions, written minutes and proceedings of the Mayors and Common Councils, Alcaldes, Justices of the Peace of the City or Town of Sonoma, which relate to the sale or disposition of lands and the sales of lands made by them within the boundaries of the Pueblo of Sonoma, as confirmed by the Board of Land Commissioners of the United States, and which confirmation was filed in the office of said Board, January twenty-second, eighteen hundred and fifty-six, and is now on file in the office of the Surveyor-General of the United States for California, at San Francisco; also, as described in the final decree by the United States District Court, at San Francisco, made November second, eighteen hundred and sixty-four, are hereby ratified, confirmed and legalized.

U. S. patent to have effect.

SEC 2. The patent issued or grant made by the United States to the pueblo, or her representatives, shall inure to the several uses, benefits and behoof of the said parties holding title under any grant or sale made by any Mayor, Common Councils, Alcalde, Justice of the Peace of the City or Town of Sonoma, their heirs and assigns, as fully and effectually, to all intents and purposes, as if it were issued or made to them directly, individually and by name.

SEC. 3. All Acts and parts of Acts, in so far as they conflict with the provisions of this Act, are hereby repealed.

CHAPTER CCCXIV.

An Act to authorize the Mayor of the City and County of San Francisco to deed a certain lot of land in said city and county to the Trustees of the Associated Veterans of the Mexican War.

[Approved March 28, 1870.]

Preamble.

WHEREAS, The Board of Supervisors of the City and County of San Francisco did set apart from the outside lands of said city and county, under the title of "Home for Veteran Soldiers," a reservation on which buildings may be erected for that purpose, and which reservation is generally described as a lot of land one hundred and fifty by one hundred and twenty-five feet in size, and situated in block one hundred and sixty, as laid down on the outside land map of said city and county; therefore,

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

Deed of reserved land.

SECTION 1. The Mayor of the City and County of San Francisco is hereby authorized and empowered to make a deed of said reserved lot of land to Brant Segune, Henry R. Crosby, Charles Vernon and James E. Nuttman, Trustees of the Associated Veterans of the Mexican War, to be held by them and their successors forever in trust, for the purposes and uses for which it was reserved by the Board of Supervisors of the City and County of San Francisco, and for no other purpose whatever.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXV.

An Act to transfer money from one fund to another in the County of Solano.

[Approved March 28, 1870.]

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

Transfer moneys

SECTION 1. The Treasurer and Auditor of Solano County are hereby authorized and directed to transfer all the moneys now in the Railroad Bond Sinking Fund of said County to the Road Fund.

How paid out.

SEC. 2. The Treasurer of said county shall, immediately on the transfer of said moneys, proceed to pay out the said moneys in the same manner as is now provided by law for paying out money from the Road Fund of said county; *provided*, that the said sum so transferred shall be exclusively applied to the payment of warrants drawn on said fund, drawing ten per cent. interest.

SEC. 3. This Act to take effect immediately after its passage.

CHAPTER CCCXVI.

An Act to amend an Act entitled an Act to incorporate the Town of Union, approved February second, one thousand eight hundred and fifty-eight.

[Approved March 28, 1870.]

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

SECTION 1. Section ten of an Act entitled an Act to incorporate the Town of Union, approved February second, eighteen

hundred and fifty-eight, is hereby amended so as to read as follows:

Section 10. The Board of Trustees shall have power— Powers of Board of Trustees.

First—To make by-laws and ordinances, not in conflict with the Constitution and laws of this State, or of the United States; to prevent and abate nuisances; to suppress vagrancy and to prohibit disorderly conduct; to provide for licensing theatrical and other amusements, public shows, lawful games and bars at which spirituous liquors are sold in said town; to provide for licensing any and all business not prohibited by law, and to apportion such licenses according to the amount of business transacted, and to act as a Board of Equalization of assessments.

Second—To open, construct, grade and repair streets and alleys, at the expense of said town, and to remove, or cause to be removed, all obstructions therefrom at the expense of the owners of the adjacent lands, or otherwise, as may be deemed just and proper.

Third—To regulate, construct and repair sidewalks, or cause the same to be done, at the expense of the owners of lands adjacent thereto.

Fourth—To establish and regulate markets and improve the commons belonging to the town, for the health and benefit of the inhabitants thereof; to construct and keep in repair pumps, aqueducts, reservoirs, or other works necessary for supplying the town with pure and wholesome water, or protecting it from fires.

Fifth—To impose fines, penalties and forfeitures for breaches of ordinances, and to appropriate the proceeds thereof; *provided*, that no fine be imposed exceeding two hundred dollars for any one breach of an ordinance, and no offender imprisoned more than sixty days for any one offence.

Sixth—To levy and collect annually a poll tax, not exceeding one dollar per capita, from each male inhabitant of the town, of twenty-one years of age and upwards, and a property tax, not exceeding one per cent., upon the assessed value of real and personal estate subject to taxation within the town.

Seventh—To pass ordinances for impounding and selling cattle, hogs or goats found running at large within the corporate bounds.

Eighth—To establish, by ordinance, police and a fire department, and to make such regulations as they may deem necessary to protect the town from injuries by fire.

Ninth—To fill, by appointment, any vacancy that may occur in said Board, or in office of any other town officer, by death, resignation, removal, failure to qualify, or other cause; *provided*, that if at any one time the number of vacancies from any cause shall leave the Board of Trustees without a quorum, the remaining Trustees or Trustee shall order a special election to fill such vacancies, and give like notice thereof as is required to be given for the regular annual election of officers of said town; said Board shall also determine all questions of contested elections in their own body.

Tenth—To provide, by ordinance, for the election of a Town Recorder, and for the election or appointment of such other

officers as may be necessary, and to define their powers and prescribe their duties; they shall prescribe the duties and fix the compensation of all town officers, except as herein otherwise provided.

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

CHAPTER CCCXVII.

An Act granting leave of absence to A. P. Overton, District Attorney of Sonoma County.

[Approved March 28, 1870.]

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

Leave of absence granted.

SECTION 1. That leave of absence from the State be and hereby is granted to A. P. Overton, District Attorney of Sonoma County, for a period of not more than six months from the time of his departure from the State; *provided*, that he leaves a competent deputy to discharge the duties of his office during his absence.

CHAPTER CCCXVIII.

An Act granting leave of absence to James B. Hume, Sheriff of El Dorado County.

[Approved March 28, 1870.]

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

Leave of absence granted.

SECTION 1. James B. Hume, Sheriff of El Dorado County, is hereby granted leave of absence from the State for the period of six months, at such time as he may select during his term of office; *provided*, that the said James B. Hume furnish a competent person to discharge the duties of his office during such absence from the State, which person shall be acceptable to the sureties on the official bonds of said Sheriff.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXIX.

An Act granting leave of absence to N. D. Witt, District Attorney of San Luis Obispo County.

[Approved March 28, 1870.]

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

SECTION 1. N. D. Witt, District Attorney elect of the County of San Luis Obispo, is hereby granted leave of absence from the State, for a period of four months, at such time as he may select during his term of office; *provided*, that the said N. D. Witt furnish a competent person to discharge the duties of his office during such absence from the State, and such person shall be acceptable to the sureties on the official bond of said District Attorney. Leave of absence granted.

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

CHAPTER CCCXX.

An Act to authorize the Board of Supervisors of Merced County to levy a tax for road purposes and to direct the application thereof.

[Approved March 28, 1870.]

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

SECTION 1. The Board of Supervisors of Merced County are authorized, in their discretion, to expend any sum of money not exceeding fifteen thousand ($15,000) dollars, in laying out and constructing a public road in said county, commencing at the most practicable central point on the San Joaquin River and running thence over the best route westerly to a point known as the "San Louis Ranch," or to the western boundary of the county. The Board of Supervisors may authorize said road to be constructed under the supervision of the Roadmaster of the district or Roadmaster of the districts traversed by the road; or they may, in their discretion, appoint a special Roadmaster to superintend the laying out and construction of said road; and for the purpose of laying out and constructing said road, the Board of Supervisors shall have power to make all necessary contracts and require of the parties contracting, such bonds, with surety, as they may deem proper; and it shall be the duty of the Board to see that all persons contracting to perform any service or labor within the purview of this Act shall perform the same faithfully before they shall receive pay in full therefor. Supervisors may expend money for road purposes. Roadmasters

SEC. 2. For the purpose of providing funds for laying out and constructing said road, the said Board are authorized to Tax to be levied.

levy a tax on the taxable property of said county, not to exceed
Excess. eight cents (8) on each one hundred dollars thereof. After the completion of said road, any excess of funds remaining in the treasury from the tax provided for in this Act shall be passed
When levied and collected to the General School Fund of the county. The tax provided for in this Act may be levied at different times and at any regular or special meeting of the Board, and shall be collected at the same time and in the same manner as taxes are collected for general county purposes.

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

CHAPTER CCCXXI.

An Act to confer additional powers on the Board of Supervisors of Mono County.

[Approved March 28, 1870.]

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

Exchange bonds for warrants. SECTION 1. The Board of Supervisors of Mono County are hereby authorized and empowered to exchange the bonds that may be issued by virtue of an Act passed at the eighteenth session of the Legislature, entitled an Act to define and establish the boundary line between the Counties of Inyo and Mono, for warrants drawn on the General Fund of Mono County. Said
Surrender of warrants. Board shall cause a notice to be published in some newspaper having general circulation in said county, for a period of four successive weeks, inviting proposals for the surrender of warrants on the General Fund of said county and receiving in exchange therefor bonds issued under the provisions of the Act above mentioned. Said proposals shall be filed with the Clerk of said Board before one o'clock P. M. of the second Monday in August next, and shall be accompanied by the warrants proposed to be surrendered. At the meeting of the Board on the last mentioned day, they shall proceed in a public manner to open and examine the bids which have been filed, and shall accept such bids as will redeem the greatest amount of warrants, principal and interest, for a specified amount of said bonds; but no bid shall be accepted that would require a greater sum in bonds than the amount of the warrants, principal and interest. No warrant drawn after the passage of this Act shall be accepted. The warrants that may be surrendered shall be duly cancelled by writing on the back the word "Cancelled," with the date, the Chairman of the Board signing his name thereto as such officer. The bonds that may be delivered in exchange for such warrants shall be indorsed by the Chairman of said Board of Supervisors, and attested by the Clerk thereof, with the county seal affixed; but in no event shall the County of Mono be liable for the payment of said bonds by reason of such indorsement. The Board shall make a record of their proceeding under this

section, and deliver said warrants to the County Treasurer, who shall make an entry in his register of the fact, date and purpose of said cancellation.

Claim allowed.

SEC. 2. Said Board of Supervisors are hereby authorized and empowered to audit and allow the claim of Joseph J. Dudleston, for money advanced by him to defray the expenses of defending a certain suit against the county, and to order the same paid out of the Contingent Fund of the county.

Special tax.

SEC. 3. The Board of Supervisors of Mono County are hereby authorized and empowered, and it shall be their duty, annually to levy a special tax on all the taxable property of the county, real and personal, sufficient to pay the salaries of the officers following: County Judge, District Attorney, Treasurer, Assessor, Supervisors and Clerk of the Board of Supervisors. The proceeds of said tax shall be apportioned to the Salary Fund, out of which all the above named officers shall be paid. The manner of levying and collecting said tax shall be the same as may be provided by law for levying and collecting other taxes, State and county; *provided*, that in the present year said tax shall be levied by said Board at their regular meeting in May. The money accruing to the Supervisor Fund shall be transferred to the Salary Fund, and hereafter no tax shall be levied for the Supervisor Fund.

Salary Fund

Transfer.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCCXXII.

An Act to amend an Act entitled an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty.

[Approved March 28, 1870.]

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

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

Incorporation of colleges

Section 3. In case the State Board of Education, or a majority thereof, shall be satisfied that the proposed college has property to the amount of twenty thousand dollars, and that the proposed Trustees are competent persons, then the said Board of Education, or a majority thereof, shall, by an instrument under their hands, declare the college incorporated under the provisions of this Act, by the name specified in the application; and the application, together with the declaration of the Board, or a majority thereof, shall be recorded in the office of the Secretary of State.

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

Powers of Trustees.

Section 7. The Trustees shall have power—

First—To elect by ballot, annually, one of their number as President of the Board.

Powers of Trustees.

Second—Upon the death, removal out of the State or other vacancy in the office of any Trustee, to elect another in his or her place.

Third—To elect additional Trustees; *provided*, the whole number shall never exceed twenty-four at any one time.

Fourth—To declare vacant the seat of any Trustee who shall absent him or herself from eight succeeding meetings of the Board.

Fifth—To receive and hold, by purchase, gift or grant, any real or personal property; *provided*, that the yearly income of the college shall not exceed its necessarily yearly expenses ten thousand dollars.

Sixth—To sell, mortgage, lease and otherwise use and dispose of such property in such manner as they shall deem most conducive to the prosperity of the college.

Seventh—To direct and prescribe the course of study and discipline to be observed in the college.

Eighth—To appoint a President of the college, who shall hold his or her office during good behavior.

Ninth—To appoint such professors, tutors and other officers as they shall deem necessary, who, unless employed under a special contract, shall hold their offices during the pleasure of the Trustees.

Tenth—To remove from office the President, and any professor, tutor or other officer employed, upon a complaint, in writing, by any member of the Board of Trustees, stating the misbehavior in office, incapacity, immoral conduct of the person or persons sought to be removed, and upon due examination and proof of such complaint.

Eleventh—To grant such literary honors as are usually granted by any university, college or seminary of learning in the United States, and in testimony thereof to give suitable diplomas, under their seal, and the signature of such officers of the college as they shall deem expedient.

Twelfth—To fix the salaries of the President, professors and other officers of the college.

Thirteenth—To make all laws and ordinances necessary and proper to carry into effect the preceding powers, and necessary to advance the interests of the college; *provided*, that no by-laws or ordinance shall conflict with the Constitution or laws of the United States or of this State.

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

CHAPTER CCCXXIII.

An Act to define and establish the boundary line between the Counties of Inyo and Mono.

[Approved March 28, 1870.]

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

SECTION 1. The boundary line between the Counties of Mono and Inyo shall be as follows: Beginning at the point where the main summit of the Sierra Nevada Mountains is intersected by the line between townships numbered five and six south, of Mount Diablo base line; thence running due east in said township line to the eastern boundary of the State of California. All the territory lying between the line herein established and the line heretofore dividing said counties is hereby declared to form a portion of and be included in the County of Inyo. Boundary.

SEC. 2. In consideration of the establishment of the boundary line between said counties, and the transfer of said territory to the County of Inyo, as provided for in section one, the County Auditor of the County of Inyo is hereby required to issue the bonds of the said county to the aggregate amount of twelve thousand dollars, bearing interest at the rate of ten per cent. per annum, from the first day of May, A. D. one thousand eight hundred and seventy. Said bonds shall be made payable as follows: Three thousand dollars on the first day of January, eighteen hundred and seventy-one; three thousand dollars on the first day of January, eighteen hundred and seventy-two; three thousand dollars on the first day of January, eighteen hundred and seventy-three, and three thousand dollars on the first day of January, eighteen hundred and seventy-four. They shall be issued in denominations of one, two, three, four and five hundred dollars, consecutively numbered as issued, signed by the County Auditor, with the county seal affixed, and countersigned by the Treasurer of said county. Each bond shall have coupons attached for the interest, which shall bear the number of the bond. The coupons shall be consecutively numbered, signed and countersigned as the bonds are. Coupon number one shall be for the amount of interest due upon the bond on the first day of January, eighteen hundred and seventy-one, and shall be paid on that day, and the balance of the coupons shall be for six months interest each, and payable successively on the first day of July and on the first day of January of each year, until said bonds are paid. The said bonds and coupons shall be payable at the office of the County Treasurer of Inyo County, in gold coin of the United States. Said bonds shall be issued immediately after the passage of this Act, and delivered to the County Treasurer of Mono County, or his duly authorized agent, who shall receipt therefor. Inyo County to issue bonds. When payable. Denomination. Coupons. Bonds, when issued.

SEC. 3. It shall be the duty of the County Auditor and the County Treasurer of Inyo County to keep a record of all the bonds so issued, showing the number, date and amount of each, Treasurer of Inyo County to keep record.

and on or before the first Monday of May, eighteen hundred and seventy, and on and before the first Monday in February, in each year thereafter, to present to the Board of Supervisors of said county a certified statement of the amount required to pay the interest on all the bonds then outstanding, and also the amount required to redeem the one-fourth part of the first principal of said bonds, as provided in the preceding section.

Special tax. SEC. 4. In addition to the taxes now authorized by law to be levied in the County of Inyo, the Board of Supervisors of said county are hereby authorized and required to levy, in each and every year, a special tax, to be known as the "Mono Debt Tax," sufficient for the purpose of paying the interest on said bonds, and for their redemption, as provided in section two. The manner of levying and collecting said tax shall be the same as may be provided by law for levying and collecting other taxes, State and county. Said tax shall be collected and paid in the

When levied legal gold coin of the United States. In the year eighteen hundred and seventy, said tax shall be levied by said Board of

Mono Debt Fund. Supervisors, at their regular meeting in May. The Treasurer of Inyo County shall keep said taxes, when paid to him, separate and apart from all other moneys in the county treasury, and shall designate the same as the "Mono Debt Fund," no portion of which shall be used for any other purpose whatsoever, except as herein provided. Out of the money in said fund, the Treasurer shall first pay the coupons for interest on said bonds as they may fall due and be presented from time to time, and after said interest has been paid, he shall apply the money remaining in said fund to the redemption of said bonds, in the order they are numbered After all the bonds and coupons issued under the provisions of this Act have been paid, should there remain a balance in said fund it shall be transferred to the County General Fund.

Redemption. SEC. 5. When the County Treasurer shall pay any bond or coupon, under the provisions of this Act, he shall indorse on said bond or coupons so paid the words "Redeemed by me," the date of redemption, from whom redeemed, and the amount paid to redeem the same, and shall sign his name thereto as Treasurer. He shall preserve in his office all bonds and coupons redeemed, and shall keep a record thereof, showing the number, date of redemption, amount paid on each and from whom redeemed.

Treasurer of Mono County to keep record. SEC. 6. On the receipt of the bonds aforesaid, the Treasurer of Mono County shall make a record thereof and of the coupons attached thereto, showing the number, date and amount of each, and when payable. Whenever any money shall be paid on said bonds or coupons to the Treasurer of Mono County, he shall place the same to the credit of the General Fund of said county, and shall make an entry thereof in the record above mentioned.

Repealed. SEC. 7. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed, so far as the Counties of Mono and Inyo are concerned.

SEC. 8. This Act shall take effect on its passage.

CHAPTER CCCXXIV.

An Act to amend an Act entitled an Act to amend the revenue laws, approved April fourth, eighteen hundred and sixty-four.

[Approved March 28, 1870.]

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

SECTION 1. Section one hundred and two of said Act is hereby amended so as to read as follows:

Section 102. The Treasurers of the respective counties shall at all times hold themselves in readiness to settle and pay all moneys in their hands, whenever required so to do by an order signed by the Controller and Treasurer of State, and the Controller and Treasurer of State are hereby authorized to draw such orders whenever they deem it proper. The Treasurers of the Counties of Amador, Alameda, Contra Costa, Calaveras, El Dorado, Nevada, Placer, Sierra, Solano, Yolo, San Francisco, Sacramento, San Joaquin, Santa Clara, Tuolumne and Yuba, respectively, shall, on the first business day of January, April, July and October, respectively, of each year, and the County Treasurers of other counties of this State shall, on the first business day of January and July, respectively, in each year, proceed to the State Capitol and shall settle in full with the Controller of State, and pay over in cash to the Treasurer of State all funds which shall have come into their hands as County Treasurers before the close of business at the end of the previous month, for the use and benefit of the State, taking therefor a receipt from the Treasurer of State, which receipt he shall forthwith file with the Controller of State; and any County Treasurer who shall fail, neglect or refuse to appear at the office of the Controller and Treasurer on the days above specified, or within fifteen days thereafter, and then and there to settle and make payment as required by this Act, shall forfeit all fees, percentage and mileage which would have otherwise been due him on said settlement; and the Controller is hereby authorized and required to withhold all such fees, percentage and mileage, and require the same to be paid into the treasury for the use and benefit of the State. Before making any settlement, each County Treasurer shall produce to the Controller of State a report from the County Auditor, together with a duplicate thereof, stating specifically the amount due the State from each particular source of revenue, the original of which shall be filed with the Controller of State, who shall enter upon the same, and also upon the duplicate, the cash paid to the Treasurer of State, and also the commissions and mileage allowed to the County Treasurer for his payments, and any other allowance which shall be found due to the county or the officers thereof. The County Treasurer shall file the said duplicate report with the County Auditor of his county, whereupon the Auditor shall balance the Treasurer's accounts; and it shall be the duty of the Auditor to furnish the Treasurer with the report which said Treasurer is required to produce in making his settlement with the State; *provided*, that

Settlement of County Treasurers with the State.

Time.

Neglect to appear.

County Auditor's report.

the County Treasurers of the Counties of Humboldt, Klamath and Del Norte shall, on the first Mondays of October and April of each year, make their semi-annual settlement with the Controller and Treasurer of State.

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

CHAPTER CCCXXV.

An Act to authorize the Board of Supervisors of Marin County to transfer certain funds.

[Approved March 28, 1870.]

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

Transfer moneys.

SECTION 1. The Board of Supervisors of Marin County are hereby authorized to transfer any county funds which may be in the county treasury from one fund to another; *provided*, that any funds so transferred by this Act shall be refunded to its proper fund when the money is required for the purposes for which said fund was originally created; and *provided* further, that nothing in this Act shall in any way apply to the fund known as the Road Bond Fund.

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

CHAPTER CCCXXVI.

An Act to appropriate funds for the relief of the several Orphan Asylums of this State.

[Approved March 28, 1870.]

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

Appropriation.

SECTION 1. There shall be appropriated out of the General Fund of the State of California, for the support and maintenance of the orphan inmates of the several Orphan Asylums or institutions in this State, in which orphans are received and provided for, a sum at the rate of fifty dollars per annum for each orphan inmate thereof, to be paid quarter yearly, in instalments; *provided*, that such asylums as are established upon a self-sustaining basis, where the inmates are required to pay for admission, support and maintenance therein, shall not be entitled to the benefit of this Act, but only such as are supported and sustained wholly or in part by charitable donations.

Register to be kept.

SEC. 2. It shall be the duty of the Directors, Superintendents or Managers of every asylum entitled to the benefit of this

Act, to keep a book in which they shall keep a true and correct statement of the names, ages and sex, the number of whole orphans and half orphans, the date of their admission therein and the date of their leaving; they shall also keep a full, true and correct account of the amount of any and all money received from any source for the support of any orphan or half orphan, with the names of the orphans or half orphans for whose support such sums are paid; which book shall always be open to the inspection of the Asylum Commissioners or any person appointed by them to inspect the same. Money received.

SEC. 3. The Governor, Attorney-General and Secretary of State shall be and are hereby constituted the Board of Asylum Commissioners, with visitorial powers, who shall, either by themselves or a Clerk appointed by them for the purpose, visit each asylum quarter annually, if they deem it necessary, and examine the books of the several asylums kept as herein provided to be kept; and if the examination be made by such Clerk, he shall report the result of such examination to said Commissioners. Asylum Commissioners.

SEC. 4. It shall be the duty of said Board of Commissioners, or their Clerk, appointed as herein provided, upon inspecting the books of said asylums, to administer an oath to the Managers or Superintendents thereof, to the effect that the statements therein contained are full, true and correct; and they shall apportion and allow to each of said asylums a sum to be apportioned at the rate of fifty dollars per annum for each and every orphan kept and supported therein; *provided*, that two half orphans shall only be counted as one orphan in making such apportionment; and *provided* further, that no orphan over the age of fourteen years shall be counted in making such apportionment; and *provided* further, that if any asylum shall receive from any source the sum of ten dollars per month for the support of any orphan or half orphan, such orphan or half orphan shall not be counted in making such apportionment. To administer oaths. Apportionment.

SEC. 5. The money herein appropriated shall be paid upon the order of the Governor.

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

CHAPTER CCCXXVII.

An Act to provide compensation for the revision of the laws.

[Approved March 28, 1870.]

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

SECTION 1. The Controller of State is hereby authorized and directed to draw his warrant on the State Treasurer, in favor of Henry P. Barber, for services performed in the revision of the Controller to draw warrant.

laws of the State of California, under the Act to provide for the revision and compilation of the laws of the State of California, and the publication thereof, passed March twenty-eighth, eighteen hundred and sixty-eight, from the time of the last payment made to him until the first day of July, eighteen hundred and sixty-nine, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXXVIII.

An Act to create a Board of Levee and Street Commissioners in and for the Town of Pacheco, Contra Costa County, and define their powers and duties.

[Approved March 29, 1870.]

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

Levee and Street Commissioners.

SECTION 1. Alexander Danskin, W. M. Hale and E Hook are hereby appointed to constitute a Board of Levee and Street Commissioners, for the purposes and with the powers and duties defined in this Act.

Oath and bond.

SEC. 2. Each of the said Commissioners, before entering upon the duties of the office, shall qualify, upon oath, and furnish a bond in the sum of five thousand dollars, to be approved by the County Judge, and filed in the office of the Clerk of Contra Costa County, for their faithful performance.

Organization

SEC. 3. The Commissioners named in section one shall meet and organize within one month after the passage and approval of this Act, and shall hold office respectively, one, two and three years, as may be determined by lot at the said first meeting; and a successor of the retiring Commissioner shall be chosen by the qualified electors of the district defined herein, for the full term of three years, at an election to be held on the first Saturday in March of eighteen hundred and seventy-one, and each year thereafter; and the successors so elected shall qualify as required by section two, before entering upon the duties of office; *provided*, that no person shall qualify who is not the owner of taxable property in the district; and further *provided*, that non-resident property owners of taxable property in the said district are authorized to vote in the elections for Commissioners held under the provisions of this Act.

Election of Commissioners.

Manner of election.

SEC. 4. The election for Commissioners and Assessor and Collector shall be held upon, at least, two weeks published notice, and shall be governed by the election laws of the State; and in case of vacancy, by death, resignation or other legal cause, a special election to fill said vacancy shall be held, upon like notice and governed in like manner, except that in each case the Board shall appoint the officers of election And the person receiving the largest number of votes for the office shall be declared Commissioners elected.

SEC. 5. Full record of all the proceedings and official Acts

of the Board of Levee and Street Commissioners, and account of all moneys received and disbursed, shall be made in due form, and such records shall be in books, kept as other public records, open to inspection of electors, of the district taxpayers and public authorities; but no compensation shall be allowed the Commissioners for any service as members of the Board. Record of proceedings.

SEC. 6 For protection from overflow by the construction of levees, straightening and clearing of channels and other necessary work, the Board shall, on the second Monday of March in each year, levy a tax, not to exceed sixty cents on each one hundred dollars of property within the limits of the following described boundaries, consisting of the levee district, viz: Commencing at the bridge across Walnut Creek, on the line between the farms of Danskin Brothers and Nicholas Carbone; thence easterly along the south line of Danskin's farm, to the slough near the southeast corner of said farm; thence along the present levee in an easterly and northerly direction, to the southwest corner of William Hook's concrete warehouse; thence northwesterly in a direct line, to the southeast corner of J. H. Carothers' farm; thence along the east line of said Carothers' farm in a northerly, westerly and southerly direction, to the north end of Main street; thence due west, to the west line of lot number thirty-nine (No. 39), in the Welsh Rancho; thence southerly along the said line, to the northwest corner of lot number thirty-eight (No. 38), in the Welsh Rancho; thence along the west line of said lot number thirty-eight (No. 38), to the southwest corner of Hawxhurst's second (2d) addition to the Town of Pacheco; thence easterly along School street, to the northwest corner of the school house lot; thence south along the west line of said lot, to Walnut Creek; thence southerly along the channel of said creek, to the place of beginning. Tax to be levied. District.

SEC. 7. An election shall be held on the second Saturday in April, eighteen hundred and seventy, at which election shall be chosen an Assessor and Collector, who shall hold his office until his successor is duly elected and qualified; and at the election provided for in section three of this Act, to be held on the first Saturday in March, eighteen hundred and seventy-one, and annually thereafter, shall be chosen an Assessor and Collector, who shall at once qualify and proceed to make and complete the assessment within ten days; and on return of the same to the Board, they shall give notice, by publication, when they will sit as a Board of Equalization on the assessment; after which, the tax levied, assessed and equalized, shall be due and payable to the Collector; and if not paid within thirty days after the equalization, shall become delinquent, and subject to same costs and modes of collection as State and county delinquent taxes, the nearest Justice of the Peace having, by this Act, jurisdiction in such delinquent tax cases, with appeal to the County or District Court, as the laws define their jurisdiction. Assessor and Collector. Equalization. Delinquent.

SEC. 8. The allowance for assessing and collecting the taxes authorized by this Act shall not exceed the sum of fifty dollars ($50) for any one year; *provided*, that this limit shall not be construed to apply to costs that may accrue in the prosecution of delinquents. And the Board of Levee and Street Commis- Expense of assessing and collecting.

sioners shall have no authority to levy taxes for any other purpose than that specified in section six.

Protection work.

SEC. 9. All work in the construction of levees, opening channels and doing what may be necessary for protecting the district from overflow, shall be done upon the plans and by direction of the Commissioners, who are authorized to prosecute any person who may unlawfully injure any embankment, obstruct any channel or otherwise interfere with the protection work authorized by this Act.

Grade of streets and sidewalks.

SEC. 10. The Board of Commissioners provided for by this Act shall have power to determine the grade of the streets and sidewalks in the Town of Pacheco; and whenever the owners of more than one-half the property upon any street, or part of a street, shall petition for authority to improve and grade the same, the Commissioners may grant the authority, but shall direct and require the work done in conformity with their established or adopted plan of street improvements; and the costs of such improvements shall become a charge upon the property fronting on the street improved, in proportion to the cost of the work fronting each piece of property, from the centre line of the street, and the charge shall become a lien upon the property until paid; *provided*, that each property owner may do his or her own portion of the work, as ordered and directed by the Board of Commissioners, or in case of refusal or neglect, for the period of ten days after notice served on him or her, the work may be done by the order of the Board, and the costs recovered by the usual powers of laws.

Costs.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXXIX.

An Act to provide for an official survey of the swamp and overflowed, tide and salt marsh lands in Marin County.

[Approved March 29, 1870.]

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

Deputy Surveyor.

SECTION 1. The Surveyor-General of the State of California shall, on the written application of the Board of Supervisors of Marin County, appoint a Deputy Surveyor, whose duty it shall be, under special instructions to be issued to him by the Surveyor-General, to survey, segregate and sectionize the swamp and overflowed, tide and salt marsh lands in Marin County.

Bonds.

SEC. 2. The Deputy Surveyor so appointed shall give bonds for the faithful performance of his duties, in twice the amount of the estimated cost of making said surveys, the bonds so given to be approved by the Board of Supervisors of Marin County, and filed in the office of the Clerk of said Board of Supervisors.

SEC. 3. The surveys of the swamp and overflowed and salt

marsh tide lands, made under this Act, shall be made according to the rectangular system adopted by the United States in the survey of the public lands, and shall be a continuation of those surveys by connecting them with the township lines as surveyed by authority of the United States. System of survey.

SEC. 4. Said Deputy Surveyor shall make a connected map of the swamp and overflowed and salt marsh tide lands in Marin County, upon which maps shall be platted all surveys of such lands which have been made for private entry, and shall also show the lines of Mexican grants where they border on said swamp and tide, overflowed and salt marsh lands. Maps.

SEC. 5. Copies of said maps, properly certified, shall be filed in the Surveyor-General's office at Sacramento, and in the County Surveyor's office of Marin County; and the surveys and maps in accordance with this Act shall be the official surveys and maps of the swamp and overflowed, tide and salt marsh lands in Marin County. Copies. Official.

SEC. 6. The surveys and maps made under this Act shall be completed within six months from the time of the appointment of the deputy by the Surveyor-General, as provided for in section one of this Act. When to be completed.

SEC. 7. Said Deputy Surveyor so appointed shall receive as compensation for his services in making the surveys and maps provided for in this Act, the same amount of fees as the County Surveyor of Marin County would be entitled to receive for like services, and he shall employ such assistants as shall be necessary, said assistants to receive such pay for their services as shall be agreed upon between said deputy and themselves; *provided*, that the wages of assistants shall not exceed two dollars and fifty cents per day for the time actually employed in making the surveys provided for in this Act, which sums shall be due and payable to said Deputy Surveyor and his assistants whenever the Surveyor-General shall certify to the Board of Supervisors of Marin County that the surveys and maps authorized by this Act have been approved by him and filed in his office; and said Board of Supervisors shall, at their next regular meeting after the receipt of said certificate from the Surveyor-General, audit, allow and order to be paid out of the General Swamp Land Fund in the hands of the County Treasurer of Marin County, such sums as shall be due said Deputy Surveyor and his assistants. Compensation.

SEC. 8. This Act shall be in force from and after its passage.

CHAPTER CCCXXX.

An Act to repeal an Act entitled an Act to incorporate the Town of Columbia, in Tuolumne County, approved April ninth, eighteen hundred and fifty-seven, and all Acts supplementary thereto and amendatory thereof; and to provide for disposing of the property and settling up the indebtedness of said Town or City of Columbia.

[Approved March 29, 1870.]

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

Repealed.

SECTION 1. An Act entitled an Act to incorporate the Town of Columbia, in Tuolumne County, approved April ninth, one thousand eight hundred and fifty-seven, and all Acts supplementary thereto and amendatory thereof, are hereby repealed.

Disincorporation.

SEC. 2. The present Board of Trustees of said Town or City of Columbia shall be and they are hereby constituted a Board of Trustees for the disincorporation of said town or city; and

Sale of property.

they shall have the power, and it is hereby made their duty, within thirty days after the passage of this Act, to proceed to the disposal and sale of all property, both real and personal, belonging to said town or city, by public auction, to the highest and best bidder, or in such other mode or manner as the said Board may deem for the best interest of said town or city. The proceeds arising from such sales shall be paid into and become a part of the General Fund of said town or city.

Collection of moneys due.

SEC. 3 The Board of Trustees shall immediately cause the Collector of said Town or City of Columbia to proceed to the collection, by suit or otherwise, of all moneys due said town or city from delinquent taxes, or from any other source whatever, and said moneys, when collected, shall be paid into the treasury of said town or city, and shall be apportioned as heretofore

Transfer of property.

provided by law; *provided*, that the Board of Trustees shall have the power, and it is hereby made their duty, to transfer and assign to each of the respective fire engine companies, duly organized and in active and efficient service at the time of the passage of this Act, the fire engine, apparatus, engine house and appurtenances thereunto belonging, now held and in use by each of said companies, for the benefit of the citizens of said

Conditions.

town or city; and *provided*, that said transfer and conveyance of property as aforesaid shall be made and held to continue valid only upon the express condition that said fire engine companies shall continue to sustain and keep up their organization, in active service and efficiency, for the use and purposes thereof as heretofore, for the full term of two years from and after the date

Failure to comply.

of said transfer; and in the event that said fire engine companies, or either of them, within two years from and after the transfer of property to them, as aforesaid, shall fail or refuse to keep up their organization, and to have respectively the requisite number of active members to properly and advantageously work their engines in case of fire, then said companies, or the company so failing or refusing, shall forfeit all right, title or claim to or upon the property, of every description, which may

have been transferred to them by virtue of this Act, and the property so held by such company or companies shall thereafter be and become the property of Columbia School District, and the Trustees of said school district shall and they are hereby authorized and empowered to take possession of the same, and sell and dispose of it for the use and benefit of said district; and it is further *provided*, that the members of said fire engine companies shall hereafter continue to have and enjoy the same rights and privileges as they are now entitled to, so long as said companies shall keep up and maintain their organization, under such rules and regulations as they may adopt, not inconsistent with the laws of this State; and each of said companies, on the conveyance to them of property as aforesaid, shall deposit with the County Clerk of the County of Tuolumne a certificate, in writing, containing the name of such company, the names of its officers, and the roll of its active and honorary members, which certificate shall be sworn to by the commanding officer of the company, and shall be evidence of its existence as a fire engine company; the certificate so required by this Act shall be renewed every six months.

Rights and privileges.

Evidence of existence.

SEC. 4. The disincorporation of the Town or City of Columbia, as herein provided for, shall in no respect authorize any person or persons to obstruct, dig up, injure or destroy any of the public streets of said town or city, as they are now laid out and used, but said streets shall continue to be held, used and enjoyed as public highways; and any person obstructing, injuring or destroying any of them, by digging up or fencing across the same, shall be guilty of a misdemeanor, and be liable to be prosecuted before any Justice of the Peace of said county, upon complaint of any property holder resident upon the street so injured, and on conviction thereof shall be fined in a sum not less than twenty dollars nor more than one hundred dollars, said fine, on collection, to be paid over in equal proportions to the credit of Columbia School District and the County School Fund.

Not to authorize injury to streets.

Penalty.

SEC. 5. At the first regular meeting of the Board of Trustees after the passage of this Act, they shall direct the Clerk of the Board, and it is hereby made the duty of said Clerk, to post notices in at least three public places in said Town or City of Columbia, notifying all persons having claims against said town or city, of whatever name or nature, to present the same within thirty days from the date of said notice; and any claim not so presented to said Board of Trustees, within the said specified time of thirty days, shall not become a legal claim against said Town or City of Columbia, and shall be invalid, both in law and equity, as against said town or city; *provided*, that the provisions of this section shall not apply to warrants issued payable out of the town or city treasury.

Presentation of claims.

Invalidated.

SEC. 6. The Board of Trustees shall, as soon as practicable after the expiration of the thirty days notice provided for in section two of this Act, and after the property, real and personal, shall have been disposed of as provided in this Act, proceed to audit and allow all just claims duly certified against said Town or City of Columbia, and said Board shall also issue warrants upon the Treasurer of said town or city for the pay-

Audit and allow claims.

Special tax. ment thereof; and should there not be sufficient moneys in the General Fund of said town or city to pay the outstanding indebtedness of said town or city, the Board of Trustees shall have power, and it is hereby made their duty, to levy a special tax upon the taxable property in said Town or City of Columbia sufficient (and no more) to pay off all such outstanding indebtedness.

Continue in office until Act complied with.

SEC. 7. The Board of Trustees, together with the other elective officers of the Town or City of Columbia, shall be and they are hereby continued in office until all the provisions of this Act shall have been complied with and carried into effect; and *provided*, that as soon as the provisions of this Act shall have

Statement. been fully complied with, it shall be the duty of the President of the said Board of Trustees to make out and post, in at least three public places in said town or city, a statement, duly verified under his oath, of all moneys received, and the disposition made of all public property, and of all moneys paid out, under the provisions of this Act.

Warrants, how paid.

SEC. 8. The Treasurer of said Town or City of Columbia shall pay all warrants drawn upon the General Fund of said

Surplus. town or city, in the order of their registration; and all moneys remaining in the General Fund, after liquidating all outstanding indebtedness of said town or city, shall be placed into and become a part of the School Fund of said Town or City of Columbia, and said fund shall be subject to the order of the Trustees of the Columbia School District.

Bond.

SEC. 9. The Board of Trustees and other officers of said town or city named in this Act, on entering upon the duties enjoined upon them by the provisions of this Act, shall duly qualify and file a good and sufficient bond, in such amount as is now required by them by law, as such Trustee or officer, and to be approved in the same manner, conditioned upon the faithful discharge of all duties required of them by law under the pro-

Compensation. visions of this Act; and *provided*, that the said Board of Trustees and officials of said town or city, while engaged in performing the labors of disincorporating said town or city, as set forth in this Act, shall be entitled to receive the same rate of salary and compensation as is now allowed them by law as officers or Trustees of said town or city.

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

CHAPTER CCCXXXI.

An Act to create a Redemption Fund and to provide means for defraying the expenses of the County of El Dorado.

[Approved March 29, 1870.]

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

Special taxes

SECTION 1. The Board of Supervisors in and for the County of El Dorado are hereby required and it shall be their duty to

levy, for the year eighteen hundred and seventy, and annually thereafter, in addition to the taxes now authorized by law to be levied for a County Hospital Fund, School Fund, Railroad Redemption Fund and Railroad Interest Fund, a special tax, not to exceed forty cents on each one hundred dollars value of taxable property in said county, for a County Current Expense Fund; and a special tax, not to exceed sixty cents on each one hundred dollars value of taxable property in said county, for the extinguishment of the unbonded indebtedness of said county accruing prior to the passage of this Act; and said taxes shall be assessed and collected at the same time and in the same manner as other property taxes are assessed and collected under the revenue laws of this State. The moneys collected under the provisions of this Act for the County Current Expense Fund shall be paid into the county treasury, and shall constitute a County Current Expense Fund. The moneys collected under the provisions of this Act for the extinguishment of the unbonded indebtedness of said county shall be paid into the county treasury of said county, and shall constitute a Redemption Fund, for the payment of said unbonded indebtedness of said county; and said funds shall be held and disbursed under the provisions of this Act; *provided*, the Board of Supervisors of the County of El Dorado shall not have power to levy any other tax for county purposes:

Current Expense Fund.

Redemption Fund

Claims on Current Expense Fund.

SEC. 2. The Board of Supervisors of said county shall examine, settle, allow and order paid out of said Current Expense Fund hereby established, all such legal claims and demands against said county, for services rendered and supplies furnished, as have been heretofore paid out of the General Fund, excepting such salaries and fees of officers and other items of expenditures as may be paid out of the Salary Fund, as provided by an Act of the Legislature of this State, entitled an Act regulating offices and officers in the County of El Dorado, approved March fifth, Anno Domini eighteen hundred and seventy. The Auditor of said county shall draw warrants on the County Treasurer, payable out of said Current Expense Fund, for the payment of all claims and demands so examined, settled, allowed and ordered paid by the Board of Supervisors, and the Treasurer shall pay such warrants out of said Current Expense Fund in the order of their presentation, as is now provided by law for the presentation and payment of county warrants.

Salary Fund.

SEC. 3. There shall be established in said county a fund, to be known as the "Salary Fund," and the Treasurer of said county is hereby directed and required to set apart to said fund the sum of two dollars and eighty cents of the moneys received into the treasury from the sale of each and every foreign miners' license sold, the money paid into the treasury as now provided by law, from the sale of county license, the county's proportion of the money received from the sale of State and county license and poll taxes, and also all fines and forfeitures and all receipts from toll bridges and ferries received by said county, in addition to the several sums required to be paid into said fund by the said Act regulating offices and officers in the County of

El Dorado, approved March fifth, Anno Domini eighteen hundred and seventy; *provided*, that this Act shall not be so construed as to affect or divert any moneys now required by law to be paid into the School Fund of said county.

Claims on Salary Fund.

SEC. 4. The Auditor of said county shall draw warrants on the County Treasurer, payable out of said Salary Fund, for the payment of all legal claims and demands thereon that shall have been allowed and ordered paid out of the same by the Board of Supervisors of said county; and, on the first Monday of each month, he shall audit the salary of the County Judge of said county and draw his warrant on the County Treasurer, payable out of the said Salary Fund, for the proportionate amount of his salary which shall be due and payable on the last day in each month in each year. The County Treasurer shall pay such warrants out of said Salary Fund in the manner now provided by law.

Surplus in funds, how disposed of.

SEC. 5. On the first Monday in April, in the year eighteen hundred and seventy-one, and on the first Monday in April in each year thereafter, the County Treasurer shall, after the close of his official business of that day, estimate the amount of warrants, if any, then outstanding against said Salary Fund, and the amount of warrants, if any, outstanding against said Current Expense Fund; and should there be a surplus in either or both of said funds more than sufficient to pay the warrants outstanding against said funds respectively, he shall transfer such surplus to the said Redemption Fund and apply the same in like manner as other moneys in said fund, to the redemption of warrants drawn on the General Fund of said county prior to the passage of this Act, which said warrants shall be redeemed according to the priority of time in which the same was presented and registered.

Separate accounts.

SEC. 6. The County Treasurer shall keep separate accounts, under the heads of "Redemption Fund," "Salary Fund," and "Current Expense Fund," respectively, of all moneys received from the several sources herein specified, and the said moneys shall never be used or mixed together, or with other funds,

Not subject to execution.

except as provided by this Act; and the moneys in said funds, or either of them, shall not be subject to any execution or writ issued for or on account of any debt due, or that may become

Surplus.

due, from said county; *provided*, however, that when all of the warrants drawn on the General Fund of said county, prior to the passage of this Act, shall have been redeemed, the Treasurer shall transfer any surplus remaining in said Redemption Fund to the Current Expense Fund; and from and after that time said Redemption Fund shall be abolished, and the taxes thereafter assessed and collected, in pursuance of this Act, shall be paid into the Current Expense Fund of said county.

Taxes, when to be levied.

SEC. 7. The Board of Supervisors of El Dorado County are hereby authorized and required, at the first regular meeting of said Board after the passage of this Act, to levy the county taxes for the year eighteen hundred and seventy according to the provisions of this Act.

Repealed.

SEC. 8. All Acts or parts of Acts in conflict or inconsistent with the provisions of this Act are hereby repealed, so far as they apply to El Dorado County.

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

CHAPTER CCCXXXII.

An Act to protect litigants.

[Approved March 29, 1870.]

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

SECTION 1. It shall be the duty of each District Judge, within thirty days after the passage of this Act, to designate, by order filed, one newspaper in each county within his jurisdiction, in which shall be published all judicial and legal advertising for said county; *provided*, that where there is no newspaper published within a county, the District Judge may designate, to do the judicial and legal advertising for that county, a newspaper published in an adjacent county; and *provided* further, that in the County of San Francisco, where two or more District Judges have jurisdiction, the newspaper in which judicial and legal advertising shall be published shall be designated by the District Judge of the Fourth Judicial District whose jurisdiction is now confined to such county. District Judge to designate newspaper. San Francisco County.

SEC. 2. When the proprietors of a newspaper so designated shall file a written stipulation, accepting the conditions of this Act, with bonds in the sum of five thousand dollars ($5,000), with good and sufficient sureties, to be approved by the District Judge, for the faithful performance of the legal and judicial advertising of their county, and to make good any loss or damage which may accrue from a failure to perform said advertising properly, the District Judge shall designate said newspaper as the medium in which all judicial and legal advertising of said county shall be published, during the term for which he was elected; *provided*, that at any time, upon proof of a failure to properly publish said advertising, or of non-compliance with any of the conditions of this Act, said District Judge may designate some other paper as the medium for judicial and legal advertising in said county; and *provided* further, that the District Judge shall always have power to designate any paper published within a county to do the judicial and legal advertising of said county, notwithstanding any designation of a paper published in an adjacent county, which may previously have been made. Bond. Failure.

SEC. 3. All notices or advertisements required prior to or during the course of any legal or judicial proceedings shall be made in the newspaper which has been designated, as hereinbefore provided, as the medium for the legal and judicial advertising of the county in which said legal or judicial proceedings are had, or to be had; *provided*, that the prices charged for such advertising shall not exceed seventy cents for the first insertion, fifty cents for each subsequent insertion up to four insertions, All legal notices to be published in paper designated. Rates of advertising.

and twenty-five cents for each insertion after four, for each square of two hundred and fifty ems, in the County of San Francisco; and that the prices charged for such advertising in the Counties of Sacramento, Alameda and San Joaquin shall not exceed ninety cents per square for the first insertion, sixty cents for each subsequent insertion up to four, and thirty cents per square of two hundred and fifty ems for each additional insertion; and that the prices charged in all other counties in the State shall not exceed one dollar and fifty cents per square of two hundred and fifty ems for the first insertion, and one dollar per square for each additional insertion up to four, and thirty-five cents per square for each subsequent insertion; and *provided further, that nothing in this Act shall interfere with the carrying* out of any contract heretofore made for the performance of official or legal advertising, or impair the legality of any legal notice or advertisement, but such notice or advertisement shall be continued in the newspaper in which it appears prior to the passage of this Act until the period set for its insertion shall have expired; nor shall this Act be construed to prevent the Board of Supervisors of any city or county from advertising for contracts to perform official printing.

Copies furnished free of charge.

SEC. 4. Each newspaper designated under this Act shall furnish, free of charge, one copy of each of its issues to the Secretary of State, the State Librarian and the Clerk of the Supreme Court of the State of California, and one copy to the County Clerk and the Clerk of the Board of Supervisors of the county in which it is published, and two copies to each Court of record within the county in which it is published. And it shall be the duty of the Clerks of said Courts, and of said County Clerks, to have one copy of said newspaper filed, and from time to time bound; and the Courts may determine any question which may arise as to the publication of any legal or judicial advertisement by reference to such files.

To be filed.

Supplementary pages.

SEC. 5. Supplementary pages issued by a newspaper, in addition to its regular number of pages, shall be considered a part of said newspaper for all the purposes of legal and official advertising; *provided*, that said supplementary pages are numbered consecutively with the other pages of the newspaper, and the issuance of a supplement is prominently announced at the head of the editorial colums of said paper, and that said supplementary pages are folded with and issued with every copy of said newspaper of that edition.

Repealed.

SEC. 6. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 7. This Act shall take effect immediately.

CHAPTER CCCXXXIII.

An Act to regulate fees of office and salaries of certain officers in the County of San Luis Obispo.

[Approved March 29, 1870.]

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

SECTION 1. In the County of San Luis Obispo, such fees are allowed to the officers hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein provided; and such officers may lawfully charge, demand and receive the same in gold and silver coin of the United States. Fees of office

SEC. 2. The Clerk of the District Court shall receive the fees hereinafter specified: Clerk of District Court.

For entering each suit on the Clerk's register of actions, and making the necessary entries therein during the progress of the trial, for each folio, twenty cents.

For issuing every writ or process under seal, fifty cents.

For subpœna for one or more witnesses, twenty-five cents.

For filing each paper, twenty-five cents.

For entering every motion, rule, order, default, discontinuance, dismissal or nonsuit, twenty-five cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, twenty-five cents.

For calling and swearing every jury, fifty cents.

For receiving and entering each verdict of a jury, fifty cents.

For entering every final judgment, for the first folio, one dollar; for each subsequent folio, twenty cents.

For filing judgment roll, twenty-five cents.

For entering judgment on judgment docket, twenty-five cents.

For entering satisfaction of judgment, fifty cents.

For administering every oath or affirmation, twenty-five cents.

For certifying every oath or affirmation, twenty-five cents.

For copy of any proceeding, record or paper, for each folio, twenty cents.

For each certificate under seal, fifty cents.

For searching the files of each year in his office (but not to charge suitors or attorneys), fifty cents.

For issuing every commission to take testimony, fifty cents.

For taking down testimony of witnesses during trial, for each folio, twenty cents, to be paid by the party requiring the same.

For issuing every execution or other final process, fifty cents.

For issuing every decree or order of sale of mortgaged property, fifty cents.

For issuing writ of injunction or attachment, fifty cents.

For entering judgment by confession, the same fee as in other cases of entering judgment.

For receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents.

For taking each bond required by law, fifty cents.

For taking acknowledgment of deed or other instrument, including all writing and the seal, for the first name thereto, one dollar, and for each additional name, twenty-five cents.

For other services not herein enumerated, the same fees as now provided for by law.

Clerk of County Court.

SEC. 3. The Clerk of the County Court shall receive, for filing all the papers sent on appeal from Justice's Court, in each cause, and for making the necessary entries concerning the same, two dollars.

For all other services, the same fees as are allowed the Clerk of the District Court for like services.

Clerk of Probate Court.

SEC. 4. The Clerk of the Probate Court shall receive, for issuing letters testamentary or of administration, fifty cents.

For certificate of appointing appraisers or guardians, fifty cents.

For writing and posting notice, when required, for each copy, fifty cents.

For recording wills, per folio, fifty cents.

For all other services, the same as are allowed the Clerk of the District Court for similar services.

For notice given by publication, in addition to the cost of publication, fifty cents.

County Recorder.

SEC. 5. The County Recorder shall receive, for recording any instrument, paper or notice, when required, for each folio, twenty cents.

For copies of any record or paper, per folio, twenty cents.

For other services not herein enumerated, the same fees as are now allowed by law.

County Clerk.

SEC. 6. The County Clerk shall receive, for all services rendered by him as such Clerk, or as Auditor, Clerk of Board of Supervisors, Clerk of the Board of Equalization, Clerk of the Board of Canvassers, or in any other way, by virtue of his office, or any of his ex officio offices, and for all services rendered by him for which fees are now chargeable against the county, the sum of eight hundred dollars per annum, payable quarterly out of the fund for current expenses of said county, in the same manner as are paid other salaries of county officers fixed by law; *provided*, that this Act shall not affect the right of said County Clerk to receive from the State that portion of his compensation as Auditor which is now allowed by law, chargeable against the State, for services rendered in and about the collection of the revenue of the State, and also, that said County Clerk shall be entitled to receive such fees in civil cases as are already fixed by law.

Sheriff.

SEC. 7 The Sheriff shall receive, for taking bonds or undertakings in any case in which he shall be authorized to take the same, fifty cents.

For serving any notice, rule or order, fifty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest or order of delivery of personal property, one dollar and fifty cents.

For commissions for receiving and paying over money on execution or process, where lands or personal property has been levied on, advertised and sold, on the first one thousand dollars, two per cent., and on all sums above that amount, one per cent.

For commissions for receiving and paying over money on execution, without levy, or when the lands or goods levied on shall not be sold, two per cent. on the first thousand dollars, and one per cent. on all over that sum.

For other services not herein enumerated, the same fees as are now allowed by law; *provided*, that the Sheriff shall receive for all services hereafter to be rendered by him to the County of San Luis Obispo, in civil cases in which said county may be a party, and in all criminal cases, and in lieu of all other compensation of fees of whatever kind for services in such cases, a salary of fifteen hundred dollars per annum, to be paid in United States gold coin, in the same manner as are now paid the other salaries of the county officers from the county treasury, as fixed by law.

County Treasurer.

SEC. 8. The County Treasurer shall be allowed three per cent. on all moneys disbursed by him, but shall not be allowed any commission upon the amount retained by the Sheriff or other Tax Collector for his fees, or any compensation for receiving He shall also be allowed twenty cents per mile for travelling to and from the seat of Government, to make his semi-annual settlements. He shall receive no compensation upon School Fund moneys, except such fees as are now allowed by law for the disbursement of moneys received on school lands, and shall receive no other or further compensation or salary than that expressed in this Act.

County Assessor.

SEC. 9. The County Assessor shall be allowed by the Board of Supervisors a reasonable compensation for his services, not to exceed five dollars per day. He shall keep a correct account of the number of days he has been employed in the discharge of his official duties, and shall verify the same on oath before the County Clerk or other person qualified to administer oaths. The Board of Supervisors, before allowing his claim, shall satisfy themselves of the correctness of the accounts. He shall receive no other compensation whatsoever, and no additional compensation shall be allowed for the service of deputies.

District Attorney.

SEC. 10. The District Attorney shall receive for his services, to be paid quarterly, audited in like manner as the County Judge's salary, the sum of seven hundred dollars. He shall also receive such other compensation as is now provided for by law, exclusive of salary.

Constables.

SEC. 11. Constables shall receive, for serving summons in a civil suit, for each defendant, one dollar.

For summoning a jury before a Justice of the Peace, one dollar and fifty cents.

For taking a bond required by law, fifty cents.

For serving an attachment against the property of a defendant, one dollar.

For summoning and swearing a jury to try the right of property, and taking the verdict, two dollars.

For receiving and taking care of property on execution, attachment or other order, his actual necessary expenses, to be allowed by the Justice who issued the writ, upon the affidavit of the Constable that such charges are correct, and the expenses necessarily incurred.

For collecting all sums on execution, two per cent., to be

charged against the defendant in the execution; mileage shall be charged, reckoned and paid in like manner, in all cases, as in this Act provided for in the case of the Sheriff

For serving a warrant or order for the delivery of personal property, or making an arrest in civil cases, one dollar.

For all other services, civil or criminal, except attending Court, the same fees as are allowed to Sheriffs for similar services.

Notaries Public. SEC. 12. Notaries Public shall receive, for drawing and copying every protest for the non-payment or non-acceptance of a bill of exchange, draft or check, one dollar and fifty cents.

For drawing and serving every notice of non-payment of a promissory note, or of the non-payment or non-acceptance of a bill of exchange, order, draft or check, one dollar.

For recording every protest, one dollar.

For drawing an affidavit, deposition or other paper, for which provision is not herein named, for each folio, twenty-five cents.

For taking an acknowledgment or proof of a deed or other instrument, to include the seal and the writing of the certificate, for the first signature, one dollar, and for each additional signature, twenty-five cents.

For administering an oath or affirmation, twenty-five cents.

For every certificate, to include writing the same and seal, one dollar.

Supervisors. SEC. 13. Each member of the Board of Supervisors shall be entitled to receive for his services, for each day's necessary attendance on the business of the county, a sum, to be paid by the Board, not exceeding four dollars per day, and not to exceed in the aggregate, during any one year, one hundred and fifty dollars; and he shall receive twenty-five cents per mile for each mile necessarily travelled in going to and returning from the county seat; *provided*, that no charge shall be made for more than one trip going from and returning to the residence of such Supervisor at each term held; and *provided*, that no Supervisor shall be allowed more than one day's per diem for any one day, by reason of his being on the committees appointed by the Board, or for any other cause; and no further allowance whatever shall be made for services as a member of the Board.

Jurors. SEC. 14. Grand and trial jurors shall receive two dollars per day for attendance upon a Court of record, without mileage. In civil cases, the party in whose favor verdict is rendered, before the same be entered, shall pay the jury fees, but the same may be recovered as costs from the party losing the case. If in any trial in a civil case the jury be, from any cause, discharged without finding a verdict, the fees of the jury shall be paid by the party demanding the jury, but may be recovered as costs if he afterward obtain judgment, and until they are paid no further proceeding shall be allowed in the action. Jurors in a Justice's Court, in civil cases, shall receive two dollars per day, without mileage, to be taxed against the party losing the suit. No person shall receive fees for serving on a Coroner's jury or in a criminal case before a Justice of the Peace. In civil cases, mileage at twenty cents per mile shall be allowed in Courts of record.

Witnesses. SEC. 15. Witnesses shall receive, for attendance in any civil

suit or proceeding before any Court of record, Referee, Commissioner or Justice of the Peace, for each day, two dollars; for travelling to the place of trial, for each mile, twenty cents. No person shall be obliged to testify in a civil action unless his fees for attendance, if demanded, have been tendered him; no person shall be obliged to attend as a witness in any civil action or proceeding without the county in which he resides, unless the distance be less than thirty miles from his place of residence to the place of trial. In contested election cases, the travelling fees shall only be ten cents per mile No witness fees or mileage shall be allowed in criminal cases, except where the witness shall have come from any place out of the county, or is poor, in which case, the Court, if the witness has been brought under subpœna or by virtue of a recognizance, may make provision in his favor as heretofore provided in the Criminal Practice Act.

SEC. 16. All Acts and parts of Acts repugnant to the provisions of this Act, in so far as the same refer to the County of San Luis Obispo, are hereby repealed. Repealed.

SEC. 17. This Act shall take effect from and after its passage.

CHAPTER CCCXXXIV.

An Act supplementary to an Act entitled an Act to authorize David N. Darlington, Isaiah Hanscom and others to build a wharf in Solano County, approved February twenty-first, eighteen hundred and fifty-five.

[Became a law by operation of the Constitution, March 29, 1870.]

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

SECTION 1. The rights and privileges heretofore granted unto David N. Darlington, Isaiah Hanscom and others, by an Act of the Legislature of this State, entitled an Act to authorize David N. Darlington, Isaiah Hanscom and others to build a wharf in the County of Solano, approved February twenty-first, eighteen hundred and fifty-five, and subsequently assigned to John B. Frisbie and James McCudden, are hereby extended and confirmed to the said John B Frisbie and James McCudden, and their assigns, for a period of ten years from and after the expiration of the twenty years hereinbefore granted by said Act Privileges extended.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this twenty-ninth day of March, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCCXXXV.

An Act to locate the county seat for the County of Lake.

[Approved March 29, 1870.]

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

Election. SECTION 1. There shall be an election held in the County of Lake, on the first Monday in May, one thousand eight hundred and seventy, to determine whether the county seat of said county shall be permanently located at the Town of Lakeport or at the Town of Lower Lake.

Ballots. SEC. 2. The ballots to be used at such election shall be written or printed, and shall be in form following: "County seat," with the name of the place voted for following; and the place receiving the highest number of votes at the said election shall be the county seat of said Lake County.

Canvass of returns. SEC. 3. The officers of the election shall return the votes cast at said election to the Clerk of the Board of Supervisors before the second Monday of May, eighteen hundred and seventy, on which day, at twelve o'clock M., the Supervisors of said county shall meet at their usual place of meeting and canvass the votes on the question of the said county seat, and declare the result and publish the same in an official report, as required by law in case of general elections.

Removal of county seat. SEC. 4. Upon canvassing the votes of said election, as herein provided, the Board of Supervisors shall immediately take measures for removing said county seat and the records of county to the place designated by the vote hereinbefore provided, and for the erection and completion of county buildings, as now required by law, and to make such disposition, in their discretion, of all such public property, as such location of the county seat shall render necessary.

SEC. 5. This Act shall take effect from its passage.

CHAPTER CCCXXXVI.

An Act for the relief of Amos Roberts, Sheriff of Solano County.

[Approved March 28, 1870.]

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

Appropriation. SECTION 1. The sum of one hundred dollars is hereby set apart and appropriated, out of any money in the State treasury not otherwise appropriated, for the relief and payment of Amos Roberts, Sheriff of Solano County, for extra mileage travelled by him in delivering State prisoners to San Quentin from the county seat of Solano County.

SEC. 2. The Controller of State is hereby directed to draw his warrant in favor of the said Amos Roberts for said sum, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER CCCXXXVII.

An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts and places in the said city, approved April fourth, one thousand eight hundred and sixty-four.

[Approved March 29, 1870.]

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

SECTION 1. Section two of an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts and places in the said city, approved April fourth, one thousand eight hundred and sixty-four, is hereby amended so as to read as follows:

Street grading, etc.

Section 2. The City Council are hereby authorized and empowered to order the whole or any portion of the streets, lanes, alleys, places or courts of said city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized, piled or repiled, capped or recapped, or to order sidewalks, sewers, cesspools, manholes, culverts, curbing and crosswalks to be constructed therein, and to order any other work to be done which shall be necessary to make and complete the whole or any portion of said streets, lanes, alleys, places or courts, and they may order any of the said work to be improved whenever the interest and convenience of the public will be promoted thereby.

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

Contracts for work, how made.

Section 5. Before giving out any contracts by the City Council for doing any work authorized by section two of this Act, the City Council shall cause notice to be conspicuously posted on or near the Council room door of said Council, and also published for five days in some daily paper to be designated by said Council, inviting sealed proposals for the work contemplated. All proposals offered shall be delivered to the Clerk of said City Council, and said Council shall, in open session, open, examine and publicly declare the same and award the contract for said work, in their discretion, to the lowest responsible bidder; *provided*, said Council may reject any and all bids, should they deem it for the public good, and also the bid of any party who may have proved delinquent or unfaithful in any former contract with the said city. All proposals shall be accompanied by a bond in the sum of one thousand dollars, signed by the bidder and by two sureties, who shall justify in the manner here-

Contracts for work, how made.

inafter provided, conditioned to pay to the said City of Oakland the full sum of one thousand dollars, as liquidated damages, if the bidder to whom the contract is awarded shall fail or neglect to enter into a contract as hereinafter provided. It shall be the duty of the City Attorney to sue on said bonds in the name of said city, and to pay the amount recovered over to the Treasurer of said city. The City Council shall have power to relieve the contractor from the performance of the conditions of said bond, when good cause is shown therefor. All persons (owners included) who shall fail to enter into contracts, as herein provided, are hereby prohibited from bidding a second time for the same work. Notice of such awards shall be published for five days, in the same manner as hereinbefore provided for publication of proposals for such work. The owners of the major part of the frontage of lots and lands liable to be assessed for said work, shall not be required to present sealed proposals, but may, within said five days after the first publication of notice of said award, elect to take said work, and enter into a written contract to do the whole work at the price at which the same may have been awarded. Should the said owners fail to commence the work within ten days after the first publication of the notice of said award, and prosecute the same with due diligence to completion, it shall be the duty of the City Marshal to enter into a contract with the original bidder to whom the contract was awarded and at the prices the same may have been awarded him; but if such bidder neglects, for fifteen days after the first publication of the notice of said award, to enter into the contract, then the City Council shall again publish, for said five days, and pursue the steps required by this section the same as in the first instance. If the owners who may have taken said contract do not complete the same within the time limited in the contract, or within such further time as the said City Council may give them, the said Marshal shall report such delinquency to the City Council, who may relet the unfinished portion of said work, after having pursued the formalities of this section as stated aforesaid. All such contractors shall, at the time of the execution of the contract, also execute a bond to the satisfaction of the Mayor of said city, with two or more sureties, payable to the City of Oakland in such sums as the said Mayor shall deem adequate, conditioned for the faithful performance of the contract, and the sureties shall justify before any officer competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions. Any person suffering damages by reason of the breach of said contract, may sue on such bond in his own name. It shall be the duty of the Marshal to collect from the contractors, before the contract is signed by him, the cost of publication of the notice required under the proceedings prescribed in this Act.

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

Contractors to collect assessments.

Section 10. The contractor or his assigns, or some person in his or their behalf, shall call upon the persons assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, his assigns, or some person in his or their behalf,

shall receipt the same upon the assessment, in presence of the person making such payment, and shall also give a separate receipt if demanded. Whenever the persons so assessed or their agents cannot conveniently be found, or whenever the name of the owner of the lot is stated as "unknown" on the assessment, then the said contractor or his assigns, or some person in his or their behalf, shall publicly demand payment on the premises assessed. The warrant shall be returned to the Marshal within thirty days after its date, with a return indorsed thereon, signed by the contractor or his assigns, or some person in his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof. Thereupon the Marshal shall record the return so made, in the margin of the record of the warrant and assessment, and also the original contract referred to therein, if it has not already been recorded, at full length in a book to be kept for that purpose in his office, and shall sign the record. The said Marshal is authorized at any time to receive the amount due upon any assessment list and warrant issued by him and give a good and sufficient discharge therefor; *provided*, that no such payment so made after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff; and he may release any assessment upon the books of his office, on the production to him of the receipt of the party or his assigns, to whom the assessment and warrant were issued; and if any contractor shall fail to return his warrant within the time and in the form provided in this section, he shall thenceforth have no lien upon the property assessed; *provided*, however, that in case any warrant is lost, upon proof of such loss, a duplicate can be issued, upon which a return may be made, with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of one per cent per month until paid.

Payments to Marshal

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

Section 11. The owners, whether named in the assessment or not, the contractor or his assigns, and all other persons directly interested in any work provided for in this Act or in the assessment, feeling aggrieved by any act or determination of the Marshal in relation thereto, or having or making any objection to the correctness or legality of the assessment or other act, determination or proceeding of the Marshal, shall, within thirty days after the date of the warrant, appeal to the City Council, as provided in this section, by briefly stating their objections in writing, and filing the same with the Clerk of said City Council. Notice of the time and place of the hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts, determinations or proceedings objected to or complained of, shall be published for five days. Upon such appeal, the said City Council may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the Marshal relative to said work;

Parties aggrieved may appeal.

may confirm, set aside, alter, modify or correct the assessment in such manner as to them shall seem just, and require the work to be completed according to the directions of the City Council; and may instruct and direct the Marshal to correct the warrant, assessment or diagram in any particular, or to make and issue a new warrant, assessment and diagram, to conform to the decisions of said City Council in relation thereto, at their option. All the decisions and determinations of said City Council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to an appeal under the provisions of this section, as to all errors, informalities and irregularities which said City Council might have remedied and avoided; and no assessment shall be held invalid, except upon appeal to the City Council, as provided in this section, for any error, informality or other defect in any of the proceedings prior to the assessment, or in the assessment itself, where notice of the intention of the City Council to order the work to be done, for which the assessment is made, has been actually published in a newspaper of said city for the length of time prescribed by law, before the passage of the resolution ordering the work to be done.

SEC. 5. Section twelve of said Act is hereby amended so as to read as follows:

Contractors may bring suit.

Section 12. At any time after the period of thirty-five days from the day of the date of the warrant, as hereinbefore provided, or if any appeal is taken to the City Council, as is provided in section eleven of this Act, any time after five days from the decision of said Council, or after the return of the warrant or assessment, after the same may have been corrected, altered or modified, as provided in section eleven of this Act (but not less than thirty-five days from the date of the warrant), the contractor or his assignee may sue, in his own name, the owner of the land, lots or portion of lots assessed, on the day of the date of the recording of the warrant, assessment and diagram, or on any day thereafter, during the continuance of the lien of said assessment, and recover the amount of any assessment remaining due and unpaid, with interest thereon, as hereinbefore provided. Suit may be brought in the District Court of the Third Judicial District, and, on all sums less than three hundred dollars, in the Police Court of the City of Oakland. The said warrant, assessment and diagram, with the affidavit of demand and non-payment, shall be prima facie evidence of such indebtedness, and of the right of the plaintiff to recover in the action. The Court in which such suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution, as in other cases of the sale of real estate by the process of said Courts; and on appeal, the appellate Court shall be vested with the same power to adjudge and decree a lien, and to order to be sold such premises, on execution or decree, as is conferred on the Court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits now pending or hereafter to be brought, to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this Act, and also, when not in conflict herewith, by the Civil Practice Act of this

State. This Act shall be liberally construed to effect the ends of justice.

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

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXXXVIII.

An Act concerning the construction of the State Capitol in the City of Sacramento.

[Approved March 29, 1870.]

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

SECTION 1. The Board of Commissioners created by section one of an Act entitled an Act to provide for the construction of the State Capitol in the City of Sacramento, approved March twenty-ninth (29th), eighteen hundred and sixty (1860), is hereby declared to be constituted of the Governor, of the Secretary of State and of the Treasurer of State. Board of Commissioners, how constituted.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they conflict with the provisions of this Act.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCXXXIX.

An Act making an appropriation for deficiency in the appropriation made for twentieth and twenty-first fiscal years, ending July first, eighteen hundred and seventy.

[Approved March 29, 1870.]

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

SECTION 1. The sum of fifty-eight thousand four hundred and ten dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, for deficiency in the appropriation made for the twentieth and twenty-first fiscal years, ending July first, eighteen hundred and seventy, for the support of the State Prison. Appropriation.

CHAPTER CCCXL.

An Act to authorize the City of San José to sell certain bonds and use the proceeds thereof in purchasing sites for public school houses.

[Approved March 29, 1870.]

Preamble. WHEREAS, the Treasurer of the City of San José has heretofore, by order of the Mayor and Common Council of said city and by authority of an Act of the Legislature of the State of California, entitled an Act to abolish the Board of Commissioners of the Funded Debt of the City of San José, approved January seventeenth, eighteen hundred and sixty-six, invested the sum of twenty thousand dollars, the proceeds of the sale of certain public lands belonging to the said city, in purchasing forty bonds of the County of Santa Clara, of the denomination of five hundred dollars each, known as "Court-house Bonds," issued by said County of Santa Clara, under and by authority of an Act of the Legislature of the State of California, entitled an Act to authorize the issue of bonds by the County of Santa Clara to erect county buildings, and to confirm the purchase of the site selected therefor, approved March first, eighteen hundred and sixty-six; and whereas, the said City of San José is now the owner of said bonds and is holding the same as a School Fund for said city; therefore,

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

Treasurer to sell bonds. SECTION 1. The City Treasurer of the City of San José is hereby authorized and directed to sell and dispose of all of the county bonds of the County of Santa Clara, issued by said county under the provisions of an Act of the Legislature of the State of California, entitled an Act to authorize the issue of bonds by the County of Santa Clara, to erect county buildings and to confirm the purchase of the site selected therefor, approved March first, eighteen hundred and sixty-six, now in the treasury of the said City of San José or now held or owned by said city.

Time and manner of sale. SEC. 2. The Mayor and Common Council of the City of San José are hereby authorized and empowered to fix, by ordinance, the time for the sale of said bonds and the manner in which they shall be sold; and the said Mayor and Common Council are hereby authorized and empowered to make, pass, adopt, carry out and enforce all ordinances and proceedings that may be necessary to fully effect a sale of said bonds; and all ordinances passed or adopted by Mayor and Common Council for the sale of said bonds shall control and give the power and authority in this Act granted, to said City Treasurer, the same as if the said ordinances were embodied in this Act.

Proceeds, how applied. SEC. 3. The money realized from the sale of said bonds shall be set apart by said City Treasurer for the purchasing of school lots in the City of San José, on which to erect school buildings for the use of the public schools of said city; and said money

shall not be used or appropriated for any other purpose. And the Mayor and Common Council of the City of San José are hereby authorized and empowered to use and expend the said money, with the advice and concurrence of the Board of Education of said city, in the purchasing of school lots for the use of the public schools of said city; and to purchase, hold and receive such lots and the titles thereto as such Mayor and Common Council, and hold the same in trust and for the use of the public schools of said city; and all such lots so purchased by said Mayor and Common Council shall be used and employed by the Board of Education of said city as sites for school houses, and for no other purpose.

Warrants. SEC. 4. The money arising from the sale of said bonds shall be drawn from the city treasury for the purposes aforesaid, by warrant, authorized by the Common Council and the Board of Education of the City of San José jointly; and all warrants so authorized shall be signed by the Mayor, the City Clerk and the City Superintendent of said city. For the services rendered by the City Treasurer, in selling said bonds and disbursing the money arising therefrom, he is hereby allowed the sum of one-half of one per cent. on the whole amount of money received by him for the sale of such bonds.

Services of Treasurer

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

CHAPTER CCCXLI.

An Act to better define the boundary line between Fresno and Mariposa Counties.

[Approved March 29, 1870.]

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

Boundary line. SECTION 1. The line at present known as the boundary line between Mariposa and Fresno Counties, from the westerly point of junction of said counties, running easterly to the southwest corner of section eleven (11) and the northwest corner of section fourteen (14), in township six (6) south, range twenty (20) east, of Mount Diablo meridian, shall hereafter be known as the established boundary line between the said counties. From the southwest corner of section eleven (11) and the northwest corner of section fourteen (14), in township six (6) south, range twenty (20) east, of Mount Diablo meridian, a new line shall be surveyed and established as follows: Running east, following the section lines to the top of the main ridge between the waters of Big Creek and the Fresno; thence eastwardly on the main ridge which divides the waters of the Merced and the San Joaquin Rivers, to the eastern boundary of Fresno County.

SEC. 2. The respective County Surveyors of Mariposa and

Survey to be made. Fresno shall proceed to survey and complete said line (defining it with the necessary monuments) prior to the first day of July, Anno Domini one thousand eight hundred and seventy, and reasonable compensation (not to exceed two hundred dollars each), may be allowed by the Supervisors of said counties, and paid out of the County General Fund; and in case of any disagreement, they shall be empowered to call in a third surveyor, as umpire, whose decision shall be final, but whose services shall in no case be an additional charge to either county.

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

CHAPTER CCCXLII.

An Act granting leave of absence to Thomas H. Holt, Auditor of the City and County of San Francisco.

[Approved March 29, 1870.]

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

Leave of absence granted. SECTION 1. That Thomas H. Holt, the Auditor of the City and County of San Francisco, be and he is hereby granted permission to be absent from the State, during the present year, for a term not to exceed two months.

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

CHAPTER CCCXLIII.

An Act to amend an Act entitled an Act to raise a fund for the improvement of Napa City, approved January twenty-fourth, eighteen hundred and seventy.

[Approved March 29, 1870.]

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

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

Moneys collected, how expended. Section 4. The moneys collected in pursuance of this Act shall be under the direction and control of the Board of Supervisors of Napa County, and shall be by them expended for the following purposes, and none other: For lighting the streets of Napa City and its additions with gas; for supplying the cisterns with water, for the use of the fire company; for repairing the engine house in Napa City; for purchasing new hose; for keeping the engine and hose in good order and repair, and for supplying the engine house with water and gas.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXLIV.

An Act relative to the care and management of the State Burial Ground, and making an annual appropriation therefor.

[Approved March 29, 1870.]

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

SECTION 1. The Governor of the State is hereby authorized and required, within ten days after the passage of this Act, and every four years thereafter, to appoint three suitable persons, who shall hold their office for the term of four years and until their successors are appointed, who shall constitute a Board of Trustees of the State Burial Ground. Trustees of State Burial Ground.

SEC. 2. The sum of three hundred dollars annually is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, to keep the State Burial Grounds in order and repair, and the Controller is hereby directed to draw his warrant in favor of said Board of Trustees for said sum of money, and the Treasurer to pay the same. The Trustees shall receive no compensation for their services Appropriation.

SEC. 3. This Act shall take effect immediately, and all laws and parts of laws, so far as they conflict with the provisions of this Act, are hereby repealed.

CHAPTER CCCXLV.

An Act to grant leave of absence to the Surveyor-General and Register of the State Land Office.

[Approved March 29, 1870.]

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

SECTION 1. There is hereby granted to John W. Bost, Surveyor-General and ex officio Register of the State Land Office of the State of California, the right to absent himself from the State of California, for a period of not more than sixty days, at such time as he may select during his term of office; *provided*, that he leave a competent deputy to discharge the duties of his office during his absence. Leave of absence granted.

SEC. 2. This Act shall take effect from and after its passage, and all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

CHAPTER CCCXLVI.

An Act amendatory of and supplemental to an Act to authorize the establishment of a Board of Health in the City of Sacramento, approved March twenty-seventh, eighteen hundred and sixty-eight.

[Approved March 29, 1870.]

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

Board of Health.

SECTION 1. The Board of Trustees of the City of Sacramento shall have power, and it is hereby made their duty, to establish by ordinance a Board of Health for the City of Sacramento, Said Board of Health shall consist of five practising physicians, who shall each be graduates of a medical college of recognized respectability, and the President of the Board of Trustees shall be ex officio President of the Board of Health.

Powers.

SEC. 2. The Board of Health of the City of Sacramento now recognized by the Board of Trustees shall have a general supervision of all matters appertaining to the sanitary condition of said city, and full powers are hereby given to said Board of Health over all questions of foul or defective drainage, and of the disinfecting and cleaning of streets, alleys, cellars, cesspools or nuisances of any description, and of low places within the city limits calculated to receive and retain unhealthy deposits.

Death records.

SEC. 3. The Board of Health shall exercise a general supervision over the death records of the City of Sacramento, and adopt such forms and regulations for the use and government of physicians, undertakers and superintendents of cemeteries as in their judgment may be best calculated to secure reliable statistics of the mortality in said city and prevent the spread of disease.

Enforcement of regulations.

SEC. 4. The Board of Trustees of the City of Sacramento shall, by ordinance or otherwise, provide for enforcing such orders and regulations as the Board of Health may from time to time adopt; and in times of epidemics, or when deemed necessary by the Board of Health, a Health Officer shall be employed to enforce the laws in relation to the sanitary condition of said city.

Health Officer.

Expenses.

SEC. 5. All expenses necessarily incurred in carrying out the provisions of this Act shall be provided for by the Board of Trustees of the City of Sacramento, who are hereby authorized and directed to make appropriation therefor out of the special fund called the Street Fund in the Act entitled an Act to amend an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, approved March eighteenth, eighteen hundred and seventy.

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

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXLVII.

An Act to fix the compensation of Under Sheriff of Alameda County.

[Approved March 29, 1870.]

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

SECTION 1. The Sheriff of the County of Alameda shall be entitled to receive, in addition to the fees allowed by law, the sum of one hundred and twenty-five dollars per month, to be paid out of the County General Fund of said county, for the services of an Under Sheriff; *provided*, that this sum of one hundred and twenty-five dollars per month shall be in lieu of the compensation for Jailer under the fee and salary bill, March fifth, eighteen hundred and seventy. Compensation for Under Sheriff.

SEC. 2. The County Auditor of said county is hereby authorized to audit and draw his warrant in favor of said Sheriff for said sum, monthly, and said sum shall be due and payable on the last day of each month in every year. Payable monthly.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCXLVIII.

An Act to authorize the issue of bonds by the County of San Diego, to erect county buildings.

[Approved March 29, 1870.]

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 San Diego are hereby authorized to issue and sell the bonds of said county, not exceeding in the aggregate forty-five thousand dollars, payable at the option of the said Board at any time within twenty years from the date of issuance of said bonds, in gold coin, and to bear interest at the rate of ten per cent. per annum, payable semi-annually, in gold coin, on the second days of January and July in each year. To issue bonds

SEC. 2. Said bonds shall be in sums of not less than one hundred nor more than five hundred dollars; shall bear the date of their issuance, and shall be signed by the Chairman of the Board of Supervisors, the County Auditor and the County Treasurer of said county. Coupons for the interest shall be attached to each bond, signed by the Chairman of the Board of Supervisors and the County Treasurer. Denomination. Coupons.

SEC. 3. Before the sale of any of said bonds, the said Board of Supervisors shall, at a regular meeting of said Board, cause to be entered upon the record of said Board an order directing the sale of a specified amount of said bonds, and the day and Sale of bonds

the hour of such sale, which shall not be less than thirty days after the entry of said order, and shall cause a copy of such order to be inserted in a newspaper published in said county, for at least three successive weeks, and a notice that sealed proposals will be received by the said Board for the purchase of said bonds. On the day and hour named in said order, the said Board shall open all sealed proposals received by them, and shall award the purchase of said bonds to the highest responsible bidder; *provided*, that the said Board may reject all bids; and *provided* further, that no bonds shall be sold for less than ninety cents on the dollar, par value.

SEC. 4. The said Board may sell said bonds at not less than ninety-five cents on the dollar, par value, without the notice provided for in the preceding section.

Record. SEC. 5. The amount of bonds sold, their number and dates, shall be entered upon the records of said Board.

Proceeds, how applied. SEC. 6. The proceeds of the sale of said bonds shall be paid into the county treasury, and shall be expended, under the direction of said Board of Supervisors, for the purpose of building a Court-house and jail.

Interest and redemption tax. SEC. 7. After any of said bonds are sold, and until all bonds sold are redeemed, the said Board are hereby authorized, and it shall be their duty, to levy annually, and at the same time that other State and county taxes are levied, a tax of not exceeding fifty nor less than twenty-five cents on each one hundred dollars value of taxable property in said county. Such tax, when collected, shall constitute a fund for the payment of the interest on said bonds and for the liquidation of the same, and shall be named the Interest and Building Fund; and if any interest shall be due on said bonds, and there is no money in said Interest and Building Fund to pay the same, the County Treasurer shall transfer to the said Interest and Building Fund, from any and all of the other funds of said county, except the School Funds, a sufficient sum to pay said interest.

Redemption of bonds. SEC. 8. Whenever, on the second day of January in each year after the year A. D. one thousand eight hundred and seventy-one, there shall remain in said Interest and Building Fund, after all the interest then due has been paid, a sum of five hundred dollars or more, the said Board of Supervisors shall advertise in a newspaper published in said county, for the space of three weeks, for sealed proposals for the redemption of said bonds; and one week from the expiration of the time of such publication, the said Supervisors shall open the sealed proposals and shall pay the bonds offered at the lowest price, as far as the money in the Interest and Building Fund will extend; *provided*, that no bids shall be considered for more than the par value of said bonds. Should there be no proposals made for par value or less, then the money in said Interest and Building Fund shall be used for the redemption of said bonds, according to the number of their issue, of which the County Treasurer shall give the same notice as is required by law in the case of the redemption of county warrants; and from the date of said notice, the bonds proposed to be redeemed shall cease to draw interest; and if any of such bonds shall not be presented for redemption within three months from the date of such notice, the

County Treasurer shall apply the money for the redemption of bonds next in order of the number of their issue.

Cancelled bonds.

SEC. 9. Whenever any bond shall have been paid, the County Treasurer shall mark the same "Cancelled," over his signature, and return the same to the County Auditor, in the same manner as redeemed county warrants, with interest coupons which are not then due attached.

When a tax may be levied.

SEC. 10. In the event the said bonds, or a sufficient amount of the same, cannot be sold at the minimum price, as provided in section three, the Board of Supervisors are authorized to levy, annually, a tax of not exceeding fifty cents on each one hundred dollars in value of taxable property in said county, for the purpose of building a Court-house and jail; said tax to be levied at the same time that other State and county taxes are levied; *provided*, that said tax may not be levied before the year A. D. one thousand eight hundred and seventy-one. The levying of said tax shall cease as soon as a Court-house and jail have been built and paid for, or as soon as sufficient bonds have been sold to pay for building of the same.

When Act to take effect.

SEC. 11. This Act shall take effect and be in force on and after the second Monday in June, A. D. one thousand eight hundred and seventy.

CHAPTER CCCXLIX.

An Act for the relief of W. R. Crawford.

[Approved March 29, 1870.]

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

Payment authorized.

SECTION 1. The Board of Supervisors of the County of San Joaquin are hereby authorized and empowered to audit and allow a sum not exceeding five hundred dollars, to pay the claim of W. R. Crawford for the arrest and capture of certain criminals subsequently sentenced to imprisonment; *provided*, a settlement between said W. R. Crawford and the Board of Supervisors of said county is made and effected on or before three months from the passage of this Act.

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

CHAPTER CCCL.

An Act to amend an Act concerning roads and highways in the County of Alameda, approved March twenty fourth, eighteen hundred and sixty-two.

[Approved March 29, 1870.]

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

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

Duty of Road Commissioners.

Section 24. It shall be the duty of the Road Commissioner to have the general supervision of road tools and implements, and the repairing of the roads and bridges in their respective districts; to hire labor, tools and teams when required, at lowest current rates, and to cause all bridges and roads to be repaired and kept clear of obstruction; *provided*, such expenditure shall not exceed the amount of money collected and set apart to each Road District Fund for the year in which the work is done. They shall have power to make use of any material for building or improving the roads which may be necessary, from any adjacent unimproved land, and to dig ditches on any land when necessary to drain roads, and the Board of Supervisors may allow such damage, if there be any, to the owner or owners of such land, as may be just.

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

When work to be done by contract.

Section 26. When any improvement, construction or alteration of roads, or the construction or repair of bridges is to be made, and the cost of the same shall exceed the sum of one hundred dollars, the said work shall be done by contract, unless otherwise ordered by the Board of Supervisors. Advertisements thereof shall be given by the Road Commissioner of the district where the work is to be done, by posting written or printed notice in at least two of the most public places in such district ten days prior to letting such contract, and such Commissioner shall also advertise such notice once in a newspaper, if there be one published in said district, and which publication shall be at least five days prior to letting such contract. All contracts shall be awarded to the lowest responsible bidder, subject to the approval of the Board of Supervisors.

SEC. 3. Section twenty-seven of said Act is hereby amended so as to read as follows:

Compensation of Commissioners.

Section 27. The Road Commissioners shall receive for their services such sum, not to exceed five dollars for each and every day that they shall be wholly occupied in attending to their official duties, as the Board of Supervisors may allow, to be paid out of the Road Fund of their respective districts, after being audited and allowed by the Board of Supervisors; *provided*, that they shall not be allowed pay for more than fifty days work in any one year, unless said number of days be extended by the Board of Supervisors.

SEC. 4. All bridges that may hereafter be constructed or erected within the County of Alameda, and the cost thereof

shall exceed the sum of one thousand dollars, shall be paid for out of the Special Road and Bridge Fund in said county.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after the first Monday in November, eighteen hundred and seventy. When to take effect.

CHAPTER CCCLI.

An Act concerning roads and highways in the County of Placer.

[Approved March 29, 1870.]

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

SECTION 1. The following roads in the County of Placer are hereby declared to be public highways: Public roads defined.

First—All roads which have been declared such by competent authority.

Second—All roads which may hereafter be declared such under the provisions of this Act.

Third—All roads that may be dedicated to public use in accordance with the provisions of this Act.

Fourth—All roads that have been used as public highways for two years or more before the passage of this Act

SEC. 2. There shall be two modes of establishing a public road in said county. How established.

First—By condemnation and purchase, as herein provided for

Second—By dedication.

SEC. 3. Any person or persons proposing to apply for the opening or alteration of any road shall give notice thereof, by posting three notices in three public places in each road district affected thereby, and in the vicinity of the line of the road proposed to be opened or altered, at least thirty days before the meeting of the Board of Supervisors at which the application is to be made, and in such notice shall set forth the place of beginning, the intermediate points, if any, a general description of the proposed route, the termination of such road, the length and width thereof, or the particular road or a portion of road proposed to be altered, and the time when the application will be made. A like notice shall, at least ten days before the meeting of said Board, be served on each person through whose land the proposed road will pass. Notice of application for opening of road.

SEC. 4. Upon the day named in said notices, the person or persons applying for said road shall file a petition with the Clerk of said Board, and present the same to the Board, setting forth the matters contained in said notice, and also asking for the appointment of Viewers to view the route of the proposed road or alteration of road, and that the proposed road be Petition to be filed.

Non-resident owners. established. If the person or persons owning the land over which the proposed road passes do not reside in the county, or cannot be found, or if such owner is unknown, such notice shall be served by publishing the same once a week, for three weeks, in some newspaper in the county, if one be published therein, and if not, in a newspaper published in the County of Sacramento; and proof shall be made by affidavit, before said Board, of the posting and service of said notice, and of the publication of said notice, if publication be required. If the owner or owners of any of the land over which the proposed road passes, is or are an infant or infants, or insane, service of such notice upon the guardian of such infant or insane person shall be sufficient, if such guardian reside in the county, and if he do not reside in the county, such publication shall be sufficient notice.

Proof of service.

Jurisdiction. SEC. 5. Proof of service as required in section four shall give said Board jurisdiction of the subject matter and of the persons owning land over which the proposed road is to pass, and shall be conclusive; and all persons buying any of said lands after such service of notice, shall be deemed to have purchased with actual notice and shall be bound by all the proceedings.

Width of roads. SEC. 6. All roads established under the provisions of this Act shall be sixty feet wide.

Appointment of Viewers. SEC. 7. Upon receiving such petition and proof of service, and on the day named in the notice, or as soon thereafter as convenient, said Board shall appoint, as Viewers, three disinterested freeholders.

Certificate of appointment SEC. 8. The Clerk of said Board shall give to one or more of the petitioners, a certificate of the appointment of such Viewers, who shall, within five days thereafter, serve a copy of the same on each of said Viewers; and the Clerk also at the same time give such persons copies for service. The said Clerk shall also at the same time give such persons three copies of the oath hereinafter contained and three copies of the petition filed, which oath and copy of petition shall at the same time be given to each one of said Viewers. The oath shall be as follows: "I do solemnly swear that I will honestly perform my duty as Road Viewer, and that I have no interest in the matter."

Form of oath

Penalty for failure to qualify. SEC. 9. If any person appointed Road Viewer under the provisions of this Act shall fail to qualify or act, without just or reasonable excuse, he shall be deemed guilty of a misdemeanor, and on conviction thereof, liable to a fine of not less than twenty-five nor more than one hundred dollars.

To take oath SEC. 10. Within five days after receiving said form of oath, each of said Viewers shall subscribe and take the same before some officer competent to take oaths, who shall administer the same without charge.

Duty of Viewers. SEC. 11. Said Viewers shall, within ten days after having taken the oath, proceed to view the proposed location or alteration of the proposed road, and shall hear, while on the ground, the statements, if any are made, of persons applying for resisting the proposed road, and shall then determine whether the proposed road or alteration of said road is necessary.

SEC. 12. Said Viewers shall, within five days after said view, draw up a report directed to the Board of Supervisors, in which they shall state whether the road or alteration of road is necessary. If they find the road or alteration necessary, they shall, in the report, set forth— Report.

First—Which of them were present at the view.

Second—That the road or alteration of road is necessary.

Third—A description of the road and the names, as far as known, of the owners of the land over which it passes.

Fourth—The width of the road.

Fifth—The distance it passes over each man's land.

Sixth—The character of land over which it passes; what portion (if any) of each man's land is inclosed or improved, and how improved.

Seventh—The amount of land to be taken from each claimant as near as possible.

SEC 13. Said report shall be signed by the Viewers present, and no view shall be valid unless signed by at least two of the Viewers.

SEC 14. Said report and the oaths taken shall then be delivered to the person or one of the persons petitioning, and shall be by him, within ten days thereafter, delivered to the Clerk of said Board; or one of the Viewers, if he so desire, may deliver the same to said Clerk, or it may be immediately forwarded by mail. To whom delivered.

SEC. 15. Any person claiming damages for the opening of said proposed road over his land, or for the alteration of any road, by which his land is taken or appropriated, shall, on or before the meeting of the Board of Supervisors to be held next after said report of the Viewers has been filed with the Clerk of said Board, present to said Board a petition, stating what and how much of his land will be taken by the proposed road, and what amount of damages he claims therefor. If the proposed road passes where the petitioner has buildings, he shall so state, and also what damages he claims for injury to or removal of his buildings. If the Board of Supervisors can agree with him as to the amount of damages, they may do so, and order the Auditor to draw his warrant on the Treasurer of the county for the amount. If they cannot agree, the Board shall appoint three appraisers to go upon the ground and assess the damages. All persons failing to present said petition and claim for damages at the time aforesaid shall be deemed to have waived all claims for damages, and such failure shall be deemed conclusive evidence of an intention to dedicate their lands for a public highway. Claims for damages. Appraisers.

SEC. 16. The Clerk of said Board shall then make out and give to the person or persons claiming or desiring to have such road opened, three certificates of the appointment of the appraisers, who shall deliver one to each; and the Clerk shall, at the same time, make out three copies of an oath, of the following form: "I, ——— ———, do solemnly swear that I have no interest in the damages about to be assessed by me, and that I will fairly and impartially appraise said damages." Each appraiser shall take said oath within five days after it is delivered to him. The appraisers shall meet on the land and hear Certificate of appointment. Form of oath

Appraise damages.

statements of all parties desiring to appear, on some day within five days after having taken the oath, and shall appraise the damages to each person over whose land the proposed road passes; said damages shall include the value of the land taken and buildings thereon, and nothing more; if there are crops on the grounds, they shall not be appraised.

To make report.

SEC. 17. The appraisers shall, within five days after making the appraisal, make a report of the same and forward the report to the Clerk of said Board, in which report they shall state what amount of land each person was allowed damages for, what the damages were.

Confirmation of report.

SEC. 18. The Board of Supervisors shall, when the report of the Viewers is made and filed with them, confirm the same, and shall, in like manner, confirm the report of the appraisers, unless they consider the same wrong, in which event they may appoint new appraisers the same as before.

Payment for damages.

SEC. 19. When the report of the appraisers is confirmed by the Board, they shall direct the Auditor to draw a warrant on the County Treasurer, to be paid out of the County General Fund, in favor of each person to whom damages have been awarded, for the amount of the same. Said warrant shall be in full for all damages, and the report of the appraisers shall be a final determination of the amount of damages sustained.

Growing crops.

SEC. 20. If there are crops growing on the ground where the damages are awarded and approved by the Board, the road shall not be opened or altered until after the crops are harvested.

When work to be commenced.

SEC. 21. The Road Commissioners living in the district where the road passes or is altered, shall, after the Auditor has drawn his warrant on the Treasurer, and the person to whom damages have been awarded has been notified of the same, proceed to open or alter the road as laid out by the Viewers, without unnecessary delay.

Road book.

SEC. 22. The Clerk of the Board of Supervisors shall keep a book to be called "Road Book," in which he shall enter a description of each road laid out and opened.

No compensation.

SEC. 23. Neither the Viewers nor the appraisers shall receive anything for their services.

Appointment of Road Commissioners.

SEC. 24. The Board of Supervisors of said county, at their regular meeting in February, eighteen hundred and seventy-two, of each year thereafter, shall appoint one Road Commissioner for each road district as hereinafter fixed and laid out. Such Commissioner shall, within ten days after receiving notice of his appointment, qualify by taking and entering on the back of his certificate of appointment an oath that he will faithfully discharge the duties of the office of Road Commissioner. He shall hold his office for one year and until his successor is appointed and qualified. If a vacancy occur the Board may fill it.

Description and list of public roads.

SEC. 25. Each of said Road Commissioners shall, within the first year after his appointment, make out a list of all roads in his respective district which are or may be declared highways, according to the provisions of this Act, and make out and file with the Clerk of the Board of Supervisors a description of each of said roads; and the Board shall, if they approve the same, at their next meeting make an order declaring each of

them public highways, and the Clerk of the Board shall enter it in the road book.

Division of county into road districts.

SEC. 26. The Board of Supervisors shall also, at their first meeting after the passage of this Act, divide said County of Placer into road districts, convenient in size, so that the inhabitants of each district may be able to perform work on the roads contiguous to their places of residence, and may, from time to time, as the public convenience requires, alter the boundaries of any district.

Work on public roads.

SEC. 27. Each male inhabitant in said county, who is over twenty-one and under fifty years of age, shall be liable to perform one day's work in each year upon the public roads in the road district where he resides; and in addition thereto, there shall be assessed for each year, to the owner of each one thousand dollars worth of real and personal property within each district (as shown by the assessment roll or rolls of said county), one day's work on said roads; and for each fraction of one thousand dollars, equal to five hundred dollars or less, one-half of one day's work, and for each fraction of one thousand dollars, over five hundred dollars, one full day's work; all of which work shall be performed under the direction of the Road Commissioner of the district, as herein before provided; *provided*, that the amount of work or labor thus assessed or apportioned shall be necessary; but the Board of Supervisors shall have the power to discriminate in the several districts, as may be required in each district, making their assessment for each district to meet its own requirements in the necessary construction and repairs of roads within its limits.

List of persons liable to road duty.

SEC. 28. The Auditor of said county shall, immediately after the meeting of the Board of Equalization of Taxes in each year, make out a list of the persons assessed for taxes that year in each township, and estimate the number of days work each of said persons is liable to perform on the road, as hereinafter provided, and mark the same opposite his name, together with the amount of his property as assessed. Each Road Commissioner shall, in the month of November, eighteen hundred and seventy-two, and in the month of September each year thereafter, make out and forward to the Auditor, a list of all male inhabitants in the road district, over twenty-one years of age, liable to a road tax; and upon the receipt of the same the Auditor shall make out and deliver to each Road Commissioner a warrant, commanding him to cause each of the persons in his district, and named in said warrant, to perform the number of days work on the public roads in his district assessed against him in said warrant. Said warrant shall contain a list of the names of all persons liable to road duty in the district, and the number of days work he is liable to perform.

When work to be performed.

SEC. 29. Upon the receipt of said warrants, the Road Commissioner may, at any time during the year ensuing after the date of the warrant, call upon and require each person therein named to perform work on the public roads in district, at such time and place as the Road Commissioner may require. A span of horses and wagon, or plough or scraper, or a yoke of cattle and wagon, or plough or scraper, if required of any one

by the Commissioner and furnished, shall be reckoned each day as the work of one man.

Notice. SEC. 30. Commissioners shall give at least two days notice to each person of the time and place of the required work, and if any person is not found at his place of residence, written notice may be left there.

Commutation. SEC. 31. If any person, upon being so notified, shall desire so to do, he may be credited with the amount of work for which he is liable, by paying to the Road Commissioner two dollars for each day's work for which he is liable.

Failure to perform work. SEC. 32. If any person liable to perform work shall fail or refuse to perform the same, upon being so notified, he shall be liable to the County of Placer for double the amount for which he could release himself from performing work by paying money, and all costs; and the Road Commissioner may maintain an action against him in the name of said county, to recover the same before any Justice of the Peace in the township. In said action it shall only be necessary for the Justice, at the request of the Commissioner, to enter in his docket as a comp'aint the amount claimed, and that it is claimed for double the amount of the defendant's road tax for the year (naming it), and the warrant of the Commissioner shall be conclusive evidence of the amount, and the fact of the tax and its legality. In addition thereto, the Road Commissioner shall prove that the defendant is an inhabitant of the district and has failed or refused to perform the work.

Money collected, how expended. SEC. 33 All money collected under the provisions of this Act by the Road Commissioners shall be used by them in repairing the roads in their respective districts, except such amount as they may be entitled to under the provisions of this Act. Each Commissioner shall make to the Auditor, at the close of his year of office, a return annexed to his warrant, stating what persons performed work and how many days each performed, and what persons paid money and how much each paid, and how many persons were sued and how much was collected of each; which return shall be under oath.

No fees to be charged. SEC. 34. Neither the Justice of the Peace nor the Constable shall claim any fees for their services in said suits, unless the same is collected from the defendants.

Statement of Commissioner. SEC. 35. The Road Commissioner shall, in his return on his warrant, state how he appropriated the money received by him and what persons he employed to work, and how many days work each one performed, and how much each one was paid therefor.

Compensation. SEC. 36. Each Road Commissioner shall be entitled to receive, out of any moneys collected by him, two dollars for each day's work actually performed by him in overseeing work performed on the roads and in notifying persons liable to work; but shall not receive such compensation expectant of money collected by him for failure or refusal of persons liable to work, and shall receive nothing from the county, and have no other fees or compensation whatever.

Liability. SEC. 37. The Road Commissioners shall each be liable to the county for a failure to properly apply the money that comes in their hands; and, upon complaint to the District Attorney

by any person, the District Attorney and Auditor shall examine his accounts, and the District Attorney may collect such moneys in an action in the name of the county.

SEC. 38. An Act entitled an Act concerning roads and highways in the County of Placer, approved April twenty-fourth, eighteen hundred and sixty-two, and all Acts amendatory thereto, and all parts of Acts in conflict with the provisions of this Act, are hereby repealed.

SEC. 39. This Act shall take effect on and after the first day of March, eighteen hundred and seventy-two. When to take effect.

CHAPTER CCCLII.

An Act concerning roads and highways in the County of Sutter.

[Approved March 29, 1870.]

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

SECTION 1. All roads now used as public highways, and which have been declared to be such by the Court of Sessions or Board of Supervisors, and all roads which the Board of Supervisors may hereafter declare to be such, in accordance with the provisions of this Act, are hereby declared to be public highways. Public highways.

SEC. 2. Any person or persons proposing to apply for the location, alteration or vacation of any road or highway, shall give notice of such intention, by posting three notices thereof in public places in each road district affected thereby, and in the vicinity of the road proposed to be established, changed or vacated, and one such notice on the Court-house, at least thirty days previous to the time of making such application, which application shall only be made at a regular meeting of the Board of Supervisors; and in each of such notices shall be set forth specifically the place of beginning, the intermediate points, if any, a general description of the proposed routes, the termination of the said road, or the particular portion of said road proposed to be changed or vacated, and the time at which such application will be made to the Board of Supervisors. Notice of application to locate, alter or vacate.

SEC. 3. Upon the day specified in any notice of the character described in section two of this Act, the person or persons giving such notice shall complete the proposed application by petition to the Board of Supervisors, which petition shall be signed by at least five citizens of the county residing in the immediate vicinity of such road, and contain the same matter set forth in said notices, and shall ask for the appointment of Viewers to view said proposed location, alteration or vacation, and the final confirmation and establishment thereof; and the joining of any person in such petition shall be considered as a waiver of all right or claim to any damages arising from the location of any such road through any land owned or claimed Petition.

by such petitioner, and the final dedication of lands occupied by such road to the public use as a highway. Proof shall also be made to the Board of Supervisors, by the written affidavit of some competent person, of the posting of the notices required in the second section of this Act, and also that all persons owning or claiming land on the proposed route of such road have been notified of such proposed application at least ten days previous to the date at which said application will be presented to said Board; *provided*, that when such owner or claimant is a minor, idiot or insane person, notifying the legal guardian of such minor, idiot or insane person, shall be sufficient, and shall be set forth in said affidavit. If the owner of any land over which said road is proposed to be located does not reside thereon, or is not personally notified, the person or persons notifying shall cause a copy of the notice required in section two of this Act to be sent by mail to such owner, at his last known place of residence. If an agent, lessee or tenant of the owner, be in possession of such land, notice shall be served on him or them in all respects as the same is required to be served on such owner.

Affidavit of notification.

Bond for costs.

SEC. 4. Upon the filing of the petition required in the foregoing section, the petitioners, or some of them, shall enter into a bond, with at least two sufficient sureties, in the sum of three hundred dollars, conditioned that the persons making such application will pay into the county treasury the amount of costs and expenditures accruing or in consequence of such application, in case the application or prayer of the petitioners be not granted, and the location, alteration or vacation finally confirmed or established; and should such applicants fail to pay such costs or expenditures into the treasury, according to the tenor of such bond, within thirty days after the denial of the application or prayer of the petitioners, then the Board of Supervisors shall cause such bond to be delivered to the District Attorney of the county, whose duty it shall be to proceed forthwith by suit to collect all sums due by the makers of such bond, according to law; *provided*, said Board of Supervisors shall have power to remit all or any portion of the liability accruing on such bond.

Claims for damages.

SEC. 5. Any person or persons owning or claiming lands through which it is proposed to locate and establish a public highway, and desiring to apply for damages in consequence of such location, shall make application, by petition in writing, to the Board of Supervisors, on the day on which the application for such location shall be made, according to notice, wherein he or they shall set forth the particular road referred to, the amount and character of the land affected thereby, and any other circumstances having relation to the subject of damages upon such land, and any expenditures rendered necessary by reason of such location upon such land; *provided*, that the legal guardians of minors, idiots or insane persons shall be authorized and required to take all the measures in the premises that may be necessary fully to protect their rights. All persons who fail to make application for damages within the time and in the manner specified in this section shall be considered as waiving all rights to damages, and as finally dedicating the land affected

by the proposed location or alteration to the public use as a highway; and their failure so to do shall forever be a bar to any action for damages in any of the Courts of this State.

Road Viewers appointed.

SEC. 6. Upon the filing of the bond, proof of service of the notices and affidavits, as hereinbefore provided, at the time specified in said notices, or as soon thereafter as practicable, the Board of Supervisors shall appoint, as Road Viewers, three disinterested citizens and taxpayers of the county, one of whom shall be a practical surveyor, and shall place in the hands of such Road Viewers the petition for the road which they are to view, together with all applications for damages in the premises; and as soon as practicable, after first taking an oath to perform faithfully the duties devolving upon them by law as such Road Viewers, they shall proceed to view the proposed location, alteration or vacation, and shall decide whether the same is required for public convenience, taking into consideration private as well as public interest. If, in the opinion of the Viewers, the proposed location, alteration or vacation is necessary and proper, they shall proceed to survey the same, and shall distinctly mark the commencement, courses, distances and termination of said route; and the surveyor shall make a plat and field notes of said survey, which shall be filed as a part of the report of said Viewers. At or before the first day of the regular meeting of the Board of Supervisors next succeeding that at which the Road Viewers have been appointed, as provided in this Act, they shall file with the Clerk of said Board a report of their proceedings in the premises, in which they shall set forth—

Survey of location.

Report.

First—Who of them were present.

Second—That they were sworn.

Third—Whether, in their opinion, such location, alteration or vacation is or is not advisable.

Fourth—A plat and field notes of the survey.

Fifth—The expenses of the view and survey.

Sixth—The amount of damages sustained, separately, by each applicant for damages.

Seventh—The width of the road, which shall not exceed eighty feet.

Establishment of location.

SEC. 7 Upon the first day of the regular meeting of the Board of Supervisors next succeeding that at which the Road Viewers were appointed, the said Board shall proceed to consider all the matter touching the original petition for the location, alteration or vacation of any road, and all subsequent proceedings had therein in connection with the report of the Viewers on file, and such evidence as parties interested may introduce touching the same; and if, in their opinion, the public convenience requires that the proposed location, alteration or vacation should be established, they shall confirm the report thereof in whole or in part, as they may deem advisable, and establish said location or alteration, or so much thereof as they may deem advisable, as a public highway, either absolutely; in which case, the damages assessed and the costs which have accrued shall be paid out of the Road Fund; and the Board of

Supervisors shall order a warrant drawn accordingly; or they may make the establishment conditional, by the payment by the petitioners of all or any part of the damages assessed or the costs which may have accrued. If, in the opinion of the Board of Supervisors, the proposed location, alteration or vacation is not necessary for the public good, they may refuse to confirm the report of the Viewers and discontinue proceedings in the premises. Whenever any public road is established as contemplated in this Act, it shall be recorded at length in a book, which shall be called the "Sutter County Road Record."

May refuse to confirm.

When road to be opened

Upon the final establishment of any road and the payment or securing of the damages finally awarded, the Clerk of the Board of Supervisors shall, within ten days thereafter, notify the Road Overseers of the district or districts within which said road is situated, of the establishment thereof, and to furnish him with a specific description of said road; and it shall be the duty of such Road Overseer to open said road within thirty days from the reception of said notice, unless there were, at the time of locating such road, growing crops on the ground affected by such road, in which case it shall be the duty of said Road Overseer to open such road within thirty days after the harvesting of such crops.

Private roads.

SEC. 8. Any person or persons desiring to establish a road for private convenience, and which is not intended for the travelling public generally, may do so by the consent of the parties owning land affected thereby; but such consent, together with a specific description of the proposed private road and the conditions in reference to gates, inclosures or other matters agreed upon, shall be filed with the Board of Supervisors or their Clerk; and upon the filing of such consent and specific descriptions, such road shall be recorded in the "Road Record" of the county, and shall become, to all intents and purposes, a private road for the use of the parties interested. Whenever any person or persons wishing to establish a private road, and are unable to obtain the consent of the parties owning the land affected thereby, the same proceedings shall be had, and the same law shall apply thereto, as in the establishment of public roads, except that only one petitioner shall be necessary; and in the assessment of damages, the Road Viewers shall contemplate the erection of good and sufficient gates and such other means of protection as the petitioner or petitioners may propose to erect; and the final establishment of such private road shall be conditioned upon the erection and keeping in repair all such gates or safeguards provided for, and the payment of all such costs as may have accrued or such damages as may be assessed; and such road shall be recorded as is hereinafter provided. Every order establishing a private road shall specify the width thereof, which shall not exceed forty feet.

Claimant for damages may bring suit.

SEC. 9. If any person or persons claiming damages on account of the location or alteration of any road under the provisions of this Act, shall be dissatisfied with the amount allowed, and cannot agree with the Board of Supervisors as to the amount of such damages and shall refuse to receive the same, or a warrant drawn therefor, such person or persons shall, within thirty days from the final hearing concerning such damages, commence

an action against the county, by name, for such damages, in the District Court, which action shall be conducted in like manner as other civil actions in the Courts of this State, except as hereinafter provided. The complaint shall be in writing, and the summons, with a copy of the complaint, shall be served on the Clerk of said Board; and said Clerk shall notify, in writing, the District Attorney of the commencement of such action, which shall be sufficient notice to the county; and it shall be the duty of the District Attorney to appear for the county and defend all actions commenced under the provisions of this Act. The plaintiff, at the time of filing his complaint, shall also file a bond, in the sum of three hundred dollars, to be approved by the County Judge, with two or more sufficient sureties, who shall be householders or freeholders of the county, and conditioned that said plaintiff will pay all costs awarded to the county, not exceeding the amount of such bond; *provided*, that the party prevailing in such action shall recover his costs, regardless of the amount of damages recovered.

No road opened until all claims settled.

SEC. 10. No road shall be opened or changed until all claims for damages shall have been settled or determined; *provided*, that if any person over whose land any road shall pass shall fail to present his claim for damages to the Board of Supervisors, or file his complaint in the proper Court, as and within the time prescribed in this Act, said person shall be deemed to have dedicated the land over which such road shall pass to public use as and for a highway, and such person shall be forever barred from bringing or maintaining any action or proceeding for damages therefor in any Court of this State, and the road shall be opened in accordance with this Act.

Per diem.

SEC. 11. For any service rendered under the provisions of this Act, the following per diem shall be allowed, to wit: Road Surveyor, six dollars; Viewers, four dollars; which sums to be allowed by the Board of Supervisors and paid by their order, either by the petitioner or by warrants drawn on the County Road Fund.

Road districts.

SEC. 12. The road districts as now established shall be the road districts within the meaning of this Act, and they may be changed, or new ones created by the Board of Supervisors of said county, at any time when by them considered necessary.

Road Overseers, terms of office.

SEC. 13. The present Road Overseers of said county shall hold office until the first Monday of May, eighteen hundred and seventy. The Board of Supervisors shall appoint one Road Overseer for each road district in said county on the first Monday of May, eighteen hundred and seventy, and every two years thereafter, and shall have power to fill all vacancies. The said Road Overseers shall each enter into bonds in the sum of one thousand dollars, with one or more sureties, to be approved by the Chairman of said Board, conditioned that they will faithfully perform all duties required of them by law as Road Overseers. Said Road Overseers shall hold office for the term of two years, and until their successors are appointed and qualified. The Clerk of said Board shall notify each appointee under this section in writing, within ten days after his said appointment. And said Board shall have power to remove any Road Overseer from office for neglect of duty or malefeasance.

Road poll tax.

SEC. 14. The Board of Supervisors shall have power to levy annually a road poll tax of three dollars in coin on each able-bodied male inhabitant of said county, Indians excepted, between the ages of twenty-one and fifty years. Said poll tax shall be levied by said Board at the same time that State and county taxes are levied, and shall be due and payable on and after the first Monday of May in each year. The said Board may also, in their discretion, levy annually a property tax, not exceeding twenty-five cents on each one hundred dollars, for road purposes, which tax shall be levied and collected in the same manner and at the same time as other property taxes. The said Board shall have power to levy all taxes provided for in this Act, for the year one thousand eight hundred and seventy, at any regular meeting of said Board after this Act goes into effect.

Property tax

Collection of road poll tax

SEC. 15. The Road Overseers, upon entering upon the discharge of their duties, shall proceed to collect the road poll tax from every person liable to pay the same in his district; and said Overseer shall have the power, and it is hereby made his duty, to enforce the collection of road poll taxes, by seizure and sale of personal property, upon one hour's verbal notice of such sale, as fully and to all intents and purposes as the Tax Collector is authorized so to do, in collecting State poll taxes. Said Road Overseer shall be entitled to receive, for collecting said road poll tax, ten per centum on all moneys collected.

Blank receipts.

SEC. 16. The Board of Supervisors of said county shall cause proper blank road poll tax receipts to be printed, which shall be numbered consecutively, and signed by both Chairman and Clerk of said Board, and shall be issued by said Clerk to each of the Road Overseers of the county, at such times and in such quantities as shall to said Board seem necessary. Said Clerk shall keep an accurate account of such blank receipts so issued, with each of said Road Overseers.

Duty of Road Overseers.

SEC. 17. It shall be the duty of the Road Overseer to have the care and general supervision of all public roads, including those in unincorporated towns within his district, and to maintain them in as good repair as the means at his command will permit; and for these purposes the Road Overseer is hereby authorized to use and expend the net proceeds, or so much thereof as may be necessary, of his collection of road poll taxes, and to take for such road purposes any timber, earth, gravel, rock, or other material growing or being in any uninclosed lands in the vicinity of any public road, except shade or ornamental trees; and upon the application of the owner thereof he shall make such allowance therefor as he may deem just, and shall give to such owner a certificate of such allowance; and upon the presentation of such certificate to the Board of Surpervisors, they may reimburse said owner from the County Road Fund

Statement.

SEC. 18. Each Road Overseer shall appear before said Board of Supervisors at their May term in each year, with a verified statement, which shall contain the amount of road poll taxes collected for the preceding year, how much of and for what the same was expended, and the number of days service by him actually and necessarily performed, by virtue of his office; and

said Road Overseer shall receive for his said services, independent of the percentage allowed for collecting poll taxes, such per diem as said Board shall deem just, not exceeding four dollars; and he shall, at the expiration of his term of office, file with the Clerk of said Board a final settlement, and shall return to him all unsold poll tax receipts, and shall pay into the Road Fund of said county all moneys remaining in his hands.

Penalty for obstructing roads.

SEC. 19. Any person or persons, or body politic or corporate, who shall obstruct any public highway, either by placing an obstruction thereon or in any other manner, shall be liable to prosecution before any Justice of the Peace in the county, as in other misdemeanors, and shall, on conviction thereof, be punished by a fine of not less than twenty and not more than one hundred dollars, to be collected and paid into the county treasury as other fines.

Repealed.

SEC. 20. An Act entitled an Act for opening and repairing roads in the Counties of Sutter and Santa Cruz, approved April sixth, eighteen hundred and sixty, and all Acts amendatory of and supplemental thereto, and all other Acts and parts of Acts in conflict or inconsistent with the provisions of this Act, so far as the same relate to or affect the County of Sutter, are hereby repealed.

SEC. 21. This Act shall take effect and be in force from and after the first day of May next ensuing.

CHAPTER CCCLIII.

An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across the tule at or near the point where the Stone Road now crosses said tule, and collect tolls thereon.

[Approved March 29, 1870.]

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

Right to construct bridge granted.

SECTION 1. The County of Sutter is hereby granted the right and privilege of constructing a bridge across the tule on the Foutz Ferry road, in said county, at or near the point now known as the Stone road, and to collect tolls thereon; *provided*, that said bridge shall not cost an amount exceeding ———— thousand dollars.

Proposals.

SEC. 2 The Board of Supervisors, as soon as they have adopted a plan for the construction of said bridge, may advertise in any newspaper published in said county, or an adjoining county, for a period of three weeks, inviting proposals for the construction of said bridge, in accordance with the plans and specifications adopted by said Board.

Award contract.

SEC. 3. On a day to be named in the advertisement, the Board of Supervisors shall meet and proceed to open all bids for the construction of said bridge, and award the contract to the lowest responsible bidder, who will give good and sufficient

security for the completion of said contract in accordance with the specifications; *provided*, that the Board may reject any and all bids. When said bridge shall have been completed in accordance with the contract, and received by the Board of Supervisors, the said Board of Supervisors are authorized and required to order the issuance of bonds sufficient to pay for the same, in sums of not more than five hundred dollars, on the County Treasurer, against the Tule Bridge Fund, and the Treasurer is hereby required to pay the same out of any moneys in said fund. The warrants shall be drawn by the County Auditor and paid by the Treasurer, as provided in section seven of this Act.

Issuance of bonds.

Rates of toll. SEC. 4. The Board of Supervisors of Sutter County are hereby authorized and empowered to charge and collect such rates of toll as they may fix, from time to time, until the sum arising therefrom, over and above the cost of collecting the same, shall amount to a sum sufficient to pay all costs and expenses of constructing said bridge; after which time said bridge shall be free for the crossing of all persons and property; *provided*, that the Board of Supervisors may, from time to time, if they deem proper, charge and collect toll until the amount so collected will be sufficient to pay for repairs said bridge may have sustained from wear, use, floods or otherwise.

Toll Collector. SEC. 5. The Board of Supervisors shall appoint some suitable person to collect and receive the toll charged for crossing said bridge, and shall require a bond, with security, for the faithful performance of his duties, in the sum to be fixed by said Board.

Duties. SEC. 6. It shall be the duty of the person so appointed, to pay to the County Treasurer of said county all the moneys collected by him, at least once in each month, taking the Treasurer's receipt for the same, which receipt shall be filed with the County Auditor immediately. The amount of each payment to the County Treasurer, with the date thereof, shall be entered by the Toll Gatherer making such payment, in a book to be kept for that purpose; and at each regular meeting of the Board of Supervisors, such person shall make an oath that such entries contain a full, true and accurate account of all moneys collected by him for or on account of toll as crossing said bridge.

Tule Bridge Fund. SEC. 7. The Treasurer of said county shall receive any and all moneys paid over to him under the provisions of this Act, and shall set the same apart into a separate fund, to be known as the Tule Bridge Fund, and shall disburse the same upon the warrants of the County Auditor, drawn against such fund, and upon an order of the Board of Supervisors of said county, duly made and entered upon their record. The Auditor is hereby authorized to draw his warrant upon the County Treasurer, payable out of said fund, and the Treasurer shall pay the same in the order of their presentation, and such warrants shall draw interest at the rate of seven per cent. per annum from the date of their presentation until paid.

Register of warrants. SEC. 8. It shall be the duty of the said Treasurer to keep a register of said warrants, and to indorse upon the back of each

Payment. warrant the date of presentation; and when there is money sufficient in his hands to pay one or more outstanding warrants, he may give notice, by advertising in any newspaper published

in said county, or an adjoining county, for a period of three weeks, that he is ready to pay certain warrants, giving their number, date and amount; and thirty days from the date of such notice said warrants shall cease to bear interest.

Regulations.

SEC. 9. The Board of Supervisors of said county may regulate and determine the number of animals, the size and weight of loads or freight which shall at any one time be allowed to pass over said bridge, and may establish the rates of toll, and the speed to be observed in riding or driving over the same; which regulations shall be posted in some conspicuous place on said bridge.

Penalty for violation.

SEC. 10. Any person or persons violating such regulations may be prosecuted in any Court of competent jurisdiction, and upon conviction thereof may be fined in any sum not less than ten dollars nor more than one hundred dollars, in the discretion of the Court; *provided*, that the parties so violating such regulations shall, in addition to such fine, be answerable to the county in any Court of competent jurisdiction for all damages sustained thereby.

No compensation.

SEC. 11. The County Treasurer shall not charge nor receive any fee or compensation for receiving or paying out the moneys or discharging any duty imposed upon him by this Act.

SEC. 12. This Act shall take effect from and after its passage.

CHAPTER CCCLIV.

An Act to incorporate the Town of Hornitas.

[Approved March 29, 1870.]

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

Town of Hornitas.

SECTION 1. The inhabitants of the Town of Hornitas, County of Mariposa, are hereby constituted a body corporate and politic, under the name and style of the Town of Hornitas, and by that title they and their successors shall be known in law, have perpetual succession, and be invested with all the rights and privileges conferred by, and be subject to all liabilities, restrictions and provisions of an Act entitled an Act to provide for the incorporation of towns, approved April nineteenth, eighteen hundred and fifty-six, so far as the provisions of said Act are consistent with the provisions of this Act.

Corporate limits.

SEC. 2. The area of said town shall be one mile square, including within its limits the north half of southwest quarter of section seventeen, the north half of southeast quarter of section seventeen, the south half of southeast quarter of section eight, the south half of southwest quarter of section eight, the northwest quarter of section seventeen and the northeast quarter of section seventeen, township number five south, range sixteen east of Mount Diablo meridian.

SEC. 3. The officers of said town shall consist of a Board of

Officers. Trustees, three in number, one of whom shall be elected as President, one as Treasurer and one as Clerk, and any two of them shall constitute a quorum for the transaction of business. Said Trustees shall hold office for one year, and until their successors are elected and qualified.

Powers of Trustees. SEC. 4. The Trustees of said town shall have power to pass all necessary ordinances for the protection of the town against fire, for the prevention and removal of nuisances, to lay out and extend the streets and alleys of said town, and to provide for the grading, draining, cleaning or otherwise improving the same.

Same. SEC. 5. Said Trustees shall have power to collect from the Roadmaster of the Hornitas District one-half of all the moneys collected by him within the bounds of the corporation as a road tax, and appropriate the same to keeping the streets of said town in repair.

Conservators of the peace. SEC. 6. The Justice of the Peace and Constables within said town shall be conservators of the peace therein, and shall have jurisdiction in all civil and criminal cases not inconsistent with their jurisdiction as conferred by law.

SEC. 7. The compensation of said Board of Trustees shall be one dollar per annum each.

Board of Trustees. SEC. 8. M. O. Barber, Jacob Kocher and Andrew Olcese shall compose the Board of Trustees for the government of said town, and shall hold their office for the term of one year from the passage of this Act, and the Trustees shall be elected annually thereafter.

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

CHAPTER CCCLV.

An Act to authorize the Board of Supervisors of the County of Sutter to enter upon, condemn and take possession of a certain tract of land in said county, to be used as a public graveyard.

[Approved March 29, 1870.]

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

South Butte cemetery. SECTION 1. The Board of Supervisors of the County of Sutter are hereby authorized and empowered to enter upon, condemn and take possession of the following tract, piece or parcel of land situate in the said County of Sutter, and described as

Boundaries. follows, to wit: Beginning at a post marked "B," from which the southeast corner of the Brittain or South Butte school house bears north, forty-five degrees west, one hundred and ninety-five links distant, and running thence according to the true meridian, the variation of the magnetic needle being fifteen degrees east, west five chains to a post marked "B;" thence north eight and four one-hundredths chains, to a post marked "B" in the fence of William Pherrin, on the south side of the

Colusa and Yuba City road; thence along said fence south, fifty-eight and one-half degrees east, five and eighty-seven one-hundredths chains, to a post marked "B;" thence south four and ninety-six one-hundredths chains to the place of beginning —containing three twenty-five one-hundredths acres. Said tract or parcel of land shall be kept and used, under the exclusive control of said Board, as and for a public graveyard, to be called and known as the "South Butte Cemetery."

Sec. 2. Sections two, three, four, five, six, seven, eight, nine, ten and eleven of an Act entitled an Act to authorize the Board of Supervisors of Sutter County to enter upon, condemn and take possession of a certain tract of land, to be used as a public graveyard, approved March twenty-third, A. D. eighteen hundred and sixty-eight, and each and every provision therein contained, are hereby re-enacted and made a part of this Act, and made to apply to said South Butte Cemetery. Re-enacted.

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

CHAPTER CCCLVI.

An Act to alter and the better to define the corporate limits of the Town of Santa Rosa, in the County of Sonoma.

[Approved March 29, 1870.]

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

Section 1. The corporate limits of the Town of Santa Rosa, heretofore incorporated by the Board of Supervisors of Sonoma County, shall be as follows, to wit: The southern boundary of said town shall be the northern bank of Santa Rosa Creek; the northern boundary of said town shall be the southern bank of the slough known as the old Santa Rosa Creek, which is crossed by a bridge, in Mendocino street, near the residence of J. M. Williams; the eastern boundary of said town shall be a line crossing Fourth street at right angles immediately above the residence of George Hood, on a line with the fence on the easterly side of his yard, and extending to Santa Rosa Creek on the south and the slough aforesaid on the north; the western boundary of said town shall be a line drawn parallel with C street, from a point on Santa Rosa Creek where the eastern line of Adam Shane's land intersects said creek, and running thence to Fifth street; and thence from the southwest corner of Andrew Hixon's land, northerly (with the westerly line of said Hixon's land) and parallel with Mendocino street, to the slough and northern boundary of said town. Corporate limits.

Sec. 2. From and after the passage of this Act the Trustees of the Town of Santa Rosa aforesaid shall exercise no jurisdiction whatever over any territory without the boundaries of the Jurisdiction of Trustees.

corporate limits hereinbefore fixed and declared; and all persons and property embraced within the old corporate limits, and without the corporate limits hereby fixed, shall be and are hereby relieved from all liability of whatever nature hereafter to accrue or to be created by the Trustees of said town.

Notice of alteration.

SEC. 3. Within sixty days after the approval of this Act the Trustees of said Town of Santa Rosa shall cause to be published in their town newspaper the corporate limits in and by this Act fixed, which shall be construed to be positive notice of the alteration of the corporate limits of said town to all persons interested therein in any manner.

No to affect

SEC. 4. This Act shall not, in any manner other than in the extent of territorial jurisdiction, affect the powers of the corporation of the inhabitants of the Town of Santa Rosa; but said corporation shall have and exercise all the powers and functions which can be conferred upon any town duly incorporated under the Act approved April nineteenth, eighteen hundred and fifty-six, entitled an Act to provide for the incorporation of towns, anything in this or any other Act of the Legislature of this State to the contrary notwithstanding.

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

CHAPTER CCCLVII.

An Act to amend an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one.

[Approved March 29, 1870.]

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

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

Power to borrow or loan money.

Section 5. All corporations formed under this Act shall have power to borrow money for temporary purposes, not inconsistent with the objects of their organization, and to loan to their own members or other persons any moneys belonging to such corporation and not needed for immediate use, but no loan for such purpose shall have a longer duration than two years, nor shall such indebtedness exceed at any one time one-fourth of the aggregate amount of the shares and parts of shares and the income thereof actually paid in and received. Such corporations, however, for the purpose of completing the purchase of land, may borrow upon the security of their shares, or the land so purchased, or the land owned and held by them at the time of making such loan or loans, any sum or sums of money which, together with the interest to grow due thereon, shall not exceed ninety per cent. of the amount subscribed by the shareholders and still remaining to be paid in upon the shares; but no loan

shall be taken for a longer period than the time limited in the articles of association for the existence of the corporation, nor shall the interest to be paid upon such loans ever be compounded or exceed in the aggregate the rate of twelve per centum per annum; and upon the final settlement of the affairs of the association, or upon the termination of its corporate existence, the Trustees, in such manner as they may determine, shall divide its property among its shareholders in proportion to their respective interests, or upon the application of a majority in interest of the stockholders, shall sell and dispose of any or all of the real estate of said corporation, upon such terms as they may deem most conducive to the interests of all the stockholders, and shall convey the same to the purchaser and distribute the proceeds among the shareholders, or may at any time that in their judgment may seem best for the interest of all the shareholders, cause the lands of the corporation to be subdivided into lots and distributed, and sold for premiums by auction among the shareholders. The Directors may demand payment of the premiums on lots at the time they are bid, and if not so paid on any lot of land, may immediately offer the same for sale again If the Directors shall not require immediate payment of such premiums, and any shareholder shall fail to pay the amount bid by him on any lot or lots of land, on the day the same is made due and payable, the Directors may advertise and sell the share or shares of stock representing the lot or lots of land on which said premiums remain unpaid, in the manner in this Act provided for the sale of shares on account of delinquent instalments and premiums.

Final settlement.

Payment of premiums

SEC. 2 This Act shall take effect immediately.

CHAPTER CCCLVIII.

An Act concerning roads and highways in the County of Lassen.

[Approved March 29, 1870.]

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

SECTION 1. All roads in the County of Lassen which are now used as public highways, and all roads which have been declared such by the Board of Supervisors of said county, shall be deemed and considered to be public highways within said county.

Public highways.

SEC. 2. Applications to lay out, alter or discontinue any public or private road within said county, shall be made to the Board of Supervisors of said county, in writing, signed by one or more of the tax-paying residents of the road district wherein they may desire to lay out, alter or discontinue any public or private road. Said application shall state, with particularity, the starting point, the course and terminus of a proposed new road; and if an alteration, change or discontinuance of an

Applications to lay out or alter roads.

established road, such proposed change shall be set forth in like manner. Notice of application for a new road shall be given by posting the same, in writing, at the door of the Court-house of said county, and a like notice in some public and conspicuous place near the starting point of the proposed road, at least ten (10) days before the hearing of said application by the Board of Supervisors; if the application is for a change or discontinuance of any road, then by notifying, in writing, all parties, resident of the county, who own or occupy land on the line of said road so proposed to be altered or discontinued; if the owner of the land is a non-resident of the county, and his name and residence be known, then he shall be notified by placing a notice in the Post-office, directed to such owner at his residence, at least twenty (20) days before the application shall be acted upon by the Board of Supervisors. The notice herein prescribed shall be in writing, signed by one or more of the applicants; and a verified copy of said notice shall be evidence thereof. If no objections are made to the granting of the application on its presentation, and action being had thereon by the Board of Supervisors, the said Board shall appoint three persons, residents of the township or road district wherein such road is located, as Viewers, to view out and locate the proposed road on the most practicable route, having regard to the quality of the ground and the intermediate points proposed to be changed by the party applicant; also, the rights of all parties interested therein. Said Viewers shall, as soon as practicable, or at such time as the Board may direct, report to the Board of Supervisors, in writing, under oath, setting forth specifically the objections made by any party affected by said proposed road or alterations thereof, and the amount of damage that will be sustained by any person by reason of laying out or changing said road. In making such view and report, the Viewers shall take into consideration the benefits to be received by the party or parties through or along whose lands the proposed road is to be located or by reason of any change to be made in any road. Before such report is made, the Board of Supervisors shall hear and determine all questions touching the location or alteration of said road; and if the matter is decided against the party objecting to the proposed location or alteration, he or they shall pay all costs; and if decided against the applicant or applicants, he or they shall pay all costs. In all cases where a viewing or a survey, or either, of a new road or old road shall be required, the Board of Supervisors may require the party or parties asking the same, to pay, or secure the payment of the costs thereof; and in like manner the Board may require the payment or security for the payment of all costs for opposing the location, alteration or discontinuance of any road; and on final determination of the matter, said Board may order the defeated party or parties to pay to the other party or parties all costs by him or them paid; and if such costs be not paid on the order of the Board of Supervisors, the party or parties to whom the same are due may sue for and recover the same in a Court of competent jurisdiction.

Appointment of Viewers.

To report.

Costs of survey.

May refuse to locate or change.

SEC. 3. The Board of Supervisors may, in their discretion, refuse to locate or change any road applied for in pursuance of

section two of this Act, wherein damages may be claimed, or there is a probability that such may be awarded in the event that the application is granted If, however, the Board of Supervisors shall be satisfied that the location or change applied for is necessary for the public good, and shall order the location or change of any road applied for as aforesaid, then before any work shall be performed in the location or change of such road, the Board of Supervisors shall authorize the Auditor to draw his warrant on the Road Fund of the county for the amount which shall be ascertained to be due as damages to any person or persons injured by such location or change, provided there be sufficient money in said fund to pay said amount of damages; if there be not sufficient money in said fund, then said amount of damages shall be paid out of the General Fund of the county. In fixing the amount of damage, the Board of Supervisors, in addition to the report of the Viewers, provided for in section two of this Act, may receive such other evidence as they may deem proper, and in all cases they shall strictly regard the benefit of the location or change of any proposed road to the party or parties claiming damages.

In case location ordered.

Amount of damages.

SEC. 4. Private roads may be laid out in the same manner as public roads, except that the expense of laying out the same and the damages to be paid in consequence thereof, if any, shall be borne and paid by the party applying for the same. The width of private roads shall not exceed forty (40) feet. All private roads shall be opened and kept in repair by the parties for whose benefit the same was laid out, and said parties shall cause good and substantial gates to be erected and kept in repair across said road where it shall pass through any fence that may surround the inclosure through which such road may pass.

Private roads.

SEC. 5. All public highways in said county hereafter laid out shall not be less than sixty (60) feet in width nor more than eighty (80) feet.

Width of public roads.

SEC. 6. Any person wilfully obstructing any public or private road, by fencing across the same or changing the same in any manner, without first having proceeded by application to the Board of Supervisors, as required by section two of this Act, or who shall obstruct any public or private road by felling any tree across the same, or who shall in any other manner obstruct, or cause to be obstructed, such road, so as to impede the free and easy passage over and along said road, or shall injure any bridge or causeway, or remove any portion thereof, or by damming, digging or deepening a creek or river on its banks so as to destroy a ford or crossing, or dig a ditch and not bridge the same the full width of the road, within twenty-four (24) hours thereafter, in a good and substantial manner, shall be deemed guilty of a misdemeanor, and be liable for a prosecution before any Justice of the Peace of the county, on complaint of any Supervisor of the county or Road Overseer of the district, on behalf of the People of the State of California, and on conviction thereof, shall be fined in any sum not exceeding two hundred ($200) dollars; and the judgment of the Justice may require that the defendant be imprisoned in the county jail until the fine be paid, at the rate of one day imprisonment for every two dollars ($2.00) of the fine. After deducting the

Penalty for obstructing roads.

cost of prosecution, the balance of the fine shall be paid into the county treasury for road purposes.

Powers of Supervisors.

SEC. 7. Any member of the Board of Supervisors shall have power to administer an oath to any witness testifying in cases before said Board; they shall have power to make, from time to time, such rules regulating the procedure of parties in cases contested before them, that are not inconsistent with the Constitution and laws of this State.

Road districts.

SEC. 8. It shall be the duty of said Board of Supervisors to divide the several townships in said county into one or more road districts.

Road poll tax

SEC 9. The Board of Supervisors of Lassen County shall have power to levy, annually, in any one or all of the road districts of said county, a road poll tax, of not exceeding three ($3) dollars per annum, on all able-bodied men, residents of the county, between the ages of twenty-one (21) and fifty (50) years, payable in gold coin.

Appointment of Road Overseers.

SEC. 10. The Board of Supervisors shall, at the regular session of said Board in the month of June in each year, appoint one or more Road Overseers in each township in said county, who shall be residents of their respective townships, and said Overseers shall hold office for one year, unless sooner removed by the Board of Supervisors for cause, or by resignation,

Duties.

removal from the district or death. It shall be the duty of such Overseers to keep all the public highways within their respective district clear from obstructions and in good repair, causing banks to be graded, bridges and causeways to be made when the same may be necessary, to keep the same in good repair and remove the same when destroyed. They shall have power to use any gravel or dirt for improving the roads which may be necessary from any adjacent unimproved lands; and if damages be claimed therefor by any person or persons, the claimant or claimants shall present said claim to the Board of Supervisors, who shall ascertain, by evidence under oath from competent witnesses, the amount of damages, and if any be allowed by the Board, they shall order a warrant to be drawn for the amount, in favor of said claimant or claimants ,on the Township Road Tax Fund of the township wherein the damages occurred.

Overseer, as Road Poll Tax Collector.

SEC. 11. The Road Overseer of each road district shall be ex officio Road Poll Tax Collector for the district in which he resides, and he shall give bonds in such sum as the Board may require for the faithful performance of his duties as such Overseer and Road Poll Tax Collector. Said Collector shall collect the poll tax levied in accordance with section nine of this Act. He shall enter upon the duties of his office on the first day of July of each year, and continue in office until the first day of July following, unless sooner removed by the Board of Supervisors for good cause shown. Said Collector of each township shall, immediately after entering upon the duties of his office, proceed and collect said road tax from each and every person liable to pay such tax living within said township; and any person liable to pay a road tax, levied in pursuance of section nine of this Act, who shall refuse to pay the same on demand being made by the Road Tax Collector of his district, shall be considered a delinquent, and the Collector is hereby empowered

to seize upon any property belonging to said delinquent, and shall sell the same at public auction (after having given one hour's notice) to the highest bidder for cash, or so much thereof as shall be necessary to satisfy said delinquent road tax and three dollars additional as costs to the Collector for services of making such sale, and after having given one hour's notice to sell the same as aforesaid, by a public proclamation; and in case no bidders are present, nor any bid offered for the property at the hour of sale, he shall postpone the sale from day to day, by proclamation, not to exceed five days; *provided*, that any party liable to pay a road tax, as provided in section nine of this Act, shall be allowed to pay the road tax assessed against him in labor (at the rate of three dollars per day) on any road in his district, at such time and place as may be designated by the Road Overseer for the district in which he resides; *provided*, said labor is performed immediately upon being notified; otherwise, he shall be compelled to pay his road tax in cash, and be proceeded against as provided in this Act for the collection of road taxes. The Collector shall, immediately after the sale, execute to the purchaser or purchasers of the property a certificate of sale, as is required to be given by Sheriffs for sales of property under execution; and if the property so sold shall sell for more than is required to satisfy the road tax and costs, the Collector shall pay the balance to the delinquent taxpayer.

Blank road tax receipts.

SEC. 12. The Board of Supervisors, immediately after levying the said road tax, as provided in this Act, shall cause proper blank road tax receipts to be printed, of a uniform appearance, which shall be numbered consecutively, and signed in writing by the Chairman thereof; no other receipts for road tax than the above mentioned shall be used for the payment of said tax by the Road Tax Collector.

SEC. 13. The Chairman of the Board of Supervisors, after having numbered and signed such receipts as shall be required by the Collectors of each township, shall deliver them to the County Auditor, taking his receipt therefor.

Auditor to sign and issue.

SEC. 14. The Auditor shall sign said road tax receipts, and issue to each of the Road Tax Collectors such number of said receipts as may be needed by him. The Auditor, in a book provided for the purpose, shall keep a just and true account of debit and credit with the Collector of each township. He shall draw all warrants on said funds ordered by the Board of Supervisors.

Collector to make entry of tax paid.

SEC. 15. The Collector of each township shall keep a book, in which he shall enter or cause to be entered the name of each person in his district who paid to him the amount of their road tax in cash, and the name of each person who paid their tax in labor upon the roads, as provided for in section eleven of this Act. He shall present a written statement, under oath, to the County Treasurer, every three months during his continuance in office, and shall pay over to the Treasurer all moneys collected, after deducting his percentage for the collection of the same, at the same time of making his quarterly statement, and for such payment he shall take a receipt and a duplicate of the same, from the Treasurer, and file the original with the County Auditor within five (5) days thereafter. The Road Overseer shall

Quarterly returns.

also make quarterly returns to the Auditor of all road poll tax receipts unsold. Upon making such quarterly settlement, and upon the return of all unsold road poll tax receipts, he shall receive a certificate from the Auditor, certifying that he has settled in full, and that all road poll tax receipts issued to him have been accounted for; and the Auditor shall credit the Road Overseer and Collector with fifteen (15) per cent. on the total amount of said tax receipts disposed of by the Overseer, whether the same were paid for in cash or in labor upon the road, which said fifteen per cent. shall be in full for all services rendered as such Overseer and Collector.

Penalty for neglect of duty.

SEC. 16. Any person appointed Road Overseer and ex officio Collector of road poll tax, under the provisions of this Act, who shall fail to discharge the duties required of him under the provisions of this Act, in a prompt and proper manner, as specified herein, shall be deemed guilty of a misdemeanor, and be liable to a prosecution before any Justice of the Peace of said county, by any Supervisor of said county, on behalf of the people of the State of California, and on conviction thereof shall be fined in any sum not exceeding two hundred ($200) dollars, and in default of the payment thereof he shall be imprisoned in the county jail until the fine be paid, at the rate of one day for every two ($2) dollars of the fine.

SEC. 17. The Overseer and Collector of each district shall, at his annual settlement in the month of May of each year, deliver to the County Auditor all books, papers and tax receipts in his possession, belonging to said office, or at such other time as the Board may direct, taking the Auditor's receipt therefor.

SEC. 18. The Road Overseer shall not create any debt or liability against the road district or township for any purpose, unless so directed by the Board of Supervisors of the county.

Quarterly reports to Supervisors

They shall make quarterly reports to the Board of Supervisors, in which they shall specifically set forth the amount of money expended during said quarter, for what purpose and to whom paid, and the probable amount of money that will be needed for repairs, etc., etc., for the succeeding quarter, and the nature of the improvements needed. Said reports shall each be signed, under oath, by the respective Overseers. Each of said Overseers shall take a receipt from all persons to whom they shall pay any portion of said Township or Road District Fund, and file the same with the Board of Supervisors.

Current expenses

SEC. 19. The Board of Supervisors shall, at each regular session, order warrants drawn on the Township Road Tax Fund to meet the current expenses of each road district, for disbursement by the Overseer during the next succeeding three months; *provided*, there be money in the hands of the County Treasurer belonging to said Road Fund.

Property tax

SEC. 20. The Board of Supervisors shall have power to levy a property tax, whenever in their judgment the same may be required, not exceeding two cents on each one hundred dollars worth of taxable property in said county, for road purposes, at the same time that the State and county taxes are levied by them, and said tax shall be collected at the same time and in the same manner as is provided by them for the collection of other taxes in said county; and all moneys so collected shall be

paid by the Collector or Collectors to the County Treasurer, who shall keep the same in a separate fund, to be known as the County Road Fund. The Board of Supervisors shall have power to appropriate said fund for the building of bridges, roads, culverts or other incidental road expenses in the county.

Township Funds.

SEC. 21. The County Treasurer shall keep all moneys collected for road purposes in each township, in separate Township Funds, and shall pay the same out upon warrants drawn by the County Auditor, by order of the Board of Supervisors; *provided*, that the Board of Supervisors shall have power, at their discretion, whenever the same may be in their judgment for the best interest of the county, to order a transfer of moneys from one Township Road Fund to another, in order to meet any unusual or unexpected demand that may be made upon the Road Fund of any district.

SEC. 22. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLIX.

An Act to increase the number of Notaries Public for Monterey County.

[Approved March 29, 1870.]

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

Additional Notaries Public.

SECTION 1. The Governor is authorized and empowered by this Act forthwith to appoint three Notaries Public for the County of Monterey, in addition to the number now allowed by law.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCLX.

An Act concerning street railroads.

[Approved March 29, 1870.]

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

May grant street railroad franchises.

SECTION 1. The Trustees, City Council or Supervisors of all incorporated cities or towns, or the Supervisors of any city or county within the limits of such cities or towns, and the Boards of Supervisors of the various counties outside of such cities or towns, shall have the right to grant to any person or corporation the right to lay down and maintain, for a term not exceeding twenty-five years, an iron railway track or tracks upon any

streets or avenues or public highway in said cities or towns, or in said counties, outside of said cities or towns, and to run cars thereon, to be propelled by horses (or otherwise, as hereinafter provided), and to carry passengers or freight thereon; *provided*, that whenever any other railroad or company shall be granted the use of the same street, or any part thereof, they shall pay for the use of the rails already laid an equal share of the cost of constructing and maintaining the railroad on the street, or part of the street, thus occupied jointly, and thereupon shall be entitled to the joint use of such part of said railroad; but no such grant shall be made for more than five blocks in all.

Paving of streets.

SEC. 2. The owners of said railroad shall plank, pave or macadamize, as the Board of Supervisors of the county, or the municipal authorities of the cities or towns, or authorities of any city or county, shall direct, that portion of the streets along which their railroad track shall be laid, the whole length thereof between the rails and tracks, and for a width extending two feet on each side of the track, and keep the same constantly in repair, including crossings.

Tracks, how to be laid.

SEC. 3. The tracks of said railroad company shall not be more than five feet wide within the rails, with a space between the tracks sufficient for the free passage of the cars, and shall be laid, as nearly as possible, in the middle of the streets, and flush with the level of the streets, so as to offer as little obstruction as possible to the crossing of vehicles; and when any such road shall intersect any other road, the rails of each shall be so cut or altered as to permit the cars to pass without obstruction; and nothing in this Act shall be so construed as to prevent any other railroad company hereafter from crossing any road constructed under the provisions of this Act, at any point on the line of the same.

SEC. 4. For the purpose of laying down or repairing such railroad, not more than the length of one block shall be obstructed at any one time, nor for a longer period than ten working days.

Rates of fare

SEC. 5. The rates of fare upon any such railroad shall be fixed by the authority granting the privileges herein provided for, but shall not exceed ten cents for any distance under three miles. Said City Council, Board of Trustees, or Supervisor or Supervisors of counties, or of cities and counties, shall have power to enforce compliance with the rates of fare which they may establish, by such penalties as they may deem necessary.

Cars.

SEC. 6. The cars upon any such railroad shall be of the most approved construction for the comfort and convenience of passengers, and shall be provided with sufficient brakes and other means of stopping the same when required. They shall, within the corporate limits of any city or town, be moved by horses or mules, and not otherwise, and at a rate of speed not exceeding eight miles per hour; and in case of a violation of this provision, the owner or owners of any such railroad shall be subject to a fine of not exceeding one hundred dollars for each offence; but nothing in this Act shall be so construed as to prevent the use of steam or any other motive power outside the corporate limits of any city or town, which the Board of Supervisors of the county may permit to be used. The rails shall be of the

Rate of speed

most approved pattern now in use for street railroads, and the cars shall be run at convenient hours of the day and night.

Obstructing road.

SEC. 7. Any person wilfully obstructing any railroad herein provided for shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than fifty dollars or imprisonment not to exceed thirty days.

Termini and route.

SEC. 8. When any such privilege as herein specified is granted to any person or corporation, the order or ordinance granting the same shall describe particularly the termini and route; and unless the work on such railroad be commenced within one year after the privilege or franchise is granted, and unless the entire line be completed within three years after the said privilege or franchise is granted, all rights of the grantee under the order or ordinance shall be forfeited and shall thenceforth cease and determine; *provided*, the grantees at any time may, by and with the consent of the authorities granting such franchise, abandon any portion or part of such privilege or franchise; but such consent must, in each and every case, be in writing, and particularly describe the part or portion of the route or line intended to be abandoned.

Forfeiture of franchise.

Grading and repair of streets.

SEC. 9. Nothing in this Act, nor any privilege granted under its provisions, shall prevent the proper authorities of any city, town or county from grading, sewering, paving, planking, macadamizing, altering or repairing any of the streets or roads over which such privileges may be granted under the laws now in force or which may be hereafter enacted; but all such work shall be done so as to afford as little obstruction as possible to the free passage of the cars, and the owners of any such road shall have the right to shift the rails thereof so as to avoid obstruction as much as possible.

License.

SEC. 10. The owners of every such railroad shall pay to the authorities of the city, or town or county, as a license upon each car, such sum as said authorities may fix, not exceeding fifty dollars per annum in the City of San Francisco, nor more than twenty-five dollars per annum in other cities or towns; *provided*, where any such railroad shall connect or run through two or more cities or towns, a proportionate or equal share of such sum of money to be paid for license shall be paid to each of the said cities or towns, and not the whole amount of such license to any one city or town; and no such license money shall be due the county authorities where the same is paid to any city or town authority. The said city and town authorities are hereby authorized, subject to the provisions of this Act, to make such further rules and regulations as may be necessary for the full and complete enjoyment of any franchise granted by them for the purposes aforesaid and for the enforcement of the conditions herein specified.

Track for grading purposes.

SEC. 11. The right to lay down a track for grading purposes and maintain the same for a period not to exceed three years may be granted by the corporate authorities of any city or town, or Supervisors of any city or county, but no such track shall remain more than three years upon any one street; and it shall be laid level with the street and shall be operated under such restrictions as not to interfere with the use of the street by the public. The corporate authorities of any city or town

may grant the right to use steam or any other motive power in propelling the cars used on such grading track, and for this purpose shall not be restricted by any of the provisions of this Act relative to the use of steam or other motive powers on street railroads; and nothing in this section shall in any manner extend to or authorize the granting of the right or privilege to use steam or other motive power for propelling cars within the corporate limits of any city or town, except for grading purposes; and every right, franchise or privilege heretofore granted by Trustees, City Councils or Supervisors of any county or city and county, giving to any person or persons, companies or corporations, the right to lay down and maintain railroad tracks upon any street or public highway in any town, city or city and county, and to run cars thereon for any of the purposes herein enumerated, is hereby in all respects confirmed, ratified and made valid for a period of three years, and no longer.

SEC. 12. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 13. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLXI.

An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private lands therefor.

[Approved March 29, 1870.]

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

Montgomery avenue.

SECTION 1. The following described piece of land, situate in the City and County of San Francisco, that is to say: Beginning at a point on the westerly side of Montgomery street, seventy-six feet, measured on said line of said street, north of the northern line of Washington street; thence to a point on the northern line of Vallejo street one hundred and forty-six feet west of the western line of Dupont street, passing near to but not touching or including any portion of the Church of San Francisco De Assis; thence continuing the same straight line to the northern line of Beach street; thence southwesterly and perpendicular to the first line eighty feet; thence southeasterly, parallel to the first line, to the southwest corner of Montgomery and Washington streets; thence to the beginning—is hereby taken and dedicated for an open and public street, and when paid for as hereinafter provided, the title thereto shall vest in said city and county for such purpose forever, as the title of other public streets in said city and county now is vested, and said street shall hereafter be known and designated as Montgomery avenue.

Grade.

SEC. 2. The grade of said Montgomery avenue shall be as follows: From the western line of Montgomery street, as the

grade thereof is fixed by this Act, to its intersection with the middle of Vallejo street, it shall have a uniform rise of four feet and three-tenths of a foot in every hundred feet of its horizontal length; thence to its intersection with the middle of Green street, it shall have a uniform rise of eight inches in every hundred feet of its horizontal length; thence to its intersection with the middle of Union street, it shall have a uniform descent of two and seven-tenths feet in every hundred feet of its horizontal length; thence to its intersection with the middle of Mason street, it shall have a uniform descent of three and sixteen hundredths feet in every hundred feet of its horizontal length; thence to its intersection with the middle of Lombard street, it shall have a uniform descent of two and seventy-six hundredths feet in every hundred feet of its horizontal length; thence to its intersection with the middle of Jones street, it shall have a uniform descent of one foot and six hundredths of a foot in every hundred feet of its horizontal length; thence to its intersection with the middle of North Point street, it shall have a uniform rise of eighty-eight hundredths of a foot in every hundred feet of its horizontal length; thence to its intersection with the middle of Beach street, it shall have a uniform descent of two and twenty-five hundredths feet in every hundred feet of its horizontal length.

Grade of Kearny street.

SEC. 3. The grade of Kearny street, between Washington and Broadway streets, as now fixed by ordinance, is hereby changed, and shall hereafter be as follows, that is to say: Said street shall have a uniform rise from the northern side of Washington street to the western line of Montgomery avenue, as the grade thereof is fixed by this Act; and from the eastern line of said avenue it shall have a uniform rise to the southern line of Broadway street, as its grade is now established.

Of Dupont street.

SEC. 4. The grade of Dupont street, between Pacific and Vallejo streets, as now fixed by ordinance, is hereby changed, and shall hereafter be as follows: Said street shall have a uniform ascent from the northern line of Pacific street to the western line of Montgomery avenue, and a uniform ascent from the eastern line of said avenue to the southern line of Vallejo street.

Of Powell street.

SEC. 5. The grade of Powell street, between Union and Lombard streets, as now fixed by ordinance, is hereby changed, and shall hereafter be as follows: From the northern line of Union street it shall have a uniform descent to the western line of Montgomery avenue, and from the eastern line of said avenue it shall have a uniform descent to the southern line of Lombard street.

Of Mason street.

SEC. 6. The grade of Mason street, between Greenwich and Francisco streets, as now fixed by ordinance, is hereby changed, and shall hereafter be as follows: From the southern line of Greenwich street to the western line of Montgomery avenue it shall have a uniform descent, and from the eastern line of said avenue to the southern line of Francisco street, as the grade thereof is now fixed, it shall have a uniform descent.

Of Jones street.

SEC. 7. The grade of Jones street, between Francisco and Bay streets, is hereby changed, and shall be as follows: From the northern line of Francisco street it shall have a uniform grade to the western line of Montgomery avenue, and from the

eastern line of said avenue it shall have a uniform grade to the northern line of Bay street, as now established.

Of Leavenworth street.

SEC. 8. The grade of Leavenworth street is hereby changed, and shall be as follows: From the southern line of North Point street it shall have a uniform grade to the western line of Montgomery avenue, and from the eastern line of said avenue it shall have a uniform grade to the southern line of Beach street.

Of Montgomery street.

SEC. 9. The grade of Montgomery street, between Washington and Pacific streets, is hereby changed, and shall be as follows: The crossing of Montgomery and Jackson streets shall be twelve feet above base; and said Montgomery street shall have a uniform rise from the northern line of Washington street to the southern line of Jackson street, and from the northern line of Jackson street to the southern line of Pacific street.

Of Jackson street.

SEC. 10. The grade of Jackson street, between Dupont and Sansome streets, is hereby changed, and shall be as follows: From the western line of Sansome street it shall have a uniform rise to the eastern line of Montgomery street, as above established; and from the western line of Montgomery street it shall have a uniform rise to the eastern line of Montgomery avenue; and from the western line of said avenue it shall have a uniform rise to the eastern line of Kearny street, as established by this Act; and from the western line of Kearny street it shall have a uniform rise to the eastern line of Dupont street. The grade of Pacific street, between Montgomery and Dupont streets, is hereby changed, and shall be as follows: From the western line of Montgomery street it shall have a uniform ascent to the eastern line of Montgomery avenue, and from the western line of said avenue it shall have a uniform rise to the eastern line of Dupont street. The grade of Broadway street, between Kearny and Dupont streets, is hereby changed, and shall be as follows: From the west side of Kearny street, as now fixed by ordinance, it shall have a uniform grade to the eastern line of Montgomery avenue, and from the western line of said avenue it shall have a uniform grade to the eastern line of Dupont street. The grade of Vallejo street, between Dupont and Stockton streets, is hereby changed, and shall be as follows: From the west side of Dupont street, as now established by ordinance, it shall have a uniform grade to the eastern line of Montgomery avenue, and from the western line of said avenue it shall have a uniform grade to the eastern line of Stockton street. The grade of Filbert street, between Stockton and Mason streets, is hereby changed, and shall be as follows: From the western line of Stockton street it shall have a uniform descent to the eastern line of Powell street, as the grade thereof is established by this Act; and from the western line of Powell street it shall have a uniform grade to the eastern line of Montgomery avenue, and from the western line of said avenue it shall have a uniform grade to the eastern line of Mason street, as the grade thereof is now established by ordinance. The grade of Greenwich street, between Stockton and Mason streets, is hereby changed, and shall be as follows: From the western line of Stockton street, as the grade is now fixed by ordinance, it shall have a uniform grade to the eastern line of Powell

Of Pacific street.

Of Broadway street.

Of Vallejo street.

Of Filbert street.

Of Greenwich street.

street, as fixed by this Act; and from the western line of Powell street, as the grade is fixed by this Act, it shall have a uniform grade to the eastern line of Montgomery avenue, and from the western line of said avenue it shall have a uniform grade to the western line of Mason street, as now fixed by ordinance. The grade of Lombard street, between Powell and Taylor streets, is hereby changed, and shall be as follows: From the western line of Powell street, as now established by ordinance, it shall have a uniform grade to the eastern line of Mason street, as its grade is established by this Act; and from the western line of Mason street it shall have a uniform grade to the eastern line of Montgomery avenue, and from the western line of said avenue it shall have a uniform grade to the eastern line of Taylor street, as now established by ordinance. The grade of Chestnut street, between Powell and Jones streets, is hereby changed, and shall be as follows: From the western line of Powell street, as now established by ordinance, it shall have a uniform grade to the eastern line of Mason street, as established by this Act; and from the western line of Mason street it shall have a uniform grade to the eastern line of Montgomery avenue, and from the western line of said avenue it shall have a uniform grade to the eastern line of Jones street, as the grade thereof is now established by ordinance. The grade of Francisco street, between Taylor and Jones streets, is hereby changed as follows: From the western line of Taylor street, as the grade thereof is now established, it shall have a uniform grade to the eastern line of Montgomery avenue, and from the western line of said avenue it shall have a uniform grade to the eastern line of Jones street, as the grade thereof is now established by ordinance. The grade of Bay street, between Jones and Leavenworth streets, is hereby changed, and shall be as follows: From the eastern side of Jones street to the eastern side of Montgomery avenue it shall have a uniform grade, and from the western side of said avenue it shall have a uniform grade to the eastern side of Leavenworth street, as its grade is now established. The grade of North Point street, between Jones and Leavenworth streets, is hereby changed, and shall be as follows: From the west side of Jones street, as now established, it shall have a uniform grade to the eastern side of Montgomery avenue, and from the western side of said avenue it shall have a uniform grade to the western side of Leavenworth street, as its grade is now established. The grade of Beach street, between Leavenworth and Hyde streets, is hereby changed, and shall be as follows: From the western line of Leavenworth street, as now established, it shall have a uniform grade to the eastern line of Montgomery avenue, and from the western line of said avenue it shall have a uniform grade to the eastern line of Hyde street, as now established.

Of Lombard street.

Of Chestnut street.

Of Francisco street.

Of Bay street.

Of North Point street.

Of Beach street.

SEC. 11. The value of the land taken for said Montgomery avenue, as the limits thereof are hereinbefore fixed and described, except such part thereof as belongs to said city and county; and the damage done to other lands on the line of said avenue, and the whole expense of making the excavations and embankments necessary to the construction of said avenue, and of all the streets whose grades are changed by this Act, according to

Expenses of work.

the grades of the same, as herein prescribed; and all the cost and expense of paving, curbing and constructing sidewalks and sewers in said avenue and said other streets whose grades are changed by this Act; and all the cost and expense of raising buildings to the grade of said streets, as prescribed by this Act; and the salaries of the Commissioners hereinafter provided for, and the pay of their office rent, clerks, counsel, maps, draughtsmen and surveyors; and all other expenses whatsoever incidental to the taking, opening and constructing of said avenue; and all expenses incurred by said change of grades, shall be held and considered to be the cost of opening said Montgomery avenue, and shall be assessed on the lands mentioned and described in the following section of this Act, in proportion to the benefits accruing therefrom to said several lots, subdivisions and pieces of land, respectively, which said lands are hereby declared to be benefited by the opening of said avenue.

Lands to be assessed.

SEC. 12. The lands referred to in the preceding section as those upon which the cost of opening said Montgomery avenue, as said cost is defined in section eleven of this Act, shall be assessed, on all the lots, pieces and subdivisions of land included within the following described tracts, blocks and parcels of land, that is to say:

First—Beginning at the northwest corner of Kearny and Broadway streets, and running thence westerly along the northern line of Broadway street, to the eastern line of Leavenworth street; thence along said line of Leavenworth street, to the northern line of Union street; thence westerly along said line of Union street, to the eastern line of the Presidio Government Reservation; thence northerly along said line of said reservation, to the southern line of Lewis street; thence easterly along said line of Lewis street, to its intersection with the western line of Polk street continued; thence southerly, at right angles with Lewis street, to the point of intersection of the southern line of Tonquin street with the western line of Polk street; thence easterly, at right angles, to the western line of Larkin street extended; thence southerly along said line of Larkin street, to its intersection with the southern line of Jefferson street; thence at right angles with Larkin street, along Jefferson street, to its intersection with the western line of Powell street; thence at right angles, southerly, to the southern side of Beach street; thence at right angles, easterly, to the westerly line of Dupont street; thence at right angles, southerly, to the southern line of North Point street; thence at right angles, easterly, to the western line of Kearny street; thence to the beginning.

Second—All the lots of land in the block bounded by Montgomery, Kearny, Washington and Jackson streets, except the lot which is bounded as follows: Beginning at a point on the southern line of Washington street, distant one hundred feet easterly from the northeast corner of Washington and Kearny streets, and running thence northerly, at right angles, to Washington street, one hundred and thirty-seven and one-half feet; thence easterly, at right angles, to the first line, one hundred and thirty-seven and one-half feet; thence southerly, at right angles, to the second line, one hundred and thirty-seven and

one-half feet, to the aforesaid line of Washington street; thence to the beginning; and excepting further so much of said block as lies within the limits of said avenue. Lands to be reserved.

Third—All the lots of land in the block bounded by Montgomery, Kearny, Jackson and Pacific streets, excepting so much of said block as lies within the limits of said avenue.

Fourth—All the lots of land in the twelve blocks which are included within Broadway, Jackson, Jones and Kearny streets, except so much of any block or blocks as lies within the limits of said avenue.

Fifth—All the lots of land lying on the south side of Jackson street, between Jones and Kearny streets, for a depth of one hundred and thirty-seven and one-half feet southerly from the southern line of Jackson street.

Sixth—All the lots of land remaining since the widening of Kearny street in the fifty-vara lot number thirty-one, being the fifty-vara lot which lies in the northwest corner of Washington and Kearny streets.

Seventh—All the lots of land lying on the eastern side of Kearny street, between Washington and California streets, for a depth, easterly, of one hundred feet from said line of Kearny street.

Eighth—All the lots of land lying on the western side of Kearny street, between Clay and California streets, for a depth, westerly, of one hundred feet from said line of Kearny street.

Ninth—All the lots of land lying on both sides of Montgomery street, between Washington and California streets, for a depth, respectively, of one hundred feet easterly from the eastern line, and one hundred feet westerly from the western line of said street.

Tenth—All the lots of land in the block included between Montgomery, Sansome, Washington and Jackson streets; also, all the lots of land beginning on the southeast corner of Pacific and Montgomery streets; thence southerly along Montgomery street to Jackson street; thence easterly along Jackson street to Sansome street; thence northerly along Sansome street one hundred and thirty-seven and one-half (137½) feet; thence westerly, parallel to Jackson street, two hundred and seventy-five (275) feet; thence northerly, parallel to Montgomery street, one hundred and thirty-seven and one-half (137½) feet to Pacific street; thence westerly along Pacific street to the beginning.

Eleventh—All the lots of land which are included within the following boundaries, viz: On the west by Kearny street; on the north by Filbert street; on the south by Vallejo street, and on the east by a line parallel with and two hundred and seventy-five feet easterly from Kearny street.

Twelfth—All the lots of land bounded and described as follows, viz: Commencing on the southeast corner of Vallejo and Kearny streets; thence southerly along Kearny street to Broadway; thence easterly along the northerly line of Broadway, one hundred and thirty-seven feet six inches; thence at right angles northerly, one hundred and thirty-seven feet six inches; thence at right angles easterly, one hundred and thirty-seven

feet six inches; thence at right angles northerly, one hundred and thirty-seven feet six inches, to Vallejo street; and thence westerly along Vallejo street to beginning.

Thirteenth—Commencing on the southeast corner of Broadway and Kearny streets; thence southerly along Kearny street to Pacific street; thence easterly along the northerly line of Pacific street, two hundred and seventy-five feet; thence at right angles northerly, one hundred and thirty-seven feet six inches; thence at right angles westerly, one hundred and thirty-seven feet six inches; thence at right angles northerly, one hundred and thirty-seven feet six inches, to Broadway street; thence westerly along Broadway street to beginning, excepting so much of the same as lies within the limits of Montgomery avenue, as the same are fixed and described in this Act.

Fourteenth—All the lots of land lying between Washington, Sansome and Merchant streets, and a line from Washington to Merchant street, parallel with Montgomery street, and distant therefrom easterly one hundred feet; *provided*, nevertheless, that all public streets, public squares, lands reserved for any public use, sites of school houses and of engine houses, jails, prisons and property of every kind belonging to the City and County of San Francisco, or to the Government of the United States, or to the State of California, which may be included in any of the above described lands, shall not be assessed for the cost of opening said avenue; and *provided* further, that if at any time before the report of said Commissioners, provided for in section sixteen of this Act, is made to said County Court, the Government of the United States, or the State of California, or the said City and County of San Francisco shall relinquish or convey, or in any manner transfer its or their title to any portion of said lands to any person or corporation, said lands so transferred to private ownership shall be assessed in the same manner as other lands now private property, lying within the limits of any of the above described tracts of land.

Exempt.

Transfer of title.

Appointment of Commissioners.

SEC. 13. Within thirty days after the passage of this Act, the County Court of the City and County of San Francisco shall appoint three persons, who are hereby constituted a Board of Commissioners for the purpose of carrying out the provisions of this Act. Before entering upon the discharge of their duties, each of said Commissioners shall take and subscribe an oath before the County Judge of said city and county, that he will, to the best of his ability, and without fear or favor, perform all the duties required of him by this Act, and that he has no interest in any of the land designated as taken or assessed for or injured by said avenue; which oath shall be filed by the Clerk of the County Court of the said city and county. While serving as such Commissioner, they shall each be entitled to receive, and be paid from the fund and in the manner hereinafter provided, a salary of five hundred dollars per month, in gold coin of the United States. Said Board is hereby authorized to employ such clerks, attorneys, surveyors, draughtsmen, laborers, and other assistants as shall be necessary, and to hire suitable offices for the transaction of its business, at a rental not to exceed one hundred dollars, in gold coin, per month. Any

Salary.

vacancy occurring in said Board shall be filled by the County Court of the City and County of San Francisco, by an order to be made on the application of the surviving or remaining member or members of said Board, after ten days notice, by advertisement published in such newspaper as said Court shall direct, of the time and place appointed for the hearing of such application. Upon the day appointed for such hearing, or upon any day to which the same may be adjourned, said Court shall hear all parties interested, who may desire to be heard upon or in regard to said application, and shall thereupon appoint some suitable person, who shall be a resident and property owner in said city and county, whose property is not taken or liable to be assessed for said avenue, to fill such vacancy, and the person so appointed shall thereupon enter upon the duties of his office, as such Commissioner, with like power and authority, and qualify in like manner, as if herein named as such. Either of the Commissioners may be removed by said County Court, for cause, on the application of any party interested. Said Board may examine parties and witnesses in said proceedings, upon oath, and each Commissioner shall be and is hereby authorized to administer oaths for that purpose Witnesses may be compelled to attend before the Board by subpœna, issued from the said County Court, upon application of either of said Commissioners, or of any party interested. Vacancy.

SEC. 14. Said Commissioners shall, immediately after qualifying, as hereinbefore provided, by advertisement to be published daily for twenty days, in two daily papers printed and published in said city and county, notify all persons whom it may concern, that said Board has located its office, at a place to be named therein, and that all persons owning land which is to be taken for the opening of said avenue, or which is to be assessed for the cost thereof, as the same is defined in this Act, are required, within twenty days from the date of the first publication of said notice, to file with said Board maps of their respective subdivisions of land, and copies of the deeds, leases, mortgages or other instruments, under which they respectively claim, or a description of their property with a specification of their interests therein, and a reference to the place of record of the instruments under which they so claim; and said advertisement shall also notify all persons owning or claiming, or occupying, or having any title to property, which they consider will be injuriously affected in value by the opening of said avenue, or by the change of grades of streets herein prescribed, over and above the benefits accruing to their property from such change of grade, that they also are required to file like maps and copies of deeds, and other instruments or specifications and descriptions, with a brief statement of the reasons why, or respect in which their property will be affected. Notice to parties affected.

SEC. 15. At the expiration of the twenty days mentioned in section fourteen of this Act, if any person shall have failed to file such maps, instruments and descriptions, the said Board shall procure a copy of all the remaining unclaimed subdivisions which shall be affected by this Act, from the books of the Assessor of the City and County of San Francisco, and shall adopt the same subdivisions as are found on the books and plans of In case of failure to comply with notice.

said Assessor, and set down such subdivisions as belonging to unknown owners, and shall assess the value of such of said subdivisions as are to be taken for said avenue, and the damages and benefits upon such as are affected by the opening of said street; and in case it be ascertained in any manner by said Board that the owner or owners of any such subdivision is laboring under any disability, such as infancy, coverture, insanity, imprisonment, or any other, it shall be their duty to report the same to the Judge of the County Court of the City and County of San Francisco, who shall appoint a guardian or attorney, as the case may be, to represent such person laboring under disability. In all cases where the owner or owners of any subdivision of land is or are unknown, or so stated in the report of said Board, and in cases where there are liens, or encumbrances, or leases, or conflicting claims, or disputes, or doubts about the title of any lots or subdivisions of said land, which cannot be adjusted and settled between the parties in interest, in all such cases it shall be the duty of the said Board to draw a warrant on the Treasurer of said city and county, payable out of the fund hereinafter provided, for the amount awarded in each case as the value of the respective lots of land taken for said avenue, or of the damages assessed, and to deposit said warrant with said County Treasurer to the credit of the particular lot of land by its proper description; and thereupon, and on proof of the same, the said Board shall be entitled to be put in possession of such lots of land as shall be taken for said avenue, in the same manner and by the same process as provided in the twenty-fourth section of this Act; and the title to said lots of land shall thenceforth be vested in said city and county as effectually as if the same had been conveyed by deeds executed by the true owner thereof. The said fund so deposited by said Treasurer to the credit of any lot shall stand in lieu and stead of said lot; and the parties interested in or making claim to said lot shall have the same rights in the said fund as they had in the said lot, and may proceed against the said Treasurer, by bill in equity, for an adjudication to settle the conflicting claims to the same, or to provide for its just and proper distribution; in which action, all parties in interest or dispute shall be made parties, if known. In all such actions, the only requisition upon the Treasurer shall be to answer whether he has the money on deposit to the credit of the lot in question. If, upon the judgment of the Court, the said Treasurer shall pay over any such fund to the party entitled to receive it, such payment shall forever bar any other action upon the part of any person whomsoever against the said Treasurer for said fund, or any part thereof; *provided*, that no owner or occupant of land shall be awarded damages for the removal of or any injury to buildings thereon, the erection or improvement of which may be commenced subsequent to the passage of this Act; nor shall any person be entitled to damages for or on account of any lease or leases made after this Act takes effect.

Unknown owners.

Report of Commissioners.

SEC. 16. At the expiration of the time limited in section fourteen of this Act for the filing of maps, deeds, descriptions, claims, etc., the said Board shall proceed to ascertain and deter-

mine, and separately state and set down in a written report, to be signed by at least a majority of said Board, the description and actual cash value of the several lots and subdivisions of land included in the land taken for said Montgomery avenue, the amount of damage that will be occasioned to property along the line of said avenue, and the amount of damages accruing from the change of grades of the streets as prescribed by this Act, and all the other costs and expenses of opening said Montgomery avenue, as they are defined in this Act. The amount thus ascertained by said Board shall be assessed upon the lands as provided in sections eleven and twelve of this Act. And said Board shall also set down in its said report the amounts apportioned and assessed upon each of the lots and subdivisions of land hereinbefore declared to be benefited by the opening of said avenue. In making said report, said Board shall severally specify and describe each lot, subdivision or piece of property taken, injured or assessed, following, where possible, the descriptions shown in the maps, descriptions and deeds, and other instruments filed with said Board, in pursuance of section fourteen of this Act; and shall set against each lot, subdivision or piece of property, the names of the owners, occupants and claimants thereof, or of persons interested therein as lessees, encumbrancers or otherwise, and the particulars of their interests respectively, so far as the same can be ascertained, and the amount of value, or damage, or assessment determined upon for the same respectively. If in any case said Board shall find that conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any parcel of land, or of any interest therein, it shall set the same down as belonging to unknown owners. In case it shall happen that an amount shall be assessed on any piece of ground not in conformity to the subdivision lines as shown on the maps, instruments and descriptions so filed, or for any other reason it shall become necessary, after the report has been made and confirmed, as hereinafter provided, to apportion any assessment between two lots or subdivisions of a lot or lots, the said Commissioners shall have authority to apportion the same and make such alterations in their report as is thus rendered necessary. The said Board shall also cause to be made a general map or plan of said Montgomery avenue, and of the lands herein declared to be benefited thereby; and they shall also cause to be made a separate map of each block or piece of land, which is bounded by three or more streets, exhibiting in detail thereon each lot and subdivision of land taken for said Montgomery avenue, and also the property injured thereby, and also each lot and subdivision of land liable to be assessed to pay the costs and expenses of opening said avenue, as the same are defined in this Act. They shall also cause to be prepared profile maps showing a sectional elevation of Montgomery avenue, and of all the streets whose grades are changed by this Act, so as to exhibit the grades thereof, as herein prescribed. Such report and map, as soon as the same are completed, shall be left at the office of said Board, daily, during ordinary business hours, for thirty days, for the free inspection of all parties interested; and notice that the same are so open for inspection for such time and at such place,

Conflicting claims.

Maps.

Open to inspection.

shall be published by said Board, daily, for twenty days, in two daily newspapers printed and published in said city and county.

Hearing of parties aggrieved.

SEC. 17. Any person feeling dissatisfied with the determination of said Board as to the value of, the amount of damage to, or the assessment upon lands or property owned, claimed or occupied by him, as shown in the report provided for in the last preceding section, may have a summary hearing thereupon before said Board, in person or through counsel, at any time before the filing of said report as hereinafter provided, and may be examined upon oath, and produce and examine witnesses in relation thereto; and the said report and map shall, during that time, be open to revision and correction by said Board.

Revision of report.

At the expiration of the time allowed for such hearing (the several parties who have, during said period, applied for a hearing, having had an opportunity to be heard), said Board shall proceed to review its said report, and, if necessary, correct or modify the same, and when such revision is completed, shall file its said report as revised, together with said maps as corrected, in the office of the County Court of said city and county, with a petition, signed by said Board or a majority thereof, for

Petition for confirmation

the confirmation of said report. Upon filing of said report, maps and petitions, the said County Court shall have and take jurisdiction of said proceedings as a special proceeding, and continue, if necessary, and determine the same after the manner of cases of equitable cognizance; and the Court or Judge shall thereupon appoint a day, not more than twenty nor less than ten days from the date of filing thereof, for the hearing of said

Notice of filing.

petition. Notice of the filing of said report and map, and petition for the confirmation of said report, and of the time and place appointed for the hearing of said petition, shall then be given, by publication thereof daily at least ten days before said hearing, in three daily papers published in said city and county.

Hearing of petition.

On the day appointed for the hearing of said petition, or on such other day or days as the said hearing may be adjourned to, or as may be appointed for that purpose by said Court, all persons interested may be heard before said Court in relation to any of the matters contained in said report; and the Court, after hearing the allegations and proof of all parties interested, and ascertaining to its satisfaction that notice of such hearing has been duly given, may confirm, set aside or modify said report, and, if necessary, refer the same back for revision and correction to said Board, who shall thereupon, if the same be so referred, after revising and correcting the same as directed by said Court, file the same so revised and corrected; and like proceedings shall thereupon be had as to hearing, before the County Court, confirmation, reversal or modification, as hereinbefore in this section provided, until said report, as revised and

Objections in writing.

corrected, shall be finally confirmed by said Court. No objections to said report shall be considered by said Court except such as are specifically set forth in writing by the parties objecting to the same; and all errors, omissions and irregularities not so specifically set forth shall be deemed to be waived.

Confirmation of report

Upon the confirmation of said report, said Court shall enter up a separate judgment against each lot or subdivision of land

assessed therein, for the amount so assessed against the same in said report, describing the same as described in said report, or by a more correct description, if the same be incorrectly described therein. In the proceedings on the said report there shall be but one judgment roll, which shall consist of a copy of the report and maps, petition for confirmation, objections thereto, and judgments of the Court thereon. All such judgments shall be in favor of the City and County of San Francisco against each particular lot of land described, for the amount assessed upon it; shall be payable only in gold coin of the United States, or by the warrants issued by said Board as provided in section twenty-one of this Act; shall bear interest from the date of filing said report, at the rate of one per cent. per month, until satisfied, and shall be a lien upon the respective lots of land until the same are paid or satisfied.

Appeal.

SEC. 18. Any party dissatisfied with said report, or any part thereof, who shall have filed objections thereto in the County Court, as provided in the last preceding section, may, within thirty days after the entry of the judgment mentioned in the last preceding section, appeal to the Supreme Court to review the matter or matters complained of in the objections so filed; and such appeal shall be taken in the manner, and with the same effect, and in all respects in conformity to sections twelve, thirteen and fourteen of an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for public improvements, and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four, and all subsequent proceedings shall be in conformity therewith, except that so far as said sections are used in carrying out this Act, the words "Board of Commissioners" shall be substituted in the place of the words "Board of Supervisors" and "Board of Supervisors of said city and county," where the same occur in said sections.

Orders of sale.

SEC. 19. At any time after the final confirmation of said report by the said County Court, the time for appealing from the order of confirmation having expired without an appeal having been taken, or, if such appeal shall have been taken, and the proceedings herein shall not be stayed by undertaking on appeal, as provided in said last mentioned section, and the Act therein referred to, said Board may apply to the said Court for an order or orders of sale to issue to the Sheriff of the said city and county, commanding him to collect the amount of the said several judgments, or such or any of them as shall then remain unpaid, together with costs and expenses, by sale of the lots against which the same are respectively entered, in the mode prescribed by law for the sale of real estate under decree or foreclosure; the proceeds to be paid by said Sheriff to the Treasurer of said city and county, who shall place the same to the credit of said Board, to be used solely for the purposes of this Act.

Fees of Clerk.

SEC. 20. The fees of the Clerk of said Court for his services in any proceedings in said Court under this Act, shall be the sum of two dollars for every judgment entered therein, and shall be collected at the time and in the manner that said judgments are collected, and shall be paid to said Clerk by said

Board out of the fund hereinabove provided for, as other expenses are paid. And the said Clerk shall be entitled to collect and receive for each transcript of the record prepared by him, from the party desiring the same, such fees as are now allowed on appeal in civil cases. The fees of said Sheriff shall be five dollars for every lot or subdivision lot sold by him, and shall be paid to him as the fees of said Clerk are paid. Neither of said officers shall be entitled to receive any other or further compensation for any services rendered by him hereunder, than those above provided for; but any expenses lawfully incurred by said Clerk or Sheriff, for any such proceeding, shall be assessed by said Board, as other expenses are provided to be paid.

Of Sheriff.

Satisfaction of judgment.

SEC. 21. Any owner of, or person interested in any lot or subdivision of land assessed in said report, against which judgment has been so entered by said County Court, may at any time before the issuance of an order of sale thereon, pay the amount of such judgment and interest, and Clerk's fees, to the Treasurer of said city and county, who shall receipt for the same, and place the money to the credit of the Montgomery Avenue Commissioners' Fund herein provided for; and on presentation to said Clerk of said receipt, such judgment shall be by him satisfied of record. All sums of money collected by said Sheriff, on the said judgments of the County Court, shall be deposited by him with the Treasurer of said city and county, by whom the same shall be held as a special fund, to be named the "Montgomery Avenue Commissioners' Fund," and shall be paid out on the warrants of said Commissioners. The said warrants shall be drawn by said Board on said Treasurer, to the order of the person or persons to whom the same may be due, shall be signed by each of said three Commissioners, shall be payable in gold coin, shall bear interest at the rate of one per cent. per month, and shall be paid in the order of their presentation to said Treasurer, out of any money in his hands to the credit of said fund. It shall be the duty of said Treasurer to register said warrants in the order of their presentation to him for payment, and to pay the same as above prescribed, in the order of their registration.

Same.

SEC. 22. In case the owner of any lot or parcel of land taken for said avenue, or of property in respect to which damages have been awarded for injury sustained by the taking and opening of said avenue, or by change of grades herein provided, shall also be owner of any lot or parcel of land assessed hereunder, said Board shall, on request of said person, deliver unto him a certificate of such fact, stating the amount awarded him as the value of, or extent of injury to such land or property taken or injured, and the amount assessed upon the land owned by him; and upon presenting such certificate to said Treasurer or to said Sheriff, the receipt of such person for the amount or any part of the amount so certified as due him, shall be received in payment or satisfaction, or on account of or in part satisfaction, as the case may be, of any assessment made or judgment entered hereunder, against land of which such person is the owner.

When Board may take possession.

SEC. 23. Any person owning land included within the description of land to be taken for said avenue may, at any time after

confirmation of the report provided for in sections sixteen and seventeen of this Act, on executing and delivering to the said Board a deed of the land so owned by him, in form to be approved by said Board, conveying the same to said city and county for the purpose declared in this Act. shall be at once entitled to a warrant for the amount awarded in said report as the value of such land; such warrant to be drawn by said Board upon the Treasurer of said city and county, as hereinbefore prescribed, to the order of such person, payable out of the fund in the hands of said Treasurer to the credit of said Board; whereupon said land shall be taken possession of by said Board, for said city and county, for said purpose only. Said Treasurer is also authorized to receive from any person any sum or sums of money in advance of the proceeds of the assessments herein authorized, and said Board may issue like warrants therefor in favor of such person. All said warrants shall be receivable by the Sheriff and Treasurer of said city and county, in payment and satisfaction of any judgments rendered by said County Court in pursuance of the provisions of this Act.

Same.

SEC. 24. On rendering to or paying into Court, for account of the owner or owners of any lot of land to be taken for said avenue, the amount awarded in the report provided for in section sixteen of this Act, as the value of such lot of land, or on so tendering or paying into Court a warrant drawn by said Board upon the Treasurer of said city and county, in favor of such owner or owners, or in favor of the Clerk of said Court, in case of paying into Court, for the amount so awarded, accompanied by the certificate of said Treasurer that such warrant has been presented to him, and by him registered and will be paid on demand, said Commissioners shall be entitled to an order of the County Court authorizing them to enter upon such piece of land and remove obstructions therefrom, and to throw open the lots so described as part of said street; and thereupon an execution may issue to the Sheriff of said city and county. in the nature of a writ of habere facias possessionem, commanding him to put the said Commissioners in possession of such lot for the said city and county; and thereafter, upon delivering to the said County Court a sufficient deed, conveying said lot of land to the said city and county, the party so dispossessed shall be entitled to receive the value of the lands so conveyed, or the said warrant of the Board therefor.

Expenses of commission.

SEC. 25. The amounts due to any persons for rent, labor, services or other expenses of the Commission, shall be paid by said Board by warrants drawn on said Treasurer, payable only out of the fund in his hands to the credit of said Board, in the mode provided in section twenty-one of this Act; and like warrants may be drawn by said Board in favor of the persons entitled thereto, for the amounts which have been awarded to them as the value of their lands taken for said avenue, or as damages. Should said Board be in doubt as to the ownership of any such lands, or in case the owner thereof be unknown to the Commissioners, or married women, infants, idiots or luna-

Warrants for amounts awarded.

ties, it may pay the amount of such value or damage into said County Court, by warrant certified as aforesaid, describing the land in respect to which said amount is payable, to be awarded by said Court, on application by, or in behalf of the parties claiming the same, to the person whom it may, after due hearing and consideration, adjudge to be rightfully entitled thereto. Any adjudication of said Court in respect to such ownership, shall be subject to appeal in like manner as appeals are now taken from judgments of District Courts. Upon payment by said Board to the respective owners of land taken for said avenue, of the amounts so awarded to them, as provided in this section, or on payment of said amounts into Court, said lands shall be and become thereby vested in said city and county forever, and shall be taken possession of by said Board for said city and county, for the purpose of constructing said avenue; but no land shall be taken possession of by said Board without the consent of the owner thereof, unless upon payment or tender of the amounts awarded therefor, in pursuance of this Act. And it shall be the duty of the Treasurer of said city and county, upon requisition in writing by said three Commissioners, to take into Court out of said fund, any sum or sums in coins specified in said requisition, or to render the same to any person or persons named in said requisition, as the value of his or their lands to be taken for said avenue; and a receipt therefor, by the Clerk of the Court into which it is taken, or by the person or persons named in said requisition, shall be sufficient voucher to said Treasurer of the legal disposal of said money.

Lands to vest in city upon payment of awards.

Neglect to remove buildings.

SEC. 26. Should the owners of any land taken for said avenue fail or neglect, within the space of thirty days after the final confirmation of said report, to remove the buildings and improvements from their said lands, and deliver possession of said lands to said Board, on tender from said Board to them, respectively, of the sums awarded to them, respectively, by said Board, as the value of such lands, buildings or improvements, then the said Board may, at any time thereafter, sell such buildings and improvements at public auction, to the highest bidders, to be removed by the respective purchasers thereof. The sums so bid at such sales shall be paid in cash or in such warrants of said Board; and if at such auction there shall be no responsible bidder for such improvements, with the obligation to remove them within the time specified in the terms of sale, the said Board shall cause the same to be removed at the cost of said Montgomery avenue.

Streets to be graded.

SEC. 27. It shall be the duty of said Board to cause Montgomery avenue, Montgomery street, Kearny street, Dupont street, Powell street, Mason street, Taylor street, Jones street, Leavenworth street, Jackson street, Pacific street, Broadway street, Vallejo street, Green street, Union street, Filbert street, Greenwich street, Lombard street, Chestnut street, Francisco street, Bay street, North Point street and Beach street, by the necessary excavations and embankments, to be brought to the grades prescribed for them by this Act; and also to cause sewers to be constructed in said avenue and streets, where the same may be deemed necessary, and properly connected with other

existing sewers; and also to cause said avenue and other streets, where the pavement of the latter has been disturbed by said change of grades, to be well and substantially curbed and sidewalks made thereon, and also to cause the gutters at the crossings of Montgomery avenue and other streets to be properly drained and covered. And said Board, when their report shall have been confirmed by the County Court, as aforesaid, shall immediately advertise for proposals for grading, sewering, paving, curbing and constructing sidewalks on said avenue and the other streets whose grades are changed by this Act. Said advertisements shall call for separate proposals for the various kinds of work above specified, that is to say, a proposal for grading, another for sewering, another for paving, another for curbing and another for constructing sidewalks, unless it may be deemed advisable by said Board to unite the two last named works in one proposal. The advertisement shall also call for proposals in each kind of work for such streets or parts of a street as in the opinion of the Board may be deemed advisable. Said advertisements shall be published daily for ten days, in three daily papers printed and published in said city and county, and shall require that all bids shall be handed in to said Board within ten days after the first publication of said advertisements, accompanied with bonds, in favor of said Commissioners, with sureties satisfactory to said Board, that the bidders will, if the contract be awarded to them, enter into the same as provided in this section. Said advertisements shall also state that said Board reserves the right to reject any and all bids, and shall refer to specifications, which shall be prepared by said Board and filed in its office, specifying in detail the material of which, and the time and manner in which said works shall be constructed. All proposals handed into said Board, in pursuance of said advertisements, shall be publicly opened by said Board, at the time and place specified therefor in said advertisements, and the Board shall thereupon award said contracts to the lowest bidders therefor, respectively, provided their bids and sureties are satisfactory to said Board. The parties to whom said contracts, respectively, shall be awarded, shall then enter into written contracts with said Board for the performance of said work in accordance with the stipulated specifications and with said advertisements for proposals, and for the completion of the said work within the period fixed therefor; such contracts shall be accompanied with bonds on the part of the said contractors, respectively, in sums equal to one-half of the contract price, with sufficient sureties, to be approved by said Board, conditioned for the faithful performance of the same, and shall specify the dates, to be fixed by said Board, at which the respective works shall be commenced, and the length of time allowed for completion thereof. Upon the execution of contracts and bonds, the work shall be commenced at the dates so fixed therefor, and prosecuted diligently to completion. And the said avenue, when its completion is certified by said Commissioners to the Board of Supervisors of said city and county, shall, by the latter, be accepted as a properly constructed and finished street. In case the parties to whom such contracts shall be awarded, or either of them, shall fail, within ten days after notice of said

Advertise for proposals.

Award contracts.

Failure.

award, to enter into the contract prepared by said Board, he or they shall forfeit the amount fixed in the bond accompanying his or their proposal, and said Board shall proceed to advertise again for proposals in like manner as before, or may accept the next lowest bid, within their discretion, and so on, *toties quoties*.

Warrants.

SEC. 28. Said Board is hereby authorized to draw its warrants, in like manner as provided in section twenty-one of this Act, upon the Treasurer of said city and county, for any amount in his hands collected, under the judgment for assessments levied in pursuance of the provisions of this Act, and placed to the credit of said Board, for the purpose of making payments under the contracts entered into for the various works and constructions authorized and directed by the foregoing section, and for the payment of any and all of the costs of opening said avenue, as the same are defined in section eleven of this Act; *provided*, however, that all warrants drawn by said Commissioners for their own services shall first be audited and allowed and countersigned by said County Judge. All warrants drawn upon said Treasurer by said Board, pursuant to this section, shall be paid by him in the order of registration, if then due, out of any funds in his hands to the credit of said Board.

Surplus.

SEC. 29. In case a surplus should remain in the hands of the County Treasurer to the credit of the said Board, after paying all the warrants issued by the said Board hereunder, said Treasurer shall pay the same into the general treasury of the city and county. Upon the payment by the said Treasurer upon the order of said Board, or into the general treasury, of the total amount of said fund, all the said warrants having been paid, and all the provisions of this Act having been fully carried out, the functions of the said Board shall cease and determine.

Rights granted to street railroads.

SEC. 30. The right is hereby granted to the corporations named and known as the North Beach and Mission Railroad Company, the assignee of the parties named as the grantees, in an Act entitled an Act to grant to certain parties the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon, passed April seventeenth, eighteen hundred and sixty-one, to lay down and maintain within the City and County of San Francisco an iron railroad, with a single or double track, with all the necessary switches, side tracks and turnouts, as follows: From and connecting with said company's railroad on Kearny street, at said Montgomery avenue; thence on and along Montgomery avenue to Mason street, to and connecting with the railroad now used by said company on said Mason street. And the right is also hereby granted to the corporations named and known as the Omnibus Railroad Company, the assignee of the parties named as the grantees in an Act entitled an Act to provide for a railroad within the City and County of San Francisco, passed April seventeenth, eighteen hundred and sixty-one, to lay down and maintain within the City and County of San Francisco an iron railroad, with a single or double track, with all the necessary switches and turnouts, as follows: From and connecting with said company's railroad on Montgomery street, at Montgomery avenue; thence on and along said Montgomery

avenue to Powell street, to and connecting with the said company's railroad on Powell street; *provided*, and the rights herein granted are upon the conditions following, viz: That the railroads hereby authorized to be constructed shall be built simultaneously with the paving and curbing of said avenue, as hereinafter provided; that no more than one set of rails, that is to say, one double track, shall be laid in said Montgomery avenue, which shall be for the common use of both said companies, between Stockton and Kearny streets, and the tracks shall be paved with like materials with the remainder of the roadway of said avenue. Either of said companies may build said railroads over the portions of the route which they shall hold in common, and the other company shall pay to the company so building the same one equal half part of the reasonable cost of constructing the same, before it shall be entitled to make use thereof.

How construed.

SEC. 31. This law, and all acts and proceedings hereunder, shall be liberally construed, and the judgments and proceedings of the County Court hereunder shall be construed like judgments and proceedings of Courts of general jurisdiction. The words "persons," when used in this Act, shall be held and construed to include "corporations." All Acts or parts of Acts, so far as they conflict with this Act, are hereby repealed.

SEC. 32. This Act shall take effect from and after its passage.

CHAPTER CCCLXII.

An Act providing for the construction of a public road in Marin County.

[Approved March 29, 1870.]

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

To lay out and locate route.

SECTION 1. The Board of Supervisors of the County of Marin are hereby authorized and required, within ninety days after the passage of this Act, to lay out and locate a route for a public road in said county. Said road to commence at the west end of the county bridge across the mouth of Walker Creek, running thence southerly along the southeast shore of San Antonio or Keys Creek, to Tomales Bay; thence southerly, along the east side of said bay, over the most direct and practicable route to intersect the Marshall warehouse and Tomales road, at a point on the lands of S. S. Nowlin or the lands of John Hamlett.

Appropriate moneys.

SEC. 2. The Board of Supervisors are hereby authorized to appropriate and use all moneys now belong to the Tomales and San Rafael Road Fund for the construction of the road provided in the first section of this Act; *provided*, that each and every owner of the lands through which said road shall be located shall, within two years from the passage of this Act, deed to

the County of Marin, free from charge, the right of way for said road.

SEC. 3. If the said owners shall not, within two years, make and execute deeds as provided in the second section of this Act, then the moneys belonging to the said Tomales and San Rafael Road Fund shall be transferred to the General Road Fund of Marin County.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLXIII.

An Act to provide for the location and laying out of a public road from Russian River to the Gualalla River, in Sonoma County.

[Approved March 29, 1870.]

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

Survey of road.

SECTION 1. Upon petition of a majority of the tax-paying residents of Salt Point Township, Sonoma County, the Board of Supervisors of said county are hereby authorized and empowered to require the Commissioner of Roads and Highways to make a survey of a road from some point near Duncan's Mill, on Russian River, along the coast to Gualalla River, in said county. Said survey to be filed with said Board of Supervisors.

Notification.

SEC. 2. The said Commissioner shall cause notices in writing to be posted up at three of the most public places in the road district through which said road is laid out, at least twenty days before the meeting of the freeholders hereinafter provided for, and specifying as near as may be the route of the proposed highway, the several tracts of land through which the same is proposed to be laid, and shall also specify the time and place at which the freeholders and Commissioners will meet to examine the ground.

Made applicable.

SEC. 3. Sections fifty-eight, fifty-nine, sixty, sixty-one and sixty-two of an Act entitled an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof, approved March eighth, eighteen hundred and sixty-six, are hereby made applicable to this Act.

Damages.

SEC. 4. The damages sustained by reason of the laying out and opening of said road may be ascertained by the agreement of the owner or occupant and the Board of Supervisors and said Commissioner, at the meeting provided for in sections sixty-one and sixty-two of the Act referred to in section three of this Act, and unless such agreement be made, or the owner of such land shall, in writing, release all claims to damages, the same shall be assessed as hereinbefore provided. Before said road or highway shall be opened, or worked or used, every such agreement or release shall be filed with the Clerk of the Board

of Supervisors, and shall forever preclude such owner from all further claims for damages.

Made applicable.

SEC. 5. Sections sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine and seventy of this Act referred to in section three of this Act, so far as they do not conflict with the provisions of this Act, are hereby made applicable to this Act.

SEC. 6. All Acts and parts of Acts in conflict with this are hereby repealed.

CHAPTER CCCLXIV.

An Act to aid in the construction of a wagon road from Round Valley, in Mendocino County, to Hydesville, in Humboldt County.

[Approved March 29, 1870.]

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

Moneys to be retained.

SECTION 1. The Treasurers of the Counties of Humboldt and Mendocino are hereby authorized and required to retain all moneys arising from the collection of State poll taxes in said counties for the years one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, less that portion authorized by law to be paid into the School Fund.

How expended.

SEC. 2. The Board of Supervisors of the County of Mendocino shall cause the moneys retained according to the provision of this Act, so to be expended for the construction of a wagon road leading from Round Valley, in said county, to the southern boundary line of Humboldt County; and that portion of the poll tax which shall be collected in Humboldt County shall be applied and expended for the construction of the aforementioned road within and through Humboldt County, to Hydesville, in said county, from a point to be determined by Viewers, to be appointed as hereafter provided.

Appointment of Viewers.

SEC. 3. The Board of Supervisors of the Counties of Humboldt and Mendocino, respectively, shall each, on or before the second Monday in July, one thousand eight hundred and seventy, appoint two Viewers from their respective counties, to view out a road from Round Valley, in Mendocino County, to Hydesville, in Humboldt County, which road shall be on a line the shortest and most practicable; which route, having been viewed out by said Viewers and sanctioned by the Boards of Supervisors of the Counties of Mendocino and Humboldt, shall constitute the road entitled to the appropriation made by this Act.

SEC. 4. The Board of Supervisors of the Counties of Humboldt and Mendocino, respectively, are hereby required to use and expend all the funds mentioned in section one of this Act for the construction of the road designated in the preceding section, and for no other purpose.

CHAPTER CCCLXV.

An Act for the relief of Charles Welsh.

[Approved March 30, 1870.]

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

Deed of conveyance.

SECTION 1. Upon satisfactory proof being made to the Governor of this State that Levi Hermance, Loring Pickering and John S. Love, President and members of the Board of California Land Commissioners, executed and delivered, on or about the first November, eighteen hundred and fifty-four, on the part of the State of California, a deed of conveyance to Charles Welsh and Samuel L. Burritt, conveying all the right, title and interest which the State of California had on the twenty-fourth of October, eighteen hundred and fifty-four, in water lot four hundred and forty-seven (447), in block fourteen (14), of South Beach water property, as subdivided by the said Board, commencing on the north line of Townsend street, two hundred and twenty-nine feet two inches east of Fifth street, thence easterly along Townsend street forty-five feet ten inches, thence at right angles northerly one hundred and twenty-five feet, thence at right angles westerly forty-five feet ten inches, thence at right angles southerly one hundred and twenty feet, to place of beginning; and upon further proof being made that the said deed has been lost, the Governor of this State is hereby authorized and directed to make and execute a deed, on behalf of the State, conveying to the said Charles Welsh and Samuel L. Burritt and assigns, all of the right, title and interest of the State of California, and no more, which the State conveyed to them by and through the said former deed; and all of the rights acquired under said last deed shall inure to the benefit of any of the grantees of said Welsh and Burritt, of said property, if any there be, to all intents and purposes as if the said first deed had not been lost.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCLXVI.

An Act to authorize the Treasurer of Tuolumne County to apportion certain money in the Current Expense Fund of said county, and to pay certain warrants.

[Approved March 30, 1870.]

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

To apportion moneys.

SECTION 1. The Treasurer of Tuolumne County is hereby authorized and directed to apportion to the Current Expense

Fund of said county all the money in the treasury of said county which may come into said treasury from the levy and collection of taxes for the fiscal year eighteen hundred and sixty-nine, under the denomination of County General Fund, and he is directed to pay out said money for the redemption of warrants payable out of said Current Expense Fund, in the order of their registration.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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

CHAPTER CCCLXVII.

An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes, approved February fifth, eighteen hundred and sixty-eight, approved March tenth, eighteen hundred and sixty-eight.

[Approved March 30, 1870.]

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

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

Section 1. The Mayor and Common Council of the City of Marysville, in the County of Yuba, are hereby authorized and empowered to provide for the payment of the funded or bonded indebtedness of said city now outstanding, which may now be due or shall hereafter become due, under any funding Act or law now existing and in force, in the manner hereinafter provided; and they are hereby authorized and directed to order the Funding Commissioners of the City of Marysville, by an ordinance to be passed therefor, to procure and prepare bonds of the City of Marysville, in any sum they may deem necessary, and not exceeding the sum of one hundred thousand dollars; to be issued and applied as hereinafter provided. To provide for payment of city indebtedness.

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

Section 2. Upon the Mayor and the Common Council of the City of Marysville so ordering by ordinance, as aforesaid, specifying the amount, not exceeding the said sum of one hundred thousand dollars, for which such bonds shall be procured and prepared, the said Funding Commissioners of the City of Marysville shall, without delay, cause to be prepared bonds for the amount so ordered, in sums of not less than five hundred nor more than one thousand dollars each, payable in gold coin of the United States of America, for both the principal and interest, dollar for dollar, and bearing interest at the rate of eight per Bonds

cent. per annum from the date of their issue; which bonds shall be made payable at the office of the Treasurer of said City of Marysville fifteen years after their date; and the interest accruing on such bonds shall be due and payable in like gold coin on the first day of December and June of each year after the date of their issue, at the office of the Treasurer of said city. Said bonds shall be signed by the Mayor and Treasurer of said City of Marysville, and attested by the Clerk of said city subscribing the same and affixing the corporate seal thereto. There shall be coupons attached to such bonds for each semi-annual interest to accrue thereon, which coupons shall specify the amount of such semi-annual interest, when and where payable, and that the same is payable in United States gold coin, as aforesaid; and such coupons shall be signed by the Mayor and Treasurer of said city.

Coupons.

SEC. 3. All laws and parts of laws in conflict with any of the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLXVIII.

An Act to authorize the guardians of James T. Boyd, Jr., and Willie Alexander Boyd, to sell certain real estate.

[Became a law by operation of the Constitution, March 31, 1870.]

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

May sell at public or private sale.

SECTION 1. The guardians now or hereafter to be appointed by the Probate Court or Probate Judge of the City and County of San Francisco, of James T. Boyd, Jr., and Willie Alexander Boyd, infant children of Alexander Boyd, deceased, under the order and direction of the Probate Court, are hereby authorized and fully empowered to sell, at public or private sale, any and all real estate, and any right, title or interest therein, belonging to said infant children, or either of them, in this State.

Report to Probate Court.

SEC. 2. The said guardians shall make a full report of any and all sales that they shall make by virtue of the power herein granted, to the said Probate Court; and the Judge of said Court shall, either in term time or in vacation, in open Court or in chambers, examine the same and confirm or set aside the said sale or sales, as he may deem just and proper and for the interest of said infants.

Deed of conveyance.

SEC. 3. After the approval of the sale or sales by the said Court, or the Judge thereof, the said guardians shall execute and deliver a deed or deeds of conveyance of the lands sold, which deed or deeds shall convey to the purchaser or purchasers all the right, title and interest of the said infants, or either of them, in and to the lands sold by such guardians and described in such deed or deeds, and shall be as valid to all intents as if made under an order of the proper Probate Court in due course of law.

SEC. 4 This Act shall take effect and be in force from and after its passage.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this thirty-first day of March, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCCLXIX.

An Act to establish a steam ferry in the County of Solano.

[Became a law by operation of the Constitution, March 31, 1870.]

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

SECTION 1. The right to establish and maintain a steam ferry across the Straits of Carquinez, from Benicia and Vallejo, in Solano County, to Martinez, in Contra Costa County, and to construct suitable wharves for the accommodation thereof, is hereby granted to James S. Johnston, his associates and assigns, for the term of twenty years. Steam ferry franchise.

SEC. 2. The said parties herein named shall, within two years from the passage of this Act, put a suitable steamboat on said ferry, and shall at all times keep said boat in good repair, and of suitable size and character to accommodate all the travel that may wish to use said ferry, and shall keep suitable wharves for the safe embarkation and debarkation of passengers, animals, vehicles and freight. Stipulations.

SEC. 3. The number of trips to be made by said ferry from Benicia to Martinez, each week day, shall be at least four, and two on Sundays; and from Vallejo the number of trips shall be in the discretion of the grantee herein or his assigns. The Boards of Supervisors of Solano and Contra Costa Counties shall, from time to time, regulate the rates of toll to be charged on said ferry, which rates shall at all times be posted upon the boat in a conspicuous place. Number of trips. Rates of toll.

SEC. 4. That if said parties herein named shall fail to comply with the true intent and meaning of this Act, within the time specified herein, or in any other manner violate its provisions, then all the rights granted in this Act shall become forfeited to the State. Forfeiture.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect immediately after its passage.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this thirty-first day of March, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCCLXX.

An Act to authorize the Counties of Mendocino, Humboldt, Klamath and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties.

[Became a law by operation of the Constitution, March 31, 1870.]

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

Proposition to issue bonds.

SECTION 1. The Boards of Supervisors of the Counties of Mendocino, Humboldt, Klamath and Del Norte are hereby authorized and required to submit to the legal voters of their respective counties, as hereinafter provided, a proposition to issue bonds of the respective counties for the purpose of aiding the construction of a telegraph line or lines, commencing at some place in telegraphic communication with San Francisco, and running through Mendocino County to Eureka, in Humboldt County; thence to Arcata, in said county; thence to Trinidad, in Klamath County, and thence to Crescent City, in Del Norte County.

In Mendocino County.

SEC. 2. The proposition to be submitted to the qualified voters of the respective counties shall be as follows: The Board of Supervisors of Mendocino County shall submit to the qualified voters of said county a proposition to issue, for the purpose of aiding in the construction of said telegraph line or lines, the bonds of said County of Mendocino, amounting in the aggregate to the sum of five thousand dollars. The Board of Supervisors of Humboldt County shall submit to the qualified voters of said county a like proposition, to issue for said purpose bonds of said County of Humboldt, amounting in the aggregate to the sum of five thousand dollars. The Board of Supervisors of Klamath County shall submit to the qualified voters of said county a like proposition, to issue for said purpose bonds of said County of Klamath, amounting in the aggregate to the sum of two thousand dollars; and the Board of Supervisors of Del Norte County shall submit to the qualified voters of said county a like proposition, to issue for said purpose bonds of said County of Del Norte, amounting in the aggregate to the sum of three thousand dollars.

In Humboldt County.

In Klamath County.

In Del Norte County.

Special election.

SEC. 3 The Board of Supervisors of said counties shall (each Board for its respective county) order a special election to be held in each of said counties, to determine in favor of or against the said propositions, at which election each elector voting shall have written or printed upon his ballot the words "Telegraph Bonds to issue—No," or the words "Telegraph Bonds to issue —Yes." Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon, and every ballot against said proposition shall have the word "No" written or printed thereon. Said election shall be conducted as are elections for county officers, and sealed returns shall be made of the votes cast upon said proposition in each county, within ten days after the election in each county, and in the same manner as is provided for in the election of county officers, to the Clerk of

Ballots.

Election, how conducted.

the county, of the number of voters voting "Yes" and of the number voting "No"; which returns shall, on said tenth day after the day of said election, be opened and counted in the same manner as the returns of votes for county officers.

When to be held.

SEC. 4. The said election shall be ordered by publication for twenty days, in the newspaper nearest the county seat of the county making the order, within thirty days after any company or corporation regularly organized under the laws of this State shall, by its President and Secretary, notify, in writing, the Chairman of the respective Boards of Supervisors of said counties that a company has been organized for the purpose of constructing the line or lines of telegraph named in the first section of this Act; and the President of each of said respective Boards of Supervisors is hereby authorized to publish said notice in the name of said Board therefor, and without a meeting of said Board, after said notification. The said special election, so to be held in pursuance of this Act, shall be held within not less than sixty nor more than ninety days after the publication of the notice thereof as herein provided.

When bonds to issue.

SEC. 5. Should the qualified voters of said counties, or of either of said counties, by a majority vote of the qualified voters of said respective counties, or of either of said counties, decide in favor of the issuance of bonds to aid in the construction of the telegraph line or lines specified in section one of this Act, it shall be the duty of the Board of Supervisors of each county that shall have voted in favor of issuing said bonds, at the first regular meeting of such Board after any company or corporation, regularly organized under the laws of this State, shall, by its President and Secretary, notify, in writing, the Chairman of said Board of Supervisors that said company or corporation has built and completed that portion of the telegraph line which, under the provisions of this Act, is required to be built within said county, to issue the bonds provided for in section two of this Act.

Denomination.

SEC. 6. The bonds to be issued under the provisions of this Act shall be of such denominations as the respective Boards of Supervisors may determine, and shall be signed by the Chairman and Clerk of the Board of Supervisors issuing such bonds. Such bonds shall be delivered to the President of the corporation to be formed as provided in this Act, upon his application, at the office of the Clerk of said Board of Supervisors, therefor.

When payable.

In coin.

SEC. 7. All bonds issued under the provisions of this Act shall be payable five years after date, and shall draw interest at the rate of seven per cent per annum, payable annually. The principal and interest of such bonds shall be payable in United States gold coin, at the office of the Treasurer of the county issuing such bonds, and shall be paid out of any money remaining in the General Fund of such county.

SEC 8. This Act shall take effect and be in force from and after its passage.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this thirty-first day of March, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCCLXXI.

An Act authorizing the publication of certain legal notices in a "State Paper," printed at the seat of Government of the State of California.

[Approved March 29, 1870.]

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

State Paper.

SECTION 1. The Governor, Secretary of State and Attorney-General, or any two of them, are hereby authorized and empowered to select a newspaper published at the seat of Government, to be designated and known as the State Paper of the State of California, which paper shall be the official paper of the State for the period of four years from the date of its selection by the officers aforesaid, and thereafter until some other paper be selected. A certificate, in writing, signed by the Governor, Secretary of State and Attorney-General, or any two of them, filed in the office of the Secretary of State and published in the City of Sacramento in a newspaper for the period of thirty days, shall be legal notice of the selection of such State Paper.

To publish official notices from State officers

SEC. 2. All documents, proclamations, notices and papers of every description emanating from State officers of the State of California, which by law are or may be required to be published in any newspaper at the seat of Government, shall be so printed and published in the State Paper.

Legal notices to non-residents.

SEC. 3. Whenever in any civil action or proceeding, special or otherwise, in any of the Courts of this State, a summons, notice or advertisement of any kind is required to be published as against a non-resident, or against a party who may be or is supposed to be absent from or concealed in this State, or whose residence is unknown, in addition to the publication now required by law, the same shall be published in the State Paper for the same period of time as is now required by law, or if no time be fixed, then for such period as the Judge of the Court may direct; *provided*, that in the County of Sacramento, where such State Paper is published, legal advertisments and notices of every kind now required by law to be published, either upon the order of the Court or Judge, or otherwise, in any action or proceeding in any Court in said county, shall be published in the State Paper, and need not be published in any other newspaper in said county; and *provided* further, the provisions of this Act shall not extend to any civil action or proceeding in a Justice's Court.

Rates.

SEC. 4. For all advertisements and notices published in the State paper under the provisions of this Act, the same rates shall be charged and paid as are now authorized by law.

County Clerks to receive copies free of charge.

SEC. 5 The proprietors and publishers of the State newspaper shall furnish two copies of the said newspaper, free of charge, to each and every County Clerk in the State, to be regularly filed by him and kept in his office for reference. The production of such State Paper by the Clerk of the county, accompanied with the statement that he verily believes it to be the official State Paper, shall entitle it to be received in any Court of this State to prove any legal notice or advertisement required to be published therein by the provisions of this Act.

CHAPTER CCCLXXII.

An Act to amend an 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.

[Approved March 29, 1870.]

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

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

Section 31. 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 two months; and *provided* further, that when such publication is made in the paper known as the State Paper, it shall not be made elsewhere. In case of publication where the residence of a non-resident or absent defendant is known, the Court or Judge shall also direct a copy of the summons and complaint to be forthwith deposited in the Post-office, directed to the person to be served, at his place of residence When publication is ordered, personal service of a copy of the summons and complaint out of the State shall be equivalent to publication and deposit in the Post-office; in either case, the service of the summons shall be deemed complete at the expiration of the time prescribed by the order for publication. In actions upon contracts for the direct payment of moneys, the Court in its discretion may, instead of ordering publication, or may, after publication, appoint an attorney to appear for the non-resident, absent or concealed defendant, and conduct the proceedings on his part. Publication of legal notices.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCLXXIII.

An Act concerning the office of the County Clerk of the City and County of San Francisco.

[Approved March 31, 1870.]

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

SECTION 1. The County Clerk of the City and County of San Francisco may appoint, in addition to the Deputy Clerks now allowed by law, one additional Deputy Clerk for the District Court of the Fourth Judicial District in said city and county, one additional Clerk for the District Court of the May appoint deputies.

Twelfth Judicial District in said city and county, one additional Deputy Clerk for the District Court of the Fifteenth Judicial District in said city and county, one additional Deputy Clerk of the Probate Court of said city and county, each of whom shall receive a salary of one hundred and fifty dollars per month, which salaries shall be audited and paid as the salaries of other Deputy Clerks in said city and county are audited and paid.

Salaries.

SEC. 2. The second and third sections of an Act entitled an Act concerning the office of the County Clerk of the City and County of San Francisco, approved February twentieth, eighteen hundred and sixty-eight, are hereby repealed.

SEC. 3. This Act shall take effect immediately after its passage.

CHAPTER CCCLXXIV.

An Act to establish and maintain public pounds for the better securing estrays and other stock in the several townships of the County of San Mateo.

[Approved March 31, 1870.]

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

Pound districts.

SECTION 1. The Trustees of the several townships, respectively, of San Mateo County, are hereby authorized to lay out and establish in their respective townships one or more pound districts and define the boundaries of the same.

Poundmaster.

SEC. 2. Said Trustees are hereby authorized and empowered to appoint one Poundmaster for each pound established by them, respectively. The Poundmaster shall provide, at his own expense, some suitable place in his district for impounding all animals taken up under the provisions of this Act, and shall receive for his services the fees hereinafter provided.

Impounding of animals.

SEC. 3. Any person may impound any swine, neat cattle, horses, mules, jacks, jennets, sheep, goats or other stock that shall be found doing damage within his inclosure, whether inclosed by a lawful fence or not.

Notice to owner.

SEC. 4. The Poundmaster shall, within twenty-four hours after the time of impounding, cause to be delivered to the owner or keeper, if known to him, or cause to be left at their usual place of abode, a notice in writing describing the marks, brands and color of the animals impounded, stating the estimate of damage done, and the time when and where the same was done, the amount of fees and charges incurred, and the time of impounding.

In case owner not known.

SEC. 5. When the owner or keeper of any animal impounded is not known by the Poundmaster, he shall, within twenty-four hours, post up a like notice in some public place in the township and in the adjoining townships; and the person impounding any animal or animals shall leave with the Poundmaster, in writing, an estimate of the damage done by such animal or animals.

Payment of damages.

SEC. 6. If the owner or any person claiming such animal or animals shall pay the penalty or estimated damages and charges incurred to the Poundmaster, the animal impounded shall forthwith be discharged from such pound.

Refusal to pay.

SEC. 7. If the owner or party claiming such animals shall neglect for the space of two days, or shall refuse to pay the charges estimated by the person impounding the same, either of said parties may apply to the nearest Justice of the Peace, who shall notify the other party to appear before him at a time and place appointed, as early as practicable, and after hearing the parties, shall appoint three disinterested persons to appraise such damages.

Appraisal of damages.

SEC. 8. The appraisers so appointed shall notify the parties, and in two days view the place where the damage is alleged to have been done, and hear the parties and their evidence, and report to the Justice whether any damage was done by such animal or animals at the time of being in such inclosure, and the sum at which they estimate the same; and such report, signed by a majority of such appraisers, shall be conclusive upon the parties.

Payment of appraised damages.

Charges.

SEC. 9. Upon payment of the damages so appraised, and the charges, with the fees of the Justice, Poundmaster and appraisers, such animals shall be discharged from the pound. The Justice of the Peace shall be entitled to charge and receive three dollars for each case in which he appoints appraisers; the appraisers shall receive such reasonable sum for their services as may be fixed by the Justice in each case.

Order of sale

SEC. 10. If such animals impounded shall remain ten days after the day of such notice being given or posted, as aforesaid, the Poundmaster shall apply to the nearest Justice of the Peace for an order for the sale of such animal or animals.

Notice of sale.

SEC. 11. The Justice shall (unless the owner or claimant of such animals pay all costs, fees and damages, as above provided) order such animals to be sold, within ten days, at public auction, by the Poundmaster, who shall give at least five days notice of such sale by posting the same in three public places in the township, and proceed in such sale in the same manner as Constables are required to do in sales upon execution.

Overplus.

Redemption.

SEC 12. After the payment of the penalty or damages, and all costs, the overplus of such sale, if any, shall be paid to the owner upon request, if he shall apply for the same within one month from the time of such payment; otherwise it shall be placed in the county treasury, there to await the order of the owner, if he shall apply for the same within twelve months from the day of sale, on making satisfactory proof that he is entitled to the same; *provided*, that if no claimant appear within the above specified time, such money shall be placed in the County School Fund; and *provided* further, that the owner of such animal or animals may redeem the same from the purchaser within three months after the sale thereof, by paying all costs and charges that remain unpaid, and the purchase money, together with twelve per cent. added thereto. Upon the redemption of any animal or animals, as provided in this section, the redemp-

tioner shall be entitled to receive all the money remaining in the hands of the Poundmaster or County Treasurer, accruing from the sale of such animal or animals.

Rescue of animals.

SEC. 13. If any person shall rescue any animal from the possession of any person driving or being about to drive the same to the pound, or shall make any pound breach, or in any way, directly or indirectly, convey or deliver any animal out of any pound, without lawful authority, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment.

May retake and impound

SEC. 14. The Poundmaster or person impounding may retake, within ten days, any animal escaping from said pound, or any animal directly or indirectly conveyed or delivered out of the pound without lawful authority, and again impound and detain the same, and proceed as heretofore provided.

Penalty for refusal to deliver.

SEC. 15. If any animal, so escaping or illegally conveyed out of any pound, shall be in any person's inclosure, who shall refuse to deliver the same to the Poundmaster upon demand, such refusal shall be sufficient evidence to convict such person of having released such animal from the pound, and said Poundmaster may proceed according to law to regain the custody of such animal.

Food and drink for animals.

SEC. 16. The Poundmaster shall cause all animals impounded to be provided with food and drink suitable for such animals, and upon neglect, shall be liable to the owner for all damages arising therefrom. The Township Trustees, if they deem it necessary, may require each Poundmaster to give bond, with two or more sufficient sureties, in any sum not exceeding five hundred dollars, for the faithful discharge of the duties devolving upon him under the provisions of this Act.

Constable to act, in case of vacancy

SEC. 17. In case the Trustees of any township shall refuse or neglect to appoint a Poundmaster for any pound district in the township, or in case there shall be a vacancy in the office of Poundmaster in any pound district, then the Constable of the township shall be ex officio Poundmaster in and for such pound district, and shall perform all the duties and receive the fees and charges as provided in this Act for Poundmaster, and shall be liable on his official bond for the faithful discharge of the duties devolving upon him by virtue of this Act. And in case the Trustees of any township shall fail to define the boundaries of the pound district or districts within their township, then each township in said county is hereby declared a pound district.

Fees and charges.

SEC. 18. The Trustees of each township, respectively, shall from time to time establish the rates of fees and charges to be paid to the Poundmaster for receiving, keeping and feeding the several kinds of animals authorized by this Act to be impounded, and such rate of fees and charges shall be posted up in some conspicuous place at his pound.

SEC. 19. An Act entitled an Act to establish pounds in the County of San Mateo, approved March thirtieth (30th), eighteen hundred and sixty-six (1866), is hereby repealed.

SEC. 20. This Act shall take effect immediately.

CHAPTER CCCLXXV.

An Act concerning the City of Vallejo, and to ratify and confirm a certain ordinance of the Trustees thereof.

[Approved March 31, 1870.]

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

Ordinance confirmed.

SECTION 1. Whereas, the Trustees of the City of Vallejo passed, on the first day of December, eighteen hundred and sixty-nine (1869), which ordinance is in the words and figures following: Ordinance Number Twenty-eight, granting certain street privileges to the Vallejo Water Company. The Trustees of the City of Vallejo do ordain: First—That the right is hereby granted to the Vallejo Water Company (a corporation existing under the laws of this State), or their assigns, to lay down pipes through the streets, alleys and public grounds of the City of Vallejo, for the conveyance of pure fresh water for the period of twenty years, subject to the provisions of the statutes governing such companies Second—Said pipes shall be laid so as not to interfere with the sewerage of the city. Third—The work for introducing water to be commenced within sixty days, and to be completed within eighteen months Said work to be deemed completed when main pipes shall have been laid down through Virginia and Georgia streets to the western front of the city, with a supply of pure fresh water flowing therein. Fourth—That nothing herein contained shall be construed as giving an exclusive privilege to said grantees or assigns. Be it therefore enacted, that the within and before recited ordinance be and the same is hereby confirmed and ratified, with the further additional provision in reference to the said ordinance: that the City of Vallejo shall have the right, at any time after ten years from completion of the water works herein referred to, on giving six months notice of their intention, to purchase all the works and franchise hereby granted belonging to said Vallejo Water Company, at their true value, to be determined by a Board of two or four Commissioners—one-half to be designated by the then municipal authorities of said City of Vallejo, and one-half by owners of said water works and property; and, in event of their disagreement, the said Commissioners shall have the right to select another one Commissioner, and the decision of a majority of said Board shall be final And *provided* further, that the supply of water required in the third subdivision of section one of this Act shall be in quantity sufficient for the use of the then City of Vallejo, and that the said company shall furnish water free of charge in case of fires.

Additional provision.

CHAPTER CCCLXXVI.

An Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation.

[Approved March 31, 1870.]

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

Supreme Court Reporter.

SECTION 1. A Reporter of the decisions of the Supreme Court of the State of California shall be appointed by the Governor, and commissioned to hold his office for the term of four years from the date of his appointment and until his successor shall be appointed and qualified.

Bond.

SEC. 2. Said Reporter shall, within twenty days after his appointment as above provided, execute and file with the Secretary of State a bond to the people of the State of California in the sum of ten thousand dollars, conditioned for the faithful performance of his duties as prescribed by this Act; said bond, with two or more sureties, to be approved by the Governor.

Duty of Reporter.

SEC. 3. It shall be the duty of the Reporter of the Supreme Court to prepare, in an exact and accurate manner, a report of all such cases decided by said Court as he may be directed to report by the Court. Each report shall include the title of the case; a synopsis of the points decided; a clear and brief statement of the facts, so far as may be necessary to present distinctly the points decided, when such statement is not given in the opinion of the Court; the points made and authorities cited by counsel, so far as the same are passed upon in the opinion of the Court, with the names of the counsel, and the opinions of the Court; subject to the supervision and correction of said Justices. And each of said Justices shall be furnished with proof-sheets of each volume at least one month before the publication thereof, for the purpose of correcting typographical and other errors therein, and for no other correction; and the said proof-sheets, so corrected, shall be returned by them within a month after the receipt, together with a complete index and table of cases; *provided*, that such opinions and decisions as the Judges shall deem unnecessary to report, shall be indorsed by the Judges delivering them, before the filing thereof in the Clerk's office of said Court.

Style of reports.

SEC. 4. The reports shall be published in well bound volumes, containing not less than seven hundred pages and not exceeding eight hundred and fifty pages octavo. Said reports shall be printed on good book paper, in long primer, leaded, except the title page, the table of cases, the synopsis and index, which shall be in suitable type; and the Justices of the Supreme Court are required to see that said reports do not contain matter unnecessary to be reported, or improperly increasing the number of said volumes.

To have access to all necessary papers.

SEC. 5. The Reporter shall have authority to take the original opinions of the Court in each case, after the same shall have been recorded by the Clerk of the Court, and shall have

such access to any and all other papers in each case as shall be necessary to discharge properly the duties of his office.

To deliver copies to Secretary of State.

SEC. 6. The Reporter shall deliver to the Secretary of State, as soon as the same can be published, three hundred volumes each of said reports, to be distributed as follows: To each State and Territory of the United States, two copies; to the United States Library, two copies; to the head of each department of this State, and of each of the Supreme, District and County Judges, one copy each; to each District Attorney and County Clerk, one copy; the surplus copies, if any there be, shall be deposited in the State Library.

Compensation.

SEC. 7. The Reporter shall receive as compensation for the annual reports by him furnished to the Secretary of State, as in the last section provided, the sum of two thousand dollars.

Certificate.

SEC. 8. Before any volumes of said reports, which are required by law to be delivered to the State, shall be received, it shall be the duty of the Reporter to obtain the certificate of the Chief Justice and one of the Associate Justices of said Court, that the said volumes are correctly reported.

Salary.

SEC. 9. The Reporter shall be entitled to and shall receive, as compensation for his services, the sum of four thousand dollars per annum, payable in the same manner as the salaries of the Justices of the Supreme Court, which sum is hereby appropriated and set apart for the payment of said salary.

Neglect to comply with this Act.

SEC. 10. If the Reporter shall neglect or refuse to comply with all the provisions of this Act, he shall not be entitled to nor shall he receive any compensation for any volume of said reports containing evidence of such neglect or refusal; and when the Controller of State shall be informed of such neglect or refusal, he is hereby required not to issue any warrant or warrants therefor until satisfied by proper proof and examination that the provisions of this Act have been complied with; and the Governor may remove the Reporter at any time for any neglect or refusal to comply with the provisions of this Act; and *provided* further, that the said Reporter shall furnish, at his own expense, all the materials necessary to the completion of his reports, and shall pay for the printing thereof.

Copies to be transmitted.

SEC. 11. All copies of reports delivered under the provisions of this Act to any State or county officer of this State shall be transmitted by such officer to their successor in office.

Repealed.

SEC. 12. An Act concerning the office of Reporter, approved April nineteenth, one thousand eight hundred and fifty-six, and an Act amendatory thereof and supplementary thereto, approved March seventeenth, one thousand eight hundred and sixty; also an Act approved April twenty-fifth, eighteen hundred and sixty, and also all Acts and parts of Acts in conflict with this Act, are hereby repealed.

Abolished.

SEC. 13. The office of Reporter of the decisions of the Supreme Court of this State is hereby abolished, except as provided for in this Act

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

CHAPTER CCCLXXVII.

An Act for the relief of J. Scott Ashman, formerly Sheriff of Fresno County.

[Approved March 31, 1870.]

Preamble. WHEREAS, On the second day of October, A. D. one thousand eight hundred and sixty-one, James Harron killed Eugene Steddum, in the County of Fresno, and soon thereafter James Sayles, Jr., then County Judge of said county, issued a warrant for the arrest of said Harron, and the same was placed in the hands of J. Scott Ashman, then Sheriff of said county, for execution; and whereas, the said Ashman, in obedience to said warrant, did, on or about the tenth day of October, A. D. one thousand eight hundred and sixty-one, arrest said Harron at Greenhorn Gulch, then situated in Tulare County, a distance of one hundred and fifty miles from the county seat of said Fresno County, at a cost to him, the said Ashman, of five hundred dollars; and said Ashman delivered said Harron at such county seat, and there guarded him, there being no jail in said county, until he was removed to the County of Mariposa, where, on the fourth day of August, A. D. one thousand eight hundred and sixty-two, the said Harron was duly convicted of murder in the second degree and sentenced to the State Prison for the term of eighteen years, at which place he now is; and whereas, on the fourteenth day of October, one thousand eight hundred and sixty-one, John G. Downey, then Governor of this State, issued his proclamation, whereby he offered a reward of five hundred dollars for the arrest, delivery and conviction of said Harron; and whereas, said reward was offered four days subsequent to the arrest of said Harron by said Ashman, and the same was not paid to said Ashman on the ground that the arrest was made before the reward was offered; and whereas, all the requirements of the offer of reward were executed by said Ashman; therefore,

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

Controller to draw warrant. SECTION 1. The Controller of State is hereby authorized and required to draw his warrant on the State Treasurer, in favor of J. Scott Ashman, for the sum of five hundred dollars, in the gold coin of the United States, and the State Treasurer is hereby authorized and required to pay the same out of any funds in the treasury not otherwise appropriated.

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

CHAPTER CCCLXXVIII.

An Act authorizing the Board of Supervisors of Sierra County to build a certain wagon road in said county, and to issue bonds therefor.

[Approved March 31, 1870.]

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

Special election.

SECTION 1. It shall be the duty of the Board of Supervisors of Sierra County, and they are hereby required, to order a special election to be held in said county on the first Wednesday of May, Anno Domini one thousand eight hundred and seventy, for the purpose of submitting to the qualified electors of said county the proposition for said county to issue its bonds to the amount of not to exceed in the aggregate twenty thousand dollars, for the purpose of building a wagon road, commencing at the Town of Downieville and running up and along the line of the south fork of the North Yuba River, through or near the Town of Sierra City, situated on said south fork; thence along the north branch of said south fork to a point known as Howard's Ranch; thence across the summit by the most feasible and practicable route to Sierra Valley, in Sierra County.

Notification.

SEC. 2. The Board of Supervisors of Sierra County shall cause a notice of at least two weeks to be given, by publication in some newspaper printed in said county, stating in such publication the proposition to be submitted to the electors of said county, and the time, places and manner of voting thereon; and this Act shall be published in connection with the notice. The said Supervisors shall cause ballots to be prepared, with the words "For building the Wagon Road," printed or written thereon, and a sufficient number sent to every precinct in the county. Every ballot that shall be cast in favor of said proposition shall have the word "Yes" printed or written thereon, and every ballot that shall be cast against said proposition shall have the word "No" printed or written thereon, and no ballot shall be counted unless the word yes or no is printed or written thereon. Said election shall be held in the several precincts in said county which were used as such at the last general election, and shall be held according to the provisions of the general election laws of this State.

Ballots.

Returns.

SEC. 3. Within ten days after said election, the Supervisors of said county shall meet as a Board of Canvassers, and proceed to canvass the returns of said election, in the same manner as the returns of general elections are canvassed, and shall officially declare the result. If a majority of the votes cast at said election shall be in favor of building said road and issuing bonds therefor, the Supervisors shall immediately proceed to make and perfect the arrangements for the survey, location and building of said road, which shall be well constructed for the transportation of merchandise, with the necessary turnouts, culverts and bridges, with a maximum grade of sixteen inches to the rod, and shall be completed on or before the first Monday in September, Anno Domini one thousand eight hundred

and seventy-one, and the same shall be a public or county road, and shall be kept in repair in the same manner and by the same means as other county roads, and shall be known as the "South Fork and Sierra Valley Turnpike."

Work to be done by contract.

SEC. 4. It shall be the duty of the Board of Supervisors to cause said road to be constructed by contract, following the general route described in section one of this Act, and to that end full power, not inconsistent with the provisions of this Act, is granted them, to do and perform all acts necessary for the economical and prompt completion of the same; *provided*, that such work shall be let on contract only, to the lowest bidder, and after advertisement for sealed proposals, and of the terms and time of letting the same, published in some newspaper in the county, for at least two weeks previous to such letting. No bid shall be accepted unless the bidder either gives good and sufficient bonds for the performance of the work to the satisfaction of the Board, or agrees in writing to complete the contract subject to their approval, and without payment therefor until the bidder's contract is completed and approved; *provided* always, that the Board may reject any and all bids; and *provided* further, that if the Supervisors shall deem any bond given under the provisions of this Act insufficient, they may require such further security from the contractors as they may deem necessary.

Bonds to issue.

SEC. 5 The Board of Supervisors of said county shall issue the bonds of said county in such sums as may be necessary, not exceeding in the aggregate twenty thousand dollars, of denominations of not less than one hundred dollars nor more than one thousand dollars each, payable in ten years from the first day of November, Anno Domini one thousand eight hundred and seventy, bearing interest at the rate of ten per cent. per annum, payable semi-annually, on the first day of November and the first day of May of each year; *provided*, that the first payment of interest on said bonds shall be made on the first semi-annual day for the payment of said interest, mentioned in this Act, next succeeding the time in which such bonds are issued, and for the amount that shall have accrued up to the time of said payment; said bonds and interest payable at the office of the Treasurer of said county, in United States gold coin. Said bonds shall be signed by the Chairman of the Board of Supervisors, countersigned by the County Auditor and indorsed by the Treasurer of said county. A

Coupons.

sufficient number of coupons shall be attached to each bond, in such a manner as to be readily removed without injuring the bond, and numbered consecutively, and shall express the amount of interest due on each payment, when and where payable, and shall be signed in the same manner as the bonds

Special tax.

are required to be signed. In case the amount of bonds herein authorized to be issued, or the proceeds thereof, shall be insufficient to complete said road, no further appropriation shall be made from the county funds to complete it; but the Board of Supervisors may levy a special tax, not exceeding fifteen cents, in any one year, on each hundred dollars of taxable property in the Townships of Butte and Sierra, for the purpose of completing the road; said tax to be levied and collected at the

same time and in the same manner as other taxes are levied and collected.

Record of bonds issued

SEC. 6. It shall be the duty of the Auditor and Treasurer of Sierra County to each keep a record of all bonds issued under the provisions of this Act, which record shall show the date, number, in whose favor drawn and the amount of each bond issued.

Proceeds, how applied.

SEC. 7. Whenever any of the bonds provided for in this Act are sold, or whenever any donations are made, the money so obtained shall forthwith be paid over to the County Treasurer, and set apart by him to constitute the South Fork and Sierra Valley Turnpike Fund, and said fund shall be used only for the payment of the expenses of locating and constructing said road; and all money remaining in said fund after the completion of said road shall be transferred by the Treasurer to the General Fund of Sierra County.

Fund for payment of principal and interest.

SEC. 8. The interest on said bonds shall be paid out of the Contingent Fund of Sierra County, up to and including the first day of May, Anno Domini one thousand eight hundred and seventy-five. In the fiscal year, Anno Domini one thousand eight hundred and seventy-five and six, and every year thereafter, until said bonds are paid, the Board of Supervisors of Sierra County shall set aside twenty-five per cent. of all taxes collected and paid into the General Fund, as a sinking fund, to be known as the South Fork and Sierra Valley Turnpike Sinking Fund, out of which said bonds and interest shall be paid; and when all the bonds issued under the provisions of this Act shall have been paid, the surplus, if there be any remaining in said fund, shall be transferred by the Treasurer to the General Fund of Sierra County.

Redemption.

SEC. 9. Whenever, in any year, on the first day of November, after paying the interest then due, said Sinking Fund shall contain one thousand dollars, or upwards, the County Treasurer shall advertise, in some newspaper published in said county, for the space of two weeks, for sealed proposals for the redemption of bonds to the amount of money in the treasury at the time; which proposals shall, on the day mentioned in the advertisement, in the presence of the County Judge and County Auditor, be opened by said Treasurer, who shall pay and liquidate, as far as the money on hand will extend, such bonds as may be offered at the lowest percentage of their par value; *provided*, that the same shall not be for more than par value and interest; *provided*, should there be no proposals received at less than par value and interest, then the payment of said bonds shall be in the order of their registry; and *provided* further, whenever there may be sufficient money in said fund for the full payment of the bonds issued under the provisions of this Act, it shall be the duty of said Treasurer to advertise, in like manner, for four weeks, for the redemption of all the bonds then outstanding; after which time said bonds shall cease to draw interest.

Cancelled.

SEC. 10. When any bond or coupon shall be paid, under the provisions of this Act, it shall be the duty of the County Treasurer to cancel the same in the presence of the County Judge

and County Auditor, and make a certificate thereof, which certificate shall be signed by the said Judge, Treasurer and Auditor, and filed in the office of the County Clerk of said county.

SEC 11. No bond issued under the provisions of this Act shall be sold or disposed of for less than eighty-five (85) per cent. of the value expressed on its face.

SEC. 12. This Act shall take effect immediately.

CHAPTER CCCLXXIX.

An Act for the relief of T. D. Murphy, W. D. Murphy, G. E. Nottage, S. Malloy, M. J. Bolan, Courtland Wood, Henry J. Quinn and Ira D. Thompson, all of the City and County of San Francisco.

[Approved March 31, 1870.]

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

Appropriation authorized.

SECTION 1. That the sum of two hundred and ninety-two dollars be appropriated out of the General Fund of the City and County of San Francisco, not otherwise appropriated, for the relief of T. D. Murphy, W. D. Murphy, G. E. Nottage, S. Malloy, M. J. Bolan, Courtland Wood, H. J. Quinn and Ira D. Thompson, to compensate them for services rendered the City and County of San Francisco as officers of election, before, during and after the municipal election held September first, eighteen hundred and sixty-nine, in said City and County of San Francisco.

Warrants to issue

SEC. 2. The Auditor of the City and County of San Francisco is hereby directed to issue warrants to the following named persons, for the sums attached to their names, viz: T. D. Murphy, seventy-eight dollars; W D. Murphy, one hundred and eight dollars; G. E. Nottage, eighteen dollars; S. Malloy, eighteen dollars; M. J. Bolan, twelve dollars; Courtland Wood, twelve dollars; H. J. Quinn, thirty-six dollars; Ira D. Thompson, ten dollars; total, two hundred and ninety-two dollars. And the Treasurer of said city and county is hereby directed to pay said warrants on presentation, out of the General Fund, as provided in section one

SEC. 3. This Act shall take effect immediately after its passage.

CHAPTER CCCLXXX.

An Act to provide for the formation of corporations for the accumulation of funds and savings, and the direct promotion of manufacturing and mechanic arts, agriculture and mining.

[Approved March 31, 1870.]

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

Corporations may be formed.

SECTION 1. Corporations for the purpose of aggregating the funds and savings of the members thereof and others, and preserving and investing the same for their common benefit, so as to directly promote the establishment and increase of manufacturing and mechanical industry, mining and agriculture in the State of California, may be formed according to the provisions of this Act; and such corporations, and the members and stockholders thereof, shall be subject to all the conditions and liabilities herein imposed, and none other.

Restriction. Exception.

SEC. 2. No corporation formed under this Act shall loan any money without adequate security on real or personal property, except when any such corporation shall, by a by-law to that effect, adopted by a two thirds vote of all the stock of the company subscribed and taken, authorize the making of loans to persons of reputed solvency and good character, and of suitable business capacity, or to co-operative associations or corporations, for the purpose of aiding the establishment or development of mechanical, agricultural, mining and manufacturing enterprises in the State of California, when so ordered by a vote of not less than three-fourths of all the Directors thereof; *provided*, that this exception shall apply only to corporations having a capital stock, or reserved fund, or both capital stock and reserved fund, paid in, of not less than fifty thousand dollars; and no deposits shall be loaned or invested for a period exceeding five years.

Objects of corporation.

SEC. 3. Such corporations may be formed for the purpose of aiding the establishment or development of any one class of mining, agricultural, mechanical or manufacturing enterprise, or all enterprises of that character generally, which object or objects shall be distinctly specified in the articles of incorporation thereof. If, in said certificate, the object of such corporation is stated generally, the powers and duties of the Trustees in making loans, and the selection of objects to be aided thereby, may be specified in the by-laws, which discretion of said Trustees may be enlarged or diminished, from time to time, by amendments of the by-laws, duly adopted, or by resolution of the stockholders, as the interests of the corporation may require.

Investment of funds.

SEC. 4. In the investment of the funds and deposits of such corporations, and in loaning the same, preference shall always be given by the Trustees—

First—To applicants for amounts of loan not exceeding five thousand dollars, upon adequate security, consisting of real estate, improvements thereon, machinery, mechanical imple-

ments, raw material and stock in trade, the same to be used in such a manner as to afford employment to artisans, mechanics and laborers, in one or more of the industries which said corporation is designed to promote.

Second—To loans of larger amount for similar objects, not in any one case exceeding ten per cent. of the entire capital stock paid in and reserved fund of such corporation.

Third—In default of applications for loans of the classes above specified, accompanied by the offer of adequate security, the Trustees of such corporation may loan the funds and deposits thereof upon unincumbered real estate, for the purpose of aiding the erection of buildings thereon, or the repair or enlargement of buildings already existing thereon, as the by-laws of such corporation may direct

Fourth—In default of applications for loans for the purposes aforesaid, accompanied with the offer of adequate security, loans of the funds and deposits of such corporations may be made upon improved or unimproved real estate, for the purpose of aiding the reclamation, cultivation and improvement thereof by the planting of timber and otherwise.

Fifth—In default of applications for loans of the classes above named, accompanied by the offer of adequate security, the funds and deposits of such corporations may be loaned upon the security of unincumbered productive real estate, upon which no labor is required to be performed, but not otherwise.

Made applicable.

SEC. 5. All the provisions of an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two, and the various Acts amendatory thereof and supplemental thereto, so far as they are not in conflict with the provisions of this Act, are made applicable to corporations formed under the provisions of this Act.

Associations of working men.

SEC. 6. Voluntary or incorporated associations of mechanics or working men may, in accordance with the provisions of their respective by-laws, invest a portion or the whole of their funds in the capital stock of corporations formed under this Act, and the shares of stock so taken shall be entitled to representation at all meetings of the stockholders, and be voted upon by the officer or officers of such voluntary or incorporated associations who may be duly authorized to cast the vote therefor; and said certificates of stock may be sold, assigned or transferred by the parties thereunto duly authorized, in the same manner as other stock of said corporations formed under the provisions of this Act.

CHAPTER CCCLXXXI.

An Act amendatory of and supplementary to an Act entitled an Act to provide terminal depot grounds for the Terminal Central Pacific Railway Company, approved March twenty-eighth, one thousand eight hundred and sixty-eight.

[Approved March 31, 1870.]

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

SECTION 1. The time prescribed in section three of an Act entitled an Act to provide terminal depot grounds for the Terminal Central Pacific Railway Company, approved March twenty-eight, eighteen hundred and sixty-eight, for the expenditure by said company, its successors or assigns, of one hundred thousand dollars upon the premises described in said Act, is hereby extended two years; and the time prescribed in said section of said Act for the completion of said road by said company, its successors or assigns, is also hereby extended two years. Time extended.

SEC. 2. The building and completion of the aforesaid mentioned road by said company, its successors or assigns, from the premises described in said Act hereinbefore mentioned, to a point on the Straits of Carquinez, opposite the Town of Vallejo, shall be construed as fulfilling, in all respects, the requirements of the hereinbefore mentioned Act and of this Act.

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

CHAPTER CCCLXXXII.

An Act supplementary to an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

[Approved March 31, 1870.]

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

SECTION 1. The Sheriff of the County of Tuolumne shall be ex officio Collector of all taxes and licenses, including poll tax and road tax. Collector of taxes.

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

CHAPTER CCCLXXXIII.

An Act supplementary to and amendatory of an Act entitled an Act to authorize the Board of Supervisors of the several counties of this State to grant the right to construct wharves on the overflowed and submerged lands of this State, approved April eighth, one thousand eight hundred and fifty-eight.

[Approved March 31, 1870.]

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

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

Wharves, chutes and piers.

Section 1 Citizens of this State are hereby authorized to build wharves, chutes and piers on the overflowed and submerged lands of this State by complying with the provisions of this Act. Any wharf, chutes and piers built by authority of this Act shall not be more than seventy-five feet in width, and may extend into the water any distance that will not interfere with the free navigation of any bay, creek, slough, inlet or river on which the same may be situated.

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

Plan and application to be filed.

Section 2. Persons desiring to build wharves, chutes and piers on the overflowed and submerged lands of this State shall make a plan of the wharf, chutes and piers they desire to build, and of the land within three hundred feet of such proposed wharf, chutes and piers, with the names of the owners or claimants of such lands, and the names of the waters into which such wharf, chutes and piers is proposed to be extended, written thereon; and shall also make and sign an application to the Board of Supervisors of the county in which the location is situated, for a grant of such franchise, in which application the locality of the wharf, chutes and piers proposed to be built shall be particularly described, and the time named when the application shall be made. A copy of such plan and application will be filed with the Recorder of the county in which the land is situated, and shall be entered on record. Notice of such application shall be given by publication of a copy of such application once a week for at least three successive weeks, in a newspaper published in the county in which the land is situated, or if there is no newspaper, then by posting notices in three public places in the said county in which the land is situated.

Repealed.

SEC. 3. Section three of said Act is hereby repealed.

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

Petition for franchise.

Section 4. On the day named in any notice of the character specified in section two of this Act, the person or persons giving such notice shall make the proposed application to the Board of Supervisors, by the presentation of a petition for the granting of such franchise, together with a copy of the publication of the application, verified by the oath of the publisher. Proof shall also be made to the Board of Supervisors, by the

certificate of the Sheriff of the county, that all persons owning or claiming land within three hundred feet of the location of the proposed wharf, chutes and piers have been notified of the proposed application by a service of a copy of such application at least ten days previous to the day specified in the notice; *provided*, that where the owner or claimant is a minor, idiot or insane person, notifying the legal guardian of such minor, idiot or insane person shall be sufficient, and shall be set forth in the certificate; and *provided* further, that where the owner or claimant is a non-resident of such county, notifying the occupant of such land and depositing a copy of such notice in the nearest Post-office, addressed to the owner or claimant, if such address is known, at least ten days previous to the day specified in the notice, shall be sufficient, and shall be set forth in the certificate. Upon the filing of a petition and proof of service of notice, and publication or posting notices, as required by the provisions of this Act, the Board of Supervisors shall set a day for the hearing of such petition, which shall be not less than ten nor more than thirty days from the time of the filing of such petition, at which time they shall proceed to consider the said petition and all objections thereto; and if, in their opinion, the public good or convenience will be promoted thereby, the said Board is hereby authorized and empowered to grant to the petitioner the right to erect the wharf, chutes and piers prayed for, and to use the same for a term of years not exceeding twenty, together with the further right to keep unincumbered a strip of the overflowed and submerged land on each side of said wharf, chutes and piers of not exceeding one hundred and fifty feet in width from high water mark to navigable water, which two strips of overflowed and submerged lands shall be used for the purpose of landing and unloading of water craft, and for no other purpose. Said Board of Supervisors may also grant to said petitioner the right of way over any swamp, overflowed, marsh and tide land belonging to the State, and lying between said wharf, chutes and piers and the high or dry land, to the extent of fifty feet in width, for the same number of years for which the right to build and maintain the wharf, chutes and piers is granted.

Proof of service of notice.

Hearing of petition.

SEC. 5. No Board of Supervisors shall, under this Act, be allowed to grant franchises calculated to interfere with vested rights, nor to infringe upon grants heretofore made by any State authority.

Not to interfere.

SEC. 6. Sections five, six, seven, eight and nine of the Act to which this Act is amendatory as well as supplementary, are hereby continued in full force and effect.

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

Section 10. No grant made under the authority of this Act shall vest in the grantee any authority whatever, unless the wharf, chutes and piers designed to be built shall be completed within two years from the date of the grant.

Completion.

SEC. 8. This Act shall take effect from and after its passage.

CHAPTER CCCLXXXIV.

An Act to establish a Municipal Criminal Court in the City and County of San Francisco.

[Approved March 31, 1870.]

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

Municipal Criminal Court.

SECTION 1. There shall be and hereby is established, within the City and County of San Francisco, a Municipal Court, to be called and known by the name of the Municipal Criminal Court of the City and County of San Francisco.

Judge of Court.

SEC. 2. A Judge of said Court shall be elected by the qualified electors of said city and county, at the next special judicial election, to be held in the year eighteen hundred and seventy-one, who shall hold his office for the term of four years from the first day of January next after his election; *provided*, that the Governor shall, immediately after the passage of this Act, appoint and commission some suitable person, who has been a resident of said City and County of San Francisco for the past five years, as Judge of said Municipal Court, who shall hold such office until his successor is duly elected, in the manner hereinbefore provided, and who shall qualify according to law. When any vacancy occurs in the office of Judge of said Court, it shall be filled by the Governor, by the appointment of some suitable person for the unexpired term.

Sessions, where held.

SEC. 3. The said Court shall hold its sessions in the City and County of San Francisco, in such central or convenient place as shall be provided for that purpose by the Board of Supervisors of said City and County of San Francisco.

Court of record.

SEC. 4. The said Court shall be a Court of record, and shall have a seal, to be devised by the Judge thereof, a description of which shall be entered on the minutes of the Court, and filed in the office of the Secretary of State. And the said Court shall have the same power as the District Court to regulate its forms of process and proceedings, and to make rules for its own government.

Writs and process.

SEC. 5. All writs and process issued out of the said Municipal Court shall be in the form prescribed for writs and process issued out of the District Court, and shall be executed and returned in like manner; and said Court shall have power to issue all writs of subpœna and other process, and the same may be served beyond the limits of the City and County of San Francisco, and shall be considered of the same effect as writs and process issued out of the District Courts; and obedience to such subpœna, when properly issued and served, may be enforced in like manner as obedience to a subpœna may be enforced by the District Courts.

Appeals.

SEC. 6. An appeal may be taken to the Supreme Court from any judgment or order of the said Municipal Criminal Court in like manner as from an order or judgment of the District and County Courts, and all laws regulating appeals from District

and County Courts shall be deemed applicable to appeals from the said Municipal Criminal Court.

Made applicable.

SEC. 7. All laws regulating proceedings in the District Court shall, so far as they are not inconsistent with the provisions of this Act, be deemed applicable to the proceedings of the said Municipal Criminal Court; and said Court shall have power to make rules, not inconsistent with the laws of the State, for its government and the government of its officers.

Clerk of Court.

SEC. 8. The County Clerk of the City and County of San Francisco shall be ex officio Clerk of said Municipal Criminal Court, and he is hereby authorized to appoint one deputy to act as Court-room Clerk of said Court, who shall receive a salary of two hundred dollars per month, and one deputy to act as office Clerk of said Court, who shall receive a salary of one hundred and twenty-five dollars per month, and such salaries shall be paid in the same manner as the salaries of the other deputies of said County Clerk.

Sheriff.

SEC. 9. The Sheriff of the City and County of San Francisco shall be the Sheriff of the said Municipal Criminal Court, and shall execute, either in person or by deputy, such of the process of said Court as may be required to be executed by a Sheriff, and shall be amenable to said Court by proceedings, as for contempt, on his failure to execute such process. And said Sheriff is hereby authorized to appoint a deputy, in addition to those now appointed by him, who shall act as Bailiff or Deputy Sheriff of said Court, and who shall receive a salary of one hundred and fifty dollars per month, to be paid in the same manner as the salaries of the other deputies of said Sheriff are paid.

Bailiff.

Powers of Judge.

SEC. 10. The Judge of said Court shall have power to take and certify affidavits, to be read or filed in any Court or before any judicial officer of this State, and in other cases where a judicial oath or affidavit is required, except in those cases where such oath or affidavit shall be specially provided by law to be taken before some other officer or tribunal.

Same.

SEC. 11. The said Judge of the Municipal Criminal Court shall be a conservator of the peace in the said City and County of San Francisco, and may exercise all the powers conferred by law upon the County Judge as magistrate.

Transmission of indictments.

SEC. 12. When an indictment is found in the County Court in and for the City and County of San Francisco, for any felony or misdemeanor now triable in the County Court of said city and county, it may be transmitted by the Clerk of said Court to said Municipal Criminal Court for trial, except when the indictment is found against a person holding the office of Judge of said Municipal Criminal Court.

Same.

SEC. 13. In all indictments transmitted under the provisions of this Act to said Municipal Criminal Court, it shall have jurisdiction for trial and determination exclusive of the jurisdiction of the County Court of the City and County of San Francisco; and the mode of procedure and trial in said Municipal Criminal Court shall be in all respects the same as now prescribed for District and County Courts under an Act of the Legislature of the State of California, entitled an Act to regu-

late proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, and all Acts amendatory thereof and supplementary thereto, excepting so much of said Act as may be in conflict with the provisions of this Act.

Same. SEC. 14. All indictments pending at the time of the passage of this Act and the organization of the Court thereunder, in the County Court of the City and County of San Francisco, shall be, at the option and discretion of the County Court or the Judge thereof, transmitted to said Municipal Criminal Court, for trial and determination.

Salary of Judge. SEC. 15. The Judge of said Municipal Criminal Court shall receive a salary of five thousand dollars per annum, payable in equal monthly instalments, out of the same fund, and in the same manner, as the salary of the Judge of the County Court of the City and County of San Francisco is now paid.

Assistant District Attorney. SEC. 16 The District Attorney in and for the said city and county may, by written certificate, signed by himself, appoint an Assistant District Attorney, and at his pleasure remove him; who, during the time he is acting as such assistant, shall be entitled to receive a salary of three hundred dollars a month, payable as the salary of the District Attorney is now made payable by the law. It shall be the duty of such Assistant District Attorney to assist the District Attorney in the performance of any official duty enjoined upon the latter by law, and to do and perform such other duties in the prosecution of criminal actions in the Court herein established, in any of the Courts of said city and county, as the said District Attorney may order or direct.

SEC. 17. This Act shall take effect and be in force in thirty days after its passage.

CHAPTER CCCLXXXV.

An Act providing for the adoption of minors, and the legitimizing of children born out of wedlock.

[Approved March 31, 1870.]

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

Adoption of minors. SECTION 1. Any one over twenty-one years of age, of a good moral character and standing in the community, excepting a married woman, may adopt one or more minors, but in all cases the party adopting shall be fifteen years older than the minor.

Consent of wife. SEC. 2. Adoption shall not be allowed by a married man, without the consent of his wife.

Of parents. SEC. 3. A legitimate offspring cannot be adopted without the consent of its parents, nor can an illegitimate one be adopted without the consent of its mother, but the consent of the minor, if over twelve years of age, shall always be necessary.

Petition for adoption. SEC. 4. Adoption shall take place by a sworn petition of the party adopting, to the Probate Judge of the county where he resides, and his appearance before said Court with the parties whose consent is necessary.

SEC. 5. The Judge shall ascertain whether all the necessary parties are present; and if, upon their separate examination, he is satisfied that the party applying possesses the necessary qualifications, and that the interest of the minor will be promoted, he shall issue an order reciting, among other things, the names of all the parties, that the necessary consent has been obtained, the age of the party applying and that of the minor, and decreeing that the minor should be adopted and treated in every respect as a lawful child should be treated. Order of Court.

SEC. 6. A minor, when adopted, shall be entitled to the name of the party adopting, and the two thenceforth shall bear towards each other the legal relation of parent and child, and the minor shall enjoy all the legal rights and subject to all the duties appertaining to that relation; except, however, that if the adopted child leaves descendants, ascendants, brothers or sisters, the party adopting, nor his relatives, shall not inherit the estate of the adopted child, nor any part thereof; nor shall it be lawful for the adopted child, until he or she is over twenty-one years of age, to make any testamentary disposition in favor of said party adopting or his relatives. Rights of adopted child.

SEC. 7. The parents of an adopted minor are, from the time of adoption, relieved of all parental duties and responsibility towards the minor, and lose all rights or control over it.

SEC. 8. A child born before wedlock shall, to all intents and purposes, become legitimate by the subsequent marriage of its parents. Legitimized.

SEC. 9. Either or both parents of an illegitimate child, or the father, with the consent of his wife, or the mother, with the consent of her husband, may acknowledge such child as his or their own, by a document in writing, executed by either, if single, or both if married, or by treating, receiving or acknowledging him publicly as his or their own legitimate child; and such child, and the one mentioned in the foregoing section, shall, to all intents and purposes, be deemed legitimate from the time of its birth, and entitled to all the rights and privileges of legitimate offsprings. Same.

SEC. 10. The second section of the Act of April tenth, eighteen hundred and fifty, to regulate descents and distribution, is hereby repealed.

SEC. 11. This Act to take effect and be in force from and after its passage.

CHAPTER CCCLXXXVI.

An Act to authorize Assessors to complete duties imperfectly performed.

[Approved March 31, 1870.]

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

SECTION 1. In all cases of assessment which have been, or may hereafter be made, where the Assessor has omitted to Omissions in assessment roll.

write the $ mark, or other necessary figure, character, letter or word in the assessment roll, it shall be the duty of the Assessor who made the assessment, in the presence of the Auditor, to supply such omissions and to affix his certificate thereof, witnessed by the Auditor; *provided*, that in cases where property has been sold prior to the passage of this Act, the right of third persons shall not be affected by any such amendment of the assessment roll.

Liability for refusal.

SEC. 2. Any such Assessor, whether his term of office has expired or not, after being notified by a Collector, Auditor, Supervisor or District Attorney, of such omission, who shall refuse or wilfully neglect to supply such omission, shall be liable for the taxes due from the person or property imperfectly assessed.

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

CHAPTER CCCLXXXVII.

An Act to empower the County of San Joaquin to aid in the construction of the Stockton and Visalia Railroad.

[Approved March 31, 1870.]

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

Special election.

SECTION 1. It shall be the duty of the Board of Supervisors of the County of San Joaquin, and they are hereby required, to order a special election to be held in said county on the fifteenth day of April, eighteen hundred and seventy, for the purpose of submitting to the qualified electors of said county the proposition for said county to issue and deliver to the Stockton and Visalia Railroad Company, its successors or assigns, the bonds of said county to the amount of two hundred thousand ($200,000) dollars, for the purpose of aiding said railroad company, its successors or assigns, in constructing a railroad from the water front in the City of Stockton, through the county of San Joaquin and up the San Joaquin Valley, to the Town of Visalia, County of Tulare.

Publication of notice.

SEC. 2 It shall be the duty of the Board of Supervisors of San Joaquin County to cause notice of at least ten days to be given, by publication in at least two daily newspapers published in said county, stating in such publication the proposition to be submitted to the electors of said county, and the time, places and manner of voting thereon. It shall be the duty of the Board of Supervisors to cause ballots to be prepared to be used at said election. The ballots to be cast in favor of issuing the bonds of said county, as provided in this Act, shall have the words "For aid to the Stockton and Visalia Railroad" printed or written thereon; and the ballots to be cast against the issuance of such bonds shall have the words "Against aid to the Stockton and Visalia Railroad" printed or written thereon.

Ballots.

SEC. 3. For the purpose of holding the election provided for in this Act, the several election districts, as the same are now established and defined by the Board of Supervisors of said San Joaquin County, shall constitute election districts therein, except that the several wards in the City of Stockton, as the same are now established by law, shall constitute election districts; *provided*, however, that so much of Vineyard Election District as is situated without the present limits of the City of Stockton, shall constitute an election district, to be known as Vineyard Election District. The several Boards of Judges of Elections now provided for by law in the several election districts in said county, and in the City of Stockton, shall, for all the purposes of this Act, constitute Boards of Judges of Elections in their respective districts; *provided*, that the Board of Supervisors shall appoint three qualified electors of said Vineyard Election District, who shall constitute the Board of Judges of Elections therein. The several places for opening and holding the polls in the several election districts in said county, as now fixed by the Board of Supervisors, shall be the places at which the polls shall be opened at the election to be held under the provisions of this Act; except that in the several wards of the City of Stockton, and in said Vineyard District, the Board of Supervisors shall designate some certain place for holding the polls therein The several Boards of Judges of Elections, in their respective election districts, shall have power to open and close the polls, to administer oaths to persons offering to vote, and to all witnesses; receive and reject ballots, determine the qualifications of electors, as prescribed in this Act; to control and have the custody of the ballot box, to appoint Clerks, to open and count the ballots, to certify to the list of the names of electors voting and the number of votes cast, to certify to the number of votes cast for said proposition and the number of votes cast against it, and to the result; to transmit the same, together with all the ballots, to the Board of Supervisors; and they shall possess all other powers necessary to carry the provisions of this Act into execution. Said Boards of Judges, respectively, or any member thereof, if there be but one in attendance, shall have authority to fill all vacancies, whether of their own number or of the Clerks, or any of them, but the person appointed to fill any vacancy shall be a qualified elector of the election district for which he shall be appointed to act, within the provisions of this Act. The Boards of Judges in each election district, respectively, shall appoint two Clerks. The persons composing the Boards of Judges, and the Clerks, shall, before acting, take an oath to perform their respective duties according to law; and for this purpose any member of the Board of Judges, respectively, shall have authority to administer all necessary oaths.

Election districts.

Judges of Election.

Polls.

Powers of Judges.

SEC. 4. The polls shall be opened at eight o'clock in the morning, and shall be kept open until sundown; *provided*, that the Board may take a recess of one hour at any time during the day before three o'clock in the afternoon. When the polls are opened, and before any ballots are received, the Judges shall cause it to be proclaimed aloud, at the place of voting, that the polls are opened.

Opening of polls.

Manner of conducting election

SEC. 5. The voting shall be by ballot, and any person offering to vote shall deliver his ballot to one of the Judges of Election, who, without opening or examining it, shall proclaim aloud the name of the person offering to vote; and if the name of the person so offering to vote shall, by the other Judges of the Board, be found on the copy of the Great Register of San Joaquin County, or either of the supplements thereto specified and provided for in the next section, and if it shall appear to the satisfaction of two of the members of the Board of Judges of Elections that such person has been a resident in the election district in which he offers to cast his vote, for thirty days next preceding the day of election, his ballot shall be deposited in the ballot box, and the Clerks shall each place his name on the list of persons voting; but if the name of such person so offering to vote shall not appear on the copy of the Great Register, or any supplement thereto named and provided for in the next section, his ballot shall be rejected, and his name shall be taken down by the Clerks on a separate list, to be kept, of persons whose ballots are rejected; or, if the name of such person so offering to vote shall appear on the copy of the Great Register, or on any of the supplements thereto named and provided for in the next section, and it shall appear to the satisfaction of two of the members of the Board of Judges of Elections that such person has not been a resident in the district in which he offers to vote, for thirty days next preceding the day of election, his ballot shall be rejected, and his name shall be placed by the Clerks on the list of persons whose votes have been rejected. The Clerks of Election in each district shall each keep two separate lists, on one of which shall be written the name of each person whose vote is received by the Judges of Election, and opposite each name thereon and on the left hand thereof, in figures, shall be placed the number designating the number of the person voting, the figure one (1) being set opposite the first name, and the figure two opposite the next, and so on; on the other list the Clerks shall each place the name of each person offering to vote, and whose ballot is rejected, appropriately numbered, and the reason for such rejection. The ballot box shall be a secure wooden or metallic box, with no other opening than may be sufficient to admit the ballots into the same. As soon as the polls are closed on the day of election, the several Boards of Judges in their respective districts, and at the same place at which the election was held, shall proceed at once to count the votes cast, and shall continue, without adjourning, until the same is completed. One of the members of the Board shall take the ballots out of the box, one by one, in the presence of the other Judges, and shall read aloud the printed or written matter thereon; and if the same be "For aid to the Stockton and Visalia Railroad," the Clerks shall each take such vote down in a column extending from the left to the right, in the same manner, and in such mode as that it shall designate one vote in favor of the proposition submitted to the electors of said county under this Act, and the ballot shall be delivered to one of the members of the Board of Judges, who shall place the same securely on a strong cord; but if the matter printed or written thereon shall be "Against aid to the Stockton and Visalia

Railroad," the member of the Board taking the same out of the ballot box shall read the same aloud, and the Clerks shall take the same down in a separate and distinct column, extending from the left to the right, in the same manner, and in such mode that it shall designate one vote against the proposition submitted to said electors at the election held under this Act, and the ballot shall be delivered to the other member of the Board, who shall place the same securely on a strong cord; and thus the counting shall be continued until the whole number of ballots cast are exhausted. The member of the Board who shall begin to take the ballots out of the box and read the matter thereon, shall continue at the same until all are completed; and the member of the Board who shall begin to place the ballots for the proposition on the cord shall not exchange labor with the member who begins with placing on the cord those ballots which are against the proposition, but they shall continue as they begun until the counting is through with. The Clerks shall keep but two columns each, in counting the votes, in one of which each Clerk shall place each and every vote in favor of the proposition, and in the other they shall each place each and every vote against the proposition. As soon as the ballots in the box are exhausted, the Clerks shall, in the presence of the Board of Judges, foot up the whole number of votes cast in favor of the proposition submitted and the whole number of votes cast against it, and shall place the results at the ends of the proper columns, in figures, each Clerk using his own tally list; and thereupon the three Judges of the Board of Judges of Election shall certify one of such tally lists to the Board of Supervisors of said county as being one of the original tally lists kept in their respective election districts; the other list they shall retain for six days. They shall also forthwith certify one of the lists kept by the Clerks of the persons voting, and one of the lists of the persons whose votes were rejected, in the same manner as the tally list, to the Board of Supervisors; the other two lists they shall retain for six days. In certifying said lists, they shall seal the same securely and designate the character thereof in writing, on the outside, together with the name of the election district from which they are certified. The ballots for and against the proposition shall be kept separate and shall be delivered to the Chairman of the Board of Supervisors, or to the Clerk thereof, together with the other papers herein directed to be certified to that body; and they shall be delivered by one of the Board of Judges within three days after said election. Within six days after said election the Board of Supervisors shall meet and canvass the returns of said election and declare the result and enter the same on the journal of their proceedings.

Manner of conducting election.

SEC. 6. Any person possessing the qualifications prescribed by section one, article two, of the Constitution of this State, and whose name shall have been placed on the Great Register of San Joaquin County prior to the twenty-seventh day of February, eighteen hundred and seventy, shall be entitled to vote at the election to be held under this Act, but no other person shall be so entitled. For the purpose of determining the qualifications of electors at the election to be held under this Act,

Qualifications of voters.

Qualifications of voters.

the County Clerk of San Joaquin County shall, on or before the twenty-fifth day of March next, deliver to each of the Boards of Judges of Elections, provided for in this Act, one printed copy of the Great Register of said county, and one printed copy of each and every supplement thereto, down to the first day of August, eighteen hundred and sixty-nine; and such copies so to be furnished shall be true and exact copies of the Great Register of San Joaquin County and of each and every supplement thereto, as the same have heretofore been printed and used at the general elections held in said county. Said Clerk shall also, on or before said twenty-fifth day of March next, make out and cause to be printed and delivered to each of the Boards of Judges aforesaid, an additional supplement to the Great Register of said county, which shall include all the names placed on said Great Register from and including the first day of August, eighteen hundred and sixty-nine, down to and including the twenty-sixth day of February, eighteen hundred and seventy, and not since cancelled. The said copy of the Great Register, and the several supplements thereto, herein provided for, shall be guides to the Board of Judges of Elections; and in conducting the election herein provided for, they shall be governed thereby and shall admit no other evidence as to the fact of the registration of any person offering to vote. The Board of Supervisors shall allow the County Clerk a reasonable compensation for the services required of him under this Act, to be paid out of the county treasury in the same manner as other county charges are paid. They shall also allow the Judges and Clerks of Election three dollars per day, each.

Proof of residence.

SEC. 7. If any person shall offer to vote at said election, and shall be in all other respects qualified under the provisions of this Act, then, for the purpose of showing a residence within the election district in which he claims his vote, it shall be sufficient if it appear to the satisfaction of two of the members of the Board of Judges that such person has been a resident within the limits of the district in which he claims his vote, for thirty days next preceding the day of election, as the limits or boundaries of such district are defined by this Act.

Penalty for violation of duty.

SEC. 8. Any officer named in this Act, who shall wilfully violate the duties imposed on him thereby, shall be deemed guilty of a misdemeanor, and on conviction thereof may be fined in any sum not less than one hundred nor more than five hundred dollars, and the costs of prosecution, and may be imprisoned until the same is paid. The provisions of section one of an Act entitled an Act to amend an Act to regulate elections, passed March twenty-third, eighteen hundred and fifty, approved April twenty-second, eighteen hundred and sixty-three, are hereby made applicable to and the same shall apply to the election held under the provisions of this Act.

Registry Act not to apply.

SEC. 9. The Act known as the Registry Act, and the Acts amendatory thereof and supplemental thereto, shall not apply to the election to be held under the provisions of this Act, or to any proceedings therewith connected, except as herein expressly provided; but said election shall be held, and all proceedings therewith connected shall be conducted under the provisions of this Act; and being so held, the same shall be valid and bind-

ing to all intents and purposes, the said Registry Act and all other Acts and parts of Acts, amendments, supplements and provisions to the contrary notwithstanding. No list, certificate or other paper, required under this Act to be made out or returned by any officer or officers, shall be void on account of its informality, but if the meaning and purpose thereof can be reasonably ascertained, the same shall be valid to all intents and purposes.

Issue of bonds to Trustees.

SEC. 10. If, at said election, a greater number of the electors of said county voting on said proposition shall vote "For aid to the Stockton and Visalia Railroad" than shall vote "Against aid to the Stockton and Visalia Railroad," then the Board of Supervisors of said county shall proceed forthwith to issue the bonds of said county to the said Stockton and Visalia Railroad Company, its successors or assigns, to the amount of two hundred thousand dollars, dating them on the day of their issue, and shall, immediately after their issuance, deliver the whole of said bonds to H. S. Sargent and Edward Moore, who are hereby constituted a Board of Trustees for the purpose of receiving and having the control and custody of said bonds as herein provided. The said H. S. Sargent and Edward Moore, as such Board of Trustees, shall, before receiving such bonds, execute to the County of San Joaquin a good and sufficient bond, in the sum of two hundred thousand dollars, payable to said county, in the gold coin of the United States, with sufficient sureties, who may severally qualify in any sum not less than ten thousand dollars, to be approved by the Judge of the Fifth Judicial District, conditioned for the faithful performance of their duties as such Board of Trustees under this Act.

Denomination.

SEC. 11. There shall be two hundred (200) of said bonds, and they shall be numbered from one (1) to two hundred (200) consecutively, and shall be in denominations of one thousand dollars ($1,000) each. Said bonds shall bear interest at the

Interest.

rate of seven (7) per cent. per annum from the date of their issue, payable on the first day of January and the first day of July of each year, until said bonds are redeemed; *provided*, that if there shall be a fraction of less than a half year between the date of the issuing of said bonds and the first day of January or July next ensuing, as the case may be, the interest on said bonds shall be paid for such fraction of a half year, so that the interest may be thereafter computed from the first day of January or July, as the case may be. Said interest shall be payable at such place as shall be designated in the bonds, which place the Board of Supervisors are authorized to select. Both the principal and interest of said bonds shall be paid in gold coin of the United States of America. The principal of said bonds shall be payable in twenty years from the date of their issue, or after ten and within twenty years, at the option of the Board of Supervisors of San Joaquin County. The principal of said bonds

Principal.

shall be made payable at such place as shall be named therein, which place the Board of Supervisors are authorized to designate. Said bonds shall be made payable to the Stockton and Visalia Railroad Company, its successors or assigns. Said bonds

shall be signed by the Chairman of the Board of Supervisors of San Joaquin County, as such officer, and by the County Treasurer of said county, as such officer, and shall be countersigned by the County Clerk of said county, as such officer, and the seal of said county shall be attached to each bond. The Board of Supervisors shall cause the fact of the issuing of said bonds and the number thereof, and the fact of their delivery to the Board of Trustees, to be entered on the journal of their proceedings. Forty-two coupons shall be attached to each bond so that they may be removed without mutilation to the bond. The first coupon shall be for the interest of the fraction of a half year as aforesaid, and the last shall be for the last fractional six months interest, and the other forty shall be for the regular six months interest. Said coupons shall be signed by the Treasurer of said county, as such officer. Whenever any interest shall be paid on a bond, the person or officer paying the same shall receive, for the said interest then due and paid, the coupon calling for such interest, and shall cancel the same and transmit it to the Clerk of the County of San Joaquin; and it shall be the duty of such Clerk to file the coupons thus received, and report the same to the Board of Supervisors at their next meeting. The blanks for the bonds provided for in this Act shall be prepared under the direction of the Board of Supervisors, at the expense of the county, and shall be of uniform size, style and color.

Coupons.

Condition of issuance of bonds.

SEC. 12. In consideration and as a condition of the issuance of the bonds provided for in this Act, said company, its successors or assigns shall build and lay the track on said railroad in a manner and of a quality corresponding to a first-class railroad, and stock the same with first-class engines and cars sufficient for properly running the same, from the water front in the City of Stockton, across and to the south bank of the Stanislaus River, in Stanislaus County, within three years next after this Act takes effect. And if said company, its successors or assigns, fail to complete said road in the time and in the manner, and for the distance last aforesaid, within three years next after this Act takes effect, then so much of said road over the first fifteen miles thereof, beginning at the water front in the City of Stockton for such fifteen miles, as shall have been built, and every right, title and interest of said company, its successors or assigns, to the same or to any franchise or right of way, and to all the stock thereon, shall vest in the County of San Joaquin, to the exclusion of all other persons.

SEC. 13. On receiving said bonds, the said Board of Trustees shall deliver to the Board of Supervisors their receipt therefor, which shall designate the number of bonds received, and shall be entered at length on the records of the Board of Supervisors. The said Board of Trustees shall safely keep said bonds, and shall permit no other person or persons to have access to them, and shall deliver them to no other person or persons than those herein designated. Whenever, within three years next after this Act takes effect, but not after that time, said Board of Trustees shall receive the written and duly authenticated certificate of the Board of Supervisors of said San Joaquin County that twenty miles of said road, commencing at said water front,

Delivery of bonds.

has been constructed and the track laid thereon, and that cars and engines are running thereon, and that the same is supplied with the necessary engines, cars and rolling stock to do the business of such twenty miles, all in such a manner and of such a quality as has been approved by the Board of Supervisors, they shall deliver to said company, or its accredited agent, one hundred of said bonds. And whenever said Board of Trustees shall receive a similar certificate from said Board of Supervisors, that said road has been completed and stocked, in the manner last stated, across and to the south bank of the Stanislaus River, in said Stanislaus County, they shall deliver to said company, or its accredited agent, the remaining hundred of said bonds. But if at the time of the delivery of any of said bonds to said company or its agent, the interest is due on any of the coupons on said bonds, the said Trustees shall remove the coupons calling for such interest then due, without paying the same, and cancel such coupons and transmit them to the Clerk of San Joaquin County. Whenever said Board of Trustees shall have delivered all of said bonds, their functions shall cease.

Interest tax.

SEC. 14. The Board of Supervisors of the County of San Joaquin shall, prior to the first day of July, in the year in which said bonds shall be issued, levy a tax in the gold coin of the United States sufficient to raise the full amount of the first year's interest on all of said bonds; and every year thereafter, until said bonds are redeemed, said Board of Supervisors shall, at the same time that taxes are levied for general county and State purposes, levy a tax sufficient to raise the amount of interest required to be paid each year on said bonds. For the eleventh year following the year in which said bonds were issued, and for each of the ten years thereafter, or until said bonds are redeemed, said Board of Supervisors shall levy an additional tax sufficient to raise in such eleventh year five per cent of the total amount of the bonds issued; and for the succeeding year following said year, shall levy a tax sufficient to raise six per cent. of said amount; and for the year following, shall levy a tax sufficient to raise seven per cent. of said amount; and for the year following, shall levy a tax sufficient to raise eight per cent of said amount; and for the year following, shall levy a tax sufficient to raise nine per cent. of said amount; and for the year following, shall levy a tax sufficient to raise ten per cent. of said amount; and for the year following, shall levy a tax sufficient to raise eleven per cent. of said amount; and for the year following, shall levy a tax sufficient to raise thirteen per cent. of said amount; and for the year following, shall levy a tax sufficient to raise fifteen per cent. of said amount; and for the year following, the last, which will be the tenth from the date of this special tax, and the twentieth of the duration of the bonds, the said Board of Supervisors shall levy a tax of sixteen per cent. of said amount. All the taxes provided for in this section shall be levied and collected in the gold coin of the United States. The fund thus raised from year to year by this special tax shall be styled the "Railroad Interest and Sinking Fund." The taxes provided for in this section shall be levied at the same time and collected in

Redemption tax.

the same manner as taxes for general county purposes, and when collected shall be paid to the County Treasurer, to be applied, under the direction of the Board of Supervisors—

First—The interest tax to the interest falling due on said bonds.

Second—The aforesaid Sinking Fund raised from said special tax to the redemption of the bonds issued under this Act.

In case of deficiency.

SEC. 15. If, at any time within thirty days next before the semi-annual interest on said bonds becomes due, the said County Treasurer shall find that the funds in his hands are insufficient to pay the same, he shall certify such fact to the Board of Supervisors, who shall authorize him, under their direction, but not otherwise, to draw on the General Fund of the county for such moneys as shall be necessary to make up the deficit; and if the General Fund shall be insufficient, the Board of Supervisors shall provide the necessary funds by loan or otherwise.

Redemption of bonds.

SEC. 16. Whenever at any time there shall be in the Sinking Fund, provided for in this Act, a sum of money amounting to four thousand dollars, the Board of Supervisors shall advertise, at the expense of the Sinking Fund, or cause their duly authorized agent to advertise, in some paper or papers published in the city or cities in which said bonds are payable, for the space of five weeks, for sealed proposals for the surrender of said bonds; and twelve days after the expiration of the time for such publication, the Board of Supervisors, or their duly authorized agent, shall open the sealed proposals, and shall pay and liquidate, as far as the Sinking Fund then on hand will go, such bonds as shall have been offered at the lowest bid; *provided*, the same shall not exceed the par value thereof; and should there be no bids, or not enough to exhaust the funds on hand, then the redemption shall proceed with the lowest number of the issue of said bonds, and the Board, or their agent, shall give four weeks notice, of the numbers of the bonds to be paid, in some newspaper published in the city or cities in which the bonds are made payable, after which time said bonds shall cease to bear interest; and if, in any instance, the bids are the same, and the bidders do not agree as to which shall have precedence, there shall be a re-advertisement as in the first instance; *provided*, whenever there shall be sufficient money in the Sinking Fund to pay all of the bonds issued under this Act, then the Board of Supervisors, or their agent, shall advertise for two months, in the manner aforesaid, for the redemption of all such bonds, after which time such bonds shall cease to draw interest.

Cancelled.

SEC. 17. Whenever any bonds have been paid and redeemed, the person paying the same shall mark them "Cancelled" across the face, in red ink, and transmit them to the Treasurer of said county.

Agents.

SEC. 18. The said Board of Supervisors shall have authority to designate one or more agents in the city or cities in which the interest or principal of said bonds shall be payable, for the payment thereof.

SEC. 19. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLXXXVIII.

An Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight.

[Approved April 1, 1870.]

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

Powers of Commissioners.

SECTION 1. The Board of Tide Land Commissioners shall have the charge and disposition of all the salt marsh and tide lands lying under water belonging to the State of California, and situate in the City and County of San Francisco, and all the salt marsh and tide lands, to nine feet of water at extreme low tide, within five statute miles of the exterior boundaries of said city and county, as fixed and established in section one (1) of an amendatory and supplementary Act, approved April eighteenth, eighteen hundred and fifty-seven; *provided*, that nothing herein contained shall give said Commissioners any control over the lands heretofore granted to the City of Oakland.

Same.

SEC. 2. Said Commissioners shall have the said lands lying outside the boundary lines of said county and within five miles thereof, as aforesaid, surveyed to a depth of nine feet of water at the lowest stage of the tide, and subdivided into lots of not more than twenty acres or into lots of not less than fifty feet front by one hundred feet deep, as in the judgment of said Tide Land Commissioners, approved by the State Board, may seem fit for the best interests of the State; and the Commissioners shall locate, declare, lay down and establish a canal six hundred feet in width, along and adjoining the southern boundary line of the City and County of San Francisco, extending from the shore line of the Bay of San Francisco to Ships' Channel, in said bay; also, a canal of like width extending from the mouth of Guadalupe Creek, in the County of San Mateo, in a due east course to the Ships' Channel; and said Commissioners shall have power to locate and establish canals and basins upon the marsh and tide lands lying outside of the exterior boundaries of the County of San Francisco, mentioned in section one of this Act, whenever they deem them necessary for the purposes of drainage, navigation and the wants of commerce; and shall cause to be prepared the necessary maps, exhibiting the property as surveyed, the number, area and location of each subdivision or lot, and all other matters proper and necessary to be shown thereon. The Commissioners shall file certified copies of said maps with the Surveyor-General of the State and with the Recorder of the City and County of San Francisco, retaining the original field notes and maps of said survey in their office at San Francisco.

Sale of lands

SEC. 3. After the Commissioners shall have complied with the provisions of section two, they shall proceed to sell at public auction, to the highest bidder, on the following terms: Cash, in gold coin, twenty-five per cent., payable on the day of

sale to the Commissioners; and seventy-five per cent. payable twenty-five per cent. in one year, twenty-five per cent. in two years, and twenty-five per cent. in three years, thereafter, to the State Treasurer, at Sacramento. The Commissioners shall receipt to each purchaser for the amount of his payment of twenty-five per cent, stipulating that if the remaining seventy-five per cent. of the purchase money shall be paid in three equal parts—in one, two and three years thereafter, together with legal interest, to the State Treasurer, at Sacramento, he shall receive a deed from the State of California for the property purchased by him. Such sale shall be by lots, in accordance with the maps provided for in section two of this Act, and on the same terms as provided for in the sale of salt marsh and tide lands, in the Act of which this is amendatory and supplementary to; and the Commissioners shall appoint proper and competent auctioneers to sell said lands, and their compensation shall be one per cent. on the gross amount of sales of all lands outside of the exterior boundaries of said City and County of San Francisco, and one-half of one per cent. on the gross amount of sales of all lands within the boundaries of said City and County of San Francisco, and such sales shall be made in some public place in the city and county aforesaid.

Compensation of auctioneers.

State Board.

SEC. 4. The State Board, under this Act, shall consist of the Governor of the State, Surveyor-General of the State and the Controller of State, who shall have power to make all rules for the sales; and before such sales shall be deemed complete, shall be approved by said State Board. Such approvals to be made within sixty days after the report of such sales be filed with the State Board.

Commissioners may compromise.

SEC. 5. The Commissioners, or a majority of them, shall have the power to compromise with any adverse claimants to any portion or portions of lands mentioned in this Act, whenever and on such terms as they may deem it most conducive to the interests of the State; all such compromises to be approved by and with the consent of the State Board and by the advice of the Attorney-General of the State; *provided*, that all such compromises shall be made and in all respects completed, and the money paid, within eighteen months from the passage of this Act, and not afterwards.

Expenses.

SEC 6. All salaries, bills and accounts for expenses incurred in enforcing this Act, shall be approved by the State Board; after they shall have been approved, the Secretary of the Commissioners shall certify the approval of the same to the Controller of State, who thereupon shall draw his warrants upon the General Fund for the separate amounts of such salaries, bills or accounts, in favor of the parties to whom it is due. The Secretary of the Board of Tide Land Commissioners shall receive, as compensation for his services as Secretary of said Board, the sum of two hundred dollars per month, payable out of the General Fund.

Salary of Secretary.

Costs of deeds.

SEC. 7. The costs and expenses of all deeds required to be made under the provisions of this Act, for the conveyance of such lands purchased by any persons, shall be paid by the purchasers at such sales, not to exceed five dollars for each and every conveyance so required to be made by said Commissioners.

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

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

CHAPTER CCCLXXXIX.

An Act for the relief and support of the California Labor and Employment Exchange.

[Approved April 1, 1870.]

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

SECTION 1. The sum of five hundred dollars per month, monthly, for a period of two years, is hereby appropriated, out of any money in the General Fund not otherwise appropriated, for the relief and support of the California Labor and Employment Exchange, to be expended under the direction of the President and Board of Trustees of said Labor and Employment Exchange. The above appropriation is made upon the express condition that the benefits of the said Exchange shall be open and free to all persons, except Mongolians, seeking information or employment through its agency; and whenever the Governor, Controller and State Treasurer of this State shall be satisfied, by representations or proof made to them, that this express condition has been violated by the officers or employés of said Exchange, they shall refuse the further payment of said sum of five hundred dollars per month, and the above appropriation shall thereupon cease and finally terminate. Appropriation. Condition.

SEC. 2. The President and Secretary of said Labor and Employment Exchange shall, on or before the thirtieth day of each month, make a requisition upon the State treasury for the sum herein appropriated, and file the same with the Clerk of the State Board of Examiners, and upon the approval thereof by the said Board, the State Controller shall draw his warrant upon the State Treasurer for the amount so approved, and the State Treasurer is hereby authorized and directed to pay the same. Requisition.

SEC. 3. On or before the first Monday in November of each year, the Board of Trustees of said Exchange shall, over the signatures of its President and Secretary, report to the Governor of the State the operations of said Exchange for the year next preceding, together with a full statement of the uses and disbursements of the money received from the State of California under this Act; which report shall be by the Governor transmitted to the Legislature, with the documents accompanying his biennial message. Report of operations.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCCXC.

An Act to provide for the liquidation of all claims against the State, not otherwise provided for by law.

[Approved April 1, 1870.]

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

Claims to be presented.

SECTION 1. All persons having or holding claims, or who may hereafter have or hold claims, either legal, equitable or for relief, against the State of California, the settlement of which is not otherwise provided for by law, shall present the same to the State Board of Examiners, at least three months before the meeting of the Legislature, accompanied by a clear statement, showing the facts constituting such claim, which shall be verified in the same manner as complaints are required to be verified in civil actions.

Meetings of Board of Examiners.

SEC. 2. On the first Monday of September preceding the meeting of each Legislature, the said Board of Examiners shall hold a session at the State Capitol for the purpose of examining said claims, and may adjourn from time to time until their work is completed. At their first sitting, they shall cause a list and brief abstract of all claims filed to be made and published in the official State paper at Sacramento City, for such time as they may prescribe. The list shall be accompanied by a general notice of the order and time when the Board will proceed to examine said claims, or any of them.

Examination of claims.

SEC. 3. The Board of Examiners shall, at the time or times designated, proceed to examine and adjust all such claims, whether legal, equitable or for relief. They may receive and examine affidavits in support of or against such claim or claims, and shall report to the Legislature such facts and recommendations concerning the respective claims as they may think proper, and as equity and justice may require. In finally making their recommendations, they may state and use any official or personal knowledge which any member of said Board may have touching such claims.

Report.

SEC. 4. The Board of Examiners shall make up their report and recommendations at least thirty days before the meeting of the Legislature. A brief abstract of their report, showing the claims rejected and the amounts allowed, shall be published in said official newspaper for such time as the Board may prescribe, before the meeting of the Legislature

Claims not presented.

SEC. 5. No petition or Act for the payment of any claim of the class mentioned in this Act shall be received or introduced into either branch of the Legislature, or considered by that body or any committee thereof, unless the same shall have been presented in due form to the said Board of Examiners, as required by the provisions of this Act, and by them reported to the Legislature.

CHAPTER CCCXCI.

An Act to ratify and confirm the transactions of the First Unitarian Society of San Francisco, and of the corporation The Board of Directors of the First Unitarian Society of San Francisco, California.

[Approved April 1, 1870.]

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

Certificates of election.

SECTION 1. The Clerk of the Board of Directors of the First Unitarian Society of San Francisco, California, is authorized and empowered to file in the office of the County Clerk of the City and County of San Francisco, certificates of election of the Moderators, Treasurers, Clerks or Secretaries and Trustees elected by the First Unitarian Society of San Francisco during the several years from A. D. eighteen hundred and fifty-seven to eighteen hundred and seventy, both inclusive.

SEC. 2. Such certificates of election shall be made by the Judges of Election of the several elections, when practicable, and when the vote of the society was cast by its Clerk or Secretary, he shall make such certificate.

Acknowledged and recorded.

SEC. 3. The certificates of election provided for in the preceding sections shall be made and acknowledged in the form prescribed by the provisions of Chapter VIII of the Act of the Legislature of this State of California, entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and of the several Acts amendatory thereof and supplemental thereto, and shall be recorded, together with the certificate of such acknowledgment, by the Clerk of said San Francisco City and County, and shall have the same force and effect for all purposes as though made and filed in exact accordance with the provisions of said Acts, and shall be evidence of the continuous legal existence of said corporation The Board of Directors of the First Unitarian Society of San Francisco, California, incorporated January seventeenth, eighteen hundred and fifty-six, from that date up to and inclusive of this present time.

Acts ratified

SEC. 4. All acts of said society and of said corporation, and of the officers, agents or Trustees of said society or of said corporation, heretofore performed, are hereby ratified and confirmed.

Conveyances

SEC. 5. All conveyances heretofore made to said society or said corporation, or to the officers, agents or Trustees of said society or of said corporation, for said society or for said corporation, are hereby ratified and confirmed to said corporation, its successors and assigns.

SEC. 6. No right of said society or of the said corporation shall lapse, and no property of either shall escheat by reason of anything heretofore done or omitted by said society or said corporation.

SEC. 7. So much of any Act or parts of Acts as is in conflict with this Act is hereby repealed.

SEC. 8. This Act shall take effect immediately.

CHAPTER CCCXCII.

An Act to provide five competitive scholarships for the benefit of meritorious young men desirous of entering the State University.

[Approved April 1, 1870.]

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

Competitive scholarships.

SECTION 1. The Regents of the University of the State of California are hereby authorized and empowered to establish and maintain five competitive scholarships, embracing the full four years course in the University.

Qualifications of applicants.

SEC. 2. The competitive examination for scholarships shall be made by the Faculty. The applicants for such examination shall be bona fide residents of California, and shall have been chiefly educated in any of the schools of this State, and shall, at the time of application, satisfy the Regents in respect to character and to the inability of the applicant to provide his own maintenance at the University.

Appropriation.

SEC. 3. Each scholarship shall be entitled to three hundred dollars, to be appropriated out of the funds belonging to the University, and shall be applied, under the direction of the proper officer of the Faculty, to the superintendence and support of the scholar during his University course; *provided*, the Regents may, upon the recommendation of the Faculty, revoke any scholarship for improper conduct or violating of established rules, and shall have power to fill all vacancies which may occur in scholarship under competitive examinations.

CHAPTER CCCXCIII.

An Act to provide for the manner of auditing claims against Humboldt County and to provide for the reduction of taxation therein and expenses thereof.

[Approved April 1, 1870.]

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

Payments.

SECTION 1. No payment shall be hereafter made from the treasury of the County of Humboldt, unless such payment be expressly authorized by statute, nor unless the claim or demand therefor be duly allowed and audited according to the provisions of this Act; *provided*, that nothing herein contained shall be considered as repealing or modifying the law relating to the transfer of State funds from the county to the State treasury, nor to the law in relation to the collection and disbursement of school moneys.

Claims.

SEC. 2. Every person having a claim against said county, excepting those referred to in the proviso to the preceding

section, shall, within twelve months after it accrues, present a demand therefor, in writing, to the Board of Supervisors, verified by the affidavit of himself, or agent, stating minutely what the claim is for and specifying each several item, with the proper date and amount thereof; *provided*, that nothing herein shall be held to apply to the claims for compensation due to jurors and witnesses and for official salaries, which, by some express provision of law, is made a demand against the county.

Same. SEC. 3. All claims against the county treasury, except those specially excepted by the provisions of this Act, must be submitted to and approved by the Board of Supervisors, and afterwards be presented to and allowed by the Auditor before it can be paid.

Same. SEC. 4. No demand on the county treasury, except for official compensation of the person in whose name it is presented, wherein any county officer shall be personally interested, or arising out of any contract wherein any county officer shall, at any time while in office, have been a party, or otherwise personally interested, shall be approved, allowed or paid; but every such contract, claim or demand, is hereby declared to be null and void.

Same. SEC. 5. No demand on the county treasury shall be allowed by the Auditor in favor of any person in any manner indebted to the county without first deducting such indebtedness, nor in favor of any officer whose accounts shall not have been rendered and approved, or who shall have neglected or refused to make his official returns or reports, in writing, as required by law; or in favor of any officer who shall wilfully neglect or refuse to perform any of the duties of his office. The Auditor shall have power to examine, orally or otherwise, on oath, the person presenting any demand on the treasury, or the agent or attorney of such person, or any other person, in order to ascertain any facts necessary or proper for him to know in order to determine his allowance or disallowance of such demand. And the provisions of this section shall also extend to and govern the Board of Supervisors in passing upon any claim presented to them for allowance against the county treasury.

Register of claims by Auditor. SEC. 6. The Auditor shall, upon the allowance and registration by him of any demand upon the county treasury, place a number upon it, which number shall begin with the fiscal year, and run successively to the end of it, and shall specify in his allowance to be indorsed thereon out of what fund it is payable. He shall keep a record of his determination upon every demand submitted for his allowance, and shall register, in a well bound book, to be by him kept for that purpose, all demands on the treasury by him allowed, showing the number, date, amount, when allowed, out of what fund payable, the subject matter of the claim substantially stated, and, if previously approved by the Board of Supervisors, the date of the order of approval. No demand shall be deemed audited, within the meaning of this Act, until it shall have been approved, allowed and registered by the Auditor, as herein required, nor unless the fact of such approval and registration shall appear by the proper indorsements upon such demand. But the auditing of any demand upon the treasury, which, upon its face and indorse-

ments thereon, shall appear not to be expressly authorized, shall afford no warrant for the payment thereof.

Unauthorized warrants.

SEC. 7. Every officer, including each Supervisor, who shall draw any unauthorized warrant, or approve, allow or pay any illegal or unauthorized warrant, claim or demand upon the county treasury, or pay out or disburse any school, or other county funds or moneys, contrary to or without the authority of law, shall be liable to the county for the amount thus directly paid or disbursed on such warrant, claim or demand, and the same may be recovered by an action against the person or persons so liable therefor, jointly or severally. It shall be the duty of the Board of Supervisors, and of the District Attorney, to see that suit is brought in the proper cases for the enforcement of the provisions of this section. The vote of each Supervisor upon every question, order or matter acted on by them, shall be recorded in the minutes of the Board.

Limitation of liabilities.

SEC. 8. Neither the Board of Supervisors, nor any officer or officers in authority, shall have power to contract any debt against the County of Humboldt, except those fixed by or in pursuance of law; and whenever debts or liabilities shall have been created which, added to the salaries of county officers and other estimated liabilities fixed by law for the remainder of the year, will equal the revenue of the county for said fiscal year, no allowance whatever shall be made of any account, nor shall any expense be incurred other than the salaries and fees expressly provided by law; and no person or property in the said county shall ever be liable to be assessed, or be subject to taxation in any form, to provide for the payment of any debt hereafter contracted, or of any claims against the county, except such legal and proper expenses thereof as shall accrue after the commencement and during the fiscal year for which the tax shall be levied; and no part of the moneys levied and collected by taxation for one fiscal year shall ever be applied toward the payment of any debt or liability incurred during any preceding fiscal year, and the officer or officers entering into any contract contrary to the provisions of this section shall be personally liable thereon.

Treasurer to keep register of demands.

SEC. 9. Every lawful demand duly audited as in this Act provided, shall be paid on presentation to the County Treasurer, if sufficient funds exist in the treasury legally applicable to that purpose; and if not, then such demand shall be registered by the Treasurer in a book to be by him kept for that purpose, with its number, amount, in whose name presented, on what account and when allowed, out of what fund payable, with the date of such registration. All demands thus registered shall be paid out of money afterwards coming into the county treasury applicable thereto, in the order of their registration; that is to say, out of any moneys in the proper fund arising from the revenues properly belonging to the fiscal year in which the claim accrued, or from the surplus revenues or funds of any preceding year, remaining in the treasury after the satisfaction of all lawful claims and demands against the same, and against such moneys or funds only shall such demand be deemed valid, either in law or in equity; but if no such moneys or funds sufficient and applicable for the payment of such demand in its

order shall afterwards come into the treasury, then the same shall be forever barred and extinguished; *provided*, that the Board of Supervisors, when, and as long as they shall deem it expedient, may, by an order duly entered in their minutes, provide for, set apart and cause to be retained in the treasury a surplus fund in actual cash, not to exceed two thousand dollars, to be used, from time to time, for lawful objects of urgent and unforeseen necessity, payments out of said fund to be subject to the provisions and restrictions of this Act.

Levy of taxes

SEC. 10. The Board of Supervisors of the County of Humboldt shall, between the first Monday in February of each year, and the first day of July following, fix the rate and levy all taxes in said county, State taxes excepted, the rates defined not to exceed the limits prescribed by this Act; that is to say:

For general county purposes, fifty cents on each one hundred dollars value of property in said county.

For the care and maintenance of the indigent sick therein, ten cents on each one hundred dollars value of property in said county.

For road purposes, forty cents on each one hundred dollars value of property in said county.

For school purposes, and the support and maintenance of common schools, such taxes as are now authorized or may hereafter be prescribed by law

For the purpose of paying all outstanding warrants of the Auditor of the County of Humboldt, drawn upon the General and Road Funds of said county, registered prior to July first, A. D. one thousand eight hundred and seventy, fifty cents on each one hundred dollars value of taxable property in said county, until they are fully paid, both principal and interest.

Warrants.

SEC. 11. All Auditor's warrants drawn upon the General or Road Funds of said county, registered prior to July first, one thousand eight hundred and seventy, shall be paid out of the special fund created by the preceding section, and out of no other fund. Said warrants shall be paid in the order of their registration; *provided*, that whenever warrants upon the General and Road Funds shall appear to have been registered at the same time, those upon the General Fund shall, for the purposes of this Act, be deemed to have been first registered.

Appropriation for salaries.

SEC. 12. The Board of Supervisors shall, each year, at their first regular meeting after the first day of July, appropriate a sum equal to the salaries of the different county officers and the estimated fees of jurors for each year, which said appropriation shall be paid out of the General Fund of said county; and the salaries of officers and fees of jurors shall take precedence of all other claims against the General Fund.

SEC. 13. The fiscal year shall commence upon the first day of July and end upon the thirtieth day of June.

SEC. 14. This Act shall take effect from and after its passage.

CHAPTER CCCXCIV.

An Act to pay the claim of Thomas R. Eldredge.

[Approved April 1, 1870.]

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

Appropriation.

SECTION 1. The sum of fifty-nine dollars and six cents is hereby appropriated, from any money in the General Fund not otherwise appropriated, to pay a balance due to Thomas R. Eldredge, for translating into the Spanish language, during the seventeenth session of the Legislature of California, the Governor's message and other public documents; and the Controller of State shall draw his warrant in favor of said Thomas R. Eldredge for said amount, and the State Treasurer shall pay the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXCV.

An Act to appropriate money for contingent expenses of the Legislature.

[Approved April 1, 1870.]

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

Appropriation.

SECTION 1. The sum of twenty-two thousand five hundred and twenty dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, for the following purposes, viz: Eight thousand dollars for the payment of contingent expenses of the Senate, and ten thousand dollars for the payment of contingent expenses of the Assembly for the eighteenth session of the Legislature; for payment of Commissioners appointed by the Senate at its seventeenth session, to investigate the affairs of the several State officers, four thousand five hundred and twenty dollars; to be subject to the order of each House, respectively, and to be exempt from the provisions of an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

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

CHAPTER CCCXCVI.

An Act to empower the City of Stockton to aid in the construction of the Stockton and Visalia Railroad.

[Approved April 1, 1870.]

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 Common Council of the City of Stockton, and they are hereby required to order a special election to be held in said city on the fifteenth day of April, eighteen hundred and seventy, for the purpose of submitting to the qualified electors of said city the proposition for said city to issue and deliver to the Stockton and Visalia Railroad Company, its successors or assigns, the bonds of said city, to the amount of three hundred thousand dollars, for the purpose of aiding said railroad company, its successors or assigns, in constructing a railroad from the water front in said city, through the County of San Joaquin and up the San Joaquin Valley, in the direction of the Town of Visalia, County of Tulare. Special election.

SEC. 2. It shall be the duty of the Common Council of said city to cause notice of at least ten days to be given, by publication in one or more daily newspapers published in said city, stating in such publication the proposition to be submitted to the electors of said city and the time, places and manner of voting thereon. It shall be the duty of the Common Council to cause ballots to be prepared to be used at said election. The ballots to be cast in favor of issuing the bonds of said city, as provided in this Act, shall have the words "For aid to the Stockton and Visalia Railroad" printed or written thereon; and the ballots to be cast against the issuance of such bonds shall have the words "Against aid to the Stockton and Visalia Railroad" written or printed thereon. Notice. Ballots.

SEC. 3. For the purpose of taking and counting the vote in said city, on the proposition mentioned in the two preceding sections of this Act, the Common Council of said city shall designate a certain place in each of the three wards in said city, at which places polls shall be opened and ballots received on the day herein named for said election; and it shall be unlawful to open polls or receive ballots at any place or places in said city other than those designated by the Common Council, and such other places as may be designated by the Board of Supervisors of said San Joaquin County, in said city, for opening polls and receiving ballots on said fifteenth (15) day of April next; and any person or persons who shall violate this provision shall be guilty of a felony, and may be indicted and proceeded against in the same manner as other persons charged with felony under the laws of this State, and if convicted, shall be imprisoned in the State Prison not less than two nor more than five years. The Common Council of said city shall meet within five days after the passage of this Act; and at such meeting, or at any meeting held within three days after such meeting, shall appoint Polls. Officers of election.

two Judges and one Inspector for each of the wards in said city, who shall be qualified electors within the provisions of this Act, in the respective wards for which they shall be appointed. The Common Council shall cause the names of such Judges and Inspectors to be published in one or more daily newspapers published in said city, for at least two days before the day of election herein provided for. The said Judges and Inspectors shall, in their respective wards, for the purpose of opening and closing the polls, administering oaths to persons offering to vote, receiving and rejecting ballots, determining the qualifications of electors as prescribed in this Act, the custody of the ballot box, the appointment of Clerks, the opening and counting of ballots, certifying to the list of the names of electors voting and the number of votes cast, the number of votes cast for said proposition and the number cast against it, and certifying the result and transmitting the same, together with all the ballots cast, sealed, to the Common Council, and for all other purposes necessary and incident to their offices and the carrying into effect the provisions of this Act, constitute Boards of Judges of Elections. The said Boards of Judges respectively, or any member thereof, if there be but one in attendance, shall have authority to fill all vacancies, whether of their own number or of the Clerks, or of any of them; but the person appointed to fill any vacancy shall be a qualified elector of the ward in which he shall be appointed to act, within the provisions of this Act. The Board of Judges, in each ward respectively, shall appoint two Clerks. The persons composing the Boards of Judges, respectively, whether appointed by the Common Council or appointed to fill a vacancy, and the Clerks, shall, before acting, take an oath to perform their respective duties according to law; and for this purpose, any member of the Board of Judges, respectively, shall have authority to administer all necessary oaths.

Opening of polls.

SEC. 4. The polls shall be opened at eight o'clock in the morning, and shall be kept open until sundown; *provided*, that the Board may take a recess of one hour at any time during the day, before three o'clock in the afternoon. When the polls are opened, and before any ballots are received, the Judges shall cause it to be proclaimed aloud, at the place of voting, that the polls are opened.

Manner of holding election.

SEC. 5. The voting shall be by ballot, and any person offering to vote shall deliver his ballot to one of the Boards of Judges of Election, who, without opening or examining it, shall proclaim aloud the name of the person offering to vote; and if the name of the person so offering to vote shall, by the other Judges of the Board, be found on the copy of the Great Register of San Joaquin County, or on either of the supplements thereto, specified and provided for in the next section, and it shall appear, to the satisfaction of two of the members of the Board of Judges of Election, that such person has been a resident within the limits of the ward in which he offers to cast his vote, for thirty days next preceding the day of election, his ballot shall be deposited in the ballot box and the Clerks shall each place his name on the list of persons voting; but if the name of such person so offering to vote shall not appear on the copy of the

Great Register, nor on any supplement thereto, named and provided for in the next section, his ballot shall be rejected, and his name shall be taken down by the Clerks, on a separate list to be kept of persons whose ballots are rejected; or, if the name of such person so offering to vote shall appear on the copy of the Great Register, or any of the supplements thereto, named and provided for in the next section, and it shall appear, to the satisfaction of two of the members of the Board of Judges of Election, that such person has not been a resident within the limits of the ward in which he offers to vote, for thirty days next preceding the day of election, his ballot shall be rejected and his name shall be placed by the Clerks on the list of persons whose votes have been rejected. Any member of the Board of Judges of Elections shall have authority to administer all oaths to witnesses coming before them; the Clerks of Election, in each ward, shall keep two separate lists, on one of which shall be written the name of each person whose vote is received by the Judges of Election, and opposite each name thereon, and on the left hand thereof, in figures, shall be placed the number corresponding to the numb r of the person voting, the figure one being set opposite the first name on the list, and the figure two opposite the next, and so on; on the other list the Clerks shall each place the name of each person offering to vote and whose ballot is rejected, appropriately numbered, and the reason for such rejection. The ballot box shall be a secure wooden or metallic box, with no other opening than may be sufficient to admit the ballots into the same. As soon as the polls are closed on the day of election, the Board of Judges, in their respective wards, and at the same place at which the election was held, shall proceed at once to count the votes cast, and shall continue, without adjourning, until the same is completed. One of the members of the Board shall take the ballots out of the box, one by one, in the presence of the other Judges, and shall read aloud the printed or written matter thereon, and if the same be "For aid to the Stockton and Visalia Railroad," the Clerks shall each take such vote down, in a column extending from the left to the right, in the same manner and in such mode as that it shall designate one vote in favor of the proposition submitted to the electors of said city under this Act, and the ballot shall be delivered to one of the members of the Board of Judges, who shall place the same securely on a strong cord; but if the matter printed or written thereon shall be "Against aid to the Stockton and Visalia Railroad," the member of the Board taking the same out of the ballot box shall read the same aloud, and the Clerks shall each take the same down, in a separate and distinct column, extending from the left to the right, in the same manner and in such a mode that it shall designate one vote against the proposition submitted to said electors at the election held under this Act, and the ballot shall be delivered to the other member of the Board, who shall place the same securely on a strong cord; and thus the counting shall be continued until the whole number of ballots shall be exhausted. The member of the Board who shall begin to take the ballots out of the box

Manner of holding election.

Manner of holding election.

and read the matter thereon, shall continue at the same until all are completed, and the member of the Board who shall begin to place the ballots for the proposition on the cord, shall not exchange labor with the member who begins with placing on the cord those ballots which are against the proposition, but they shall continue as they begun until the counting is through with. The Clerks shall keep but two columns each in counting the votes, in one of which each Clerk shall place each and every vote in favor of the proposition, and in the other they shall each place each and every vote against the proposition. As soon as the ballots in the box are exhausted, the Clerks shall, in the presence of the Board of Judges, foot up the whole number of votes cast in favor of the proposition submitted, and the whole number of votes cast against it, and shall place the results at the ends of the proper columns in figures, each Clerk using his own tally list; and thereupon the three Judges of the Board of Judges of Election shall certify one of such tally lists to the Common Council of said city, as being one of the original tally lists kept in their respective wards; the other list they shall retain for six days. They shall also forthwith certify one of the lists, kept by the Clerks of the persons voting and one of the lists of the persons whose votes were rejected, in the same manner as the tally list, to the Common Council; the other two lists they shall retain for six days. In certifying said lists, they shall seal the same securely and designate the character thereof in writing, on the outside, together with the number of the ward from which they are certified. The ballots for and against the proposition shall be kept separate, and shall be delivered to the President of the Common Council, together with the other papers herein directed to be certified to that body, and they shall be delivered by one of the Board of Judges of Election within two days after said election. Within six days after said election, the Common Council shall meet and canvass the returns, and declare the result, and enter the same on the journal of their proceedings, and in this respect shall have all the powers of a Board of Canvassers. Upon declaring the result of said election, the Boards of Judges of Elections created by this Act shall cease to exist.

Qualifications of voters.

SEC. 6. Any person possessing the qualifications prescribed by section one, article two, of the Constitution of this State, and whose name shall have been placed on the Great Register of San Joaquin County prior to the twenty-seventh (27th) day of February, Anno Domini one thousand eight hundred and seventy, shall be entitled to vote at the election to be held under this Act, but no other person shall be so entitled. For the purpose of determining the qualifications of electors at the election to be held under this Act, the County Clerk of San Joaquin County shall, on or before the twenty-fifth day of March next, deliver to each of the Boards of Judges of Election provided for in this Act, one printed copy of the Great Register of said county, and one printed copy of each and every printed supplement thereto, down to the first day of August, Anno Domini one thousand eight hundred and sixty-nine; and such copies so to be furnished shall be true and exact copies of the Great Register of said San Joaquin County, and of each and every

supplement thereto, as the same have heretofore been printed and used at the general elections held in said county. The said Clerk shall also, on or before the twenty-fifth day of March next, cause to be made out and printed, an additional supplement to the Great Register of said county, which supplement shall include all the names placed on the Great Register of said county, from and including the first day of August, Anno Domini one thousand eight hundred and sixty-nine, down to and including the twenty-sixth day of February, Anno Domini one thousand eight hundred and seventy, and not since cancelled or removed; and shall, on or before said twenty-fifth day of March next, deliver a copy of the same to each of said Board of Judges. The copy of the Great Register and the several supplements thereto, provided for in this section, shall be guides to said Boards of Judges of Elections, and in conducting the election herein provided for, they shall be governed thereby, and shall admit no other evidence on the question of the registration of any person offering to vote at said election. The Common Council shall allow the County Clerk a reasonable compensation for the services required of him under this Act, to be paid out of the city treasury in the same manner as other charges against said city are paid. The Common Council shall also cause to be paid to each of the Judges, Clerks and Inspectors provided for in this Act, four dollars, to be paid as other claims against the city.

Proof of residence.

SEC. 7. If any person shall offer to vote at said election, and shall be in all other respects qualified under the provisions of this Act, then, for the purpose of showing a residence within the ward in which he claims his vote, it shall be sufficient if it appear to two of the members of the Board of Judges of Election, that such person has been a resident within the limits of the ward in which he claims his vote, for thirty days next preceding the day of election, as the limits of such ward are defined by an Act entitled an Act to reincorporate the City of Stockton, and amendatory of and supplemental to an Act entitled an Act to reincorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two, approved January twenty-sixth, eighteen hundred and seventy.

Penalty for violation of duties.

SEC. 8. Any officer named in this Act, who shall wilfully violate the duties imposed on him thereby, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than one hundred nor more than five hundred dollars, and the costs of prosecution, and may be imprisoned until the same is paid. The provisions of section one of an Act entitled an Act to amend an Act to regulate elections, passed March twenty-third, eighteen hundred and fifty, approved April twenty-second, eighteen hundred and sixty-three, are hereby made applicable to and shall apply to the election held under the provisions of this Act.

Registry Act not to apply.

SEC. 9. The Act known as the Registry Act, and the Act amendatory thereof and supplemental thereto, shall not apply to the election to be held under the provisions of this Act, or to any proceedings therewith connected, except as herein expressly provided, but said election shall be held, and all proceedings therewith connected shall be conducted, under the provisions of

this Act, and being so held, the same shall be valid and binding to all intents and purposes, the said Registry Act, and all other Acts and parts of Acts, amendments, supplements and provisions to the contrary notwithstanding. No list, certificate or other paper, required under this Act to be made out or returned by any officer or officers, shall be void on account of its informality, but if the meaning and purpose thereof can be reasonably ascertained, the same shall be valid to all intents and purposes.

Issue of bonds to Trustees.

SEC. 10. If at said election, a greater number of the electors of said city, voting on said proposition, shall vote "For aid to the Stockton and Visalia Railroad" than shall vote "Against aid to the Stockton and Visalia Railroad," then the Common Council of said city shall proceed forthwith to issue the bonds of said city, to the amount of three hundred thousand dollars, to the Stockton and Visalia Railroad Company, its successors or assigns, dating them on the day of their issue, and shall, immediately after their issuance, deliver the whole of said bonds to G. W. Kidd, B. W. Bours and J. M. Kelsey, who are hereby constituted a Board of Trustees for the purpose of receiving and having the custody and control of said bonds, as herein provided. The said G. W. Kidd, B. W. Bours and J. M. Kelsey, as such Board of Trustees, shall, before receiving said bonds or any of them, execute to the City of Stockton a good and sufficient bond, in the sum of three hundred thousand dollars, payable in the gold coin of the United States, with sufficient sureties, who may severally qualify in any sum not less than ten thousand dollars, to be approved by the Judge of the Fifth Judicial District, conditioned for the faithful performance of their duties as such Board of Trustees, under this Act.

Denomination.

SEC. 11. There shall be three hundred (300) of said bonds, and they shall be numbered from one (1) to three hundred (300) consecutively, and shall be in denominations of one thou-

Interest.

sand dollars ($1,000) each. Said bonds shall bear interest at the rate of seven (7) per cent. per annum from the date of issue, payable on the first day of January and the first day of July of each year, until said bonds are redeemed; *provided*, that if there shall be a fraction of less than a half year, between the date of the issuing of said bonds and the first day of January or July next ensuing, as the case may be, the interest on said bonds shall be paid for such fraction of a half year, so that the interest may thereafter be computed from the first day of January or July, as the case may be; said interest to be payable at such place as shall be designated in the bond, which place the Common Council of said city are authorized to select. Both the principal and interest of said bonds shall be payable in the

Principal.

gold coin of the United States of America. The principal of said bonds shall be made payable in twenty years from the date of their issue, or after ten and within twenty years, at the option of the City of Stockton. The principal of said bonds shall be made payable at such place as shall be named therein, which place the Common Council are authorized to designate. Said bonds shall be made payable to the Stockton and Visalia Railroad Company, its successors or assigns. Said bonds shall be signed by the Mayor of the City of Stockton, as such officer,

and shall be countersigned by the Treasurer of said city, as such officer, and the seal of said city shall be affixed to each of said bonds. The Common Council shall cause the fact of the issuing of said bonds, together with the number and the delivery thereof to the Board of Trustees, to be entered on the journal of their proceedings. Forty-two coupons for the interest shall be attached to each bond, the first coupon for the interest for the fraction of less than a half of a year as aforesaid, and the last one for the fractional six months interest at the expiration of the bond, and the remaining forty for the regular six months interest. They shall be attached in such manner that they can be removed without mutilation to the bond, and shall be signed by the Treasurer of said city. Whenever any interest shall be paid upon a bond, the person or officer paying the same shall receive for the said interest then due and paid the coupon calling for such interest, and shall cancel the same and transmit it to the Clerk of the City of Stockton; and it shall be the duty of the Clerk to file the coupons so received and report the same to the Common Council at their next meeting. The blanks for the bonds provided for by this Act shall be prepared under the direction of the Common Council, at the expense of the city, and shall be of a uniform size, style and color. Coupons.

SEC. 12. In consideration of the issuance of the bonds provided for in this Act, the following conditions are imposed on said company, its successors and assigns: Conditions imposed.

First—The western terminus of said railroad shall never be removed from the water front within the corporate limits of the City of Stockton without the consent of the Common Council of said city being first had.

Second—Said company, its successors or assigns, shall build and equip fifteen miles of said road, commencing at the said water front, within eighteen months next after this Act goes into effect; and such fifteen miles shall be constructed, and the track laid thereon, in a manner and of a class acceptable to said Common Council; and the same shall be stocked with the requisite number of the most approved cars and engines for transporting freight and passengers over the same.

Third—The City of Stockton shall have a first lien on the whole of the first fifteen miles of said road, and on the right of way thereof, and on all lands, turnouts, cars, engines and rolling stock belonging to the same, and on every right of said company, its successors or assigns, in and to the same; and in the event that said company, its successors or assigns, shall fail to build the whole of said road from the water front aforesaid, through the County of San Joaquin to the county line dividing said San Joaquin County from Stanislaus County, and complete the same and furnish it as a first class railroad, within thirty months next after the passage of this Act, the title to, and every right, franchise and interest of the said company, its successors or assigns, in said first fifteen miles of road, and all and every appurtenance thereto belonging, shall vest in the said City of Stockton, to the exclusion of every other person or persons; and

Fourth—Said company, its successors or assigns, shall not charge or receive, for transportation over said road, rates to

exceed ten (10) cents per ton per mile for freight, and seven (7) cents per mile per passenger.

SEC. 13. On receiving said bonds, the said Board of Trustees shall deliver to the Common Council their receipt therefor, which shall designate the number of bonds received, and shall be entered at length on the journal of said Council and filed by the Clerk thereof. The said Board of Trustees shall safely keep said bonds, and shall permit no other person or persons to have access thereto, and shall deliver them to no other person or persons than those herein designated. Whenever said Board of Trustees shall receive the written verified statement of the President of said company that the track has been laid for the distance of five miles from said water front, and that cars and engines are running over the same, and when they shall receive also the written statement of the said Common Council that such five miles of road has been constructed and the track laid in a manner and of a character acceptable to them, and that the same is properly stocked, they shall deliver to said company, or its authorized agent, one hundred of said bonds. And when said Board of Trustees shall receive from said President and the Common Council like statements in regard to ten miles of said road, they shall deliver to said company, or its authorized agent, another hundred of said bonds. And when said Board of Trustees shall receive a similar statement from said President and said Common Council in regard to fifteen miles of said road, they shall deliver to said company, or its authorized agent, the remaining one hundred of said bonds; *provided*, that if at any time, when the statements of said President and Council are received by said Board, as provided in this section, the interest on any of the coupons attached to said bonds are due, such coupons shall be by said Trustees torn off and cancelled, without payment of the interest thereon; and such coupons shall be delivered to the Clerk of said city.

When bonds to be delivered.

SEC. 14. The Common Council of said city shall, prior to the first day of August in the year in which said bonds shall be issued, levy a tax, payable in the gold coin of the United States, sufficient to raise the full amount of the first year's interest on all of said bonds; and every year thereafter, until said bonds are redeemed, said Common Council shall, at the same time that taxes are levied for general city purposes, levy a tax sufficient to raise the amount of interest required to be paid each year on said bonds. For the eleventh year following the year in which said bonds were issued, and for each of the ten years thereafter, or until said bonds be redeemed, said Common Council shall levy an additional tax sufficient to raise in such eleventh year five per cent. of the total amount of the principal of the bonds issued; and for the succeeding year following said year, shall levy a tax sufficient to raise six per cent. of said amount; and for the year following, shall levy a tax sufficient to raise seven per cent. of said amount; and for the year following, shall levy a tax sufficient to raise eight per cent. of said amount; and for the year following, shall levy a tax sufficient to raise nine per cent. of said amount; and for the year following, shall levy a tax sufficient to raise ten per cent. of said amount; and for the year following, shall levy a tax sufficient

Interest tax.

Redemption tax.

to raise eleven per cent. of said amount; and for the year following, shall levy a tax sufficient to raise thirteen per cent. of said amount; and for the year following, shall levy a tax sufficient to raise fifteen per cent. of said amount; and for the year following, the last, which will be the tenth from the date of this special tax, and the twentieth of the duration of the bonds, the Common Council shall levy a tax of sixteen per cent. of said amount. All taxes provided for in this Act shall be levied and collected in the gold coin of the United States. The fund thus raised from year to year by this special tax shall be styled the "Railroad Interest and Sinking Fund." The taxes provided for in this section shall be levied and collected in the same manner as taxes for general city purposes, except as herein provided for, and when collected shall be paid into the city treasury, to be applied, under the direction of the Common Council—

First—The interest tax to the interest falling due on said bonds.

Second—The aforesaid Sinking Fund raised from said special tax, beginning with said eleventh year, to the redemption of the bonds issued under this Act.

Deficit in funds.

SEC. 15. If at any time, within thirty days next before the semi-annual interest on said bonds shall become due, the said City Treasurer shall find that the funds in his hands are insufficient to pay the same, he shall certify such fact to the Common Council, who shall authorize him, under their special direction, but not otherwise, to draw on the General Fund of the city for such moneys as shall be necessary to make up the deficit; and if the General Fund shall be insufficient, the Common Council shall provide the necessary funds by loan or otherwise.

Redemption.

SEC. 16. Whenever at any time there shall be in the Sinking Fund provided for in this Act, a sum of money amounting to four thousand dollars, the Common Council shall advertise, at the expense of the Sinking Fund, or cause their duly authorized agent to advertise, in some paper or papers published in the city or cities in which said bonds are payable, for the space of five weeks, for sealed proposals for the surrender of said bonds; and twelve days after the expiration of the time for such publication, the Common Council, or their duly authorized agent, shall open the sealed proposals, and shall pay and liquidate, as far as the Sinking Fund then on hand will go, such bonds as shall have been offered at the lowest bid; *provided*, the same shall not exceed the par value thereof; and should there be no bids, or not enough to exhaust the funds on hand, then the redemption shall proceed according to the lowest number of the issue of said bonds; and the Council, or their agent, shall give four weeks notice of the numbers of the bonds to be paid, in some newspaper published in the city or cities in which they are payable, after which time said bonds shall cease to draw interest; or if the bids to surrender bonds be at the same rate, and the bidders do not agree as to which shall have precedence in surrendering such bonds, then a new advertisement shall be had in the manner hereinbefore provided; and whenever there shall be sufficient money in the Sinking Fund to pay all of the bonds issued under this Act, then the Common Council, or their

agent, shall advertise for two months, in the manner aforesaid, for the redemption of all such bonds; after which time such bonds shall cease to draw interest.

Cancelled. SEC. 17. Whenever any bonds have been paid and redeemed, the person paying the same shall mark them "Cancelled" across the face, in red ink, and transmit to the Treasurer of said city.

Agents. SEC. 18 The Common Council of said city shall have authority to designate one or more agents in the city or cities in which the interest or principal of said bonds shall be payable, for the payment thereof.

SEC. 19. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXCVII.

An Act making appropriations for deficiencies in the appropriations made for the nineteenth, twentieth and twenty-first fiscal years, ending on the thirtieth day of June, eighteen hundred and seventy.

[Approved April 1, 1870.]

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

Appropriations for deficiencies. SECTION 1. The following sums of money are hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, for the objects herein named, to wit:

For expenditures at the State Asylum for the Insane, thirty-three thousand five hundred and ninety-seven dollars, to pay outstanding liabilities and to cover deficiencies during the current fiscal year.

For salary of Assistant Adjutant-General, during the twentieth fiscal year, four hundred dollars.

For the pay of Clerks in office of Adjutant-General, during the twentieth and twenty-first fiscal years, three thousand four hundred and fifty dollars.

For pay of Clerk in Surveyor-General's office, during the twentieth fiscal year, one hundred and fifty dollars.

For printing, paper and official advertisements, fifteen thousand dollars.

For rent of State Arsenal during the current fiscal year, one hundred and eighty dollars.

For cleaning, repairing and transportation of arms, during the current fiscal year, one thousand dollars.

For pay of Watchman in the office of the State Treasurer, during the nineteenth, twentieth and twenty-first fiscal years, two thousand seven hundred dollars.

For contingent expenses of Superintendent of Public Instruction, during the twentieth and twenty-first fiscal years, six hundred dollars.

For salary of extra teacher in the State Normal School, during the current fiscal year, one thousand five hundred dollars.

For deficiency in appropriation for Stamp Inspector's office, four thousand dollars. Appropriations for deficiency.

For contingent expenses in the Stamp Inspector's office, during the twentieth and twenty-first fiscal years, one thousand eight hundred and fifty-five dollars and twenty cents.

For support of boys from the Reform School at the Industrial School, during the twentieth fiscal year, eight thousand dollars.

For transportation of prisoners, during the current fiscal year, seven thousand dollars.

For pay of the Porter for the Clerk of the Supreme Court, during the current fiscal year, one hundred and twenty dollars.

For expressage and postage for the Clerk of the Supreme Court, during the twentieth and twenty-first fiscal years, two hundred and forty dollars.

For expressage, postage and contingent expenses of the Judges of the Supreme Court, for the current fiscal year, two hundred and fifty dollars.

For increase of salary of the Secretary of the Justices of the Supreme Court, from January first to June thirtieth, eighteen hundred and seventy, six hundred dollars.

For pay of George W. Fentress, as Assistant Librarian, during the current fiscal year, seven hundred and twenty dollars.

For pay of Solomon Cobb, as Porter in State Library, during the current fiscal year, one hundred dollars.

For pay of William Sharp, for furniture furnished State Library, during the twentieth fiscal year, one hundred and eighteen dollars and sixty-seven cents.

CHAPTER CCCXCVIII.

An Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo, and fix their term of office.

[Approved April 1, 1870.]

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

SECTION 1. At the next general election there shall be elected in each of the Supervisor Districts of the County of San Luis Obispo, by the qualified electors thereof, one Supervisor; the Supervisor in the San Simeon District to go out of office at the expiration of one year; the Supervisor in the San Luis Obispo District to go out of office at the expiration of two years, and the Supervisor of the Salinas District to go out of office at the expiration of three years, so that, after the next general election, there shall be annually elected one Supervisor. Election of Supervisors.

SEC. 2. Whenever it becomes necessary to elect a Supervisor to fill any vacancy occasioned by death, resignation or any other cause, the person elected shall hold his office for the unexpired period for which his predecessor was elected. Election to fill vacancy.

SEC. 3. An Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo, and fix their term of office, approved March thirty-first, eighteen hundred and sixty-six, and all Acts and parts of Acts repugnant to the provisions of this Act, are hereby repealed.

CHAPTER CCCXCIX.

An Act to authorize the Controller of State to employ an additional Clerk.

[Approved April 1, 1870.]

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

Additional Clerk.

SECTION 1. The Controller of State is hereby authorized and empowered to appoint an additional Clerk for his department, who shall hold his office during the pleasure of the Controller.

Duties.

SEC. 2. The Clerk so appointed shall open and keep the accounts between the State and purchasers of tide lands under the Act of March thirtieth, eighteen hundred and sixty-eight, and shall perform such other duties in the office of the Controller as may be enjoined on him by the Controller; and shall receive for his services, one hundred and fifty dollars per month, payable monthly, as other salaries; and a sum sufficient to pay such salary is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated.

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

CHAPTER CCCC.

An Act to incorporate the Fire Department of the City of San José.

[Approved April 1, 1870.]

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

Fire Department.

SECTION 1. The Fire Department of the City of San José shall consist of a Chief Engineer, two Assistant Engineers, a President, a Secretary, a Treasurer, a Board of Delegates and such companies as now compose the same, or as may hereafter be admitted thereto in accordance with the provisions of this Act.

Election of officers.

SEC. 2. There shall be an election held on the third Thursday of September, A. D. eighteen hundred and seventy, and thereafter according to their terms of office, for a Chief and two Assistant Engineers. The President of the department shall

call said election, giving ten days notice thereof, in at least two newspapers of the city. The Board of Delegates shall appoint, to conduct said election, three Judges, each from a different company, who, together with their Clerk, shall subscribe an oath or affirmation to faithfully discharge their duties. Said Judges shall, for the purpose of said election, have power to administer oaths and affirmations. Said election shall be held at such place as the Board of Delegates may appoint, from twelve o'clock M., until three o'clock P. M. The returns of said election, duly certified, shall be forwarded to the Secretary of the department within five days thereafter, and be by him transmitted to the Board of Delegates, who shall convene within ten days thereafter and declare the result. The person having the highest number of votes for the office of Chief Engineer shall be declared elected for the term of one year, or until his successor is duly elected and qualified. The person having the highest number of votes for Assistant Engineer shall be declared elected as First Assistant Engineer for the term of one year, or until his successor is elected and qualified. The person having the next highest number of votes shall be declared Second Assistant Engineer for the term of one year, or until his successor is elected and qualified. Contested elections for Chief and Assistant Engineers shall be decided by a majority of the Board of Delegates; and should a tie occur for either of said officers, the Board shall, by a majority of its members, determine between, or the rank of the contesting parties. Contested elections.

SEC. 3. The persons elected to succeed the said Chief and Assistant Engineers shall hold office for the term of one year, or until their successors are elected and qualified; *provided*, that when a vacancy occurs in the office of Chief or Assistant Engineers, the President of the department shall order an election to fill such vacancy for the unexpired term of said office. All succeeding elections for Chief and Assistant Engineers shall be conducted as hereinbefore provided. Terms of office.

SEC. 4. At its stated meetings in October, each and every engine and hook and ladder company shall elect three of its members, and each and every hose company one of its members, to the Board of Delegates—which Board shall consist of three representatives from each engine and each hook and ladder company, and one representative from each hose company—who, before entering upon the duties of their office, shall take and subscribe an oath or affirmation, to be administered by the President of the Fire Department, to well and truly perform the duties of delegates as prescribed in laws governing the department. They shall assemble on the second Wednesday of November, at seven and a half o'clock P. M., in the room of the Board, and then and there organize by the election of a President, Secretary and Treasurer, whose term of office shall be for one year, or until their successors are duly elected and qualified. They shall make laws for the government of the Fire Department; and all laws made by them shall be binding on every company. Officer or member of the department who shall violate any of the said laws, or any of the provisions of this Act, or who shall refuse to obey the lawful orders of the Chief or Assistant Engineers, upon complaint, be tried by the Board, Board of Delegates.

and if found guilty, be censured, suspended, removed from office or expelled from the Fire Department, as a majority of the Board, in its judgment, may direct. They shall examine the returns and declare the result of all Engineers' election, and authorize their certificates of office.

Officers. SEC. 5. The President, Secretary and Treasurer elected by the Board of Delegates, shall be styled, respectively, the President, Secretary and Treasurer of the San José Fire Department; and in all business relating thereto the President and Secretary shall be empowered to administer oaths and affirmations. The President and Treasurer shall be elected from among the delegates. The Secretary may be elected from the department at large. The Secretary, if not a member of the Board, shall take and subscribe an oath to perform the duties of the office faithfully, and in accordance with the laws of the department; and he shall be ex officio Clerk of the Chief Engineer.

Formation of companies. SEC. 6. An engine company, or a hook and ladder company, shall be composed of not more than sixty-five nor less than twenty-five, and a hose company of not more than twenty-five nor less than fifteen males of the full age of twenty-one years—all of whom must be duly registered members of the department. The officers of a company shall be a Foreman, at least one Assistant Foreman, a Secretary and a Treasurer. A company desiring admission into the department must make application to the Board of Delegates, accompanying such application with a copy of their constitution, signed by at least twenty-five males of the age of twenty-one years—except hose companies, which may consist of fifteen—the names of their officers, the residence of their members, and the location they desire; and should the Board, by a vote of the majority of all its members, decide to recommend the admission of such company, the Secretary of the department shall forward to the Mayor and Common Council of the City of San José a certificate of such recommendation, together with the petition of the company, the constitution of the same, the names of the officers and men, their residences, and the location desired. If such recommendation shall receive the approval of the Mayor and Common Council, the company shall be declared admitted into the department; and no petition for the admission of any company shall be entertained by the Mayor and Common Council until it shall have received the recommendation of the Board of Delegates.

Application for admission into department.

Reduced roll of members. SEC. 7. Whenever, by reason of deaths, resignations or expulsions, an engine or hook and ladder company shall have reduced its roll to less than twenty-five, or a hose company to less than fifteen active, registered members, it shall be the duty of the Secretary of the department to forthwith notify the Chief Engineer and the foreman of the company of the fact; and it shall be the duty of the Chief Engineer to suspend such company until the next stated meeting of the Board of Delegates, when, unless a majority of the members comprising said Board decide to reinstate the company, it shall be disbanded.

SEC. 8. The Common Council shall have sole power to order work and supplies for the department, and to locate all cisterns

and fire company houses hereafter to be built. All bills for work or supplies shall be certified to the Common Council as other claims are certified.

Chief Engineer to make report.

SEC. 9. The Chief Engineer shall report to the Common Council, in the months of January and July, the number, location and condition of cisterns and fire apparatus, and the state of fire company houses, and all property of the city in keeping of said department; also, all accidents by fire which may have taken place, with the causes thereof, and a description of the property destroyed or injured, with the names of the owners of the same; also, such other information and such recommendations as he may deem proper. He shall, furthermore, inquire into the cause of all fires, and see that all persons criminally connected therewith are diligently prosecuted by the proper authorities.

Exemption from jury and militia duty.

SEC. 10. Any member of any fire company belonging to said department, who shall have served as an active fireman for the period of five years, and shall produce a certificate of the same, signed by the Chief Engineer, President and Secretary of the Fire Department, and sealed with the seal of said department, which seal is hereby made evidence in any Court of justice within this State, shall be forever released, after the date thereof, from jury duty or militia service within this State; *provided*, that the service which shall entitle such person to the exemption herein provided shall not date prior to the date of the original certificate of membership of such person of the fire company or companies belonging to the said department in which such service shall have heretofore, or may hereafter be rendered; and further, that the date from which said period of five years shall begin, shall be the time when such person became a member of said department, and shall be proven by the production, by such person, of a properly authenticated certificate of his membership of some fire company or companies belonging to said department.

Organization of exempt members.

SEC. 11. Exempt members of the department may organize themselves, to be known and designated as the "Exempt Fire Company;" they shall be subject to the laws of the department and the directions of its officers; they shall be entitled to equal relief from the Fire Department Charitable Fund; but they shall have no vote or other representation in the department.

Badges.

SEC. 12. The Board of Delegates shall have power to prescribe a badge, to be worn by duly registered members of the department, when on duty at a fire; and after said Board of Delegates has prescribed such badge, they shall, within sixty days thereafter, provide a sufficient number of such badges for the use of duly registered members of the department; and any person, other than a duly registered member of the department, who shall wear one of said badges with intent to represent or pass himself off as a member of the department, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be punished by a fine not exceeding fifty dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Not to conflict.

SEC. 13. Nothing herein shall be so construed as to conflict with or supersede the Act or any portion of the Act of reincor-

poration of the said City of San José, or in any manner to lessen or restrict the powers of the Mayor and Common Council of said city.

Seal of department.

SEC. 14. The seal of the Fire Department shall be in the custody of the Secretary of the Fire Department, and a copy or impression thereof shall, on or before the first day of May next, be filed in the office of the County Clerk of the County of Santa Clara, and sent to the Secretary of State, who shall file the same.

Election of Trustees.

SEC. 15. The Board of Delegates shall, at their stated meeting in November, eighteen hundred and seventy, elect five Trustees; two Trustees for a term of three years, and two Trustees for a term of two years, and one Trustee for a term of one year, and annually thereafter, one or more, as may be required, for a term of three years. All vacancies in the Board of Trustees shall be filled by the Board of Delegates at the first stated meeting after such vacancy may occur. No member of Board of Delegates shall be eligible to election as Trustee. The five Trustees so elected by the Board of Delegates shall be known and designated as the Trustees of the San José Fire Department Charitable Fund, and shall immediately organize by the election of a Treasurer, who, within ten days, shall file with the Secretary of the Fire Department a bond, with two or more sureties, in the penal sum of one thousand dollars, or such other sum as the Board of Delegates may determine, for the faithful performance of his duties as such Treasurer. The amount of said bond may, from time to time, be increased, as the judgment of the Board of Delegates shall direct, said bond to be made payable to the San José Fire Department, and more particularly to the President thereof. Said Trustees, as soon as their Treasurer shall have filed his bond, and such bond shall have been approved by the President of the Fire Department, shall take charge of all moneys, notes and other securities in the possession or under the control of the now acting Trustees of the San José Fire Department Charitable Fund Association (or their successors), belonging to the Fire Department Charitable Fund, and shall receipt for the same, and deliver them into the possession of their Treasurer, taking his receipt therefor.

Treasurer.

Duties of Trustees

SEC. 16. The duties of the Trustees shall be to solicit donations to the Fire Department Charitable Fund; pay all moneys so received to their Treasurer, taking his receipt therefor, and invest all moneys that may be collected, reserving two hundred dollars for incidental expenses, in approved security or real estate of the valuation on the Assessor's books of the city at twice the amount loaned. All securities shall be taken in the name of the Trustees of the San José Fire Department Charitable Fund. All orders on their Treasurer shall be drawn by at least three of said Trustees; and unless so drawn, no order shall be valid or paid. They, together with the Chief Engineer, shall be the only parties authorized to receive and receipt for moneys on behalf of said fund. They shall personally attend to all applications for the relief of those who are or have been members of the department, who shall have been disabled or injured at any fire, and the indigent widows and orphans of

active and exempt members thereof, and tender them such pecuniary and other aid as they may require; *provided*, the sum so tendered shall not exceed thirty dollars per month in each case. They may appropriate a sum, not exceeding fifty dollars, to defray the funeral expenses of any member of the department killed, or who shall die from injuries received in active service. Any Trustee who shall absent himself from the city for the space of three months without leave of absence from the Board of Delegates, for inattention, or for conduct unbecoming a gentleman, his office shall be declared vacant.

Applications for relief.

SEC. 17. Applications for relief from said fund shall be made to three or more of the Trustees, by the Foreman of the company of which the applicant, or the husband of the applicant, or the deceased, is or was a member. The Foreman shall certify, in writing, that the injured person is, or that the deceased husband or person was, a duly registered certificate member of the department, and communicate such other information respecting the sickness, injury or death, as the case may demand. If such certificate and information be satisfactory to the Trustees, any three of them shall draw an order upon their Treasurer for such sum (not exceeding as aforenamed) as they may deem proper No bills for medical attendance shall be allowed.

Duties of Treasurer.

SEC. 18. The Board of Trustees shall annually, in the month of November, elect a Treasurer. He shall receive and receipt for all moneys paid to him by the Trustees, Chief Engineer and others; keep a correct account of the same in books provided for that purpose, and pay all orders properly drawn upon him by the Trustees, which shall be his vouchers for the same. He shall, in the months of April and October of each year, render a report of his receipts and disbursements on behalf of said fund, to the Board of Delegates. He shall give good and sufficient bonds for the faithful discharge of his trust, which bonds may be increased by the Board of Delegates. His books shall at all times be open to inspection of the Trustees and the Committee on Finance of the Board of Delegates, and shall be promptly delivered up to his successor in office

SEC. 19. This Act shall take effect immediately.

CHAPTER CCCCI.

An Act to amend an Act entitled an Act in relation to public roads in the County of Amador, and to the Road Fund of said county.

[Approved April 1, 1870.]

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

SECTION 1. Section four of said Act is amended to read as follows:

Road poll tax receipts.

Section 4. The County Auditor shall cause to be printed, each year, as many road poll tax receipts as may be necessary

for the use of his county. Each receipt shall be for the sum of two dollars, and shall run from the first Monday of March in the year in which such receipt is issued, to the first Monday of March of the following year, and shall be signed by the Auditor, and shall contain a blank for the name of the [person] to whom it is sold, and a blank for the signature of the Road Overseer. The receipts shall be numbered consecutively.

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

CHAPTER CCCCII.

An Act to amend an Act entitled an Act defining the legal distances from each county seat to the Capital, Lunatic Asylum and State Prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight.

[Approved April 1, 1870.]

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

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

Legal distances.

Section 2. From the county seat of Alameda County to Sacramento, one hundred and twenty-four miles; to Stockton, seventy-six miles; to San Quinten, twenty-six miles.

SEC. 2 This Act shall take effect immediately.

CHAPTER CCCCIII.

An Act to authorize the Treasurer of Sutter County to transfer money from the General Fund to the Hospital Fund of said county.

[Approved April 1, 1870.]

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

Transfer of moneys.

SECTION 1. The Treasurer of Sutter County is hereby authorized and required to transfer any moneys from the General Fund to the Hospital Fund of said county, when ordered so to do by the Board of Supervisors (which order shall be duly made and entered by them in their book of records); *provided*, that the amount so transferred, under the provisions of this Act, shall not exceed two thousand dollars in any one year.

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

CHAPTER CCCCIV.

An Act to regulate the rights of the owners of mines.

[Approved April 1, 1870.]

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

Right of way

SECTION 1. The owner or owners of mines or mining claims in this State shall have a right of way for ingress and egress, for all necessary purposes, over and across the land or mining claims of others, as hereinafter prescribed.

Same.

SEC. 2. Whenever any mine or mining claim shall be so situated that it cannot be conveniently worked without a road thereto, or a ditch to convey water thereto, or a ditch or cut to drain water therefrom, or without a flume or tunnel thereto, or a place whereon to dump or deposit tailings, and such road, ditch or drain, or such flume or tunnel shall necessarily pass over, across or through or under, and such place of deposit be upon mining claims or other lands owned or occupied by others, then shall such first mentioned owner or owners be entitled to a right of way for such road, ditch, drain, flume or tunnel over, across or through or under, or to such place of deposit upon such other mining claims or lands, upon compliance with the provisions of this Act.

Petition to County Court or Judge.

SEC. 3. Whenever the owner or owners of any mine or mining claim shall desire to work the same, and it is necessary, to enable him or them to do so conveniently, that he or they should have a right of way for any of the purposes mentioned in the foregoing sections, or that he or they should have a place for dumpage and deposit of tailings, as mentioned in the preceding section, and such right of way or place of deposit shall not have been acquired by private agreement between him or them and the owners or occupants of the claims or lands over, across, under or upon which he or they seek to establish such right of way or place of deposit, then it shall be lawful for him or them to present to the County Court, or to the County Judge, if the Court be not in session, of the county wherein such mine or claims are situated, a petition, praying that such right of way or place of deposit be awarded to him or them. Such petition shall be verified and shall contain a particular description of the character and extent of the right sought, a description of the mine or claims of the petitioners and of the claims or lands to be affected by such right or privilege, with the names of the owners or occupants thereof. It shall also show that such right or privilege has not been acquired by private agreement or contract between the respective parties, and shall conclude with a prayer for the allowance thereof by the Court or Judge and the appointment of three Commissioners to assess the damages resulting from such allowance.

Citation.

SEC. 4. Upon the receipt of such petition and the filing

thereof in the office of the Clerk of the County Court, the Court or Judge, as the case may be, shall direct a citation to issue, under the seal of the Court, to the owners named in the petition, of mining claims or lands to be affected by the granting of such right or privilege, requiring them and each of them to appear before such Court, or the Judge thereof, if the Court be not in session, on a day therein named, which shall not be less than ten days from the service thereof, and show cause why such right or privilege should not be awarded or allowed, and such Commissioners appointed as prayed for. Such citation shall be served on each of the parties therein named, in the manner prescribed by law for the service of summons in ordinary proceedings at law.

Hearing.

SEC. 5. Upon the day named in the citation, or upon any subsequent day to which the hearing may be adjourned, the County Court, or the County Judge, if the Court be not in session, shall proceed to hear the allegations and proofs of the respective parties, and if satisfied that the claims of the petitioners can only be conveniently worked by means of the right of way, privilege or place of deposit prayed for, shall make an order adjudging and awarding to such petitioners such right of way, privilege or place of deposit, and appointing three disinterested persons, residents of the county, as a commission to assess the damages resulting to the owners of mining claims or lands affected thereby.

Commission.

Report of Commissioners.

SEC. 6. The Commissioners so appointed being duly sworn, shall proceed without delay to examine the mine or claims of the person or persons petitioning, as well as the mining claims or lands to be affected by the right or privilege prayed for. They may also hear testimony relative to the value of such mining claims or lands and the damages resulting from such right or privilege, and report in writing the result of their inquiries, to the Court or Judge appointing them. Such report shall designate the course or line and dimensions of the road, ditch, drain, flume or tunnel (as the case may be), or the place of deposit prayed for. It shall further designate the value of the lands to be occupied by or appropriated to and for such right of way or place of deposit, and assign the damages which each of the owners or occupants of mining claims or lands affected by such right or place of deposit shall suffer in consequence thereof.

Motion to set aside.

SEC. 7. Within ten days from the filing of such report, any of the parties concerned in the same may move, for cause shown by affidavit, to set aside the same; and if, upon the hearing of such motion, such Court or Judge shall set aside or vacate such report, a new commission shall be appointed, which shall proceed in all respects as is provided for the first commission. If no motion to set aside the report of the first or any succeeding commission be made as provided in the last section, or if, being made, it is denied, then the same shall be regarded as final, and an order shall be made by the Court or Judge in pursuance thereof.

On payment of damages, to occupy.

SEC. 8. Upon the payment of the sum assessed as damages to each of the owners or occupants of claims or lands to whom the same shall have been awarded by the report and order

mentioned in the preceding section, then the person or persons petitioning shall be entitled to the right of way or place of deposit, as designated and defined by such report, over or upon the land or claims of the person or persons receiving such compensation, and he or they may, upon making such payment, proceed to occupy the line, route, way or place of deposit so designated, and to erect thereon such works and structures, and make such excavations, as may be necessary to the use and enjoyment of the right of way or place of deposit so awarded.

Carrying off tailings along water courses, etc.

SEC. 9. Whenever the owner or owners of any mine or mining claims are desirous, in working the same, to carry off the tailings and other refuse matter through and along any water course, ravine or natural outlet, which is in whole or in part owned or occupied by other persons for mining or other purposes, then such first mentioned owner or owners may proceed, in the manner hereinbefore provided, to have such right and privilege awarded to him or them; *provided*, nevertheless, that the County Court or Judge shall not make such award or appoint a commission unless such Court or Judge shall be satisfied that the right or privilege sought can be enjoyed without especial injury to those owning or occupying claims or lands along or upon such water course, ravine or outlet.

Expenses.

SEC. 10. All costs and expenses shall be paid by the party making the application, and the Commissioners appointed shall receive five dollars per day for each day actually engaged in the service.

SEC. 11. This Act shall take effect from and after its passage.

CHAPTER CCCCV.

An Act granting leave of absence to Antonio F. Coronel, Treasurer of the State of California.

[Approved April 1, 1870.]

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

Leave of absence granted.

SECTION 1. Antonio F. Coronel, Treasurer of the State of California, is hereby granted leave of absence from the State for a period of three months, at such time as he may select, during his term of office.

When to take effect.

SEC. 2. This Act and the leave of absence herein granted shall take effect when the sureties of the said Treasurer shall execute an instrument in writing, in due form, expressing their consent thereto, and file the same with the Secretary of State.

CHAPTER CCCCVI.

An Act for the relief of John Kneland.

[Approved April 1, 1870.]

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

Appropriation

SECTION 1. The sum of two hundred and ninety-one dollars and fifty-six cents is hereby appropriated, out of any money in the State treasury not otherwise appropriated, and the Controller is hereby required to draw his warrant therefor, in favor of John Kneland, to repay to him costs actually paid out by him in the District and Supreme Courts, in a civil action, in favor of the State of California, against said John Kneland and others, in which said action the said John Kneland recovered a judgment of dismissal of said action on the grounds that the same was not maintainable against them.

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

CHAPTER CCCCVII.

An Act to perfect title to lands granted by the United States to the State of California.

[Approved April 1, 1870.]

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

Agent to be appointed.

SECTION 1. The Surveyor-General of the State of California is hereby directed and authorized to appoint and employ an agent to procure from the United States Land Department at Washington a transfer from the United States to the State of California of the lands to which the State is or may be entitled under any and all of the land grants made by the United States to the State of California.

Qualification

SEC. 2 The agent so appointed shall be a resident of the State of California and an attorney, familiar by practice and experience with the United States land laws, instructions, rules and regulations, and the State land laws and system.

Duties.

SEC. 3. It shall be the duty of the agent to procure from the various United States Land Offices in the State of California, from time to time, proper and necessary abstracts of all lands applied for and sought to be located by the State of California, and as speedily as possible cause said lands to be listed to the State of California by the United States Land Department.

Same.

SEC. 4. The agent shall establish an office at the City of Washington, and act as attorney for and represent the State before the United States Land Department, and get listed to the State of California the lands belonging to or claimed by the State of California under any of the land grants made by the United

States to the State of California, and to prosecute on behalf of the State all contested cases for lands claimed by the State.

Compensation. SEC. 5. The agent, when appointed, shall immediately enter upon the discharge of his duties, and shall receive a compensation from the State for his services of two and one-half cents per acre for all lands procured to be listed to the State of California by the United States under any of the land grants made by law to the State of California.

Abstracts and maps. SEC. 6. It shall be the duty of the State Surveyor-General to furnish the said agent with all the necessary abstracts and maps of lands claimed by the State, that may be required to enable the agent to get the same listed to the State.

Certificate of lands filed. SEC. 7. On the first Monday of each month, the Surveyor-General shall certify to the State Board of Examiners the number of acres for which United States lists have been filed in his office during the month next preceding, together with a statement of the amount due said agent upon the lands so listed, and if found to be correct and in accordance with the compensation allowed in this Act, the Board shall approve said account and certify the same to the Controller of State, and the Controller shall draw his warrant in favor of the said agent, on the General Fund, for the amount so found to be due, and the State Treasurer shall pay the same out of said General Fund; *provided* further, that each purchaser of land from the State, upon receiving a patent for said land, shall pay to the Register of the State Land Office the amount of two and one-half (2½) cents per acre therefor, which shall be paid into the State treasury to the credit of the General Fund.

Statement of amount due.

Payment by purchaser.

Record books. SEC. 8. The Surveyor-General shall provide the necessary record books and cause all lists or patents for lands from the United States to be recorded therein.

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

CHAPTER CCCCVIII.

An Act to pay for services rendered in the office of the State Surveyor-General.

[Approved April 1, 1870.]

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

Appropriation. SECTION 1. The sum of fourteen hundred and twenty-five dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, to pay Theodore Snell for services rendered in the office of the State Surveyor-General from May fifteenth, eighteen hundred and sixty-nine, to March first, eighteen hundred and seventy; and the State Controller is hereby directed to draw his warrant upon the Treasurer of State in favor of said Snell for said amount, and the Treasurer of State is hereby directed to pay the same.

CHAPTER CCCCIX.

An Act to amend an 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.

[Approved April 1, 1870.]

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

SECTION 1. Section twenty-eight of said Act is amended so as to read as follows:

Service of summons.

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, or by any white male citizen of the United States over twenty-one years of age, who is competent to be a witness on the trial of the action, except as hereinafter provided; a copy of the complaint shall

Return.

be served with the summons. Where the summons is served by the Sheriff or his deputy, it 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. When the summons is served by any other person, as before provided, it shall be returned to the office of the Clerk from which it issued, with the affidavit of such person of its service, and of the service of a copy of the complaint. If there be more than one defendant in the action, and such defendants reside within the county, a copy of the complaint need be served on only one of the defendants.

CHAPTER CCCCX.

An Act to provide for the payment of the salary of certain officers in the County of Shasta.

[Approved April 1, 1870.]

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

To be paid in quarterly instalments.

SECTION 1. From and after the first Monday in March, one thousand eight hundred and seventy, the salary of the District Attorney and Treasurer of Shasta County shall be paid in quarterly instalments of one-fourth the amount of their annual salary as allowed by law, respectively, in the manner hereinafter provided.

Treasurer's Salary Fund.

SEC. 2. The County Treasurer of Shasta County shall collect all fees, perquisites or percentage which now is or may hereafter be allowed from State, county or any other source whatsoever, except as hereinafter provided, and shall keep an accu-

rate account of the same as directed in this Act, and shall place the same to the credit of a fund to be designated and known as the County Treasurer's Salary Fund, and shall settle for and account for the same, under oath, to and before the Board of Supervisors of said county at each and every regular quarterly session thereof, and shall pay the same out on all warrants drawn in favor of the said County Treasurer for his salary.

Fund book

SEC. 3. The County Treasurer shall procure a suitable book with index, which shall be known as the "Treasurer's Salary Fund Book." He shall enter in said book a full and accurate account of all fees, perquisites and percentage belonging to the County Treasurer's Salary Fund. He shall keep said book in such a manner as will show the amount of fees or perquisites received from time to time in each case, and by whom paid; and when any fees or percentage shall be received which, under the provisions of this Act, may belong to the County Treasurer's Salary Fund, such fees or percentage shall be entered upon said book so as to show from what fund or moneys, and the amount thereof, such percentage was derived, together with the rate per cent. charged thereon. The Treasurer's Salary Fund Book shall at all times during office hours be open to the inspection and examination of any citizen of said county.

Payment of salary.

SEC. 4. It is hereby made the duty of the said Board of Supervisors, at each of their regular quarterly sessions, to cause to be issued to the County Treasurer a warrant or warrants upon the said County Treasurer's Salary Fund for such an amount, not exceeding one-quarter of his annual salary as allowed by law, as may be and appear upon the books of said County Treasurer to the credit of said fund at each of the aforesaid quarterly sessions of the Board; and if at any regular session of said Board the amount appearing to the credit of said Salary Fund shall be insufficient to liquidate the whole quarterly instalment as hereinbefore provided, then the Board shall, at the same time, cause to be issued to said Treasurer an additional warrant or warrants upon the General Fund of the county for such residue or deficiency, which said additional or later warrants shall be paid from the General Fund of the county, in the same order and with the same interest thereon as other county indebtedness is now or may hereafter be directed to be paid

Transfer of moneys

SEC. 5. At the May term of the Board of Supervisors of said county, of each year, if it shall appear, after settlement with the Treasurer and payment of his quarterly salary then due, that there is still money remaining in the County Treasurer's Salary Fund, the Board of Supervisors shall transfer said money to the County General Fund.

District Attorney's Salary Fund.

SEC. 6. The Board of Supervisors of Shasta County are hereby authorized and required to annually transfer and set apart, from the General Fund of said county, twelve hundred dollars, in quarterly instalments of three hundred dollars, as hereinafter provided, for the purpose of creating a special fund, which shall be known as the "District Attorney's Salary Fund of Shasta County;" and said fund shall be devoted exclusively to the payment of the salary of said District Attorney. Said Board of Supervisors shall transfer, as above provided, at their first regular meeting in May, one thousand eight hundred and

seventy, three hundred dollars; and at each quarterly meeting thereafter shall transfer the same amount.

Payment of salary.

SEC. 7. The Auditor shall draw his warrants for the payment of the salary of the said District Attorney of said county quarterly upon said District Attorney Salary Fund, for the sum of three hundred dollars, at the same regular meetings of said Board that such money is set apart; *provided*, that the aggregate amount of such warrants shall not exceed annually the amount of the salary of said District Attorney as provided for by law.

Not to repeal

SEC. 8. Nothing in this Act shall be so construed as to repeal or interfere with the compensation allowed as mileage to County Treasurers for travelling to and from the State Capitol for the purpose of settling with the Controller and Treasurer of State.

SEC. 9. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 10. This Act shall take effect immediately.

CHAPTER CCCCXI.

An Act concerning the office of Clerk of the Board of Supervisors and Equalization in the County of Placer.

[Approved April 1, 1870.]

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

Clerk of Board of Supervisors and Equalization.

SECTION 1. The County Clerk of the County of Placer shall be Clerk of the Board of Supervisors and Equalization in said county, from and after the passage of this Act, until the first Monday in March, eighteen hundred and seventy-two, and after that date the County Recorder of said county shall be Clerk of said Board of Supervisors and Equalization.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCXII.

An Act to fix the terms of the District Court in the Second Judicial District.

[Approved April 1, 1870.]

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

Terms of Court.

SECTION 1. The terms of the District Court of the Second Judicial District shall be held in the County of Butte on the third Monday of November, first Monday of March and second

Monday of July; and in the County of Tehama, on the fourth Monday of October, fourth Monday of January and first Monday of May; and in the County of Plumas, on the fourth Monday of May and first Monday of October; and in the County of Lassen, on the second Monday of June and the second Monday of September of each year.

SEC. 2. All laws in conflict with this Act are hereby repealed.

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

CHAPTER CCCCXIII.

An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, Anno Domini eighteen hundred and sixty-one.

[Approved April 1, 1870.]

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

SECTION 1. Section five of the Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, is hereby amended so as to read as follows:

Meetings of stockholders.

Section 5. There shall be, after the first election of Directors, as prescribed in the first section of this Act, annual meetings of the stockholders, held at the principal place of business of said company, for the election of Directors, to serve for the ensuing year, notice of which, appointing a time, shall be given for the first annual election, and every subsequent election thereafter, as prescribed by the by-laws of the company, or by a resolution of the Board of Directors, which notice shall be published not less than twenty days previous thereto, in a newspaper published in each county through or into which such road shall pass or be intended to run (if there be stockholders residing therein), in which a newspaper shall be published; and if no newspaper is published therein, then by six written or printed notices, put up in the most public places in said county. Directors shall be elected from time to time, as a majority of the whole stock shall determine, or as the by-laws shall designate, as may be determined in the formation of articles of association, in pursuance of the provisions of the first and second sections of this Act, shall be chosen at such meetings of stockholders, by ballot and by a majority of the votes of the stockholders, being present in person or by written proxy; and every such stockholder, being so present either in person or by proxy at any election for Directors, shall be entitled to give one vote for every share of stock which he may have owned for ten days

Election of Directors.

next preceding said elections; but no stockholder shall vote at any such election upon any stock except such as he shall have owned for ten days. No person shall be a Director unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to vote for Directors at the election at which he may be chosen. The Directors shall hold their office for one year, and until others are elected in their places. At least a majority of the Directors shall, at the time of their election, be residents of the State.

Qualifications

Term of office

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

Forfeiture.

Section 54. Such railroad company shall, within two years after filing its original articles of association, begin the construction of its road, and shall every year thereafter complete and put in full operation at least five miles of its road, until the same shall be fully completed; and upon its failure so to do, for the period of one year, its right to extend its road beyond the point then completed shall be forfeited.

CHAPTER CCCCXIV.

An Act supplementary to an Act entitled an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six.

[Approved April 1, 1870.]

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

Powers of Board of Trustees

SECTION 1. The Board of Trustees of said town shall have the power to provide for the establishment and improvement of public squares in said town.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCXV.

An Act to amend an Act entitled an Act concerning attorneys and counsellors at law, approved February nineteenth, one thousand eight hundred and fifty-one.

[Approved April 1, 1870.]

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

SECTION 1. Section six of an Act entitled an Act concerning attorneys and counsellors at law, approved February nineteenth, one thousand eight hundred and fifty-one, is hereby amended so as to read as follows:

Section 6. Every white male citizen of the United States, who has been admitted to practise law in the highest Courts of a sister State, or in the Supreme Court of the United States, or in the Supreme Court of the District of Columbia, may be admitted to practise in the Courts of this State, upon the production of his license and satisfactory evidence of his good moral character; but the Court may examine the applicant as to his qualifications. Who may be admitted to practise.

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

CHAPTER CCCCXVI.

An Act to amend an Act entitled an Act concerning Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

[Approved April 1, 1870.]

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

SECTION 1. Section fifty-one of said Act is amended so as to read as follows:

Section 51. These Courts shall have jurisdiction of the following public offences committed within the respective counties in which such Courts are established: Jurisdiction.

First—Petit larceny.

Second—Assault and battery, not charged to have been committed upon a public officer in the discharge of his duties, or with intent to kill.

Third—Breaches of the peace, riots, affrays, committing a wilful injury to property, and all misdemeanors punishable by fine not exceeding one thousand dollars or imprisonment not exceeding one year, or by both such fine and imprisonment.

CHAPTER CCCCXVII.

An Act to regulate the distribution of the Police Fund of the City and County of San Francisco.

[Approved April 1, 1870.]

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

SECTION 1. One-half of all the fines, penalties and forfeitures imposed for offences committed within the said city and county, and now paid into the treasury thereof as a part of the Police Fund, by the Clerk of the Police Judge's Court, shall be paid Fines, how appropriated

to the Treasurer of the San Francisco Benevolent Association; *provided*, that such payment shall not diminish the amount now authorized by law to be paid out of said fines, penalties and forfeitures to other associations, or to the School Fund of said city and county; and *provided* further, that the sum so paid to the Treasurer of the San Francisco Benevolent Association, under the provisions of this Act, shall not in any event exceed the sum of five thousand dollars per annum.

Limitation.

SEC. 2. All laws and parts of laws inconsistent herewith are hereby repealed, so far as they relate to said Police Fund.

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

CHAPTER CCCCXVIII.

An Act concerning the Road Fund of certain districts in the County of Placer.

[Approved April 1, 1870.]

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

Auditor to draw warrants.

SECTION 1. The Auditor of Placer County is hereby directed and empowered to draw his warrant on the Treasurer of said county, in favor of Owen King, for the sum of one hundred and fifty-nine dollars, payable out of the Road District Fund of Road District Number Three; and, also, in favor of W. S. Clock, for the sum of two hundred and fifty dollars, payable out of the District Road Fund of Road District Number Four of said county, for work done in the construction and repair of roads in said district during the year eighteen hundred and sixty-eight; and the Treasurer of said county is hereby authorized and directed to pay said amounts out of any moneys in the treasury belonging to said districts, respectively.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCXIX.

An Act concerning the Magdalen Asylum of the City and County of San Francisco.

[Approved April 1, 1870.]

Preamble.

WHEREAS, Under and by virtue of an order of the Board of Supervisors of the City and County of San Francisco, called Ordinance Number Eight Hundred, certain lots of land belonging to the City and County of San Francisco were reserved and donated to several charitable institutions of the said city and county, for the uses of such associations; and

whereas, the Magdalen Asylum is and was a charitable institution existing in said city and county at the time when such reservations were made; and whereas, the proper authorities neglected to reserve and donate a lot of land for the uses of said asylum, by reason of which neglect, the Trustees of said asylum were compelled to pay, as the assessment for the lot of land on which the buildings of said asylum are situated, the sum of about twenty-four hundred and fifty dollars; now, therefore,

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

Assessment refunded.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized to allow and order paid to the Trustees of the Magdalen Asylum of the City and County of San Francisco the sum of twenty-four hundred and fifty dollars, being the amount which said Magdalen Asylum was assessed as the value of the lot of land on which the buildings of said asylum are erected, and which was paid by reason thereof.

SEC. 2. The Auditor of said city and county is directed to audit, and the Treasurer to pay to the Trustees of said Magdalen Asylum, the sum hereinbefore provided.

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

CHAPTER CCCCXX.

An Act to amend an Act entitled an Act to provide for changing the commencement of the term of office of the District Attorney for the County of Yuba, approved March second, eighteen hundred and sixty-six.

[Approved April 1, 1870.]

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

SECTION 1. That section one of said Act be amended so as to read as follows:

Term of office of District Attorney.

Section 1. That the District Attorney to be elected in the year of eighteen hundred and seventy-one for said county shall enter upon the duties of his office on the first Monday in July, eighteen hundred and seventy-two, and hold his office until the first Monday in March, eighteen hundred and seventy-four; and the District Attorney to be elected in the year eighteen hundred and seventy-three, and all District Attorneys thereafter elected for said County of Yuba, shall enter upon and hold their office for the term of two years from and after the first Monday in March subsequent to their election.

SEC. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

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

CHAPTER CCCCXXI.

An Act to pay the claims of McNally and Hawkins.

[Approved April 1, 1870.]

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

Appropriation.

SECTION 1. The sum of nine hundred and sixteen dollars and seventy-six cents is hereby appropriated for the purpose of paying McNally and Hawkins for work done on the Deaf and Dumb Asylum. Said sum shall be paid out of the State treasury, from any money not otherwise appropriated.

SEC. 2. The Controller is hereby authorized and directed to draw his warrants upon the State Treasurer, in favor of said McNally and Hawkins, for the said sum of nine hundred and sixteen dollars and seventy-six cents.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCXXII.

An Act to provide for the translation of foreign records in the County of Sonoma, and to make such translations evidence of their contents.

[Approved April 1, 1870.]

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

Translation of records.

SECTION 1. The County Recorder of the County of Sonoma is hereby authorized and required, whenever the Board of Supervisors shall command him so to do, to cause to be translated into the English language all the records of said county made in any foreign language, and for that purpose is hereby authorized and required to employ some competent translator, resident of the county, at such compensation as shall be just and reasonable, to be agreed upon by said Recorder and translator, subject to the approval of the Board of Supervisors of said county.

Record book.

SEC. 2. Said County Recorder shall provide a suitable record book for all such instruments and records, in which shall be transcribed the original record, to be followed by translation thereof; and to have good, direct and reverse indices thereto, made and prepared by said translator; for the making of which said records and indices, the Board aforesaid shall pay said translator such reasonable compensation as shall be agreed upon between said translator and County Recorder, subject to approval by said Board of Supervisors.

Affidavit of correctness.

SEC. 3. Said translator shall affix to each book of translated records so made an affidavit, to be sworn to before the County Recorder, who is hereby authorized to administer the oath, that the translations contained in said book are true, correct and full, as the same appears of record in such foreign language.

SEC. 4. The records of said translation shall be held to be evidence of the instruments so recorded, and the records themselves, and certified copies thereof, shall be received in evidence, in all the Courts of this State, of the contents of the instruments so purported to be translated; but said translations shall not in any manner determine or effect any open question of the due execution of the original instruments. Received in evidence.

SEC 5. The compensation for all services under this Act, and all expenses for books and stationery, shall be paid by the County Treasurer, from time to time, under the order of the Board of Supervisors, who shall audit and allow the same, as said work progresses. Compensation.

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

CHAPTER CCCCXXIII.

An Act to create a Board of Education for the City of Marysville.

[Approved April 1, 1870.]

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

SECTION 1. There shall be a Board of Education for the City of Marysville, which shall consist of the Mayor of said city, the County Superintendent of Public Schools for Yuba County, and three School Commissioners, who shall be elected by the qualified electors of said city at the general election for other officers of said city, as provided by law; *provided*, that the three School Commissioners elected at the municipal election held on the twenty-first day of March, eighteen hundred and seventy, for said city, shall hold their office and be members of the Board created by this Act for the term of two years, or until their successors are duly elected and qualified. Board of Education.

SEC. 2. The Mayor of the City of Marysville shall be ex officio a member of said Board, and shall act as President of the same. The County Superintendent of Public Schools for Yuba County shall be ex officio a member of said Board, and shall act as Secretary of the same. Officers.

SEC. 3. The said Board of Education shall perform such duties and shall have such powers as are prescribed in an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six, and all Acts amendatory of and supplementary thereto. Duties of Board.

SEC. 4. The Superintendent of Public Schools of Yuba County shall be ex officio Superintendent of Public Schools for the City of Marysville, and shall report to the Board of Education annually, and at such other times as they may require, on all matters pertaining to the progress of the schools since the last annual report; their condition at the time of making such report; the condition of the school houses, lots and furniture; the number of teachers employed, and of pupils taught in each Duties of Superintendent of Schools.

primary, intermediate, grammar and high school; the cost per pupil, including all ordinary expenses; the amount paid respectively to teachers, etc., etc., with such recommendations as he may deem proper. A duplicate of said report shall be filed with the Clerk of the Common Council. It shall also be his duty to visit and examine each school at least once in three months; to observe and cause to be observed such rules and regulations as may be established by the said Board of Education. He shall receive a salary of fifty dollars ($50) per month, payable in the same manner as the salaries of other city officers.

Vacancy in office.

SEC. 5. Any vacancy in the office of School Commissioner shall be filled by appointment by the Common Council, and such appointee shall hold office respectively until the municipal election next ensuing, and until his successor is duly elected and qualified.

SEC. 6. All Acts and parts of Acts in conflict with this Act are hereby repealed, so far as they apply to the City of Marysville.

SEC. 7. This Act shall take effect from and after its passage.

CHAPTER CCCCXXIV.

An Act to prevent double taxation.

[Approved April 1, 1870.]

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

Mortgages not to be assessed.

SECTION 1. No mortgage or lien given and held upon real estate, or the debts thereby secured, or promissory notes secured by mortgage, shall be assessed upon the books of any Assessor, State, County, or otherwise.

SEC. 2. All laws and parts of laws inconsistent with this Act are hereby repealed.

SEC. 3. This Act shall be in force immediately.

CHAPTER CCCCXXV.

An Act concerning lawful fences in the County of El Dorado.

[Approved April 1, 1870.]

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

Lawful fence

SECTION 1. A fence constructed with posts of reasonable size and strength, firmly set in the ground, not more than twelve

(12) feet apart if a rail or picket fence, and not more than eight (8) feet apart if a plank fence, the rails to be not less than four in number and of a reasonable size and strength; and if of plank, such planks to be not less than three in number, and of a reasonable size and strength, securely fastened to the posts, to the height of four and one-half feet, and reasonably close; if a picket fence, the pickets shall be of ordinary size and strength, nailed to a rail above and one below, or driven in the ground and nailed to a rail above, reasonably close, and four and one-half feet high; if a ditch fence, the ditch to be three and a half feet wide at the top and three feet deep, the embankment to be on the inside of the inclosure, with a rail, plank or picket fence on the embankment to the height of three feet; or any other kind of fence equivalent in height, quality and strength to the above kinds of fences, are hereby declared lawful fences in said county; *provided*, that in said county, to constitute a lawful fence, within the meaning of this Act, it shall not be necessary that such fence shall afford protection against hogs.

Trespass of animals.

SEC. 2. Any cattle, horses, mules, jacks, jenny, sheep or goat, breaking down, over or through any lawful fence in said county, the owner of such animal or animals shall be liable for the damages done, and shall pay double damages for the second or any subsequent trespass; and such damages may be recovered, with costs, in any Court of competent jurisdiction.

SEC. 3. All Acts and parts of Acts in conflict with this Act, in so far as they apply to said El Dorado County, are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCXXVI.

An Act relating to the Home of the Inebriate of San Francisco and to prescribe the powers and duties of the Board of Managers and the officers thereof.

[Approved April 1, 1870.]

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

To be kept open for reception of inebriates.

SECTION 1. The Home for the care of the Inebriate of San Francisco shall always be kept open for the reception and care of inebriates, both male and female, of every nationality and sect, free of charge for their support, care or medical attendance while they necessarily remain therein; *provided*, the Superintendent of said home may require, on the admission of any such person, a permit from at least one of the Board of Managers of said home, unless such person is committed to said home as provided in the next section of this Act.

Commitment of drunkards

SEC. 2. Any Police Judge or magistrate of the City and County of San Francisco is hereby empowered to commit any

person whom he shall convict of habitual intemperance, to said home, for a term not exceeding six months; *provided*, the Board of Managers of said home may release, by a two-third vote of said Board of Managers, any person so convicted or otherwise placed in said home before his or her sentence shall expire.

Powers of Managers.

SEC. 3. The said Board of Managers are hereby empowered to receive and to detain in said home, under such restrictions and discipline as they shall deem proper, such persons as may be thereto committed or otherwise placed in said home; *provided*, any Court of competent jurisdiction may inquire, by writ of habeas corpus, into such detention or discipline, and release any person therefrom.

Same.

SEC. 4. The said Board of Managers shall have power to make by-laws and rules for the government of its body, officers and employés; to elect, discharge and pay such officers and employés as may be necessary to manage and carry on said home; and to prescribe rules and regulations for the government and management of the inmates and officers of said home.

Officers.

SEC. 5. The Board of Managers of said home shall elect, from their number, a President, Vice President, Treasurer and Secretary, and prescribe their respective duties and responsibilities.

Penalty for unlawful retention of property.

SEC. 6. Any person having been an officer of said Board, or of said home, or an employé or inmate thereof, who shall, after his or her term of office ceases, or employment expires, or has been discharged, retain in his or her possession or control any of the property of said home, or the books or the papers of said Board, or seal thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars and not to exceed five hundred dollars, or imprisonment in the county jail not to exceed six months, or both such fine and imprisonment.

Title vested.

SEC. 7. The title to the lot set apart by the Board of Supervisors of San Francisco, or a committee of said Board, to and for the corporation known as the "Home for the care of the Inebriate," is hereby confirmed to said corporation; and the title of said city and county in and to said lot is vested in said corporation forever.

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

SEC. 9. This Act shall take effect immediately after its passage.

CHAPTER CCCCXXVII.

Charter of the City of Stockton—An Act to reincorporate the City of Stockton.

[Approved April 2, 1870.]

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

CORPORATE POWERS.

Corporate name.

SECTION 1. The corporation, or body politic and corporate, now existing and known as the "City of Stockton," shall remain and continue to be a body politic and corporate, in name and fact, by the name of "The City of Stockton," and by that name have perpetual succession, may sue and defend in all Courts and places, and in all matters and proceedings whatever, and may have and use a common seal, and the same may alter at pleasure, and may purchase, receive, hold and enjoy real and personal property, and sell, convey, mortgage and dispose of the same for the common benefit; *provided*, that it shall purchase without the city no property except such as shall be deemed necessary for establishing hospitals, prisons, cemeteries and industrial schools.

Corporate limits.

SEC. 2. The government and jurisdiction of the City of Stockton shall extend over and embrace all that district of country situated in the County of San Joaquin which is contained within the boundaries mentioned in section one of an Act entitled an Act to reincorporate the City of Stockton, and amendatory of and supplemental to an Act entitled an Act to reincorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two, approved January twenty-sixth, eighteen hundred and seventy. The Common Council shall have power hereafter to divide the city into such wards, not exceeding six in number, as they may deem expedient and necessary, and to define the boundaries thereof, and may alter the same; *provided*, that any such alteration shall be made at least three months previous to the annual election of city officers, and shall apportion the number of Councilmen to which each ward shall be entitled, which apportionment shall be according to population.

Wards.

OFFICERS AND THE ELECTION OF OFFICERS.

Officers.

SEC. 3. The officers of the City of Stockton shall consist of a Mayor, twelve Councilmen, a Collector, who shall also be the Street Commissioner, an Assessor, Treasurer, Clerk, Police Judge and Chief of Police, with such assistants as the Common Council may appoint, to be known as policemen. The Common Council may, if deemed expedient, also appoint a City Surveyor, a City Attorney, and Clerk of the Police Court, and any other officers herein authorized to be appointed, and may by ordinance prescribe their duties and compensation.

Charter election.

SEC. 4. On the first Monday in May of each and every succeeding year, a charter election shall be held, at which the

legally qualified voters of said city shall elect the following officers, viz: A Mayor, one Assessor, a Chief of Police, a Collector and Street Commissioner, and six members of the Common Council; *provided*, however, that at the first charter election, to be held on the first Monday in May, eighteen hundred and seventy, they shall elect twelve members of the Common Council, as hereinafter prescribed in section ten of this Act.

Mayor. SEC. 5. A Mayor shall be elected at the charter election to be held on the first Monday in May, Anno Domini eighteen hundred and seventy, and annually thereafter, who shall hold his office for one year and until his successor shall be duly elected and qualified.

Duties. SEC. 6. It shall be the duty of the Mayor, in addition to the other duties required of him by this charter—

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.

Second—To recommend to the Common Council the adoption of all such measures as he shall deem expedient, relating to the police, security, health, cleanliness and ornament of the city, and the improvement of its government.

Third—To preside over the Common Council when present at their meetings

Fourth—It shall be the duty of the Mayor to sign all ordinances passed by the Common Council, if he approves the same; but if he shall not approve any ordinance submitted to him, he shall return it with his objections, in writing, to the Council, who shall cause the same to be entered on the journal, and proceed to reconsider the ordinance. If, after such reconsideration, two-thirds of the members elect shall agree to pass the ordinance, it shall become a law. If any ordinance shall not be returned by the Mayor within seven days after it shall have been presented to him, it shall become as effective as if he had signed it.

Collector and Street Commissioner. SEC. 7. A Collector and Street Commissioner shall be elected annually, at the charter election to be held on the first Monday in May, who shall hold his office for one year and until his successor is duly elected and qualified.

Duties. It shall be the duty of the Collector and Street Commissioner to collect all taxes, assessments, licenses, wharfage rates and all other moneys and dues belonging to or which the city may be entitled to in any manner whatever, and pay over the same as required by the Common Council. He shall regulate the landing and stationing of all steamers, vessels and boats The City Collector and Street Commissioner shall, when required by the Street Committee, report to them the condition of all streets, sidewalks, crosswalks, bridges, public buildings, and shall, under the direction of the Street Committee, superintend all building or repairs on such streets, public buildings, bridges, sidewalks and crosswalks, and to perform such other duties as are hereinafter provided, or shall be defined by ordinance.

Assessor. SEC. 8. An Assessor shall be elected annually, at the charter election to be held on the first Monday in May, and shall hold his office for one year and until his successor is duly elected and qualified.

Chief of Police.

SEC. 9. A Chief of Police shall be elected annually, at the charter election to be held on the first Monday in May, and shall hold his office for one year and until his successor shall be duly elected and qualified; and the duties of the Chief of Police, in addition to those hereinafter prescribed, shall be defined by an ordinance of the city.

Common Council.

SEC. 10. Twelve members of the Common Council shall be elected at the charter election to be held on the first Monday in May, *Anno Domini* eighteen hundred and seventy. The term of office of a member of the Common Council shall be two years, and he shall hold his office until his successor is duly elected and qualified. At the first meeting of the Common Council elect held after the charter election to be held on the first Monday in May, eighteen hundred and seventy, the members of the Common Council shall be divided into two equal classes, by lot. The seats of members of the Common Council of the first class shall be vacated at the end of the first year ensuing the date of their election; and of the second class, at the end of the second year; so that one-half shall be chosen annually at the charter election to be held on the first Monday in May.

Manner of holding city elections.

SEC. 11. It shall be the duty of the Common Council to call all city elections; to designate the time and places of holding the same, giving at least ten days notice thereof; and for all of which they shall appoint one Inspector or Clerk, and two Judges of Election for each ward or election precinct in said city, who, together with two Clerks to be appointed by the said Inspector or Clerk and said Judges, shall take the oath of office prescribed by law for Inspectors, Judges and Clerks of State and county elections, and all provisions of law regulating elections for State and county officers not conflicting herewith shall apply as far as practicable to elections under this charter. The polls for all city elections shall be opened at eight o'clock A. M. and continue open until sunset of the same day. In case any of the officers so designated shall fail to attend, those attending, with the electors assembled, shall fill their places by appointing others competent, from among the qualified electors present; and all returns of city elections shall be made out and signed by officers of such election, in the usual form, and deposited with the Clerk of the city within two days after election; and the persons having the plurality of the votes cast for each of the respective offices voted for shall be declared duly elected; and no person who is not a qualified voter shall be eligible to any office under this charter; nor shall any person be entitled to vote at any city election unless he shall be an elector for State and county officers, and shall have actually resided within the said city and in the ward where he may offer to vote thirty days preceding such election, nor unless he be duly registered and enrolled in accordance with the provisions of the Registry Act of this State; *provided*, that those who may remove with their families from one ward to another within thirty days prior to such elections shall be entitled to vote in the ward to which they have removed. If any person not having the legal qualifications of an elector under this Act shall fraudulently vote or fraudulently attempt to vote at any city election, or if any elector shall vote more than once at any such election, or shall knowingly hand in two

or more ballots folded together, or shall attempt to vote more than once at the same election, such person, on conviction thereof, shall be fined in any sum not less than twenty nor more than five hundred dollars, or imprisonment in the county jail for any period not more than three months, or may be punished by both such fine and imprisonment.

Canvass of votes.

SEC. 12. On the third day after the election, the Mayor and Common Council shall convene at their usual place of meeting, and shall proceed publicly to canvass the result, and shall issue certificates of election to each person elected by a plurality of votes. When two or more persons have received an equal and highest number of votes for any one of the officers voted for, and there is a tie, the Common Council elect shall thereafter, at its first regular meeting, decide, by a vote, between the parties having such equal vote.

When to take office.

SEC. 13. The Mayor, Councilmen, Collector and Street Commissioner, Assessor and Chief of Police, shall enter upon their duties on the first Monday subsequent to their election.

President of Common Council.

SEC. 14. Every newly elected Common Council, at their first meeting after the annual election, and at any other meeting where from any cause it may become necessary, shall elect a President from their own body, who shall preside at all meetings when the Mayor is not present, and whenever there is a vacancy in the office of Mayor, or whenever the Mayor is absent from the city, or is unable, from sickness or other cause, to discharge the duties of his office, the President shall act as Mayor, and possess all the powers and perform all the duties of the Mayor during such absence, vacancy or disability. The President of the Common Council shall countersign all warrants and licenses issued under the orders of the Common Council or ordinances of the city.

When offices may be declared vacant.

SEC. 15. Any or either of the offices mentioned in this Act may be declared vacant by the Common Council, when the person elected shall, for ten days after the time of his election, fail to qualify and enter upon the duties of his office; and any or either of said offices may be declared vacant when, after being qualified, and after entering upon the discharge of its duties, the person elected shall absent himself from the said city for the space of ten days continuously, without the consent of the Common Council, or shall neglect or refuse to discharge the duties of his office; *provided*, however, that this section shall not apply to the offices of Mayor, or members of the Common Council, or Police Judge.

Removal from office.

SEC. 16. The Common Council shall have full power and authority, by a vote of two-thirds of all the members of the Common Council elected, for good cause, to be entered on the journal of their proceedings, and after having given the officer an opportunity of being heard, to remove from office and declare vacant the office of any officer named in this charter, and of any subordinate officer not named, except the office of Police Judge.

Vacancies, how filled.

SEC. 17. When a vacancy shall occur in the office of Assessor, Collector and Street Commissioner, Chief of Police, or any other officer herein provided for, by death, resignation, or otherwise, the Common Council shall elect some person to fill such vacancy,

and at such election a majority of all the members elected of the Common Council shall be necessary for a choice. Any person elected to fill a vacancy shall hold the office for the residue only of the term of his immediate predecessor.

Election of Treasurer, Clerk and Police Judge

SEC. 18. On the second Monday of May of each year, the newly elected Common Council shall elect a Treasurer, Clerk, and Police Judge, and may at the same time, if deemed expedient, elect a City Attorney, a City Surveyor, a Clerk of the Police Court, and all other officers herein authorized to be by them elected, each of whom shall hold his respective office for one year, and until his successor is elected and qualified, unless sooner removed, as herein provided.

OF THE COMMON COUNCIL—THEIR DUTIES AND POWERS.

Meetings of Common Council.

SEC. 19. The Mayor and Councilmen of the city shall constitute the Common Council, who shall meet on the first Monday subsequent to the annual election, and at such other times as they shall by vote direct. The Mayor may call special meetings at any time by written notice to each member, served personally, or left at his place of business or residence. At all meetings of the Common Council, the Mayor, when present, shall preside. A majority of the Common Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, and they may compel the attendance of absent members; and they may also punish their members for disorderly conduct, and for such conduct may expel a member by a two-third vote. When there is a quorum present, a majority may pass any by-law, order, ordinance or resolution, except as hereinafter otherwise directed. In the proceedings of the Common Council, each member present shall have a vote, except the Mayor, who shall have a casting vote when the votes of the other members are tied. The Common Council shall determine the rules of their proceedings, and the qualifications and election of their members; and it shall be the duty of its members to attend all regular and special meetings, and serve on committees. The sittings of the Common Council shall be open to the public, except when in the opinion of the Common Council the interest of the city shall require secrecy. A journal of their proceedings shall be kept by the Clerk, under their direction; and the ayes and noes on any question shall be taken and entered upon the journal at the request of any two members.

Powers and duties.

SEC. 20 The Common Council shall have full power and authority, within the city, to make and pass all by-laws, ordinances, orders and resolutions not repugnant to the Constitution of the United States or of the State of California, or the provisions of this charter, necessary to be made and passed for the municipal government and management of the affairs of the City of Stockton, and for the execution of the powers vested in the said body corporate, and for carrying into effect the provisions of this Act. To fix and collect a license tax on and to regulate theatres, melodeons, balls, concerts, dances, and all theatrical or melodeon performances, and performances of any kind for which an admission fee is charged, or which may be

Powers and duties.

hold in any house or place where wines or liquors are sold to the participators; circuses, shows, billiard tables, bowling alleys and all exhibitions and amusements. To fix and collect a license tax on all taverns, hotels, restaurants, saloons, bar rooms, bankers, brokers, manufactories, livery stable keepers, express companies and persons engaged in transmitting letters or packages, railroad, stage and steamboat companies or owners, whose principal place of business is in said city, or who shall have an agency therein. To license and regulate auctioneers. To license, tax, regulate, prohibit or suppress all tippling houses, dram shops, saloons, bars, bar rooms, raffles, hawkers, pedlers, pawnbrokers, refreshment or coffee stands, booths and sheds. To prohibit and suppress, or to license and regulate all dance houses, fandango houses, cock fights, bear or bull fights, dog fights, or any exhibition or show of any animal or animals. To fix and collect a license tax upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified; *provided*, however, that the license taxes hereby authorized to be fixed and collected in said city shall not exceed the amount fixed by law for State or county purposes, or both, on such business, occupation, trade or calling, with fifty per cent. added thereto; and *provided* further, that in the business of selling intoxicating drinks, wines, ale and beer, in less quantities than one quart, or to be drank upon the premises where sold, and on any other business, trade or calling not provided by law to be licensed for State and county purposes, the amount of license shall be fixed at the discretion of the Common Council, as they may deem the interest and good order of the city may require. To sell, use, lease, mortgage, control, improve and take care of the real estate and personal property of the city, and to purchase, hold, receive and lease property on which to erect buildings for public schools and the fire department of the city, and all lands and structures required for public use and utility to the city. To purchase, sell, hold and maintain fire engines and all implements for the prevention and extinguishment of fires. To regulate and maintain the fire department of said city as now organized. To establish fire limits in said city, and at any time enlarge the same, and to prevent the erection of wooden buildings therein. To regulate the construction of buildings, sheds, awnings and signs. To construct wells and cisterns to supply the city with water for the extinguishment of fires and other purposes. To regulate the landing and storage of gunpowder and other combustible materials. To lay out, extend, open and alter the streets, alleys, levees and avenues in said city; to provide for the grading, gravelling, paving, draining, cleaning, repairing, widening, lighting or otherwise improving the same; and for the construction, repair, regulation and preservation of sidewalks, bridges, drains, curbs, gutters and sewers, and to prevent or remove obstructions thereto, or to any part thereof; and to provide for the numbering of houses. To establish a uniform grade for streets, sidewalks and squares, and enforce the observance thereof. To repair any property of the city. To provide for all public buildings, parks or squares necessary or proper for the use of the city. To establish a Board of Health. To prevent the introduction and spread of disease. To estab-

lish a City Infirmary and provide for the indigent sick; and to provide and regulate for the protection of the health, cleanliness, ornament, peace and good order of the city. To control and regulate interments, and prohibit them within the city limits. To prevent and restrain any riot or riotous assemblage or disorderly conduct in any place, house or street in the city. To prevent, remove and abate nuisances at the expense of the parties creating, causing or committing the same. To maintain and regulate a common pound for estrays, and to appoint a Poundkeeper, who shall be paid out of the fines imposed and collected of the owners of any animals impounded, and from no other source. To prevent and regulate the running at large of any or all domestic animals within the city limits, or any part thereof; and regulate or prevent the keeping of such animals within any part of the city. To control and regulate all slaughter houses, tanneries, forges and offensive trades, and provide for their exclusion or removal from the city limits or any part thereof. To provide by regulation for the prevention and summary removal of all filth and garbage in the streets, alleys, back yards and public grounds of said city. To establish, alter and repair city prisons, and provide for the regulation of the same. To provide for the care, feeding and clothing of the city prisoners. To provide for the formation of a chain gang for persons convicted of crimes or misdemeanors, and their proper employment for the benefit of the city; and also to provide for the arrest and compulsory working of vagrants. To prohibit and suppress all gaming, and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions and shows. To establish and regulate markets and market places. To build, alter, improve, keep in repair and control the water front. To erect, regulate and repair wharves, and to fix the rate of wharfage and transit wharf and levee dues upon vessels and commodities, and to provide for the collection thereof. To provide for the regulation of berth, landing, stationing and removing of steamboats, sail vessels, rafts, barges, and all other water crafts. To fix the rate of speed at which steamboats may run along the water front of the city. To fix and regulate the speed at which railroad cars may run within the city limits or any portion thereof. To build bridges. To provide for the removal of obstructions to the navigation of any channel or water course in the city. To license steamers, boats and vessels used in any water course in the city, and to fix and collect a license tax thereon. To license ferries and bridges under the law regulating the granting of such license. To provide for and regulate the commons of the city. To regulate and prohibit fast riding or driving in any portion of the city. To license and tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire; and to regulate their stands, and fix the rates to be charged for the transportation of persons, baggage and property; and to license or suppress runners for steamboats, railroads, taverns or hotels. To determine and impose the fines, forfeitures and penalties that shall be incurred for the breach or violation of any city ordi-

Powers and duties.

Powers and duties.

nance, and also for a violation of the provisions of this Act, when no penalty is affixed thereto or provided by law; and to appropriate all such fines, penalties and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed, for any one offence, the amount of five hundred dollars fine or three months imprisonment, or both; and every violation of any lawful order, regulation or ordinance of the Common Council of the City of Stockton, is hereby declared a misdemeanor or public offence, and all prosecutions for the same may be in the name of the People of the State of California. To create and establish a City Police, to prescribe their duties and compensation, and to provide for the regulation and government of the same. To provide for conducting elections, establishing election precincts, appointing Judges, Inspectors and Clerks thereof. To examine, either in open session or by committee or commission, books, papers, vouchers, reports and statements of the several officers, or any other person having the custody, care, management, collection, disbursement or control of any money or property belonging, appertaining or appropriated to the city, or either of its funds, trusts or uses. To make contracts and agreements for the use and benefit of the city. To make appropriations, examine and audit, reject or allow the accounts of all officers or other persons having the care, management, collection or disbursement of any money belonging, appertaining or appropriated to the city or any of its uses or trusts; and to determine, allow and pay the salary, fees or percentage which such officer or other person may by law be entitled to receive, except as otherwise herein provided. To provide for cases omitted in this Act, and in conformity with the principles adopted in it, for opening, altering, extending, constructing, repairing or otherwise improving of public streets, at the expense of the property to be benefited thereby, without any recourse in any event upon the city for any portion of the expense of such work or any delinquency of the property holders or owners. To make real estate in said city liable for the construction of sidewalks, crossings and other street improvements adjacent thereto, and provide for the forced sale thereof for such purposes. To permit the laying down of railroad tracks and the running of cars thereon, along any street or portion of a street in said city. To order paid any final judgment against said city, but none of the lands, tenements, hereditaments, appurtenances, taxes, revenues, franchises, actions, choses in action, property or effects of any kind or nature whatsoever, of said city, or either or any of its trusts or uses, shall be liable to be attached, levied upon or sold in any process whatever, either original, mesne or final. To elect a weigher of coal and a measurer of wood in and for the city, who shall reside in said place, and continue in office for the term of one (1) year from the date of his election, and until his successor is elected and qualified; to define his duties and prescribe the fees he shall receive for his services; *provided*, that such fees shall in all cases be paid by the parties requiring such services. To provide assistants for the City Assessor, and Collector and Street Commissioner, when necessary, and fix their compensation. To fix and impose a rate of charges or dues on all goods, wares, merchandise or other property of any kind which may be

brought into and delivered at any place within said city or transported therefrom, and to provide for the collection of the same; *provided*, that the said dues shall be uniform throughout the said City of Stockton.

Levy and collection of taxes.

SEC. 21. The Common Council shall have full power and authority to assess, levy and collect, annually, taxes upon all the personal and real property within the city taxable for State purposes, not exceeding one per cent. upon the assessed value thereof, which shall be paid into the General Fund for current and general expenses.

To provide for payment of certain bonds.

SEC. 22. The Common Council shall have full power and shall provide for the payment of the interest and principal secured by the bonds issued under an Act entitled an Act to reincorporate the City of Stockton, approved April twenty-first (21st), eighteen hundred and fifty-two (1852), and an Act amendatory thereof, approved April second (2d), eighteen hundred and fifty-three (1853), and the principal and interest secured by the bonds issued under the provisions of an Act entitled an Act to authorize the City of Stockton to reissue bonds, approved March twentieth (20th), eighteen hundred and sixty-six (1866); and shall have further power and shall provide for the payment of any and all other indebtedness against the City of Stockton, of any nature or description whatever, existing on the first (1st) day of February, Anno Domini eighteen hundred and seventy (1870), and the bonds, the interest accruing thereon, and all other indebtedness as hereinbefore mentioned, existing on the first (1st) day of February, Anno Domini eighteen hundred and seventy (1870), shall be known and designated as the "old city debt;" and it is hereby made the duty of the Common Council, in each and every year after the passage of this Act, to levy, assess and collect, at the same time and in the same manner as the city taxes for the annual current expenses of the said city are by law assessed and collected, an additional tax upon real and personal property in said city made taxable by law for State purposes, which additional tax shall be known as the "old city debt tax," and shall not exceed two (2) per cent. per annum, payable in like currency as the State and county taxes.

Other city indebtedness

Old Interest Fund.

Old Bond Fund.

Old Debt Fund.

SEC. 23. The "old city debt tax" shall be divided into three (3) funds, as follows: One, to be known as the "Old Interest Fund," which shall be expended under the direction of the Common Council for the payment of the annual interest accruing on the indebtedness of the city which existed on the first (1st) day of February, eighteen hundred and seventy (1870); one, to be known as the "Old Bond Fund," which shall be expended under their direction for the payment, redemption and purchase of the bonds hereinbefore mentioned, so long as there shall be any outstanding against the city, and one, to be known as the "Old Debt Fund," which shall be expended under their direction for the payment of any indebtedness against the city existing February first (1st), eighteen hundred and seventy (1870), other than the bonds before named and the interest thereon. And it shall be the duty of the Common Council, in making the levy of the "old city debt tax," to estimate the amount which will be required for each one of these three funds for the fiscal

"Old city debt" tax.

year, to meet the demands thereon for the purposes for which it was formed, and they shall levy a tax estimated to be sufficient to meet the aggregate amounts so required; *provided*, the same shall not exceed two (2) per cent. per annum, as before provided. The money derived from the "old city debt tax" shall not be used for any other purpose than the payment of the principal and interest of said bonds and the other indebtedness of the city, existing on the first (1st) day of February, eighteen hundred and seventy (1870); but any surplus in either of the funds into which it is hereby divided may, by order of the Council, be transferred to another of said funds, if deemed expedient; *provided*, always, that the said "old city debt tax" shall be assessed, levied and collected upon all the personal and real property taxable for State purposes which is situated and contained within the following boundaries in said city, to wit: That portion of said city bounded on the north by Flora street, on the east by Aurora street, on the south by Anderson street and on the west by Bragg and Tule streets, and that portion only; and no property in said city which may be assessed for municipal purposes and is situated without the boundaries next hereinbefore named shall ever be liable to taxation, or be taxed by the corporate authorities of said city for the purposes of paying said old city debt, or any part thereof

Assessment districts.

SEC. 24. The City Assessor of the City of Stockton is hereby authorized and required, in all assessments for municipal purposes of the taxable property within the boundaries of said city, as fixed by this Act, to divide the city into two (2) districts, one to be known as the "Old District," which shall embrace all that part of said city contained within the boundaries hereinbefore named as embracing that portion liable to be taxed for the payment of the "old city debt;" and the other to be known as the "New District," which shall embrace all that portion of said city lying without said boundaries and not subject to be taxed for said "old city debt;" and shall provide appropriate headings in his assessment lists and rolls, to designate in which district the property so assessed, or any of it, is situated, and shall list all property so assessed to its proper district, in conformity with the provisions herein contained.

School tax.

SEC. 25. The Common Council shall also have power to raise annually, by tax upon the real and personal property within the city taxable by law for State purposes, whatever amount of money may be requisite for the support of free common schools therein, and providing and furnishing suitable houses therefor; but the tax provided for in this section shall not exceed thirty-five (35) cents on each one hundred dollars ($100) valuation upon the assessment roll per annum; and the said tax shall be assessed and collected in the manner and at the time provided by laws and ordinances for the city taxes.

Accountability of officers

SEC. 26. It shall be the duty of the Common Council to provide for the accountability of the City Assessor, Treasurer, Clerk, Police Judge, Collector and Street Commissioner, City Attorney, and all other officers herein provided for, by requiring from them sufficient security for the faithful performance of their duties or trusts, which security shall be given by them before entering on their respective duties. In case such secu-

rity should become insufficient, additional security may be required, and if not given within ten days, the Common Council, by a vote of two-thirds of the members, shall declare the office vacant, and order a new election to fill such vacancy.

Limitation of liabilities.

SEC. 27. The Common Council shall not create, audit, allow, nor permit to accrue, any debts or liabilities above the actual revenue and available means in the treasury that may be legally apportioned for such purpose Nor shall any warrant be drawn or evidences of indebtedness be issued, unless there shall be sufficient money in the treasury justly applicable to meet the same

Accounts against the city.

SEC. 28. All accounts and demands that shall lawfully arise against the city shall be submitted to the Common Council, and if found correct, shall be allowed, and an order be made that the demand be paid; upon which, the Clerk shall draw a warrant, which shall be countersigned by the President of the Common Council, upon the Treasurer, in favor of the owner or owners of the demand, specifying for what purpose and by what authority it is issued, and out of what fund it shall be paid, and the Treasurer shall pay the same out of the proper fund.

License taxes and wharfage.

SEC. 29. All license taxes and moneys collected for wharfage, and for all other dues and charges, shall be paid into the General Fund, unless otherwise ordered by the Common Council; and all taxes, license taxes, dues and charges, and wharfage rates and assessments, shall be payable and collectable in coin.

Annual expenses.

SEC. 30. The annual expenses of the City of Stockton shall not exceed the sum of forty thousand dollars ($40,000); *provided*, however, that the moneys authorized to be raised and expended by the provisions of section twenty-two (22) and twenty-five (25) of this charter shall not be considered a portion of the said annual expense If at any time after the sum of forty thousand dollars ($40,000) shall have been expended in any year, it shall appear that the interests of the said city demand an expenditure of an additional sum, the Common Council shall make a report of the same, which shall be published for at least three (3) weeks in some newspaper printed and published in said city, particularly specifying the object or objects for which said expenditure is required, and the amount of money necessary to be raised to meet the same; at any time within ten days after the expiration of said publication, the Common Council shall order an election, giving ten days notice thereof, at which those persons who are legal voters of said city may vote for or against a tax to raise such additional sum. The election shall be conducted and returns made and canvassed in all respects as the general election of said city, and a majority shall determine if such tax be levied or not. If the vote is in favor of such tax, the Common Council shall forthwith (by an order to be entered on the journal of their proceedings) order the tax to be levied and collected, upon the basis of the last assessment, and shall make the proposed expenditure; *provided*, that the special tax thus to be levied shall, for no one year, be more than one per cent. upon the valuation of the real and personal property in the city, as shown by the last assessment roll. All special taxes to be levied and collected under the provisions of this section, shall be levied and collected in the manner,

Additional expenditure.

Levy and collection of special taxes

forms and ways prescribed for the levying and collecting of the general taxes of said city; and, as a security for their payment, a lien shall attach to and against each lot of land for the amount assessed against it, from the date of the order; and every person, firm or corporation against whom a tax shall be thus assessed, shall be personally liable to pay the amount to said city. Said lien shall continue until such taxes are paid, or the property become vested in a purchaser under a sale therefor.

Illegal appropriations.

SEC. 31. Every appropriation on payment of money, or promises to pay money, which may hereafter be made or ordered by the Common Council, in excess of said sum of forty thousand dollars ($40,000), unless it shall be authorized by a vote of the electors of said city, as provided for in section twenty-nine of this Act, shall be invalid, illegal and void, and shall be recoverable by the city from the party or parties to whom the same is made, if knowingly taken or recovered by such party or parties; and the members of the Common Council who shall have voted for the same shall be individually, jointly and severally liable for such excess, and it may be recovered from them in any Court of competent jurisdiction, by the party or parties with whom they may have contracted, or by the city, if payment has been actually made.

Letting of contracts.

SEC. 32. All contracts for work or material to be performed or used in the erection of any public building, or in the erection of any wharf, bridge, drain, sewer, aqueduct, conduit, well or cistern, or in the improvement of any street, avenue, levee or sidewalk, or public square, in said city, except as hereinafter specially provided, when the cost shall exceed five hundred dollars ($500), shall be let to the lowest responsible bidder, notice having been previously given in a newspaper published in said city; but the Common Council may reject all bids when considered too high; and no officer of said city shall be interested in any contract to which the city is a party, and any contract contrary to the provisions of this section shall be void.

TAXES AND COLLECTION OF TAXES.

Duties of City Assessor

SEC. 33. It shall be the duty of the City Assessor to prepare, between the first day of January and the first Monday in April, in each year, and present to the Common Council with his certificate of its correctness, a list of all the real and personal property within the city taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform as near as practicable, when not inconsistent with the provisions of this Act, to the assessment lists required by law to be made by County Assessors for State and county purposes; also, to make all assessments for the improvements of streets, as hereinafter provided, and return the assessment list thereof to the City Clerk; to be present at the sessions of all Boards of Equalization mentioned in this Act, and to furnish to said Boards such information as may be required, but he shall have no vote in the proceedings of said Boards; and it shall be his duty to perform such other services in reference to the assessments of property in the city, and otherwise appertaining to

his office, as the Common Council, by ordinance or resolution, may require. The Common Council, or a committee of their number appointed for that purpose, shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed in his assessment list, and after ten days notice published in some newspaper in said city, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor in the assessment list, and shall have power to modify and change such valuation in any way they, or a majority of them, shall deem just and proper. Said meetings may be held from time to time, as in said notice specified, for the period of two weeks, and no longer. They, or a committee thereof for that purpose appointed or designated, shall act as a Board of Equalization of assessments for the construction and improvement of streets, and when meeting for that purpose shall hold their sessions for such period of time only as may be required to consider the matter submitted to them and take action in reference thereto. Board of Equalization

SEC. 34. During the session of the Board of Equalization the City Assessor shall enter upon the assessment list all the changes and corrections made by the Board, and may assess and add to said list any property in said city not previously assessed, and, upon the adjournment of the Board, the City Clerk shall add up the columns of valuation and enter the total valuation of each description of property in the list; and he shall also carry out, in a separate money column in the list, the amount of taxes assessed against each individual, firm, company, corporation or unknown owner, and add and put down the aggregate of all the taxes as shown by the list; and as thus equalized and carried out, the Clerk shall certify to its correctness, and charge the Collector with the amount of taxes as footed up, and take his receipt therefor when the list is delivered to said Collector for collection. Correction of assessment roll.

SEC. 35. On the first Monday in April in each and every year, the Common Council, by an ordinance, shall levy upon all the real and personal property in the city taxable by law for State purposes, a tax for school purposes and for the current and general expenses of the city, and also, in conformity with the provisions of this Act, shall levy a tax for the payment of the "old city debt" upon all the property, real and personal, taxable by law for State purposes, in that portion of said city which is embraced within the boundaries hereinbefore designated as liable to said tax; and every tax so levied is hereby made a lien, which lien shall attach on the first Monday in April in each year, to and against all property assessed, for the amount assessed against it, and shall not be satisfied or removed until the taxes are paid or the property has absolutely vested in a purchaser under and by a sale for the taxes assessed against it. The terms "real" and "personal" property shall be co-extensive in meaning with the same terms as used in the revenue laws of this State. When taxes to be levied.

SEC. 36. The assessment list, as equalized by the Board and footed and certified by the Clerk, shall be delivered to the Collector on the second Monday of May in each year, and he shall immediately and with diligence collect the taxes specified therein, Collection of taxes.

and pay over the same into the treasury, taking a receipt therefor. For the purpose of collecting the taxes authorized to be raised and collected by this Act, the City Collector shall have such powers as are given by the revenue laws of this State to Collectors of State and county taxes, so far as the same are applicable. The fiscal year shall begin on the first day of January.

When delinquent.

SEC. 37. All taxes due the City of Stockton, or hereafter to be levied and assessed, unless paid to the City Collector on or before the second Monday in June in each year, shall be deemed delinquent.

Delinquent list.

SEC. 38. On the second Monday in June in each year the Collector, at the close of his official business on that day, and after which he shall not receive any money for taxes, shall enter upon the assessment roll a statement that he has made a levy upon all property therein assessed, the taxes upon which have not been paid; and shall immediately ascertain the total amount of taxes then unpaid, and file in the office of said Clerk a list of all persons and property then owing taxes, verified by his oath, which list shall be completed by the first Monday of July, and shall be known as the delinquent list.

Suit to be brought

SEC. 39. The City Attorney of the City of Stockton is hereby authorized and directed to commence civil actions in the name of the City of Stockton, in the Police Court, or in the District Court in and for said county, the jurisdiction of the Court to be determined by the amount sued for or the relief sought, as in other civil actions, to recover the unpaid taxes which may hereafter become delinquent; and he shall designate the amount of taxes due and unpaid, and shall state the kind and quantity of property assessed, both real and personal, and if any real, describe the same. The complaint in all such actions, may be as follows, viz:

Form of complaint.

The State of California, County of San Joaquin. The City of Stockton vs. A. B. and the real estate and improvements in Stockton (describing them). The City of Stockton, by Q. S., City Attorney of the City of Stockton, complains of A. B. and also the following real estate and improvements (description of property), and for cause of action says: That between the first Monday of ———, Anno Domini eighteen hundred ———, in the City of Stockton, in the State of California, O. P., then and there being Assessor of said city, did duly assess and set down upon an assessment roll all the property, both real and personal, in said city, subject to taxation; and that said assessment roll was afterwards submitted to the Board of Equalization of said city, and was by said Board duly equalized as provided by law; that said A. B. was then and there owner of, and that there was duly assessed to him the above described real estate, improvements upon real estate, and certain personal property situated in said city; and that upon such property there has been duly levied for the fiscal year ending ———, Anno Domini eighteen hundred ———, a city tax, amounting in the whole to ——— dollars, all of which is due, delinquent and unpaid; of which amount ——— dollars was duly assessed and levied against the real estate, and ——— dollars against the improve-

ments aforesaid. Wherefore, said plaintiff prays judgment against said A. B. for the sum of ——— dollars, in gold or silver coin of the United States (the whole of said tax), and separate judgment against said real estate and improvements for the sum of ——— dollars, in like coin (the tax thereon), and for such other and further judgment as to justice belongs, and for all costs subsequent to the assessment of said taxes, and of this action.

Q. S., City Attorney of Stockton.

Answer. The defendant shall not be allowed to set up or show any informality in the levy or assessment as a defence, such defendant being allowed only to plead—

First—That the taxes have been paid before suit

Second—That taxes, with costs, have been paid since suit.

Third—Denying all claim, title or interest in the property assessed at the time of assessment.

Fourth—Fraud in the assessment, or fraud in failing or neglecting to comply with the provisions of this Act, by which fraud the party or property assessed has suffered injury; *provided*, however, that the acts herein required between the assessment and the commencement of suit shall be deemed directory merely, and no other answer shall be permitted; and no answer shall be filed in any such case unless the same be verified by oath.

Proof of delinquency. SEC. 40 The delinquent tax list for the fiscal year, duly certified by the proper officers, shall be delivered to the City Attorney, and the said delinquent lists, or the original or duplicate assessment roll, or a copy of any entry therein, duly certified, showing unpaid taxes against any person or property, shall be evidence in any Court to prove the delinquency, property assessed, the amount of taxes due and unpaid, and that all the forms of law in relation to the levy and assessment of said taxes have been complied with, and neither the delinquent tax list nor the assessment roll need be filed in any case.

Judgments. SEC. 41. Judgments rendered in such cases in the District Court shall be docketed and become liens upon all property of the defendant or defendants liable to taxation, and may be enforced against the same; and the City Attorney may file transcripts of judgments rendered in the Police Court under this Act with the County Clerk of San Joaquin County, who shall thereupon docket such judgments, and they shall become liens from and after such docket entry, in like manner as judgments rendered in the District Court under this Act; and the County Clerk may issue execution on such docketed judgments of the Police Court as on judgments rendered in the District Court.

Act made applicable. SEC. 42. An Act to regulate proceedings in civil cases in the Courts of justice in this State, so far as the same is consistent with the provisions of this Act, is hereby made applicable to proceedings under this Act; and any deed derived from a sale of real property under this Act shall be conclusive evidence of title, except as against actual frauds or prepayment of the taxes,

Deeds.

and shall entitle the holder thereof to a writ of assistance from the District Court to obtain possession of such property; *provided*, that the Sheriff or other officer who may sell such property, shall only sell the smallest quantity that any purchaser will take and pay the judgment and all the costs; *provided*, further, that when property sold belongs to minors or persons under legal disability, they shall have until six months after said disability is removed to redeem said property by paying the whole bid, all subsequent taxes, interest and costs.

Unknown owners.

SEC. 43. If any real estate or improvements in said city, upon which the taxes remain unpaid, has been assessed to "unknown" or "owner unknown," the person liable to pay the taxes thereon may be sued by a fictitious name, and service of summons in such cases, whether issued in the District or Police Court, may, by order of the Court, be made by publication of a copy of the summons once each week for three successive weeks in a newspaper published in the city, and any number of summons may be included in one publication. The service of the summons shall be complete at the expiration of the time of such publication. Service of summons may also be made in the same manner by order of the Police Judge or Judge of the District Court in which the suit is commenced, when the person or persons to whom such property has been assessed, and upon which taxes are unpaid, cannot be found within the city, and such fact shall appear by the return of the officer to whom the summons in such cases have been delivered. Proof of such publication may be made by the affidavit of the publisher or principal clerk of the newspaper in which such summons are published, and the publisher shall receive for each summons so published, the sum of four dollars, to be taxed and paid as other costs in the case; and a deed derived from the sale of such property under the provisions of this Act shall be equally conclusive against the true owner of such property as if the action had been prosecuted against said owner by his real name.

Compensation of City Attorney.

SEC. 44. For services under this Act, the City Attorney shall be entitled to a compensation equivalent to fifteen per cent. on the amount recovered, to be added thereto if paid before judgment, and if not so paid, then twenty-five per cent. to be added to and to constitute a part of the judgment, and ten per cent. upon all amounts paid over or collected under this Act, before the commencement of suit; and all officers shall perform such services as may be required of them under this Act without the payment of fees in advance, but they may charge and receive to their own use such fees as are allowed for similar services in other cases; *provided*, such fees are collected of the defendants, and in no case shall the city be liable for services rendered under this Act.

Forms of complaint.

SEC. 45. The Common Council may from time to time prescribe by ordinance such other forms of complaint for the collection of delinquent taxes and assessments, in addition to those prescribed by this Act, not conflicting with the laws of the State, as may be adequate for the purpose.

SPECIAL PROVISIONS.

Assessment of "Old District."

SEC. 46. For the purpose of enabling the city authorities of the City of Stockton to levy and collect the annual and special taxes for the year eighteen hundred and seventy, the present elected and acting Assessor of said city is hereby authorized and required, between the first day of January and the first Monday of April of said year, to make and complete an assessment list of all taxable property, real and personal, with a true valuation thereof, within that portion of the City of Stockton which is bounded on the north by Flora street, on the east by Aurora street, on the south by Anderson street and on the west by Bragg and Tule streets—the "Old District"—and present the same to the Common Council, with his certificate of its correctness, on the first Monday in April, Anno Domini eighteen hundred and seventy, on which day the Common Council, at a regular or special meeting thereof, shall by an ordinance levy a tax upon all the real and personal property mentioned in said assessment list, for school purposes, for the year Anno Domini eighteen hundred and seventy, not to exceed thirty-five cents on each one hundred dollars valuation of such property; a tax for the general and current expenses of the city for that year, not to exceed one per cent. upon the assessed value of such property, and also, a tax for the payment of the "old city debt," which shall not exceed two per cent. upon the assessed value of such property. Said assessment list shall conform as nearly as practicable to the assessment lists required by law to be made by County Assessors for State and county purposes. The Common Council, or a committee thereof appointed for that purpose, shall constitute a Board of Equalization to equalize said taxes; and said list shall be equalized, carried out, footed and certified in the same length of time and in the same manner as provided in sections thirty-three, thirty-four and thirty-six of this Act; and the City Clerk shall certify and deliver the same to the Collector on the second Monday in May of said year, and said Collector shall proceed to collect the taxes specified therein and pay over the same to the City Treasurer, and take receipts therefor. All taxes upon said list remaining unpaid on the second Monday in June, Anno Domini eighteen hundred and seventy, shall be deemed delinquent, and the Collector shall make out a delinquent list, certify the same and deliver it to the City Attorney on the second Monday in July of that year, and the same proceedings shall be thereafter had for collecting the same as are provided by sections from thirty-eight to forty-five, inclusive, of this Act.

Assessment of "New District."

SEC. 47. The Assessor of the City of Stockton, who shall be elected on the first Monday in May, Anno Domini eighteen hundred and seventy, is hereby authorized and required, between the second Monday in May and the third Monday in June of that year, to make and complete an assessment list of all taxable property, real and personal, with a true valuation thereof, situated within that portion of the City of Stockton lying outside the boundaries mentioned in the next preceding section—the "New District"—and present the same to the Common Council, with his certificate of its correctness, on the third Monday in

June, Anno Domini eighteen hundred and seventy, on which day the Common Council, at a regular or special meeting thereof, shall, by an ordinance, levy a tax upon all the taxable property, real and personal, mentioned in said list, for school purposes, for the year eighteen hundred and seventy, not to exceed thirty-five cents on each one hundred dollars valuation of such property; and also a tax for the current and general expenses of the city for that year, not to exceed one per cent. upon the assessed value of such property; *provided*, that the rate of taxation for school purposes and for the current and general expenses of the city shall be uniform throughout the whole city for said year. Said assessment list shall conform, as nearly as practicable, to the assessment lists required by law to be made by County Assessors for State and county purposes, and shall be equalized, carried out, footed and certified in the manner provided by sections thirty-three, thirty-four and thirty-six of this Act, and the City Clerk shall deliver the same to the Collector on the third Monday in July, Anno Domini eighteen hundred and seventy, who shall proceed to collect the taxes specified therein and pay over the same to the City Treasurer, taking his receipts therefor. All taxes upon said list remaining unpaid on the first Monday in August of said year shall be deemed delinquent, and the City Collector shall make up and certify a delinquent list of said taxes and deliver the same to the City Attorney for collection; and the same proceedings shall thereafter be had for the collection of said delinquent taxes as are provided by sections from thirty-eight to forty-five, inclusive, of this Act.

Made applicable.

SEC. 48. All the provisions of this Act concerning the assessing and collecting of taxes for the City of Stockton shall be applicable, so far as practicable, to the two sections next preceding, and after the present year the general provisions of this Act relating to taxation shall have full force and effect.

PUBLIC SQUARES AND STREETS.

Grading of public squares and grounds.

SEC. 49. Whenever the Common Council shall deem it expedient to grade, improve and ornament the public squares or grounds of the city, an order shall be entered on the journal of their proceedings, requiring the same to be done; which order shall designate the square to be graded, ornamented and improved, and shall particularly describe the improvements to be made, with all the specifications of the same, the terms of payment, the time when the work shall be commenced and completed, and requiring the Clerk of the Common Council to cause the same to be published four weeks in a newspaper published in the city, and to solicit bids in sealed envelopes (to be opened on a day fixed), for the performance of the work. On the day appointed for the opening of the bids, the Common Council, or a committee, if a committee be appointed for the purpose, shall open the bids, and the contract for the work shall be let to the lowest bidder; *provided*, that the Common Council, or said committee, may reject all bids offered. A bond, with sufficient sureties, payable to the city, for the performance of the work according to the order and specifications therein, shall be required from the person or firm to whom the contract shall be

given. Expenditures under this section shall be paid by the city.

Grading of streets.

SEC. 50. Whenever it shall be deemed expedient by the Common Council to pave or repave, grade or regrade to the official grade of said city, macadamize, plank or replank, gravel or regravel, or otherwise improve anew any street or streets, avenue or avenues, levee or levees, or any portion of any street, avenue or levee in said city, or to grade or regrade any sidewalk, or to construct anew sidewalks, sewers, culverts and curbing in said streets, avenues and levees, the Common Council may order the work to be done after giving notice of their intention so to do in the form of a notice of intention, describing the proposed work, signed by the Clerk, to be published for ten days in a newspaper printed in the city. At the expiration of the time as given in any such notice of intention, said Common Council shall be deemed to have acquired jurisdiction to order any of the work, in this section provided for, to be done; and all owners of lands, blocks or portions of blocks, lots or portions of lots, who may feel aggrieved or who may have objections to any of the subsequent proceedings of the Common Council, in relation to the work proposed and described in the notice of intention, shall file, within the time fixed for that purpose in any such notice, with the City Clerk, who shall indorse thereon the date of its reception by him, a remonstrance, wherein they shall state in what respect they feel aggrieved and their reasons for objecting to the proceedings. Said remonstrance shall be considered by the Common Council, and their decision thereon shall be final and conclusive; *provided*, that if parties owning two-thirds of the front feet of the real estate fronting on any street, avenue, levee or sidewalk on which, as a whole, said work or improvement is proposed to be done, shall remonstrate against said work or improvement, said Common Council shall then suspend further proceedings for the term of one month, unless the owners as aforesaid shall sooner petition for the same to be done; at the end of which time, if it is deemed expedient that the work or improvements shall be performed or constructed, they may proceed as if no remonstrance had been made; and *provided* further, that when one-half or more, in width or in length, of any street, avenue or levee, lying and being between two main street crossings, has been already improved in any manner provided for in this section, said City Council may order the remainder improved, notwithstanding the objections of property owners fronting thereon.

Remonstrance.

When work to be ordered done.

SEC. 51. If the owners of one-half in frontage of lots, blocks and lands, fronting on any street, avenue or levee in said city, or any portion thereof, not less than one block, or their duly authorized agents, shall petition the said City Council to order any of the work mentioned in section fifty of this Act to be done, the said Council shall order the work mentioned in such petition to be done after notice of their intention so to do has been published as provided in the next preceding section; but in such cases they may receive and consider remonstrances for the purpose only of ascertaining whether the petitioners truly represent one-half of said owners as in this section required. No order or permission shall be given to grade, pave, gravel or

plank any street or portion of a street without extending such grading, paving, gravelling or planking throughout the whole width of such street, or up to the boundary of the sidewalk thereof, and all such improvements shall conform to the official grade.

Survey. SEC. 52. It shall be the duty of the Common Council to cause an immediate survey of any such proposed work or improvements, provided in section fifty of this Act, to be made by the City Surveyor or some competent person, in a manner satisfactory to said Council, who shall, on the conclusion of said survey, produce a map or diagram indicating the proposed grade and the amount of excavation or filling up in front of each person's real estate to be improved, to the middle of the street; or if the improvements only extend to the sidewalks, then he shall indicate, as aforesaid, the amount of excavation or filling up required by the sidewalks in front of each person's real estate, or the amount of material and its character, required to construct the sidewalks; and shall also make careful estimates of all other materials necessary to carry out such proposed work

Sealed proposals. or improvement When the Common Council approve the survey, diagram and specifications so made, the same shall be placed on file in the office of the City Clerk, and they may proceed to order said work and improvements to be made in conformity with the provisions of section fifty of this Act, and shall cause such order to be published for at least ten successive days in some newspaper published in the said City of Stockton, and a notice shall accompany and be published with the order, soliciting separate sealed proposals, to be directed to and filed by the Clerk, for the performance of the work according to the survey, diagram and specifications on file in the Clerk's office, in each block, if there be more than one, and particularly describing when the work shall be commenced and when completed, and fixing the day, after the expiration of such publication, when the proposals will be opened and considered by the Common Council, or a committee thereof designated for that

Award of contract. purpose. On the day appointed for the opening and consideration of the proposals, the Common Council, or said committee, shall convene in open session, open, examine and publicly declare the same, and shall award a contract to perform the work on each block to the lowest responsible bidder therefor; *provided*, the Common Council or said committee may reject any or all bids, if they should deem it for the public good, and also the bid of any party who may have proved delinquent or unfaithful in any former contract with said city; and in such case, if the Common Council or said committee so elect, the advertisement for proposals for such work or any part thereof, may be renewed, fixing another day for the opening and considering of proposals, and pursue the same steps required in this section as

Bonds. in the first instance. All proposals shall be accompanied with a bond in the sum of two hundred dollars, signed by the bidder and by two sureties, who shall justify in the manner hereinafter provided, conditioned to pay to the said City of Stockton the full sum of two hundred dollars, as liquidated damages, if the bidder to whom the contract is awarded shall fail or neglect to enter into a contract as hereinafter provided. It shall be the

duty of the City Attorney to sue on said bonds in the name of said city, and to pay the amount recovered over to the Treasurer of said city, and for his services in such suit the sum of ten dollars shall be taxed as costs and recovered. The City Council shall have power to relieve the contractor from the performance of the conditions of said bond, when good cause is shown therefor. All persons who shall fail to enter into contracts as herein provided, are hereby prohibited from bidding a second time for the same work. If any bidder shall neglect for five days after such award to enter into the contract to him awarded, then the City Council, or a committee thereof, shall again publish notice for five days, and pursue the steps required by this section, the same as in the first instance. Each contractor shall, at the time of the execution of his contract, also execute a bond to the satisfaction of the Mayor of said city, with two or more sureties, payable to the City of Stockton, in such sum as the said Mayor shall deem adequate, conditioned for the faithful performance of the contract; and the sureties shall justify before any officer competent to administer an oath, in double the amount mentioned in said bond, over and above statutory exemptions, and any person suffering damages by reason of the breach of said contract may sue on such bond in his own name.

Failure to enter into contract.

Duties of Street Commissioner.

SEC. 53. The Street Commissioner of said city is hereby authorized, in his official capacity, to make all written contracts and receive all bonds authorized by this Act, and to do any other act, either expressed or implied, that pertains to the street department under this Act; and said Commissioner shall fix the time for the commencement and completion of the work under all contracts entered into by him, in accordance with the notice given by the Council, which work shall be prosecuted with due diligence from day to day, thereafter, to completion; and may extent the time so fixed, from time to time, under the direction of the City Council. The work provided for in section fifty of this Act must in all cases be done under the direction and to the satisfaction of the Commissioner, and the materials used shall be such as are required by said Commissioner, in accordance with the contracts; and all contracts made therefor must contain this condition, and also express notice that in no case, except when it is otherwise provided in this Act, will the city be liable for any portion of the expense, nor for any delinquency of persons or property assessed.

Expense of work, how assessed.

SEC. 54. *First*—The expenses incurred for any work upon the streets, avenues and levees of the City of Stockton authorized by section fifty of this Act shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided; each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per foot sufficient to cover the total expenses of the work to the centre of the street on which it fronts.

Second—The expenses for all improvments on the spaces formed by the junction of two or more streets, or when one street crosses another street, or when one main street terminates in another main street, and also the expenses of making all necessary street crossings or crossways, shall be paid by the City of Stockton.

Third—In all the streets constituting the water front of the City of Stockton, or bounded on one side by the property of said city, the expense of work done on that portion of said streets, from the centre line thereof to the said water front, or to such property of the city bounded thereon, shall be provided for by the said city; but no contract for any such work shall be given, except to the lowest responsible bidder, and in the manner hereinbefore provided.

Fourth—When any work mentioned in section fifty (50) of this Act is done on one side of the centre line of said streets, avenues and levees, the lots or portions of lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this section.

When to be assessed.

SEC. 55. After the contractor of any street work has fulfilled his contract to the satisfaction of the Street Commissioner, and the work has been accepted by the Street Committee of the Common Council, and their acceptance filed with the Clerk, the City Assessor is hereby authorized and required to make an assessment to cover the sum due for the work performed and specified in such contract or contracts (including incidental expenses, if any), in conformity with the provisions of the preceding section, according to the character of the work done,

Assessment list.

and prepare an assessment list of the same; which assessment list shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with the incidental expenses, if any; the amount of each assessment; the name of the owner of each lot or portion of a lot (if known to the Assessor), if unknown, the word "Unknown" shall be written opposite the number of the lot, and the amount assessed thereon; the number of each lot or portion of a lot assessed, and the rate per front foot assessed thereon; and shall have attached thereto a diagram, showing each street, avenue or levee on which any work has been done, and showing the relative location of each distinct lot or portion of a lot to the work done, numbered to correspond with the numbers in the assessments, and showing the number of feet frontage assessed for said work contracted for and performed.

Equalization

Said assessment list shall be certified by the Assessor and presented to the Common Council, and on a day to be appointed by them, of which notice shall be published for one week in some newspaper printed in said city, the said Common Council, or a committee thereof for that purpose appointed or designated, shall sit as a Board of Equalization on said assessment. The owners of the lands assessed, the contractor or his assigns, and all persons, whether named in the assessment or not, directly interested in said assessment, feeling aggrieved by any of the acts or proceedings concerning such assessment, or having or making any objection to the correctness or legality of the assessment, shall at such time specifically make known the cause of their objections and complaint. The said Board may correct, alter or modify said assessment in such manner as to them shall seem just, and may instruct and direct said Assessor to alter and correct said assessment or diagram in any particular, and to make a new diagram, at their option, to conform to the decisions of the Board. All the decisions and determina-

tions of said Board, upon notice and hearing, as aforesaid, shall be final and conclusive upon all persons entitled to be heard before said Board, as to all errors and irregularities which said Board could have remedied and avoided. Said assessment list shall constitute and operate as a lien upon each lot, or fractional part of a lot, for the amount assessed against it; which lien shall continue from the date of the order, and shall not be satisfied or removed until the amount assessed against it is paid or the property becomes vested in a purchaser by a sale thereunder. When equalized, as aforesaid, the assessment list shall be filed with the City Clerk, and the City Collector shall immediately proceed to collect the taxes assessed thereon, for twenty (20) days, and pay over the same to the contractor, first deducting the incidental expenses. After the expiration of the twenty (20) days he shall immediately make out and designate on such assessment list a list of all delinquents, which assessment list, with his certificate thereon, shall be handed by him to the City Attorney, who shall proceed to collect, sue for and recover such delinquent taxes or assessments as appear in said list, in the same manner as it is or may be provided for the collection of the city delinquent taxes; and such lists may be used as evidence in any suit, in the same manner and with like effect as is provided for city delinquent tax lists by section forty (40) of this Act; and said Attorney shall be entitled to charge and include, in any suit or judgment, the same costs and fees. Delinquent.

SEC. 56. When any sidewalk, or any portion thereof, becomes in a condition to be dangerous or to cause public inconvenience, the Collector and Street Commissioner shall, by notice in writing to be delivered personally to the owners, occupants or tenants (which may be served by the Chief of Police or any policeman, and the return of service by such officer on the original notice shall be proof of the service of a copy thereof), or posted on the premises, require such owners, tenants or occupants of lots or portions of lots liable to be assessed for work done under the provisions of this Act, in front of which such repairs are required to be made, to forthwith repair or rebuild such sidewalks in conformity with the official city grade, specifying in such notice what improvements or repairs are required. If such improvement or repairs are not commenced within three (3) days after notice given as aforesaid, and diligently prosecuted to completion without unnecessary delay, the Collector and Street Commissioner shall be deemed to have acquired jurisdiction to contract for the doing of the work or improvements required by said notice, and may enter into a contract with any competent person to make the required repairs at the expense of the owner, tenant or occupant of such real estate, at such price as he may deem reasonable and just, and such owner, tenant or occupant shall be liable to pay the same; and such sum or sums of money contracted to be paid for said work or repairs shall be a lien upon the real estate in front of which said work or repairs shall have been done, and if not paid by such owner, tenant or occupant the same may be collected by the city in a civil action, from the personal effects of such owner, Sidewalks.

tenant or occupant, and by a suit in a Court competent to foreclose said lien; and the certificate of the Street Commissioner that the work has been properly done and that the charges for the same are reasonable and just, shall be prima facie evidence of the amount claimed for said work and materials, and of the right of the city to recover the same in such action. In addition to other costs in all such cases, the sum of twenty five dollars ($25) shall be taxed as costs for the City Attorney's fees in each suit, and to be collected only from the defendant in such action. All improvements and repairs made under the requirements of this section by tenants, or the expense therefor incurred by such tenants, may be charged to the landlord, unless otherwise agreed upon between such landlord and tenant, and deducted from the rents payable under their leases, and the said tenant shall have a lien upon the premises therefor and may retain possession till the amount so advanced shall be repaid, with interest at two (2) per cent. per month, from accruing rents, or otherwise.

Public streets.

SEC. 57. All streets in the City of Stockton that have been laid out and dedicated by the party or parties owning the land fronting upon the same, or by the authorities of the said city, and declared to be public streets, and that have been used as such, shall be and are hereby declared public streets, to the extent that the same may have been used, laid out or dedicated.

"Incidental expenses."

SEC. 58. The term "incidental expenses" shall mean the expense for work done by the City Surveyor and City Assessor in improving the streets under the provisions of this Act, who shall receive for their services a reasonable compensation, to be determined by the City Council, and the expenses of equalizing the assessment lists; also, the expense of printing, advertising and measuring the work done under contracts for grading and gravelling.

Journal of proceedings.

SEC. 59. The City Clerk of the City of Stockton shall keep a correct journal of all proceedings by the Common Council, or any committee thereof for that purpose appointed or designated, touching the making of any improvements or the doing of any work provided for by section fifty (50) of this Act, which journal shall be competent evidence in any Court to prove the performance of any and all acts therein recorded

BOARD OF EDUCATION—ITS POWERS AND DUTIES.

Board of Education.

SEC. 60. The Board of Education of the City of Stockton shall consist of one Superintendent, who shall receive for his services a salary fixed by the Board and not to exceed nine hundred dollars ($900) per annum, and who shall be ex officio President of the Board; and two Trustees from each ward in the city, who shall be elected by the Common Council of said city, as provided in the section next succeeding, on the first Monday of September in each year, and shall hold their offices for two years and until their successors are elected and qualified; *provided*, that George S. Ladd, as Superintendent, and C. G. Ernest, H. T. Dorrance, C. O. Burton, L. E. Yates, E. D Kalisher and Sidney Newell, as Trustees, shall constitute the Board

of Education of said city until the first annual election in September, eighteen hundred and seventy, and until their successors are elected and qualified; and shall exercise, and are hereby authorized and enjoined to exercise, all the powers and duties hereinafter provided as appertaining to the Board of Education created by this Act.

Classification of Trustees.

SEC. 61. At the first meeting of the Board of Education elected on the first Monday of September, eighteen hundred and seventy (1870), the Trustees of said Board shall be divided into two (2) equal classes, by lot; the seats of the Trustees of the first class shall be vacated at the end of the first year ensuing the date of their election, and of the second class, at the end of the second year; so that one-half shall be chosen annually, one from each ward, at the election held on the first Monday of September in each year. The Superintendent shall be chosen by the Common Council, biennially, on the first Monday in September, who shall hold his office for the term of two (2) years.

Superintendent.

Powers of Board.

SEC. 62. The Board of Education shall have full power—

First—To establish and maintain public schools, and fix and alter the boundaries of the districts thereof.

Second—To employ and dismiss teachers, janitors and other necessary help, and to fix, alter, allow and order paid their salaries or compensation; and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the Board, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Third—To make, establish and enforce all necessary and proper rules and regulations, not contrary to the law, for the government and progress of public schools within the said city, the pupils therein and the teachers thereof, and for carrying into effect the laws relating to education; also, to establish and regulate the grade of schools and determine what course of study and mode of instruction shall be used in said schools.

Fourth—To provide for the school department of said city fuel, lights, water, blanks, blank books, charts, printing, stationery and such other articles, material or supplies as may be necessary or appropriate.

Fifth—To build, alter, repair, rent and provide school houses, and furnish them with proper school furniture, apparatus and school appliances, and to insure any and all school property.

Sixth—To receive, purchase, lease and hold in fee, in trust for the City of Stockton, any and all real estate, and to hold in trust any personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the public schools of said city.

Seventh—To grade, fence and improve school lots, and in front thereof to grade, sewer, plank or pave and repave streets, and to construct and repair sidewalks.

Eighth—To sue for any and all lots, land and property belonging to or claimed by the said school department, and to prosecute and defend all actions at law or in equity necessary to recover and maintain the full enjoyment and possession of said

lots, lands and property, and to employ and pay counsel in such cases.

Ninth—To determine annually the amount of taxation, not exceeding thirty-five (35) cents on each one hundred dollars ($100) valuation upon the assessment roll, to be raised by tax upon the real and personal property within the said city not exempt from taxation, for the establishment and support of free public schools therein, and for carrying into effect all the provisions of law regarding public schools; and the amount so determined by the said Board of Education shall be reported in writing to the Common Council of said city on or before the first Monday of April of each year; and the said Common Council are hereby authorized and required to levy and cause to be collected, at the time and in the manner of levying other city taxes, the amount of taxation so determined and reported to them by the said Board of Education as school tax upon all taxable property of said city, and said tax shall be in addition to all other amounts levied for city purposes.

Tenth—To establish regulations for the just and equal disbursements of all moneys belonging to the Public School Fund.

Eleventh—To examine and allow, in whole or in part, every demand payable out of the School Fund, or to reject any such demand for good cause, of which the Board shall be sole judge.

Twelfth—To discharge all legal encumbrances now existing or which may hereafter exist upon any school property.

Thirteenth—To prohibit any child under six years of age from attending the public schools.

Fourteenth—And generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said Board.

Oaths.

SEC. 63. The President of the Board of Education shall have power to administer oaths and affirmations concerning any demand upon the treasury payable out of the School Fund, or other matters relating to his official duties.

Teachers' certificates.

SEC. 64. No teacher shall be employed in any of the public schools without having a certificate issued under the provisions of this Act. For the purpose of granting the certificates required, the Board of Education, either as a body or by committee, or by the Superintendent, shall hold examinations of teachers. No certificate shall be issued except to a person who shall have passed a satisfactory examination in such branches as the Board may require, and shall have given evidence of good moral character, ability and fitness to teach.

Renewal.

Revocation.

SEC. 65. The Board may, in its discretion, renew, without re-examination, the certificate of any person so employed. It shall have power to revoke the certificate of any teacher, upon evidence of immoral or unprofessional conduct, or incompetency; and shall always have the power to dismiss any or all teachers, and to alter the amount of salary or compensation paid to either or any of them.

Superintendent to report.

SEC. 66. The Superintendent shall report to the Common Council, annually, on or before the first Monday of September, and at such other times as they may require, all matters pertaining to the expenditures, income and condition and progress

of the public schools of said city during the preceding year, with such recommendations as he may deem proper.

Examination of schools.

SEC 67. It shall be the duty of the Board of Education to visit and examine each school at least once each and every month; to observe and cause to be observed such general rules for the regulation, government and instruction of the schools, not inconsistent with the laws of the State, as may be established by the Board.

Vacancies.

SEC. 68. Any vacancy in the Board of Education shall be filled by appointment by the Superintendent, with the consent of a majority of the members then in office, and such appointees shall hold office, respectively, until the first Monday in September next ensuing, and the election of their successors. Should there be a vacancy in the office of Superintendent, it shall be filled by election by a majority of the Board then in office.

School Fund, how constituted.

SEC. 69. The "School Fund" of the City of Stockton shall consist of all moneys received from the State and County School Fund; of all moneys arising from taxes which shall be levied by the Common Council of said city for school purposes; of all moneys arising from the sale, rent or exchange of any school property; and of such other moneys as may from any source whatever be paid into said School Fund, which fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this Act. No fees or commissions shall be allowed or paid for assessing, collecting, keeping or disbursing any school moneys; and if, at the end of any fiscal year, any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and shall not be, for any purposes whatever, diverted or withdrawn from said fund, except under the provisions of this Act.

No fees allowed.

School Fund, how applied.

SEC. 70. The said School Fund shall be used and applied by the said Board of Education for the following purposes, to wit:

First—For the payment of the salaries or wages of Superintendents, teachers, janitors, and other persons who may be employed by the said Board.

Second—For the erection, alteration, repairs, rent and furnishing of school houses.

Third—For the purchase money or rent of any real or personal property purchased or leased for said Board.

Fourth—For the insurance of all school property.

Fifth—For the discharge of all legal encumbrances now existing, or which may hereafter exist, on any school property.

Sixth—For supplying the schools with fuel, water, apparatus, blanks, blank books, charts and necessary school appliances, together with books for indigent children.

Seventh—For supplying books, printing and stationery for the use of the Board of Education and for the incidental expenses of the Board and department.

Eighth—For grading, fencing and improving school lots, and for grading, sewering, planking or paving and repairing streets, and constructing and repairing sidewalks in front thereof.

Claims on fund.

SEC. 71. All claims payable out of the School Fund shall be filed with the Secretary of the Board, and shall be approved by a majority of all the members of the Board before going to the

city treasury. Every demand shall have indorsed upon it a certificate of its approval; all demands for teachers' salaries shall be payable monthly.

SEC. 72. All demands authorized by this Act shall be paid by the City Treasurer from the School Fund, when the same shall be presented to him so ordered paid and approved by the Board; *provided*, that the said Board shall not have power to contract any debt or liability in any form whatever against the said city in contravention of this Act.

SALARIES AND DUTIES OF OFFICERS.

No salary.

SEC. 73. The Mayor and members of the Common Council shall not receive any salary or compensation for their services; *provided*, that the members of the Common Council, or a committee thereof for that purpose appointed, may receive for their services, while acting as a Board of Equalization, a sum to be determined by the Council, not to exceed, for each one, five dollars ($5) per day for each day while actually so engaged, for two (2) weeks in each year, and no longer.

Compensation of Board of Equalization.

Salary of Collector and Street Commissioner.

SEC. 74. The Collector and Street Commissioner shall receive a salary, to be fixed by the Common Council, which shall not exceed the sum of fifteen hundred dollars ($1,500) per annum.

Salary of Clerk.

SEC. 75. The Clerk shall receive a salary, which shall be fixed by the Common Council, which shall not exceed seventy-five dollars per month.

Salary of City Assessor

SEC. 76. The City Assessor shall receive a salary, to be fixed by the Common Council, which shall not exceed ($500) per annum.

Appointment of deputies.

SEC. 77. The Chief of Police, City Assessor, or City Collector and Street Commissioner, or City Clerk, may each, with the approval of the Common Council only, appoint a deputy, by writing, to be filed with the Clerk. Each deputy so appointed shall receive for his services a compensation, to be fixed by the Common Council, not exceeding one hundred dollars ($100) per month, and shall perform such duties, under the direction of his principal, as may by said Council be prescribed.

Salary of Chief of Police.

SEC. 78. The Chief of Police shall receive a salary, which shall not exceed the sum of twelve hundred dollars ($1,200) per annum, to be determined by the Common Council.

Salary of City Treasurer.

SEC. 79. The City Treasurer shall receive a salary, which shall not exceed the sum of three hundred dollars ($300) per annum, to be determined by the Common Council.

Duties of Treasurer.

SEC. 80. It shall be the duty of the City Treasurer to receive and safely keep all moneys belonging to the City of Stockton, from whatever source derived; to place the same to the credit of the different funds to which they properly belong, in a book kept for that purpose; to disburse said moneys by the direction of the Common Council, and in accordance with the provisions made by them, and to make a report monthly of the condition of the treasury.

Duties of Clerk.

SEC. 81. It shall be the duty of the Clerk of the city to keep the corporate seal and all papers and documents belonging to the city; to file them in his office under appropriate heads; to attend the sittings of the Common Council, and keep a journal

of their proceedings, and records of all their by-laws, resolutions and ordinances; to sign all warrants and licenses issued in pursuance of the orders and ordinances of the Common Council, and to affix the corporate seal to such licenses; to keep an accurate account, in a suitable book, under the appropriate heads of expenditures, of all orders drawn on the City Treasurer, and all warrants issued in pursuance thereof; also to keep an account, in an appropriate book, of all licenses issued, with the names of the persons to whom issued, the date of issue, the time for which the same were granted, and the sums paid therefor, and to perform such other duties as he may be required to perform by the provisions of this Act or by ordinance.

Additional compensation.

SEC. 82. The Common Council shall have no power to allow any extra or additional compensation to that in this Act expressly authorized, to any officer, for the rendition of services that the Common Council have power to require the officer to perform by virtue of his office.

POLICE COURT AND POLICE DEPARTMENT.

Police Court.

SEC. 83. A Police Court is hereby established in the City of Stockton.

Police Judge

SEC. 84 On the second Monday in May, Anno Domini eighteen hundred and seventy (1870), and annually thereafter, the Common Council elected at the last preceding charter election shall appoint a Police Judge, in and for said city, who shall hold his office for one (1) year and until his successor is elected and qualified.

Jurisdiction of Court.

SEC. 85. The Police Court of the City of Stockton shall have jurisdiction of the following public offences committed in the City of Stockton:

First—Petit larceny.

Second—Assault and battery, not charged to have been committed upon a public officer in the discharge of his official duty, or with intent to kill.

Third—Breaches of the peace, riots, affrays, committing wilful injury to property and all misdemeanors punishable by fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Fourth—Of proceedings respecting vagrants, loud or disorderly persons

SEC. 86. Said Court shall also have jurisdiction—

Same.

First—Of all proceedings for violation of any ordinance of said city, both civil and criminal; of any and all suits to recover taxes, general or special, levied in said city for city purposes, and of all suits to recover any assessment levied in said city for the improvement of streets, avenues, levees or sidewalks and public squares, and for the opening or laying out of the same, when the amount of said tax or assessments sought to be collected against the person, firm or corporation assessed is less than three hundred dollars ($300); *provided*, no lien upon the property taxed or assessed for the non-payment of the taxes or assessment is sought to be foreclosed by said suit.

Second—Of an action for the collection of money due to the City of Stockton or from the city to any person, firm or corpo-

ration, when the amount sought to be collected is less than three hundred dollars ($300).

Third—Of an action for the breach of any official bond given by any city officer, and for the breach of any contract and any action for damages in which the city is a party or is in any way interested, and on all forfeited recognizances given to or for the benefit or in behalf of said city, and upon all bonds given upon any appeal taken from the judgment of said Court in any action above named, when the amount claimed, exclusive of costs, is less than three hundred dollars ($300).

Fourth—Of an action for the recovery of personal property belonging to the city, when the value of the property, exclusive of the damages for the taking or detention, is less than three hundred dollars ($300).

Fifth—Of an action for the collection of any license required by any ordinance of said city.

Sixth—The Police Court shall have exclusive jurisdiction of all proceedings mentioned in sections eighty-five (85) and eighty-six (86) of this Act; and no Justice of the Peace in said city shall have power to try and decide any cases of the classes mentioned in said sections; *provided*, that any Justice of the Peace of the City of Stockton, who may be designated in writing by the Mayor, or President of the Common Council of said city for the purpose, shall have power to preside in and hold the Police Judge's Court of said city in the cases in which the Police Judge is a party, or in which he is directly interested, or when the Judge is related to either party by consanguinity or affinity within the third degree; and also in case of the sickness or temporary absence of the Judge, or his inability to act from any cause; and in all such cases, and during such sickness, temporary absence or inability, the Justice so designated shall act as Police Judge, and shall have and exercise all the powers, jurisdiction and authority which are or may be by law conferred upon said Court or Judge.

In case of inability of Judge to act.

Further powers.

SEC. 87. The Judge of said Court shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper Court; and may try, condemn or acquit, and carry his judgment into execution, as the case may require, according to law; and to punish persons guilty of contempt of Court; and shall have power to issue warrants of arrest in case of a criminal prosecution for the violation of a city ordinance, as well as in case of the violation of the criminal law of the State; also, all subpœnas, and all other processes necessary to the full and proper exercise of his power and jurisdiction; and all judgments of fines imposed by the Police Judge, not exceeding forty dollars, shall be final and without appeal. In all criminal trials before the Police Judge, for the violation of a city ordinance, as well as in cases of the violation of the criminal law of the State, made triable before said Judge, the defendant shall be entitled, if demanded by him, to a jury trial; but a trial by jury may be waived by the defendant in all such cases, and upon such waiver the Court shall proceed to try and determine the case.

Same.

SEC. 88. The Police Court shall have jurisdiction in all civil cases in which the amount claimed shall be less than three hun-

dred dollars, when the defendant or defendants reside in the City of Stockton or in the County of San Joaquin; when the cause of action arose in the City of Stockton, or the debt sought to be recovered was contracted or made payable in said city, or when the defendant or defendants are non-residents of said San Joaquin County, but shall be served in said city. In all other respects, in civil cases, the Police Court shall have the same jurisdiction and powers as a Justice of the Peace, and the Judge of said Court shall have the right to administer oaths, to take and certify acknowledgments to deeds and other instruments, to celebrate marriages, and do and perform any and all duties which may be performed by a Justice of the Peace.

Fines. SEC. 89. All fines and other moneys collected on behalf of the city, in the Police Court, shall be paid by the Police Judge into the city treasury on the last Saturday in each month.

Dockets. SEC. 90. The City Council shall furnish, for the use of the Police Court, three (3) dockets; one docket shall be styled the City Criminal Docket, in which all the criminal business shall be recorded, and each case shall be alphabetically indexed; another docket shall be styled the City Civil Docket, and it shall contain each and every civil case in which the city is a party or which is prosecuted for the benefit of the city, and each case shall be properly indexed; a third docket shall contain the other business appertaining to the office, and in all cases the docket shall contain all such entries as are required by law to be made in Justices' dockets. And in any case commenced or tried before the Court, the docket must show what duties were performed by each officer, and the amount of fees due to the officer for such service, and what amount of money, if any, collected.

Vacancy. SEC. 91. Whenever any vacancy shall occur in the office of Police Judge, the Common Council shall appoint some suitable person to fill the same. The person thus appointed shall hold said office until the second Monday in May ensuing his appointment, and until his successor is elected and qualified.

When Court to be open. SEC. 92. The Police Court shall always be open, except upon non-judicial days, and then for such purposes only as by law permitted or required of other Courts of this State.

Appeals. SEC. 93. Appeals from the Police Court shall be to the County Court of San Joaquin County (in such cases as are appealable, as provided in this Act), and such appeals shall be taken as in cases of appeal from a Justice's Court.

Processes. SEC. 94. All processes or warrants issued by the Police Judge in criminal proceedings, and all processes issued by the Police Judge in civil cases in which the City of Stockton is a party or in any way interested, shall be executed and returned by the Chief of Police, or any policeman of said city, or (if so specially ordered by the Police Judge) by any Sheriff or Constable of said city or county. Process in all other civil cases, except those civil cases mentioned in this section, shall not be served by the Chief of Police or a policeman, but shall be issued to and executed by any Sheriff or Constable of San Joaquin County.

SEC. 95. The Police Judge shall receive and collect, for all

Fees collected by Police Judge.

services rendered by him, the same fees as are or may hereafter be allowed by law to Justices of the Peace for similar services; *provided*, that all fees for services rendered by the Police Judge, in civil cases, in which the City of Stockton shall be a party, and all fees for services rendered by him in any criminal proceeding, shall be collected and paid by him into the city treasury at the same time he makes his monthly report.

By Chief of Police.

SEC. 96. For services rendered by the Chief of Police, or by any policeman, in civil or criminal proceedings, when collected of the defendant or defendants in any action, the same fees shall be collected as are or hereafter may be allowed by law to Constables of San Joaquin County; all of which shall be paid into the city treasury by the Police Judge at the same time he makes his monthly report.

Fees of Sheriff and Constables.

SEC. 97. Any Sheriff or Constable performing service in said Court shall receive therefor such fees as are allowed by law to Constables in the County of San Joaquin; *provided*, that no fees or costs whatever for services performed by any officer in the Police Court shall be allowed or paid by the City of Stockton.

Offenders may be sentenced to labor for city

SEC. 98. In all cases where the Police Court is authorized to impose a fine or imprisonment, or both, upon persons convicted in said Court of any offence triable therein, the said Court may sentence the offender to be imprisoned in the county jail, and, in addition to such imprisonment, to be employed to labor in the city, under the direction of the Chief of Police and in the manner prescribed by ordinance, for the benefit of said city, during such term of imprisonment, and may, in case of imposing a fine, embrace as a part of the sentence that in default of the payment of such fine the offender shall be imprisoned and required to labor for the benefit of the city, as before provided, at two dollars a day, till the fine imposed is satisfied; or may sentence such offender to be imprisoned at the rate of two dollars a day till such fine is satisfied. Offenders required to labor under the direction of the Chief of Police shall be returned to the county jail at the end of each day's labor during their term of imprisonment. It is hereby made the duty of the officer who shall have the control or charge of the county jail of San Joaquin County to receive and safely keep all persons imprisoned by any judgment or order of the Police Court, in accordance with the order of commitment, and to allow those to be removed from the jail, under the charge of the Chief of Police, who are required to labor for the city; and the keeper of the jail shall in no way be responsible for the safe keeping of such prisoners while so under the charge of the Chief of Police.

Clerk of Court.

SEC. 99. Whenever the necessity of the case may require, the Common Council may appoint a Clerk for said Court, at a salary to be fixed by the Common Council. Said Clerk shall have power to take depositions and administer oaths, the Police Judge being responsible on his official bond for the action of said Clerk, and shall receive for his services two dollars and fifty cents in each case triable in said Court, to be added as costs to the judgment; *provided*, that in no event shall said Clerk have any claim for his services against the City of Stockton; and all the fees collected on account of the services of said Clerk shall be paid into the city treasury.

Seal.

SEC. 100. The Court shall have a seal, to be purchased by the city.

Police Judge and Clerk to qualify and file bond.

SEC. 101. The person elected to the office of Police Judge shall, within ten days after his appointment, qualify and file his official bond, payable to the City of Stockton, with two or more sufficient sureties, in a sum not less than five thousand dollars ($5,000), to be fixed by the Common Council, for the faithful discharge of all his official duties; and the Clerk shall also qualify and file an official bond, payable to the City of Stockton, for such sum as the City Council may require.

Report of cases tried.

SEC. 102. The Police Judge shall, on the last Saturday of each month, make to the City Council a full and complete report of all the cases, civil and criminal, tried in his Court, in which the city has an interest, and which are required to be entered in the city civil docket and in the city criminal docket.

Salary of Police Judge.

SEC. 103. The Common Council may, in their discretion, in addition to the fees allowed by this Act, allow to the Police Judge a yearly salary which shall not exceed five hundred dollars ($500).

Validity of processes issued.

SEC. 104. Certified transcripts of the Police Judge's docket and the seal of his Court shall be evidence in any Court of the State of the contents of the docket; and all warrants and other processes issued out of said Court, and all acts done by said Police Judge, under its seal, shall have the same force and validity in any part of this State, as though issued or done by any Court of record of this State

Justices of the Peace in Stockton Town-ship.

SEC. 105. The Justices of the Peace in and for the Township of Stockton shall not be divested of their jurisdiction, as provided in this Act, until the Police Judge shall be appointed and qualified, and they shall have full power to fully try and determine all matters and cases pending in their separate Courts at the time of the qualification of the Police Judge, and to carry their judgments into execution, as fully as if this charter was not in force.

Duties of Chief of Police.

SEC. 106. The Chief of Police of the City of Stockton is hereby authorized and empowered to serve, execute and return all process directed to him by the Police Judge and by any other competent and legal authority or Court; to arrest all persons accused or guilty of the violation of any city ordinance, or of any of the offences mentioned in this Act; to do and perform all acts and duties which any Constable of San Joaquin County may lawfully do; *provided*, he shall not serve or execute any civil process, except as provided in this Act; and he shall perform such other duties as he may be required to do by the Common Council, appertaining to the government of the city and management of its affairs, not specially devolved upon some other officer named in this charter. He shall also attend the sessions of the Police Court when required, and supervise and direct the police force of the city.

MISCELLANEOUS PROVISIONS.

Orders to be entered on journal.

SEC. 107. All orders of the Common Council, to have force and legal validity, shall be entered on the journal of their pro-

ceedings, which journal shall be signed by the officer who may preside at such meeting.

Ayes and noes.

SEC. 108. Upon the passage of all ordinances appropriating money, imposing taxes, abolishing licenses, increasing or lessening the amount to be paid for licenses, the ayes and noes shall be entered upon the journal.

SEC. 109. A majority of all the members elected shall be necessary to pass any ordinance appropriating, for any purpose, the sum of five hundred dollars ($500) or upwards, or any ordinance imposing any assessment, tax or license, or in any wise increasing or diminishing the city revenue.

Style of ordinance.

SEC. 110. The style of the city ordinances shall be as follows: "The Mayor and Common Council of the City of Stockton do ordain as follows:" and all ordinances shall be published in one or more of the newspapers printed in the city.

Not to disqualify.

SEC. 111. The interest which an inhabitant of the City of Stockton may have in a penalty for a breach of a by-law or ordinance of said city, shall not disqualify said inhabitant to act as Judge, juror or witness, in any prosecution to recover the penalty.

SEC. 112. The corporation must contract by its corporate name.

By-laws and ordinances.

SEC. 113. By-laws and ordinances shall be passed by the Common Council and approved by the Mayor, or the President of the Common Council acting in his stead; but before any by-law or ordinance shall have any binding validity, it shall be published five (5) times in one or more newspapers published in the City of Stockton, and recorded in the record book required to be kept by the Clerk; the Clerk shall certify on the record the fact of publication, and so certified the record shall be prima facie evidence of the passage thereof, and may be read as evidence of the by-law or ordinance, and its publication.

Incumbents in office to continue until successors qualify.

SEC. 114. The officers of the present and existing city government shall continue in office under this charter, with such powers and duties as are herein prescribed, until their successors, as provided in this charter, are elected and qualified; and nothing herein contained shall be construed to release any person heretofore holding office in said city from any personal liability except as hereinafter provided, which either or any of them may have incurred by any of their official acts.

To be vested in corporate body created by this Act.

SEC. 115. The body politic and corporate created by this Act is hereby substituted and shall take the place of the municipal government of the City of Stockton, created under any previous Act of the Legislature and existing at the date of the passage of this Act, and all the property, real and personal, now held or owned by the existing government, and all the the demands, claims and rights to taxes, wharfage rates, license taxes, assessments, fines and penalties or liabilities, now due and unpaid to the City of Stockton, are hereby vested in the corporation created by this Act; *provided*, that the proceeds to be derived from the sale of any property owned by the City of Stockton on the first day of February, Anno Domini eighteen hundred and seventy (1870), shall be applied to the payment of the "old city debt," so long as the same or any part thereof shall exist. The corporation hereby created shall assume and

pay, and be liable for all demands, contracts, bonds, obligations and liabilities existing against the City of Stockton under the existing charter, in the manner hereinbefore provided.

Election declared valid.

SEC. 116. The municipal election held in said City of Stockton on the first Monday of May, in the year eighteen hundred and sixty-nine (1869), for the election of city officers, is hereby declared valid in every respect, and the officers elected thereat are hereby declared duly elected, and all the acts of the Common Council then elected are hereby legalized and confirmed.

Repealed.

SEC. 117. An Act entitled an Act to reincorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two, and an Act to amend an Act to reincorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two, approved March thirty-first, eighteen hundred and sixty-six; and an Act entitled an Act establishing a Board of Education for the City of Stockton and defining the powers and duties thereof, approved March twenty-sixth, eighteen hundred and sixty-six; and an Act entitled an Act to provide for the collection of delinquent taxes in the City of Stockton, approved February fourteenth, eighteen hundred and sixty-six, are hereby repealed; and an Act entitled an Act to reincorporate the City of Stockton, and amendatory of and supplemental to an Act entitled an Act to reincorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two, approved January twenty-sixth, eighteen hundred and seventy, so far as the same is conflicting with the provisions of this Act or a repetition thereof, is hereby repealed; *provided*, that the validity of the ordinances and proceedings of the Common Council of the City of Stockton and of the authorities of said city shall in nowise be affected thereby; and *provided* further, that the validity of any and all rights, titles, claims or demands acquired by said City of Stockton or against it, or by or against any person or firm, under any of said Acts or laws made thereunder, shall not be impaired or affected by the provisions of this Act.

SEC. 118. This Act shall take effect from its approval.

CHAPTER CCCCXXVIII.

An Act to amend an Act entitled an Act to authorize J. Bidwell, J. C. Mandeville and others to construct a wagon road in the Counties of Butte and Plumas, approved April fourteenth, one thousand eight hundred and sixty-three, and amended March sixteenth, one thousand eight hundred and sixty-four.

[Became a law by operation of the Constitution, April 3, 1870.]

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

SECTION 1. The said Act is hereby amended by adding the following sections:

Toll gates.

SEC. 6. The toll gates may be established at points on said road as often as may be found convenient, provided the rates of toll authorized to be charged and collected in section three of the said Act shall not be increased thereby.

May abandon portion of road.

SEC. 7. The owners of said road may, in their corporate capacity, abandon to the use of the public for a free highway any portion or portions of the same, by filing a notice or statement to that effect with the Clerk of the Board of Supervisors of the respective county or counties in which the portion or portions proposed to be abandoned may lie.

SEC. 8. This Act shall be in force from and after its passage.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this third day of April, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCCCXXIX.

An Act to authorize the guardian of Frank G. Bartholomew and Ralph H. Bartholomew, infant heirs of Jacob Bartholomew, deceased, to sell real estate of said minors at public or private sale.

[Became a law by operation of the Constitution, April 3, 1870.]

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

May sell real estate at public or private sale.

SECTION 1. Emily Bartholomew, guardian of the persons and estate of Frank G. Bartholomew and Ralph H. Bartholomew, is hereby authorized and empowered, upon the order of the Probate Judge of the County of Butte, made in chambers or in open Court, upon petition, without publication or notice thereof, to sell either at public or private sale the real estate of the said minors, situate in the State of California, or any interest of said minors therein, on such terms and in such manner as to the said guardian may seem most advantageous to said minors.

Probate Judge may confirm or set aside.

SEC. 2. Any sale so made shall be reported to the Probate Judge of said County of Butte for his approval, and such Judge shall examine, confirm or set aside the same as in other cases of sale made under order of the Probate Judge. If such sale be approved, the Judge shall by order confirm the same and direct a conveyance to be executed to the purchaser, and no sale shall be valid until so confirmed; and upon such sale and before the execution of the conveyance, the said guardian shall file in the Probate Court of said County of Butte, such a bond as the said Judge may require, conditioned for the due and proper application of the proceeds arising from such sale or sales.

Deed of conveyance.

SEC. 3. The said guardian, upon the confirmation by the Probate Judge of any sale, may execute, acknowledge and deliver to the purchaser, a good and sufficient deed of conveyance of the property sold, which shall operate to convey the interest of the said minors in the premises sold, in the same

manner and to the same effect as if the said minors had executed, acknowledged and delivered such deed, when of competent age and discretion for that purpose.

SEC. 4. This Act shall take effect immediately.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this third day of April, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCCCXXX.

An Act granting to the North Beach and Mission Railroad Company certain rights therein named.

[Became a law by operation of the Constitution, April 3, 1870.]

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

SECTION 1. The right is hereby granted to the North Beach and Mission Railroad Company—the assignee of the parties named as grantees in two several Acts of the Legislature of the said State, entitled, respectively, an Act to provide for street railroads within the City and County of San Francisco, passed April seventeenth, eighteen hundred and sixty-one, and an Act to grant to certain persons the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon, passed April seventeenth, eighteen hundred and sixty-one—to lay down, extend and maintain, upon the terms and conditions mentioned in and provided by the Acts hereinbefore recited, within the City and County of San Francisco, an iron railroad, with a single or double track, with all the necessary switches, turnouts and side tracks, as follows: From and connecting with said company's railroad on Folsom street, through Beale street to Brannan street, through Brannan to First street, through First street to Townsend street and through Townsend street to Second street; and also, through First street, from the intersection of Brannan and First streets, to and connecting with the company's track on Folsom street; and also, from the intersection of Beale and Bryant streets, through Bryant street to and connecting with said company's tracks on Fourth street. The right is hereby granted to Frederick Clay, John Davidson, Andrew Valentine, and their associates and assigns, to use said tracks on Bryant street; *provided*, they pay to the said North Beach and Mission Railroad Company one-half of all the expense of constructing and maintaining said tracks, in United States gold coin.

Street railroad.

Route.

Right to use track.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this third day of April, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCCCXXXI.

An Act granting certain privileges to the Central Railroad Company of San Francisco.

[Became a law by operation of the Constitution, April 3, 1870.]

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

Time extended.

SECTION 1. The time for the Central Railroad Company of San Francisco, their grantees, associates and assigns, to lay down and complete the several railroads which they are authorized to construct, equip and maintain in the City and County of San Francisco is hereby extended for the period of two years from and after the thirtieth day of March, in the year of our Lord one thousand eight hundred and seventy.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this third day of April, A. D. eighteen hundred and seventy.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCCCXXXII.

An Act for the relief of Lovick P. Hall and Samuel J. Garrison.

[Approved April 2, 1870.]

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

May institute action for damages.

SECTION 1. Lovick P. Hall and Samuel J. Garrison shall have the right to institute and prosecute to judgment an action against the County of Tulare, to recover any damages they may have sustained for the destruction, on or about —— day of March, A. D. eighteen hundred and sixty-three, by violence, of their newspaper office and business at Visalia, in said county, known as the "Equal Rights Expositor" office, printing press, materials, account books, subscription book and other property, including any injury to the building in which said printing office was kept, as well as other damages sustained by reason of the destruction of said office; *provided*, said Lovick P. Hall and Samuel J. Garrison, before bringing said action, shall present their claim for damages, duly verified, to the Board of Supervisors of said county, for allowance (and said Board shall act on such claim within thirty days thereafter, provided such claim shall be presented for allowance to said Board of Supervisors), within six months after the passage of this Act, and upon refusal of said Board of Supervisors to act on said claim, or audit and allow the same within thirty days after such pre-

sentation, suit may be brought in the manner hereinbefore provided, within six months after such refusal.

How prosecuted.

SEC 2. Suits or proceedings under this Act shall be prosecuted and maintained the same, in all respects, as if authorized by an Act entitled an Act to provide for compensating parties whose property may be destroyed in consequence of mobs or riots, approved March twenty-seventh, eighteen hundred and sixty-eight

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

CHAPTER CCCCXXXIII.

An Act conferring certain powers upon the Trustees of the Sonoma College Association.

[Approved April 2, 1870.]

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

Sale and conveyance authorized.

SECTION 1. William M. A. Townsend, John L. Cook, J. B. Thompson and W. N. Cunningham, and the acting Board of Trustees of the Sonoma College Association, at Sonoma, in the County of Sonoma, are hereby authorized and employed to sell and convey, by deed executed under their hands and private seals, upon such terms as they may think fit, to William Townsend, August Hemme, S. C. Wolfskill, C. W. Ish, W. N. Cunningham, S. M. Martin and G. T. Pauli, their heirs or assigns, in fee simple, all the right, title and interest, both legal and equitable, of the said association, in and to that certain lot of land situated in the Town or City of Sonoma, County of Sonoma, and State of California, and designated on the map of said town or city as lot number one hundred and twenty-one (121), together with the tenements and hereditaments thereunto belonging, in the following undivided proportions, to wit: To William Townsend, two-fifths (2-5); to August Hemme, seventeen one-hundredths (17-100); to S. C. Wolfskill, two twenty-fifths (2-25); to C. W. Ish, two twenty-fifths (2-25); to W. N. Cunningham, eleven-fiftieths (11-50); to S. M. Martin, three one-hundredths (3-100); to G. T. Pauli, one-fiftieth (1-50); *provided*, that upon the delivery of such deed the promissory notes held by said parties against said association and Board of Trustees be delivered up to said Board, to be by them destroyed, and the mortgage upon said lot, dated June the fourth, eighteen hundred and sixty-eight, which was given to secure the payment of said notes, be cancelled and discharged Such sale and conveyance to be of no effect unless confirmed by an order of the District Court, within and for said county, upon application made and proceedings conducted in the manner provided for similar applications in an Act supplemental to an Act concerning corpora-

To be confirmed.

tions, passed April twenty-second, one thousand eight hundred and fifty, and the several Acts amendatory thereof and supplemental thereto, approved February twentieth, one thousand eight hundred and sixty-two, and the Act amendatory to said supplemental Act.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCXXXIV.

An Act to authorize the Board of Supervisors of the City and County of San Francisco to open and grade Market street, in said city, from the intersection of said street with Valencia street to its intersection with Seventeenth street, and to condemn private property for the roadway of said street.

[Approved April 2, 1870.]

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

Street to be opened.

SECTION 1. That the Board of Supervisors of the City and County of San Francisco are hereby authorized and required to cause Market street, in said city and county, from its intersection with Valencia street to its intersection with Seventeenth street, to be opened and graded to the official grade of said street as now established, and wherever the line of said Market street, as now projected upon the official map of said city, between said points of intersection, crosses or passes over land the private property of any person, and which has not heretofore been dedicated to the public as a part of said street, and any portion of such land is necessary to be included within the limits of such street, it shall be the duty of said Board of Supervisors to proceed as is herein directed for the condemnation of said land so included within the limits of such street.

Petition for condemnation.

SEC. 2. The Board of Supervisors shall, within twenty days after the passage of this Act, cause the City and County Attorney of said city and county to file in the office of the Clerk of the County Court of said city and county a petition on behalf of said city and county, setting forth the description, by metes and bounds, or by some accurate designation, of the tract or tracts of land which it may be necessary to have condemned for the purpose of the opening of said street, as herein provided, together with the names of the persons in possession of said tract or tracts of land and of those claiming any right, title or interest therein, as far as the same can be ascertained with reasonable diligence.

Defendants.

SEC. 3. The persons in occupation of said tract or tracts of land, and those having any right, title or interest therein, whether named in the petition or not, shall be defendants thereto, and may appear and be heard before the Commissioners herein provided for, and in proceedings subsequent thereto, in the same manner as if they had appeared and answered said petition.

SEC. 4. The said Court, or the Judge thereof, either in term time or vacation, shall by order appoint the time for the hearing of said petition; and such hearing may be had and all orders in said proceedings may be made by the said Court, or the Judge thereof, either in term time or vacation. Time of hearing.

SEC. 5. The said Board of Supervisors shall cause all the occupants and owners of said tract or tracts of land, so far as the same can be ascertained by reasonable diligence, who reside in said city and county, to be personally notified of the pendency of said petition at least ten days before the hearing thereof; and if any of said occupants or owners are unknown, or do not reside in said city and county, and have not been personally notified of the pendency of said petition, said Board of Supervisors shall cause a notice, stating the filing of said petition, the object thereof, the tracts of land sought to be appropriated and the time and the place of the hearing of said petition, to be published for two successive weeks previous to the time of hearing said petition, in a newspaper published in said city and county. Notice of pendency of petition.

SEC. 6. The defendants to said petition may appear on or before the time for the hearing thereof, or such other time as the hearing may be continued to; and upon satisfactory proof being made that the defendants have been duly notified of the pendency of said petition as herein prescribed, and upon the hearing of the allegations and proof of the said parties, if the said Court or Judge shall be satisfied that the said lands, or any part thereof, are necessary or proper for the opening of said street, then such Court or Judge shall appoint Frank McCoppin, Charles D. Carter and Edward Barry, all of San Francisco, as Commissioners, to ascertain and assess the compensation to be paid to the person or persons having or holding any right, title or interest in or to each of said tracts of land, for and in consideration of the appropriation of such land to the use of the public as a public highway. If any vacancy occur among said Commissioners, by reason of any one or more of them refusing or neglecting to act, or by any other means, one or more Commissioners may be appointed by said Court or Judge to fill such vacancy. Appointment of Commissioners

SEC. 7. The said Court or Judge shall appoint the time and place for the first meeting of said Commissioners, and the time for the filing of their report, and may give such further time as may be necessary for that purpose, if they shall not have then completed their duties. The said Commissioners, or a majority of them, shall meet at the time and place as ordered, and before entering on their duties shall be duly sworn to honestly, faithfully and impartially perform the duties imposed upon them; and any one of them may issue subpœnas for witnesses and may administer oaths, and said Commissioners may adjourn from place to place and from time to time, as may be necessary for the proper discharge of their duties. Time and place of meeting.

SEC. 8. The said Commissioners shall proceed to view the tract or tracts of land described in the petition, as ordered by said Court or Judge, and shall hear the allegations and proofs of said parties, and ascertain and assess the compensation, in United States gold coin, for the land sought to be appropriated, Duties of Commissioners.

to be paid as is hereinafter provided, to the person or persons having or holding any right, title or interest in or to each of said tracts of land; and in assessing and ascertaining such compensation, they shall only take into consideration the actual cash value of that part of said land included within the limits of said street at the time of said inquiry, and independent of any value that may be deemed to accrue to the same by reason of the opening of said street, or the adoption of any measures looking to the opening and grading of the same. And the said Commissioners shall, on or before the time or times as ordered by said Court or Judge, file in the said Clerk's office their report, signed by them, setting forth their proceedings in the premises. In case there are adverse or conflicting claims to the compensation assessed for any tract of land, or any right, title or interest therein, thus sought to be appropriated, the parties thus asserting such claims shall present the same by petition to the Court or Judge, after the report of said Commissioners shall have been filed, and said Court or Judge shall proceed to hear and determine the same; and in such case the amount of such compensation may be paid to the Clerk of said Court, to abide the order of the Court or Judge in said proceedings, and said city and county shall not be liable for any of the costs caused by the adjudication of such conflicting claims.

Report.

Adverse claims.

Parties aggrieved may move for new trial.

SEC. 9. The said Board of Supervisors, or any of said defendants, if dissatisfied with the report, may, within twenty days after the time for the filing of said report, and after ten days notice to the parties interested, move to set aside the report and to have a new trial as to any tract of land, and upon good cause shown therefor, the said Court or Judge shall set aside the report as to such tract of land, and may recommit the matter to the same or to other Commissioners, who shall be ordered to proceed in like manner as those first appointed, but such matter shall not be more than twice recommitted to Commissioners.

Confirmation

SEC. 10. Upon the expiration of twenty days after the filing of said report or reports, or at such further time as may be appointed therefor, if the motion and notice shall have not been made and given as aforesaid, and if the proceedings of said Commissioners appear to have been correctly and properly done, the said Court or Judge shall confirm each of said reports, and certify the same thereon.

Payment of claims.

SEC. 11. Upon the confirmation of the report of said Commissioners, the said Board of Supervisors shall pass an order directing the Treasurer of said city and county to pay to the persons named in said decree of confirmation as entitled to said compensation, or to the Clerk of said Court in case there be conflicting claims thereto, as hereinbefore provided for, the amount of said compensation so decreed to be paid for said tract or tracts of land, out of the first moneys received by him under and by virtue of the special assessment herein provided for and directed to be made, and thereupon the real estate, or the right, title and interest therein, described in said report, shall be and become the property of said city and county, and shall be deemed to be acquired for and appropriated to public use as a highway or street of said city.

SEC. 12. Immediately upon the filing of said petition, as

herein directed, the said city and county shall and may, by its agents, employés or contractors, enter into and upon each and every of the tract or tracts of land therein described, and proceed to grade and open the same as a public street, as fully, to all intents and purposes, as they might or could do after the confirmation of said Commissioners' reports, and the actual payment of the compensation therein provided for May take possession.

SEC. 13. It shall be the duty of the Board of Supervisors of said city and county, within thirty days from and after the passage of this Act, to cause notice of the proposed work to be published in the official paper for five days, inviting sealed proposals for the work of grading said Market street, from its intersection with Valencia street to its intersection with Seventeenth street. All proposals shall be in gold coin, and be delivered to the Clerk of the Board of Supervisors; and said Board shall, in open session, open, examine and publicly declare the same, and award said work to the lowest responsible bidder; *provided*, said Board may reject any and all bids, should they deem it for the public good, and also the bid of any party who may have proved delinquent or unfaithful in any former contract with the said city and county. All proposals shall be accompanied with a certified check of a responsible banker of said City of San Francisco, in the sum of one thousand dollars, in gold coin, payable to the order of the Superintendent of Streets and Highways of said city, who shall return the same to the bidding depositors whose bids shall be rejected by the Board of Supervisors, and to the successful bidder upon his entering into the contract hereinafter provided for; and if said successful bidder should fail to enter into such contract, then said sum of one thousand dollars shall be paid by the said Superintendent of Streets and Highways into the Street Department Fund, for the use and benefit of said fund; and the Board of Supervisors shall have no power to authorize the same to be returned to such bidder, or to relieve him from the forfeiture of the same. Any person who shall fail to enter into a contract, as is herein provided, is hereby prohibited from bidding a second time for the same work. It shall be the duty of the Superintendent of Public Streets and Highways, within three days after the said award, to enter into a contract with the person to whom the contract shall have been awarded, and at the price at which the same may have been awarded to him; *provided*, that no such contract shall be entered into by said Superintendent which does not contain a covenant that the work to be performed under such contract shall be fully completed, so as to be accepted, within nine months from and after the execution of such contract, and the Board of Supervisors shall have no power or authority to extend the time for the performance and completion of said contract for more than three months beyond said period of nine months; but if the said bidder neglects, for ten days from and after such award, to enter into such contract, then the Board of Supervisors shall again publish, for five days, for bids, and pursue the steps as required by this section, as in the first instance The contractor shall, at the time of the execution of the contract, also execute and deliver a bond, to the satisfaction of said Superintendent, with two or more sureties, Proposals for grading. Failure. To contract. Bond.

payable to the City and County of San Francisco, in the sum of twenty thousand dollars, in United States gold coin, conditioned for the faithful performance of the contract; and the sureties shall justify, before any officer competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions. Any person suffering damages by reason of the breach of said contract, may sue on such bond in his own name, and as many parties may sue thereon as may be damaged thereby; and the said bond shall not be satisfied until the whole amount of the penalty therein named has been actually paid.

Breach of contract.

Boundaries of district.

SEC. 14. The district to be affected by the work designated and directed to be done in this Act, is herein defined as that lying within and upon the lines of Market street, two hundred and seventy-five feet easterly from the easterly point of intersection of Market and Valencia streets, and between said points and a point distant one thousand feet in a westerly direction upon the line of said Market street, as protracted or extended in a westerly direction from the intersection of Market street with Seventeenth street, and within a uniform depth, from each side of said Market street between the points aforesaid (and including said extended or protracted line), of three hundred feet, and the lands benefited by such work shall be deemed, for the purposes of this Act, to be included within the district aforesaid. And the Board of Supervisors shall cause a map of said district to be made, designating thereon the lots or parcels of land into which, with the measurements thereof respectively, the same may be divided, and also the names of the owners of each and every lot of land therein, respectively, which said map shall be filed in the office of the Clerk of the Board of Supervisors, and shall be for the use of the Commissioners hereinafter mentioned.

Map

Commissioners.

SEC. 15. It shall be the duty of the Board of Supervisors, at their second regular meeting after the completion of the work intended by this Act, and its acceptance by the Superintendent of Public Streets and Highways, to appoint three disinterested citizens, who are freeholders in said city and county and competent judges of the value of real estate therein, as Commissioners, to assess the benefits to each separate lot of land within the limits of the district defined in section fourteen of this Act. It shall be in the power of said Board of Supervisors to remove either or all of said Commissioners, upon reasonable notice and hearing, upon sufficient cause therefor being shown, and to fill any vacancy or vacancies thereby or otherwise occasioned.

To be sworn.

SEC. 16. Said Commissioners shall, without delay, be severally sworn by the County Judge to make the estimate of benefits occasioned by the grading aforementioned and the assessments in accordance therewith, to the best of their judgment and ability, without fear or favor, and that they have no interest whatever in the said estimates and assessments, nor in any of the premises or lands lying within said district, which oath shall be indorsed upon the certificate of appointment, subscribed by said three Commissioners, certified by the County Judge, and filed in the office of the Clerk of the Board of Supervisors,

a copy of which certificate and oath may be delivered to said Commissioners as their authority.

Duties of Commissioners.

SEC. 17. Said Commissioners shall proceed to view the lands and premises within the district defined in section fourteen, and may examine, under oath, which any one of them is hereby authorized, for such purposes, to administer, any witnesses produced before them by any party interested, and all other witnesses which they may deem necessary to fully acquaint them with the true amount of benefits which result to any of the parties interested by the completion of the proposed work.

Same.

SEC. 18. Said Commissioners shall determine, by their award, the value in United States gold coin, of the work done upon said Market street between the aforesaid points of intersection, by one Peter Connolly, under a certain contract made with said city and county by said Connolly on or about the eighth day of May, eighteen hundred and sixty-seven; and in estimating the value of said work, the said Commissioners shall consider and add thereto the expenses incurred by said Connolly in building railroad trucks, cars, and other appliances that said Connolly may have deemed necessary in the performance of his said work; and said Commissioners shall allow interest on the whole amount so found to be due, at the rate of one and one-half per cent. per month from the eighth day of May, eighteen hundred and sixty-eight, until the time of filing of the report of the Commissioners, as hereinafter provided. They shall also assess the actual amount due for the work of opening and grading herein authorized and directed to be done, together with the actual amount which may have been awarded as compensation to the owner of any tract of land for such land as may be appropriated, under the provisions of this Act, for the purposes of said street, and with the costs of these proceedings, including the Commissioners' fees, upon the several lots, tracts or parcels of land and premises benefited within the district defined in section fourteen of this Act, as near as may be, in proportion to the benefit which shall be deemed to accrue to each lot respectively; and said assessments shall be made in United States gold coin.

Report.

SEC. 19. Said Commissioners shall make their report, in writing, within sixty days after their appointment, shall subscribe the same and file it in the office of the Clerk of the Board of Supervisors, naming therein the amount ascertained to be the value of the work done on said street by the said Peter Connolly, as hereinbefore directed; the amount of costs and charges of the proceedings herein authorized, including the amount of such Commissioners' fees, as may be deemed proper and allowed by the Board of Supervisors; the amount that may have been awarded as compensation to the owners of any land taken as a part of said street, under the provisions of this Act, with a description of each parcel of land so taken, with the name of the owner thereof, when known, and the amount allowed for each parcel so taken, together with a brief description of each lot within said district, as defined in section fourteen, the name of the owner, if known, and a special designation of the amount assessed against each lot or parcel of land which should be paid by the owner or occupant of the same;

and, in case the three Commissioners do not agree, the award agreed upon by any two shall be sufficient. On filing such report, the Clerk of the Board of Supervisors shall give notice thereof, for five days, by publication in the official paper.

To be referred to committee.

SEC 20. It shall be the duty of the Mayor, at the next regular meeting of the Board of Supervisors after the making of the publication directed to be made in the last preceding section, to appoint a committee of three members of said Board to whom said report shall be referred, which said committee shall hear any objections to the confirmation of said report, upon a day to be appointed by them, said day not to exceed fifteen days after their appointment, and upon such other day or days as the hearing may be adjourned to; but no adjournment of such hearing to be for more than three days. Said committee shall hear the allegations of the parties interested who may appear before them, and may take proof in relation thereto, and shall recommend the confirmation or rejection of said report; and said committee shall make said recommendation within thirty days after their appointment. The Board of Supervisors may thereupon confirm the report of said Commissioners, or may set it aside and refer the matter back to said Commissioners to readjust the same, if in their judgment it shall appear to them best; and upon the filing of their report thereafter, the same proceedings shall be had as is herein provided for the first report; and the action of the Board of Supervisors herein shall be final and conclusive.

Recommendation.

Supervisors may confirm or set aside.

Assessment.

SEC. 21. Upon the confirmation of said Commissioners' report by the Board of Supervisors, as aforesaid, the amount assessed against each lot or parcel of land therein described, being within the district defined by the fourteenth section of this Act, shall immediately become a lien upon the respective tracts and parcels upon which the same may be assessed, and the Mayor of said city shall thereupon cause an assessment roll to be made, in the form used for assessment rolls in said city and county, except in such assessment roll to be made from such report, as confirmed, shall be set down in separate columns—

First—The names of all persons or corporations being the owners or occupants of the lands benefited, when the same is known; and if not known, then that fact to be stated.

Second—The description of the tract, lot or parcel of land in respect to which such person or persons, or corporations or unknown owner is assessed.

Third—The amount, in United States gold coin, which has been assessed against such described tract, lot or parcel of land.

Collection.

To which said assessment roll the Mayor shall annex his warrant and cause the same to be delivered to the Tax Collector of said city and county, who shall proceed to collect the same, in United States gold coin, in the manner prescribed by law for the collection of general taxes in said city and county, including the same penalties for a failure to pay the same when due and payable that is prescribed for a like failure in the payment of general taxes in said city and county, and with the like power in said Tax Collector to advertise and sell the lands so assessed, and with like effect, as he is invested with in the collection of general taxes.

Payment of claims.

SEC. 22. The Tax Collector of said city and county shall, at the end of every ten days after the receipt by him of said assessment roll, pay over to the Treasurer of said city and county the amount of money collected by him within the preceding ten days, upon said assessment; and as soon as a sufficient sum has been received by said Treasurer, he shall pay to the said Connolly the amount of money which may be awarded to him by the Commissioners' report as aforesaid, as hereinbefore provided; and out of the next moneys so received by him from said Tax Collector, he shall pay the amount of the order which the Board of Supervisors are directed to pass, in the eleventh section of this Act, to the person or persons entitled to receive the same, in United States gold coin; and the costs charged and expense of the proceedings herein authorized, including Commissioners' fees, in like gold coin, to such persons as may be entitled to receive the same, according to the confirmation of the Commissioners' report by the Board of Supervisors; and thereafter the said Treasurer shall pay over to the Superintendent of Public Streets and Highways of said city, in like gold coin, the moneys received by him of said Collector, upon said assessment; and the said Superintendent shall immediately pay the same, in like gold coin, to the person or persons entitled to receive the same, upon the amount due for the work of opening and grading of said street, as hereinbefore directed, until the full amount due for said work, as per contract hereinbefore authorized, is paid and discharged.

Assessment of persons owning lands taken.

SEC. 23. In case any person or persons, corporation or corporations, owning land that may be assessed under this Act, to pay for opening Market street, shall also own any tract or tracts of land which may be taken or occupied by said Market street when opened, such person or persons, corporation or corporations, shall only be required to pay to the Tax Collector the difference, if any, between the amount of assessment and the amount of damages awarded; and it shall be the duty of the Commissioners appointed under this Act to furnish each of such person or persons, corporation or corporations, with a statement signed by them, showing—

First—The amount of damages awarded such person or persons, corporation or corporations, for land taken and occupied by said Market street; and

Second—The amount assessed against lands belonging to said person or persons, corporation or corporations, to pay for opening said Market street.

Settlement.

Whenever, on receipt by the Tax Collector of such certificates, said certificates shall show the amount of damages allowed to said person or persons, corporation or corporations, shall only be required to pay to said Tax Collector the difference between said damages and assessment, and on payment of said difference, and surrender to said Tax Collector of said certificate, properly indorsed, the said person or persons, corporation or corporations, shall be deemed to have paid the amount assessed against their lands, and shall also be deemed to have received the amount of damages awarded to them or each of them.

SEC. 24. This Act shall take effect from and after its passage.

CHAPTER CCCCXXXV.

An Act to authorize and empower Joshua A Neal to sell and convey all the interest, property and estate of Maria Neal and Josefa Neal, minor children of said Joshua A. and his deceased wife, Angela Bernal Neal, in certain lands in Alameda County.

[Approved April 2, 1870.]

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

May sell and convey certain real estate.

SECTION 1. Joshua A. Neal, guardian of Maria Neal and Josefa Neal, minor children of Joshua A and Angela Bernal Neal, is hereby authorized and empowered, under the direction and order of the Probate Judge of the County of Alameda, made in his discretion, either in term time or in chambers, and either with or without any previous notice, to grant, bargain, sell and convey, for such sum or sums of money, and to such person or persons, and upon such conditions and terms as to him may seem proper, all the interest, property and estate of Maria Neal and Josefa Neal, the minor children of said Joshua A. and his deceased wife, Angela Bernal Neal, in and to that certain tract of land, being part of the Rancho el Valle de San José, situated in Alameda County, State of California, and described as follows, to wit: Beginning at a stake on the east side of the county road, on what was commonly called the division line between Augustin and Juan P. Bernal, marked L D; thence south, seventy-one degrees thirty-two minutes east, thirteen and twenty one-hundredths chains; thence south, seventeen degrees fifty-five minutes west, five and sixty-seven one-hundredths chains; thence south, seventy degrees thirty minutes east, fourteen and thirty-four one-hundredths chains; thence south, forty-one degrees forty-five minutes west, nineteen and forty-two one-hundredths chains; thence north, thirty-four degrees twenty minutes east, forty-six one-hundredths chains; thence north, twenty-four degrees twenty minutes east, twenty-seven and forty-three one-hundredths chains; thence north, seventeen degrees fifty minutes east, one and forty one-hundredths chains; thence south, thirty-seven degrees forty-five minutes east, sixty-one one-hundredths chains, to the place of beginning, containing seventy-five and twenty-six one-hundredths acres.

To report to Probate Court.

SEC. 2. The said Joshua A. Neal shall make a full report of any and all sales that he shall make by virtue of the power herein granted, to the Probate Court of the County of Alameda, the county where said minor children reside and the said land is located; and the Judge of said Court shall, either in term time or in vacation, in open Court or in chambers, examine the same, and confirm or set aside the said sale or sales so made, as he may deem just and proper, and for the best interests of said minor children.

Deeds of conveyance.

SEC. 3. After the approval of the sale or sales by the said Court, or the Judge thereof, the said Joshua A. Neal shall execute and deliver a deed or deeds of the lands sold, and so approved as aforesaid, which deed or deeds shall convey to the

purchaser or purchasers all the right, title and interest of the said minor children, or either of them, in and to the land sold by said Joshua A. Neal, and described in such deed or deeds, and shall be valid to all intents and purposes as if made by said Maria Neal and Josefa Neal, or either of them, when of full age.

Additional bonds

SEC. 4. Before making any sales under this Act, the said Joshua A. Neal, guardian, shall enter into such other and further bonds as may be required by the Probate Judge of Alameda County, for the lawful and faithful performance of all acts authorized hereby, and for the faithful accounting and application of the proceeds of all sales made under this Act.

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

CHAPTER CCCCXXXVI.

An Act to legalize the assessment roll of the City of Los Angeles.

[Approved April 2, 1870.]

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

Assessment roll legalized

SECTION 1. The assessment roll of the City of Los Angeles for the years A D. one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, are hereby legalized, and the same are declared to be and are in all respects made legal and valid, and binding in law and equity, and all acts of the Common Council for the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, while sitting as a Board of Equalization and equalizing the city assessment roll for said years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, are hereby legalized and made in all respects valid, both in law and equity.

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

CHAPTER CCCCXXXVII.

An Act to ratify certain acts and ordinances of the Mayor and Common Council of the City of Los Angeles.

[Approved April 2, 1870.]

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

Contracts and ordinances confirmed.

SECTION 1. The following acts, contracts and ordinances of the Mayor and Common Council of the City of Los Angeles are hereby ratified and confirmed: The contract and lease for the care and maintenance of the Los Angeles City Water Works, entered into and made between the Mayor and Common Council of the City of Los Angeles, on the one part, and

John S. Griffin, Prudent Beandry and Solomon Lazard, on the other part, dated the twentieth (20th) day of July, eighteen hundred and sixty-eight (1868); and also the ordinance confirmatory of the same, passed July the twenty-second (22d), eighteen hundred and sixty-eight, which contract and ordinance are recorded in the office of the County Recorder of Los Angeles County, in book one of Miscellaneous Records, pages four hundred and twenty-eight (428) to four hundred and thirty-one (431); and also two certain concessions from the said corporation to William G. Dryden, his heirs and assigns, concerning rights of way and water; and the ordinances authorizing the same, passed February twenty-fourth, eighteen hundred and fifty-seven, and December the eighth, eighteen hundred and fifty-seven, respectively, and recorded in the aforesaid Recorder's office, in book two of Deeds, etc., pages four hundred and fifty-three (453) and four hundred and forty-nine (449), respectively; and a certain conveyance to Hiram McLaughlin, his heirs and assigns, from said corporation, dated August sixth, eighteen hundred and fifty-eight, and recorded in said office in book number four of Deeds, pages two hundred and twenty-five (225) and two hundred and twenty-six (226).

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

CHAPTER CCCCXXXVIII.

An Act providing for the recording of the papers filed in the Probate Court of the County of Santa Clara in certain cases.

[Approved April 2, 1870.]

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

Record to be kept.

SECTION 1. The Clerk of the Probate Court of the County of Santa Clara is hereby authorized and directed to record, in a book provided for that purpose, all papers which may be filed in said Court concerning the estates of deceased persons.

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

CHAPTER CCCCXXXIX.

An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

[Approved April 2, 1870.]

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

SECTION 1. The fifty-sixth section of an Act entitled an Act to regulate the settlement of the estates of deceased per-

sons, passed May first, eighteen hundred and fifty-one, is hereby amended so as to read as follows:

Section 56. When any unmarried woman, who shall have been appointed administratrix, shall marry, her marriage shall extinguish her authority. Administration shall not be granted to a [or] at the request of a married woman. Marriage to extinguish authority

SEC. 2. Section fifty-seven of said Act is amended so as to read as follows:

Section 57. If any person entitled to administration shall be a minor, administration may be granted to his or her guardian or to any other person entitled to the issuance of letters of administration, in the discretion of the Court. When person entitled to administer is a minor.

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

CHAPTER CCCCXL.

An Act to repeal an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador.

[Approved April 2, 1870.]

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

SECTION 1. An Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two, approved March thirty-first, eighteen hundred and sixty-six, and all Acts amendatory thereof, are hereby repealed. Acts repealed.

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

CHAPTER CCCCXLI.

An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

[Approved April 2, 1870.]

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

SECTION 1. Section five hundred and thirty-eight of said Act is hereby amended so as to read as follows:

Section 538. Actions in Justices' Courts shall be commenced by filing a copy of the account, note, bill, bond or instrument upon which the action is brought, or a concise statement, in writing, of the cause of action, and the issuance of a summons Actions, how commenced.

thereon, within one year after the filing of the same, or by the voluntary appearance and pleadings of the parties without summons; in the latter case, the action shall be deemed commenced at the time of appearance.

CHAPTER CCCCXLII.

An Act concerning roads and highways in the County of Sacramento.

[Approved April 2, 1870.]

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

May alter or lay out roads

SECTION 1. The Board of Supervisors of the City and County of Sacramento shall have power to alter and discontinue any public highway now in use, or to lay out any new road or public highway in the County of Sacramento outside of the limits of the City of Sacramento, and may take and appropriate the lands and improvements of private persons for that purpose, upon making just compensation therefor, in the manner hereinafter provided.

Applications

SEC. 2. Application for the laying out of a new road, or for the alteration of a road already established, shall be made by petition of at least five residents of the county, in writing, to the Board of Supervisors at their regular meetings, and shall plainly designate the beginning, general route and termination thereof; but no petition shall be considered unless it be accompanied by an affidavit of one or more of the petitioners interested, stating that all the parties occupying and all the parties owning land along the line of the proposed road shall have been duly notified by a written notice, served on them personally or left at their place of residence, of the time when such petition will be presented to the Board of Supervisors, and further stating that said notice had been served at least ten days before the meeting of said Board at which said petition is to be presented; *provided*, that when the owners of any land over which it is proposed to locate a road are unknown, it shall be sufficient that the affidavit state the parties occupying the same have been duly notified.

Hearing of objections.

SEC. 3. At the meeting designated in the notice referred to in the preceding section, the Board of Supervisors may proceed to hear all objections to the proposed road or alteration of roads, or they may, in their discretion, defer action upon the petition to such time as they may appoint. After having heard and considered the objections to the proposed road or alterations, the Board of Supervisors shall, if they deem the proposed road necessary, appoint two disinterested persons to act as Viewers, and may, in their discretion, direct the County Surveyor to make an accurate survey thereof with the said Viewers, who shall report the proposed alterations or location of road, a correct plat and description of which, together with a report in writing, of character and quantity of land taken by the proposed road

Appointment of Viewers.

Report.

from the different owners or occupants on the route thereof, and shall be returned to the Board of Supervisors within a time specified in the order of location.

Assessment of damages by jury.

SEC. 4. At any time within ten days after the return of the report of Viewers to the Board of Supervisors, any person through whose land the said road is proposed to be located may, by a note in writing filed with the Clerk of the Board of Supervisors, demand an assessment of his damages by a jury. After the expiration of said ten days, if any such demand shall have been made as aforesaid, the Board of Supervisors shall designate some Justice of the Peace of any township in which said road is proposed to be located, before whom said assessment shall be made, and shall immediately cause said Justice to be notified thereof; said Justice shall, upon receiving said notice, fix a day, not less than five nor more than ten days thereafter, for the assessment of such damages, and shall summon a jury of twelve persons competent to act as jurors in the trial of a civil action. The District Attorney or any attorney appointed by any of the persons petitioning for the road, may appear for the county. The proceedings shall be conducted in manner and form as the trial of a civil action before a Justice of the Peace, in the name of the county as complainant, and the said persons demanding a jury, as aforesaid, as defendants. On the part of the county, evidence may be introduced tending to show the benefits and advantages of said road to the defendants. The jury shall, by their verdict, assess the damages to which each defendant shall be entitled, and the Justice shall certify the same to the Board of Supervisors. The damages of such persons who shall not demand a jury as aforementioned, may be assessed by the Board of Supervisors, after hearing such evidence as either the petitioners or the persons claiming damages may offer. The Board of Supervisors may then or thereafter, upon satisfactory proof being shown that the full amount of damages assessed has been tendered to the parties to whom the same is due, declare the same as public highways, in accordance with the report of the Viewers, and order the same opened immediately or at such time as they may direct. If, in the opinion of the Board of Supervisors, a deviation in the route proposed in the petition for a road be expedient, they shall direct the Viewers to make such deviation; and said view or survey of said road, as changed by order of said Board of Supervisors, shall be returned to them within a given time specified in said order of change or alteration; and the Board of Supervisors may, immediately upon the return of said view or survey, or at such time thereafter as they may deem proper, declare the route as viewed or surveyed in accordance with the petition, or the route as changed under their direction, to be a public highway; *provided*, that when any proposed deviation from the route set forth in the petition shall place the road upon lands occupied or owned by persons who have not been notified thereof, no action shall be taken by the said Board until at least ten days after the proper notification has been served upon such persons.

Proceedings, how conducted.

Assessment by Supervisors.

SEC. 5. The breadth of a public road laid out as aforesaid

Width of roads. shall not exceed sixty feet, and the width of a private road shall not exceed forty feet.

Private roads. SEC. 6. Private roads may be established by the B ard of Supervisors in the manner herein set forth for the establishment and location of public roads; *provided*, that all damages assessed for the opening of said private roads shall be paid by the party petitioning for the same.

May vacate or change. SEC. 7. The Board of Supervisors shall have authority to vacate or change the whole or any part of any public or private road whenever the same shall have become useless, inconvenient or burdensome.

Road Overseers. SEC. 8. The Board of Supervisors shall have power to appoint, and it is hereby made their duty to appoint, a Road Overseer for each road district in the County of Sacramento; said Overseers to hold their office at the pleasure of the Board of Supervisors.

Road districts. SEC. 9. It shall be the duty of the Board of Supervisors to divide the county into a suitable number of road districts, and alter them from time to time, as they may deem necessary.

Duties of Overseers. SEC. 10. The Road Overseers shall cause all the public highways, within their respective districts, to be kept clear from obstructions and in good repair, causing banks to be graded, bridges and causeways to be made when the same may be necessary, to keep the same in good repair, and to renew them when destroyed, and to open new roads when ordered by the Board of Supervisors so to do.

Compensation. SEC. 11. The Road Overseers shall receive for their services, while in actual employment upon the roads in their respective districts, the sum of three dollars per day, and the additional sum of fifteen per cent. on each road tax collected; *provided*, that the time occupied in collecting such road tax shall not in any manner be construed as time spent in actual and necessary work on roads.

Contracts. SEC. 12. Whenever any contract for the improvement of roads is to be made, which shall exceed the sum of fifty dollars, such contracts to be approved by the Board of Supervisors.

Road poll tax SEC. 13. An annual road poll tax is hereby levied on each able-bodied man, between the ages of twenty-one years and fifty years, residing within the County of Sacramento, outside the corporate limits of the City of Sacramento, as follows: If said tax is paid at any time between the first Monday of January and the second Tuesday after the first Monday in September, it shall be three dollars; if paid at any time between the second Tuesday after the first Monday in January following, it shall be four dollars.

Form of tax receipt. SEC. 14. On, or as soon as practicable after, the first Monday in March, in each year, the County Auditor shall cause to be printed road poll tax receipts, substantially as follows: Road Poll Tax Receipt No. —, County of Sacramento. Fiscal year 187—. Delivered ——, 187—. This certifies that —— —— has this day paid ($——) —— dollars, road poll tax, in Road District No. —, for the fiscal year 187—. —— ——, County Recorder. Collected by —— ——, Road Overseer. Which receipts the Auditor shall number consecutively for each of the respective districts, and sign and deliver to each Road Overseer, from time

to time, as required, a sufficient number for his district, and charge them to him at the rate of three dollars each; and the Auditor shall annually cause to be printed a sufficient number of hand bill notices: "The road poll tax is now due and payable to the Road Overseer;" to furnish each Road Overseer with twenty copies, which he shall post in conspicuous public places in his district.

Statements to be made monthly.

SEC. 15. On the second Tuesday after the first Monday in each month, it shall be the duty of each Road Overseer to report, in writing, his whole proceedings during the then last preceding month, and to pay to the Treasurer all moneys collected by him during said time, less his fifteen per cent.; and in the month of September, in each year, he shall return all the road poll tax receipts not sold, and settle finally with the Auditor and Treasurer for all that he had received; and after his accounts are settled, so many of said or similar receipts as may be necessary shall be delivered to him, and be charged to him at the rate of four dollars each, for which he shall make a final return and settlement.

Overseer to collect road poll tax.

SEC. 16. The Road Overseer of the district shall be Collector of the road poll tax in the district, and for his services as such he shall be allowed, in his settlements with the Auditor, to deduct and retain for his own use fifteen per cent. of the amount collected; and to enforce the payment of road poll tax, the Road Overseer may seize any and every species of personal property whatever, whether the same be exempt from levy upon execution in civil cases or not, claimed by any person liable to and refusing or neglecting to pay his road poll tax, or property belonging to any such person and in the possession of one for another, and may at any place, between the hours of ten o'clock A. M. and four o'clock P. M., upon given one hour's verbal notice of the time and place of sale, sell so much of said property as will be sufficient to pay said tax and the costs of seizure and sale, which are hereby fixed at the sum of three dollars; and he notifies any person, firm or corporation indebted to any person who is liable to pay said road poll tax, and who has refused or neglected to pay the same, that such tax is due and unpaid, the person, firm or corporation so notified shall pay it, together with one dollar for costs, and the Road Overseer's receipt therefor shall be a sufficient defence in any action brought by such non taxpaying creditor against his debtor; the costs mentioned in this section for seizing and selling or notifying a debtor shall be retained by the Road Overseer for his own use; and if any Road Overseer shall wilfully refuse, fail or neglect to collect the road poll tax from any person in his district liable to pay such tax, any person may file a complaint, in the name of the people of the State of California, against such Road Overseer and his bondsmen, for the recovery of fifty dollars, in gold coin, as liquidated damages suffered by plaintiffs, by reason of such wilful refusal, failure or neglect; and if such refusal, failure or neglect be proved, the Justice shall render judgment in favor of plaintiff for fifty dollars, in gold coin, and costs, of which fifty dollars one half shall be paid

Proceedings to enforce payment.

Failure to collect

to the prosecutor, and the remainder shall be paid into the Road Fund of the district.

Quarterly accounts.

SEC. 17. The Road Overseers shall file their accounts quarterly, duly verified, with the Clerk of the Board of Supervisors, for settlement; said accounts shall contain a list of the names of all persons in their respective districts who have paid said tax for the current year; they shall also contain a statement of the sums of money certified for and to whom, and each Road Overseer shall state in his account the number of days he has worked in the discharge of the duties of his office. He shall file, together with his accounts, all receipts which he may have received from the Treasurer, for money paid into the treasury, and also all road tax receipts which shall remain in his hands unsold; and the Board of Supervisors shall examine the accounts of the Road Overseers, and finding them to be correct, and that the persons who have paid road taxes, together with the tax receipts returned, are equal to the whole number of receipts issued to them, respectively, shall order the Auditor to balance their accounts.

Moneys collected.

SEC. 18. When any Road Overseer shall pay any money into the county treasury, it shall be the duty of the Treasurer to place it in the fund of the district of which the person so paying it is Road Overseer, and the Treasurer shall pay money out of the Road Funds on orders drawn by the order of the Board of Supervisors; and to enable the Board to examine and allow claims against the Road Fund, the Road Overseer shall give each person a certificate of the number of days or parts of a day or days he worked upon the road, and the agreed price per day and the amount due, and he shall give the owner of each horse, mule, ox, wagon, cart, plough or scraper, a similar certificate in regard to the time such horse, mule, ox, wagon, cart, plough or scraper was used, the agreed price and amount due.

Claims against Road Fund.

Penalty for obstructing roads.

SEC. 19. If any person shall obstruct any public road, by felling any tree across the same, or by placing any obstruction therein, or damming, digging or deepening a creek, river or ditch, or its banks, so as to destroy a ford or crossing, or by leveeing on banks adjacent to the roadside so as to prevent the water from running in its natural course or channel, thereby overflowing the public highway, he or she shall be liable to prosecution before any Justice of the Peace, by any Supervisor of the county or Overseer of the road district, on behalf of the county, and on conviction thereof shall be fined in a sum not exceeding fifty dollars, and shall forfeit five dollars for every day he or she shall suffer said obstruction to remain after he or she shall have been ordered to remove the same by any Supervisor of the county or Road Overseer.

Penalty for destroying bridge, etc.

SEC. 20. If any person shall wilfully destroy or injure any bridge or causeway, or remove or cause to be removed any of the plank or timber therefrom, or cut down or injure any tree planted or growing as a shade tree in any public highway, or damage any highway by digging in it, he shall be liable to be prosecuted before any Justice of the Peace by the Road Overseer, in behalf of said county, and on conviction thereof shall be fined in a sum not to exceed one hundred dollars.

SEC. 21. All fines collected under the provisions of this Act shall be paid into the county treasury for the use of the road district in which the same was collected. Fines collected.

SEC. 22. The Board of Supervisors, on presentation of a petition praying for a cart road to be laid out from the dwelling or farm of any person to any public road, or from one public road to another, and designating the points therein, shall cause notice to be given to the parties owning the land over which such road is to be made. The Board of Supervisors shall consider and determine the same at their next regular meeting, and if they shall be of opinion that such road is necessary, they shall appoint two persons as Viewers, to view out and locate said road, and upon return of the certificate of the Viewers, shall declare the same to be a public highway; *provided*, the petitioners shall pay the owner or owners of the land or lands over which said cart road is proposed to be located, damages to the amount that, in the judgment of the Board of Supervisors, is just and equitable. Cart roads.

SEC. 23. The Board of Supervisors shall have power to levy a special tax not exceeding ten cents on the one hundred dollars of taxable property of the road district, for the purpose of liquidating outstanding indebtedness of any road district now established; *provided*, they are petitioned to do so by the Road Overseer and other taxpayers of the road district. No money collected under the provisions of this Act, except such as is authorized by this section, shall be used for the payment of any claim now existing against any Road Fund; but all such moneys, except as in this section provided, shall be used for the current expenses of the district; and the Supervisors shall, from time to time, of their own volition, levy a tax, as provided in this section, to pay the present indebtedness of any district or districts now in debt; *provided*, however, that if the taxes and poll taxes collected in any district are more than sufficient to meet the current expenditures of such district, the surplus may be used to pay debts now accrued. Special tax for road purposes.

SEC. 24. At the time of making the levy of State and county taxes of each year, the Board of Supervisors of the County of Sacramento shall levy, upon all the taxable property in the county outside the limits of the City of Sacramento, a property tax of ten cents on each one hundred dollars of such taxable property; *provided*, that all property tax levied under this Act shall be collected as other county taxes, and be paid into the treasury to the credit of the District Road Fund in which the property is situated. Property tax

SEC. 25. When any public highway backs water on any adjoining lands, or when any ditch, sluice, drain or culvert, through, along or from any public highway to some other point, would relieve adjoining lands from water, the Board of Supervisors shall have power to order such ditch, sluice, drain or culvert, through and along any such highway, to be cut, dug and constructed, and from any such highway, through and along any private lands it may be necessary or proper to pass through or over, to reach a river, creek, slough, ditch or other outlet. If any person or persons wish to have any such ditch, sluice, drain or culvert cut, dug or constructed, they shall proceed precisely in the same manner as though they wished a new road laid out Drainage of lands.

and opened; *provided*, however, that every such ditch, drain, or sluice or culvert shall be so located as to take as little land from any private individual as a due regard to the object to be effected will admit of, and that it shall be so located as to be of as little inconvenience as possible to the owner of the lands through which it runs. If the Board of Supervisors shall consider the cutting, digging or construction of any particular ditch, sluice, drain or culvert of such sufficient general importance as to make its cutting, digging or construction a county charge, they may, in the county's corporate name, cause proceedings the same as if the notice had been given by a private individual, and the costs and damages of the county's share thereof, if any, shall be paid out of the General Fund. Every ditch, sluice, drain and culvert cut, dug or constructed under the authority of this Act, shall thereafter be a public ditch, drain, sluice or culvert, and shall be subjected to and regarded and protected by all the provisions of law relative to public roads and highways.

Repealed

SEC. 26. The Act of May eighteenth, one thousand eight hundred and sixty-one, entitled an Act concerning roads and highways in the County of Sacramento, is hereby repealed, and the County of Sacramento is hereby excepted from the provisions of any and every Act concerning roads and highways, and no future Act on the subject shall apply to the County of Sacramento unless it is expressly made applicable; *provided*, however, that the provisions of this section shall not extend to the Act of April nineteenth, eighteen hundred and sixty-two, entitled an Act for the protection of growing timber on all possessory claims and other private property in certain counties in this State, and on or along public streets or highways, and on public grounds, but the same shall be and remain applicable to the limits of Sacramento County.

To remain applicable.

Additional tax.

SEC. 27. A majority of all the taxpayers of any road district in Sacramento County may at any time petition the Board of Supervisors of the County of Sacramento to levy an additional road tax, not to exceed one dollar on each one hundred dollars of the taxable property in said district.

SEC. 28. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Tunnelling under public highways.

SEC. 29. If any Road Overseer shall have reason to believe that any person or persons are tunnelling, drifting or undermining and removing earth therefrom, or from any street, plaza, public square, cemetery or public highway, whereby the same might at some future time cave or fall under, shall have the power and it shall be his duty to enter said tunnel or drift and forbid the working of the same; and upon the refusal of such person or persons to comply at once with such order, or remove or attempt to remove any of the earth therefrom after such notice, shall be guilty of a misdemeanor and be liable to a prosecution before any Justice of the Peace by any Overseer of the county, or Overseer of the road district, on behalf of the people of the State of California, and on conviction thereof shall be fined in any sum not exceeding two hundred dollars, and the judgment of the Justice may require that the person or persons may be imprisoned in the county jail of said county until the fine be paid, at the rate of one day for every two dollars fine;

after deducting the cost of prosecution, the balance of the fine shall be paid into the county treasury, to the credit of the District Road Fund.

SEC 30. This Act shall take effect from and after its passage.

CHAPTER CCCCXLIII.

An Act concerning water courses in the City of Los Angeles.

[Approved April 2, 1870.]

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

Public Zanjas.

SECTION 1. The zanjas which are within the limits of the City of Los Angeles, known as the Principal Zanja and Zanjas Numbers One, Two, Three, Four, Five, Six, Seven and Eight, are hereby declared public zanjas; and the quantity of water which has heretofore generally flowed in each one of said zanjas is hereby declared to be the quantity which, by right, belongs to each one of said zanjas and to the farmers and fruit growers who are benefited by their use; *provided*, always, that nothing herein contained shall be so construed as to affect or in any manner interfere with any rights, privileges or easements heretofore granted and conceded to P. Beaudey, John S. Griffin, Solomon Lazard, their associates or assigns, by the Mayor and Common Council of the City of Los Angeles.

Penalty for defiling.

SEC. 2. Any person or persons who shall throw or cause to be thrown any filth or matter detrimental to the public health, or allow their sewers or sinks to run or drain into any of said zanjas, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding one hundred dollars and not less than twenty dollars for the first offence, and not more than three hundred dollars nor less than fifty dollars for every subsequent offence, or imprisonment in the county jail for not more than thirty nor less than five days, or by both such fine and imprisonment. Any person violating this section shall be prosecuted before any Court of competent jurisdiction in the City or Township of Los Angeles, upon the complaint of any person aggrieved or of the Overseer of water courses of said city. All moneys collected as fines under the provisions of this Act shall be paid into the city treasury of said city, to the credit of the Water Fund thereof.

SEC. 3. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCCCXLIV.

An Act to provide for the payment of the funded indebtedness of the State of California and to contract a funded debt for that purpose.

[Approved April 2, 1870.]

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

Loan Commissioners.

SECTION 1. For the purpose of liquidating and providing for the payment of the funded indebtedness of the State of California hereinafter specified, and to lessen the burden of taxation, the Governor of the State, the Controller of State and the Treasurer of State, and their successors in office, shall constitute a Board of Commissioners, to be styled the Loan Commissioners of the State of California, and shall have and exercise the powers and perform the duties hereinafter provided.

To issue bonds.

SEC. 2. The said Loan Commissioners are hereby authorized to issue and sell not exceeding three millions seven hundred thousand dollars of the bonds of said State, bearing interest at the rate of six per cent. per annum, which interest shall be payable semi-annually in gold coin, on the second days in January and July in each year, at the office of the Treasurer of State.

When payable.

The principal of said bonds shall be made payable in gold coin within twenty years after the date of their issue, and shall be of such denominations as the said Loan Commissioners shall direct, but not less than five hundred dollars; shall bear the date of their issue, and shall be signed by the said Loan Commissioners, and shall have the seal of the State affixed thereto; and the faith of the State of California is hereby pledged for the payment of said bonds and the interest accruing thereon as herein provided.

Coupons.

SEC. 3. Coupons for the interest shall be attached to each bond so that they may be removed without injury or mutilation to the bond; said coupons, consecutively numbered, shall be signed by the Treasurer of the State.

Notice of sale.

SEC. 4. Before the sale of any of said bonds the said Loan Commissioners shall cause notices of such sale to be published, for the space of one month, in three daily newspapers published in English, one in the City of New York, one in the City of London, in England, and one in the Capital of the State; in and for the space of one month in a daily newspaper published in French, in the City of Paris, in France, and for the space of one month in a daily newspaper published in German, in the City of Frankfort-on-the-Main, in Germany. Such notice shall specify the amount of bonds to be sold, the rate of interest they shall bear, the day and hour of sale, the place of sale, which shall be at the State Capital, and that sealed proposals will be received by the said Loan Commissioners for the purchase of such bonds. Within one month from the expiration of such publication, and on the day and hour named in said notice, the said Loan Commissioners shall open all sealed proposals received by them, and shall award the purchase of said bonds to such bidders as will, in their opinion, make the most advantageous

Award.

bid for the State; *provided*, that said Loan Commissioners may reject any or all bids, if they deem it to the advantage of the State; and *provided* further, that they may refuse to make any award unless sufficient security shall be furnished by the bidders for the compliance with the terms of their bids; and *provided* further, that said bonds shall not be sold at less than ninety-one cents on the dollar, in gold coin, par value.

Record of bonds sold.

SEC. 5. It shall be the duty of the Treasurer and Controller of State each to keep a separate record of all bonds sold under the provisions of this Act, showing the number, date, amount and rate of interest of each bond, and to whom the same was issued.

Appropriation for expenses.

SEC. 6. The sum of one thousand dollars is hereby appropriated out of the General Fund for the payment of the expense that may be incurred by the Loan Commissioners in having such bonds prepared and said notices published.

Proceeds, how applied

SEC. 7. The proceeds of such bonds shall be paid into the State treasury, and shall be applied to the payment of the following bonds, in the order of their issuance:

First—The outstanding bonds issued under the Act entitled an Act to provide for certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eight, eighteen hundred and fifty-seven.

Second—The outstanding bonds issued under the Act of eighteen hundred and sixty.

Third—The outstanding soldiers' relief bonds.

Fourth—The outstanding soldiers' bounty bonds.

Exchange of bonds.

SEC. 8. All persons having any of the bonds specified in section seven of this Act shall, upon presentation of such bonds to the said Loan Commissioners, be entitled to exchange them at their par value for bonds authorized to be issued under this Act, at the rate of ninety-three cents on the dollar, par value, but no bond shall be issued for a less sum than five hundred dollars, nor for a fractional part of a hundred dollars, but the said Loan Commissioners may issue certificates of such fractional parts not bonded, which said certificate shall be transferable, and entitled to be paid out of the proceeds of the sales of any bonds provided for in section seven of this Act. The Loan Commissioners shall cancel each bond so exchanged, and shall indorse on such bond the date on which they received the same, and from whom, the number and amount of the bond issued in exchange therefor, and shall file such bond in the office of the Secretary of State.

Redemption.

SEC. 9. Whenever there shall be in the State treasury, from the proceeds of the sale of bonds issued under this Act, a sum of ten thousand dollars or more, it shall be the duty of the Treasurer to advertise in two newspapers, printed in English, one in New York and one in the Capital of the State, for two months, which advertisement shall state the amount of money in the treasury applicable to the redemption of bonds, and the number of bonds, numbering therein the order of their issuance, which are redeemable; and three months from the date of the expiration of such advertisement, such bonds, unless sooner paid, shall cease to draw interest, but the money for the redemp-

tion of such bonds shall remain in the treasury to pay such bonds whenever presented.

Tax to be levied.

SEC. 10. For the payment within twenty years of the principal and interest of the bonds issued under this Act, there shall be and is hereby levied annually, after any bonds have been issued under this Act, such rate of tax on each one hundred dollars of the assessed value of real and personal property in the State, to be computed by the Controller of State on the basis of the assessed value of such property for the preceding year, as shall produce annually, for the first five years, seven per centum of the amount of such bonds issued; for the next ten years thereafter, twelve per centum of the amount of such bonds issued, and thereafter, until all the bonds are issued under this Act are paid, fifteen per centum of the amount of such bonds issued. The Controller shall certify the rate of tax thus computed by him to the several County Auditors, and the said Auditors are hereby directed and required to enter such rate on the assessment rolls of their respective counties, in the same manner and with the same effect as is provided by law in relation to other State taxes. Every tax levied under the provisions or authority of this Act is hereby made a lien against the property assessed, which lien shall attach on the first Monday in March in each year, and shall not be satisfied or removed until such tax has been paid. All moneys derived from taxes authorized by the provisions of this section shall be paid into the State treasury, and shall be applied—

How applied

First—To the payment of the interest on the bonds issued by the provisions of this Act.

Second—To the payment of the principal of such bonds.

Provided, that all moneys remaining in the State treasury on the third day of January, in each year, for the first five years after the issuance of any bonds under this Act, after all the interest on such bonds then due has been paid, shall be transferred by the Treasurer of State to the General Fund.

Surrender of bonds.

SEC. 11. Whenever, on the third day of January or July, in any year, after the expiration of five years from the date of issuance of any bonds under this Act, there remains, after the payment of the interest, as provided in the preceding section, a surplus of ten thousand dollars or more, it shall be the duty of the Treasurer to advertise, for the space of one month, in one daily newspaper, published in English, in the City of New York, and for one month in one daily newspaper, published in English, at the State Capital, for sealed proposals, to be opened one month after the expiration of such publication by the Treasurer, in presence of the Governor or Controller, at the State Capital, for the surrender of bonds issued under this Act, which advertisement shall state the amount of money he has on hand for the purpose of redemption; and they shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the amount of cash on hand for the redemption is exhausted; *provided*, however, in case a sufficient amount of such bonds shall not be offered, as aforesaid, to exhaust the Sinking Fund to a less amount than ten thousand dollars, then it is hereby made the duty of the Treasurer to advertise in two newspapers, one in New York and one at the

Capital of this State, for three months, which advertisement shall state the amount in the Sinking Fund, and the number of bonds, numbering them in the order of their issuance, which such fund is set apart to pay and discharge; and if such bonds so numbered in such advertisements shall not be presented for payment and cancellation at the expiration of such publications, then such fund shall remain in the treasury to discharge such bonds whenever presented, but they shall draw no interest after the expiration of such publication; before any of said bonds shall be paid, they shall be presented to the Controller, who shall indorse on each bond the amount due thereon, and shall write across the face of each bond the date of its surrender and the name of the person surrendering.

Duty of State Treasurer.

SEC. 12. The Treasurer of State shall keep a full and particular account and record of all his proceedings under this Act, and of the bonds redeemed and surrendered, and he shall transmit to the Governor an abstract of all his proceedings under this Act, with his annual report, to be by the Governor laid before the Legislature; and all books and papers pertaining to the matter provided for in this Act shall at all times be open to the inspection of any party interested, or the Governor, or the Attorney-General, or a committee of either branch of the Legislature, or a joint committee of both.

Payment of interest.

SEC. 13. It shall be the duty of the Treasurer to pay the interest on said bonds, when the same falls due, out of said Interest Fund, if sufficient; and if said fund be not sufficient, then to pay the deficiency out of the General Fund; *provided*, that the Controller of State shall first draw his warrant on the Treasurer, payable to the order of said Treasurer, for the amount of interest money about to become due, which said interest warrant shall be drawn at least one month previous to the maturing of the interest

When to take effect.

SEC. 14 This Act shall take effect sixty days after the next general election, as to all its provisions, except those relating to and necessary for its submission to the people, and for returning, canvassing and proclaiming the votes, which shall take effect immediately.

To be submitted for ratification.

SEC. 15. This Act shall be submitted to the people of the State for their ratification, at the next general election, and the qualified electors of this State shall, at said election, on their ballots for State officers, vote for or against this Act; those voting for the same, shall write or have printed on their ballots the words, "Refund the Debt—Yes," and those voting against the same, shall write or have printed on their ballots the words, "Refund the Debt—No."

SEC. 16. The votes cast for and against this Act shall be counted, returned and cancelled, and declared in the same manner and subject to the same rules as votes cast for the Treasurer of State, and if it appears that a majority of all the votes so cast for or against this law, as aforesaid, are in favor of this Act, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the

Governor shall make proclamation hereof; but if a majority of the votes so cast are against this Act, then the same shall become void.

Publication. SEC. 17. It shall be the duty of the Secretary of State to have this Act published in one newspaper in each judicial district of this State, for three months next preceding the next general election, for which publication no greater allowance shall be made than the rates allowed by law to the State Printer.

CHAPTER CCCCXLV.

An Act to confer further powers on the Mayor of the City and County of San Francisco.

[Approved April 2, 1870.]

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

May petition for change of street grades SECTION 1. The Mayor of the City and County of San Francisco is hereby authorized and empowered, on behalf and in the name of the City and County of San Francisco, to petition the Board of Supervisors of said city and county to order the change of the official grade of any street or streets, where such change may affect any public square or other lot of land belonging to said city and county; and such petition shall have the same effect as if the same were signed by or in behalf of the owners of any property not belonging to said city and county.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCXLVI.

An Act amendatory of an Act entitled an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof, approved March the eighth, eighteen hundred and sixty-six.

[Approved April 2, 1870.]

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

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

Salary of Commissioner. Section 72. The Commissioner of Roads and Highways shall receive an annual salary of fifteen hundred dollars, or such greater sum as may be fixed by the Board of Supervisors, but not to exceed two thousand dollars per annum; said salary to be paid in quarterly instalments, as other county officers are paid.

SEC. 2. The said Commissioner of Roads and Highways is hereby authorized and empowered, whenever he shall deem it necessary, to appoint a Deputy Commissioner of Roads and Highways, who, when so appointed, shall have authority to do and perform all the duties and acts that said Commissioner may lawfully do and perform; *provided*, that the said Deputy Commissioner shall receive no compensation for his services other than may be paid him by the said Commissioner of Roads and Highways. May appoint deputy.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCXLVII.

An Act to define and establish the line and width of East street, between Market street and Clay Street Wharf, in the City and County of San Francisco.

[Approved April 2, 1870.]

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

SECTION 1. The easterly line of East street, between the northerly line of Market street and the southern side of Clay Street Wharf along the water front, in the City and County of San Francisco, as it now appears by the official maps of the Harbor Commissioners now on file in the office of the City and County Surveyor of said city and county, shall be and the same is hereby changed, as follows: Commencing at the intersection of the easterly line of East street and the northerly line of Market street, and running thence along said easterly line of East street, in a northerly direction, one hundred and ninety-two (192) feet five (5) inches, to the northerly side of Central Wharf; thence deflecting to the right forty-eight degrees forty-two minutes and thirty-two seconds (48° 42′ 32″), and running in this direction to a point on the present water front line at its intersection with the southern side of Clay Street Wharf, distant from the northern line of Market street three hundred and thirteen feet two and one-eighth inches (213 ft. 2⅛ in.); and the State Board of Harbor Commissioners are hereby authorized to make such change. The width of said street shall be one hundred and fifty feet, the outer half of which shall be constructed and kept in repair by the Harbor Commissioners, and may be used by them as a landing place or pier, on which dockage, wharfage and toll may be collected. Change of line of East street.

SEC. 2. It shall be the duty of the Mayor of the City and County of San Francisco, within ten days after notice thereof to him from the State Board of Harbor Commissioners, to apply to the County Judge of the City and County of San Francisco, in the name and on behalf of said city and county, to condemn any private property that said Board of State Harbor Commissioners may deem necessary to be taken in the execution of the objects of the first section of this Act; and such application, Condemnation of property.

and the proceeding thereunder, shall, as near as may, be governed by and conducted pursuant to the provisions for the condemnation of lands of an Act for the incorporation of water companies, approved April twenty-second, eighteen hundred and fifty-eight; and upon the award of the Commissioners appointed to appraise the value of such private property, it shall be the duty of the Board of Supervisors of said City and County of San Francisco to order to be paid, and the Auditor of said city and county to audit, and the Treasurer of said city and county to pay, to the person or persons, or their assigns, to whom damages may be awarded, the amount or amounts of such award, and the same shall be payable out of the General Fund of said city and county; *provided*, that said proceedings to condemn shall not retard or impede the State Board of Harbor Commissioners from proceeding, immediately upon said application to said Judge, to carry out the provisions of the first section of this Act.

Payment of damages.

SEC. 3. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCCCXLVIII.

An Act amendatory of and supplementary to an Act to incorporate the City of Nevada, approved April nineteenth, one thousand eight hundred and fifty-six.

[Approved April 2, 1870.]

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

SECTION 1. Section two of an Act to incorporate the City of Nevada, approved April nineteenth, eighteen hundred and fifty-six, is hereby amended so as to read as follows:

Corporate limits.

Section 2. The area of the City of Nevada shall be the south half of the northeast quarter and the southeast quarter of section twelve, and the north half of the northeast quarter of section thirteen, in township sixteen north, of range eight east, and the lot numbered two and the southeast quarter of the northwest quarter and the lots numbered three and four, and the east half of the southwest quarter of section seven, and the lot numbered one and the northeast quarter of the northwest quarter of section eighteen, in township sixteen north, range nine east, Mount Diablo base and meridian, containing six hundred and forty-four and sixty-eight one-hundredths (644 68-100) acres.

SEC. 2. This Act shall take effect from and after the first day of May, A. D. one thousand eight hundred and seventy.

CHAPTER CCCCXLIX.

An Act in relation to delinquent taxes in the County of Alpine.

[Approved April 2, 1870.]

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

Delinquent taxes.

SECTION 1. The Board of Supervisors of the County of Alpine are authorized and empowered to compromise, settle, adjust and collect any and all claims of the State of California, or of the County of Alpine, on or against the people or property of the said County of Alpine, for taxes delinquent on the first day of January, A. D. eighteen hundred and sixty-nine, and to give acquittance therefor, on such terms and in such manner as they may deem for the best interests of said county; and all collections heretofore made are hereby declared legal and valid.

SEC. 2. All such taxes due the State of California on the day aforesaid shall, when collected, be paid into the county treasury of said county, and belong to the County of Alpine.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCL.

An Act further to define the powers and duties of the Sheriff of the City and County of San Francisco.

[Approved April 2, 1870.]

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

Fees in advance.

SECTION 1. The Sheriff of the City and County of San Francisco is authorized and empowered to exact in advance, and to receive any and all fees that are now allowed by law for services under and by virtue of any process, order or proceeding issued or had in the Justices' Court of the City and County of San Francisco, and all such fees shall be accounted for by said Sheriff, and paid by him to the Treasurer of said city and county, as now provided by law for other fees allowed to the Sheriff of said city and county.

SEC. 2. It shall not be lawful for the Clerk of said Justices' Court to demand or receive any fees for the service of any process or order, nor for any service to be rendered by said Sheriff.

SEC. 3. All Acts or parts of Acts, so far as the same are in conflict with the provisions of this Act, are hereby repealed.

SEC. 4. This Act shall take effect immediately after its passage.

CHAPTER CCCCLI.

An Act to amend an Act entitled an Act concerning crimes and punishments, approved April sixteenth, eighteen hundred and fifty.

[Approved April 2, 1870.]

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

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

Penalty for disturbing the peace.

Section 112. If any person shall maliciously and wilfully disturb the peace or quiet of any neighborhood or family, by loud or unusual noises, or by tumultuous and offensive conduct, either threatening, traducing, quarrelling, challenging to fight or fighting, every person convicted thereof shall be fined in a sum not exceeding two hundred dollars, or imprisoned in the county jail not exceeding two months.

CHAPTER CCCCLII.

An Act amendatory of and supplementary to an Act entitled an Act concerning roads and highways in the County of Tuolumne, approved February twenty-seventh, one thousand eight hundred and sixty-six.

[Approved April 2, 1870.]

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

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

Collection of road poll taxes.

Section 3. To enforce the collection of road poll taxes, as provided in this Act, the Tax Collector may seize so much of any and every species of personal property whatever, claimed by any person liable to and refusing or neglecting to pay his road poll tax, or property in the possession of or due from any other person and belonging to such person so refusing to pay such road poll tax and costs of seizure which costs shall not exceed two dollars, and shall and may sell the same at any time or place, upon giving verbal notice one hour previous to such sale. And any person indebted to another liable to pay road poll tax, but who has neglected or refused to pay the same, shall be liable to pay said road poll tax for such other person, after service upon him by the Tax Collector of a notice in writing, stating the name or names of the person or persons so liable and owing road poll tax; and such debtor may deduct the amount thereof, with the costs of serving said notice, which shall be one dollar, and for which he shall be equally responsible, from such indebtedness; *provided*, that the payment of the road poll tax of any person who shall have given to the Road

Commissioner of his district the notice provided for in section two of this Act, shall not be enforced under the provisions of this section until such person shall have been certified to be delinquent in the payment of such road poll tax, as provided for in section two of this Act.

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

Labor on public highways.

Section 4. Any person liable to the payment of the road poll tax, may pay said road poll tax in labor on the public highways; *provided*, that such persons, between the first Monday in April and the first Monday in August, shall have filed with the Road Commissioner of his district a notice in writing of his intention to pay such road poll tax in labor. All labor performed on the public highways shall be done under the direction of the Roadmasters of the district, and all road poll taxes paid in labor shall be reckoned at the rate of two dollars per day, eight hours to constitute a day's labor. It shall be the duty of the Roadmasters, under the direction of the Road Commissioner, to warn all persons who have filed the proper notice, to appear and perform labor upon the public highways, at such times and places as they may require labor to be performed; such notice may be either verbal or written; if written, it shall be served upon the party in person or left at his usual place of residence. All notices, either verbal or in writing, shall be served at least three days previous to the day on which the work is to be performed, and, so far as practicable, each person performing labor upon the public highways shall be so employed as conveniently near as may be to his place of residence. The Roadmaster shall certify to the Road Commissioners of their respective districts, the names and number of all persons who have performed labor on the public highways in accordance with the provisions of this section, within ten days after such labor shall have been performed, and the Road Commissioner shall, upon application, deliver to the persons named in such certificate, the road poll tax labor receipt provided for in section five of this Act, duly signed by said Road Commissioners, and said road poll tax receipt, when presented to the Tax Collector, shall be sufficient evidence that the holder thereof has paid his road poll tax; *provided*, that if any person who shall have given notice, as specified in this section, shall fail or refuse, for the period of ten days after he shall have been notified so to do by the Roadmaster, to perform labor upon the public highways to the amount of his road poll tax, then it shall be the duty of the Roadmaster, on the first Monday of the month next succeeding, to return to the Tax Collector the names of all such persons so failing or refusing to perform labor as delinquent road poll tax payers, who shall thereafter be proceeded against by the Tax Collector, as provided for in section one of this Act.

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

List of persons paying tax.

Section 6. It shall be the duty of the Tax Collector, on the first Monday of March, June, September and December of each year, to file with the Clerk of the Board of Supervisors a list, under oath, of the names of each and every person who has paid the road poll tax during the preceding quarter, and after

Delinquent. the third Monday of November in each year to make out a list, wherein he shall enter the names of all persons delinquent for road poll tax, together with the number of their district, and on or before the first Monday in December he shall deliver said list, duly certified by him, to the Clerk of the Board of Supervisors, who shall, within two weeks thereafter, make abstracts from the same for each district, giving the name of each person delinquent in the same, and shall immediately furnish said abstracts to the Tax Collector; and if any person delinquent as aforesaid, who shall have failed or refused, upon the requisition of the Roadmaster, to perform labor upon the highways, as provided in this Act, or who shall fail or refuse, upon demand of the Tax Collector, to pay the road poll tax imposed by the provisions of this Act, shall be liable to a fine, and on conviction before a Justice of the Peace shall be fined in a sum not less than ten nor more than twenty dollars, and costs of suit, which, when collected, shall be paid into the District Road Fund.

Chinese to perform road duty. SEC. 4. The Roadmasters are hereby authorized to demand of any Chinaman or Mongolian residing in their respective districts to work upon the public roads two days in each year, whether such Chinaman or Mongolian shall have been duly assessed by the Assessor as liable to the road poll tax or not; and any such person, after performing two days' labor as aforesaid, shall be deemed and held to have paid his road poll tax, and shall be entitled to a road poll tax labor receipt from the Road Commissioner therefor, and upon presentation of such labor receipt to the Tax Collector, he shall not demand the road poll tax from the person named therein.

Tax receipts. SEC. 5. The Board of Supervisors shall cause proper blank road poll tax labor receipts to be printed, of a uniform appearance, which shall be numbered consecutively and signed, in writing, by the Chairman thereof, and also by the Clerk, and no other receipt shall be given for road poll tax paid in labor than the above. The Chairman, after having signed a sufficient number of said receipts, shall deliver the same to the Clerk of said Board, who shall, from time to time, deliver them, in such numbers as may be needed, to the Road Commissioners, taking their receipt therefor; and any person who shall wilfully pass, sell or transfer, or who shall forge or fraudulently issue any receipt or receipts for road poll tax, contrary to the spirit of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than ten nor more than two hundred dollars, which, when collected, shall be paid into the District Road Fund.

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

CHAPTER CCCCLIII.

An Act to provide for the funding of the indebtedness of Levee District Number One, of Sutter County.

[Approved April 2, 1870.]

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

Indebtedness to be funded.

SECTION 1. The Board of Supervisors of Sutter County is hereby authorized and required to fund all the outstanding indebtedness of the district known as Levee District Number One, of Sutter County, which shall have accrued prior to the first day of July, A. D. one thousand eight hundred and seventy, and standing in the shape of warrants legally drawn by the Auditor of said county on the Treasurer thereof, then remaining unpaid, and payable out of what is known as Levee District Number One Fund, of said county, by issuing bonds in payment thereof, payable in twenty years from said first day of July, one thousand eight hundred and seventy, bearing interest at the rate of six per cent per annum, payable quarterly, on the first days of October, January, April and July, of each year thereafter, and until the whole of said debt is extinguished.

Bonds.

SEC. 2. The Treasurer of the County of Sutter shall prepare or cause to be prepared bonds to an amount equal to the indebtedness of said District Number One, together with all interest that shall have accrued thereon up to the first day of July, A. D. one thousand eight hundred and seventy; said bonds shall be for any amounts, not less than one hundred dollars nor more than one thousand dollars, each bearing interest at the rate of six per cent. per annum, from the first day of July, A. D. one thousand eight hundred and seventy; said bonds shall be payable at the office of the County Treasurer of Sutter County, on the first day of July, A. D. one thousand eight hundred and ninety; the interest accruing on said bonds shall be payable quarterly, on the first days of July, October, January and April, in accordance with section one of this Act.

By whom signed.

SEC. 3. Said bonds shall be signed by the President of the Board of Supervisors, and countersigned by the County Auditor, indorsed by the County Treasurer, and shall have the seal of the county attached thereto.

SEC. 4. No warrant issued after the first day of July, eighteen hundred and seventy, shall be funded under this Act.

Unredeemed warrants.

SEC. 5. The Auditor and Treasurer of said county shall examine the original books of records of warrants issued prior to the first of July, eighteen hundred and seventy, payable out of the funds of said Levee District Number One, and fund all unredeemed warrants legally issued and entered in said Auditor's books, and none others.

Record of bonds.

SEC. 6. It shall be the duty of the Auditor and Treasurer of said county each to keep a separate record of all such bonds as

may be issued, showing their number, date and amount, and to whom issued.

Coupons. SEC. 7. Coupons for the interest shall be attached to each bond so that they may be removed without mutilating the bond. The coupons shall be signed by the Auditor and Treasurer. When any interest shall be paid upon said bonds, the County Treasurer shall detach the coupons therefor, and deliver the same to the County Auditor, taking his receipt for the same. The Auditor shall file and carefully preserve the same in his office.

Expense of preparing bonds. SEC. 8. The County Treasurer shall pay, out of any money in his hands belonging to Levee District Number One, any expenses incurred in preparing the bonds and coupons herein provided for; *provided*, that the sum so paid shall not exceed one hundred dollars.

Exchange of warrants for bonds. SEC. 9. After the passage of this Act, any person holding warrants, payable out of the funds of said Levee District Number One, shall, upon presentation of the same to the Treasurer of Sutter County, receive in exchange therefor an equal amount in the funded bonds herein provided for.

Register of redemption. SEC. 10. The County Treasurer shall keep a book in his office, in which he shall make an entry of each warrant or bond redeemed by him, from whom received and in what manner redeemed.

To be examined. SEC. 11. It shall be the duty of the President of the Board of Supervisors and the County Auditor, at least once in every three months, to examine all bonds and warrants redeemed under the provisions of this Act, ascertain that the same have been properly registered, and cause the same to be cancelled in such manner as to prevent a re-issue thereof.

Special tax. SEC. 12. There shall be, for the year one thousand eight hundred and seventy-one, and annually thereafter, levied, assessed and collected, a special tax, to be called "Levee District Number One Bond Tax," on all the taxable property of said Levee District Number One, which tax shall be levied and collected in the same manner as the county taxes of Sutter County, and collected by the same officers; *provided*, that the assessments of the property shall be made by the Assessor of said Levee District Number One; *provided* further, that sufficient of the tax levied by the Board of Supervisors of Sutter County for the year A. D. one thousand eight hundred and seventy, as the levee tax for District Number One, shall be transferred by the Treasurer into the Bond Fund herein created, to pay the interest on said bonds for the fiscal year ending July, A. D. one thousand eight hundred and seventy-one. All taxes levied, assessed or collected shall be assessed and collected in United States gold coin, and appropriated solely to the payment of interest and the extinguishment of the bonds herein provided for.

Amount. SEC. 13. The Board of Supervisors of Sutter County shall, at or before the time of levying the annual taxes for county purposes, make an estimate of the amount of tax required to be raised to pay the interest on the outstanding bonds herein provided for, and the value of the taxable property in said district, and shall thereupon levy upon all the taxable property in said district such rate of taxation, as a special Levee District

Number One bond tax, as will be sufficient to pay the interest on such outstanding bonds, making due allowance for the expense of collection and losses by delinquent payments

Tax for payment of interest and principal.

SEC. 14. Said Board of Supervisors shall, after the expiration of ten years, levy annually, under the provisions of this Act, an amount of tax sufficient to pay the annual interest and also one-tenth of the principal of the bonds issued under the provisions of this Act, which amount shall be applied to the extinguishment of the bonds, giving preference to those who will offer to surrender them at the lowest offer.

Bond Fund.

SEC. 15. There is hereby created a fund in the County of Sutter to be known as Levee District Number One Bond Fund, which shall be kept by the Treasurer of Sutter County as provided by law, into which fund shall be paid all moneys accruing from taxes collected under the provisions of this Act; *provided*, that in addition to the tax required for the purposes herein mentioned, the Board of Supervisors shall have power to levy an additional tax annually, sufficient to meet the current expenses of said Levee District Number One, which additional tax may be paid in warrants legally issued against said district, as provided in an Act approved March twenty-fifth, eighteen hundred and sixty-eight.

Redemption.

SEC. 16. The Treasurer of Sutter County shall, on the first day of October, eighteen hundred and seventy, and quarterly thereafter, pay the interest falling due on the bonds issued under the provisions of this Act out of the fund herein provided for; and if at any time there shall remain a surplus of five hundred dollars or more in said fund, after paying or reserving a sufficient amount to pay the interest on said bonded indebtedness for the year in which said surplus shall have been collected, the County Treasurer shall advertise, in some public manner to be prescribed by the Board of Supervisors, for the space for at least of thirty days, for sealed proposals for the redemption of said bonds, said advertisement specifying the day and hour when, and the place where, such proposals will be opened. At the time specified, the Treasurer shall open said proposals in the presence of such persons as may be present, and shall redeem such bonds as are offered at the lowest rate to said levee district; *provided*, that no bond shall be redeemed at more than par.

Extra compensation.

SEC. 17. The present County Treasurer and County Auditor shall, as an extra compensation, have allowed to them, respectively, one-fourth of one per cent. upon the total sum funded under the provisions of this Act

SEC. 18. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLIV.

An Act to authorize the incorporation of canal companies and to provide for the construction of canals and ditches.

[Approved April 2, 1870.]

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

Canal companies.

SECTION 1. Corporations may be formed, under the provisions of the Act of April fourteenth, eighteen hundred and sixty-three, entitled an Act to provide for the formation of corporations for certain purposes, and of the several Acts amendatory thereof and supplementary thereto, for the following purposes, namely: The construction of canals for the transportation of passengers and freights; for the supplying water for irrigation; for procuring water power; for conveying water for mining or manufacturing purposes, or for all such purposes combined.

Rights granted.

SEC. 2. The right is hereby granted to any company organized under this Act, or which may have been organized under preceding Acts, to construct all reservoirs, dams, embankments, canals, ditches, and other works necessary to the objects of such company; to make the surveys necessary to the selection of the sites and routes of such works, and to acquire all lands, waters not previously appropriated, and other property required for the proper construction, use, supply, maintenance, repairs and improvements of the same, in the manner hereinafter provided.

Location of route.

SEC. 3. Any company organized in pursuance of this Act, or any company organized under any pre-existing Acts for similar purposes, shall have the power to locate and fix upon the line or route of its proposed ditch or canal, and select the site or sites of its proposed dams, embankments and reservoirs, in conformity with the designation of its engineer or business manager.

Petition for condemnation.

SEC. 4. In case the route so fixed upon, or any part thereof, or the site so selected, be upon land owned by individuals, or upon public land possessed and occupied by individuals, and the right to such route or site over or upon such land has not been acquired by agreement with such owners or occupant, then it shall be lawful for such company to present to the County Judge of the county wherein such land is situate, a petition, verified by an officer or agent of the company, showing that such route or site is necessary to such company; that it passes over or is upon such land, and that a right to the same has not been acquired by agreement with the owner or occupant (naming him) of the land. It shall conclude with a prayer for the appointment of Commissioners to assess the damages resulting to such owner or occupant because of the selection and appropriation of such route or site.

Citation.

SEC. 5. Upon the receipt of the petition mentioned in the foregoing section, the County Judge shall make an order directing the Clerk of the County Court of such county to issue a

citation to the owner or occupant of the land described in the petition, requiring him to appear before the County Judge at his chambers, on a day therein named, and show cause why the prayer of the petition should not be granted. The day named in the citation for such appearance shall not be less than ten nor more than thirty days from the date of its issuance. Such citation may be served in the manner provided by law for the service of summons, and in case the owner or occupant of the land should be absent from the State, or it is not known where he or she may be found, and this fact is made to appear by affidavit to the County Judge, he shall by order direct the same to be served by publication in some newspaper published in the county, in the manner prescribed for the publication of summonses; *provided*, that the period prescribed in such order for such publication shall in no case exceed two months from the first insertion. How served.

SEC. 6. On the day appointed for the appearance of the owner or occupant of the land, or upon any subsequent day to which the hearing may, for good cause shown, be adjourned, the County Judge shall proceed to hear the allegations and proofs of the respective parties, and if upon such hearing he shall be satisfied that the route or site selected over or upon such land is necessary for the promotion of the objects of the company, and that no private agreement has been made by the parties relative thereto, he shall proceed to nominate, as Commissioners, three disinterested citizens of the county, with power to hear and determine between the parties, and assess the value of the land sought to be condemned. Hearing. Appointment of Commissioners.

SEC. 7. Such Commissioners shall proceed without unnecessary delay to appoint a day and place upon and at which the respective parties shall appear before them with their witnesses and other proofs, and such Commissioners shall have power to compel the attendance of witnesses, and to administer to them the necessary oaths; *provided*, that such owner or occupant shall have at least six days notice of the time and place of such hearing; *provided* further, that the said Commissioners shall have power to adjourn such hearing from time to time, to enable either of the parties to procure witnesses; and *provided*, that such adjournment shall not exceed in the aggregate ten days; and *provided* further, that such Commissioners may, if they deem it proper, visit the locality of such proposed route or site, in company with such witnesses and experts as they may select. Powers and duties.

SEC. 8. Within ten days from the hearing by such Commissioners, they shall proceed to assess the actual damages accruing to the owner or occupant of the land by reason of the construction thereon of the proposed works, and to report the same in writing to the County Judge, who shall immediately cause such report to be filed in the office of the Clerk of the County Court. Assess damages.

SEC. 9. Within ten days from the filing of such report, either party may move, upon good cause shown by affidavits, to vacate and set aside the same, and, if set aside, a new commission shall be appointed by the County Judge, which shall proceed to hear and determine, in all respects, as is provided in case of the original commission. New commission.

Order of condemnation.

SEC. 10. After the lapse of ten days from the filing of such report, if no motion to vacate the same is made, or if being made it is denied, or after the lapse of ten days from the filing of the report of the new commission, as provided in the last section, the County Judge shall proceed to make an order upon the same, condemning so much of the land as he shall deem necessary for such canal or other works. Such order shall declare the sum to be paid by way of damages by such company, and shall award to such company the right to occupy such land and construct the proposed works upon payment by it to such owner or occupant of the sum so provided, which said order shall be duly filed in the office of the Clerk of such County Court; and from the date of the payment of such sum to such owner or occupant, the said company shall have full right and authority to enter upon such land, and to proceed with the erection and construction of its proposed works along such route and upon such site.

Compensation of Commissioners

SEC. 11. The Commissioners appointed in pursuance of this Act shall each be entitled to receive five dollars per day, for every day they shall be actually engaged in the business of the commission; and witnesses summoned and sworn before the same shall receive such fees and mileage as are allowed to witnesses in ordinary proceedings at law.

Bridges to be kept in repair

SEC. 12. Every company organized in pursuance of this Act shall construct and keep in good repair, at all times, for public use, the various bridges across any canal or ditch owned by it, required by the Board of Supervisors of the county wherein such crossing is situated, such bridge being on the line or crossing a public highway or county road, and necessary for public use.

SEC. 13. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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

CHAPTER CCCCLV.

An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

[Approved April 2, 1870.]

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

Section repealed.

SECTION 1. Section three hundred and ninety-three of said Act is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCLVI.

An Act to amend an Act entitled an Act declaring certain creeks in Marin County navigable, approved May seventeenth, eighteen hundred and sixty-one.

[Approved April 2, 1870.]

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

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

Section 1. The creeks situated in Marin County, known as San Rafael Creek, Corte Madera Creek, are hereby declared navigable from their mouths as far as tide flows. Declared navigable.

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

CHAPTER CCCCLVII.

An Act to provide for the restoration and preservation of fish in the waters of this State.

[Approved April 2, 1870.]

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 empowered to appoint three persons, to be styled Fish Commissioners, whose duty it shall be to establish fish breederies upon such of the waters of this State as, in their judgment, shall be most available for the purpose of stocking and supplying the streams, lakes and bays of the State with both foreign and native fish, and for such purpose may purchase and import from other States and countries the spawn or ova of valuable fish suitable for food, and may introduce the same, when obtained, into such rivers, streams, lakes or bays as they may deem suited to the habits and successful culture of such fish. They may also employ persons who are skilful and expert in the business of fish breeding, and may superintend and direct the construction of fish ways and fish ladders that may be built in the streams and waters of this State. The Commissioners may, in their discretion, distribute the ova or spawn to be procured by them, to such persons as have proper lakes, ponds or streams for the propogation and breeding of fish, and who will, without expense to the State, take charge of such breeding and propogation. Fish Commissioners.

SEC. 2. Such Commissioners shall hold their office for the term of four years, unless others shall be appointed to fill the vacancies occasioned by the death, resignation or inability to attend to the duties required. Term of office.

SEC. 3. It shall be the duty of the Commisioners to require,

Construction of fish ways and fish ladders

as far as practicable, all persons, firms and corporations who have erected mill-dams, water-weirs or other obstructions on rivers or streams within the waters of this State, within six months after the passage of this Act, to construct and keep in repair fish ways or fish ladders at such mill-dams, water-weirs or obstructions, so that, at all seasons of the year, fish may ascend above such dam, weir or obstruction to deposit their spawn. Any person, firm or corporation, owning such mill-dam or obstruction, who shall fail or refuse to construct or keep in repair such fish way or fish ladder, after having been notified and required by the Commissioners to do so, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars for every such neglect or refusal. The fines and penalties that may be received for convictions under this section shall be paid, one-half to the District Attorney who shall prosecute the suit and one-half to the Common School Fund of the county.

Unlawful destruction of fish.

SEC. 4. It shall not be lawful for any person or persons, between the first days of January and June of each year, to catch or kill any river, lake, brook or salmon trout, in any of the streams, rivers, lakes or other waters within this State, with any seine, gill net, or any spear, weir, fence, basket, trap, explosive material, or other implements or substances, or in any manner, except by hook and line; and it shall not be lawful at any time for any person or persons to catch or kill such fish, in any of the waters of this State, by the use of traps, gill nets or set nets, or any poisonous, deleterious or stupefying drug, explosive material or other substance; *provided*, however, that nothing in this Act shall be construed to prohibit the taking of fish in private ponds, constructed expressly for the raising of fish by the owners thereof; and *provided* further, that any person wanting spawn, for the propogating of fish, may take fish from their spawning beds or elsewhere, during the spawning season. Any person violating the provisions of this section shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, one-half to be paid to the District Attorney who shall prosecute the suit and one-half to be paid into the Common School Fund of the county.

Penalty.

Taking fish from breeding waters without permission.

SEC. 5. Every person who shall in any manner take or carry away any trout or other fish from any stream, pond or reservoir belonging to any person or corporation, which stream, pond or reservoir has been stocked with fish by hatching the eggs or spawn, or by placing therein, without the consent of the owner of the land covered by and adjoining such stream, pond or reservoir, or without the consent of the agent of the corporation, if such land belong to a corporation, shall be punished by a fine of not less than two nor more than ten dollars for every fish so taken or carried away, and shall also be liable to the owner of such stream, pond or reservoir, in a civil suit, for the full value of all fish so taken or carried away.

Capture of young fish.

SEC. 6. All persons engaged in the business of fishing in the bays or harbors of this State, with seines or traps, and who shall by said seines or traps, or any other means whatsoever,

capture the young of any species of fish valuable for food, but which at the time of capture are unfit for use as food, shall return the same to the water. Every person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, in the discretion of the Court. One-third of all penalties received under this section shall be paid to the informer, one-third to the District Attorney of the county prosecuting the suit and one-third to the School Fund of the county.

No compensation.

Incidental expenses.

Report.

SEC. 7. The Commissioners authorized to be appointed by this Act shall receive no compensation for their services. Their necessary expenses, incidental to procuring and distributing the ova or spawn of fish, in the employment of fish breeders and in carrying out the provisions of this Act, shall be paid from the appropriations herein made, upon accounts or vouchers to be approved by the State Board of Examiners. The Commissioners shall report biennally, to the Governor, an account of their transactions under this Act, and make an exhibit of their expenditure of money under its provisions.

Appropriation.

SEC. 8. The sum of five thousand dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, and the Controller is hereby authorized to draw his warrant on the treasury, in payment of accounts of the Board of Fish Commissioners, as herein authorized.

Indians excepted.

SEC. 9. Nothing in this Act shall be construed to prohibit or prevent Indians from taking trout in any of the streams or lakes of this State, at any time by the same means heretofore usually used and employed by them.

Repealed.

SEC. 10. An Act for the preservation of trout, approved April seventeenth, eighteen hundred and sixty-one, and the Act amendatory thereof and supplementary thereto, approved March twenty-seventh, eighteen hundred and sixty-two, and an Act to amend an Act entitled an Act amendatory of and supplementary to an Act for the preservation of trout, approved March twenty-seventh, eighteen hundred and sixty-two, approved March second, eighteen hundred and sixty-six, are hereby repealed.

SEC. 11. This Act shall take effect immediately.

CHAPTER CCCCLVIII.

An Act to legalize and confirm certain grants and sales of town lands by the Board of Trustees of the Town of Santa Barbara, and by the Mayor and Common Council of the City of Santa Barbara, made since the passage of the Act of March thirty-first, one thousand eight hundred and sixty-six.

[Approved April 2, 1870.]

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

Sales confirmed.

SECTION 1. All grants or sales of lots or parcels of land within the limits of the survey of the pueblo lands of Santa Barbara, as made by the United States Surveyor-General in and for the State of California, by virtue of the final decree of confirmation thereof, made by the Mayor and Common Council of the City of Santa Barbara, or by the Board of Trustees of the Town of Santa Barbara, in conformity to ordinances of said city or town in force at the time the grants or sales aforementioned were made, and for which titles or conveyances have been duly issued and signed by the proper city authorities, or by the President and Secretary of the Board of Trustees of the town, since the passage of the Act of March thirty-first, eighteen [hundred] and sixty-six, are hereby ratified and confirmed.

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

CHAPTER CCCCLIX.

An Act to legalize assessments and to provide for the collection of delinquent taxes in the County of San Luis Obispo.

[Approved April 2, 1870.]

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

Assessments legalized.

SECTION 1. The assessments of taxes upon property, real and personal, made in the County of San Luis Obispo, whether for State or county purposes, in each fiscal year since and including the year of eighteen hundred and sixty-five, are hereby legalized and confirmed, and rendered valid and binding, both in law and equity, against the persons and property assessed; and all delinquent State and county taxes due on such assessments may be collected, and the collection thereof enforced as provided by law.

Delinquent tax lists.

SEC. 2. The delinquent tax lists for said revenue years shall be delivered to the District Attorney of said county, and the said delinquent lists, or the original or duplicate assessment rolls, or a copy of any entry therein, showing unpaid taxes

against any person or property, shall be evidence in any Court to prove the delinquency of property assessed, the amount of taxes due and unpaid, and that all the forms of law in relation to the levy and assessment of such taxes have been complied with, and neither the delinquent tax list nor the assessment roll need be filed in any case in Court.

Defective description of property.

SEC. 3. If in any proceeding in any Court in this State for the collection of delinquent taxes, it shall appear that the real estate or personal property declared on in the complaint has not been sufficiently described, or has been incorrectly described in the assessment roll or in the delinquent tax list, it shall be lawful, on behalf of the people, to introduce testimony showing that at the time of the making of the assessment, the defendant owned the real estate, or the amount of personal property of whatsoever kind, declared on in said complaint, liable to taxation within the county, notwithstanding such defect in the description in said assessment roll or delinquent tax list, and judgment may be entered against such real estate and against such defendant, for the taxes due upon such property, notwithstanding such defective description in such assessment roll or delinquent tax list.

Correction of certificates or affidavits.

SEC. 4. If in any such proceeding it shall be found, upon proffer of such assessment roll or delinquent tax list in evidence, that there exists any defect in any of the certificates or affidavits provided by law to be appended or attached thereto, or an utter absence of such certificate or affidavits, or of any of them, it shall be lawful to correct such certificates or affidavits, or any of them, or to supply their absence nunc pro tunc, by the proper officer or person whose duty it may have been to make such certificate; and evidence may be heard on either side, either to sustain the genuineness of such assessment roll or delinquent tax list so offered in evidence, or to attach the same. In such case, the genuineness thereof shall be a fact to be determined by the jury, or by the Court sitting as a jury; any of said assessment rolls, tax lists or delinquent tax lists, in the custody of the officer or officers required by law to have such custody, shall be prima facie evidence of all facts and exhibits which they contain, notwithstanding the absence of or irregularity in the form of any certificate, return or affidavit in connection with such rolls and tax lists.

Orders confirmed.

SEC. 5. All acts, orders and proceedings of the Board of Equalization of said county, touching the equalization of taxes, are hereby ratified and confirmed and declared effectual and legal.

SEC. 6. This Act shall take effect immediately, and be in force in the County of San Luis Obispo, and in none other.

CHAPTER CCCCLX.

An Act for the endowment of the University of California.

[Approved April 2, 1870.]

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

University Fund.

SECTION 1. The Treasurer of State shall place to the credit of the University Fund so much of any moneys that may be received by him from the net proceeds of sale of any salt marsh and tide lands lying in and around the Bay of San Francisco, belonging to the State of California, as, being invested in the bonds of said State, or of the United States, shall yield an annual income of fifty thousand dollars ($50,000).

SEC. 2. Said moneys shall be a fund, the capital of which shall remain undiminished, and the interest of which shall be inviolably applied to the support of the University of California; *provided*, that if, at any time, the income accruing to the University from the fund created by this Act, and the net income derived from all other sources, shall together exceed an average for the preceding years, reckoning from the date of the passage of this Act, of fifty thousand dollars per annum, then the excess above said average of fifty thousand dollars per annum shall be paid into the Common School Fund of the State.

Excess of income.

Purchase of bonds.

SEC 3. Whenever the sum paid into the University Fund, from the proceeds of the sale of salt marsh and tide lands, as directed in section one, shall amount to fifty thousand dollars, net proceeds, it shall be the duty of the Treasurer to advertise, in two daily newspapers published in English, in each of the Cities of San Francisco and Sacramento, for sealed proposals for the surrender of any of the civil bonds of the State of California, or of any gold-bearing bonds of the United States. He shall state in such advertisement the amount of money on hand applicable to the purchase of bonds, and he shall accept such proposals as will yield the greatest amount of annual interest in gold coin of the United States.

Interest, how applied.

SEC. 4. All bonds thus purchased shall be indorsed "University Fund," and shall be held by the Treasurer of State, who shall collect the interest thereon, which interest, when collected, shall be paid into the University Fund to the extent provided for in section two of this Act, and paid out therefrom, semi-annually, to the Regents of the University, upon their order, to be by them expended for University purposes; *provided*, no portion of said interest so received shall be used for the erection or purchase of buildings nor for the purchase of lands.

Reinvested.

SEC. 5. Whenever the principal of any of the bonds indorsed "University Fund," in the hands of the Treasurer, shall be paid, the amount so paid shall be reinvested in like manner as is provided for in section three.

CHAPTER CCCCLXI.

An Act to extend the time allowed to the Southern Pacific Railroad Company and the Western Pacific Railroad Company in which to make the terminus of their roads upon certain lands donated to them by the State for that purpose in the City and County of San Francisco.

[Approved April 2, 1870.]

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

SECTION 1. The time within which the Southern Pacific Railroad Company and the Western Pacific Railroad Company are required to make the terminus of their roads, and expend thereon the sum of one hundred thousand dollars each, upon certain salt marsh and tide lands in the City and County of San Francisco, donated to said companies for that purpose by an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, one thousand eight hundred and sixty-eight, is hereby extended eighteen months, and the location of said lands for terminal purposes, made under the provisions of said Act, is hereby approved. Time extended.

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

CHAPTER CCCCLXII.

An Act authorizing the Board of Supervisors of Los Angeles County to erect a Court-house, or, in their discretion, to purchase a building suitable therefor, and to construct a fire-proof vault therein, and to borrow money for expenses thereof.

[Approved April 2, 1870.]

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

SECTION 1. The Board of Supervisors of Los Angeles County are hereby authorized to purchase a Court-house lot and to erect a Court-house thereon; or, in their discretion, to purchase a building suitable for a Court-house, with the lot on which it may be situated, and to construct in said building a fire-proof vault for the safety and preservation of the public records of the county. Supervisors may erect or purchase Court-house.

SEC. 2. For the purposes aforesaid, the said Board of Supervisors are hereby authorized to borrow money, not to exceed the sum of twenty-five thousand dollars, in gold coin of the United States, at a rate of interest not exceeding ten per cent. (10) per annum, payable annually, January first of each and every year, until paid, at the office of the Treasurer of Los Angeles County. May borrow money.

Issue bonds. SEC. 3. Upon the payment into the county treasury of the amount of the loan, the Board of Supervisors are hereby authorized to issue bonds in the name of the County of Los Angeles for the amount so loaned, payable on or before January first, one thousand eight hundred and seventy-seven, at the rate of interest as agreed on, the same not to exceed ten per cent. per annum. Said bonds shall be signed by the County Treasurer, and countersigned by the Chairman and Clerk of the Board of Supervisors.

Special tax. SEC. 4. For the purpose of paying the interest on the debt contracted as above, and providing for the payment of the principal, the Board of Supervisors aforesaid are hereby authorized to levy a special tax, not to exceed fifteen cents (15) on each one hundred dollars ($100) of taxable property in the County of Los Angeles, to be levied and collected as other taxes; and said tax shall continue to be so levied, collected and appropriated, as herein directed, without increase or diminution of the rate of taxation, until the debt contracted as hereinbefore provided be paid.

Court-house Fund. SEC. 5. The moneys arising from the taxes herein authorized to be collected shall be set apart by the County Treasurer, and shall constitute the Court-house Fund. The Treasurer, out of this fund, shall each and every year, as hereinbefore provided, pay the annual interest accrued and pay the balance remaining on the principal of the loan.

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

CHAPTER CCCCLXIII.

An Act to establish and define the powers and duties of the Secretary of the Board of Education of the City and County of San Francisco.

[Approved April 2, 1870.]

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

May administer oaths. SECTION 1. The Secretary of the Board of Education of said City and County of San Francisco shall have power to administer oaths and affirmations concerning any demand upon the treasury payable out of the School Fund, or other matters brought before the School Department for investigation.

Salary. SEC. 2. The said Secretary shall be paid a salary, to be fixed by the Board of Education, not to exceed the sum of two hundred dollars per month, in lieu of any salary now paid, payable in the same manner and out of the same fund as the Superintendent of Common Schools for the City and County of San Francisco is paid.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCLXIV.

An Act to fund the debt of the City of Los Angeles, and to provide for the payment of the same.

[Approved April 2, 1870.]

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

Funding Commissioners.

Powers and duties.

SECTION 1. For the purpose of funding, liquidating and paying the hereinafter specified claims against the City of Los Angeles, A. B Chapman, James H. Landec, Cristobel Aguilar, are hereby constituted and appointed a Board of Funding Commissioners of the City of Los Angeles. Said Commissioners are hereby authorized and empowered, and it shall be their duty to carefully examine into the legality or illegality of all of the unfunded indebtedness of said city, the payment of which is hereinafter provided for; and they shall audit and allow, or reject in whole or in part, any or all of said unfunded indebtedness, according, as in their judgment the same shall appear to be just claims against the city or otherwise; and for the purpose of each examination, said Commissioners are hereby authorized to examine all books and papers on file in the office of the Mayor and Common Council, or the Clerk of said Board, or in the office or possession of any officer of said city. They shall have power, also, to compel the attendance of witnesses, and the production of all necessary books, papers or vouchers, to administer oaths, and do and perform all other acts necessary for the full discharge of their duties. A majority of said Board shall constitute a quorum to do business. Every claim or demand, and every character of indebtedness hereinafter provided for, examined by said Commissioners, shall be indorsed by them; such indorsement shall show the date of its examination and allowance or rejection, and if allowed in part, the amount so allowed. No such claim or indebtedness shall be a legal or valid claim against said city or be paid, until passed upon, audited and allowed by said Commissioners, as in this Act provided; *provided*, always, that said Board of Funding Commissioners shall not reject any warrants properly drawn upon the Cash Fund of said city and duly protested by the City Treasurer prior to the first day of February, eighteen hundred and seventy.

Claims allowed.

SEC. 2. Upon the allowance by said Commissioners of any such claim or indebtedness, in whole or in part, they shall certify the same, and then return them to the Common Council of said city.

Term of office.

SEC. 3. The Commissioners hereby appointed shall enter upon the discharge of their duties upon the first day of July, A. D. eighteen hundred and seventy, and shall, from time to time, meet to transact said business, until the first day of November, one thousand eight hundred and seventy, when their duties and powers as such Commissioners shall cease. They shall receive such compensation, not to exceed the sum of two hundred dollars each, for all services by them rendered, as the Board of

Common Council of Los Angeles shall determine. They shall publish, for ten days, in some daily newspaper published in said city, a notice to all holders of claims against said city to present the same at a meeting appointed by them for that purpose.

Bonds. SEC. 4. The Common Council of said city is hereby authorized to cause to be prepared suitable bonds of said city, not exceeding the estimated amount of the city indebtedness upon the first day of July, one thousand eight hundred and seventy, of the denomination of fifty dollars, one hundred dollars, two hundred and fifty dollars, five hundred dollars and one thousand dollars, bearing interest at the rate of seven per cent. per annum from the date of their issue, payable at the office of the City Treasurer of Los Angeles City, upon the first day of May of each year, commencing on the first day of May, eighteen hundred and seventy, and the principal sum thereof, payable at said City Treasurer's office in the City of Los Angeles, upon the first day of May, eighteen hundred and ninety-five. Said bonds shall be signed by the Mayor and President of the Board of Common Council and the City Treasurer, and shall have the

Coupons. seal of the city stamped thereon; and shall have coupons, the first for the interest ending May first, eighteen hundred and seventy-one, and the remainder for one year's interest each year thereafter, to be consecutively numbered and attached to said bonds, so as to be removed without injury or mutilation to the bonds, which coupons shall be signed by the City Treasurer.

Record of bonds signed SEC. 5. It shall be the duty of the Clerk of the Common Council and of the City Treasurer each to keep a separate record of all bonds signed as provided for by section first of this Act.

Expense of preparing bonds. SEC. 6. The Common Council is hereby authorized to set aside not exceeding one thousand dollars of the first cash paid into the city treasury to the credit of the Cash Fund, which sum shall be appropriated to pay the expenses incurred in preparing said bonds.

Presentation of claims. SEC. 7. All persons having any claims against the City of Los Angeles entitled to be funded as hereinafter provided, shall, upon presentation to the Treasurer after the same shall have been passed upon by the commission provided for in section one of this Act, and by said Commissioners adjudged to be good and valid claims, in a sum equal to the denomination of any of the bonds provided for in section four of this Act, to be entitled to receive in exchange therefor a bond or bonds signed as aforesaid. Whenever any claim for a sum exceeding the denomination of the bond shall be presented, the said Treasurer may issue certificates for such fractional excess, which certificates shall be transferable, and be entitled to be funded as hereinafter provided for other indebtedness of the city. When the Treasurer shall deliver any bond or bonds signed by him and the President of the Common Council, the bondholder shall then present the same to the Mayor of the aforesaid city, who shall sign the same and stamp the seal of the city thereon, and return the same to the City Treasurer for his signature, who shall take due receipts therefor from said bondholder, whereupon such bond or bonds shall become legal and subsisting indebtedness of the City of Los Angeles, for the payment whereof the faith of said city is pledged.

SEC. 8. The City Treasurer and Clerk of the Common Council shall each keep a record in his office, showing the number, date and denomination of each bond, to whom issued and delivered, and upon what claim or script (describing it and its amount) each bond was issued. Record of bonds issued

SEC. 9. Whenever the amount of five thousand dollars of bonds shall have been signed and delivered, as hereinbefore provided, it shall be the duty of the Treasurer to notify the President of the Common Council, whereupon they both shall examine the record kept by the Clerk, and his vouchers, and if the same be found correct and legal, and correspond with the record of the City Treasurer, they shall cancel and deface the said vouchers and shall certify in the record of the said Treasurer that they have found his record and vouchers to correspond. Examination of record.

SEC. 10. The following are specified as the claims which shall be received and funded under this Act, viz: All uncancelled city warrants drawn prior to the first day of July, eighteen hundred and seventy, on the Cash Fund. Claims to be funded.

SEC. 11. Claims against the City of Los Angeles, and entitled to be funded by this Act, shall be paid in no other manner than as hereinafter provided: and all claims entitled to be funded shall have interest added, to the first day of August, eighteen hundred and seventy, on the same, at the rate of seven per cent. per annum from the date of the protest of the same by the City Treasurer; which interest shall be paid in the same manner as the principal; and all claims shall be presented, to be funded, by the first day of October, eighteen hundred and seventy, or they shall, from and after that date, cease to draw interest, and the claim or claims shall not be paid until after the entire liquidation of the debt herein funded. Interest. When claims to be presented.

SEC. 12. For the payment of the principal and interest of the bonds issued in pursuance of this Act, and until the same are paid and discharged, a tax of twenty-five cents on each one hundred dollars shall be annually levied and collected on each one hundred dollars worth of real and personal property in said city, and applied to the payment of interest on said bonds, and the remainder of said fund, after paying the annual interest, shall be applied exclusively to the liquidation of the principal of said bonds, and shall be known as the "Interest and Sinking Fund" of eighteen hundred and seventy. Special tax.

SEC. 13. Whenever, on the first day of May of any year, after the payment of the interest as herein provided for, there remain in the Interest and Sinking Fund a surplus exceeding five hundred dollars, it shall be the duty of the City Treasurer to advertise, for two weeks, in a newspaper published in the City of Los Angeles, for sealed proposals, to be opened one week after the expiration of the said publication, by the said Treasurer, at his office, in the presence of the Common Council, in open session thereof, for the surrender of bonds issued under this Act, which advertisement shall state the amount of money he has on hand for the purpose of redemption, and shall require said proposals to be accompanied with good and sufficient security, that the same shall be carried out within ten days after Surrender of bonds.

the acceptance; the class and form of which security may be prescribed by the City Treasurer. When said proposals are opened, they shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the cash on hand for redemption is exhausted.

Compensation.

SEC. 14. The officers herein specified, for the performance of their duties under the provisions of this Act, shall be allowed by the Mayor and Common Council a reasonable compensation.

Record of bonds redeemed.

SEC. 15. Immediately after any bonds shall have been redeemed, as herein provided, it shall be the duty of the Mayor to take the number of said bonds so redeemed, to whom issued, and when redeemed, and make a record of the same in his office; and for that purpose the City Treasurer shall, upon demand, exhibit said bonds to him, and shall furthermore permit him to deface the same in the presence of the Common Council, in such a manner that neither they nor their coupons can again be put in circulation.

To be paid in coin.

SEC. 16. The rate of interest allowed on said warrants in this Act provided to be funded, the rate of interest allowed on said bonds, and the principal of the bonds, shall respectively be paid in gold coin of the United States of America.

Penalty for non-compliance with this Act.

SEC. 17. Any officer of the City of Los Angeles who shall wilfully neglect or refuse to comply with the provisions of this Act, shall be deemed guilty of a misdemeanor in office, and fined in a sum not less than two hundred nor more than five hundred dollars, to be recovered before any Court of competent jurisdiction, or dismissed from office, or both such fine and dismissal, in the discretion of the Court; and all fines collected under the provisions of this Act shall be paid into the said Interest and Sinking Fund of eighteen hundred and seventy.

SEC. 18. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 19. This Act shall take effect on the first day of July, A. D. eighteen hundred and seventy.

CHAPTER CCCCLXV.

An Act to define the powers of Justices of the Peace within the City and County of San Francisco in criminal cases.

[Approved April 2, 1870.]

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

Powers of Justices in criminal cases.

SECTION 1. The Justices of the Peace within the limits of the City and County of San Francisco shall have power and it shall be lawful for them to hear complaints and issue warrants in all criminal cases, and transfer the same to the Police Court of said city and county for trial or examination, by an indorsement of said transfer upon the warrant; but nothing in this Act shall be so construed as to deny to the said Police Court of said

city and county the power to try and decide certain criminal cases as now provided by law.

SEC. 2. All Acts or parts of Acts, so far as they are in conflict with this Act, are repealed.

CHAPTER CCCCLXVI.

An Act to provide for the construction of a Hall of Records at the county seat of the County of Sonoma, to authorize the Board of Supervisors to issue the bonds of the county therefor, and to provide for the payment of the same.

[Approved April 4, 1870.]

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

Hall of Records.

SECTION 1. The Board of Supervisors of Sonoma County are hereby authorized and required to cause to be constructed, upon the Court-house lot in the Town of Santa Rosa, in said county, a Hall of Records, suitable for the use of the Recorder's and Clerk's offices, which shall in the aggregate not exceed the sum of twenty thousand dollars in its construction and completion.

Plans and specifications.

SEC. 2. At the first meeting of said Board after the passage of this Act, they shall invite proposals for plans and specifications for the Hall of Records aforesaid, to be accompanied with bids for the construction of the same, not exceeding such sum as the said Board may designate, which shall be less than twenty thousand dollars. Said Board shall advertise for one month in the newspapers of said county for sealed proposals for the building of said Hall of Records, to be by them opened on a day in the notice named. Each proposal shall be accompanied with such guarantee as the Board may require, that the bidder will enter into good and sufficient bond for the execution of his contract according to his specifications and plans.

Proposals for building.

Award of contract.

SEC. 3. On the day mentioned in the notice, the Board of Supervisors shall proceed to open the sealed proposals filed with them and to consider the same, and shall award the contract to such bidder as shall offer to construct the building on the most favorable terms for the county; and said Board shall have power to reject all the bids offered, if in their discretion they may deem said course best, and to readvertise for other proposals, and in such readvertisement may adopt any one of the plans and specifications submitted to them under the first advertisement, allowing to the bidder whose plans shall have been adopted a compensation for his plans not exceeding two hundred and fifty dollars. The Board shall again, under the second advertisement, proceed as in the first instance, to open the bids presented and to award the contract to the lowest responsible bidder, exercising a discretion as to which bid makes the best offer to the county, all things considered.

To enter into contract.

SEC. 4. When the Board shall have accepted a bid and adopted a plan and specifications they shall immediately proceed to enter into contract with the successful bidder for the construction of the Hall of Records in accordance with their notice, and on such terms as to payments and with such bond for his faithful performance of the work, as the Board shall have adopted and embraced in their notice.

Delivery of bonds to contractor.

SEC. 5. The Board of Supervisors aforesaid are hereby authorized and empowered to cause to be made, executed and delivered to the contractor or his assigns, as the payments shall become due to him, the bonds of the county, in sums not less than five hundred dollars each, save and except one bond for any fraction of five hundred dollars, to complete the entire payment for the work. Said bonds shall bear interest at the rate of seven per cent. per annum, and the principal shall be made payable on a day to be named therein—which shall be twenty years from the date of said bond—at the office of the treasury of the County of Sonoma; both principal and interest to be payable in gold and silver coin of the United States, the interest to be made payable semi-annually at the office of the county treasury aforesaid.

Interest.

SEC. 6. Said bonds shall be prepared and signed by the Chairman of the Board of Supervisors, the Auditor and Treasurer of the county, and countersigned by the Clerk of the County of Sonoma with the seal of office, and dated the day of issue and delivering to said contractor. Coupons for interest, to be paid semi-annually, shall be attached to each bond so that they may be detached when paid without mutilating the bond, which shall be signed by the Treasurer of Sonoma County. When any interest shall be paid, the coupons so paid shall be detached by the Treasurer from the bond, and cancelled and filed in his office, and reported and settled for with the Board of Supervisors.

Coupons.

Special tax.

SEC. 7. The said Board of Supervisors shall have the power, and it is hereby made their duty each, after they shall have made the contract for building said Hall of Records, to levy upon the taxable property of the County of Sonoma a special tax, not exceeding one-fifth of one per cent. or for any less rate, as will be sufficient to pay the interest upon said bonds so provided to be issued, and create a fund to liquidate and pay off the whole of the principal and interest of said bonds within twenty years from their date, which tax shall be levied, assessed, collected and paid into the county treasury as other taxes now are or may hereafter by law be required to be levied, collected and paid, and when so collected shall constitute the Building Fund of said county, and from it shall be paid the interest to fall due on said bonds, and the overplus to constitute a Sinking Fund for the payment of the principal of said bonds.

Redemption of bonds.

SEC. 8. At any time when there shall be an amount exceeding fifteen hundred dollars in said Sinking Fund in the county treasury, the Treasurer shall cause notice thereof to be published in such newspaper of the county as they may designate, calling upon the holders of said bonds to offer bids, under seal, for the surrender of their bonds to the amount so in said Sinking Fund, and on the day therein named said Treasurer shall open said bids and pay, upon the bonds offered at the best rates

for the county, the money so in said fund; *provided*, no payment shall be made upon said bonds for more than one per cent. above par. In case no bonds are surrendered to be credited under said notice, the Board of Supervisors may make such temporary dispositions of said fund as may be for the best interest of the county; *provided*, it shall not be loaned out for less than one per cent. interest per month, nor for a longer period than two years, upon good mortgage on real estate of double the value of the amount loaned, all expenses thereof to be paid by mortgagor. Said Board may also borrow, for a period not exceeding one year, any money in said Sinking Fund, for the use of any other fund of the county, without interest.

Superintendent of work.

SEC. 9. The Board of Supervisors may appoint some suitable person as Superintendent of the work and building of said Hall of Records, who shall generally have the supervision of said building, and to whose satisfaction the work shall be done by the contractor, for which provision shall be made in the contract, who shall receive a compensation not exceeding one hundred and fifty dollars per month, out of the fund aforesaid.

Surplus moneys.

SEC. 10. Any money remaining in said Building Fund after the payment of the bonds hereinbefore provided for, shall be used by the Board of Supervisors in repairs to the county building.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLXVII.

An Act to amend an Act entitled an Act to regulate fees of office, approved March fifth, eighteen hundred and seventy.

[Approved April 4, 1870.]

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

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

Fees of Justices of the Peace.

Section 26. Fees of Justices of the Peace in the several counties of this State:

For filing each paper, twenty-five cents.

Issuing any writ or process by which suit is commenced, fifty cents.

For entering every cause upon his docket, fifty cents.

For issuing subpœna, twenty-five cents.

For administering an oath or affirmation, twenty-five cents.

For each certificate, twenty-five cents.

For issuing writ of attachment or of arrest, or for the delivery of property, fifty cents.

For entering any final judgment, for the first folio, one dollar; for each additional folio, twenty cents.

For taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents.

Fees of Justices of the Peace.

For taking justification to a bond, fifty cents.

For swearing a jury, fifty cents.

For taking deposition, per folio, twenty cents.

For entering satisfaction of a judgment, fifty cents.

For copy of a judgment, order, docket, proceeding or paper in his office, for each folio, twenty cents.

For issuing commission to take testimony, fifty cents.

For issuing supersedeas to an execution, fifty cents.

For making up and transmitting transcript and papers on appeal, one dollar and fifty cents.

For issuing search warrant, fifty cents.

For issuing an execution, fifty cents.

For celebrating marriage and returning certificate thereof to the Recorder, five dollars.

For all services and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, three dollars; *provided*, in the County of Los Angeles the fees in a criminal action shall be collected from the defendant if convicted, but shall in no case become a county charge.

For taking bail after commitment in criminal cases, one dollar.

For entering cause without process, one dollar.

For entering judgment by confession and only on affidavit, as required in District Court, three dollars.

For entering every motion, rule, exception, order or default, twenty-five cents.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For all services connected with the posting of estrays, including the transcript for the Recorder, two dollars.

In cases before Justices of the Peace, when the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered the making up and transmission of the transcript and papers, shall receive two dollars, and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him. All fees of Justices of the Peace, including those on trial and those on appeal, must be paid before the Justice shall be compelled to forward any papers on appeal.

For all services appertaining to the Coroner's office, which the Coroner is unable to attend to, the Justice of the Peace shall receive the same fees as are allowed the Coroner for similar services; *provided*, that in the County of Los Angeles no Justice of the Peace shall be entitled to receive, in full compensation for all services rendered by him in criminal cases, a sum exceeding three hundred dollars, in the aggregate, per annum.

For transcript of judgment, per folio, twenty cents; *provided*, that in the Counties of Amador and Sierra, Justices of the Peace may lawfully charge, demand and receive the fees allowed by an Act to regulate fees of office, approved April tenth, eighteen hundred and fifty-five; *provided* further, that in the Counties of Alameda, Santa Clara, Santa Cruz, Monterey, Shasta and Sutter each Justice of the Peace shall be allowed, in a civil action before him, the following fees, and no others: For all services

required to be performed by him, before trial, two dollars, and two dollars additional for each writ of attachment or replevin; and for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution thereon, three dollars; and twenty-five cents for each hour actually occupied by the trial of each cause; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, three dollars. Fees of Justices of the Peace.

For certificate and papers of appeal, one dollar.

For copies of papers or docket, per folio, fifteen cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For celebrating a marriage and returning a certificate thereof to the County Recorder, three dollars.

For taking depositions, per folio, fifteen cents.

For administering an oath and certifying the same, twenty-five cents.

For issuing a commission to take testimony, fifty cents.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For all services and proceedings before a Justice of the Peace, in a criminal action or proceeding, whether on examination or trial, three dollars.

For all services connected with the posting of estrays, including the transcript for the Recorder, two dollars.

In cases before Justices of the Peace, when the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive two dollars; and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him. All fees of Justices of the Peace, including those on trial and those on appeal, must be paid before the Justice shall be compelled to forward any papers on appeal.

For all services appertaining to the Coroner's office, which the Coroner is unable to attend to, the Justice of the Peace shall receive the same fees as are allowed the Coroner for similar services.

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

CHAPTER CCCCLXVIII.

An Act granting certain privileges to the Protrero and Bay View Railroad Company.

[Approved April 4, 1870.]

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

SECTION 1. The time for the Protrero and Bay View Railroad Company to lay and complete the railroads which it is Time extended.

authorized to construct, equip and maintain in the City and County of San Francisco, is hereby extended for the period of two years from and after the first day of September, A. D. one thousand eight hundred and seventy.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCLXIX.

An Act to amend an Act entitled an Act to regulate the fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

[Approved April 4, 1870.]

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

SECTION 1. Section fifty-two of said Act is amended so as to read as follows:

Exempt

Section 52. The City and County of San Francisco is hereby exempted from all the provisions of this Act, excepting, however, the provisions of sections two and twenty-two of said Act, which are hereby made applicable to the said city and county.

SEC. 2. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

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

CHAPTER CCCCLXX.

An Act to incorporate the Town of Brooklyn and to define and establish the boundary line between said town and the City of Oakland.

[Approved April 4, 1870.]

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

CORPORATE NAME.

Corporate name.

SECTION 1. The people of Brooklyn Township, in Alameda County, within the limits of the Villages of Clinton, Lynn, Brooklyn and vicinity, are hereby appointed and constituted a body politic and corporate by the name of the Town of Brooklyn, 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 enjoy real and personal

property, and sell and dispose of the same for the common benefit, subject to the provisions and limitations of this Act, and in no other way whatsoever.

BOUNDARIES.

Boundaries.

SEC. 2. Commencing at the bridge at the intersection of Encinal and Park avenues, as laid down upon the published map of Oakland and vicinity (of William F. Boardman, City and County Surveyor), and thence following in a northerly and easterly direction along the boundary line of the City of Oakland, and following said boundary line to a point opposite the centre of Prospect street; thence northeasterly, across Lake Shore avenue, to the centre of the highway leading to Lake Park; thence along the centre of said highway to an intersection with Indian Gulch; thence easterly, along the centre of said Indian Gulch, to the southerly and westerly line of the lands of John Hampe (excluding said lands); thence along the westerly line of said lands to the county road leading to Moraya Valley, as shown on aforesaid map; thence easterly, along the northerly line of lands formerly the property of Duncan Cameron, to an intersection with Sausal Creek (at the southeast corner of Porter's plot); thence southerly, along said creek, to the northerly line of lands belonging to George Stevens; thence westerly, along said line, to the northwest corner of said lands, at the easterly line of Lynn, as shown on said map; thence southerly, along said line, to the northeast corner of the northern addition; thence southerly, along the easterly line of said northern addition, to northwest corner of the Cameron plot; thence easterly, along the northerly line of said Cameron plot, to the northwest corner of Ghiardelli plot; thence southerly, along the westerly line of said land, in a direct line prolonged, to the southerly line of the old county road; thence westerly, along the southerly line of said road, to the northeast corner of the land of Serin Vincent; thence southerly, along the dividing line between the lands of said Vincent and W. A. Bray prolonged in a direct line, to point in the south line of Adams avenue; thence westerly to the northwest corner of the lands of Joshua Tevis; thence southerly, along the westerly line of the lands of said Tevis, to the southwest corner thereof; thence easterly, along the line of Shell Mound Villa Tract, to the southeast corner of the land of Mrs. Reyna; thence southerly, in a direct line, to the place of beginning.

OFFICERS.

Officers.

SEC. 3. The government of said town shall be vested in a Board of Trustees to consist of five members, an Assessor, and a Clerk, who shall be ex officio Treasurer. The Justice of the Peace and Constable now in office and residing within the limits of the Town of Brooklyn shall continue to perform the duties of Justice and Constable, respectively, in said town, until their term of office shall expire, and until their successors shall be elected and qualified.

ELECTION OF OFFICERS.

Election of officers.

SEC. 4. Said Trustees, Assessor and Clerk shall be elected by the qualified electors of said town on the first Monday in May, A. D. eighteen hundred and seventy, and their successors on the first Monday in May each and every succeeding year thereafter, at an election to be held for that purpose, by the legal voters resident in said town; and they shall hold their offices for one year and until their successors are elected and qualified.

MEETINGS OF TRUSTEES.

Meetings of Trustees.

SEC. 5. The Board of Trustees shall assemble within ten days after receiving notice of their election, and choose a President from their number, and when deemed necessary by the Board of Trustees, they may appoint a Clerk and Marshal, or either of them. They shall, by ordinance, fix the time and place of holding their stated meetings, and may be convened by the President at any time, by a written notice delivered to each member; and all meetings of the Board shall be held within the corporate limits of said town, and shall be public.

SEC. 6. At the meetings of the Board, a majority of the Trustees shall constitute a quorum to do business. A smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Board previously, by ordinance, may have prescribed.

DUTIES AND POWERS OF BOARD OF TRUSTEES.

Powers and duties of Board of Trustees.

SEC. 7. The Board of Trustees shall judge of the qualifications, and of the election and returns of their own members, and determine contested elections of all town officers. They may establish rules for their own proceedings, punish any member or other persons for disorderly behavior in their presence. They shall keep a journal of their proceedings, and, at the desire of any member, shall cause the ayes and noes to be taken on any question, and entered on the journal.

SEC. 8. The Board of Trustees shall have power within said town—

First—To make by-laws and ordinances, not repugnant to the Constitution and laws of this State or the United States.

Second—To construct and keep in repair pumps, aqueducts, reservoirs or other works necessary for duly supplying the town with water, under the limitations hereinafter presented by this Act.

Third—To lay out, alter, open and keep open and repair the streets, sidewalks and alleys of the town, and determine the width and grade of all streets and sidewalks in the town; *provided*, that they shall not open or extend Fremont or Jefferson streets through the property of T. W. Badger. The said property is known upon the official map or plot of Brooklyn as fractional blocks numbers one and eleven.

Fourth—To provide such means as they may deem necessary to protect the town from injuries by fire.

Fifth—To levy and collect annually, not to exceed one per cent. on the assessment valuation of all property, both real and personal, within the limits of the town. Powers and duties of Board of Trustees

Sixth—To impose and collect a road poll tax of not exceeding two dollars per annum on every male inhabitant of the age of twenty-one years and upwards, and no other road poll tax shall be collected within the limits of the Town of Brooklyn.

Seventh—To impose and collect a tax of not to exceed two dollars per annum on every dog owned within the limits of the town.

Eighth—To provide for the draining, the establishing of grades, improvements, repairs and lighting of the streets, and the construction of sidewalks, drains and sewers, and the keeping of the same in repair; to prevent the erection of slaughter houses, or the business of slaughtering animals within the limits of the town; to provide for the prevention and summary removal of all nuisances; to provide for the prevention and summary removal of all occupations detrimental to the public health, comfort and safety, and to provide for the prevention and regulation of contagious diseases; to suppress or regulate the erection of soap, glue or tan works; to suppress and prohibit gambling houses and all houses of ill fame and prostitution, and all occupations, houses, places, amusements and exhibitions, which are against good morals and contrary to public order and decency

Ninth—To regulate the erection of steam boilers and engines, and to prohibit the erection thereof in places deemed dangerous to the inhabitants of the town.

Tenth—To prevent the leaving of any animals upon any street, alley or lane within the limits of the town, without securely fastening the same; also, to prevent the hitching or fastening of any animal to, or to prevent the posting of any notice or placard upon, or otherwise destroying or injuring any lamp-post or hydrant, or any tree upon any highways of the town, or any case or box around such tree.

Eleventh—To prevent the appearance of any person upon any highway or public place in a state of drunkenness or intoxication, or in any private house or grounds, to the annoyance of any person therein, and to prevent any person or persons from behaving in an indecent or lewd manner, or making any indecent exposure of his person, or performing any indecent, immoral or lewd play or representation, or the bathing in any public manner within the limits of the town; to prevent any noise, disorder or tumult to the disturbance of the public peace.

Twelfth—To prevent the discharge of fire-arms, pistols or cannon within prescribed limits; to prevent the immoderate riding or driving of any horse or other animal upon the highways within the town; to prevent any sport or exercise upon the highways or public grounds having a tendency to frighten horses; to empower any police officer or Justice of the Peace to disperse any disorderly crowd upon the highways or sidewalks.

Thirteenth—To provide for inclosing, improving and regulating all public grounds at the expense of the town.

Fourteenth—To license, tax and regulate all such business and

Powers and duties of Board of Trustees.

employments as the public good may require, and as may not be prevented by law; *provided*, that all licenses issued within the Town of Brooklyn, and heretofore made payable into the county treasury, shall be paid into the town treasury for the use of said town; and it shall be unlawful for any county officer to collect any such licenses within the said town.

Fifteenth—To permit the laying of railroad tracks and the running of street cars, drawn by horses, thereon, and to regulate the same.

Sixteenth—To erect, purchase or lease proper buildings for school purposes, or for a fire department.

Seventeenth—To provide for the good order of the town, and to appoint special policemen when deemed necessary to preserve the public peace.

Eighteenth—To purchase, hold and maintain a fire engine and such implements for the prevention and extinguishment of fires as may be necessary.

Nineteenth—To prevent horses, cattle, goats and swine from running at large, being picketed or herded upon the streets, alleys, lanes or public grounds within the limits of the town.

Twentieth—To establish a pound and a Poundkeeper, and prescribe his duties, and to provide for a public sale by the Poundkeeper of such animals as shall be impounded, in the same way and upon like notice that personal property is sold by execution under the laws of the State; *provided*, said Board of Trustees shall allow, by the proper order, the owner or owners of such property so impounded, to reclaim the same at any time before the sale, upon payment of costs and charges of taking up and impounding; and within thirty days after the sale, shall allow him or them, upon proof of ownership of the property sold, duly made before a Justice of the Peace, and upon payment of costs of impounding and selling, and upon the payment of the sum of one dollar to the said Justice, as a fee for the investigation of ownership, and for his certificate to that effect, the purchase money arising from such sale or sales.

Twenty-first—To provide for the lighting of such streets and buildings belonging to or in use by the town, as may be necessary; *provided*, that no contract for lighting any street shall be let for a longer period than five years.

Twenty-second—To offer and pay rewards for the arrest and conviction of persons charged with crime.

Twenty-third—To prescribe and fix such penalties for the violations of any of the provisions of this Act as are not otherwise provided for.

Twenty-fourth—To erect, purchase or lease a building necessary for the public meetings of the Board of Trustees; also, a suitable building for an engine house, and a structure suitable for a town prison; *provided*, that the amount expended for the construction of buildings shall not exceed four thousand dollars ($4,000) in any one year; and *provided* further, that the amount expended for leasing shall not exceed one thousand dollars ($1,000) in any one year.

Twenty-fifth—The Board of Trustees shall have power to order, in the general municipal election, on like notice and in the same manner as the other officers are elected, one or more Justices of

the Peace and one or more Constables, to hold office for one year and until their successors are elected and qualified.

Twenty-sixth—To pass all ordinances and by-laws necessary and proper for fully carrying into effect the powers herein granted.

VIOLATION OF ORDINANCES.

Violation of ordinances.

SEC. 9. The Board of Trustees may, by ordinance, designate the fines to be imposed for the breach of their ordinances, but no fine shall be imposed on any one person, for any one breach of any ordinance, of more than one hundred dollars for any one offence, which fine may be recovered before any Justice of the Peace having his office within the incorporate limits of the town, by suit in the name of the Town of Brooklyn, and collected by execution or in such other manner as fines imposed by the laws of the State are collected; and persons living within the limits of the town shall be competent jurors and witnesses, if in other respects competent and qualified. All fines collected under this Act shall, by the officers collecting the same, be paid over to the Town Treasurer; and for any omission to do so, such officer may be proceeded against upon his official bond, in the name of the town, in the manner authorized by law on the failure of officers to pay over money collected when so required.

SEC. 10. The Board of Trustees shall have power to designate the fines and imprisonments to be imposed for any breach or violation of any town ordinance, but no fine shall be for a larger amount than one hundred dollars, nor any imprisonment for more than thirty days, for any one offence.

PUBLIC SCHOOLS.

Public schools.

SEC. 11. At the same time that the Board of Trustees herein provided for is elected, there shall be elected three Trustees of Public Schools, who shall hold their office for one year, and until their successors are elected and qualified; *provided*, that no member of the Board of Trustees shall hold the office of School Trustee. The Trustees of Public Schools shall, on or before the first Monday of February in each year, submit in writing to the said Board of Trustees, a careful estimate of the amount required for the support of the public schools, and for carrying into effect all the provisions of the law with reference thereto, for the ensuing year, with an estimate of the amount of money to be received from the State and county, and the amount required from the town for the above purposes; and the amount so found to be required from the town, or so much thereof as may be agreed to by the Board of Trustees, shall by the said Board be added to the other amounts to be assessed and collected for town purposes; *provided*, the amount so assessed shall not exceed thirty-five cents on the one hundred dollars valuation, and when collected shall be paid into the School Fund, and be drawn out only on the order of the said School Trustees. And in case the said School Trustees shall require additional school lots or buildings, the estimates of cost of the same shall be submitted to the Board of Town Trustees, and if the said Board

approve, it shall provide for the same in the same manner as for other school expenses, or in such other manner as shall be lawful. The School Trustees shall have full control of all moneys raised for school purposes, and of all property created and obtained for school accommodation, and shall have power to establish and maintain public schools in accordance with the provisions of the general school law; *provided*, that no real estate shall be bought, sold or exchanged, or any new school buildings constructed, without the consent of two members of the School Trustees and three members of the Board of Trustees; and *provided* further, that the proceeds of any such sale or exchange shall be applied exclusively to the purchase of other lots or the erection of school houses. The School Trustees shall not have power to contract any debt or liability, in any form whatever, against the town. The said School Trustees shall hold meetings as often as once a month, and oftener, if deemed necessary. A majority of all the members elect shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The School Trustees may determine the rules of their proceedings. Their sessions shall be public, and their records shall be open to public inspection.

LAYING OUT AND OPENING STREETS.

Laying out and opening streets.

SEC. 12. *Article One*—Whenever a petition shall be presented to the Board of Trustees of the Town of Brooklyn, signed by the owners of a majority of the real estate fronting on both sides of any projected street, it shall be the duty of said Board to examine into said matter, and if, in the opinion of a majority of all the members elected to said Board, to be expressed by a resolution to be entered upon their minutes, with the names of members voting therefor, the benefits to arise from granting said petition, in whole or in part, will exceed the damages and expenses to be caused thereby, and the convenience of the public will thereby be promoted, they may, by resolution, direct an engineer to furnish a map of the said proposed improvement, and of the premises to be affected thereby, a copy of which resolution shall forthwith be transmitted by the Clerk of the said Board to said engineer.

Article Two—It shall be the duty of said engineer, upon receiving such notice, to proceed and survey the said proposed improvement; to make a map thereof, showing the location, boundaries, the amount of land necessary to be taken, and the names of the owners and possessors thereof, showing the portions owned and possessed by each, and return the same to the Board of Trustees within ten days after the receipt of said resolution by him, unless longer time shall be granted by said Board.

Article Three—Upon receiving said map and return from said engineer, the said Board shall forthwith give notice, of not less than five days, by publication in a newspaper, if there be one published within said town; if there be no newspaper published in said town, then by posting notices at the place of meeting of said Board, and at three other public places in said Town of Brooklyn, of the time and place where they will hear all par-

ties desiring to show cause against said improvements; at the time and place designated in such notice, or at such subsequent time as the Board may adjourn to, but such adjournment shall not in the aggregate exceed seven days, the Board shall proceed with such hearing. Laying out and opening streets.

Article Four—If no objection be made, or if, after hearing the objections thereto, the Board shall remain of the opinion that such improvement should be made, they shall elect, by ballot, three Commissioners, residents and property owners in said city, not interested, directly or indirectly, in the proposed improvement or in the property to be affected thereby, to assess the damages and benefits to be caused by said improvement. Within two days thereafter said Commisioners shall give notice of the time and place where they will proceed to examine the property to be affected by such improvement, by an advertisement for three days in a newspaper published in said town, if there be a newspaper published therein, and if not, by posting notices at the place of meeting of the Board, and at three other public places in said town. At the time and place named they shall proceed to examine the lands and improvements to be affected by the proposed improvements, and shall first ascertain the amount of damages to be sustained, the names of the owners of the property to be damaged and the amount to be paid to each of such owners therefor. They shall then assess upon the property to be benefited by such improvement a sum sufficient to pay the whole amount of said damages, and the fees and expenses of the said Commissioners, and shall apportion the same among the owners of the several parcels of property to be thus benefited, in proportion to the amount of benefits to accrue to each. In making such estimate and apportionment, they shall take all pertinent testimony that may be offered them, and may examine any witnesses that they shall deem it necessary or advisable to call, and shall have authority to administer oaths to all persons testifying before them. Within twenty-one days after their appointment, unless further time be granted by the Board of Trustees, they shall make a report to the said Board of the assessments and awards so made by them, with the names and amounts of the persons damaged or benefited as aforesaid.

Article Five—Upon receiving such report, said Board may, by ordinance, levy a tax upon the several parcels of property reported as benefited by said improvement, for the amounts severally charged against each in said report, which tax shall be a lien upon said several parcels of property severally, and shall not be removed until said tax is paid. Immediately after levying such tax, they shall give notice thereof by advertisement, requiring the owners of the property taxed to pay the amounts severally due each, to the Town Clerk, within ten days from the first publication of said notice. At the expiration of said ten days, there shall issue to the Town Marshal a warrant, to be signed by their President and Clerk, commanding him to levy and collect all of the said tax that shall be then unpaid, with his fees for collection, from the property upon which the same is a lien as aforesaid, and shall thereupon deliver the same to said Marshal.

Laying out and opening streets.

Article Six—Upon receiving said warrant, said Marshal shall proceed to collect so much of said tax as is unpaid, by levy upon and sale of the several portions of property upon which said unpaid tax is a lien, in the same manner and with the same authority as sales on execution by Sheriffs, and shall return said warrant, with his doings thereon, within thirty days after the receipt thereof by him. If, for any reason, the whole amount thereof shall not be collected, said Board may issue, with like effect, a subsequent warrant or warrants until all be collected.

Article Seven—As soon as money enough for the purpose is received from said tax, said Board shall direct the Marshal to pay or tender to each party to whom damages have been awarded, the sum severally due to them, and thereupon to proceed forthwith and open said street or other improvement; and the same shall thereupon be deemed to be open to public use, for the purpose and to the extent in the original ordinance prescribed. If any person or party entitled to damages cannot be found by said Marshal, he shall deposit the amount due to them in the town treasury as a special deposit, subject to their order, and the same shall be deemed a sufficient payment under this Act. The money so deposited shall not be drawn or used for any other purpose whatever.

Article Eight—All moneys collected under this Act shall be paid into the town treasury as a Special Fund, for the purposes for which they were collected, and shall not be drawn out or used for any other purpose whatever.

Article Nine—The engineer aforesaid, and the Commissioners to be appointed as herein prescribed, shall each have the right to go in or upon any property for the purpose of making the survey and examinations above mentioned, or for any other purpose necessary in the discharge of their duties under this Act. Said Commissioners shall each be entitled to three dollars for the first day, and two dollars for each subsequent day devoted to their duties as such Commissioners, and they shall not receive any other fees or compensation for such services.

CONSTRUCTION AND REPAIR OF SIDEWALKS.

Construction and repair of sidewalks.

SEC. 13. If, at any time, the owners of a majority of the real estate fronting on one side of any street, between two given points on such street, shall petition the Board of Trustees to order to be constructed or repaired a sidewalk along said street and between said given points, then it shall be the duty of said Trustees to determine and draw up, or cause to be drawn up, plans and specifications of the character of the sidewalk to be constructed or repairs to be made; and shall order said improvements, as petitioned for, to be made in accordance with said plans and specifications, and shall make an assessment of the costs thereof to each of the persons owning the real estate between said given points, each of said persons to pay the cost of said improvement in front of his property; and the same shall constitute a lien upon such real estate until the assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making such improvements in front of his property, in accordance with the specifications and within

the time mentioned in the ordinance ordering the improvements to be made; but if not so made, then it shall be the duty of the Marshal forthwith to let out, in the manner provided by ordinance, the making of all improvements that remain unfinished; and if the owner or occupant of such real estate shall fail, neglect or refuse to pay for the cost of the same when completed, it shall be the duty of the Marshal, by order of the Board of Trustees, to institute a suit in the name of the town, against the owner, for the recovery of said costs; and the judgment recovered thereon shall constitute a lien upon said real estate, and execution may be issued thereon, and may be served as in other civil cases. The said Trustees may require said sidewalks, after such improvements have been made, to be kept in good repair by the owners of said real estate; and if not repaired when ordered, the Marshal may let out the making of said repairs, and collect the cost of the same in the same manner as in the case of the owners failing to make or pay for the cost of the improvement as aforesaid; *provided*, that the cost of the plans and specifications shall be paid out of the General Fund of the town; and *provided* further, that all street crossings for sidewalks shall be made at the expense of the owners of the quarter blocks adjacent to said crossing.

IMPROVEMENT OF STREETS.

Improvement of streets.

SEC. 14. If at any time the owners of more than one-half in frontage of lots and lands fronting on any street or proposed street, between two given points on such street, or their duly authorized agent, shall petition the Board of Trustees to order to be graded, macadamized or otherwise improved, such street between said points, then it shall be the duty of said Board of Trustees to determine and draw up, or cause to be drawn up, plans and specifications of the character of the improvement to be made on such street, and shall order said improvement, as petitioned for, to be made in accordance with said plans and specifications, and may make an assessment of one-half of the cost thereof to each of the persons owning the real estate fronting on said street between said points, each of said persons to pay one-half of the cost of making said improvement in front of his property; or said Board of Trustees may assess less than one-half of the cost of said improvement to each of the owners of the real estate fronting on said street, and may pay out of the town treasury such amount as may be necessary to complete said improvement. Whatever amount may be assessed against said real estate, as aforesaid in this section, by said Board of Trustees, shall constitute a lien upon such real estate until the assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making such improvement in front of his property, in accordance with the plans and specifications, and within the time mentioned in the ordinance ordering the improvement to be made; but if not so made, then it shall be the duty of the Marshal forthwith to let out, in the manner provided by ordinance, the making of all improvements

that remain unfinished; and if the owner or occupant of such real estate shall fail, neglect or refuse to pay for the cost of the same, when completed, it shall be the duty of the Marshal, by order of the Board of Trustees, to institute suit in the name of the town, against the owner, for the recovery of said costs; and the judgment recovered thereon shall constitute a lien upon said real estate, and execution may be issued thereon and may be served as in other civil cases. The plans and specifications herein provided for, and all costs and expenditures for the improvement and repair of the sidewalks in front of the public grounds of the town, and the one-half of the cost and expenditure of the improvement of the streets in front of such public grounds, shall be paid out of the town treasury.

STREET ASSESSMENTS.

Street assessments.

SEC. 15. The assessments provided for in sections twelve and thirteen of this Act shall be made upon the lots and lands fronting upon the street to be improved, each lot or portion of lot being separately assessed, in proportion to its frontage, at such rate per front foot as the Board of Trustees may have agreed upon, not to exceed the one-half of the cost of such improvement in front of such property.

SEC. 16. Whenever any street to be improved, as provided in section fourteen of this Act, shall cross any other street, then the expense of the improvement on such crossing shall be assessed by the Board of Trustees upon the four quarter blocks adjoining and cornering on the crossing; and each lot or part of a lot in such quarter block fronting on such street where the improvement is being or about to be made, shall be separately assessed according to its proportion of frontage on such street to be improved; *provided*, that said Board of Trustees may assess less than the entire cost of said improvement on said four quarter blocks, and may pay the balance out of the town treasury. The Trustees shall fix by ordinance, each year, the amount of taxes to be levied and collected for current expenses; *provided*, that no tax to be levied for any one year shall exceed one per cent. on all the taxable property in said town.

DEBT.

Debt.

SEC. 17. Neither the Board of Trustees, nor any officer, officers or authority, shall have power to contract any debt against said town, and no person or property therein shall ever be liable to be assessed or be subject to taxation in any form to provide for the payment of any debt hereafter contracted, or any claim against the town, except such legal or proper expenses thereof as shall accrue after the commencement of the year for which the tax shall be levied, and no part of the moneys levied and collected by taxation for one year shall ever be applied toward the payment of any expenses, debt or liability incurred during any preceding year.

LEGAL ORDINANCES.

SEC. 18. Every ordinance passed by the Board of Trustees, in order to possess legal force, shall receive a majority vote of all the members elected. Legal ordinances.

BOARD OF EQUALIZATION.

SEC. 19. The Board of Trustees shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed to the Clerk his assessment, and after ten days notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way they, or a majority of them, shall deem just and proper. Said meeting shall be held for such length of time as the Board of Trustees shall by ordinance fix. Board of Equalization

OFFICIAL OATHS AND BONDS.

SEC. 20. The Marshal, Assessor, Clerk and Treasurer, before entering upon the duties of their office, shall take the oath of office as prescribed by law, and also give a bond, with sureties to be approved by the Board of Trustees of said town, payable to the Town of Brooklyn, in such penalty as may be prescribed by ordinance, conditioned for the faithful performance of the duties of their offices as required by law. Should the bond of any town officer become insufficient, he shall be required to give such additional security, within ten days, as the Board of Trustees may require, not exceeding the amount fixed by ordinance. Upon his failure to do so at the time fixed, his office shall be declared vacant, and such vacancy shall be filled by appointment of the Board of Trustees. Official oaths and bonds.

VACANCIES.

SEC. 21. If any vacancies shall occur in any of the offices created by this Act, they shall be filled by appointment of the Board of Trustees. Should any of the officers herein mentioned fail to qualify and give the bond required, for the period of ten days after receiving notice of their election, the office shall be deemed vacant, and the same shall be filled as provided in this Act. The official bond of every officer named in this Act shall be filed with the President of the Board of Trustees. Vacancies.

CLAIMS.

SEC. 22. All demands that shall lawfully arise against the town, in order to be entitled to payment, shall, after being verified by the oath of the claimant, be presented to and allowed for such an amount as shall be deemed just by the Board of Trustees; and no bill, demand or warrant shall be paid out of the town treasury unless the same be allowed by the Board of Trustees, signed by the President of said Board and countersigned by the Clerk. Claims.

CLERK.

Clerk. SEC. 23. It shall be the duty of the Town Clerk, in addition to any duties required of him by the Board of Trustees, to attend all meetings held by said Board; shall keep a correct journal of their proceedings, and on receiving the official returns of all charter elections held, shall, without delay, after the result of the election has been declared by the Board of Trustees, notify the persons elected; and he shall receive such compensation for his services as said Board of Trustees may by ordinance fix.

MARSHAL.

Marshal. SEC. 24. It shall be the duty of the Town Marshal, in addition to any duties required of him by the Board of Trustees, and he is hereby authorized, to enforce all ordinances passed by the Board of Trustees, and arrest all persons guilty of a violation of the same; to collect all taxes that shall at any time be due to said town; to receive the tax list, and upon the receipt thereof to proceed and collect the same at the time and in the manner as by ordinance may be provided, the said Marshal being hereby vested with the same powers to make collections of taxes as is or shall be conferred upon Tax Collectors for the collection of State and county revenue. And it shall be the duty of said Marshal to collect, in the same manner, any tax list placed in his hands for that purpose, without any unnecessary delay, and pay all taxes to the Town Treasurer monthly, taking his receipt therefor. Said Marshal shall receive such compensation for his services, rendered under the provisions of this Act, as the Board of Trustees may by ordinance fix.

TREASURER.

Treasurer. SEC. 25. It shall be the duty of the Town Treasurer to receive and safely keep all moneys that shall come into the town treasury, and pay out the same on the order of the Board of Trustees, countersigned by the President and Clerk, and take receipts therefor; and to perform such other duties as may be required of him by said Board of Trustees; and shall make out a quarterly statement of his receipts and payments, verified by his oath, and file the same with the Town Clerk; and, at the end of his official term, shall deliver over to his successor in office all moneys, books, papers or other property in his possession belonging to the town.

ASSESSOR.

Assessor. SEC. 26. It shall be the duty of the Town Assessor, in addition to any duties required of him by the Board of Trustees, between the first Monday in May and the first Monday in August of each year, to make out a true list of all taxable property within the limits of said town, which list, certified by him, shall, on the third Monday in August, be by him placed in the hands of the Board of Trustees for equalization. The mode of making out such list and ascertaining the value of the property

shall be the same as that prescribed by law for assessing State and county taxes; and the Assessor shall receive for his services such sum as shall be fixed by ordinance. All assessments made upon real and personal property within the limits of the town by the County Assessor, for roads and school purposes, shall be transferred by the Town Assessor to the town assessment roll, and shall be collected by the Town Tax Collector at the same time and in the same manner as other town taxes are collected, and be paid into the town treasury, and be expended within the town limits for the purposes for which it was collected; and it shall be the duty of the County Assessor to deduct the same from the county assessment roll, and it shall be unlawful for the County Tax Collector to collect any of said taxes.

PAYMENTS IN COIN.

SEC. 27. All taxes, assessments and fines payable to the town treasury, and the costs of the improvements on any sidewalk, street or other town improvement, shall be payable only in gold or silver coin of the United States. Payments in coin.

SERVICES OF TRUSTEES.

SEC. 28. The President of the Board of Trustees shall preside at all meetings of said Board, when he shall be present; and for their services, said Trustees and President shall receive no compensation. Services of Trustees.

STYLE OF ORDINANCE.

SEC. 29. The style of the ordinance of the Town of Brooklyn shall be: "The Trustees of the Town of Brooklyn do ordain as follows." Style of ordinance.

SEC. 30. The Town Trustees are hereby authorized and required to procure the necessary books for the official records of the town. Record books.

SEC. 31. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 32. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLXXI.

An Act to authorize the construction of a swing or draw bridge across the San Antonio Creek, in the County of Alameda.

[Approved April 4, 1870.]

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

SECTION 1. The Mayor of the City of Oakland is hereby authorized to nominate and appoint five persons as Commissioners, three of whom shall be residents of the City of Oakland Appointment of Commissioners.

and two of them residents of the Township of Alameda, who shall perform the duties hereinafter specified, serving without compensation.

Organization

SEC. 2. After the appointment of the said Commissioners they shall organize by electing one of their number President and another one Secretary and Treasurer, and a regular record of their proceedings shall be kept, which shall be prima facie evi-

Duties.

dence in all Courts. They shall proceed to procure plans and specifications for the erection and completion of a swing or draw bridge and roadway across the San Antonio Creek, commencing at the foot of Webster street, City of Oakland, and connecting the Oakland side of the creek with such point on the south side of the same as they may select. The bridge and roadway shall have a width of not less than twenty nor more than thirty feet, and the bridge shall be so constructed that when it is swung it shall leave a clear space of not less than eighty feet for the passage of vessels and steamers. When said plans and specifications are obtained by said Commissioners, they shall invite sealed proposals for the construction of said bridge and roadway, by advertisement in all the daily newspapers published in the City of Oakland and in one daily newspaper published in San Francisco, for a period of thirty days, designating in said notice when and where such proposals shall be presented, and when and where the same shall be opened. At the time and place aforesaid, as specified, said Commissioners shall open said proposals, and unless they shall be of opinion that more favorable proposals can be obtained, shall award the same to the lowest responsible bidder. But in case they shall be of opinion that more favorable proposals can be obtained, then and in that case said Commissioners shall again advertise as hereinbefore directed, and make their award as before directed, with the same discretion as before stated. Every person presenting proposals shall execute a bond in the penalty of two thousand dollars, to the people of the State of California, conditioned that if the contract is awarded to him he will enter into and execute such contract and perform the work according to the specification.

Construction of roadway

SEC. 3. The contract for the construction of said bridge and roadway shall also provide for the construction of a roadway across the marsh upon the Encinal of San Antonio, to such point as said Commissioners shall select upon the upland, so as to connect with the streets upon said Encinal, and for this purpose shall be authorized to lay out and open a roadway across and over said route, and enter upon and condemn private property under the provisions of the law applicable to railroads, and in the same manner as therein provided; and for these purposes, said Commissioners shall be authorized to institute such suits and legal proceedings as they may deem necessary.

Expense limited.

SEC. 4. The expense of the construction of said bridge and roadway shall not exceed, in the aggregate, the sum of forty-five thousand dollars, and shall be collected and paid by a special tax upon the property in the City of Oakland and in the Township of Alameda, in the following proportions, that is to say:

Costs, how assessed and collected

One half of the cost of said bridge, but not to exceed twelve thousand five hundred dollars, shall be assessed upon the property in the City of Oakland; and one-half the cost of said

bridge and all the cost of said road, the whole not to exceed thirty-two thousand five hundred dollars, upon the property in the Township of Alameda. So soon as the said Commissioners shall have ascertained the total probable cost of such bridge and roadway, by having made a contract or contracts in proper form with responsible parties for the construction of the same, they shall add to such cost the incidental expenses of such proceedings, including cost of publication, of plans and specifications and other unavoidable expenses, all of which incidentals shall not exceed the sum of five hundred dollars; and said Commissioners shall certify one-half the aggregate cost of said bridge, not to exceed twelve thousand five hundred dollars, to the City Council of the City of Oakland, who shall apportion the same upon the taxable property in said city by fixing the rate per cent., or in any other mode, in their discretion, and provide by ordinance for the collection of the same in the same manner as other city taxes are collected; such taxes shall be collected by the officer authorized to collect city taxes, and shall be paid by him into the hands of the Treasurer of said Commissioners. The said Commissioners shall in like manner certify the other half of such cost of said bridge and all the cost of constructing said road, not to exceed thirty-two thousand five hundred dollars, to the Board of Supervisors of the County of Alameda; and said Supervisors shall proceed and compute the rate per cent. necessary to be levied in order to raise such half of the cost of such improvements, and shall, by order, assess the same upon the taxable property in said Township of Alameda, and the same shall be collected in the same manner, and by the same officer, as other county taxes, and when collected shall be paid to the Treasurer of said Commissioners. All such moneys so paid to said Commissioners shall be devoted to the construction of said bridge and road, and the expenses attending the same.

Free bridge. Draw tender

SEC. 5. Said bridge and roadway, when completed, shall be at all times free and open for travel to the public. A draw tender shall be constantly on duty to pass vessels through said draw. Said draw tender shall also act as and be one of the policemen of the City [of] Oakland, with the same compensation and to be paid in the same manner as other policemen of said city; *provided*, that the compensation of said policeman shall be paid, one-half out of the Road Fund of the Township of Alameda and one-half out of the General Fund of the City of Oakland.

Orders and ordinances.

SEC. 6. The said City Council of the City of Oakland and the said Bridge Commissioners and the Board of Supervisors of Alameda County are hereby empowered to pass any and all orders and ordinances, and do any and all acts necessary in their judgment to carry into full effect the provisions of this Act

SEC. 7. This Act shall take effect immediately.

CHAPTER CCCCLXXII.

An Act concerning the salaries of certain officers therein named.

[Approved April 4, 1870.]

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

Salaries.

SECTION 1. The bookkeeper of the Sheriff of the City and County of San Francisco shall receive a salary of two hundred and fifty dollars per month; and the chief deputy of the Recorder of the City and County of San Francisco shall receive a salary of two hundred and fifty dollars per month. Said salaries shall be audited and paid in the same manner as the salaries of said deputies are now paid.

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

CHAPTER CCCCLXXIII.

An Act to authorize and empower the President and Trustees of the City of San Diego to donate lands to the San Diego and Los Angeles Railroad Company, to aid in construction of said railroad.

[Approved April 2, 1870.]

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

Donation of lands authorized.

SECTION 1. The President and Trustees of the City of San Diego, in San Diego County, are authorized and empowered to donate and convey to the San Diego and Los Angeles Railroad Company, organized under the laws of this State, not to exceed five thousand acres of the pueblo lands of said city, or such pieces or parcels thereof as they may deem advisable, and upon such terms and conditions as they may determine. Such donation and conveyance of all or any of said lands, made as aforesaid, shall be made upon the express condition that said railroad shall be commenced within three years from the approval of this Act; and that at least twenty miles thereof shall be built each and every year thereafter, until said railroad shall be completed to the northern line of said County of San Diego.

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

CHAPTER CCCCLXXIV.

An Act providing for the appointment of additional Notaries Public in Sacramento County.

[Approved April 4, 1870.]

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

Additional Notaries Public.

SECTION 1. The Governor is hereby authorized to appoint two additional Notaries Public in Sacramento County, who shall hold their offices for the period of two years and until their successors shall have been appointed and qualified; *provided*, that one of said Notaries shall reside in the Town of Galt, in Dry Creek Township, and that the other of said Notaries shall reside in the Town of Michigan Bar, Lee Township; and *provided* further, should either of said Notaries cease to reside in said Town of Galt or said Town of Michigan Bar, then said office shall become vacant.

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

CHAPTER CCCCLXXV.

An Act to fix the time for holding election for members of Congress of the State of California.

[Approved April 4, 1870.]

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

Election of Representatives.

SECTION 1. At the election for members of the Legislature in the year eighteen hundred and seventy-one, and at the election every two years thereafter, there shall be elected for each congressional district in this State, one Representative to the Congress of the United States.

SEC. 2. All laws in conflict with this Act are hereby repealed.

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

CHAPTER CCCCLXXVI.

An Act concerning wharves.

[Approved April 4, 1870.]

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

Wharf franchises.

SECTION 1. In all incorporated cities and towns in this State, with the exception of San Francisco and Oakland, the municipal authorities shall exercise, within the corporate limits of such cities and towns, the functions and powers vested in Boards of Supervisors under the provisions of an Act entitled an Act to authorize the Boards of Supervisors of the several counties of this State to grant the right to construct wharves, piers and chutes, on the overflowed and submerged lands of this State, approved April eighth, eighteen hundred and fifty-eight.

Term of franchise.

SEC. 2. The term for which such franchises may be granted by the municipal authorities of the cities and towns, or by the Boards of Supervisors of the various counties of this State, is hereby extended to twenty years.

SEC. 3. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCCCLXXVII.

An Act to appropriate money to pay the outstanding Indian War Bonds issued by the State of California under an Act of the Legislature, approved May third, one thousand eight hundred and fifty-two, and Acts supplementary thereto.

[Approved April 4, 1870.]

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

Appropriation to pay Indian war bonds.

SECTION 1. The sum of twenty-three hundred and eighty dollars and eleven cents, in legal tender notes of the United States, is hereby appropriated out of the treasury, in the General Fund, not otherwise appropriated, to pay outstanding Indian war bonds and interest thereon, issued under an Act of the Legislature of the State of California, approved May third, one thousand eight hundred and fifty-two, and Acts supplementary thereto, which are numbered, dated and are for the amounts hereinafter stated, to wit: Number one hundred and fifteen, dated September twentieth, one thousand eight hundred and fifty-two, for one hundred and sixty-seven dollars and thirty-one cents ($167.31); number ninety one (91), dated August twenty-first, one thousand eight hundred and fifty-two, for eight hundred and thirty-nine dollars and thirty-nine cents ($839.39);

number thirty-nine (39), dated September twentieth, one thousand eight hundred and fifty-two, for four hundred and seventeen dollars and ninety-eight cents ($417 98); number four hundred and eighteen (418), dated July sixth, one thousand eight hundred and fifty-four, for seven hundred and seventy-three dollars and sixty-seven cents ($773.67); balance due on Controller's warrant number two hundred and eighty-five (285), dated August twenty-first, one thousand eight hundred and fifty-two, on War Fund, for one hundred and two dollars and eight cents ($102.08); balance due on Controller's warrant number four hundred and ninety-six (496), dated September thirteenth, one thousand eight hundred and fifty-two, on the War Fund of the State, for seventy-nine dollars and sixty-eight cents ($79.68).

Bonds to be cancelled.

SEC 2. All bonds and Controller's warrants mentioned in this Act shall be presented and surrendered to the Controller of State, whose duty it shall be to cancel and destroy the same; and upon such surrender, the said Controller of State shall draw his warrant, in favor of the person so surrendering the same, upon the State Treasurer, for the full amount of such bonds and interest, the same to be paid in legal tender notes of the United States Government.

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

CHAPTER CCCCLXXVIII.

An Act to amend an Act entitled an Act to regulate the interest of money, approved March thirteenth, eighteen hundred and fifty, and the Act to amend the same, approved March thirtieth, eighteen hundred and sixty-eight.

[Approved April 4, 1870.]

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

SECTION 1. Section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty, as amended by section one of an Act entitled an Act to amend an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty, approved March thirtieth, eighteen hundred and sixty-eight, is hereby amended so as to read as follows:

Legal rates of interest.

Section 1. When there is no express contract, in writing, fixing a different rate of interest, interest shall be allowed at the rate of ten per cent. per annum, for all moneys after they become due on any bond, bill, promissory note, or other instrument of writing; and for money due on the settlement of accounts, from the day on which the balance is ascertained, and for money received for the use of another, and the rate of interest on any judgment recovered before any Court in this State, for money lent, shall be seven per cent. per annum.

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

CHAPTER CCCCLXXIX.

An Act to provide the Institution for the Deaf, Dumb and the Blind, with a geological and mineral cabinet.

[Approved April 4, 1870.]

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

Geological cabinet.

SECTION 1. The State Geologist, or any officer having in charge the collections of the geological survey of this State, is hereby authorized to make up, from duplicates, and where it can be done without detriment to the original collections, a cabinet of specimens, properly arranged and labelled, for the use of the Institution for the Deaf and Dumb and the Blind. The said cabinet to embrace, as far as possible, the results of geological research in this State.

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

CHAPTER CCCCLXXX.

An Act to pay for work done in the State Land Office.

[Approved April 2, 1870.]

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

Appropriation.

SECTION 1. The sum of eight hundred and twenty-five dollars is hereby appropriated, out of any moneys not otherwise appropriated in the General Fund, to pay the claim of A. H Estell, for services rendered and labor performed in the State Land Office, in the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant in favor of said A. H. Estell for said sum of eight hundred and twenty-five dollars, and the Treasurer of State is hereby authorized and directed to pay the same.

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

CHAPTER CCCCLXXXI.

An Act to submit to the qualified electors of the City and County of San Francisco a proposition to remit said city and county's portion of all taxes on moneys received by savings institutions, banks and loan societies, secured by mortgage.

[Approved April 4, 1870.]

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

SECTION 1. At the next municipal election to be held in the City and County of San Francisco, the proposition to remit and pay back to the depositors thereof all moneys received by any bank or savings institution in said city and county as security for the payment of the city and county's portion of the tax imposed upon mortgages or other instruments to secure the payment of money loaned, shall be submitted to the qualified electors of said city and county. At such municipal election, ballots shall be prepared indorsed "Remit the tax—Yes" and "Remit the tax—No." Should a majority of the whole number of ballots cast at such election, for and against said proposition, be in favor of said proposition, then, and in that case, the proper officers of said city and county shall cancel or cause to be cancelled the city and county's portion of the tax aforesaid then due, and thereafter such portion of said tax shall not be collected in said city and county; *provided*, that all moneys of borrowers left with any savings loan society, corporation, firm or individual, as security for or indemnity against the tax upon any mortgage or the debts secured thereby, shall be refunded to the person or persons owning the same, within three months after the passage of this Act; and all sums remaining unpaid on and after the time as herein provided, may be collected or recovered in the manner as other deposits or debts are now by law collected or recovered, together with interest at two per cent. per month, after the expiration of said three months.

Proposition to remit deposits.

Ballots.

Cancellation of taxes.

SEC. 2. All laws and parts of laws inconsistent with this Act are hereby repealed.

SEC. 3. This Act shall be in force immediately.

CHAPTER CCCCLXXXII.

An Act for assessing and collecting revenue in the Town of San Buenaventura, and approving all ordinances and proceedings of the Town Trustees.

[Approved March 29, 1870.]

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

SECTION 1. The manner of making assessments and collecting town revenue of the Town of San Buenaventura shall be

Assessment and collection of revenue.

fixed by ordinance, and any Justice of the Peace of said town shall have jurisdiction of any and all suits which may be brought before him to enforce the collection of said taxes; *provided*, that said taxes are less than three hundred dollars; and any sale of property, real or personal, made in pursuance of any decree of said Justice, shall be as effectual to pass the title of the owner to the purchaser as if the same had been made under the revenue law of this State; and the provisions of an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, with the amendments thereto, so far as the same apply to proceedings at law to enforce the collection of delinquent taxes, and are not inconsistent with the foregoing provisions of this Act, are made applicable to this Act and to proceedings to enforce the collection of the aforesaid taxes.

To establish a pound and appoint a Poundmaster.

SEC. 2. The Board of Trustees shall have power to establish a pound for the impounding of estray and loose cattle, hogs and other animals found at large in said town, and appoint a Poundmaster, who shall have power, with the approval of the Trustees, to appoint a deputy to take charge of the same; and the Board of Trustees shall have power to pass all proper ordinances defining and prescribing the duties of such officers; to prohibit the owners of such cattle and animals from permitting the same to run at large, and to regulate the impounding; and the certificate of sale of the Poundmaster shall be and hereby is declared prima facie evidence of title to property sold by him under the provisions of the ordinances of said town.

Ordinances confirmed.

SEC. 3. All ordinances and proceedings approved by the Trustees of said Town of San Buenaventura since the fifteenth day of March, eighteen hundred and sixty-six, to the first day of January, eighteen hundred and seventy, are hereby approved, ratified and confirmed.

SEC. 4. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall take effect immediately after its passage.

CHAPTER CCCCLXXXIII.

An Act to create a Board of Water Commissioners in the City of Los Angeles, and to define their powers and duties.

[Approved April 2, 1870.]

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

Water Commissioners.

SECTION 1. There shall be in the City of Los Angeles a Board of Commissioners to regulate and control water courses and irrigating canals and acequias, to consist of three members, to be elected as hereinafter provided.

Irrigating districts.

SEC. 2. The said city is hereby divided into three irrigating districts, bounded as follows: District Number One shall com-

prise all of said city lying east of Alameda street; District Number Two, all the territory lying between Main and Alameda streets; and District Number Three, the remainder of the city not embraced in Districts One and Two.

Manner of electing Commissioners.

SEC. 3. There shall be provided and kept, at each place of voting which now is or may hereafter be established in said city, on the day of each general municipal election, a separate ballot-box, in which shall be deposited all votes cast for the election of Commissioners, as hereinafter provided; and all persons residing within said city, being the owners of real estate therein, or the actual occupants of such real estate as lessees, or under claim of title, and in good faith using the water flowing through said city, for the purpose of irrigating such land so owned or held by him, as aforesaid, and who shall, in addition thereto, possess all the requisites of a duly qualified elector under the general laws of this State, and none other, shall be deemed qualified electors, under this Act, and entitled to vote for such Commissioners.

Officers of election.

SEC. 4. The officers holding and conducting the general municipal election in said city shall be and constitute the officers for the election herein provided, and it is hereby made their duty, without additional compensation, to receive all legal votes offered under the provisions of this Act; count all ballots cast at such election, and certify the result thereof, as in other municipal elections now by law provided.

Challenges.

SEC. 5. Any person offering to vote at such election may be challenged, as unqualified, by the Inspector or either of the Judges, or by any legal voter; and when such challenge is interposed, it shall be the duty of the Board of Judges to declare to him the qualifications of an elector, as prescribed by this Act, and if such person, after such information given, shall insist that he is entitled to vote, and the challenge shall not be withdrawn, he shall be sworn by the Inspector or one of the Judges of such election, to full, true and correct answers make to all questions as shall be put to him touching his place of residence and qualifications as an elector under this Act; and he shall then be examined as to his qualifications, and if found duly qualified, it shall be so declared, and his vote shall be received and deposited in the ballot-box so kept as herein provided; and if not qualified, or if the person so offering to vote shall refuse to take the oath or to answer any and all pertinent questions as to his qualifications, his vote shall be rejected. For the purposes of this Act, no other oath shall be required; and if any person challenged as unqualified shall be guilty of wilful and corrupt false swearing or affirming, in taking any oath or affirmation authorized or prescribed by this Act, such person shall be adjudged guilty of wilful and corrupt perjury, and, on conviction, punished accordingly.

False swearing.

Election of Commissioners.

SEC. 6. There shall be elected at the next municipal election to be held in the City of Los Angeles for the election of members of the Common Council, three Water Commissioners, one to reside in each of the said irrigating districts, and who shall possess all the qualifications of an elector, under the provisions of this Act, who shall hold their offices until the next general city election and until their successors are elected and qualified;

and at each general municipal election thereafter there shall be elected three such Commissioners, duly qualified and residents of their respective districts, who shall hold their offices for the term of one year and until their successors are elected and qualified; and until the first election herein provided for. Manuel F. Coronel, a resident of District Number One. José Wolfskill, resident of District Number Two, and F. R Foberman, resident of District Number Three, shall constitute such Board of Water Commissioners, which Board shall have the powers and perform the duties hereinafter provided. In case a vacancy should occur in said Board, by death or otherwise, it shall be filled by the Common Council of said city by appointment, which appointee shall reside within the district for which he is appointed, and possess the qualifications prescribed by this Act.

To qualify. SEC. 7. Each person elected or appointed to said office shall, before entering upon his duties of his office, and within ten days after receiving notice of his election or appointment, qualify, by giving a bond in the sum of one thousand dollars, with two good and sufficient sureties, to be approved by the Common Council, conditioned by its proper disposal of all moneys which may come into his possession and for the due and proper performances of his duties.

Powers and duties of Commissioners. SEC. 8. The duties of said Commissioners shall be as follows:

First—They shall elect one of their number Chairman, and one as Clerk of the Board; they shall, from time to time, appoint as many Overseers as they may deem necessary for the construction of water ditches and the care of water courses, regulating their compensation, and define their boundaries within which they shall act in the city; and they may revoke such appointments at pleasure.

Second—A book shall be furnished by the Common Council of said city, in which said Commissioners shall keep a full record of all official acts of said Board, which shall be opened to the inspection of any citizen, and shall be delivered over to their successors in office.

Third—They shall examine and direct such water courses as they adjudge ought to be appropriated to public use, and apportion the water thereof amongst the inhabitants of the city, determine the time of using the same and the amount to be paid for such use; but, unless there shall be sufficient water to supply all the demands of those entitled to the use thereof, at such times and in such quantities as they may reasonably desire, then, and in that case, it shall be the duty of the said Board to apportion the waters of said ditches to each individual in proportion to the supply required by each; *provided*, such apportionment may be changed from time to time, as the supply of water may increase or diminish, when the same can be done without injury to any.

Fourth—Upon the petition of a majority of the qualified electors of either of the districts in said city, they shall lay out such ditch or ditches as may be necessary to irrigate the land in cultivation in such district, and apportion the water in the same, as above provided; *provided*, there shall be sufficient money in the Water Fund, which is hereinafter created, to

construct such new ditch or ditches; or when there shall not be sufficient money in said fund, provided the parties petitioning shall advance the amount necessary to construct said ditch or ditches, and receive for such advancement a warrant or warrants drawn upon the said fund for the amount so advanced by him or them; but in no case shall such warrants be drawn for a greater amount than the same actually advanced, nor draw interest at a greater rate than seven per cent. per annum.

Duties of Overseers.

SEC. 9. It shall be the duty of the Overseers to execute the orders of the Commissioners; to examine, on or before the first day of each month in each year, the various ditches in their districts; make an estimate of the amount of labor necessary to put them in good repair and report the same to the Board, together with the capacity of said ditches and the amount of land to be irrigated thereby; to see that the water is properly used as apportioned, that the ditches are kept in good repair and that the labor required is properly expended. Said Overseers shall each keep a correct account of all work done under his supervision and by whom, and when and where, and shall report the same, in writing, to said Board, at such times as said Board may require; which reports shall be filed with the Clerk of said Board and be open to the inspection of any citizen.

A day's work

SEC. 10. For the government of Overseers in the employment of laborers to construct or repair said ditches, ten hours labor shall constitute a day's work; a team of two horses, their harness and a plough, wagon or scraper, shall, when used, be equal to one day's work; and no account presented by said Overseers, or otherwise, for labor upon said ditches, shall be audited, allowed or ordered paid by said Board, which does not comply with the provisions of this section.

Reference to County Judge.

SEC. 11. In case any district or person shall consider that the water has not been properly apportioned, or in case the Commissioners cannot agree upon the apportionment, the matter shall be referred to the County Judge, who shall determine the matter in controversy, and his determination shall be final.

Right of way

SEC. 12. The Commissioners shall have the right of way to lay out and construct ditches through any lands in the city, and any persons damaged thereby, or by the water of any ditch, shall be entitled to such compensation as may be agreed upon between the parties owning the lands and the Commissioners. And in case said parties cannot agree, each party shall appoint an arbitrator, and in case either party shall neglect or refuse to appoint such arbitrator for the space of three months after written notice has been served on the parties so refusing or neglecting, requiring him to make such appointment, then it shall be lawful, and shall be the duty of the County Judge, to appoint an arbitrator for the party so refusing, and the two so appointed shall select the third. The arbitrators so chosen may appraise the lands used for ditching purposes, and shall hear and determine all questions of damages arising from the taking and use thereof, and to award the amount of the same to the parties entitled thereto; and for this purpose said arbitrators shall have power to administer oaths. Before proceed-

Appointment of arbitrators.

ing to appraise said lands, said arbitrators shall make and subscribe an oath that they will faithfully and honestly perform the duties of their appointment. In all cases, said arbitrators, in ascertaining and assessing damages to the claimant, they shall take into consideration and make allowance for any benefit or advantages that, in their opinion, will accrue to such person or persons by reason of the construction and existence of such water ditch, as proposed by said Commissioners; and the said arbitrators shall make their report to the County Court, and the same shall be affirmed, or set aside for cause shown; and if set aside, new arbitrators shall be appointed in the same manner as above, who shall proceed in like manner; and as soon as such award shall be affirmed, it shall have the effect of a judgment, and shall be collected in the manner provided by law for the collection of judgments against cities and other municipal corporations.

Penalty for obstructing or injuring ditches.

SEC. 13. Any person using water from any ditch or water course in the city, to which he is not entitled in accordance with the provisions of this Act, to the detriment of others, or who shall [obstruct] the water of any water course or ditch by any dam or otherwise, or who shall wantonly break or injure any ditch, or who shall obstruct or hinder any Overseer in the performance of his duty, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars and not less than twenty dollars, for the first offence, and not more than three hundred nor less than fifty dollars for every subsequent offence, or imprisonment in the county jail for not more than thirty nor less than five days, or by both such fine and imprisonment. Any person violating the provisions of this section shall be prosecuted before any Court of competent jurisdiction in the City or Township of Los Angeles, upon the complaint of any person aggrieved, or of any member of the Board of Commissioners; and all moneys collected as fines, under the provisions of this section, shall be applied to the Commissioners to the payment of Overseers and the repairs of the ditches which may have been damaged.

Waters not subject to this Act.

SEC. 14 When water (except what constitutes the water of the Los Angeles River) rises upon lands owned by any person, it shall not be subject to the provisions of this Act until it shall have passed beyond the limits of said land; and no person or persons shall direct the waters of any natural river or stream from its natural channel, to the detriment of any person or persons located below them on the same stream.

Water rates.

SEC. 15. For the purpose of carrying out the provisions of this Act, paying Overseers and Commissioners, constructing and repairing of water ditches and other necessary and proper expenses, said Board of Commissioners are hereby authorized to levy a tax or water rate within said city, on persons benefited, in proportion to the amount of water used by each, which tax may be enforced by charging and collecting from such persons using the waters of said ditches or water courses a fixed and specified sum, every day, half day or night they shall use said water, or either or all, and according to the amount or flow of water used, which price or tax shall be regulated by said Board of

Commissioners, and may be changed from time to time, as said Board shall determine. The money so collected shall be paid into the city treasury, and shall constitute and be known as the "Water Fund," and all warrants drawn in payment for any services rendered or expenses incurred, as provided in this Act, shall be drawn upon said fund, and shall be signed by the Chairman and Secretary of said Board of Commissioners. Water Fund

SEC. 16. The said Board of Commissioners are hereby vested with all the powers, privileges, immunities and franchise now held and heretofore granted and conferred upon the Mayor and Common Council of the City of Los Angeles by any and all Acts, general and special, heretofore passed and approved, so far, and no further, as the same relate to the management, construction and control of irrigating ditches, canals and dams, with rights of way Powers vested.

SEC. 17. All Acts of a general and of a special character, conflicting with the provisions of this Act, so far as they are applicable or relative to the City of Los Angeles, are hereby repealed. Repealed.

CHAPTER CCCCLXXXIV.

An Act to empower the City and County of San Francisco to aid in the construction of the Southern Pacific Railroad, and other purposes

[Approved April 2, 1870.]

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 Board of Supervisors of the City and County of San Francisco to order a special election to be held in said City and County of San Francisco, on the first Tuesday in June next, for the purpose of submitting to the qualified electors of said City and County of San Francisco the proposition for the said City and County of San Francisco to issue and deliver to the Southern Pacific Railroad Company, its successors or assigns, county bonds in aid of and for and in consideration of the construction of a railroad by said company, its successors or assigns, from the Town of Gilroy, in a southerly direction. Special election.

SEC. 2. It shall be the duty of the Board of Supervisors of said city and county to cause notice, of at least twenty days, to be given by publication in one or more daily newspapers published in the said city and county, and by posting written or printed notices thereof, at each place of holding said election in said city and county, stating in such publications and notices the proposition to be submitted to the electors of said city and county, and the time and manner of voting thereon. Every ballot cast in said city and county in favor of said proposition, shall have the words "For the issuing of bonds for the Southern Pacific Railroad" printed or written thereon; and every ballot cast in opposition to said proposition, shall have the words Notice. Ballots.

Election, how conducted.

"Against the issuing of bonds for the Southern Pacific Railroad" printed or written thereon. Said election shall be conducted under the provisions of an Act entitled an Act to regulate elections, passed March twenty-third, eighteen hundred and fifty, and the several Acts amendatory thereof and supplemental thereto, and an Act to provide for the registration of the citizens of this State and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six, and the several Acts amendatory thereof and supplemental thereto, so far as applicable.

Result.

SEC. 3. If at said election a greater number of the electors of said city and county, voting upon said proposition, shall vote for the issuing of bonds for the Southern Pacific Railroad than shall vote against the issuing of bonds for the Southern Pacific Railroad, then the Board of Supervisors of said city and county so voting in favor of such proposition shall, under the conditions and in the amounts, and as is hereinafter prescribed, issue to the Southern Pacific Railroad Company, its successors or assigns, city and county bonds, bearing seven per cent. interest, payable semi-annually, both principal and interest payable in United States gold coin.

Issue of bonds.

SEC. 4. Upon satisfactory proof being made, by affidavits or otherwise, to the Board of Supervisors of the City and County of San Francisco, that the track of said Southern Pacific Railroad has been laid, and that engines and cars are running thereon from the Town of Gilroy to a point fifty miles therefrom, in a southerly direction on the line of said road, as hereafter constructed, then the Board of Supervisors of said City and County of San Francisco shall issue, as hereinafter provided, to said railroad company, its successors or assigns, the city and county bonds of said City and County of San Francisco, to the extent of two hundred and fifty bonds of one thousand dollars each; and upon the filing of like proof with the Clerk of the aforesaid Board of Supervisors, that the track of said road has been laid, and that engines and cars are running thereon, for one hundred consecutive miles from the Town of Gilroy, then the aforesaid Board of Supervisors of said City and County of San Francisco shall issue, as hereinafter provided, to said railroad company, its successors or assigns, additional bonds of said city and county, to the extent of two hundred and fifty bonds of one thousand dollars each; and upon the filing of like proof with the Clerk of the aforesaid Board of Supervisors, that the track of said road has been laid, and that engines and cars are running thereon, for fifty additional miles on said road, making one hundred and fifty miles from the Town of Gilroy, then the Board of Supervisors of said City and County of San Francisco shall issue, as hereinafter provided, to said railroad company, its successors and assigns, additional city and county bonds, to the extent of two hundred and fifty bonds of one thousand dollars each; and upon the filing of like proof with the aforesaid Clerk that the track of the aforesaid Southern Pacific Railroad Company has been laid, and that engines and cars are running thereon, for fifty additional miles

on said road, being two hundred consecutive miles from the Town of Gilroy, then the said Board of Supervisors of the said City and County of San Francisco shall issue to said company, its successors or assigns, as hereinafter provided, additional city and county bonds, to the extent of two hundred and fifty bonds of one thousand dollars each.

SEC. 5. Upon proof being made, by affidavit or otherwise, as provided in the foregoing sections, to the Supervisors of the said city and county therein named, the Mayor and the Treasurer of the said city and county shall draw and issue bonds forthwith, and in denominations of one thousand dollars each, in such total amounts as hereinbefore prescribed for said city and county. Said bonds shall draw interest at the rate of seven per cent. per annum from the date of issue, payable upon the first day of January and the first day of July of each year, at the office of the Treasurer of the city and county, until said bonds are redeemed. The principal of said bonds shall be made payable in twenty years from the date of issue. Said bonds of the City and County of San Francisco shall be signed by the Mayor and Treasurer of said city and county, as such officers, and when signed shall be countersigned by the Clerk of the said City and County of San Francisco, and the Board of Supervisors shall cause the fact of the signing and countersigning of said bonds to be entered upon their journal, together with the number, date and amount of each bond so signed and countersigned; and upon the countersigning of said bonds, the seal of the said city and county shall be affixed to each bond by the Clerk thereof; and said Clerk shall then deliver the said bonds thus signed, countersigned and sealed, to the authorized agent of such railroad company, its successors or assigns; which delivery shall take place immediately after the signing, countersigning and sealing thereof, as herein provided; and said Clerk so delivering said bonds shall take a receipt in duplicate for said bonds so issued and delivered, from the Secretary of such company, setting forth in said receipts the numbers, dates and amounts of said bonds.

Interest.

Bonds, by whom signed

Delivery.

SEC. 6. Forty coupons for the interest shall be attached to each bond, so that the coupons can be removed without mutilation to the bond. Said coupons shall be signed by the Treasurer of said city and county.

Coupons.

SEC. 7. The issue and the delivery of the bonds of the City and County of San Francisco to said Southern Pacific Railroad Company shall be on the express condition that said Southern Pacific Railroad Company, its successors and assigns, shall establish, continue and maintain its terminus, and passenger and freight depots, in said city and county, until the principal and interest of said bonds are due and fully paid; and to enable said company, its successors or assigns, to reach its said depots and its lands in Mission Bay, donated by the State of California, by such route as may be approved by the Mayor or County Judge of the City and County of San Francisco, the said railroad company, its successors or assigns, is authorized to make such arrangements with the San Francisco and San José Railroad Company as may be necessary to accomplish said objects; and for that purpose said last named company is empowered to

Conditions of delivery.

do all necessary acts and things, and also to extend its road to said depots and lands by such route as may be approved by the Mayor or County Judge of the City and County of San Francisco, as aforesaid.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLXXXV.

An Act to relieve owners of encumbered real estate from double taxation.

[Approved April 4, 1870.]

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

Mortgages not to be assessed.

SECTION 1. No mortgage or lien given and held upon real estate, or the debts thereby secured, or promissory notes secured by mortgage, shall be assessed upon the books of any Assessor, State, County or otherwise.

Deposits to be refunded.

SEC. 2. All moneys of borrowers left with any savings loan society, corporation, firm or individual, as security for or indemnity against the tax upon any mortgage or the debt secured thereby, shall be refunded to the person or persons owning the same, within six months after the passage of this Act.

Sworn statement of moneys held

SEC. 3. After the expiration of six months after the passage of this Act, it shall be the duty of any savings loan society, corporation, firm or individual holding moneys in the manner named in section two of this Act, and they are hereby required, to render a sworn statement to the Controller of State. Such statement shall contain a full exhibit of the names of the parties who have made such deposits; and from all liability to pay the taxes, for the payment of which said deposits were preserved, and all such taxes are hereby remitted; and the dates and the amounts thereof, in each particular case, and all moneys which have been refunded, under the provisions of this Act, with the names of the parties to whom refunded, and all moneys remaining in their hands for which demand has not been made by the owners thereof; and all moneys remaining unpaid, after the expiration of six months, to the owners, shall, upon the order of the Controller of State, be paid to the State Treasurer and deposited in the treasury of the State; and the receipt of the Treasurer shall be a full acquittance, and shall discharge said savings loan societies, corporations, firm or individuals, from all liabilities as to such deposits. If any person, loan society or corporation shall refuse to comply with the provisions of this Act, the Attorney-General of the State shall institute suit to enforce the same, in the name of the people of the State of California.

Refusal to comply.

SEC. 4. All laws and parts of laws inconsistent with this Act are hereby repealed.

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

CHAPTER CCCCLXXXVI.

An Act to create a Commission to examine and determine the validity of certain assessments and contracts for street work in the City and County of San Francisco.

[Approved April 4, 1870.]

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

Appointment of Commissioners.

SECTION 1. The Governor of the State of California is hereby authorized to appoint three persons, residents and freeholders of the City and County of San Francisco, who shall constitute a Commission to examine, on presentation by the claimants interested, such street assessments and contracts for street work, which may have been issued or made by the Superintendent of Public Streets, Squares and Highways of said city and county, at any time within three years before the passage of this Act, for work done in grading, macadamizing, sewering and paving the streets of said city and county, or for the construction of sidewalks or any other kinds of street work in said city and county, done under resolution or order of the Board of Supervisors of said city and county. Said Commissioners shall organize and proceed to business within thirty days from and after the passage of this Act, and shall, at their first meeting or as soon thereafter as practicable, appoint a Secretary, whose salary shall be one hundred and fifty dollars per month, payable out of the General Fund of the said city and county.

Organization.

Applications for confirmation of assessments or contracts.

SEC. 2. Said Board shall receive and file all applications made to it for confirmation of the assessments and contracts provided in section one hereof, and thereof shall notify the persons and property interested, by a notice, to be published in some daily newspaper of said city and county fifteen days (Sundays excepted) before the time fixed for hearing, that a certain person (naming him) had made an application to the Board to have a certain contract or assessment for work described in section one hereof legalized, and asking that the same be declared valid and binding upon certain property (briefly describing it) for a certain amount (naming it), and stating that said Board would hear such evidence as might be adduced by either party thereto concerning said application; and said application filed and said notice published, as aforesaid, shall be deemed to give the said Board full power and jurisdiction to hear and determine such applications at the time appointed in the notices, or at such other times to which the Board may adjourn the hearing of the same.

Certificates of validity of claim.

SEC. 3. The said Board, after obtaining jurisdiction as aforesaid and hearing the evidence of the parties, shall, whenever it appears that the work for which said assessment was levied or contract made was substantially and faithfully performed, and in their judgment the contractor is equitably entitled to payment therefor, and has not been paid, said Board shall thereupon execute and deliver to the claimants, or their assigns, a certificate attesting and declaring the validity of such contracts

and assessments against the property therein named, and for the amounts named therein, which said certificates shall be conclusive evidence in all the Courts of justice of the State of California that all the proceedings of the municipal authorities of the said city and county, in the matter of said assessments and contracts, were properly and legally taken, and shall be prima facie evidence that the property named in said certificates is indebted to the person named therein, and for the amount stated, and for the work named therein. Duplicates of the said certificates of said Board shall be filed with the Superintendent aforesaid and in the office of the Recorder of said city and county, wherein they shall be recorded, and be a lien on the property named therein, and for the amount named therein, and in favor of the person named therein, or his assigns, from the time of filing in said Recorder's office, and for two years thereafter. Said liens shall be enforced in the Courts of this State according to the principles and practice of Courts of equity.

Duplicates.

Redemption of property sold.

SEC. 4. Property sold under decrees rendered on the certificates of the Board aforesaid shall be subject to redemption the same as other real property sold under execution or decree, and the deeds executed therefor shall be conclusive evidence of title, and writs of assistance shall issue thereon the same as on like deeds of other property.

SEC. 5. Said Board shall not sit longer than one year. A majority of the whole Board shall have power to transact any business provided for herein; it shall keep a record, wherein shall be entered its proceedings, of which certified copies shall be admissible in evidence in all the Courts of this State. Vacancies in the Board shall be filled by appointments of the Governor. The expenses attending each application shall be paid by the claimant.

Not to authorize.

SEC. 6. Nothing in this Act shall be construed to authorize inquiry into any claim for street work or to legalize any proceeding where the original or first assessment was made, or attempted to be made, more than three years prior to the passage of this Act, nor to authorize any such inquiry or confirmation when a final judgment has once been rendered in the Supreme Court in reference thereto.

SEC. 7. This Act shall take effect immediately.

CHAPTER CCCCLXXXVII.

An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

[Approved April 4, 1870.]

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

Expenditure authorized.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized, empowered and directed

to expend a sum not exceeding six thousand dollars per annum, for the building, improving and repairing of each of the road districts of the City and County of San Francisco. The repairs of said roads shall be ordered by the said Board, upon the written report of the Roadmasters of said road districts.

Out of General Fund.

SEC. 2. The Auditor of said city and county is hereby directed to audit, and the Treasurer of said city and county to pay out of the General Fund, all such sums of money as may be necessary for the building, improving and repairing of the said roads; *provided*, that the same does not exceed the said sum of six thousand dollars for each district.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4 This Act will take effect and be in full force on and after its passage.

CHAPTER CCCCLXXXVIII.

An Act to fix the rate of taxation for State purposes.

[Approved April 4, 1870.]

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

Rate of taxation.

SECTION 1. An ad valorem tax of eighty-five cents upon each one hundred dollars value of taxable property of this State is hereby levied each year for the twenty-second and twenty-third fiscal years, to be applied to the following purposes: To the Interest and Sinking Fund of eighteen hundred and fifty-seven, fifteen cents; to the Interest and Sinking Fund of eighteen hundred and sixty, one and one-quarter cents; to the Soldiers' Relief Interest and Sinking Fund, four cents; to the Soldiers' Bounty Interest and Sinking Fund, two cents; to the School Fund, ten cents; to the Capitol Fund, ten cents; to the Pacific Railroad Fund, eight cents; for a State Prison Building Fund, three cents; for a Normal School Building Fund, two cents; to the Military Fund, one and one-quarter cents; to the General Fund, twenty-eight and one-half cents.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCLXXXIX.

An Act to provide for a State Board of Equalization.

[Approved April 4, 1870.]

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

State Board of Equalization.

SECTION 1. There shall be a State Board of Equalization, consisting of the Controller of State and two members to be appointed by the Governor. The members of said Board appointed by the Governor shall hold their office for the term of four years and until their successors are appointed and qualified; *provided*, however, that the Governor may at any time remove either of the members of said Board holding by appointment.

Oath.

SEC. 2. The members of said Board, before entering upon the discharge of their duties, shall take and subscribe the constitutional oath of office.

Salary.

SEC. 3. Each member of said Board holding by appointment, shall receive a salary of three thousand dollars per annum, payable monthly out of the fund hereinafter provided.

Meetings.

SEC. 4. Said Board shall meet at the State Capitol on the second Monday of each month, and remain in session until all business that may properly come before it is disposed of. A majority thereof shall constitute a quorum.

Clerk.

SEC. 5. Said Board may employ a clerk, at a salary not to exceed two hundred dollars per month, payable out of the fund hereinafter provided.

Vacancy.

SEC. 6. In case of a vacancy in said Board, the Governor shall fill the same by appointment.

Duties of Board.

SEC. 7. It shall be the duty of said Board to make diligent inquiry as to the mode and manner in which the Assessors and Collectors of revenue in this State perform their duties, and if there is reasonable cause to believe that any Assessor or Collector has failed or refused to perform any of the duties imposed upon him by law, then said Board shall at once make a thorough investigation of the matter, and if, after such investigation, it appears to said Board that such officer has failed or refused to fully discharge the duties of his office, the Board shall certify the fact to the District Attorney of the county in which the duties of such officer should be performed, with instructions to such District Attorney to institute against such officer the legal proceedings that such officer has rendered himself liable to by reason of such failure or refusal, and it shall be the duty of the District Attorney to obey such instructions

Further duties.

SEC. 8. It shall be a further duty of said Board, from time to time, to make diligent examination as to whether the assessments made by the Assessors of the several counties in this State are equal and uniform, according to location, soil and improvements, productions and manufactures; and to that end said Board may examine the assessment rolls, either original or supplemental, of the different counties, and may hear representations from the several Boards of Supervisors, and such

other evidence as may be deemed necessary. And said Board may, after such examination, and at any time before the Boards of Supervisors, acting as Boards of Equalization, have finally acted upon the original or supplemental rolls, respectively, of their several counties, equalize such assessments by adding to or deducting from the valuation of taxable property in any county or counties, such percentage as will produce, relatively, equal and uniform valuations between the several counties of the State; and the percentage so added to or deducted from the valuations in each of the counties of this State shall be entered upon the records of said Board, and a certified copy of such record shall, by the Secretary of said Board, be transmitted to the several Boards of Supervisors in this State before such Boards shall have, as Boards of Equalization, finally acted upon the assessment rolls upon which the addition or reduction is to be made; and every Board of Supervisors receiving such certificate shall at once equalize the assessment roll of their county, in accordance with the action of the State Board, by adding to or deducting from the valuation of property, as it appears on such roll, the percentage prescribed by said Board. The reduction or addition so made shall relate back to the time of the original assessment, and have the same force and effect as if then made. In all cases where the tax levied on personal property has been collected at the time the assessment was made, and additions are made under this Act, the tax on such additional amount shall be collected from the owners of such property; and if reductions are made, a sum equal to the tax on such reduction shall be returned to the owners of such property, in the mode and manner, and under such regulations, as the State Board of Equalization may prescribe.

Personal inspection.

SEC. 9. If, after hearing all the evidence attainable, the Board is still doubtful as to the proper valuation of property in any county, it may, by unanimous consent of all its members, empower a member of, or the Clerk of, said Board to visit such county and make a personal inspection of the property in such county, and report the result of such personal inspection to the Board in writing; the person so empowered shall receive no compensation for his services beyond his salary, but all necessary travelling expenses shall be repaid to him out of the fund hereinafter provided.

Rules.

SEC. 10. The State Board of Equalization shall frame and transmit to the several Boards of Supervisors the rules by which such Boards shall be governed in making the additions or reductions provided for in section eight of this Act, and the rules so framed shall be binding and obligatory upon such Boards.

May issue subpœnas.

SEC. 11. The State Board of Equalization shall have power to issue subpœnas for the attendance of witnesses, or the production of books and papers, before it, and the Secretary or any member of said Board may administer oaths or affirmations to any witness attending before said Board.

Sheriffs to serve same.

SEC. 12. The Sheriff of any county in this State shall serve, within his county, any subpœna issued by said Board and delivered to him.

Rules and regulations.

SEC. 13. Full authority is hereby conferred upon said Board to make and adopt all rules and regulations necessary to carry

out the purposes of this Act, and not in conflict with the laws of this State.

Neglect not to invalidate

SEC. 14. Neither the omission, neglect nor failure of the State Board of Equalization to carry out any of the provisions of this Act, shall in any manner invalidate or affect any levy or assessment of taxes made under the provisions of the general laws of this State.

Appropriation.

SEC. 15. The sum of eight thousand four hundred dollars, each year, is hereby appropriated, out of any money in the General Fund not otherwise appropriated, for the purpose of paying the salaries provided for in this Act; and the further sum of one thousand dollars, each year, is hereby appropriated, out of any money in the General Fund not otherwise appropriated, for the purpose of paying the travelling and contingent expenses necessary to carry out the provisions of this Act.

To make report

SEC. 17 Before the first day of November, eighteen hundred and seventy-one, the said Board shall collate, in a convenient form, all information that it may have acquired in relation to the assessment and collection of revenue in this State, and shall append thereto such comments and suggestions as it may deem proper, and report the same to the Governor.

SEC. 18. This Act shall take effect on the first day of July, A. D. eighteen hundred and seventy.

CHAPTER CCCCXC.

An Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary laws for the City and County of San Francisco.

[Approved April 4, 1870.]

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

Quarantine grounds.

SECTION 1. The quarantine grounds of the Bay and Harbor of San Francisco shall be at the anchorage of Saucelito.

Board of Health.

SEC. 2. There shall be a Board of Health in and for the City and County of San Francisco, which Board shall consist of the Mayor of the city and county and four physicians in good standing residing in the City and County of San Francisco, who shall be appointed by the Governor, and they shall determine by lot. One shall hold for one year, one for two years, one for three years, one for four years, and their successors shall be appointed as herein provided, for the term of five years each.

Meetings.

SEC. 3. The Mayor of the City and County of San Francisco shall be ex officio President of the Board of Health. They shall meet monthly, and at such other times as the President may call them together, for the transaction of business. In the absence of the President, the Board shall elect a Chairman, who shall be clothed with the same powers as the President.

Health Officer.

SEC. 4. There shall be a Health Officer for the City and County and Port of San Francisco. He shall be elected by the

Board of Health, and shall continue in office during its pleasure. He shall be a graduate of some medical college in good standing, and shall reside within the city limits of San Francisco.

Powers. SEC. 5. The Health Officer shall have power to perform all acts which quarantine officers are usually authorized to perform, and shall be the executive officer of the Board of Health.

Officers to be appointed. SEC. 6. The Board of Health shall appoint a Deputy Health Officer, who shall be a physician in good standing; a Secretary, two Health Inspectors, one Market Inspector and one Messenger, whose duties shall be defined by the Health Officer.

Salaries. SEC. 7. The following rates of compensation shall be allowed to the officers of the Health Department: Health Officer, twenty-four hundred dollars per year; Deputy Health Officer, eighteen hundred dollars per annum; Secretary, two thousand one hundred dollars per annum; two Health Inspectors, one thousand two hundred dollars per annum each; one Market Inspector, one thousand two hundred dollars per annum, and one Messenger, nine hundred dollars per annum. All the salaries provided to be paid under the provisions of this Act shall be paid monthly, in equal instalments, out of the General Fund of said city and county, in the same manner as the salaries of the other officers of said city and county are paid, and it shall be the duty of the Auditor of said city and county to allow, and of the Treasurer to pay, said salaries, in the manner herein provided.

To be paid monthly.

Expenses. SEC. 8. The Health Officer, in addition to his salary, shall receive such sums for the necessary expenses of his office as the Board of Health may direct, and the Auditor is hereby directed to audit and the Treasurer to pay such sums out of the General Fund, and the Board of Supervisors shall provide proper offices for the Health Department.

Powers of Board. SEC. 9. The Board of Health shall have general supervision of all matters appertaining to the sanitary condition of said city and county, including the city and county hospital, the county jail, almshouse, Industrial School, and all public health institutions provided by the City and County of San Francisco; and full powers are hereby given to said Board to adopt such orders and regulations, and appoint or discharge such medical attendants and employés, as to them seems best to promote the public welfare, and not in contravention of any law; and they may appoint as many Health Inspectors as they may deem necessary, in time of epidemic.

Infected vessels to be reported. SEC. 10. It shall be the duty of shipmasters bringing vessels into the harbor of San Francisco, and of masters, owners or consignees, having vessels in said harbor which have on board any cases of small-pox, yellow fever or Asiatic cholera, typhus or ship fever, to immediately report the same, in writing, to the Health Officer, before landing any passengers, casting anchor, or coming to any wharf, or as soon thereafter as they or either of them shall become aware of the existence of either of these diseases on board of said vessel.

Landing of passengers. SEC 11. No captain or other officer in command of any vessel sailing under a register, arriving at this port, nor any owner, consignee, agent, or other person having charge of such vessel or vessels, shall, under a penalty of not less than one

hundred dollars nor more than one thousand dollars, land or permit to be landed any freight, passengers or other persons from said vessel or vessels, till he shall have reported to the Health Officer, presented his bill of health, and received a permit from that officer to land said freight, passengers or other persons.

Duty of pilots.

SEC. 12. It shall be the duty of every pilot who shall conduct into the port of San Francisco any vessel subject to quarantine or to examination by the Health Officer—

First—To bring said vessel no nearer the town than is allowed by section fourteen of this Act.

Second—To prevent any person from leaving, and any communication being made with the vessel under his charge till the Health Officer shall have boarded her, and shall have given the necessary orders and directions.

Third—To be vigilant in preventing any violation of the quarantine laws, and to report, without delay, all such violations that come to his knowledge, to the Health Officer.

Fourth—To present the master of the vessel with a printed copy of the quarantine laws, unless he have one already. And in the event of being subject to quarantine by reason of infection, to place at the mast head a small yellow flag.

Refusal to comply with sanitary regulations.

SEC. 13. Every master of a vessel, subject to quarantine or visitation by the Health Officer, arriving in the port of San Francisco, who shall refuse or neglect, either—

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

Second—To submit his vessel, cargo and passengers to the Health Officer, and to furnish all necessary information to enable that officer to determine to what length of quarantine and other regulations they ought, respectively, to be subject, or neglect to report all cases of disease mentioned in this Act, and all cases of death occurring on his vessel, and to comply with all the sanitary regulations of said bay and harbor, shall be guilty of a misdemeanor, and on conviction thereof shall be punished as provided for in section eleven of this Act.

Vessels arriving from infected ports.

SEC. 14. All vessels arriving off the port of San Francisco, from ports which have been legally declared infected ports, and all vessels arriving from ports where there shall be prevailing, at the time of their departure, any contagious, infectious or pestilential diseases (especially small-pox, Asiatic cholera, typhus or ship fever), or vessels with decaying cargoes, or which have unusually foul or offensive holds, shall be subject to quarantine; and it shall be the duty of the master, owner, pilot or consignee to report any and all such vessel or vessels to the Health Officer without delay. No such vessel shall cross a right line drawn from Meigg's Wharf to Alcatraces Island, till the Health Officer shall have boarded her and given the order required by law.

Inspection of vessels.

SEC. 15. It shall be the duty of the Health Officer to board every vessel subject to quarantine or visitation by him, immediately on her arrival (or as soon as he shall be notified thereof), between sunrise and sunset; to make such examination and inspection of vessel, books, papers or cargo, or of persons on board, under oath, as he may judge expedient; to determine whether said vessel should be ordered to quarantine, and if so, the period of quarantine.

Landing passengers without permit

SEC. 16. No captain or other officer in command of any passenger-carrying vessel of more than one hundred and fifty tons burden, nor of any vessel of more than one hundred and fifty tons burden having passengers on board, nor any owner, consignee, agent or other person having charge of such vessel or vessels, shall, under a penalty of not less than one hundred dollars nor more than one thousand dollars, land or permit to be landed any passenger or passengers from said vessel or vessels, until he shall have presented his bill of health to the Health Officer, and received a permit from that officer to land said passenger or passengers, except in such cases as the Health Officer shall deem it safe to give the permit before seeing the bill of health.

Fees collectable.

SEC. 17. The following fees shall be collected by the Health Officer: For giving a permit to land freight or passengers, or both, from any vessel of less than one thousand tons burden, from any port out of this State, two and a half dollars; from any port in this State, one dollar and a quarter; from any passenger-carrying vessel of more than one thousand tons burden, three dollars and seventy-five cents; from vessels of more than one thousand tons burden, carrying no passengers, two dollars and fifty cents; *provided*, that vessels carrying less than twenty passengers shall in no case pay more than two dollars and a half; but this shall not apply to sailing vessels sailing to and from any port of the Pacific States of the United States, or Territories, or to whaling vessels entering the harbor of San Francisco, excepting that they shall report to the Health Officer, as provided for in section ten of this Act.

Vaccination.

SEC. 18. The Health Officer, or his deputy, shall board any vessel bringing passengers from Asiatic ports, and coming into the harbor of San Francisco, and then and there, in his discretion, vaccinate each and every one of said passengers before they shall be permitted to land in the City and County of San Francisco.

Revaccinate

SEC. 19. In case there shall be any persons on board the vessels mentioned in section ten, who shall actually be sick with the small pox, the Health Officer is hereby authorized to require each and every person on board said vessel to be revaccinated, if he or she has been previously vaccinated, or to be then and there vaccinated for the first time.

Master of vessel to aid Health Officer.

SEC. 20. It shall be the duty of each and every master, or other officer having command of such vessel, to aid the Health Officer in performing the duties herein required, by anchoring his vessel in the bay, and by all other suitable and reasonable means, until said vaccination shall have been completed; and any master or other officer in command of such vessel, who shall neglect or refuse to render such assistance in carrying out the provisions of this section, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars.

Fee for vaccinating.

SEC. 21. The fees of the Health Officer for vaccinating such passengers, shall be one dollar for each and every person so vaccinated; and all persons refusing to be vaccinated or to pay the fee therefor, shall be detained at quarantine on board

said vessel until they are vaccinated and pay the fee therefor, and he is hereby authorized to collect the said fee from the person or person vaccinated.

Hospitals. SEC. 22. The Board of Health shall have power, under the provisions of this Act, to provide suitable hospitals, to be situated at or near Sausalito, and furnish and supply the same with suitable nurses and attachés, as in their judgment the public health may require, and to remove thereto all persons afflicted with cholera, yellow fever, typhus or ship fever.

Record of births, etc. SEC. 23. It shall be the duty of the Health Officer to keep a record of all births, deaths and interments occurring in the City and County of San Francisco, in books duly prepared for that purpose. Said records, when filled, shall be deposited in the office of the County Recorder, and produced when required for public inspection.

Interments without certificate. SEC. 24. Every sexton, undertaker, superintendent of a cemetery or other person, who shall inter or cause to be interred any human body without having first obtained and filed with the Health Officer a physician's certificate, or the Coroner's certificate, setting forth, as nearly as possible, the name, age, color, sex, and date and place of birth, date and locality of death, and cause of death of the deceased, shall be deemed guilty of misdemeanor, and on conviction shall be punished as provided in section twenty-nine of this Act.

Physician's certificate. SEC. 25. It shall be the duty of the physicians, when deaths occur in their practice, to give a certificate to that effect, with the name, age, color, nativity, date of death, place of death and occupation of deceased. For this purpose blank certificates shall be kept at the Health Office.

Monthly returns of births, etc. SEC. 26. Physicians and midwives shall, on or before the fourth day of each month, make a return to the Health Officer of all births, deaths and the number of still-born children, occurring in their practice during the preceding month. In the absence of such attendants, it shall be the duty of the parent to make such report within thirty days after the birth of said child.

Returns of permits for interments. SEC. 27. Superintendents of cemeteries within the boundaries of the City and County of San Francisco shall make returns to the Health Officer, on each Monday, of all permits for interment received by them during the preceding week.

Removal of bodies. SEC. 28. No Superintendent of a cemetery shall remove or cause to be removed, disinter or cause to be disinterred, any corpse that shall have been deposited in said cemetery, without a permit from the Health Officer or by order of the Coroner.

Neglect to comply with this Act. SEC. 29. Any person who shall neglect or refuse to comply with any of the provisions of this Act shall be deemed guilty of misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not exceeding twelve months, or by both such fine and imprisonment.

Nuisances. SEC. 30. Whenever a nuisance shall exist on property of any non-resident of the city and county, the Board of Supervisors may, on the recommendation of the Board of Health, cause such nuisance to be abated, and may allow and order paid, out

of the General Fund, all proper charges and expenses incurred in abating such nuisance; and all sums so allowed and paid shall become a charge upon the property on which the nuisance existed, and may be recovered by an action against such property, and by a sale of the property on execution for such judgment, the same as in other cases.

To have jurisdiction.

SEC. 31. The Police Judge's Court of the City and County of San Francisco shall have full and complete jurisdiction of all actions and proceedings for the violation of the provisions of this Act.

Fee book.

SEC. 32. It shall be the duty of the Health Officer to have kept in his office a book, in which shall be entered all fees collected by him; and he shall cause the same to be paid over to the City and County Treasurer weekly, under oath, to the credit of the General Fund.

Bonds.

SEC. 33. The Health Officer, before entering on his duties, shall give bonds with good and sufficient sureties, to be approved by the Board of Health, in the sum of ten thousand dollars, for the faithful performance of his duties.

Oaths.

SEC. 34. Any member of the Board of Health, Deputy Health Officer or Secretary of the Health Department, shall be empowered to administer oaths on business connected with that department.

SEC. 35. All Acts or parts of Acts in conflict with this Act or any of its provisions are hereby repealed.

SEC. 36. This Act shall take effect immediately after its passage.

CHAPTER CCCCXCI.

An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February eighteenth, eighteen hundred and fifty-one.

[Approved April 4, 1870.]

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

Declared navigable.

SECTION 1. So much of the San Joaquin River as lies between the mouth or junction of Fish Slough and the crossing at a place known as Jones' store, on the said river, is hereby made and declared navigable.

CHAPTER CCCCXCII.

An Act for the relief of J. N. Walker, Sheriff of Fresno County.

[Approved April 4, 1870.]

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

Appropriation.

SECTION 1. The sum of seventy-five dollars is hereby appropriated, payable to J. N. Walker, for moneys overpaid the State of California, and the Controller of State is hereby required to draw his warrant, and the Treasurer of State to pay the same, out of the General Fund, to the said J. N. Walker.

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

CHAPTER CCCCXCIII.

An Act regulating the collection of delinquent taxes in the County of Alameda.

[Approved April 4, 1870.]

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

Statement of Collector.

SECTION 1. On the third Monday of November, in each year, the Tax Collector of the City of Oakland and of the County of Alameda shall, at the close of their official business for the day, enter upon the tax list or assessment roll for said city and for said county, respectively, the statement that they have made a levy upon all the property assessed in said roll, and upon which the taxes have not been paid, for which statement no fees shall be charged; and thereafter he shall charge each and every person an addition of five per centum upon the amount of all taxes to be paid by such person, which five per centum shall be paid into the treasury of said county and of said city, respectively, one-half for the use of the State, and one-half of said county and city, respectively.

Additional charge.

Delinquent list.

SEC. 2. On the Saturday next preceding the third Monday of December, in each year, the respective Tax Collectors shall have completed a list of all persons and property then owing any taxes, which list shall be called the "Delinquent List," and shall be published as hereinafter provided; and after the said list is completed and published, the respective Tax Collectors shall collect, in addition to the taxes and the five per centum added thereto, one dollar on each and every lot, piece or tract of land separately assessed, and also on the assessment of personal property of each delinquent taxpayer; seventy-five cents of which shall be paid to the city and county, respectively, to repay the cost of printing said list, and the other twenty-five

cents shall be retained by the respective Tax Collectors in full for all services in preparing said list.

SEC. 3. Publication of said delinquent list shall be made one time per week, for three successive weeks, in some newspaper, or supplement thereto, published in said County of Alameda and City of Oakland, as hereinafter provided, and the form of said publication, and the control and direction thereof, shall be the duty of the Mayor, Clerk and Tax Collector of the City of Oakland, or of any two of them, and of the Auditor, Clerk and Tax Collector of the County of Alameda, or of any two of them. Publication.

SEC. 4. The provisions of the Acts regulating the collection of delinquent taxes of the City and County of San Francisco, when not in conflict with this Act, are hereby applied to the County of Alameda and the City of Oakland, and no fees, costs or charges, except those named in this Act and in the Acts regulating taxation in San Francisco, above referred to, shall be levied or collected upon the delinquent list. Made applicable.

SEC. 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 6. This Act shall take effect immediately.

CHAPTER CCCCXCIV.

An Act to secure a lien on live stock kept, fed or pastured by ranchmen and stable keepers.

[Approved April 4, 1870.]

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

SECTION 1 The proprietors of stables and ranches or farms, shall have a lien on all live stock pastured, kept or fed by them, under contract with the owners thereof, for the amount and value of the care, feed or pasturage of such live stock, and shall be entitled to recover and hold possession of such live stock until the amount of such lien shall be paid. Lien on stock pastured.

SEC. 2. Such proprietors shall have power to proceed and collect such debts and foreclose such liens, in the same manner as other debts and liens are collected and foreclosed upon other personal property in civil actions.

CHAPTER CCCCXCV.

An Act to provide that certain Acts herein named shall take effect immediately.

[Approved April 4, 1870.]

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

Titles of Acts

SECTION 1. An Act entitled an Act making appropriations for deficiencies in appropriations made for the nineteenth, twentieth and twenty-first fiscal years, ending on the thirtieth day of June, eighteen hundred and seventy, approved April first, eighteen hundred and seventy; also, an Act making an appropriation for deficiency in the appropriation made for the twentieth and twenty-first fiscal years, ending July first, eighteen hundred and seventy, approved March twenty-ninth, eighteen hundred and seventy; also, an Act authorizing the Trustees of the San Francisco Lying-in Hospital and Foundling Asylum to take care of, bind out and give away children coming under their care, approved March eighteenth, eighteen hundred and seventy; also, an Act to authorize the publication of certain legal notices in a State paper published at the seat of government of the State of California, approved March twenty-ninth, eighteen hundred and seventy; also, an Act to provide for the formation of corporations for the accumulation of funds and savings, and the direct promotion of manufacturing and mechanic arts, agriculture and mining, approved March twenty-first, eighteen hundred and seventy, shall each and every one of them take effect immediately.

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

CHAPTER CCCCXCVI.

An Act authorizing the issuance of State bonds to the amount of two hundred and fifty thousand dollars, to be known as State Capitol bonds.

[Approved April 4, 1870.]

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

Bonds to be prepared.

SECTION 1. It shall be the duty of the State Treasurer to prepare and have ready for delivery on the first of July, eighteen hundred and seventy, except the signatures to the bonds, two hundred and fifty bonds of this State for the sum of one thousand dollars each, said bonds to bear date on the first of July, eighteen hundred and seventy, and to be payable in the gold coin of the United States, at the office of the State Treasurer, fifteen years after date. Said bonds shall bear interest at the rate of seven per centum per annum, payable in gold coin semi-

Interest.

annually, on the first day of January and the first day of July, at the office of the Treasurer, for which interest there shall be coupons attached to said bonds. Each bond shall be signed by the Governor, be countersigned by the Controller and be indorsed by the Treasurer. These bonds shall be known as the State Capitol bonds, and the Controller and Treasurer shall each keep an account of them and of their redemption. Name of bonds.

SEC. 2. For the purpose of paying the interest on said bonds as it accrues, and the principal when it becomes due, an ad valorem property tax of one and one-half cents on one hundred dollars of taxable property within the State is hereby levied annually until the whole of the bonds issued under this Act are paid. The moneys arising from said tax shall be kept in a distinct fund, to be known as "The State Capitol Bonds Interest and Sinking Fund," and shall be used for no other purpose than paying the interest on said bonds as it accrues, and redeeming and paying the principal. Tax to be levied.

SEC. 3. Whenever, on the first day of February in any year, there shall remain in the State Capitol Bonds Interest and Sinking Fund the sum of five thousand dollars or more, over and above a sufficient amount to pay all interest due or that may become due prior to the then next first day of January, the Treasurer shall advertise, for at least thirty days, in at least two newspapers published in each of the Cities of Sacramento and San Francisco, that he will, at a day and hour named in such advertisement, open sealed proposals for the redemption of State Capitol bonds to the amount, stating it, of the surplus money in said fund; and at the time stated, the Treasurer and Controller shall open all such bids in public and accept the offer or offers that are most advantageous to the State; *provided*, however, that no offer exceeding par value and accrued interest shall be accepted. Redemption.

SEC. 4. The Board of State Capitol Commissioners shall, either at one time or from time to time, as they deem proper, dispose of the whole or any part of said bonds, after having given at least ten days notice, by advertising in at least two newspapers published in each of the Cities of Sacramento and San Francisco, of the time when the Board will meet in the Secretary of State's office and open bids for the purchase of (here stating the amount) of State Capitol bonds. And on the day and at the hour stated, the Board of Commissioners shall meet in the office of the Secretary of State, and in public open the bids received, and award the bonds to the party or parties who offer to pay the greatest price in gold coin therefor; *provided*, however, that said Board may reject all bids; and *provided* further, that no sale of said bonds shall be made prior to the first of July, eighteen hundred and seventy. Disposal of bonds.

SEC. 5. Whenever the Board of State Capitol Commissioners shall make a sale of any of said bonds, they shall certify the fact to the Controller and Treasurer, stating the name of each purchaser, the number of bonds bought by him, and the amount to be paid therefor; whereupon the proper number of bonds shall be signed, countersigned and indorsed, and upon the payment of the proper sum to the Treasurer, in gold coin, delivered to the purchaser. All moneys arising from the sale Delivery.

Proceeds of sale.

of said bonds shall be kept in a distinct fund, to be known as the State Capitol Special Fund, and no part of it shall be used to pay any warrant or other debt for labor, work, material, or other thing done or furnished in, on or about the State Capitol, or its construction or furnishing, prior to the first day of June, eighteen hundred and seventy.

Payments for work on Capitol.

SEC. 6. For work or labor done, or material furnished in, on or about the State Capitol or its surrounding grounds and streets, after the first day of June, eighteen hundred and seventy, payments shall be made, so long as it lasts, out of the State Capitol Special Fund; *provided*, however, that the Board of State Capitol Commissioners may expend out of said State Capitol Special Fund a sum not exceeding fifty thousand dollars for the purchase of suitable grounds and the erection thereon of a mansion or residence for the Governor of the State, and for the necessary inclosures, streets, sidewalks and outbuildings on and around said lands.

Governor's mansion.

County Auditors to be notified.

SEC. 7. The Controller shall notify the several County Auditors of the passage of this Act and of its levy of a tax of one and one-half cents on each one hundred dollars worth of property, and it shall be the duty of each County Auditor to add said one and a half cents to the other State taxes in his county.

Appropriated.

SEC. 8. So much money as may be necessary to carry this Act into effect is hereby appropriated out of any unappropriated money in the General Fund, to be paid upon the certificate of the State Board of Examiners.

SEC. 9. This Act shall take effect upon its passage.

CHAPTER CCCCXCVII.

An Act concerning corporations for charitable and beneficial purposes.

[Approved April 4, 1870.]

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

May incorporate.

SECTION 1. Any Tribe of the Improved Order of Red Men, or the Great Council of the Improved Order of Red Men of California, or any similar tribe, lodge or society instituted for purposes of charity, or the purpose of granting sick, funeral or other benefits, may assume corporate powers and form themselves into a corporation by filing with the County Clerk where they may be located, a certificate or statement, signed by the presiding officer thereof, and the Secretary thereof, who keeps the minutes of the proceedings thereof, stating the title and the name of the presiding officer and the Secretary, the name by which said corporation shall be called and known, the county where said tribe, lodge or society may be located (*provided*, in case of a Great Council, Grand Lodge or State organization, that is not located in any particular county, but meets in different counties in this State, the certificate must state the same,

and be filed in the office of the Secretary of State), and that said tribe, lodge or society is formed for charitable or beneficial purposes, and not for any illegal, political or immoral purpose whatever; and setting forth in said certificate a copy of the resolution of said tribe, lodge or society requiring or directing said officers to acknowledge and file the proper certificate for purposes of incorporation; and said certificate shall be acknowledged by said officers before some officer authorized to take the acknowledgment of deeds and conveyances.

Corporate powers.

SEC. 2. Said corporation shall have a common seal, and the same may be changed at the corporation's will and pleasure; and in and by its corporate name, may sue and be sued, acquire and hold real and personal property for the charitable and beneficial purposes of said society, and have the rights of corporations, and have and exercise all such rights, privileges and immunities as by law are incident to corporations, and what may be necessary to the corporation herein constituted; and may make such constitutions, laws and regulations as they may deem best, provided they are not contrary to law; and the proper officers to sign and acknowledge conveyances and contracts on behalf of said corporations shall be the presiding officer and the Secretary thereof.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCXCVIII.

An Act for the relief of John Cartheche, Deputy Sheriff of El Dorado County.

[Approved April 4, 1870.]

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

Appropriation.

SECTION 1. The Controller of State is hereby authorized and directed to draw his warrant for the sum of nine hundred and thirty-three dollars, in favor of John Cartheche, Deputy Sheriff of the County of El Dorado, to be paid out of any moneys in the State treasury not otherwise appropriated; and the State Treasurer is hereby authorized and directed to pay the same.

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

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CHAPTER CCCCXCIX.

An Act for the relief of Thomas E. Hughes.

[Approved April 4, 1870.]

Preamble

WHEREAS, The Board of Supervisors of Stanislaus County, by certain orders by them made, directed and required Thomas

Preamble. E. Hughes, County Clerk of said county, to make out and return to them a certified copy of the assessment roll of said county, and to make out fourteen (14) certified copies of a supplemental list of the registered voters of said county and deliver the same to the several Boards of Judges of Election therein prior to the general judicial election held in this State, in the month of October, A. D. eighteen hundred and sixty-nine, and required said Clerk to apportion the General Fund and other taxes of said county, and carry out such apportionment in separate columns on the assessment roll of said county, and required said Clerk to perform other services; and whereas, on the fourth day of November, eighteen hundred and sixty-nine, the said Board, after all of said services had been performed by said Clerk, allowed his claim therefor, amounting in all to the sum of eight hundred and twenty-nine and ninety-one hundredths dollars ($829 91), and ordered the same to be paid; and whereas, thereafter, in a proceeding had in the District Court of said county, the order of said Board and the warrants issued thereunder to said Clerk, were annulled, on the ground that the labor performed was not a legal charge against said county; and whereas, said county and the citizens thereof received large benefits from the services so rendered; therefore,

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

Auditor to draw warrant. SECTION 1. The Auditor of Stanislaus County is authorized and required to draw his warrant against said Stanislaus County and in favor of Thomas E. Hughes, for the sum of six hundred dollars, payable in the gold coin of the United States, with legal interest thereon, from the fourth day of November, A. D. eighteen hundred and sixty-nine, until paid, and deliver the same to said Thomas E. Hughes. The County Treasurer of Stanislaus County is hereby required to pay said warrant out of any moneys in the General Fund of said county not otherwise appropriated.

Treasurer to pay same.

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

CHAPTER D.

An Act to authorize the Sausalito Land and Ferry Company to establish and maintain a public ferry between Marin County and the City and County of San Francisco.

[Approved April 4, 1870.]

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

Steam ferry franchise. SECTION 1. The right is hereby granted to the Sausalito Land and Ferry Company, its successors and assigns, to establish and maintain a steam ferry across the Bay of San Francisco,

between Marin County and the City and County of San Francisco

Rights granted.

SEC. 2. The franchise herein granted shall extend through and exist for the term of twenty years, and said grantee and its assigns shall have the right, for that period, to establish and maintain such ferry and to transport all passengers to and from the point in Marin County where the wharf is constructed at New Sausalito, and shall have the exclusive right of landing at said wharf freight and passengers.

Rates of fare

SEC. 3. The price of single passage for crossing upon said ferry, to be charged and collected by said grantee and its assigns, shall not exceed twenty-five cents for each person, and the commutation price for crossing by the month shall not exceed five dollars. The other rates of toll and freight may be fixed and regulated by the Board of Supervisors of each of said counties, and shall not be changed oftener than once in two years; *provided*, that the rates so fixed shall not at any time be so reduced as to make the net receipts less than eighteen per cent. per annum upon the actual capital invested in the business of said ferry.

Wharves.

SEC. 4. The grantee under this Act may construct or extend their wharf or wharves in Marin County to such depth of water in the bay as the draught of vessels employed in the commerce of the district may require; *provided*, that the same shall not interfere with or obstruct the navigation of the bay or any of its tributaries, and that not more than two hundred feet on each side of said wharves shall be occupied by said ferry. Nothing in this Act contained shall be so construed as to prevent the Legislature, or any other competent authority, from granting similar rights and privileges to any other company, corporation or individuals.

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

CHAPTER DI.

An Act authorizing the County Treasurer of the County of Santa Clara to pay certain claims against said county.

[Approved April 4, 1870.]

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

Warrants to be paid.

SECTION 1. The Treasurer of the County of Santa Clara is hereby authorized and directed to pay, out of the Current Expense Fund, to the holder thereof, on presentation, county warrants number one hundred and eighty-seven, for the sum of one hundred and eighty-three dollars and seventy-five cents, and also number one hundred and ninety-one, for the sum of sixty-four dollars, both of which said warrants were drawn by the Auditor of said county on the Treasurer thereof on the

fourteenth day of March, eighteen hundred and fifty-three, with interest thereon from the said fourteenth day of March, eighteen hundred and fifty-three, to the seventh day of April, eighteen hundred and fifty-six, at the rate of ten per cent. per annum. Both the principal and interest shall be paid in the gold coin of the United States of America.

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

CHAPTER DII.

An Act to provide funds for the construction and improvement of highways in the County of San Mateo.

[Approved April 4, 1870.]

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

Expenditure of money for road purposes.

SECTION 1. Whenever the Board of Township Trustees of any township of the County of San Mateo shall deem it necessary or expedient to expend more money than may be done under the present road laws of said county, in the opening, construction or improvement of any public highway in such township, or in the purchase of any toll road therein for the purpose of making the same a public highway, it shall be lawful for said Board of Trustees, by public proclamation, printed in handbill form and posted in at least six public places in the township, and generally distributed, to state the specific object for which the money is to be expended and the amount required therefor, and to call an election, to be held not less than twenty days after the posting of said proclamation, for the purpose of voting upon the proposition to borrow the amount of money named in such proclamation for the uses and purposes therein specified. Such proclamation shall state the time of holding such election, the officers thereof, the place or places where polls will be open, which shall be the same as at the last preceding general election in said township, and the form of ballots to be used for and against the proposition, and also stating the qualification of voters at said election, which shall be such as is prescribed in this section. Said election shall be conducted in the same manner as is provided by law for the holding of general elections in this State, except that at such election no person shall be permitted to vote unless he be a qualified elector of the precinct wherein he offers his vote, and also, one whose name appears upon the last preceding assessment roll of said county as a taxpayer in the township in which such election is held. The votes cast at such election shall be tallied and canvassed and certified as at general elections, and returns thereof be made to the Township Clerk of such township. At the first meeting of the Board of Trustees after the receipt of such returns by the Clerk, the Board shall open and examine said returns and certify and declare the result.

Proclamation.

Manner of conducting election.

SEC. 2. If it be found that the majority of the votes cast at such election were against the proposition so submitted, then no further proceedings shall be had thereunder, but if it be found that a majority of the votes so cast at said election were in favor of said proposition, then said Board of Trustees shall certify their proceedings and the result of said election to the Board of Supervisors of said county, and make a requisition upon said Board of Supervisors for the issue of county bonds to the amount named in said proclamation and certificate. Result.

SEC. 3. Immediately upon receiving such certificate, the Board of Supervisors shall cause to be issued and delivered to the County Treasurer, taking his receipt therefor, to be filed in the office of the County Auditor of said county, the bonds of the County of San Mateo, to the amount named in said certificate; *provided*, the same shall not in any event exceed the sum of fifty thousand dollars in all to any one township. Said bonds shall be issued in sums of five hundred dollars each; shall be numbered consecutively; shall be made payable to bearer fifteen years after date, and redeemable at the pleasure of the county, at any time after five years and within fifteen years from their date; shall be payable at the office of the County Treasurer of said county, in gold coin of the United States; shall bear interest at the rate of ten per cent. per annum, payable in like gold coin at the office of the said Treasurer, upon presentation, at or after maturity, of the proper interest coupon therefor; and for each instalment of interest to become due upon said bonds, interest coupons shall be attached, each giving the number of the instalment and the number of the bond to which it is attached. Said bonds shall express upon their face that they are issued under the provisions of this Act, and are payable out of the Road Fund of the township for which they were issued, naming the same; and the faith of the county shall be and is hereby pledged that funds for the payment of the principal and interest thereof shall be raised by taxation upon all the taxable property situate in said township, as in this Act provided. Bonds to be issued. Description.

SEC. 4. The County Treasurer shall convert said bonds into coin, and place the same to the credit of the Road Fund of the township for which they were issued; *provided*, however, that none of said bonds shall be sold at less than ninety-five cents on the dollar; and if any are sold at less than par, it shall only be to the highest bidder, after giving ten days notice, by publication in some daily paper published in the City of San Francisco, of the time and place when and where bids therefor will be received. Immediately after the sale of any bonds, he shall make and file with the County Auditor a statement, verified by his oath, or the oath of the person who made the sale for him, of the amount and numbers of the bonds sold, and the price realized therefor. Sale of bonds.

SEC. 5. If bonds shall have been issued under this Act for the benefit of any of said townships, then at the time of making the levy of taxes for general county purposes in said County of San Mateo, in the same year, and in each of the four succeeding years, the Board of Supervisors of said county shall, in addition to the other road taxes levied for said township, levy a special Special tax.

tax upon all the taxable property situate therein, to be called the Road Bond Tax of said township, and to be collected like other taxes and paid into the county treasury to the credit of the Road Bond Fund, sufficient to pay the interest falling due in each year, on all outstanding bonds issued for the benefit of said township under this Act. And at the time of making such levy in each of the next succeeding ten years, such special tax shall be levied by said Board of Supervisors upon all the property situate and taxable in said township, sufficient in amount to pay the interest so falling due in each year, and also one-tenth of the principal sum of all the bonds so issued, as aforesaid.

How applied

SEC. 6. The special tax provided for in the foregoing sections shall be collected as other taxes in said county, and paid into the county treasury, to the credit of the Road Bond Fund of said township, and shall be applied as herein provided, and not otherwise, to wit:

First—To the payment of interest on the bonds issued under this Act for said township.

Second—Whenever, after five years from the date of said bonds, there shall be in the said fund an amount of money, over and above the sum required for interest for the current year, equal to one-tenth or more of the bonds issued under this Act, such amount shall be applicable to the redemption of bonds issued hereunder. The County Treasurer shall publish a notice in one paper published in said county, and in at least one daily paper published in the City of San Francisco, for the period of twenty days, stating the amount of money held by him applicable to that purpose, and requesting sealed proposals for the surrender of bonds therefor. On the day named in said notice, at or after the expiration of said twenty days, the County Treasurer and County Auditor shall open such proposals as may have been made, and the money on hand so applicable thereto shall be immediately applied, to the extent thereof, to the redemption of such bonds as are offered to be surrendered at the lowest rate; *provided*, that not more than par value, with interest already accrued and unpaid, shall be allowed. And whenever the principal sum on any bond is paid, whether the same be redeemed at or below par, the bond, and all its coupons for interest not yet accrued, must be surrendered. No interest shall ever be paid without the surrender of the proper interest coupon therefor. If no bonds are offered at or below the par value thereof, with the accrued and unpaid interest thereon, the County Treasurer shall immediately advertise, in the same papers, and for the same length of time as before, for the return to his office of so many of the bonds as the funds on hand, and applicable thereto, will pay at par, with accrued unpaid interest thereon, designating by numbers the bonds to which the fund will be applied, commencing with the lowest numbered outstanding bond, and taking them up in consecutive order. The fund in hand, or so much thereof as may be necessary, shall be set apart to the redemption of the bonds so advertised, and shall be used for no other purpose whatever. At any time thereafter, upon surrender of any bonds so advertised, with all the unpaid coupons belonging thereto, the same shall be paid, but no interest shall

Surrender of bonds.

be allowed thereon for any time after the expiration of thirty days from the date of the first publication of the last named notice. Bonds so designated and called in shall cease to draw interest at the expiration of said period of thirty days, anything in the bond, the coupon attached, or in this Act to the contrary notwithstanding. As often as the fund shall be sufficient therefor, as in this paragraph provided, the same course shall be pursued until all the bonds, issued under this Act for the benefit of said township, have been redeemed. And upon the final redemption of all the bonds and interest coupons due, any balance that may be in said special fund shall be paid into the General Road Fund of the township wherein said special tax was raised; the special tax shall no longer be levied, and the account of the Road Bond Fund shall be closed. Balance.

SEC. 7. Immediately upon the surrender of any bond or interest coupon, issued under this Act, to the County Treasurer, he shall cancel the same, and on the first Monday in each month return to the County Auditor all cancelled bonds or coupons in his possession. The County Auditor shall make a record of the numbers of the bonds and coupons which have been so returned to him, and at each regular meeting of the Board of Supervisors shall deliver to them all the cancelled bonds and coupons in his possession. The Board of Supervisors shall cause a record to be made of the fact of such surrender, giving the number of the bonds and coupons, and shall thereupon cause the same to be destroyed in the presence of the Board, and a record made of that fact also. Cancelled bonds.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAPTER DIII.

An Act making appropriations for the support of the civil government of the State of California for the twenty-second and twenty-third fiscal years, commencing on the first day of July, eighteen hundred and seventy, and ending on the thirtieth day of June, eighteen hundred and seventy-two.

[Approved April 4, 1870.]

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

SECTION 1. The following sums of money are hereby appropriated, out of any money in the State treasury not otherwise appropriated, for the objects hereinafter expressed, and for the support of the civil government of this State for the twenty-second and twenty-third fiscal years, commencing on the first day of July, eighteen hundred and seventy, and ending on the thirtieth day of June, eighteen hundred and seventy-two, inclusive: Appropriations

For salary of Governor, fourteen thousand dollars.

For pay of Porter in office of Governor, twelve hundred dollars.

Appropriations.

For salary of Private Secretary of the Governor, four thousand eight hundred dollars.

For pay of Clerk in Executive Department, three thousand six hundred dollars.

For Special Contingent Fund for the Governor's office, five thousand dollars, to be drawn at his discretion; *provided*, that this amount shall be used for a Secret Service Fund, and for no other purpose whatever; *provided* further, that the Governor shall account for the disbursements of the same to the Senate, at the next session of the Legislature.

For payment of rewards offered by the Governor under the Act of April twenty-ninth, eighteen hundred and fifty-one, five thousand dollars.

For arresting criminals without the limits of this State, to be expended under the direction of the Governor, two thousand dollars.

For postage, expressage and telegraphing, in Governor's office, one thousand dollars.

For salary of Secretary of State, eight thousand dollars.

For salary of deputy in office of Secretary of State, four thousand eight hundred dollars.

For salary of Clerks in office of Secretary of State, twelve thousand dollars.

For postage, expressage and transportation in office of Secretary of State, two thousand eight hundred dollars.

For pay of Porter in office of Secretary of State, six hundred dollars.

For contingent expenses in office of Secretary of State, three hundred dollars.

For stationery, blank books, light, fuel, etc., for the Legislature and State officers, forty thousand dollars. Said amount shall be used for no other purpose by the Secretary of State, and no Clerk shall receive his salary out of said appropriation.

For salary of Controller of State, eight thousand dollars.

For salary of Deputy Controller, thirty-six hundred dollars.

For salary of Clerks in office of Controller of State, seventeen thousand eight hundred dollars.

For prosecution of delinquents for infractions of the revenue laws, to be expended under the direction of the Controller, one thousand dollars

For postage and expressage in office of Controller, two thousand dollars.

For contingent expenses in office of Controller, three hundred dollars.

For pay of Porter in office of Controller, six hundred dollars.

For salary of Treasurer of State, eight thousand dollars.

For salary of Clerks in office of Treasurer of State, seven thousand two hundred dollars.

For salary of two Watchmen in office of Treasurer of State, four thousand eight hundred dollars.

For postage and contingent expenses in office of Treasurer of State, six hundred dollars.

For pasting and cancelling coupons in Treasurer's office, one thousand dollars.

For pay of Porter in office of Treasurer of State, six hundred dollars. Appropriations.

For salary of Attorney-General, eight thousand dollars.

For postage and contingent expenses in office of Attorney-General, three hundred dollars.

For salary of Commissioner to visit Eastern insane asylums, eight thousand four hundred dollars.

For the State Agricultural Society, six thousand dollars.

For clerk hire in Attorney-General's office, three thousand six hundred dollars.

For pay of Porter in office of Attorney-General, four hundred dollars.

For costs and expenses of suit, where the State is a party in interest, to be expended under the direction of the Attorney-General, eight thousand dollars.

For salary of Superintendent of Public Instruction, six thousand dollars.

For salary of Clerk of Superintendent of Public Instruction, thirty-six hundred dollars.

For rent of office for Superintendent of Public Instruction, twelve hundred dollars.

For travelling expenses of Superintendent of Public Instruction, two thousand dollars.

For postage and expressage in office of Superintendent of Public Instruction, sixteen hundred dollars.

For stationery, lights and fuel for office of Superintendent of Public Instruction, four hundred dollars.

For contingent expenses in office of Superintendent of Public Instruction, four hundred dollars.

For support of State Normal School, twenty-four thousand dollars.

To pay expenses of State Teachers' Institute, five hundred dollars.

For books for State Normal School, one thousand dollars.

For salary of Surveyor-General, four thousand dollars.

For salaries of four Clerks in Surveyor-General's office, fourteen thousand four hundred dollars.

For binding books, and contingent expenses in Surveyor-General's office, two hundred dollars.

For the purchase of maps in Surveyor-General's office, six hundred dollars; for copying same, three hundred dollars

For postage and expressage in Surveyor-General's office, five hundred dollars.

For salary of Register of State Land Office, four thousand dollars.

For salaries of two Clerks in State Land Office, seventy-two hundred dollars.

For binding books, and contingent expenses in State Land Office, two hundred dollars.

For postage and expressage in State Land Office, five hundred dollars.

For pay of Porter in Surveyor-General's and State Land Office, six hundred dollars.

For salary of State Librarian, five thousand dollars.

Appropriations.

For salary of Deputy State Librarian, thirty-six hundred dollars.

For postage and expressage and contingent expenses for State Librarian, eight hundred dollars.

For pay of Porter in State Library, twelve hundred dollars.

For salary of Clerk to Board of Examiners, twelve hundred dollars.

For salary of the State Printing Expert to Board of Examiners, twelve hundred dollars.

For salary of Justices of the Supreme Court, sixty thousand dollars.

For salary of Secretary of the Supreme Court, six thousand dollars.

For salary of Reporter of the Supreme Court, eight thousand dollars.

For salary of Clerk of the Supreme Court, eight thousand dollars.

For salary of Deputy Clerk of the Supreme Court, thirty-six hundred dollars.

For salary of Bailiff and Porter of the Supreme Court, twenty-four hundred dollars.

For postage and expressage and contingent expenses of Justices of the Supreme Court, one thousand dollars.

For pay of Porter to Clerk of the Supreme Court, four hundred and eighty dollars.

For expressage and postage for Clerk of the Supreme Court, two hundred and forty dollars.

For each three hundred copies of the Supreme Court Reports, two thousand dollars.

For salaries of District Judges, one hundred and fifty thousand dollars.

For salary of Adjutant-General, six thousand dollars.

For clerk hire in the Adjutant-General's office, three thousand dollars.

For salary of Assistant Adjutant-General, four thousand dollars.

For postage, expressage and telegraphing in office of Adjutant-General, six hundred dollars.

For contingent expenses, including pay of Porter, in office of Adjutant-General, six hundred dollars.

For salaries and Commissioners of Stamp Inspectors, twelve thousand dollars.

For contingent expenses in Stamp Inspectors' office, six hundred dollars.

For salary of Clerk to Stamp Commissioners, twelve hundred dollars.

For per diem and mileage of Lieutenant-Governor and Senators, fifty-two thousand dollars.

For per diem and mileage of members of the Assembly, one hundred and two thousand dollars.

For per diem of officers and Clerks of the Senate, fourteen thousand dollars.

For contingent expenses of the Senate, five thousand dollars.

For contingent expenses of the Assembly, seven thousand dollars.

For contingent expenses, expressage and postage for the Lieutenant-Governor, as Resident Director of the State Prison, four hundred dollars. Appropriations.

For transportation of prisoners to the State Prison, forty thousand dollars.

The sum of fifty thousand dollars ($50,000) shall be set apart as a separate fund, out of the general appropriations for the support of the State Prison, for the fiscal years of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, for the payment of the officers and guards of the California State Prison, for said fiscal years eighteen hundred and seventy and eighteen hundred and seventy-one.

For the support of the State Prison, to be expended under the direction of the State Prison Directors, one hundred and fifty thousand dollars.

For the support of the State Asylum for the Insane, three hundred thousand dollars.

For the education and care of the indigent deaf, dumb and blind, sixty thousand dollars; *provided*, that a sum not exceeding eight thousand dollars per annum of the above amount may be drawn to pay the teachers.

For rent of the State Arsenal, nineteen hundred and twenty dollars.

For cleaning and repairing and transportation of arms, two thousand dollars.

For printing, paper and official advertisments, ninety thousand dollars.

For the support of the Industrial School Department of the City and County of San Francisco, ten thousand dollars.

For translating the laws of the eighteenth session of the Legislature into Spanish, two thousand dollars; *provided*, there may be sufficient money drawn during the twenty-second fiscal year to pay for said translation.

For salary of Secretary of State Board of Health, five thousand dollars.

For mileage and contingent expenses of members of State Board of Health, three thousand dollars.

SEC. 2. All stationery, blank books, light and fuel required by the Judges of the Supreme Court and State officers, shall be furnished by the Secretary of State, upon the order of the Judges or officers requiring the same. The Secretary of State shall furnish, under oath, to the Legislature, a statement, at the time he makes his annual report, showing the cost of the articles so furnished to said Judges and State officers. The stationery, light and fuel furnished by the Secretary of State, shall be procured by him as is required by law for the stationery, light and fuel for the Legislature. Secretary of State to furnish stationery, etc.

SEC. 3. The sums herein appropriated as Contingent Funds of the Senate and Assembly shall be disbursed under direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treas- Legislative Contingent Funds, how disbursed.

urer, approved April twenty-first, eighteen hundred and fifty-eight.

Statement of expenditure.

SEC. 4. The various State officers, except the Governor, to whom appropriations, other than salaries, are made, under the provisions of this Act, shall, with their annual report, submit a detailed statement, under oath, of the manner in which all appropriations to their respective departments, for rent of office, contingent expenses or other purpose, other than salaries, have been expended; *provided*, that no officer shall use or appropriate any money for any purpose whatever, unless authorized to do so by law.

SEC. 5. No more than one-half of the respective appropriations made under this Act shall be drawn during the twenty-second fiscal year, unless otherwise provided herein.

CHAPTER DIV.

An Act to provide for the erection of a City Hall in the City and County of San Francisco.

[Approved April 4, 1870.]

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

Board of City Hall Commissioners.

SECTION 1. The Governor is hereby authorized to appoint three persons, who shall be citizens of San Francisco, to serve as a Board of Commissioners for the erection and construction of a City Hall in and for the City and County of San Francisco, as in this Act provided, who shall be known as the Board of City Hall Commissioners. Before entering upon the duties of their office, they shall file bonds and qualify as hereinafter provided. They may appoint a Secretary, who shall receive a salary of one hundred and fifty dollars per month; also, rent for their use a suitable office in the City and County of San Francisco, the rent of which shall not exceed fifty dollars per month; and to do any other act or exercise any other powers necessary to carry out the provisions of this Act. A majority of said Board of Commissioners shall be competent to transact business.

Secretary.

To take possession of Yerba Buena Park.

SEC. 2. Immediately after said Commissioners shall have qualified and organized, as herein provided, they shall take possession of all that certain tract of land belonging to said city and county, and known as Yerba Buena Park, and bounded as follows: On the west by Larkin street, on the north by McAllister street, on the east by Jones street, on the south and southeast by Market street, and on the south by Hayes street, for the purposes herein provided. They shall immediately thereafter proceed to grade said park or lot of land to the official grade of the streets bounding the same. Said grading shall be done by contract, let to the lowest responsible bidder, after advertising for proposals to do the same for at least thirty days.

To grade the same.

in at least two daily newspapers printed and published in said city and county; *provided*, that said work may be let as a whole or in parts, and the Commissioners may reject all or any of the bids, and readvertise for others in the same manner as at first. Said grading shall be completed within one year from the letting of said contract. All expenses for such grading shall be payable out of the City Hall Fund, hereinafter provided for, upon orders or warrants drawn by the Board of Commissioners, or a majority of them, as provided in section thirteen of this Act.

Portion to be laid out into lots.

SEC. 3. As soon as the said grading shall be completed, the Board of Commissioners shall proceed to lay out into lots and subdivisions that portion of said park fronting on Market street and Hayes street, and bounded as follows: Commencing at the intersection of Hayes and Larkin streets, thence northerly on the easterly line of Larkin street, to a point distant from Market street, on a line at right angles therewith, two hundred feet; thence northeasterly and parallel with Market street, and two hundred feet distant therefrom, to the southerly line of McAllister street; thence easterly along the southerly line of McAllister street, to the westerly line of Jones street; thence south along said Jones street, to Market street; thence southwesterly along said line of Market street, to Hayes street; thence west along the northerly line of Hayes street, to the point of commencement; *provided*, that a street or avenue of at least two hundred feet in width shall be reserved and laid out through said strip of land, from Market street and at right angles therewith, and fronting the City Hall building to be erected on the said park, as hereinafter provided; said street or avenue to be called "City Hall avenue." A street shall also be reserved and laid along the northwesterly line of the foregoing described tract of land, running from Larkin street to McAllister street, and parallel with Market street, of the same width as McAllister street, to be called "Park avenue." Said tract of land shall be divided into lots and subdivisions of equal size, except the corners and irregular portions, and shall be twenty-five feet front by one hundred feet deep, the fronts to be on Market street and Park avenue. Said Commissioners shall cause duplicate maps of the same to be prepared by the City and County Surveyor of San Francisco, one of which shall be deposited in the office of the said City and County Surveyor, and one in the Recorder's office of said city and county. It shall be the duty of the City and County Surveyor to make the survey and maps required, and the Board of Commissioners may pay a reasonable compensation therefor.

Boundaries

City Hall avenue.

Park avenue

Duplicate maps.

Sale of lots.

SEC. 4. After said tract of land shall be laid out, and maps thereof prepared, as in the preceding section provided, the said Board of Commissioners shall immediately proceed to sell at public auction, in some public place in the City and County of San Francisco, the said lots and subdivisions, and in such manner as will bring the largest sum or price possible for the same; *provided*, that as soon as the frontage on Market street is graded the Commissioners shall proceed to sell the lots fronting on said street. Notices of such sale shall be previously given by publishing the same in at least two daily newspapers printed and

published in the City and County of San Francisco, for thirty days prior to the day of sale, specifying the property to be sold by its numbers and locality as to streets, and by any other descriptions deemed necessary to inform purchasers; also, the time, place and conditions of sale. Any such sale regularly called may be adjourned from day to day, week to week, or month to month, by public proclamation; but notice of such adjourned sale or sales shall be published in the same papers in which the original sale is advertised; and during any sale, the Board may order the sale of any particular property to be passed or discontinued, when deemed to be for the best interest of the city. The compensation of auctioneer, including advertising, shall not exceed half of one per cent. on the gross amount of sales.

Terms of sale.

SEC. 5. The sale shall be by lots, separately, and the terms of sale shall be as follows: Cash in gold coin of the United States; twenty-five per cent. payable on the day of such sale, and seventy-five per cent. payable in equal instalments in one, two and three years; and deferred payments to draw interest at the rate of ten per cent. per annum. The Board of Commissioners shall receipt to each purchaser for the amount of his payment, stipulating therein that upon the payment of the additional seventy-five per cent., with interest as aforesaid, he shall receive a deed from the City and County of San Francisco, to be executed by said Commmissioners, for the property purchased by him. Upon the full payment of the purchase price and interest, as above provided, deeds shall be prepared, executed and delivered by said Commissioners, or a majority thereof, to each purchaser or his assigns, which deeds shall be prima facie evidence of the regularity of the proceedings herein provided for, and shall be evidence of title and right of possession in the grantee, his heirs and assigns, upon which actions for the recovery of real property, or for injuries thereto, may be maintained and defended in all the Courts of this State having jurisdiction thereof. In case of failure on the part of any purchaser to complete the payment of any instalment when due, the Board of Commissioners shall have power to re-sell the property so purchased, in the same manner as though a sale had not been made, and the purchaser so failing to complete his payment shall be deemed to have forfeited whatever he may have previously paid.

Deeds.

Failure to complete payment.

City Hall Fund.

SEC. 6. All moneys received from such sales shall be paid into the treasury of said city and county by said Commissioners, as soon as received, and they shall take the Treasurer's receipt therefor. Said money shall constitute a fund to be known as the City Hall Fund, and shall not be drawn out or used except as in this Act provided.

Erection of City Hall.

SEC. 7. The said Board of Commissioners, immediately after the grading of said park tract is completed, shall proceed to contract for, superintend and erect a City Hall for the City and County of San Francisco, upon that portion of said park tract lying to the north of said Park avenue, and bounded by Larkin, McAllister streets and aforesaid Park avenue, to be located as nearly central in said last mentioned tract as possible, and fronting towards Market street, opposite said City Hall avenue,

as herein provided for. They shall adopt such plans for the erection of said City Hall as in their judgment best calculated to serve the purposes of said city and county, having in view the necessity of providing a permanent building which will furnish sufficient and suitable rooms to accommodate the different Courts and Boards of city and county officers, Hall of Records, and also offices for the various officers for the said city and county; *provided*, the whole cost of such building, including the laying out and inclosing the grounds (to be done by such Commissioners), shall not exceed the sum of one and a half million dollars; and *provided* further, that the block bounded by Market, Larkin and McAllister streets is hereby delared to be within the fire limits of the City and County of San Francisco, and subject to the fire ordinances of the Board of Supervisors of said city and county. Plans. Cost of building.

SEC. 8. Said Commissioners are hereby authorized and empowered to appoint an architect, who shall not be one of their number, whose duty it shall be, under direction and control of the Commissioners, to prepare plans and specifications for said City Hall, to judge of the quality and durability of the materials that may be furnished for its erection, and to take special care that all work be done in a neat, substantial and workmanlike manner, and in accordance with the specifications made. Said architect may be removed by the Commissioners and his successor appointed by them, with the duties and liabilities of his predecessor in office. He shall be required to take an oath that he will faithfully perform the duties of his office, and that he will not be interested, either directly or indirectly, in the furnishing of materials on in any contract for work or labor on said City Hall building during his period of office. His salary shall not exceed three hundred dollars per month, which shall include all compensation. Appointment of architect. Salary.

SEC. 9. Said Commissioners shall, as soon as such plans and specifications have been made and adopted, advertise for proposals for building said City Hall according to such plans and specifications. Proposals may be invited for the whole or some particular portion of the work to be performed, as the Commissioners may deem best. Said notice or invitation for proposals shall be advertised in at least two daily papers, printed and published in the City and County of San Francisco, for a period of at least thirty days, and shall contain a description of the work to be done, with a proposition for bids for the contract to perform said work in accordance with the plans and specifications; also, information as to where the plans, drawings and specifications may be seen. The contract shall be given to the lowest bidder, who shall furnish sufficient security for the performance thereof, or the Commissioners may reject any or all bids and advertise for further proposals; and if, at any time, it shall be found that the successful bidder shall have colluded, in presenting any bid or bids, with any other party or parties, for the purpose of preventing any other bids from being made, then any contract that shall have been made with any such colluding party is hereby declared null and void, and the Commissioners are hereby authorized and required to make a new contract for the performance of the work. Proposals for building.

Opening of bids.

SEC. 10. All bids, as aforesaid, shall be on blanks furnished by the Commissioners, and shall be sealed up and delivered to the Commissioners at their office in said city and county, and shall be opened by them on such day and at such hour as shall be designated in the advertisement for proposals. No person or firm shall be allowed to deposit more than one bid for the same work. If more than one appear on the opening of said bids by the Commissioners, all bids of such person or firm shall be set aside without consideration. No bid shall be considered unless accompanied by a good and sufficient bond, in such amount and with such covenants as shall be prescribed by the Commissioners in their advertisement for proposals. And no extra compensation shall be made to any person or persons, contractor or contractors, for any claim for extra work, unless the same and the price thereof shall have been previously agreed upon, in writing, and filed; *provided*, that all bids shall be made and contracts entered into upon the express condition that no Chinaman or Mongolian shall be used in the factory, mill, foundry, workshop, or by the firm, company or person in doing any of the work bid for and contracted for; and a failure to comply with said provision of said contract shall work a forfeiture of said contract.

Bonds to accompany.

Extra work.

No Chinamen to be employed.

Contracts, what to contain.

SEC. 11. All contracts made under the provisions of this Act shall be carefully drawn, and contain detailed specifications of the work to be done, the manner in which the same shall be executed, the quality of the material to be used, and the time in which the same shall be completed, with such penalties for the non-performance of such contract as said Commissioners shall deem just and reasonable. Every contract entered into by said Commissioners, under the provisions of this Act, together with the plans and specifications of the work to be done, shall be filed and carefully preserved in the office of the Board of Supervisors of the said city and county. The City and County Attorney shall render assistance to said Board of Commissioners when called upon by them for that purpose; or said Board may, if they think proper, employ an attorney to act for them, and pay him a reasonable compensation, not to exceed the sum of two hundred dollars per month during the time he is so employed.

Attorney

Payment to contractors.

SEC. 12. The Commissioners may make payment to the contractors from time to time, as the work shall progress; but until the contract is completed at no time shall such payment exceed seventy-five per cent. of the value of the labor performed or material furnished, which said value shall be ascertained and determined by the architect, subject to the approval of the Commissioners; and no lien for labor or materials shall attach to said building or the land on which the same is erected.

Warrants.

SEC. 13. The Board of said Commissioners shall, from time to time, as the services herein provided for are performed and labor done, draw orders or warrants on the Treasurer of said city and county, specifically describing the services rendered or work performed, together with the amount, and to whom payable; a correct copy of which orders or warrants shall be kept by said Board, in a book for such purpose. The Treasurer of said city and county shall pay said orders or warrants out of

the City Hall Fund in the order of their presentation, and in case there shall not be any money in said fund, at any time, to pay such orders or warrants when presented, the Treasurer shall note, by indorsement on the same, the day and hour of such day when the same was presented, and from that date said order or warrant shall draw interest at the rate of ten per cent. per annum until paid, and whenever there shall be money in said fund, shall be paid in the order of being so presented and registered.

Not to be interested.

SEC. 14. The Commissioners appointed by and under this Act shall not, nor shall either of them, be interested, either directly or indirectly, in any contract for work, labor or materials furnished, in the construction of the City Hall. Before entering on the duties of their office, they shall take and subscribe, before an officer authorized to administer oaths, a declaration under oath that they will not, during their continuance in such office, be so interested; which oath shall be filed in the office of the Board of Supervisors of said city and county; a violation of such oath, as also a violation of the oath taken by the architect, shall subject the party so violating the same to a prosecution for perjury, and upon conviction to be punished accordingly, and he shall also be liable on his official bond, as such Commissioner, for the sum of ten thousand dollars for each offence, to be prosecuted as other official bonds of said city and county officers. Such Commissioners shall also, before entering upon their duties as such, give bonds separately, in the penal sum of fifty thousand dollars, with sufficient sureties, to be approved by the Mayor of said city and county; and said bonds shall be filed in the office of the Board of Supervisors of said city and county. Each of said Commissioners shall receive the sum of three thousand dollars per annum, or at that rate, in full compensation for his services as such Commissioner. In case of a vacancy in the office of Commissioner, the same shall be filled by the Mayor of said City and County of San Francisco, who shall hold office until the next meeting of the Legislature, when a person shall be elected to fill such vacancy, by the Legislature, on joint ballot.

Oath.

Violation.

Bonds.

Compensation

Vacancies.

Time of completion.

SEC. 15. The said City Hall shall be erected, completed, the grounds properly laid out and inclosed, and the entire business for which said Board of Commissioners is created and appointed fully performed within three years from the passage of this Act; and whenever the same shall be completed and fully performed, as within this Act provided, the said Commissioners shall turn over to the Board of Supervisors of said city and county all their books, papers, vouchers and property of every description, and at the same time render a full and final account of their transactions; which said account shall be examined by said Board of Supervisors, and if found correct, approved; and thereupon the office of said Commissioners, and their powers and duties, shall cease and determine; and any moneys remaining in the said City Hall Fund shall be turned over to the General Fund of said city and county; *provided*, the securities on their official bonds shall not be discharged from liability until such account shall be so examined and found correct.

Final account.

SEC. 16. An amount not exceeding the sum of ($100,000)

Normal School building.

one hundred thousand dollars in gold coin, remaining in the hands of the Treasurer of the City and County of San Francisco, over and above such sums of money as may be received for the erection of the City Hall, and other expenses provided in this Act, shall be placed by said Treasurer to the credit of the school department funds of said city and county. The Board of Education shall have the right to draw from said one hundred thousand dollars such amounts as may be necessary for the construction and erection of a Normal School building for the City and County of San Francisco.

SEC. 17. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 18. This Act shall take effect and be in force from and after its passage

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CHAPTER DV.

An Act supplemental to an Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties, approved April fourth, eighteen hundred and seventy.

[Approved April 4, 1870.]

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

No bonds to issue, until.

SECTION 1. No bonds shall be issued by the Supervisors of any county, in aid of the construction of a railroad, until at least five miles of such railroad shall have been constructed, and then only in such an amount as the distance of railroad constructed shall bear to the whole amount of aid to be granted; at the time of the issue of such bonds, the amount of county indebtedness then outstanding and incurred, by granting aid in the construction of railroads, shall be deducted from the amount of bonds authorized to be issued by the provisions of the Act to which this Act is supplemental.

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

CHAPTER DVI.

An Act to create a Board of Harbor Commissioners for the port of Eureka, on Humboldt Bay, and to prescribe their powers and duties.

[Approved April 4, 1870.]

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

Harbor Commissioners.

SECTION 1. There shall be a Board of three Commissioners, to be known as the Board of Harbor Commissioners of the port

of Eureka, in whom shall be vested the powers and authority, and who shall perform the duties prescribed in this Act. The Chairman of the Board of Supervisors of Humboldt County and the President of the Board of Trustees of the Town of Eureka, in said County of Humboldt, shall be ex officio members of said Board, and the third member thereof shall be appointed by the Governor of this State, and shall hold his office for the term of two years from the date of his appointment, and until his successor shall be appointed and qualified.

Duties. SEC. 2. It shall be the duty of said Board, as soon as practicable after their organization, and within three months after the passage of this Act, to proceed to survey, or cause to be surveyed, the water front of the Town of Eureka, on Humboldt Bay, and of the land adjoining said town, one-half of a mile to the west and one-half of a mile to the east of the corporate limits thereof, and the waters of said bay, for the distance of one mile northerly from said water front line, and make, or cause to be made, a plat of such survey, and file a copy thereof in the County Recorder's office of said county; within which limits the said Board of Harbor Commissioners shall have the power, and it shall be their duty, to make such rules and regulations, and to change or revoke the same, from time to time, as in their judgment may be necessary and proper for the protection of navigation therein; and for this purpose, the said Board of Harbor Commissioners, within the limits of said survey, shall have power to regulate the erection and extension of wharves and piers, and prescribe the plan and dimensions of such wharves and piers, and to regulate the tolls, wharfage or dockage to be charged thereon; also, to regulate the manner of constructing booms and to limit their extent into the waters of the bay; also, to prescribe and regulate the manner in which rafts, boats or vessels shall lay at anchor or be moored to any wharf or pier; also, to prevent and remove all obstructions to the regular ebb and flow of the tides, and also, to prevent the deposit and escape, in the waters of said bay, of any and all substances which, in their judgment, may seem likely to injure, interfere with or impede the navigation of said bay, or to create shoals or shallows in or lessen the depth of waters of said bay.

Penalties. SEC. 3. Said Board shall have authority to impose penalties for any violation of such rules and regulations as they may make pursuant to the provisions of the last section, not exceeding, for any one violation, the sum of five hundred dollars, to be recovered by action in the name of said Board, before any Court of competent jurisdiction, together with costs of suit, the net proceeds of which actions shall be paid to the Treasurer of the Town of Eureka, for town purposes.

Harbor-master. SEC. 4. The Town Marshal of said town shall be the Harbor-master of the port of Eureka, whose duty it shall be to enforce and carry into effect such rules and regulations as the said Board of Harbor Commissioners shall, from time to time, adopt and publish, and to report to said Board any and all violations thereof.

SEC. 5. The members of said Board shall receive, for all

Compensation of Commissioners.

services rendered under the provisions of this Act, the sum of four dollars per day, to each member, for every day actually and necessarily employed by them in performing the duties herein prescribed; the said compensation to be paid from the

Expenses.

treasury of the Town of Eureka. All expenses necessarily incurred by said Board in the performance of their duties under this Act shall be paid in the same manner, and from the same fund, as the fees of the members of said Board are herein provided to be paid.

Fees of Harbormaster.

SEC. 6. The fees of the Harbormaster shall be as prescribed by the Board of Commissioners hereby created, and shall be paid monthly, by the Board of Trustees of the Town of Eureka, upon the certificate of said Board of Commissioners, except such fees as may be provided to be otherwise paid by said Board of Commissioners.

SEC. 7. This Act shall take effect from and after its passage.

CHAPTER DVII.

An Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties.

[Approved April 4, 1870.]

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

Counties may issue bonds.

SECTION 1. The several counties, including the City and County of San Francisco, are hereby authorized to aid in the construction of railroads by the issue of county bonds bearing interest at the rate of not exceeding seven per cent per annum, and payable within twenty years from the date of their issue, and to provide by taxation for the payment of the interest and

Limitation.

principal of said bonds; *provided*, that the whole amount of said bonds herein authorized to be issued shall not exceed five per cent. of the value of the taxable property of such county, or city and county, according to its valuation on the assessment roll last preceding the time of the issue of said bonds.

To be submitted to electors.

SEC. 2. Before the granting of such aid, the Board of Supervisors of the county, or city and county, proposing to grant such railroad aid, shall submit to the qualified electors of said county, or city and county, at an election, of which election at least thirty days notice shall be given, by publication once a week in a newspaper published in said county, the question whether such railroad aid shall be granted, in which notice the day on which and the places where such election is to be held shall be stated; and the route for which aid is proposed to be granted shall be definitely described, and the amount of bonds to be issued shall be stated. All elections authorized under this Act shall be conducted in the same manner as elections for State and county officers. No aid to railroads shall be granted

unless a majority of the electors voting at such election shall cast their votes in favor of such aid

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

CHAPTER DVIII.

An Act to amend an Act entitled an Act to regulate fees and salaries of officers and defining their duties, in the County of El Dorado, and other matters relating thereto, approved March fifth, one thousand eight hundred and seventy.

[Approved April 4, 1870.]

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

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

Section 4. The County Treasurer shall receive a salary of fifteen hundred dollars per annum, payable out of the County Salary Fund, which shall be in full for all services as Treasurer, and also in full for all services in making out delinquent tax lists or performing any other duty required of him by law. The Treasurer shall be ex officio Collector of taxes on real and personal property. Salary of Treasurer.

For the collection of such property tax, except school moneys, he shall receive ten per centum on all amounts collected and paid over by him in each fiscal year, commencing on the first Monday in March; one-tenth part of which said ten per centum he shall receive to his own use, and the remainder thereof he shall pay into the County Salary Fund, to be applied in the manner in this Act provided; *provided*, that in addition to the percentage in this section allowed to the Treasurer as ex officio Tax Collector, he shall receive from the State, as such Tax Collector, one per centum on the amount of taxes levied and collected for State purposes from real property, and two per centum on all taxes levied and collected for the State from personal property. The Treasurer, as ex officio Tax Collector, shall have power to appoint a deputy, and it is hereby made the duty of such Tax Collector, either in person or by deputy, to attend the County Assessor of said county, at the time of the assessment of the property therein, and the Tax Collector shall collect all taxes assessed on personal property at the time of the assessment thereof, and for a failure to collect the same he shall be liable on his bond to said county, to the extent of any and all lapses that the county may thereby sustain. Percentage.

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

Section 16. The Clerk of the District Court shall receive, for all services performed by him in any action or proceeding in which an attachment, injunction or other provisional remedy is sought before trial, including judgment by default and the Fees of Clerk of District Court.

Fees of Clerk of District Court.

entering up of the same, the sum of twelve dollars, to be paid by the plaintiff at the time of filing the complaint, and the further sum of five dollars, to be paid by the defendant at the time the answer, demurrer, or other appearance in writing, is filed.

For all services in any other action or proceeding, before trial, including judgment by default and the entering up of the same, the sum of ten dollars, to be paid by the plaintiff at the time of filing the complaint, and the further sum of four dollars, to be paid by the defendant at the time the answer, demurrer, or other paper, is filed.

For all services performed by him during the trial of any action or proceeding, up to and including the entry of the final judgment, the sum of six dollars, to be paid by the party moving the cause, at the time the same is entered upon the trial calender; *provided*, for taking testimony during the trial, he shall receive thirty cents for each folio, for his own use and benefit, to be paid by the party demanding the service; and to secure the payment of the same, the said Clerk may lawfully require a deposit of a sufficient sum of money in advance.

For all services subsequent to the entry of final judgment, up to and including the entry of satisfaction thereof, the sum of five dollars, to be paid by the party in whose favor the judgment has been entered, at the time execution or other final process is demanded; *provided*, when an appeal is taken, he shall be allowed, in addition, thirty cents for each folio contained in the transcript, to be paid by the party demanding the same.

For all services performed by him in any case of judgment by confession without action, up to and including the making and filing of the judgment roll, the sum of twelve dollars; and for all subsequent services the same as in other cases. When any cause has been appealed to the Supreme Court and a new trial ordered, or when a new trial has been granted in the District Court, the said Clerk shall be allowed, upon the second trial, the same fees as above provided for the first trial; *provided*, that the County Clerk of said county, as ex officio Clerk of the District Court, for all services required of him under and by virtue of the revenue or other laws of this State, in any and all suits for the collection of delinquent taxes, including the filing of complaints and entry of satisfaction of judgment, in each case shall charge and collect the following fees, to wit: In each case wherein the taxes sued for are fifteen dollars or less, four dollars, and in each case wherein the taxes sued for shall exceed said last named sum, eight dollars; and no other Clerk's fees shall be charged or collected in such suits. Said fees shall be collected in United States gold or silver coin, and said Clerk shall account for and pay the same in like coin into the County Salary Fund of said county, at the same time, in the same manner and for the same purposes, as other fees of his said office are required by the Act to which this Act is supplemental to be paid into said fund.

Repealed.

SEC. 3. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed, so far as they relate to El Dorado County.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER DIX.

An Act to authorize the Board of Supervisors of the City and County of San Francisco to open and grade certain streets in said city and county, and to condemn private property for the roadway of said streets.

[Approved April 4, 1870.]

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

Streets to be opened and graded.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and required to cause Fourteenth street, in said city and county, from its intersection with Valencia street to its intersection with Noe street; Fifteenth street, from its intersection with Valencia street to its intersection with Sanchez street, and Sixteenth street, from its intersection with Guerrero street to its intersection with Sanchez street, to be opened and graded to the official grade of said streets, respectively, as now established; and whenever the line of said streets, or either of them, as now projected upon the official map of said city, between the points of intersection aforesaid, crosses or passes over land, the private property of any person or persons, and which has not heretofore been dedicated to the public as a part of said streets, and any portion of said land is necessary to be included within the limits of such streets, or either of them, it shall be the duty of said Board of Supervisors to proceed as is herein directed, for the condemnation of said land so included within the limits of the roadway of such streets, or either of them.

Private lands.

Petition for condemnation.

SEC. 2. The said Board of Supervisors shall, within twenty days after the passage of this Act, cause the City and County Attorney of said city and county to file in the office of the Clerk of the County Court of said city and county, a petition on behalf of said city and county, setting forth the description, by metes and bounds, or by some accurate designation, of the tract or tracts of land which it may be necessary to have condemned for the purpose of the opening of said streets, and each of them, as herein provided, together with the names of the persons in possession of said tract or tracts of land, and of those claiming any right, title or interest therein, as far as the same can be ascertained with reasonable diligence.

Defendants.

SEC. 3. The persons in occupation of said tract or tracts of land, and those having any right, title or interest therein, whether named in the petition or not, shall be defendants thereto, and may appear and be heard before the Commissioners herein provided for, and in the proceedings herein provided for, and in proceedings subsequent thereto, in the same manner as if they had appeared and answered said petition.

Time of hearing.

SEC. 4. The said Court, or the Judge thereof, either in term time or vacation, shall, by order, appoint the time for the hearing of said petition; and such hearing may be had, and all orders in said proceedings may be made by said Court or the Judge thereof, either in term time or vacation.

SEC. 5. The said Board of Supervisors shall cause all the

Notice of pendency of petition.

occupants and owners of said tract or tracts of land, so far as the same can be ascertained by reasonable diligence, who reside in said city and county, to be personally notified of the pendency of said petition, at least ten days before the hearing thereof; and if any of said occupants or owners are unknown, or do not reside in said city and county, and have not been personally notified of the pendency of said petition, said Board of Supervisors shall cause a notice, stating the filing of said petition, the object thereof, the tracts of land sought to be appropriated, and the time and the place of the hearing of said petition, to be published for two successive weeks previous to the time of hearing said petition, in a newspaper published in the said city and county.

SEC. 6 The defendants to said petition may appear on or before the time of the hearing thereof, or such other time as the hearing may be continued to, and upon satisfactory proof being made that the defendants have been duly notified of the pendency of said petition, as herein prescribed, and upon the hearing of the allegations and proofs of said parties, if the Court or Judge shall be satisfied that the said lands, or any part thereof, are necessary or proper for the opening of said streets, or either of them, then such Court or Judge shall

Commissioners appointed to assess compensation.

appoint Frank McCoppin, Charles D. Carter and Edward Barry as Commissioners to ascertain and assess the compensation to be paid to the person or persons having or holding any right, title or interest in or to each of said tracts of land, for and in consideration of the appropriation of such land to the use of the public [as a public] highway. If any vacancy occur among said Commissioners, by reason of any one or more of them refusing or neglecting to act, or by any other means, one or more Commissioners may be appointed by said Court or Judge to fill such vacancy.

Time and place of meeting.

SEC. 7. The said Court or Judge shall appoint the time and place for the first meeting of said Commissioners, and the time for the filing of their report or reports, and may give such further time as may be necessary for the purpose, if they shall not have then completed their duties. The said Commissioners, or a majority of them, shall meet at the time and place as ordered, and, before entering on their duties, shall be duly sworn to honestly, faithfully and impartially perform the duties imposed upon them; and any one of them may issue subpœnas for witnesses and may administer oaths; and said Commissioners may adjourn from place to place, and from time to time, as may be necessary for the proper discharge of their duties.

Assess compensation.

SEC. 8. The said Commissioners shall proceed to view the tract or tracts of land described in the petition, and ascertain and assess the compensation, in United States gold coin, for the land sought to be appropriated, to be paid as is hereinafter provided, to the person or persons having or holding any right, title or interest in or to each of said tracts of land, and in assessing and ascertaining such compensation they shall only take into consideration the actual cash value of that part of said land included within the limits of said streets, or either of them, at the time of said inquiry, and independent of any value that may be deemed to accrue to the same by reason of the

opening of said streets, or either of them, or the adoption of any measures looking to the opening and grading of the same. And the said Commissioners shall, on or before the time or times as ordered by said Court or Judge, file in the said Clerk's office their report, signed by them, setting forth their proceedings in the premises. In case there are adverse or conflicting claims to the compensation assessed for any tract of land, or any right, title or interest therein, thus sought to be appropriated, the parties thus asserting such claims shall present the same, by petition, to the Court or Judge, after the report of said Commissioners shall have been filed, and said Court or Judge shall proceed to hear and determine the same, and in such case the amount of such compensation may be paid to the Clerk of said Court, to abide the order of the Court or Judge in said proceedings, and said city and county shall not be liable for any of the costs caused by the adjudication of such conflicting claims. Report. Adverse claims.

SEC. 9. The said Board of Supervisors, or any of said defendants, if dissatisfied with the report, may, within twenty days after the time for the filing of said report, and after ten days notice to the parties interested, move to set aside the report, so far as it affects any of said streets, or any lot of land upon either of them, and to have a new trial as to any tract of land upon either of said streets; and upon good cause shown therefor, the said Court or Judge shall set aside the report as to such tract of land, and may recommit the matter so set aside to the same or other Commissioners, who shall be ordered to proceed in like manner as those first appointed; but such matter so set aside shall not be more than twice recommitted to Commissioners. All of said report not expressly set aside shall be and remain valid and effectual. When parties dissatisfied.

SEC. 10. Upon the expiration of twenty days after the filing of said report or reports, or at such further time as may be appointed therefor, if the motion and notice shall not have been made and given as aforesaid, and if the proceedings of said Commissioners appear to have been correctly and properly done, the said Court or Judge shall confirm each of said reports, and certify the same thereon. Confirmation of reports.

SEC. 11. Upon the confirmation of the report of said Commissioners, the said Board of Supervisors shall pass an order directing the Treasurer of said city and county to pay to the persons named in said decree of confirmation as entitled to said compensation, or to the Clerk of said Court, in case there be conflicting claims thereto, as hereinbefore provided for, the amount of said compensation so decreed to be paid for said tract or tracts of lands, out of the first moneys received by him under and by virtue of the special assessment herein provided for and directed to be made; and thereupon the real estate, or the right, title and interest therein, described in said report, shall be and become the property of said city and county, and shall be deemed to be acquired for and appropriated to public use, as a highway or street of said city. Payment of compensation.

SEC. 12. Immediately upon the filing of said petition, as herein directed, the said city and county shall, and may, by its agents, employés or contractors, enter into and upon each and To take possession.

every of the tract or tracts of land therein described, and proceed to grade and open the same as a public street and streets, as fully, to all intents and purposes, as they might or could do after the confirmation of said Commissioners' reports, and the actual payment of the compensation therein provided for.

Proposals for grading and opening streets.

SEC. 13. It shall be the duty of the Board of Supervisors of said city and county, within thirty days after the passage of this Act, to cause *notice of* the proposed work to be published in the official paper for five days, inviting sealed proposals for the work of opening and grading said Fourteenth street, from its intersection with Valencia street to its intersection with Noe street; of opening and grading said Fifteenth street, from its intersection with Valencia street to its intersection with Sanchez street; of removing any obstructions in the line of said Sixteenth street, between Guerrero and Dolores streets, and of opening and grading said Sixteenth street, from its intersection with Dolores street to its intersection with Sanchez street. Said proposals shall be made separately for the work to be done upon each of said streets. All proposals shall be in gold coin, and be delivered to the Clerk of the Board of Supervisors; and said Board shall, in open session, open, examine and publicly declare the same, and award said work to the lowest responsible bidder or bidders; *provided*, said Board may reject any and all bids, should they deem it for the public good, and also the bid of any party who may have proved delinquent or unfaithful in any former contract with the said city and county. All proposals shall be accompanied with a certified check of a responsible banker of said City and County of San Francisco, in the sum of one thousand dollars, in gold coin, payable to the order of the Superintendent of Streets and Highways of said city, who shall return the same to the bidding depositors whose bids shall be rejected by the Board of Supervisors, and to the successful bidder or bidders, upon his or their entering into the contract or contracts hereinafter provided for; and if said successful bidder or bidders should fail to enter into such contract or contracts, then said sum of one thousand dollars shall be paid by the said Superintendent of Streets and Highways into the Street Department Fund, for the use and benefit of said fund; and the Board of Supervisors shall have no power to authorize the same to be returned to such bidder or bidders, or to relieve him or them from the forfeiture of the same. Any person or persons who shall fail to enter into a contract as is herein provided, is hereby prohibited from bidding a second time for the same work. It shall be the duty of the Superintendent of Public Streets and Highways, within three days after the said award, to enter into a contract or contracts with the person or persons to whom the contract or contracts shall have been awarded, and at the price or prices at which the same may have been awarded to him or them; *provided*, that no such contract shall be entered into by said Superintendent which does not contain a covenant that the work to be performed under such contract shall be fully completed so as to be accepted within nine months from and after the execution of such contract, and the Board of Supervisors shall have no power or authority to extend the time for the performance and completion of said contract or contracts

Check to accompany bid.

Forfeiture.

Enter into contract.

beyond said period of nine months; but if the said bidder or bidders neglect, for ten days from and after such award, to enter into such contract or contracts, then the Board of Supervisors shall again publish, for five days, for bids, and pursue the steps as required by this section, as in the first instance. The contractor or contractors shall, at the time of the execution of the contract, also execute and deliver a bond or bonds, to the satisfaction of said Superintendent, with two or more sureties upon each bond, in case there be more than one contractor, payable to the City and County of San Francisco, in the sum of ten thousand dollars, in United States gold coin, conditioned for the faithful performance of the contract, and the sureties shall justify before any officer competent to administer an oath, in double the amount mentioned in said bond or bonds, over and above all statutory exemptions. Any person suffering damages by reason of the breach of said contract or contracts, may sue on any such bond in his own name, and as many parties may sue thereon as may be damaged thereby; and no such bond shall be satisfied until the whole amount of the penalty therein named has been actually paid. Bonds. Damages.

SEC. 14. The districts to be affected by the work designated and directed to be done, in this Act, are herein defined: Districts to be affected.

First—As that lying within and upon the lines of Fourteenth street, from its intersection with Harrison street to its intersection with Castro street, and to the distance of the one-half of the depth of each block, as laid down upon the official map of said city, upon each side of said Fourteenth street, between said points of intersection.

Second—As that lying within and upon the lines of Fifteenth street, from its intersection with Harrison street to its intersection with Castro street, and to the distance of one-half of the depth of each block, as laid down upon the official map of said city, upon each side of said Fifteenth [street], between said points of intersection.

Third—As that lying within and upon the lines of Sixteenth street, from its intersection with Harrison street to its intersection with Castro street, and to the distance of the one-half of the depth of each block, as laid down upon the official map of said city, upon each side of said Sixteenth street, between said points of intersection; *provided*, that no subdivision of any of said blocks of land, as created by any streets that may have been laid out parallel with and between said Fourteenth, Fifteenth and Sixteenth streets, or parallel with the same and between Thirteenth and Fourteenth streets or Sixteenth and Seventeenth streets, shall be recognized; and *provided* further, that none of said parallel streets actually dedicated to the public and used as a street shall be assessed; and the land to be benefited by such work shall be deemed, for the purposes of this Act, to be included within the district or districts in this section described. And the Board of Supervisors shall cause a map or maps of said district or districts to be made, designating thereon the lots or parcels of land into which, with the measurements thereof, respectively, the same may be divided, and also the

names of the owners of each and every lot of land therein, respectively; which said map or maps shall be filed in the office of the Clerk of the Board of Supervisors, and shall be for the use of the Commissioners hereinafter mentioned.

Commissioner to assess lands benefited.

SEC. 15. It shall be the duty of the Board of Supervisors, at their second regular meeting after the completion of the work intended by this Act, and its acceptance by the Superintendent of Public Streets and Highways, to appoint three disinterested citizens, who are freeholders in said city and county, and competent judges of the value of real estate therein, as Commissioners, to assess the benefits to each separate lot of land within the limits of the respective districts defined in section fourteen of this Act. It shall be in the power of said Board of Supervisors to remove either or all of said Commissioners, upon reasonable notice and hearing, upon sufficient cause therefor being shown, and to fill any vacancy or vacancies thereby or otherwise occasioned.

To be sworn.

SEC. 16. Said Commissioners shall, without delay, be severally sworn by the County Judge to make the estimate of benefits occasioned by the grading aforementioned, and the assessments in accordance therewith, to the best of their judgment and ability, without fear or favor; and that they have no interest whatever in the said estimates and assessments, nor in any of the premises or lands lying within said district or districts; which oath shall be indorsed upon the certificate of appointment, subscribed by said three Commissioners, certified by the County Judge and filed in the office of the Clerk of the Board of Supervisors; a copy of which certificate and oath may be delivered to said Commissioners as their authority.

To view lands and examine witnesses.

SEC. 17. Said Commissioners shall proceed to view the lands and premises within the district or districts defined in section fourteen, and may examine under oath, which any one of them is hereby authorized for such purpose to administer, any witnesses produced before them by any party interested, and all other witnesses which they may deem necessary to fully acquaint them with the true amount of benefits which result to any of the parties interested by the completion of the proposed work.

Determine expense of work.

SEC. 18. Said Commissioners shall determine by their award the actual amount due for the work of opening and grading herein authorized and directed to be done, together with the actual amount which may have been awarded as compensation to the owner of any tract of land for such land as may be appropriated under the provisions of this Act, for the purposes of said streets, and each of them, and with the costs of these proceedings, including the Commissioners' fees, and shall proceed to assess the amount thereof upon the several lots, tracts or parcels of land and premises benefited within the district or districts defined in section fourteen of this Act, as near as may be, in proportion to the benefits which shall be deemed to accrue to each lot respectively; and said assessments shall be made in United States gold coin. In case the whole of said work shall be done under and by virtue of one contract, there shall be but one award and assessment made, as herein provided for; but should said work be done under more than one contract, then

Assessments of lands and premises benefited.

there shall be an award and assessment, as herein provided, for each of said streets so graded, as aforesaid, upon that part of the district affected thereby, as is provided in the appropriate subdivision of said district, as contained in section fourteen.

Report. SEC. 19. Said Commissioners shall make their report or reports in writing, within sixty days after their appointment, shall subscribe the same, and file it or them in the office of the Clerk of the Board of Supervisors, naming therein the amount of costs and charges of the proceedings herein authorized, including the amount of such Commissioners' fees, as may be deemed proper and allowed by the Board of Supervisors, the amount that may have been awarded as compensation to the owners of any land taken as a part of said streets or street, under the provisions of this Act, with a description of each parcel of land so taken, with the name of the owner thereof, when known, and the amount allowed for each parcel so taken, together with a brief description of each lot within said district, as defined in section fourteen, or the appropriate subdivision of said district, the name of the owner, if known, and a special designation of the amount assessed against each lot or parcel of land which should be paid by the owner or occupant of the same; and in case the three Commissioners do not agree, the award or awards agreed upon by any two shall be sufficient. On filing such report, the Clerk of the Board of Supervisors shall give notice thereof, for five days, by publication in the official paper.

To be referred to a committee. SEC. 20. It shall be the duty of the Mayor, at the next regular meeting of the Board of Supervisors after the making of the publication directed to be made in the last preceding section, to appoint a committee of three members of said Board, to whom said report or reports shall be referred, which said committee shall hear any objections to the confirmation of said report or reports, upon a day to be appointed by them, said day not to exceed fifteen days after their appointment, and upon such day or days as the hearing may be adjourned to, but no adjournment of such hearing to be for more than three days. Said committee shall hear the allegations of the parties interested who may appear before them, and may take proof in relation thereto, and shall recommend the confirmation or rejection of said report or reports, and said committee shall make said recommendation within thirty days after their appointment. The Board of Supervisors may thereupon confirm the report of said Commissioners, or may set it or any one of them aside and refer the matter back to the said Commissioners to readjust the same, if in their judgment it shall appear to them best, and upon the filing of their report or reports thereafter, the same proceedings shall be had as is herein provided for the first report or reports, and the action of the Board of Supervisors herein shall be final and conclusive.

Action of Supervisors.

Upon confirmation. SEC. 21. Upon the confirmation of said Commissioners' report or reports, by the Board of Supervisors as aforesaid, the amount assessed against each lot or parcel of land therein described, being within the district or districts defined by the fourteenth section of this Act, shall immediately become a lien upon the respective tracts and parcels upon which the same

Assessment rolls. may be assessed; and the Mayor of said city shall thereupon cause an assessment roll or rolls, as the case may be, to be made, in the form used for assessment rolls in said city and county, except in such assessment roll or rolls to be made from such report or reports, as confirmed, shall be set down in separate columns—

First—The names of all persons or corporations, being the owners or occupants of the lands benefited, when the same is known; and if not known, then that fact to be stated;

Second—The description of the tract, lot or parcel of land, in respect to which said person or persons, or corporation, or unknown owner is assessed;

Third—The amount, in United States gold coin, which has been assessed against such described tract, lot or parcel of land.

Collection. To which said assessment roll or rolls the Mayor shall annex his warrant, and cause the same to be delivered to the Tax Collector of said city and county, who shall proceed to collect the same, in United States gold coin, in the manner prescribed by law for the collection of general taxes in said city and county, including the same penalties for a failure to pay the same, when due and payable, that is prescribed for a like failure in the payment of general taxes in said city and county, and with the like power in said Tax Collector to advertise and sell the lands so assessed, and with like effect, as he is invested with in the collection of general taxes.

Payment of moneys collected. SEC. 22. The Tax Collector of said city and county shall, at the end of every ten days after the receipt by him of said assessment roll or rolls, or either of them, pay over to the Treasurer of said city and county the amount of money collected by him within the preceding ten days, upon such assessment; and as

How applied soon as a sufficient sum has been received by said Treasurer, he shall pay the amount of the order which the Board of Supervisors are directed to pass, in the eleventh section of this Act, to the person or persons entitled to receive the same, in United States gold coin; and out of the next moneys so received by him from said Tax Collector, he shall pay the costs, charges and expenses of the proceedings herein authorized, including Commissioners' fees, in like gold coin, to such persons as may be entitled to receive them, according to the confirmation of the Commissioners' report or reports by the Board of Supervisors; and thereafter, the said Treasurer shall pay over to the Superintendent of Public Streets and Highways of said city, in like gold coin, the moneys received by him of said Collector upon said assessment or assessments; and the said Superintendent shall immediately pay the same, in like gold coin, to the person or persons entitled to receive the same, upon the amount due for the work of opening and grading of said street or streets, as hereinbefore directed, until the full amount due for said work, as per the contract or contracts hereinbefore authorized, is paid and discharged.

When persons assessed own lands taken. SEC. 23. In case any person or persons, corporation or corporations, owning land that may be assessed under this Act to pay for opening said streets, shall also own any tract or tracts of land which may be taken or occupied by said street when opened, such person or persons, corporation or corporations,

shall only be required to pay to the Tax Collector the difference, if any, between the amount of assessment and the amount of damages awarded, and it shall be the duty of the Commissioners appointed under this Act to furnish each of such person or persons, corporation or corporations, with a statement, signed by them, showing—

First—The amount of damages awarded such person or persons, corporation or corporations, for land taken and occupied by said streets; and,

Second—The amount assessed against lands belonging to said person or persons, corporation or corporations, to pay for opening said street.

Payment of difference.

Whenever, on receipt by the Tax Collector of such certificates, said certificates shall show the amount of damages allowed to said person or persons, corporation or corporations, they shall only be required to pay to said Tax Collector the difference between said damages and assessments; and on payment of said difference, and surrender to said Tax Collector of said certificate, properly indorsed, the said person or persons, corporation or corporations, shall be deemed to have paid the amount assessed against their land, and shall also be deemed to have received the amount of damages awarded to them, or each of them.

SEC. 24. This Act shall take effect and be in force from and after its passage.

CHAPTER DX.

An Act to provide for the protection of lands in the County of Sutter from overflow.

[Approved April 4, 1870.]

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

Application to be organized into district.

SECTION 1. Whenever the Board of Supervisors of Sutter County shall receive a petition, signed by persons in possession of more than one-half of the acres of land in any specified portion of said county which is not within the line of segregation of swamp and overflowed lands, asking to be set apart and erected into a district for canal and levee purposes, they shall cause notice to be given by publication in some newspaper in said county, if there be one; if there be none, then in an adjoining county, that at their next regular meeting they will proceed to consider said application, and to hear any and all objections why such territory shall not be organized into a district for said purposes.

When application granted.

SEC. 2. If it shall appear to the satisfaction of the Board of Supervisors that it is the desire of the owners of a majority of the acres of land in said described territory, and that it is just and proper, they may declare said territory a district for the above purposes, and record the same in a book to be kept for

that purpose, giving the metes and bounds by divisions and subdivisions, according to United States surveys.

Board of Directors.

SEC. 3. The Board of Supervisors of Sutter County may appoint three suitable persons to serve as Directors, one to serve as Assessor, and one as Collector of said district, all of whom shall be landholders in said district, who shall hold their office until the next general election; and before entering upon the discharge of their duties, shall take the usual oath of office. At such next general election, said Directors, Assessor and Tax Collector shall be elected by the qualified electors of said district, whose term of office shall be two years and until their successors are elected and qualified. The Board of Supervisors shall have power to fill all vacancies caused by death, resignation or otherwise. The Board of Supervisors shall issue certificates of election or appointment to the persons entitled thereto. The said Board of Directors, at their first meeting, shall elect one of their number Clerk.

Powers of Assessors and Collectors.

SEC. 4. The Assessor and Tax Collector for districts erected under this Act shall have, while in the discharge of their duties, all the power and authority given by law to County Assessors and Tax Collectors, and shall give bonds for the faithful performance of their duties, as the Board of Directors of said district may require.

Assessment.

SEC. 5. It shall be the duty of the Board of Directors of any district organized as herein provided to cause the District Assessor to assess, at such time as they may determine, all the property in said canal and levee district, and in making such assessment, said Assessor shall assess the value of such real estate and personal property, placing the same in distinct and separate columns in the assessment roll prepared by him. Said assessment roll shall be called Special Canal and Levee Assessment Roll of District Number One, Two or Three, as the case may be.

Notice.

SEC. 6. As soon as the assessment roll shall have been completed as above, the Assessor shall deliver the same to the Board of Directors, who shall forthwith give notice, by posting at least five notices in the most public places in said district, that said special assessment roll for Canal and Levee District Number One, Two or Three, as the case may be, has been completed, and is in their possession and open for examination, and that the Directors of said district will sit as a Board of Equalization, commencing upon a day to be named in the notice, and will continue from day to day, until said equalization shall have been completed, and will hear and determine all complaints as regards valuation and assessment thereon; *provided*, that said equalization shall be completed within five days.

Board of Equalization

Powers.

SEC. 7. The Board of Directors, while sitting as a Board of Equalization, shall have power to hear and determine all complaints and objections to valuation and assessments that may come before them, and shall have power to change any valuation or assessment that may seem to them just and proper. The Clerk shall note all alterations in valuation of assessment, and within ten days after the close of the session shall have the total values, as finally equalized by the Board, extended into columns and added up, and deliver the same to the District Col-

Delivery of assessment roll.

lector of the canal and levee district for which it is made, who shall give notice that said taxes are due and payable at his office or place of residence, and that if not paid on or before the third Monday of November next succeeding the same, shall become delinquent and shall be passed over to the District Attorney for collection, under the same rules and regulations as apply to delinquent State and county taxes. The taxes levied under and by virtue of this Act, for any canal and levee district, shall constitute a special fund for that district, and shall be called the Canal and Levee Fund of District Number One, Two or Three, as the case may be, and when collected shall be paid into the county treasury to the credit of the canal and levee district wherein the tax was levied and collected, and the money shall be drawn out of said fund as hereinafter provided. A special tax for canal and levee purposes shall be levied annually, for each district erected in said county under this Act, not exceeding the rate per cent. hereinafter named, and special assessment for canal and levee purposes, and a special canal and levee assessment roll for each district, shall be annually made.

Notice of taxes due.

Special fund

Special tax.

SEC. 8. The Board of Directors, their agents or employés, may immediately enter upon and take possession of any land that may be necessary for any canal, levee or work of protection within any district, and have the same condemned for that use; *provided*, however, that if the same be private and individual property, and the rights and privileges necessary be not granted by the owners thereof, the Board of Directors shall petition the Board of Supervisors of Sutter County to appoint three appraisers to assess the damages arising from the taking of such land; and the Board of Supervisors shall thereupon appoint three disinterested persons, who shall have full power to proceed to such premises and to examine, hear and determine all questions of damages and injuries to such land arising from such taking, and to award the amount of the same to the person or persons entitled thereto; *provided*, that if it shall appear to said appraisers that the canal, levee or other work of protection will be of more benefit than injury to the property of the party so denying the right of way, then said appraisers shall report that fact to the Board of Supervisors; and for the purpose of determining questions of damages and benefits, the appraisers shall have power to administer oaths. The appraisers shall make their report in writing, and the same shall be approved or set aside by the Board of Supervisors, for cause shown; and if set aside, they shall appoint three other appraisers, who shall proceed in like manner; and as soon as such appraisement shall be approved, if anything is awarded to the person or persons claiming damages, the Directors shall order it paid in the same manner as other claims against the particular district are paid.

To take possession of lands needed.

Appointment of appraisers.

Report.

SEC. 9. When it shall be found necessary to use any canal, levee or work of protection, which has heretofore been constructed by private enterprise, the said canal, levee or other work of protection shall be measured, estimated and paid for to the owner or owners, person or persons who constructed, or contributed towards the construction of the same, in proportion

When private levees, etc., are taken.

to the amount of each one's contribution, at the contract price; and the sum so paid shall be deducted from the amount to be paid to the contractor.

May levy tax

SEC. 10. The Board of Directors shall meet annually, on the second Monday of April, and shall have power to levy a tax sufficient for district purposes, which shall not exceed four per cent. upon all the taxable property in said district; they shall, also, as soon as practicable, adopt a mode of reclamation; and for that purpose, may employ any competent engineer as soon as said mode of reclamation has been adopted; plans and specifications of the same shall be filed by the Directors in the County Clerk's office.

Plan of reclamation.

Division of district into sections.

SEC. 11. As soon as the Board of Directors have finally adopted a plan of reclamation and protection for any canal and levee district, they shall divide the same into any convenient number of sections, and shall give notice, for a period of not less than ten days, by publication in a newspaper published in the County of Sutter, if there be one; and if there be none, then in any paper in an adjoining county, as the Board of Directors may elect, for bids for the construction of each separate section of any canal, levee or other work of protection, or for the whole work, and that plans and specifications can be seen at the County Clerk's office, and that the Board of Directors are prepared to receive sealed proposals for the construction of such work in accordance with the plans and specifications; and that the same will be let to the lowest responsible bidder or bidders, stating the time and place said proposals will be received and opened; which bids, at the time and place appointed, shall be opened in public; and as soon as convenient thereafter, the Board of Directors shall let said work, either in sections or as a whole, to such bidder or bidders as they shall deem most advantageous, or they may reject any or all bids, and readvertise for proposals; if there should be two or more equal bids for the same section, and one of the bidders be the owner of the land on which said work is to be done, then the preference shall be given to such owner.

Proposals for construction of work.

Contractor to give bond.

SEC. 12. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the Board of Directors of said district, payable to the State of California, for the use of such canal and levee district, for double the amount of the contract price, conditioned for the faithful performance of said contract.

When payment to be made.

SEC. 13. When any section or specified portion of the work under contract shall have been completed, and such work has been approved by the Board of Directors as being in accordance with the terms of the contract, the Board of Directors shall approve the account for such completed portion of the work, and forward the same to the Board of Supervisors with their certificate of the correctness of the same. The Board of Supervisors of Sutter County, if they shall find the same to be correct, shall order the County Auditor to draw his warrant upon the County Treasurer, payable out of the fund belonging to the proper canal and levee district, for the amount of the account so approved. Warrants drawn on any Canal and Levee District Fund shall be paid out of any money in the county treasury

belonging to such fund, or they shall be received by the Tax Collector in payment of the tax authorized to be levied and collected for the construction of canals, levee or other works of protection in said district.

When work to be completed

SEC. 14. Any contract entered into for the construction of any work contemplated in this Act shall stipulate for the completion of the same within four months after the making of such contract; *provided*, that the Board of Directors of such canal and levee district may, if they deem it proper, extend the time for completion of any contract. The warrants drawn, as hereinbefore provided, from the time of their presentation to the County Treasurer for payment, until paid, shall bear interest at the rate of seven per cent. per annum. The County Treasurer shall keep a register of said warrants in the order of their presentation for payment; and if there be no money in his hands belonging to [the] particular Canal and Levee Fund upon which the warrant is drawn, he shall indorse upon the back of such warrant the date of presentation for payment, and thereafter pay the same in the order of its registry, as from time to time any moneys shall be paid over to him to the credit of the particular Canal and Levee Fund on which the same is drawn

Warrants to draw interest.

Register.

Redemption.

SEC. 15. When there shall be sufficient money in any Canal and Levee Fund, created under the provisions of this Act, to redeem one or more of the outstanding warrants next in order of redemption, according to the registry of said warrants, the County Treasurer may give notice thereof, by publication or otherwise, for a period of twenty days, at the end of which time said warrants shall cease to draw interest.

In coin.

SEC. 16. All taxes levied and collected by virtue of this Act shall be paid in gold or silver coin.

Penalty for injuring work.

SEC. 17. Any person or persons who shall wilfully or maliciously cut, injure, destroy or obstruct, or attempt to cut, injure, destroy or obstruct any canal, levee or other work of protection built, dug or erected under the provisions of this Act, or that may be in charge of the Board of Directors, shall be deemed guilty of felony, and upon conviction thereof before any Court of competent jurisdiction, shall be fined in any sum not less than fifty dollars nor more than one thousand dollars, or be confined in the State Prison not less than one nor more than five years, or may be both fined and imprisoned, at the discretion of the Court.

May remit tax.

SEC. 18. The Board of Directors are hereby authorized, in their discretion and for good cause shown, to remit any tax or any portion thereof, as to them may seem just and proper.

Quorum.

SEC. 19. A majority of the Board of Directors shall constitute a quorum for the transaction of all business imposed upon them by this Act.

Engineer may be employed.

SEC. 20. Whenever the services of an engineer shall be needed for the locating or measuring of any works to be constructed by virtue of this Act, or for the enlarging, strengthening or repairing of such works, the Board of Directors shall employ a suitable person to perform such services, at such prices as may be agreed upon. The Assessor and Collector shall be

Compensation of Assessor and Collector. Treasurer. District Attorney. Directors.

allowed for their services a sum, to be fixed by the Board of Directors, not to exceed four dollars per day for each day necessarily employed in their duties. The County Treasurer shall receive one per cent. on all moneys disbursed by him. The District Attorney shall be allowed one-half the usual fees allowed by law for similar services. The Board shall be allowed a sum, to be agreed upon by themselves, not to exceed three dollars per day each, for every day necessarily employed. All accounts for services rendered, or for repairs, improvements and expenditures, shall be allowed in the same manner as provided in section thirteen of this Act.

Secretary, duties of.

SEC. 21. The Secretary of the Board of Directors shall keep a full, true and correct record of all the acts, orders, allowances, awards and proceedings of said Board, and preserve all bids, contracts, papers, and deliver the same to his successor in office.

General supervision.

SEC. 22. The Board of Directors shall have general supervision of all work, repairs and improvements, but may appoint some suitable person to superintend, at such time as they may direct, and at such compensation as they may allow.

Not to conflict.

SEC. 23. Nothing in this Act shall be so construed as in any manner to impair, interfere or conflict with the provisions of a similar Act, approved March twenty-fifth, eighteen hundred and sixty-eight.

SEC. 24. This Act shall take effect from and after its passage.

CHAPTER DXI.

An Act to appropriate money for the relief of General John A. Sutter.

[Approved April 4, 1870.]

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

Appropriation.

SECTION 1. The sum of two hundred and fifty dollars per month, for the period of two years, is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, for the relief of General John A. Sutter.

Monthly warrants.

SEC. 2. The Controller of State is hereby directed to draw his warrants monthly, for the sum of two hundred and fifty dollars each, in favor of John A Sutter; and the Treasurer of State is hereby directed to pay the same.

Not assignable.

SEC. 3. Said warrants shall not be assignable.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER DXII.

An Act to provide for the improvement of the rivers and streams of Santa Clara County.

[Approved April 4, 1870.]

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

May improve rivers and streams.

SECTION 1. The Board of Supervisors of Santa Clara County are hereby empowered to improve the rivers and streams flowing through said county, in order to protect the land contiguous thereto from overflow; to cause obstructions to be removed from the channels; to raise embankments; to widen, straighten and deepen said channels.

Petition.

SEC. 2. Upon the petition of ten or more freeholders, owning lands bordering on or near the line of any river or stream, setting forth the necessity of improvements thereon, and clearly designating at what points on said river or stream said improvements shall commence and terminate, the Board of Supervisors shall appoint a committee of three disinterested freeholders, to examine and report upon the necessity of said proposed improvements; said report shall be made in writing, and filed with the Clerk of the Board of Supervisors within twenty days from the time of said appointments

Appoint committee.

If improvement needed

SEC. 3. If, upon such report, the Board of Supervisors shall be satisfied that said improvements are needed and proper to be made, and that it will be necessary to take private lands for that purpose, they shall enter in their minutes a resolution or ordinance so declaring. Said resolution or ordinance shall contain a description of the stream or river to be improved, its present average width and the land it will require to make it of sufficient capacity, what height and width the embankments or levee on either side will be necessary to protect the lands from overflow, and also of that part or portion of said county, railroad companies, corporations, franchises, lands, houses, tenements and superstructures of any and every character, which they adjudge will be benefited by said improvements, and which ought to bear a just proportion of the expense thereof. Such description to be made with like certainty as is required by law in complaints of actions in ejectments, to refer to all such lands, and when it passes through any city, by the adjoining streets and number of the lots of which they are composed or form a part, as the same are or shall be laid down upon the official map of said city, if any, or county, or if not so laid down, to refer to the sections, half sections, quarter sections or fractional sections of which the same are or form a part, as the same are laid down on the official map of the United States. The said Board of Supervisors shall thereupon make an order appointing some competent engineer designated in said order, who shall make out a map of the same, with plans, specifications and an estimate of the number of cubic yards of earth to be removed from the channel, and the number of cubic yards of earth required for making the levee adjacent to each individual's lands

adjoining the river or stream. Said map, plans, specifications and estimate shall be filed with the Clerk of the Board of Supervisors. Upon such report being made, the Board of Supervisors shall pass an order requiring all persons interested in the subject matter of the said improvements, to attend a session of said Board of Supervisors, at a fixed time specified in said order, which shall be published daily for one week in the City of San José, at the same time giving notice that the engineer's map, plans, specifications and estimate of the work to be done are on file. After the completion of such publication and upon proof thereof, and at the time appointed therefor as aforesaid, the Board of Supervisors shall proceed to hear the allegations of the owners and occupants of the lots and lands situated within the city, if any, and county so described as aforesaid, and after hearing the same, shall make such further orders in respect to such improvements as they shall deem proper.

If work to be proceeded with.

SEC. 4. If the Board of Supervisors shall determine to proceed with such contemplated improvements, they shall thereupon pass and enter in their minutes a final resolution or ordinance, declaring such determination. Said resolution or ordinance shall contain a description of the land deemed necessary to be taken therefor, and also of that portion of said city, if any, and county, and those railroad companies and corporations, if any, which will be benefited by said improvements, and upon which the expense thereof is to be assessed, which description shall contain the certainty and particularity required; *provided*, that if the persons representing two-thirds of the assessed value of the property to be charged with the cost of said improvements shall remonstrate, in writing, to the Board of Supervisors, against the proposed work, within five days from the time of hearing the allegations of owners, as provided in section three (3) of this Act, then no further action shall be had thereon.

Assessment of benefits and damages

SEC. 5. In case a part or portion of the city, if any, and county, and not the whole of said city and county, shall have been declared to be benefited by such contemplated improvements, and to be assessed for the expense thereof, the said Board of Supervisors shall cause to be published daily, for one week, in some paper published in the City of San José, a notice specifying and describing the land so declared necessary for such public improvements, and the portion of said city, if any, and county, corporations and companies so declared to be benefited by the making thereof, and to be assessed for the expense thereof, and that the damages and recompense to which the owner or owners of such land may be entitled will be inquired into and determined, and that such damages and recompense for acquiring the right of way and for the use of such land for public benefit, and making apportionment thereof, will be apportioned and assessed upon the owners and occupants of houses, lots and other real estate, corporations and companies benefited thereby, by Commissioners who shall be appointed by the County Court of Santa Clara County, in the exercise of its civil jurisdiction, at a day in some term thereof, to be specified in said notice, not more than six nor less than two weeks from the first publication thereof; the said Board of

Supervisors shall cause a copy of such notice to be served upon each of the aforesaid corporations, companies and each of the owners of the respective parcels of land to be taken for such improvement, and upon the owners of the lands and tenements within the territory declared to be benefited by such improvements, who are residents of said city or county, so far as the same can be ascertained, and upon each of the occupants of each of said parcels, if such there be, and upon the usual agents and attorneys who shall or may have charge of such lands of non-residents of said city or county, if such agents or attorneys can be found in the city or county; in case any of such parcels of land are vacant, then by affixing a copy of such notice in some conspicuous place thereon, at least ten days previous to the day specified in the said notice for the appointment of such Commissioners by the said County Court. The services and posting of such notices may be proved by the affidavit of any male citizen of the State, of full age and disinterested in the proceedings, taken and certified to by any officer authorized to administer affidavits to be read in Courts of justice in the State, or by the certificate of the Sheriff of said county, as in proceedings in civil cases; and such affidavit or certificate, in the respective cases, shall be received as evidence of the circumstances required by this section to be shown in regard to such services, as alternative with personal service, or as a substitute therefor.

Notice to be served.

Proof of service.

SEC. 6. Upon the filing in the County Court a copy of all the proceedings had by the Board of Supervisors as hereinbefore provided, certified by the Clerk of said Board of Supervisors under the corporate seal of said county, and also all original affidavits and certificates showing service and posting of notices, and the original map made as heretofore provided, in the said County Court, the said Court shall thereupon have and take jurisdiction of said proceedings as a special proceeding, and shall act thereon and continue and determine the same after the manner of cases of equitable cognizance. At the day in such notice specified, or any other day to which the same may be adjourned by said Court, the said Court, after ascertaining, to its own satisfaction, that said notices have been duly served and published, or that sufficient reason for the non-service thereof personally has been shown by affidavits or the Sheriff's certificate, as hereinbefore provided, and upon hearing the attorney and counsel for said county, and any other parties interested in any of the lands and tenements described in said notice, shall appoint three discreet freeholders of said county, not interested in any of the proceedings, as Commissioners of Appraisal and Assessment. The said Court may at any time remove any or all of said Commissioners for cause, upon reasonable notice and hearing, and may fill any vacancies occurring at any time for any cause.

County Court to take jurisdiction

Appointment of Commissioners

SEC. 7. The said Commissioners shall be sworn to discharge their duties according to the provisions of this Act, without favor or partiality. They shall proceed to view the lands and tenements mentioned and described in the notice, ordinance, resolution and map aforesaid, subject to overflow, as well as the lands of all specified therein, affected by the contemplated

Duties and powers.

Duties and powers.

improvement, and may examine witnesses on oath, administered by any one of said Commissioners, and shall keep minutes of the testimony so taken. In case of any controversy or doubt respecting any legal principle involved in their proceedings, or in any determination to be made by them, they may apply to the said County Court for instructions, and shall enter upon their minutes the substance of any charge or instruction given them by the said Court. They shall appraise the damages which the owner or owners are justly entitled to receive; and if there be any occupants not owning the lands or tenements taken for such public improvements, who shall severally sustain damages thereby, then the said Commissioners shall apportion and assess the whole amount of such damages on the owners of the lands, houses and tenements within the territory deemed, by the resolution of the Board of Supervisors, to be benefited by such improvements, as near as may be, in proportion to the benefit which each shall be deemed to acquire by the making thereof. It shall be lawful for the Commissioners appointed by the provisions of this Act, and whose duty it shall be, to make a just and equitable assessment of the whole amount of cost and expense and damages of such altering, deepening, straightening, widening and leveeing the said river or stream upon the owners of the lands, houses and real estate intended to be benefited thereby, and the same shall be a lien thereon. It shall be the duty of the said Commissioners, at the same time of making said assessments, to take into account the amount of labor and work done by any owner or owners of the lands adjoining the said river or stream, for the improvement thereof. They shall also assess portions of such costs, expense and damage upon any railroad company or corporation, as shall seem to them equitable and just, and such assessment shall be a lien upon any property of said company or corporation in the county, and may also be enforced in the same manner as the assessments upon the owners of lands and real estate intended to be benefited thereby; *provided*, however, that such lien shall not extend or attach to any other lands than those directly affected by such improvements; and *provided* further, that no claim or damages shall be created by any of the proceedings to be had under this Act against any person for improvements beyond the value of the property so improved.

Report.

SEC. 8. The said Commissioners shall make a report thereof, or a majority of them, to the said County Court, in which report they shall describe, with all practicable certainty, the several pieces or parcels of land taken for such improvements, and the names and residences of the owner or owners thereof, respectively, and the rights of such owners, so far as they can be ascertained, designating unknown owners, if any such there be, and the sum of money which ought to be paid to each one of the owners and occupants of the said several parcels of land for his or their recompense for being deprived thereof; they shall, also, in their report, specify the sums of money which each and every owner or occupant of houses and land, corporation or company, deemed to be benefited by such improvements, whether known or unknown, should pay toward the expense of making the same; they shall also specify the lands in respect

to which the owner shall be deemed benefited, and in case the land in respect to which the owner shall be deemed benefited, shall be the same of which any portion held by him under the same title shall be taken for such improvement, that fact shall be stated in their report; they shall also file a duplicate of such report in the office of the Clerk of said county.

Objections to confirmation of report.

SEC. 9. Upon the filing of such report, the said County Court shall appoint a day for hearing objections to the confirmation thereof; and on the day appointed, or on such other day or days to which the same shall be adjourned by the said Court, shall hear the allegations of all persons interested, and may take proof in relation thereto from time to time, and may confirm the said report or may set the same aside, and refer the matter to the same or new Commissioners, who shall thereupon proceed as hereinbefore provided.

When to take possession.

SEC. 10. Upon the confirmation of the report of the Commissioners of Appraisal and Assessments, the said County Court shall enter an order that the County of Santa Clara shall be entitled to take the land and tenements specified in the report of said Commissioners as necessary for the making such improvements, on paying the amount of damages assessed in said report to the owners and occupants thereof. When any damages shall be awarded and any assessment for benefit of such improvements in respect to which such damages are awarded shall be made upon the same person or persons, or in respect the ownership of any entire parcel of land a part of which shall be taken for such improvements, then the County of Santa Clara shall become vested with the right of way of such land, upon paying or depositing, according to law, the amount of the difference between the sums of money so awarded and assessed.

Parties aggrieved may appeal.

SEC. 11 Any person considering himself aggrieved by any part of such report that shall have been confirmed by said County Court, may, within ten days from such confirmation, give notice to the Board of Supervisors and to the Clerk of said County Court, of his intention to appeal to the Supreme Court, to review the said report or the proceedings of the said Commissioners or of the said County Court, or all of them, upon matters of law, and to correct the said report; said notice shall specify the ground of such appeal with sufficient certainty, and shall be accompanied by the undertaking or deposit of the sum of three hundred dollars, or he may give bonds for that amount, with two or more resident freeholders of the county, who, over and above debts and liabilities and property exempt from execution, shall be worth double the sum specified in the bond. When the party appealing shall desire a statement to be annexed to the record, the same shall be prepared as other appeals in civil cases, with like effect; and any portion of the testimony taken by the Commissioners or Judge, or of the minutes of the Commissioners pertinent to the appeal, may be inserted in such statement.

Suspension of proceedings.

SEC. 12. The giving of such notice, and the filing of such undertaking, or making such deposit, shall suspend all further proceedings of the Board of Supervisors in relation to taking the lands and tenements which shall be the subject of such notice, until a decision thereon, as hereinafter provided. The

Supreme Court to hear appeal.

Supreme Court shall proceed to hear such appeal, giving the same such precedence as may be consistent with the dispatch of public business in the said Court, and may correct, modify or set aside such report, in whole or in part, as may direct the Commissioners, to proceed and revise the same upon principles declared by the said Supreme Court; and in case a new report is made by the Commissioners under such direction, the same shall be subject to the same confirmation by the County Court, and to the like appeal, with the like effect, respectively, as hereinbefore provided.

Costs incurred.

SEC. 13. In case the said report so made and confirmed, as aforesaid, in the said County Court, shall be confirmed in the Supreme Court, the obligors in the undertaking given to the said county, as before provided, shall be liable to pay all the taxable cost necessarily incurred on said appeal; but in case the said report shall be corrected or modified, the Supreme Court shall determine, under the circumstances of the case, whether the appellant shall be entitled to his costs and expenses, and if the same shall be awarded to such appellant, they shall be paid.

Transcript to be made out.

SEC. 14. Whenever the amount of damages for taking any lands, as aforesaid, and assessment thereof, shall be finally ascertained and fixed, either by confirmation of the County Court, as aforesaid, and no notice and undertaking being given, as hereinbefore prescribed, or by the confirmation, correction or modification of the report of the Commissioners by the Supreme Court, the Board of Supervisors shall cause a transcript to be made out in the form used for assessment rolls in said county, except that in such assessment roll to be made from such report, as confirmed, shall be set down in separate columns—

What to contain.

First—The names of all persons, corporations and companies assessed, when known, and if not known, then the fact to be stated.

Second—The description of the land in respect to which they are assessed

Third—The amount to which such persons shall, respectively, be assessed.

Fourth—The amount of damages, if any, to which such persons are, respectively, entitled by the award of the Commissioners.

Fifth—The amount of the excess, if any, to be collected.

To which said transcript, when so made, the County Auditor shall annex his warrant, and the same shall thereupon be collected in the manner then prescribed by law for the collection of general taxes for State and county, and shall in like manner be a lien upon the respective tracts and parcels of land, corporations and companies, as aforesaid, and shall take precedence and have priority over any mortgage, judgment or other lien upon such property.

To be delivered to Collector.

SEC. 15. When the amount of any damages for taking any lands as aforesaid shall be finally ascertained and fixed, either by the confirmation of the County Court, as aforesaid, and no notice and undertaking being given within the time prescribed in this Act, or by the confirmation thereof by the Supreme Court, it shall be the duty of the Board of Supervisors to cause the County Auditor to deliver the transcript and assessment

roll, as stated in section thirteen of this Act, to the County Collector, who shall give the same notice as prescribed for the collection of State and county taxes; and if the same are not paid within the time therein specified, they shall be deemed delinquent and shall be collected in the same manner, in all respects, as the State and county taxes are now collected, and when so collected, the Collector and District Attorney shall pay the same to the County Treasurer, who shall keep the same as the Special River Improvement Fund, subject to the order of the Board of Supervisors. Delinquent.

SEC. 16. When the assessments are all collected and paid into the county treasury, the Board of Supervisors shall cause all the claims for damages allowed by the Commissioners to be paid, by ordering warrants drawn on the Special River Improvement Fund for the several amounts due thereon, or the said Board of Supervisors may order warrants drawn on said fund so soon as the amount paid in is equal to the amount of damages allowed by the Commissioners, between the sums awarded and assessed. After the damages are paid for the right of way, as provided, and previous to the letting of the work, as provided in section nineteen of this Act, any person wishing any of the earth where it is necessary to remove the same therefrom, may be granted the privilege by the engineer who may have charge of the work, as he may direct. Payment of claims. Removal of earth.

SEC. 17. Until such damages are paid, as aforesaid, it shall not be lawful for the said Board of Supervisors, or any of their officers or agents, to take or enter upon any lands or tenements for the taking of which any such damages shall have been allowed. Unlawful entry.

SEC. 18. The said Committee, Commissioners, Engineers, Collector and District Attorney shall be entitled to compensation for their services, and other services or costs created under the provisions of this Act, not otherwise provided for, shall be allowed by the Board of Supervisors and certified to by the County Court, and shall be paid out of the Current Expense Fund of said County of Santa Clara. Compensation for services.

SEC. 19. When the Board of Supervisors shall determine to proceed with any such work, and no remonstrances shall have been presented, as provided in section four of this Act, they shall let the same to the lowest responsible bidder, first giving twenty days notice for proposals, in some newspaper published in said county, in sections not exceeding one-half mile each, or fractional sections, as they may deem proper or as the case may require. The work so let shall be paid for, when completed according to the specifications of the said engineer, by the Board of Supervisors ordering warrants drawn on the Special River Improvement Fund. After the work is let by the Board of Supervisors to any contractor, two-thirds of the property owners in interest, or any section or fractional section adjoining said river or stream, shall have the privilege of doing the work at the contractor's bid, by making application to that effect, in writing, to the Clerk of the Board of Supervisors, within five days from the time said bid has been accepted by Receive bids. Privilege of property owners.

the Board of Supervisors. The said Board of Supervisors may reject any or all bids; and in no event shall the County of Santa Clara become responsible for any assessments and damages, or for work and labor to be done in carrying into effect the provisions of this Act; and any surplus that may remain after paying all damages and for work done, shall be transferred to the Current Expense Fund of said county. The said contractors shall give such bonds for the faithful performance of such contracts as the Board of Supervisors may require; and the time for the completion of such contracts shall be fixed by the said Board of Supervisors.

Not responsible.

Contractors' bond.

Inspectors of Rivers and Streams.

SEC. 20. It shall be the duty of the Board of Supervisors of the County of Santa Clara to appoint the Roadmasters to act as Inspectors of Rivers and Streams in their respective road districts, and when improvements have been made in any river or stream, under the provisions of this Act, it shall be their duty to examine and keep the channels of all such river or streams clear of brush that may grow therein, and from the accumulation of logs and other rubbish that would impede the free flow of water; they shall also keep the levees in repair, and for the purpose of removing such obstructions and keeping the said levees in repair, the said Inspectors and their assistants shall have the right to enter upon the lands adjacent to such stream. The Board of Supervisors shall fix the compensation of such Inspectors for work and labor so done, and may remove them at pleasure. The cost of all such work shall be paid out of the Current Expense Fund of the County of Santa Clara.

Compensation.

Duties.

SEC. 21. It shall be the duty of the Roadmasters, acting as Inspectors of Rivers and Streams, to examine all rivers and streams subject to overflow in their several districts, that have not been improved under the provisions of this Act, or which only a part and not the whole of such river or stream has been improved; and if on such examination they find timber or brush growing in the channels, or other obstructions so as to impeded the free flow of water therein, they shall report the same in writing to the Board of Supervisors, and shall state the character of such obstructions, and the name of the parties owning the lands adjacent thereto. Upon such report being made, the Board of Supervisors shall cause the same to be entered into their minutes, and shall forthwith cause the same to be published for two weeks, in some newspaper published in the City of San José, and at the same time give notice that the said obstructions must be removed within thirty days from the termination of such publication; they shall also direct the County Clerk to mail a copy of said notice through the Post-office, to the owners of the lands adjacent to the said river or stream, where the said obstructions exist. The certificate of the County Clerk, in the minutes of the said Board of Supervisors, that the report of the Inspector and notice, as above stated, have been published, and that a copy of the same has been duly mailed to the owners of the lands, shall be deemed sufficient evidence of the publication thereof. If the obstructions are not removed within the time specified, the Board of Supervisors shall direct the Inspector to proceed and remove the same. The Inspector and his assistants shall have the right

Removal of obstructions.

to enter the lands adjacent to such river or stream, and remove all obstructions therefrom; all timber and brush shall be cut down to the low water level at the time when cut. The Board of Supervisors shall fix the compensation for such labor, and the same shall be a lien upon the land, according to the amount of labor done on the lands of the owners adjacent thereto, and shall be collected in the same manner, in all respects, as provided for the collections of assessments made by the Commissioners, as provided for in section twelve of this Act.

SEC. 22. This Act shall be deemed a public Act and shall be liberally construed, and the said Board of Supervisors and the said County Court shall have all powers necessary to carry the same into execution. All presumptions attaching to the proceedings of Courts of general jurisdiction shall apply to the proceedings had in the said County Court under the provisions of this Act; *provided*, it shall appear that its jurisdiction originally attached to the same, and such jurisdiction shall be deemed to attach upon the filing in said County Court of the proceedings, maps, affidavits and certificates mentioned in section six of this Act, notwithstanding any defect of form or of substance not appearing on the face of the proceedings or papers. Public Act.

SEC. 23. This Act shall take effect immediately.

CHAPTER DXIII.

An Act to authorize the Donner Lumber and Boom Company, their associates and assigns, to improve the channel of the Truckee River from its source to the Town of Truckee, and to erect floodgates therein, and collect tolls.

[Approved April 4, 1870.]

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

SECTION 1. The Donner Lumber and Boom Company is hereby authorized and empowered to improve, at its own expense, the channel of the Truckee River, from its source to the eastern boundary line of the State of California, by removing the rocks, bowlders, gravel and timbers therefrom, and by erecting floodgates at the outlet of the lake and along the channel of said river, not more than five feet in height, so as to render it practicable to float saw logs, lumber and wood down said channel to said Town of Truckee. Improvement of the channel of Truckee River.

SEC. 2. Whenever the said Donner Lumber and Boom Company shall have expended, in the improvements provided for in the first section of this Act, the sum of twenty-five thousand dollars, then from that time forward, for the term of twenty years, it shall be and is hereby authorized and empowered to ask for and collect, demand and receive, as toll and compensation for the use of said improvements of said river, from each and every When tolls may be collected.

person and corporation, and from all persons floating saw logs or timber intended to be sawed into lumber, or timber intended to be used for building or construction purposes, or lumber or wood, down the channel of said river between the lake and said Town of Truckee, a sum not exceeding fifty cents for each thousand feet of lumber said timber or saw logs will make, and not to exceed fifty cents for each thousand feet of sawed lumber, and twenty-five cents for each cord of wood counting one hundred and twenty-eight cubic feet. Said toll or compensation to be paid before said lumber, logs, timber or wood reaches said Town of Truckee; *provided*, that this Act shall not be so construed as to give the right of collecting any tolls or compensation on any lumber or material floated down said stream by any of the same from the State of California into the State of Nevada, nor in any manner to affect the commerce between said States by way of said stream.

Payment of tolls.

Seizure and sale of timber for non-payment.

SEC. 3. If the toll and compensation provided for in the second section of this Act is not paid before the said timber, logs, lumber or wood reaches the said Town of Truckee, said Donner Lumber and Boom Company, its officers, agents and employés, or any person acting under their direction, may seize and take into their or his possession, the timber, lumber, logs or wood so floated down the channel of said river, on which the said toll or compensation has not been paid; and upon giving two weeks notice, in the manner in which Constables are required to give notice of sale of personal property on execution, he or they may sell at public auction, to the highest bidder for cash, sufficient of the same to pay the toll or compensation due; *provided*, that at the time of making the sale at auction, the person making the sale shall announce to the bystanders the amount of toll due, and shall sell the same in parcels of not more than ten thousand feet of logs, timber or lumber, or not more than ten cords of wood, until the amount of tolls or compensation has been received.

Proof of expenditure to be made.

SEC. 4. For the purpose of ascertaining when said company to which this franchise is granted shall have expended said sum of twenty-five thousand dollars in the improvement of said river, said company may, at any regular meeting of the Board of Supervisors of Placer County, make proof before said Board as to the amount then expended in good faith; an order shall be entered on their minutes that said sum has been expended for said improvements; and from that time forward said toll or compensation may be collected and received.

Fish ways and ladders to be constructed.

SEC. 5. The dams and floodgates herein authorized to be constructed shall each, when constructed, contain a fishway or fish ladder, so that fish can readily pass up the stream for the purpose of depositing their spawn. Said fishways or fish ladders shall be kept by the proprietors of this franchise in constant repair; and should, from any cause, the fishway or ladder be out of repair, so that the fish cannot pass up the stream, then during all the period that said fishway or fish ladders shall be out of repair, said company shall not be authorized to collect tolls for any lumber or timber that may be floated down the river. Should the fishways or fish ladders be permitted to remain for three months in a condition so that fish cannot pass

up stream, then upon complaint of any citizen, and proof of the fact to the Board of Supervisors of Placer County, said Board of Supervisors shall declare the franchise forfeited to the State; whereupon the right of said company to collect tolls shall cease; *provided*, that this Act shall not be so construed as to prevent the appropriation of the waters of Lake Bigler or Truckee River for manufacturing, irrigating, domestic or mining purposes, in such manner as not to decrease the supply of water in said river below the quantity necessary to carry into effect the provisions of this Act, nor to interfere with the use of the channel of said river for the purposes herein granted to the company named in this Act. Forfeiture of franchise.

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

CHAPTER DXIV.

An Act to amend an Act entitled an Act to provide for paving the streets in the City and County of San Francisco, approved March fourteenth, eighteen hundred and sixty-eight.

[Approved April 4, 1870.]

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

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

Section 1. Whenever the owners, or their agents, of more than one-half in frontage of lots and lands fronting on any street, lane, alley, place or court, or of more than one-half of the lots and lands assessable for the cost of all work done on any street crossing in the City and County of San Francisco, shall petition the Board of Supervisors of said City and County of San Francisco for the construction of Stowe foundation pavement, it shall be the duty of said Board of Supervisors to order the same to be laid down and constructed, and after the same is completed, then it shall be the duty of the said Board of Supervisors of the City and County of San Francisco to accept the same, in all and every respect as cobble stone pavements are now, or may be hereafter accepted by the said Board of Supervisors; *provided*, said Stowe foundation pavement shall be constructed of black heart redwood, and the blocks placed with the grain of the wood in a vertical position, which blocks shall be not less than six inches in length and four inches in thickness, the said pavement to be otherwise made in accordance with the specifications now on file in the office of the Superintendent of Streets and Highways of said City and County of San Francisco. Petition for Stow foundation pavement. City to accept. How to be constructed.

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

CHAPTER DXV.

An Act for the relief of John Hames.

[Approved April 4, 1870.]

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

Duplicate certificate

SECTION 1. The Surveyor-General is hereby authorized and directed to issue and deliver to John Hames a duplicate of certificate of transfer number three hundred and one (301) for school land location number fifty-nine (59), and such duplicate shall be the same in law as the original certificate.

Indemnity bond.

SEC. 2. Before the issue and delivery of the duplicate specified in section one, the said John Hames shall file with the Surveyor-General a good and sufficient bond, to be approved by the Surveyor-General, in a penal sum of double the amount for which the State may become liable by the issue of such duplicate.

SEC 3. This Act shall take effect immediately.

CHAPTER DXVI.

An Act establishing a Commission for the revision of the laws.

[Approved April 4, 1870.]

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

Commission to revise statutes.

SECTION 1. A Commission, consisting of three persons, members of the legal profession, is hereby created, for the purpose of revising and compiling the statutes of this State. The members of such Commission shall be appointed by the Governor, within a reasonable time after the passage of this Act, and within one month from such appointment they shall meet in the City of Sacramento and organize themselves into a Board, for the discharge of the duties hereinafter provided. The Commission shall, upon its organization, select a Secretary, who shall attend all the sittings thereof.

Duties.

SEC. 2. Upon the organization thereof, such Commission shall proceed to revise all the statutes of this State, including those enacted at the present session of the Legislature, and correct verbal errors and omissions, and suggest such improvements as will introduce precision and clearness into the wording of the statutes, and by a supplemental report thereto to designate the Acts or parts of Acts which, in the opinion of the Commission, should be repealed, and prepare substitutes therefor when necessary; to recommend all such enactments as shall, in the judgment of the Commission, be necessary to supply the defects of and give completeness to the existing legislation of the State,

and prepare and present the bills therefor; to examine all special Acts, and such as are confined in their operation to particular counties or cities, and to propose such measures as shall be necessary to give unity and uniformity thereto, and especially to propose, when possible, general Acts, which shall supersede the same; to arrange the statutes in the most systematic and convenient form, and furnish a complete and alphabetical list of the matters contained therein, which, in the future, may be made the basis of an index.

To continue labor of first Commission.

SEC. 3. The Commission provided for by this Act shall continue the labors of that appointed by the Act of March twenty-eighth, eighteen hundred and sixty-eight; *provided*, that while adopting and using the results of such labors, as far as shall be deemed expedient, the first mentioned Commission shall be at liberty to introduce into such results any changes it may regard as necessary. The Commissioners under the Act of eighteen hundred and sixty-eight, aforesaid, shall deliver all documents and books belonging to the State or said Commission to the Commissioners appointed under this Act.

Sessions.

SEC. 4. The Commission shall hold its sessions in a room to be provided by the Secretary of State, in the State Capitol, and shall enter upon the discharge of its duties immediately after its organization. It shall hold daily sessions of six hours each, on at least five days in every week. It shall in no case adjourn its sittings for a longer period than five days, and there shall be no more than one adjournment per month. No member shall absent himself from such sittings for a longer period than three days, except in case of sickness or unavoidable necessity.

Completion of labors.

SEC. 5. Such Commission shall complete its labors by or before the first day of November, eighteen hundred and seventy-one It shall, upon such completion, prepare and present to the next Legislature a full report of all its proceedings, in pursuance of this Act, which shall be accompanied by exhibits of the various changes, modifications, improvements, enactments, etc., proposed or prepared by it, with a full and accurate index thereto.

Report.

Printing.

SEC. 6. The report and exhibit shall be printed by the State Printer, under the supervision of the Commission. The exhibits or proceedings shall be so printed as to show in the readiest manner the changes proposed by the Commission; and in those cases wherein it shall recommend the repeal of a law and propose a substitute therefor, such law and substitute shall be printed in the manner most convenient for comparison. The State Printer shall also, at any time during the progress of the revision, upon the requisition of the Commission, print any matter relating to the business thereof.

Compensation of Commissioners

SEC. 7. The members of the said Commission shall each receive for his services a compensation at the rate of six thousand dollars per annum for the time he shall be actually engaged in such revision, and in the preparation of their said report. Such compensation shall be paid at like times as the salaries of the District Judges of this State; *provided*, that no member shall receive a stated payment unless he shows by his own affidavit and the certificate of his associates on the Commission, that he has faithfully attended the sittings and promoted the

Secretary. labors of the Commission during the period for which payment is demanded. The Secretary of the Commission shall receive two hundred dollars per month for the time he shall be actually engaged in the performance of his duties. The Controller is hereby directed to draw his warrant on the Treasurer for the payment of said salaries when due and payable as herein provided; and the Treasurer is directed to pay the same out of any moneys not otherwise appropriated.

Vacancies. SEC. 8. The Governor shall have power to fill vacancies in such Commission, caused by death or otherwise. He shall have power, also, to remove any member of said Commission for habitual neglect of the duties thereof; and any member who shall fail to attend the sittings of the Commission for the space of twenty days, unless in case of sickness, shall thereby cease to be a member of such Commission, and the Governor shall proceed at once to fill such vacancy.

SEC. 9. All Acts in conflict herewith are hereby repealed.

SEC. 10. This Act shall take effect immediately.

CHAPTER DXVII.

An Act to locate the county seat for the County of Stanislaus.

[Approved April 4, 1870.]

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

Election to locate county seat. SECTION 1. There shall be an election held in the County of Stanislaus, at the general election to be held in the year eighteen hundred and seventy-one, to determine the location of the county seat of said county. Notice thereof shall be given at the same time and in the same manner as other notices of said election are required by law to be given.

Ballots. SEC. 2. The ballots to be used at such election shall be written or printed, and shall be in form following: "County Seat," with the name of the place voted for following; and the place receiving the majority number of votes at the said election shall be the county seat of said Stanislaus County.

Return of votes. SEC. 3. The officers of the election shall return the votes cast at said election to the Clerk of the Board of Supervisors, at the same time and in the same manner as the other votes cast at said election are required by law to be returned; and all the provisions of law applicable to the canvassing, certifying and declaring the result at general elections, shall apply to the votes and election hereby ordered.

Removal of county seat. SEC. 4. Upon canvassing the votes of said election, as herein provided, the Board of Supervisors shall immediately take measures for removing said county seat, and the records of the county, to the place designated by the vote hereinbefore provided; and for the erection and completion of county buildings, as now required by law; and to make such disposition, in their

discretion, of all such public property, as such location of the county seat shall render necessary.

SEC. 5. All Acts or parts of Acts in conflict with this Act is hereby repealed.

SEC. 6. This Act shall take effect from and after its passage.

CHAPTER DXVIII.

An Act to amend an Act, approved March twenty-eighth, eighteen hundred and sixty-eight, entitled an Act supplementary to an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and Acts amendatory thereof and supplementary thereto.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

[Section 1.] Every person who shall feloniously steal, take and carry away, lead or drive away, any horse, mare, gelding, colt, cow, steer, bull, calf, mule, jack or jenny, goat, sheep or hog, the property of another, shall be deemed guilty of grand larceny, and upon conviction thereof shall be punished by imprisonment in the State Prison for any term not less than one year nor more than fourteen years. Penalty for stealing live stock.

CHAPTER DXIX.

An Act in relation to labor and materials on the public buildings of the State of California.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All work done upon the public buildings of this State shall be done under the supervision of a Superintendent, or State officer or officers having charge of the work, and all labor employed on said buildings, whether skilled or unskilled, shall be employed by the day, and no work upon any of said buildings shall be done by contract. Labor on public buildings.

SEC. 2. All materials to be used on any of said public buildings shall be furnished by contract, in accordance with the plans and specifications and proposals thereof. Materials.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER DXX.

An Act appropriating money for the support of the several charitable institutions therein specified, during the twenty-second and twenty-third fiscal years, commencing on the first day of July, eighteen hundred and seventy, and ending on the thirtieth day of June, eighteen hundred and seventy-two, inclusive.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly do enact as follows:

Appropriations for charitable institutions.

SECTION 1. The several sums of money hereinafter specifically named are hereby appropriated out of the General Fund of the State of California, for the support of the several charitable institutions hereafter specifically mentioned, during the twenty-second and twenty-third fiscal years, commencing on the first day of July, eighteen hundred and seventy, and ending on the thirtieth day of June, eighteen hundred and seventy-two, inclusive, to wit:

For the San Francisco Ladies' Protection and Relief Society, five thousand dollars.

For the California Prison Commission, two thousand dollars.

For the Episcopal Church Home Association, two thousand dollars.

For the Magdalen Asylum, San Francisco, eight thousand dollars.

For the Howard Benevolent Association, Sacramento, five thousand dollars.

For the Marysville Benevolent Association, one thousand dollars.

For the San Francisco Female Hospital of the State of California, ten thousand dollars.

For the Home for the Care of the Inebriate of the City of San Francisco, two thousand dollars.

For the Stockton Ladies' Benevolent Association, one thousand dollars.

For the San Francisco Lying-in and Foundling Hospital, one thousand dollars.

For the California State Women's Hospital, five thousand dollars.

For the Protestant Orphan Asylum of Sacramento, fifteen hundred dollars.

For the St. Joseph Schools of Sacramento, fifteen hundred dollars.

For the Protestant Orphan Asylum of San Francisco, eight thousand dollars.

For the Ladies' Protection and Relief Society of San Francisco, twelve thousand dollars.

For the Sisters of Mercy Hospital of Los Angeles, one thousand dollars.

For the Roman Catholic Female Orphan Asylum of San Francisco, two thousand five hundred dollars, and two thousand five hundred dollars to the Boys' Orphan Asylum of San Rafael.

Statement of expenditures.

SEC. 2. The Trustees, Managing Agents, or Directors of the charitable institutions to which appropriations are made by this Act, shall report to the Legislature, on or before the twentieth day of December in each year in which the Legislature shall be in session, a detailed statement of their respective expenditures, with the number of inmates who have received assistance from said institutions during the two years next preceding such reports, which statement shall be under oath.

SEC. 3. No more than one-half of the appropriations made under the provisions of this Act shall be drawn during the twenty-second fiscal year, unless otherwise particularly specified herein.

CHAPTER DXXI.

An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties, approved April twenty-fifth, A. D. one thousand eight hundred and sixty-two.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Additional Notaries Public.

SECTION 1. The Governor shall have the power, and is authorized, to appoint and commission three Notaries Public in the County of Contra Costa, in addition to the number now authorized by law to be appointed in said county. Such Notaries, when appointed, to be subject to the general laws in relation to Notaries Public.

SEC. 2. This Act shall take effect immediately.

CHAPTER DXXII.

An Act concerning the county records of the County of Santa Clara.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Records to be transcribed.

SECTION 1. The County Recorder of the County of Santa Clara is hereby authorized and required, on receipt of an order

from the Board of Supervisors of said county, to transcribe in such manner and into such books as are prescribed by section twelve (12) of an Act entitled an Act concerning County Recorders, passed March twenty-sixth, A. D. one thousand eight hundred and fifty-one, all records of deeds and mortgages now existing in his office, as well as all such other legal records existing in said office and in his custody, as the said Board shall deem necessary and proper.

Certificate of Recorder.

SEC. 2. The transcript hereby authorized to be made shall contain in each book the whole of the corresponding record of said county, appropriate to said book, up to the date of the completion of the said transcript; and immediately upon said completion, it shall be the duty of said Recorder to inscribe in such book, at the end of the portion of the transcript therein made, his certificate to the effect that the same is a full, true and complete transcript of the whole of the record of said county, appropriate to the said book.

Legal record books.

SEC. 3. Immediately upon the affixing of the certificates mentioned in the last section, the books in which the same shall be inscribed shall be and become the legal record books of the said county for the class of records to which the same are respectively appropriate, and the said Recorder shall thereafter employ and use the same as such legal books of record.

Supervisors to fix limit of time.

SEC. 4. It shall be lawful for the Board of Supervisors of the said county to fix a limit of time within which said transcript shall be required to be made.

Validity of transcript.

SEC. 5. The transcript herein authorized to be made, and every part and parcel thereof, shall be held to have the same validity, force and effect as the original record; and legally certified copies thereof shall be received and read in evidence in all Courts, in the same manner and with like effect as copies of the original record.

Original books of record.

SEC. 6. The original books of record so transcribed, as herein authorized, shall be preserved in a secure place by the said Recorder, and shall be open to inspection as other records; and nothing herein contained shall be so construed as to impair the force or validity of the same, or of any duly certified copy thereof.

Compensation.

SEC. 7. The County Recorder shall receive for all services under this Act, including the certificates to the correctness of the said transcript, and making the proper notes and indexes, twelve cents per folio for all words [and] figures necessarily used in the said transcript, and no other compensation whatsoever shall be charged or allowed on account of services under this Act; and the said Recorder shall be liable, upon his official bond, for the neglect or improper performance of the services herein provided to be rendered by him.

Claims for services.

SEC. 8. All claims for services performed under and by virtue of this Act shall be audited and allowed in the same manner as other claims against the said county, and shall be payable in warrants drawn upon the General Fund of said county.

CHAPTER DXXIII.

An Act to amend an Act entitled an Act to provide means for the government of the County of Santa Cruz, and for the payment and funding of the debt of said county, approved January thirty-first, eighteen hundred and seventy.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1 Section seven of said Act is hereby amended so as to read as follows:

Section 7. The Board of Supervisors shall levy annually, in the month of March— Taxes to be levied annually.

First—The tax required by law to be levied for State purposes.

Second—The taxes required by law to be levied for the payment of interest on county bonds heretofore issued.

Third—A tax for current expenses, of not exceeding one dollar and forty-five cents on each one hundred dollars of taxable property, which said tax shall be in lieu of all property taxes now by law authorized to be levied for county purposes, for road purposes, for indigent sick purposes, and for the payment of the county debt as authorized by the Act entitled an Act to provide for the payment of the debt of Santa Cruz County, approved April twenty-fourth, eighteen hundred and fifty-seven.

Fourth—A tax of twenty cents on each hundred dollars of taxable property, for redemption of all the warrants now payable out of the General Fund, Road Fund and Indigent Sick Fund, or which may be issued, payable out of either of the funds provided for in section two of this Act, for expenses incurred or services rendered prior to the first day of September, A. D. eighteen hundred and seventy. After all these warrants have been paid or exchanged for county bonds, no more tax shall be levied for the redemption of the same; and all moneys then remaining in the county treasury from the proceeds of said tax shall be transferred to the Current Expense Fund.

Fifth—A tax of sixty cents on each hundred dollars of taxable property, for public school purposes, which tax shall be in lieu of all property taxes now authorized by law to be levied for public school purposes by the Board of Supervisors or the Board of Trustees of the several school districts; *provided*, that the Board of Trustees of the following school districts—Bay View, Corralitos, Railroad, Union, San Lorenzo, Soquel, Aptos and Scott's Valley—are hereby authorized to levy, in the year A. D. eighteen hundred and seventy, in their respective districts, a special tax for building purposes, of not exceeding fifty cents on each hundred dollars of taxable property within their respective districts; which special tax shall be assessed by the County Assessor, equalized by the Board of Supervisors and collected by the County Tax Collector and District Attorney, in the same manner and at the same time as is provided for the assessment, equalization and collection of State and county

taxes. The Board of Trustees, by whom such special tax may be levied, shall allow a reasonable compensation to the County Assessor and Tax Collector, for their services; *provided*, such allowance to either of said officers shall not exceed three per centum on the amount total proceeds of such tax.

Sixth—A tax, at a sufficient rate to pay the interest on the bonds authorized to be issued by the provisions of this Act, and after the year A. D. eighteen hundred and eighty, to pay annually one-tenth part of the principal on said bonds; *provided*, that the whole tax authorized to be levied by the Board of Supervisors in any one year, for all the purposes in this section enumerated, shall not exceed the sum of three dollars and fifty cents on each hundred dollars of taxable property.

SEC. 2. This Act shall take effect immediately.

CHAPTER DXXIV.

An Act to confer additional power upon the Board of Supervisors of Yuba County.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Compromise.

SECTION 1. The said Board of Supervisors may, if they deem it advisable, compromise with the California Pacific Railroad Company, and release the said company from all liability to issue any of the stock of said company to the County of Yuba, upon the California Pacific Railroad Company releasing the County of Yuba from all liability to issue any more of the bonds of said county to said company.

SEC. 2. This Act shall not be construed as mandatory upon said Board of Supervisors.

SEC. 3. It shall be in force from and after its passage.

CHAPTER DXXV.

An Act to determine the lines and grades of streets, avenues, highways and lanes in the City and County of San Francisco.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Lines and grades of streets defined.

SECTION 1. The grades of avenues and streets in that part of the City and County of San Francisco known as South San Francisco, lying between Water Front and Dock streets on the east, Railroad avenue on the west, Fifth avenue on the north,

and Twenty-fourth avenue on the south, shall be, with reference to and above the base line of the city grades for the intersections hereinafter designated, as follows: At the intersections of the west line of Water Front street with Fifth, Sixth, Seventh, Eighth, Ninth and Tenth avenues, one (1) foot; of Fifth avenue with Ship, A and B streets, six (6) feet; with C, D and E streets, twelve (12) feet; with F street, nine (9) feet; with G and H streets, three (3) feet; with I street, sixteen (16) feet; with J, K and L streets, twenty (20) feet. At the intersections of Ship street with Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh avenues, seven (7) feet. At the intersections of Sixth avenue with A, B, C, D and E streets, fifteen (15) feet; with F street, twelve (12) feet; with G and H streets, six (6) feet; with I street, twenty (20) feet; with J street, forty (40) feet; with K street, twenty-five (25) feet; with L street, twenty-three (23) feet. At the intersections of Seventh avenue with A, B, C, D and E streets, eighteen (18) feet; with F street, fifteen (15) feet; with G street, nine (9) feet; with H street, thirteen (13) feet; with I street, forty (40) feet; with J street, sixty (60) feet; with K street, forty-five (45) feet; with L street, forty-three (43) feet. At the intersections of Eighth avenue with A, B, C, D and E streets, twenty-one (21) feet; with F street, eighteen (18) feet; with G street, fourteen (14) feet; with H street, twenty-three (23) feet; with I street, sixty (60) feet; with J street, eighty (80) feet; with K street, sixty-five (65) feet; with L street, sixty-three (63) feet; with M street, twenty-nine (29) feet. At the intersections of Ninth avenue with A, B, C, D, E and F streets, twenty-four (24) feet; with G street, thirty-four (34) feet; with H street, forty-three (43) feet; with I street, eighty (80) feet; with J street, one hundred (100) feet on the north half, and one hundred and forty (140) feet on the south half; with K street, eighty-five (85) feet; with L street, eighty-three (83) feet on the north half, and one hundred and seven (107) feet on the south half; with M street, forty-seven (47) feet. At the intersections of Tenth avenue with A, B and C streets, twenty-four (24) feet; with D, E and F streets, forty-four (44) feet; with G street, fifty-four (54) feet on the north half, and one hundred and four (104) feet on the south half; with H and I streets, one hundred (100) feet; with J street, one hundred and sixty (160) feet; with K street, one hundred and sixty-seven (167) feet; with L street, one hundred and twenty-seven (127) feet; with M street, sixty-seven (67) feet. At the intersections of Eleventh avenue with A street, nineteen (19) feet; with B and C streets, twenty-one (21) feet; with D street, fifty-five (55) feet; with E and F streets, sixty-four (64) feet; with G street, one hundred and twenty-four (124) feet; with H street, one hundred and twenty (120) feet on the north half, and one hundred and eighty (180) feet on the south half; with I street, one hundred and eighty (180) feet; with J street, one hundred and eighty (180) feet on the north half, [and] two hundred and forty (240) feet on the south half; with K street, one hundred and eighty-seven (187) feet; with L street, one hundred and thirty-seven (137) feet; with M street, sixty-seven (67) feet. At the intersections of Twelfth avenue with A street, fourteen (14) feet; with B and C streets, eighteen (18) feet; with D

Lines and grades of streets defined.

Lines and grades of streets defined.

street, thirty-five (35) feet; with E and F streets, eighty-four (84) feet; with G street, one hundred and forty-four (144) feet; with H street, one hundred and eighty-four (184) feet; with I street, two hundred (200) feet on the north half, and two hundred and forty-four (244) feet on the south half; with J street, two hundred and sixty (260) feet; with K street, two hundred and seven (207) feet; with L street, one hundred and thirty-seven (137) feet; with M street, sixty-seven (67) feet. At the intersections of Thirteenth avenue with A street, fourteen (14) feet; with B, C and D streets, fifteen (15) feet; with E street, sixty-four (64) feet on the north half, and thirty-two (32) feet on the south half; with F street, sixty-four (64) feet; with G street, one hundred and twenty-four (124) feet on the north half, and one hundred and four (104) feet on the south half; with H street, one hundred and sixty-four (164) feet; with I street, two hundred and twenty-four (224) feet on the north half, and one hundred and sixty-four (164) feet on the south half; with J street, two hundred and twenty-four (224) feet; with K street, one hundred and eighty-seven (187) feet; with L street, one hundred and twenty-four (124) feet; with M street, sixty-four (64) feet. At the intersection of Fourteenth avenue with A, B, C, D and E streets, twelve (12) feet; with F street, forty-four (44) feet on the north half, and twenty-four (24) feet on the south half; with G street, eighty-four (84) feet; with H street, one hundred and forty-four (144) feet on the north half, and eighty-four (84) feet on the south half; with I street, one hundred and forty-four (144) feet; with J street, two hundred and four (204) feet on the north half, and one hundred and sixty-four (164) feet on the south half; with K street, one hundred and eighty-four (184) feet; with L street, one hundred and twenty-four (124) feet; with M street, sixty-two (62) feet. At the intersections of Fifteenth avenue with A, B, C, D and E streets, nine (9) feet; with F street, ten (10) feet; with G street, sixty-four (64) feet on the north half, and nineteen (19) feet on the south half; with H street, sixty-four (64) feet; with I street, one hundred and twenty-four (124) feet on the north half, and eighty-four (84) feet on the south half; with J street, one hundred and four (104) feet; with K street, one hundred and sixty-four (164) feet on the north half, and one hundred and fourteen (114) feet on the south half; with L street, one hundred and four (104) feet; with M street, sixty (60) feet. At the intersection of Sixteenth avenue and B, C, D, E and F streets, seven (7) feet; with G street, thirteen (13) feet; with H street, forty-four (44) feet; with I street, sixty-four (64) feet; with J street, eighty-four (84) feet; with K street, ninety-four (94) feet; with L street, one hundred and four (104) feet. At the intersection of Seventeenth avenue with C, D, E and F streets, six (6) feet; with G street, ten (10) feet; with H street, twenty-four (24) feet; with I street, forty-four (44) feet; with J street, sixty-four (64) feet; with K street, seventy-seven (77) feet; with L street, eighty-four (84) feet. At the intersection of Eighteenth avenue with D, E and F streets, five (5) feet; with G street, seven (7) feet; with H street, twelve (12) feet; with I street, twenty-four (24) feet; with J street, forty-four (44) feet; with K street, sixty (60) feet; with L street, seventy-two (72) feet. At the

intersection of Nineteenth avenue with F street, four (4) feet; with G street, six (6) feet; with H street, nine (9) feet; with I street, twenty (20) feet; with J street, thirty (30) feet; with K street, forty-seven (47) feet; with L street, sixty-one (61) feet. At the intersection of Twentieth avenue with G street, five (5) feet; with H and I streets, six (6) feet; with J street, twenty-two (22) feet; with K street, thirty-four (34) feet; with L street, fifty-two (52) feet. At the intersection of Twenty-first avenue with G and H streets, four (4) feet; with I street, five (5) feet; with J street, seven (7) feet; with K street, twenty-two (22) feet; with L street, forty-five (45) feet. At the intersection of Twenty-second avenue with I street, four (4) feet; with J street, six (6) feet; with K street, nine (9) feet. And at the intersection of Railroad avenue with lines in numbered avenues midway between the north and south and centre lines thereof, as follows: With North avenue, seven feet forty-four hundredths (7.44) and eight feet eight hundredths (8.08); with Tenth avenue, fifteen feet seventy-six hundredths (15.76) and sixteen feet forty hundredths (16.40); with Eleventh avenue, twenty-four feet eight hundredths (24.08) and twenty-four seventy-two hundredths (24.72); with Twelfth avenue, thirty-two feet forty hundredths (32.40) and thirty-three feet four hundredths (33.04); with Thirteenth avenue, forty feet seventy-two hundredths (40.72) and forty-one feet thirty-six hundredths (41.36); with Fourteenth avenue, forty-nine feet four hundredths (49 04) and forty-nine feet sixty-eight hundredths (49.68); with Fifteenth avenue, fifty-seven feet thirty-six hundredths (57.36) [and] fifty-eight (58) feet; with Sixteenth avenue, sixty-four feet sixty hundredths (64.60) and sixty-five feet fifteen hundredths (65 15); with Seventeenth avenue, seventy-one feet seventy-five hundredths (71.75) and seventy-two feet thirty hundredths (72.30); with Eighteenth avenue, seventy-eight feet ninety hundredths (78 90) and seventy-eight feet fifty-one hundredths (78.51); with Nineteenth avenue, sixty-nine feet fifteen hundredths (69.15) and sixty-eight feet thirty-seven hundredths (68.37); with Twentieth avenue, fifty-nine feet one hundredth (59.01) and fifty-eight feet twenty-three hundredths (58.23); with Twenty-first avenue, forty-eight feet eighty-seven hundredths (48.87) and forty-eight feet nine hundredths (48.09); with Twenty-second avenue, thirty-eight feet seventy-three hundredths (38.73) and thirty-seven feet ninety-five hundredths (37.95); with Twenty-third avenue, twenty-eight feet fifty-nine hundredths (28.59) and twenty-seven feet eighty-one hundredths (27.81); and with Twenty-fourth avenue, eighteen feet forty-five hundredths (18.45) and seventeen feet sixty-seven hundredths (17.67).

Lines and grades of streets defined.

SEC. 2. And be it further enacted, that the Board of Supervisors of the City and County of San Francisco shall be and they are hereby authorized and empowered, if they shall approve the same, to accept and adopt such grades as may be hereafter designed and recommended by the owner or owners of two-thirds in area of any piece or pieces of land lying east of the San Bruno Turnpike, and contiguous or adjacent to those specified in section one of this Act.

SEC. 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect immediately.

CHAPTER DXXVI.

An Act to amend an Act entitled an Act concerning street railroads, approved March twenty-ninth, eighteen hundred and seventy.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the above entitled Act is hereby amended so as to read as follows:

Right to grant railroad franchises.

Section 1. The Trustees, City Council or Supervisors of all incorporated cities or towns, or the Supervisors of any city and county, within the limits of such cities or towns, and the Boards of Supervisors of the various counties, outside of such cities or towns, shall have the right to grant to any person or corporation the right to lay down and maintain, for a term not exceeding twenty-five years, an iron railroad track or tracks, upon any streets or avenues or public highways in said cities or towns, or in said counties, outside of such cities or towns, and to run cars thereon to be propelled by horses (or otherwise, as hereinafter provided), and to carry passengers or freight thereon; *provided*, that whenever any other railroad or company shall be granted the use of the same street, or any part thereof, they shall pay for the use of the rails already laid, an equal share of the cost of constructing and maintaining the railroad on the street or part of the street thus occupied jointly, and thereupon shall be entitled to the joint use of such part of said railroad; but no such joint grant shall be made for more than two blocks in all.

Joint use of track.

SEC. 2. This Act shall take effect immediately.

CHAPTER DXXVII.

An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and eighty-three of said Act is amended so as to read as follows:

Section 183. A challenge to an individual grand juror may be interposed for one or more of the following causes only: Cause for challenge.

First—That he is a minor.

Second—That he is an alien.

Third—That he is insane.

Fourth—That he is prosecutor upon a charge against the defendant.

Fifth—That he is a witness on the part of the prosecution, and has been served with process or bound by an undertaking as such.

Sixth—That he has formed or expressed an unqualified opinion or belief that the defendant is guilty or not guilty of the offence charged; but a hypothetical opinion, founded on hearsay or information supposed to be true, unaccompanied with malice or ill will, shall not disqualify a juror or be a cause of challenge.

CHAPTER DXXVIII.

An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and seventy-one of said Act is hereby amended so as to read as follows:

Section 171. At any time, before or after the defendant has been held to answer, if the magistrate, or District or County Judge, before whom the case may be pending, should become satisfied, by proof on oath, that there is reason to believe that such witness will not fulfil his recognizances to appear and testify unless security be required, said magistrate or Judge may order the witness to enter into a written recognizance, with such sureties and in such sum as he may deem meet, for his appearance as specified in the last section. To enter into written recognizance.

CHAPTER DXXIX.

An Act to establish a State Normal School.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be established in the City of San José, County of Santa Clara, a school to be called the California State Normal School.

State Normal School, for the training and educating of teachers in the art of instructing and governing in the public schools of this State.

Selection of site.

SEC. 2. The Governor of the State of California, the Superintendent of Public Instruction of the said State, and the Principal of the State Normal School, are hereby appointed and created Trustees, with full power and authority to select a site for the permanent location of the State Normal School in the City of San José. Said Trustees shall, within thirty days after the passage of this Act, examine the sites offered by the City of San José for the location of the State Normal School buildings, and select therefrom a suitable location for said State Normal School buildings, and the site selected by them shall be and remain the permanent site for the State Normal School buildings.

Deed of conveyance.

SEC. 3. The Mayor and Common Council of the City of San José are hereby authorized, empowered and directed, immediately after such site shall have been selected by said Trustees, to convey such site, by good and sufficient conveyance, to the Trustees of the State Normal School, who are hereby authorized and empowered to receive and hold the same, and the title thereto, in trust and for the use of said State Normal School; *provided*, that whenever the State Normal School shall be removed from said site selected, the same, and the title thereto, shall, immediately upon such removal, revert to said City of San José and become the property thereof, absolutely.

Board of Trustees.

SEC. 4. The Governor, the State Superintendent of Public Instruction, and five others to be appointed by the Governor, shall constitute the Board of Normal School Trustees. The appointed members, at the first meeting of the Board of Trustees, shall determine, by lot, their respective terms of office, which shall be for two, four, six, eight and ten years.

Powers.

SEC. 5. Said Board of Trustees shall have power, and are hereby authorized and required, to remove to said City of San José, County of Santa Clara, the State Normal School now located in the City of San Francisco, and to continue the same for the gratuitous instruction of such persons residing in this State as may desire to prepare themselves to teach in the public schools of this State. They shall have power to expend all moneys appropriated or donated for building school rooms and boarding houses, and for furnishing the same, as well as all moneys for the current expenses of the school.

Principal and teachers

SEC. 6. The Board of Trustees shall have power to elect a Principal, and all other teachers that may be deemed necessary; to fix the salaries of the same, and to prescribe their duties.

Course of study.

SEC. 7. It shall be the duty of the Board of Trustees to prescribe the course of study, and the time and standard of graduation, and to issue such certificates and diplomas as may, from time to time, be deemed suitable. These certificates and diplomas shall entitle the holders to teach in any county in this State, for the time and in the grade specified in the certificate or diploma.

Text books, etc.

SEC. 8. The Board of Trustees shall prescribe the text books, apparatus and furniture, and provide the same, together with all necessary stationery, for the use of the pupils.

Training school.

SEC. 9. Said Board shall, when deemed expedient, establish and maintain a training or model school, or schools, in which the pupils of the Normal School shall be required to instruct classes under the supervision and direction of experienced teachers.

Boarding houses.

SEC. 10. Said Board shall make rules for the government of the boarding house or houses; shall superintend the same, and make all necessary arrangements for conducting the same in the most economical manner that will make them self-sustaining.

Number of pupils.

SEC. 11. At each annual meeting the Board shall determine what number of pupils may be admitted into the school; and this number shall be appointed among the counties of this State, according to the number of representatives from said counties in the Legislature; *provided*, that teachers holding first or second grade certificates may be admitted from the State at large. The County Superintendents and the County Boards of Examination shall hold competitive examinations before the first of May in each year, of all persons desiring to become pupils of the Normal School, which examinations shall be conducted in the same manner as examinations for third grade teachers' certificates. A list shall be made of the applicants thus examined, and they shall receive recommendation in the order of standing in the examination; *provided*, that Superintendents may discriminate in favor of those whose age and experience specially fit them to become Normal pupils. After the expiration of the year, a new list must be prepared, and those not recommended must be re-examined or forfeit their right to recommendation.

Competitive examinations.

Qualifications of applicants.

SEC. 12. To secure admission into the junior class of the Normal School, the application, if a male, must be seventeen years of age, or if a female, sixteen years of age; to enter an advanced class the application must be proportionably older. Applicants must also present letters of recommendation from their County Superintendent, certifying to their good moral character, and their fitness to enter the Normal School. Before entering, all applicants must sign the following declaration: "We hereby declare that our purpose in entering the California State Normal School is to fit ourselves for the profession of teaching, and that it is our intention to engage in teaching in the public schools of this State."

Declaration.

Pupils from other States.

SEC. 13. Pupils from other States and Territories may be admitted to all privileges of the school, on presenting letters of recommendation from the Executives or State School Superintendents thereof, and the payment of one hundred dollars. The money thus received shall be appropriated to the purchase of library and apparatus. Pupils from other States shall not be required to sign the declaration named in section twelve.

Executive agent and Secretary.

SEC. 14. The Superintendent of Public Instruction shall be the executive agent and Secretary of the Board of Trustees of the Normal School. He shall visit the school from time to time, inquire into its condition and management, enforce the rules and regulations made by the Board, require such reports as he deems proper from the teachers of the school and officers of the boarding house, and exercise a general supervision of the same. He shall, in connection with the Executive Com-

mittee appointed by the Board, expend all moneys appropriated for salaries and incidental expenses, and shall make a semi-annual statement, in writing, to the Board, of all moneys received and expended.

Report of Principal.

SEC. 15. It shall be the duty of the Principal of the school to make a detailed annual report to the Board of Trustees, with a catalogue of the pupils, and such other particulars as the Board may require or he may think useful. It shall also be his duty, authorized by the Board, to attend County Institutes, and lecture before them on subjects relating to public schools and the profession of teaching.

Meetings of Trustees.

SEC. 16. The Board of Trustees shall hold two regular meetings annually, at such time and place as may be determined; but special meetings may be called by the Secretary, by sending written notice to each member.

Rules and regulations.

SEC. 17. The Board shall have power to make all rules and regulations necessary for discharging the duties named above.

Tax for Building Fund.

SEC. 18. An annual ad valorem tax of two cents on each one hundred dollars value of taxable property in this State is hereby levied, for the twenty-second and twenty-third fiscal years, and is directed to be collected in the same manner as other State taxes are collected; and the money raised by said tax shall be paid into the State treasury, and said money and the money by this Act appropriated shall be known as the State Normal School Building Fund.

Orders and warrants on fund.

SEC. 19. Said State Normal School Trustees shall, from time to time, as the services herein provided for, or by them ordered and performed, and labor done or materials furnished for said State Normal School buildings, draw orders on the State Controller, specifically describing the services rendered, labor performed or materials furnished, together with the amount, and to whom payable. Upon presentation of such orders, the State Controller shall draw his warrant on the State Treasurer for the amounts thereof, payable out of said State Normal School Building Fund; and the State Treasurer is hereby authorized and directed to pay such warrants out of said fund. Said State Normal School Trustees and Controller each shall keep a correct register of the warrants or orders issued, the amount of each warrant, to whom ordered paid and for what services or materials given; such registers shall be kept in their respective offices for public inspection.

Register.

Appropriation from State treasury.

SEC. 20. The sum of twenty-four thousand dollars is hereby appropriated, biennially, out of any moneys in the General Fund not otherwise appropriated, which said appropriation shall be set apart at the commencement of each fiscal year, to support the California State Normal School; and the Controller is hereby directed to draw his warrants, from time to time, on the State Treasurer, payable out of said appropriation; and the unexhausted remainder, if any, of any appropriation for such claims or accounts as have been audited by the Board of Trustees of the Normal School, or the Executive Committee thereof, and the Board of Examiners; *provided*, that the bills for the salaries of regular teachers may be allowed by the Controller without the indorsement of the Board of Examiners; *provided*, also, that the aggregate of warrants drawn shall not exceed, in

any one fiscal year, one-half the appropriation herein made for such years, together with the remainder of unused appropriations, if any, of any previous fiscal year or years; and whenever, at the close of any fiscal year, a balance remains to the credit of the California State Normal School Fund, such balance shall be carried forward and added to the appropriation for the succeeding year.

SEC. 21. All classes may be admitted into the Normal School, who are admitted, without restriction, into the public schools of the State. Classes admitted.

SEC. 22. The provisions of this Act shall take effect from and after its passage; *provided*, that the removal of the school shall be made whenever the Board of Trustees decide that suitable accommodations have been prepared for the same.

SEC. 23. All Acts or parts of Acts passed by the Senate and Assembly of the State of California, conflicting with the above, are hereby repealed.

CHAPTER DXXX.

An Act amendatory of an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nineteen is hereby amended so as to read as follows:

Section 19. Every guardian (testamentary or otherwise) shall return to the Probate Court an inventory of the estate of his ward within three months after his appointment, and annually thereafter; *provided*, that when the value of the estate exceeds the sum of one hundred thousand dollars, semi-annual returns shall be made to said Probate Court. It shall be the duty of the Probate Court, upon application made for that purpose by any person interested in the estate of any ward, or by any person of kin or related to any ward, to compel any guardian (testamentary or otherwise), to render an account to said Probate Court of the estate of his or her ward. The inventories and accounts so to be returned or rendered shall be sworn to by the guardian and all of the guardians, whenever there shall be more than one guardian of any ward. All the estate of the ward described in the first inventory shall be appraised by appraisers, who shall be appointed, and shall proceed in the manner provided by law for regulating the settlement of the estate of deceased persons; and when so appraised, said inventory, with the appraisement of the property therein described, shall be recorded by the Clerk of the Probate Court in a proper book kept in his office for that purpose. Whenever, and as often as any other property of the estate of any ward may be

Guardian to return inventory of estate of ward.

Appraisers to be appointed.

Like proceedings when other property acquired.

discovered, not included in the inventory of the estate already returned, and whenever and as often as any other property may descend to or be acquired by or for the benefit of any ward, the like proceedings shall be had for the return and appraisement thereof that are herein provided in relation to the first inventory and return.

SEC. 2. Section thirty-seven of said Act is hereby amended so as to read as follows:

Removal of guardian.

Section 37. Whenever any guardian, appointed either by the testator or the Probate Judge, shall become insane or otherwise incapable of discharging his trust, or evidently unsuitable therefor, or shall have wasted or mismanaged the estate, or failed, for thirty days, to render any account or make any return, the Probate Court, or the Judge thereof, may, upon such notice to said guardian as the Court, or the Judge thereof, may deem sufficient, remove such guardian, and compel him to surrender the estate of the ward to the person or persons lawfully entitled thereto. Every guardian may, upon request, be allowed to resign, when it shall appear proper to allow the same; and upon such resignation, or upon any removal of any guardian as herein provided, the Probate Court, or the Judge thereof, may appoint another in the place of the guardian who resigned or was removed.

Resignation.

SEC. 3. This Act shall take effect from and after its passage, and shall apply to all guardians, whether appointed prior or subsequently to its passage.

CHAPTER DXXXI.

An Act to change the term of the District Court of the Thirteenth Judicial District of the State of California in and for the Counties of Tulare, Fresno, Merced and Mariposa.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms of Court in Tulare County

SECTION 1. There shall be annually three terms of the District Court of the Thirteenth Judicial District in and for the County of Tulare, to commence respectively on the first Monday in the month of May, on the third Monday in the month of October, and on the first Monday in the month of January.

In Fresno County.

SEC. 2. There shall be annually three terms of the District Court of the Thirteenth Judicial District in and for the County of Fresno, to commence respectively on the third Monday in the month of May, on the second Monday in the month of October, and on the third Monday in the month of January.

In Merced County.

SEC. 3. There shall be annually three terms of the District Court of the Thirteenth Judicial District in and for the County of Merced, to commence respectively on the fourth Monday in the month of May, on the fourth Monday in the month of September, and on the fourth Monday in the month of January.

SEC. 4. There shall be annually three terms of the District Court of the Thirteenth Judicial District in and for the County of Mariposa, to commence respectively on the first Monday in the month of June, on the first Monday in the month of October, and on the first Monday in the month of February. In Mariposa County.

SEC. 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 6. This Act shall take effect immediately from and after its passage.

CHAPTER DXXXII.

An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-two, eighteen hundred and sixty-six.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

[SECTION 1.] Section one of said Act is hereby amended so as to read as follows:

Section 1. The townships in San Mateo County shall remain as now established; *provided*, the Board of Supervisors of said county shall have power to make such changes in the boundary lines of said townships as they may deem proper; *provided* further, such change shall not invalidate the acts of any township officer during his term of office. This Act shall take effect from and after its passage. Boundary lines of townships

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CHAPTER DXXXIII.

An Act supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In every case where a homestead has been selected under the general homestead law, the widow of the decedent may, at any time during the administration, petition the Probate Court of the proper county, that measures may be taken to ascertain what interest, if any, the estate of the decedent has in the homestead property, and that such further pro- Petition of widow for homestead interest.

ceedings may be had as may be necessary to separate her property and interests from those of the estate. Upon the presentation of the petition, the Court shall fix a day for the hearing thereof, which shall not be less than fifteen days from the time of such presentation, and shall direct the Clerk to give notice of the time and place of the hearing, by causing notices to be posted in at least three public places in the county, at least ten days before the day fixed for the hearing, and may, in its discretion, direct other notices to be given, by publication or otherwise, and if the petitioner is not the executrix or administratrix, shall direct notice by citation to be given to the executor or administrator

Notice of time and place of hearing.

Court may appoint attorney for minors without guardians or non-residents.

SEC. 2. On the day fixed for the hearing, or on any other day to which the hearing may be continued, it being first proved, by affidavit or otherwise, to the satisfaction of the Court, that notice has been given as directed by the Court, if it shall appear that any of the devisees, legatees, heirs or creditors of the decedent, who are interested, are minors, and have no general guardian in the county, or that any of such devisees, legatees, heirs or creditors are non-residents of the county, the Court shall appoint some disinterested person their attorney, for the sole purpose of appearing for them and taking care of their interests, on the hearing and in all subsequent proceedings. If, upon the hearing, it shall appear that the petitioner is entitled to a homestead or the value thereof, the Court shall appoint three Commissioners, who shall be competent and disinterested, and whose powers and duties shall be as prescribed in this Act; or upon the consent of the parties, or of the person or persons appearing for them, or when the Court shall deem it proper and just, it shall be sufficient to appoint one Commissioner only, who shall have the same authority and be governed by the same rules as if three were appointed. The order appointing the Commissioners shall contain a description of the property selected as a homestead, and shall direct them to proceed under this Act, and shall also fix a day for the hearing of their report, which shall be notice to parties interested.

Appointment of Commissioners.

To take oath.

SEC. 3. A certified copy of the order of their appointment shall be delivered to the Commissioners as their warrant; and before proceeding to the execution of their duties, they shall, before any officer authorized to administer oaths, take and subscribe an oath that they will faithfully discharge all their duties as Commissioners, which oath shall be indorsed upon their warrant. They shall then proceed to estimate and appraise the property selected as a homestead. If they shall find that the value of said property does not exceed five thousand dollars, they shall so report. If they shall find that such value is greater than five thousand dollars, and that a division of the premises can be made without material injury, they shall set off for the widow, by metes and bounds, so much of said property as shall, as nearly as they can estimate the same, be of the value of five thousand dollars, but not more, and shall make report of their proceedings. If they shall find that the premises are of greater value than five thousand dollars, and cannot be divided without material injury, they shall so report. The reports hereby provided for shall be returned to the Court on

Report.

or before the day fixed for the hearing of the report of the Commissioners.

Court to examine report

SEC. 4. On the day fixed for the hearing of the report of the Commissioners, or on any days to which the hearing may be continued, the Court shall examine the report, and hear any of the parties interested; and if it shall appear that the proceedings of the Commissioners have been regular and that they have appraised the property at its just and fair value, and have acted fairly and justly in any division of the property by them made, may confirm the report, or, for sufficient reason, may set it aside and commit the matter to the same Commissioners, or appoint other Commissioners in their place, who shall proceed in the same manner as Commissioners originally appointed are required to proceed.

If confirmed

SEC. 5. When a report of the Commissioners, showing that the value of the property selected as a homestead does not exceed five thousand dollars, or a report showing that the Commissioners have set off for the widow a portion of said property of the value of five thousand dollars, shall be confirmed by the Court, the property so selected and found not to exceed five thousand dollars in value in one case, and the portion thereof so set off for the widow in the other case, shall belong to and vest in the widow absolutely, free from administration, as a part of the estate of the deceased.

When property cannot be divided without injury

SEC. 6. When the report shall show that the property selected as a homestead is of greater value than five thousand dollars, and cannot be divided without material injury, and the report shall be confirmed, the order confirming the report shall be interlocutory, and thereupon the entire property may be disposed of as follows:

How disposed of.

First—The widow may, if she shall so elect, take the property, upon the payment of the excess of the value thereof, as found by the Commissioners, over five thousand dollars.

Second—If the widow shall not elect to take the property, any heir, devisee, legatee or creditor, who is interested, may take the same, upon the payment of the appraised value thereof.

Third—Notwithstanding any of the foregoing provisions of this section, the widow, or any heir, devisee, legatee or creditor, who is interested, may offer, in writing, for the property, a sum greater than its appraised value, and the person making the best offer may be allowed to take the property. The widow, however, if she shall take the property, shall only be required to pay the excess of her offer over five thousand dollars. The Court may grant a continuance, for a reasonable time, to allow opportunity for making any payment contemplated by the foregoing provisions of this section, and upon the making of such payment, shall assign the entire property to the person entitled thereto.

Fourth—If neither the widow nor any other of said persons will take the property as before provided, the Court shall order a sale of the property, and sale thereof shall be made at public auction, and shall be conducted and reported upon, and be confirmed, or may be set aside and a new sale ordered, in the same manner, and under the same rules, as in ordinary cases of sales of land by an administrator under the Act to which this Act is

supplementary; *provided*, that no sale shall be made for any sum not exceeding five thousand dollars; and *provided* further, that no sale shall be confirmed till after payment of the money to be paid by the purchaser. The Court may order the sale to be made by any person, except the widow, to whom letters testamentary or of administration have been granted, or by a Commissioner appointed for that purpose; and any person, except the person making the sale, may become a purchaser. If, upon the return of his proceedings by the person ordered to make the sale, it shall appear that no greater bid than five thousand dollars was received, and that the proceedings were fair and legal, the entire property selected as a homestead shall be assigned to the widow; and if the widow shall be the purchaser on the sale, and the sale shall be confirmed, the order confirming the sale shall assign the entire property to her, and she shall only be required to pay the excess of her bid over five thousand dollars; any property assigned or sold in accordance with the provisions of this section shall, upon such assignment, or upon the confirmation of the sale by the Court, belong to and vest in the person to whom such property is assigned or sold, absolutely, free from administration, as a part of the estate of the deceased; and if such person is not the widow, free also, from all claim and right of the widow. All money to be paid by any person taking or purchasing the property under the provisions of this section shall, in the first instance, be paid into Court. Upon the assignment of the property or confirmation of the sale, the Clerk shall pay, under the direction of the Court, to the widow, the sum of five thousand dollars, if the amount of her homestead interest has been paid into Court, and the balance to the executor or administrator.

Value of property, how appraised.

SEC. 7. Whether the death of the deceased was before or after the passage of this Act, the Commissioner shall appraise the property at its value at the date of the appraisement, which shall be taken as the proper value thereof; except that when the death was prior to such passage, and the widow, or some other interested person shall, before the close of the hearing upon her petition, request that the value may be found as it was at the time of such death, they shall appraise the property at its value at the time last named. Cases within the foregoing exception shall be governed by the same values as other cases, with such modifications only as necessarily follow from the difference in time, and in the value of the widow's homestead interest. When the Commissioners shall find and report that the value of the property was not, at the time of the death of the deceased, greater than five thousand dollars, and their report shall be confirmed; or when they shall find that the property was, at such time, of greater value than five thousand dollars, and can be divided without material injury, and shall set off for the widow so much thereof as was at such time, as nearly as they can estimate, of the value of five thousand dollars, but not more, and shall make report of their proceedings, and the report shall be confirmed, the entire property selected as a homestead in the former case, and the portion thereof so set apart in the latter case, shall belong to and vest in the widow absolutely, free from administration, as a part of the

estate. When the Commissioners shall find that the property was, at the time of the death of the deceased, of greater value than five thousand dollars, and cannot be divided without material injury, they shall also find the value thereof at the date of the appraisement, and the value, at the latter date, of the widow's homestead interest, namely, the value, at the time of the appraisement, of so much of the property as, at the death of the deceased, was of the value of five thousand dollars, and shall report accordingly; and all subsequent proceedings under the sixth section, or other parts of this Act, shall be had in the same manner, and with the same force and effect, as if the value of the widow's homestead interest, as so found, were inserted in place of the words "five thousand dollars," whenever the same occur in said sixth section, or other parts of this Act.

If homestead has not been selected.

SEC. 8. If a homestead has not been selected under the general homestead law, but the family is by law entitled to have a homestead set apart by the Probate Court, such homestead may be so set apart under the provisions of this Act, so far as the same are applicable. The widow, or the guardian of the child or children, may present the petition. The Commissioners shall appraise the property at its value at the time of the appraisement. The property shall be set apart for the persons who are entitled under the Act to which this Act is supplementary. The widow and minor children, by their guardian, may be allowed by the Court to take the premises, when they cannot be divided without material injury, and to make offers therefor and to become purchasers thereof, upon the same terms as the widow might, in case a homestead had been selected under the general homestead law. The Probate Court shall have power, by its orders, to give such direction to the proceedings in other respects as may be necessary to secure the rights of all concerned, in accordance with the spirit of this Act.

Oath before sale of property.

SEC. 9. When a Commissioner shall be appointed by the Court to make sale of any property, in pursuance of this Act, he shall, before making the sale, take and subscribe an oath or affirmation, before the Probate Judge, Clerk or other officer authorized to administer oaths, that he will perform according to law all his duties as such Commissioner.

Copy of final order to be recorded.

SEC. 10. A certified copy of every final order made in pursuance of this Act, by which any report shall be confirmed, property assigned or sale confirmed, shall be recorded in the office of the County Recorder in the county where the homestead property is situated, and shall, from the time of filing the same in such office for record, impart notice to all persons of the contents of the order.

Compensation for services.

SEC. 11. The Commissioners first named in this Act shall be allowed five dollars per day for their services. The Commissioners appointed to make sales, and attorneys appointed to represent persons interested, shall be allowed a reasonable compensation for their services, to be fixed by the Probate Court or Probate Judge. In no case shall commissions be allowed to the executor or administrator upon the widow's homestead interest or upon the value thereof, nor shall an auctioneer, employed to make a sale, be allowed commissions upon the value of such homestead interest.

Bonds. SEC. 12. No bond shall be required of any person authorized to sell property under this Act, but the Court shall require the executor or administrator to give such additional bond as shall seem necessary for the protection of the estate, before he shall be allowed to receive any money paid into Court.

Expenses. SEC. 13. Expenses incurred under this Act shall be paid by the executor or administrator out of the estate; *provided*, however, that the estate shall in no case be chargeable with such expenses beyond the value of its interest in the homestead property, and that all expenses for which the estate is not liable shall be paid by the petitioner.

Rights of parties succeeding in interest. SEC. 14. Any person succeeding to the interest of the widow in the property selected as a homestead under the general homestead law, shall have all the rights, powers, advantages and benefits of the widow under this Act; and the executor of her will or the administrator of her estate may, on behalf of the estate, exercise all the said rights and powers, and the estate shall have all the said benefits and advantages.

Persons deemed interested SEC. 15. In proceedings under this Act, the following persons shall be deemed interested, namely: Heirs, in cases of intestacy; devisees, taking the interest of the estate in the homestead property; legatees and creditors, for the payment of whose legacies or claims the said interest is, in the judgment of the Court, likely to be required But this enumeration shall not prevent other persons, having an actual interest, from being heard.

SEC. 16. It is hereby made the special duty of the Probate Courts to take care that all proceedings under this Act shall be conducted with as little expense as the proper execution of the law will allow.

Not to impair. SEC. 17. Nothing in this Act shall impair any right or remedy which the widow, or other person entitled to or interested in a homestead, may have by virtue of any law now existing.

SEC. 18. This Act shall take effect and be in force from and after its passage.

CHAPTER DXXXIV.

An Act to provide for the recording of certified copies of final decrees of partition of real estate.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Copy of partition to be recorded. SECTION 1. It shall be the duty of the several County Recorders of this State in which the real estate, or any part thereof is situate, upon the payment of their fees, to duly file and record among the record of deeds in their office, all duly certified copies of final decrees heretofore or hereafter rendered in actions partitioning real estate.

SEC. 2. Every such certified copy of partition shall, from

the time of the filing the same with the Recorder for record, impart notice to all persons of the contents thereof; and subsequent purchasers, mortgagees and lienholders shall be deemed to purchase and take with like notice and effect as if such copy of decree was a duly recorded deed of conveyance; *provided*, nothing herein contained shall be so construed as to invalidate or affect any decree of partition heretofore made and not named under the provisions of this Act. Filing of copy to impart notice.

SEC. 3. For the filing and recording of such certified copy of decree, the Recorder shall be allowed the same rate of fees that he is allowed by law for the filing and recording of deeds. Fees.

CHAPTER DXXXV.

An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front in the City and County of San Francisco.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of State Harbor Commissioners are hereby authorized and empowered to lease for a term of fifteen years, to the corporation known as the Western Pacific Railroad Company, its successors or assigns, that portion of the water front in the City and County of San Francisco, commencing at the intersection of the easterly line of block nine of South Beach water lots and the southerly line of Townsend street; thence southerly along the east line of said block number nine to the southeast corner thereof; thence westerly along the south line of said block number nine, two hundred and eight feet; thence at right angles southerly and along the red line of the year one thousand eight hundred and sixty-four, four hundred and sixty feet; thence at right angles easterly, two hundred and eight feet; thence at right angles southerly, two hundred and twenty feet; thence at right angles easterly, one hundred and fifty feet; thence northerly, at right angles to the red line of the year one thousand eight hundred and sixty-four, and following said line in the same direction to the southerly line of Townsend street; thence westerly along said southerly line of Townsend street to the place of beginning. May lease lands to W. P. R. R. Co.

SEC. 2. The said lease shall provide that the premises in this Act described shall be used only for wharf purposes in the business of the said The Western Pacific Railroad Company, or by its successors or assigns; said successors or assigns to be none other than a railroad corporation, and to have only such privileges under this Act as are hereby granted to said Pacific Railroad Company, its successors or assigns; *provided*, that this condition shall not be construed to preclude the said The Western Pacific Railroad Company, its successors or assigns, from providing storage for freight not immediately called for and Conditions.

removed from said premises, at a reasonable compensation to be paid therefor; and said lease shall further provide that all freight landed on said wharf shall pay to the Board of State Harbor Commissioners the same rate of tolls which from time to time shall be collected on other wharves upon the water front of the City of San Francisco, under the control of said Board; and further, that all structures placed on said premises shall be erected and maintained in repair by the said The Western Pacific Railroad Company, its successors or assigns, at their own expense, and that upon the expiration of said lease, said structures shall become the property of the State of California, and the said tolls and structures shall be in full consideration for said lease and the estate thereby granted.

Not to impair franchise granted.

SEC. 3. Nothing contained in this Act shall be deemed to impair or disturb the franchise granted by an Act entitled an Act in relation to the water front adjacent to block nine in the City and County of San Francisco, approved April first, one

Proviso.

thousand eight hundred and sixty-four; *provided*, that should the said The Western Pacific Railroad Company, its successors or assigns, acquire, by purchase or otherwise, the franchise thereby granted, the said The Western Pacific Railroad Company, its successors or assigns, may put the premises described in said Act of the first of April, one thousand eight hundred and sixty-four, to the uses and purposes specified in section two of this Act, anything in said Act of the first of April, one thousand eight hundred and sixty-four, to the contrary notwithstanding.

May lease to S. F. Gas Co.

SEC. 4. The Board of State Harbor Commissioners are also hereby authorized and empowered to lease for a term of fifteen years, to the corporation known as the San Francisco Gas Company, its successors or assigns, that portion of the water front in the City and County of San Francisco, commencing at the intersection of the northerly line of Berry street and the westerly line of Second street; thence following said westerly line of Second street southeasterly, three hundred and sixty (360) feet; thence at right angles westerly, two hundred and seventy-five (275) feet; thence at right angles northerly, three hundred and sixty (360) feet; thence at right angles easterly, two hundred and seventy-five (275) feet, to the place of beginning.

Conditions

SEC. 5. The said lease shall provide that the premises in the foregoing section described shall be used only for wharf purposes in the business of the said San Francisco Gas Company, its successors or assigns, but in all other respects said lease shall be made upon the same terms and conditions as the lease to the Western Pacific Railroad Company, as provided in section two of this Act.

SEC. 6. This Act shall take effect immediately.

CHAPTER DXXXVI.

An Act to provide for the sale and conveyance of certain submerged lands in the City and County of San Francisco to Henry B. Tichenor.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Henry B. Tichenor is hereby authorized to have a survey and map made, at his own expense, by the City and County Surveyor of San Francisco, of the lands belonging to the State, situated in said city and county, and included within the following boundaries, to wit: Commencing at a point in the Bay of San Francisco, distant three thousand five hundred and seventy (3570) feet southeasterly from the southerly corner of Brannan and Second streets, as the same are laid down on the official map of said city, said distance being measured along the extension, southeasterly of the southwesterly line of Second street; thence in [a] southwesterly direction, at right angles with said line of Second street extended, five hundred (500) feet; thence at right angles southeasterly eight hundred (800) feet; thence at right angles northeasterly eight hundred (800) feet; thence at right angles northwesterly eight hundred (800) feet; and thence at right angles southwesterly three hundred (300) feet, to the point of commencement; said tract of land being a square, including the rock known as Mission Rock; and upon the approval of such survey by the Surveyor-General, and the payment by said Tichenor to the State Treasurer, of the value of all the lands within said described boundaries which shall be shown by such survey and map to lie below ordinary high water mark, at such rate as shall be assessed by the Board of State Tide Land Commissioners per acre, and upon the production to the Governor of the receipt of the State Treasurer, and of a copy of said map, with the certificate of the Surveyor-General of his approval thereof, a patent for said lands shall be issued to said Tichenor, his heirs and assigns; *provided*, that such patent shall not be issued until said Tichenor, his heirs or assigns, shall have constructed a marine railway or dry dock at said Mission Rock.

Survey and map.

Boundaries.

When patent to issue.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DXXXVII.

An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Additional Notaries Public.

SECTION 1. For the City and County of San Francisco one, and for the County of Alameda five, and for the County of Solano three, and for Monterey three and Marin two, additional Notaries Public shall be appointed by the Governor, who shall hold office for the term of two years and until their successors in office are appointed and qualified.

SEC. 2. This Act shall take effect and be in force on and after its passage.

CHAPTER DXXXVIII.

An Act to provide for the improvement of public parks in the City of San Francisco.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Public parks

SECTION 1. The lands designated upon a map of the outside lands of the City and County of San Francisco, made in pursuance of Order Number Eight Hundred, by the word "Park," to wit: Extending from Stanyan street on the east to the Pacific Ocean, is hereby designated, and shall be known as the "Golden Gate Park;" and the other parcel of land fronting on Haight street, and also marked "Park," is hereby designated, and shall be known as "Buena Vista Park;" and also the land marked on said map "Avenue," extending from Baker street westward until it crosses Stanyan street, shall be, and remain public parks of said city and county, and shall be improved as such by the Commissioners hereinafter mentioned and their successors.

Park Commissioners.

SEC. 2. The said parks and avenues shall be under the exclusive control and management of a Board of three Commissioners, who are hereby designated as "Park Commissioners." Two members shall constitute a quorum for the transaction of business; but no money shall be expended or contract entered into authorizing the expenditure of money without the approval of the Mayor of said city and a majority of said Board.

Governor to appoint.

SEC. 3. The Governor of the State of California is hereby authorized and directed, within thirty days after the passage of this Act, to appoint three Commissioners, who shall hold their offices for four years, and who shall receive no compensation

for their services. In case of a vacancy, the same shall be filled by the remaining members of the Board for the residue of the term then vacant; and all vacancies occasioned by expiration of terms of office, or neglect or incapacity of qualification, shall be filled by the Governor aforesaid. Each of said Commissioners shall be a freeholder and resident of said city and county. Vacancies.

SEC. 4. The said Board shall have the full and exclusive power to govern, manage and direct the said parks and avenues; to lay out, regulate and improve the same; to pass ordinances for the regulation and government of the same; to appoint such engineers, surveyors, clerks and other officers, as may be necessary; to prescribe and define their respective duties and authority; to fix the amount of their compensation, and to have the management of the funds provided for the improvement thereof. Powers.

SEC. 5. It shall be a felony for any Commissioner, directly or indirectly, to be interested in any contract or work of any kind whatever connected with either of said parks or avenue; and it shall be the duty of any Commissioner or other person who may have any knowledge or information of the violation of this provision, forthwith to report the same to the Governor, who shall hear the allegations in regard thereto; and if, after such hearing, he shall be satisfied of the truth thereof, he shall immediately remove such Commissioner thus offending. The Governor shall issue a commission to each of the Commissioners appointed by him, who shall, within twenty days after the receipt thereof, take and subscribe the oath of office prescribed by law. If interested in contracts. Oath of office

SEC. 6. The said Board shall semi-annually, and on the second Monday in January in each year, make to the Legislature of the State, and to the Board of Supervisors of said city and county annually, and on the second Monday of January in each year, a full report of their proceedings and a detailed statement of all their receipts and expenditures. Report.

SEC. 7. It shall be lawful for the said Commissioners to let any portion of said grounds from time to time, until the same shall be required for the improvement of said parks; but no lease shall extend beyond three years from the date thereof. All moneys realized thereby shall be devoted to the improvement of said parks and avenue. May lease portion of grounds.

SEC. 8. During the year next ensuing their appointment, the said Commissioners may expend upon said parks and avenue the sum of one hundred thousand dollars and no more; and during the second year the sum of seventy-five thousand dollars; and annually thereafter, for the next three years, the sum of fifty thousand dollars per annum. Sums to be expended.

SEC. 9. The said Commissioners shall from time to time create and issue bonds, in sums of not less than three hundred dollars nor more than one thousand dollars, which bonds shall not exceed in amount two hundred and twenty-five thousand dollars, and shall be payable fifty years from their date, or sooner, if the Legislature shall hereafter so provide, and may sell the same at not less than their par value, to create a fund to be called "The Park Improvement Fund." Such bonds and the interest thereon shall be payable in gold coin. Such interest shall be paid semi-annually, at the office of the Treasurer Issue bonds.

of said city and county, and shall not bear interest at a rate exceeding six per cent. per annum. The said parks and avenue are hereby pledged as security for the redemption of said bonds.

Security.

Proposals. SEC. 10. Said Commissioners shall advertise for proposals for such bonds at least sixty days before issuing the same, and shall issue the same to the best and highest bidder; but no bid under par shall be accepted.

Interest tax. SEC. 11. For the payment of the interest of the said bonds, the Board of Supervisors of said city and county shall order and cause to be raised, by tax on the estate, real and personal, subject to taxation according to law, within said city and county, and to be collected in addition to the ordinary taxes, yearly and every year, sufficient money to pay the interest annually accruing on the bonds then issued.

Moneys to be deposited and draw interest. SEC. 12. The moneys raised by sales of such bonds shall be deposited with some one or more of the savings or banking institutions in said city and county, and such institution, bank or banks, with which the same may be deposited, shall allow interest upon such deposits, as may be agreed upon with said Board, and shall open and keep an account with said Board. No moneys shall be drawn from said fund except upon a warrant signed by a majority of the Commissioners and the Mayor.

Ordinances. SEC. 13. It shall be lawful for said Board of Commissioners to pass such ordinances as they may deem necessary for the regulation, use and government of said parks and avenue, not inconsistent with the laws of the State of California Said ordinances shall, within five days after their passage, be published for ten days, Sundays excepted, in a daily newspaper published in said city and county, to be selected by said Commissioners.

Violation. SEC. 14. All persons offending against any such ordinances shall be deemed guilty of a misdemeanor, and be punished on conviction in the Police Court of said city and county.

SEC. 15. This Act shall take effect immediately.

CHAPTER DXXXIX.

An Act for the relief of Francis McGrath.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation. SECTION 1. The sum of two hundred and thirty-five dollars is hereby appropriated, out of any moneys in the General Fund in the State treasury not otherwise appropriated, to pay the claim of Francis McGrath for enrolling and making out lists of all persons in the County of Amador subject to military duty, in the years eighteen hundred and sixty-one, eighteen hundred and sixty-two and eighteen hundred and sixty-three.

SEC. 2. The Controller of State is hereby directed to draw his warrant on the General Fund in favor of Francis McGrath, for the sum of two hundred and thirty-five dollars, and the Treasurer is hereby directed to pay the same out of said General Fund.

SEC. 3. This Act shall take effect immediately.

CHAPTER DXL.

An Act to regulate the fees of Justices and Constables in Placer County.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. For filing each paper, twenty-five cents.

Issuing any writ or process by which suit is commenced, one dollar. Fees of Justices of the Peace.

For entering such cause on his docket, fifty cents.

For subpœna to each witness, twenty-five cents.

For administering an oath or affirmation, twenty-five cents; for certifying the same, fifty cents.

For each certificate, fifty cents.

For issuing writ of attachment, or of arrest, or for delivery of property, two dollars.

For entering any final judgment, three dollars.

For taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents.

For taking justification on a bond, one dollar.

For swearing a jury, one dollar.

For taking depositions, per folio, thirty cents.

For entering satisfaction of a judgment, fifty cents.

For copy of judgment, order, docket, proceeding or paper in his office, for each folio, thirty cents.

For transcript of judgment, per folio, thirty cents.

For issuing commission to take testimony, one dollar.

For issuing supersedeas to an execution, fifty cents.

For making up and transmitting transcript and papers on appeal, two dollars.

For issuing search warrant, one dollar.

For issuing execution, fifty cents.

For celebrating marriage, and returning certificate to the Recorder, five dollars.

For all service and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, three dollars.

For taking bail after commitment in criminal case, one dollar.

For entering cause without process, one dollar.

For entering judgment by confession, and only on affidavit, as required in the District Court, three dollars.

For entering every motion, rule, order, verdict or default, twenty-five cents.

CONSTABLES' FEES.

Constables' fees.

SEC. 2. For serving summons in civil suit, for each defendant, one dollar.

For summoning a jury before a Justice of the Peace, three dollars.

For taking a bond required to be taken, one dollar.

For copy of any writ, process or paper, when required by law, for each folio, thirty cents.

For summoning each witness, fifty cents.

For serving an attachment, or levying an execution against the property of a defendant, three dollars.

For summoning and swearing a jury to try the rights of property and taking the verdict, three dollars.

For receiving and taking care of property on execution, attachment or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct, and the expenses necessarily incurred.

For collecting all sums on execution, three per cent., to be charged against the defendant in execution.

Constables shall receive, in serving summonses, attachments, order, execution, venire, notice and subpœna, in civil cases, for each mile necessarily travelled, in going only; but when two or more persons are served in the same suit, mileage shall only be charged for the most distant, if they live in the same direction, forty cents.

For serving a warrant or order of delivery of personal property, or making an arrest in civil cases, two dollars.

For making and posting notices, and advertising property for sale on execution, or under any judgment or order of sale, not to include the cost of publication in newspapers, three dollars.

For serving every notice, rule or order, one dollar.

The fees herein allowed for the levy of an execution and for advertising, and for making or collecting the money on an execution, shall be collected from the defendant, by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing every Constable's deed, to be paid for by the grantee, who shall, in addition, pay for the acknowledgments and stamp thereof, three dollars.

For travel in the services in every process not hereinbefore mentioned, for each mile necessarily travelled, in going only, forty cents.

For making every arrest in criminal proceeding, three dollars.

For serving each subpœna in criminal proceedings, fifty cents.

For summoning each jury in criminal cases, three dollars.

For service of any process in criminal cases, for each mile travelled, twenty cents; and the same mileage for taking prisoner before a magistrate or to prison.

In serving subpœnas or venires in criminal cases, he shall receive mileage for the most distant only, where witnesses or jurors live in the same direction.

SEC. 3. This Act shall be in force from and after its passage.

CHAPTER DXLI.

An Act granting certain property to the County of Sacramento.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby granted and given to the County of Sacramento, the following described property, owned and formerly used by the State of California, while occupying the Court-house of the County of Sacramento as a State Capitol, to wit: One iron safe in the office formerly occupied by the Treasurer of State, and the gas fixtures, pipes and chandeliers in and about said building. Property granted.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DXLII.

An Act to amend an Act entitled an Act to provide for the transfer of certain funds in the County of Placer, approved March twenty-eighth, eighteen hundred and sixty-eight.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is amended so as to read as follows:

Section 1. The Treasurer of Placer County is hereby directed and empowered to transfer to the fund called the Railroad Fund, in the Act of April second, eighteen hundred and sixty-three, authorizing said county to subscribe to the capital stock of the Central Pacific Railroad of California, the sum of four thousand and twenty-one dollars and sixty-two cents, now in the Toll Road Redemption Fund, created by the Act of April second, eighteen hundred and sixty-six, in relation to roads and highways in the County of Placer, and he is also empowered and directed to transfer to said Railroad Fund the sum of two thousand two hundred and thirty-six dollars and eighty cents, now in the District Road Fund of township number eleven of said county; and said moneys, when thus transferred, shall become a part of said Railroad Fund, and be in all respects treated as said Railroad Fund as is required to be treated by said Act of April second, eighteen hundred and sixty-three. Transfer of moneys.

SEC. 2. Section two of said Act is amended so as to read as follows:

Section 2. From and after the passage of this Act, all moneys coming into the treasury of Placer County, which would go into the said Toll Road Redemption Fund, under said Same.

Act of April second, eighteen hundred and sixty-six, shall be placed by said Treasurer in said Railroad Fund, and become a part of the same.

SEC. 3. All parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER DXLIII.

An Act to provide for the payment of the salary of the County Treasurer of the County of Colusa.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Moneys to be set apart.

SECTION 1. The Board of Supervisors of the County of Colusa are hereby authorized and directed to set apart annually, out of the General Fund of the said county, the sum of two thousand dollars, to be known and used as the Salary Fund of the County Treasurer of Colusa County.

Monthly warrants.

SEC. 2. The County Auditor shall draw his warrant on the County Treasurer, on the last Saturday of each month, for the payment of the salary of the County Treasurer of Colusa County, as allowed by law, to be paid out of the special fund created by this Act.

SEC. 3. This Act shall be in force from and after its passage.

CHAPTER DXLIV.

An Act to fix the amount of the official bond of the Tax Collector of Del Norte County.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Bond of Tax Collector.

SECTION 1. The Tax Collector of Del Norte County shall give a bond for the faithful discharge of his official duties, as prescribed by law, in the sum of ten thousand dollars.

Repealed.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they conflict with the provisions of this Act.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER DXLV.

An Act to incorporate the Town of Colusa.

[Approved April 4, 1870.]

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 shall be and are hereby declared a corporation, under the name and style of "The Town of Colusa," and by that name they and their successors shall be known in law and have perpetual succession, and may have and use a common seal; *provided*, that said corporation shall neither have nor exercise any powers not expressly authorized by this Act. Corporate name.

SEC. 2. The boundaries of the Town of Colusa shall be as follows, viz: The west bank of the Sacramento River, which designates the northeast corner of lot number one, in block number one, as laid out and numbered on the plan or map of said Town of Colusa, now on file in the Recorder's office of said County of Colusa; thence south, seventeen degrees west, four thousand and twenty feet, to a stake; thence north, seventy-three degrees west, five thousand one hundred and twenty feet, to a stake; thence north, seventeen degrees east, four thousand one hundred and twenty feet, to a stake; thence south, seventy-three degrees east, two thousand eight hundred and eighty feet, to a stake; thence north, seventeen degrees east, to the middle of the channel of the Sacramento River; thence down and along the middle of said channel, to a point from which a course, south, seventeen degrees west, would touch the place of beginning; thence in a right line to the place of beginning. Boundaries.

SEC. 3. The government of said town shall be vested in a Board of Trustees, to consist of five members; a Town Marshal; a Town Treasurer, and a Town Secretary. The said Trustees and officers shall be elected by the qualified electors of said town, annually, on the first Monday of May, and shall hold office for one year, and until their successors are elected and qualified. Officers.

SEC. 4. Said Trustees and officers shall be qualified electors of said town, and the elections held under this Act shall be conducted in accordance with the general laws of the State.

SEC. 5. Two weeks notice of said election for Trustees and officers shall be given by the President and Secretary of the Board of Trustees, by publication in a newspaper printed in the Town of Colusa. Said notice shall designate the time and place of holding said election, and shall name one Inspector and two Judges of said election; *provided*, however, that the President and Secretary fail to publish said notices, the electors of said town may meet on the morning of the election day at the Court-house of said town and appoint one Inspector and two Judges to hold such election; and the same shall be valid and binding as if notices had been published. Notice of election.

vouchers of the Treasurer and Marshal; and to file them in his office under appropriate heads; to attend all meetings of the Board of Trustees and keep a correct journal of all its proceedings, and a record of all its ordinances; to sign all warrants issued in pursuance of the orders and ordinances of the Board of Trustees, and to keep an accurate account, in a suitable book, of all such warrants. The ordinances shall be numbered in the order of their passage and suitably indexed. He shall receive such salary as the Board of Trustees may determine, not exceeding three hundred dollars per year. Salary.

SEC. 12. The Marshal shall be ex officio Assessor and Tax Duties of Marshal.

Oath of office

SEC. 6. Before entering upon their duties, the Trustees and officers shall each take and subscribe an oath to support the Constitution of the United States and the Constitution of the State of California, and that he will discharge the duties of his office to the best of his ability. Said oath may be taken before any officer authorized to administer oaths, and shall be filed with the Secretary of the town.

Powers and duties of Board of Trustees.

SEC. 7. The Board of Trustees shall have power to pass ordinances, not inconsistent with the Constitution and laws of the United States and of this State, as they may deem necessary; to determine what are nuisances, and prevent and remove the same; to prevent any or all domestic animals from running at large within the corporation limits; to control and regulate slaughter houses, or to provide for their exclusion from within the town limits; to prohibit disorderly conduct; to provide for licensing shows and lawful games; to license every kind of business carried on within the town limits; to regulate and restrain theatrical and other amusements, and to fix the rate of license tax upon all such business, which shall not exceed the amount fixed by law for State and county purposes; to regulate and establish markets; to construct and keep in repair pumps, aqueducts, reservoirs or other works necessary to protect the town from injury by fire; to construct and keep in repair wharves, and fix the rates of wharfage and collect the same; to lay out, alter, keep open and repair the streets, alleys and public squares and other public grounds of the town; to purchase or lease such real estate and personal property as may be necessary or proper for the interest of said town, or the transaction of the business of the Board of Trustees or other officers of said town, or the safe keeping of prisoners; to sell and convey the said real and personal property, when deemed unnecessary for the above specified purposes; to lease, for a period not exceeding ten years, portions of the river front, for the use of a saw mill, or other purposes that they may deem beneficial to the interest of said town; to grant the right of way to railroad companies within the corporate limits of said town, making such prohibitions and restrictions as the safety of the inhabitants may demand; to levy and collect annually a poll tax, not exceeding three dollars on each male inhabitant over the age of twenty-one years, and a property tax, not exceeding two per cent upon the assessed value of the real and personal property. That said Board of Trustees shall sit as a Board of Equalization, and shall be governed by the general laws of the State regulating the powers and duties of the County Board of Supervisors in similar proceedings. The tax levied under the provisions of this Act is hereby made a lien against the property assessed, which lien shall attach on the day of the levy, and shall not be satisfied or removed until such taxes are paid, or the property has absolutely vested in a purchaser under a sale for such taxes.

Debt.

SEC. 8. The Board of Trustees shall have no power to create any debt exceeding three thousand dollars, upon the credit of the town, nor make any expenditure for improvements except as provided for in this Act; nor shall any warrant be drawn upon the Town Treasurer, unless there shall be sufficient moneys

to meet the same, after paying the current expenses of the town and all other demands legally due.

Meetings. SEC 9. The Board of Trustees shall meet on the first Monday of every month, and at such other times as the President may deem necessary. The place of the regular meetings shall be fixed by ordinance.

Powers and duties of President. SEC. 10. It shall be the duty of the President to preside at all meetings of the Trustees, to exercise a general supervision over the acts of the other officers of the corporation, and to countersign all warrants drawn upon the Treasurer, by order of the Board of Trustees, for which services he shall be entitled to a compensation as the Board of Trustees may determine, not exceeding three hundred dollars per annum. The President of the Board of Trustees shall have power to enforce due order and decorum at all their meetings, and may punish by fine or imprisonment, or both, said fine not to exceed twenty-five dollars and imprisonment not to exceed twenty-four hours. Said fines may be collected as other fines are for breach of ordinance.

Duties of Treasurer. SEC. 11. It shall be the duty of the Treasurer to receive all moneys due the town, to pay all warrants drawn by order of the Board of Trustees, signed by the Secretary and countersigned by the President, and to keep an accurate account of all receipts and expenditures, and present to the Board of Trustees a full report of the financial condition of the corporation, one month before the annual election, and at such other times as the Board of Trustees may require. He shall give a bond, conditioned for the faithful discharge of his duties, in such sum as the Board of Trustees may direct. He shall receive as commission two per cent. upon the moneys received. Commission.

Duties of Secretary. SEC. 12. It shall be the duty of the Town Secretary to keep the seal (if it have one) of the corporation, and all the papers and documents belonging to the town (except the books and vouchers of the Treasurer and Marshal) and to file them in his office under appropriate heads; to attend all meetings of the Board of Trustees and keep a correct journal of all its proceedings, and a record of all its ordinances; to sign all warrants issued in pursuance of the orders and ordinances of the Board of Trustees, and to keep an accurate account, in a suitable book, of all such warrants. The ordinances shall be numbered in the order of their passage and suitably indexed. He shall receive such salary as the Board of Trustees may determine, not exceeding three hundred dollars per year. Salary.

Duties of Marshal. SEC. 13. The Marshal shall be ex officio Assessor and Tax Collector, and shall collect such taxes as may be levied by the Board of Trustees, and shall pay such taxes (less his commission, which shall be allowed by the Trustees), over to the Treasurer, taking his receipt therefor. He shall collect and pay over to the Treasurer all fines and costs levied or imposed by reason of a violation of any ordinance of the town, and for such purposes, shall have the powers conferred by law upon Constables. He shall arrest all persons against whom a warrant, directed to him, shall be issued by any Justice of the Peace in the town, and may arrest, without a warrant, any person actually engaged, in his presence, in any violation of an ordinance. For all services performed by him, in cases of violation of ordinances, he shall receive Fees.

such fees as may be prescribed by the Board of Trustees, to be taxed by the Justice of the Peace having jurisdiction of such violation, against the defendant; *provided*, that in no case shall he receive greater fees than Constables are allowed by law for similar services. He shall receive for his services no other compensation than that provided for in this Act. He shall give bond conditioned for the faithful performance of his duties, in such sum as the Board of Trustees may direct.

Collection of taxes.

SEC. 14. The Board of Trustees shall, by ordinance, fix the time and manner of collecting the tax herein provided for, and the time and manner of selling property for unpaid taxes. All property sold for unpaid taxes shall be subject to redemption upon the same conditions as property sold for State and county tax.

Quorum.

SEC 15. A majority of the Board of Trustees shall be a quorum to transact business

Ordinances.

SEC. 16. All ordinances passed by the Board of Trustees shall be signed by the President and Secretary, and published in a newspaper printed in the Town of Colusa.

Examination and removal of officers.

SEC. 17. The Board of Trustees shall have power to examine into the official conduct of any of the officers of the corporation, and if, in the judgment of said Board, the officer has been guilty of misfeasance or malefeasance in office, the Board may remove him from office and fill any vacancy occasioned thereby, or any vacancy occurring by death, resignation or otherwise; the person so selected to fill such vacancy shall hold office until the next annual election.

Attorney.

SEC. 18. The Board of Trustees may appoint an attorney, and allow him for his services what they may be reasonably worth.

Jurisdiction of Justices.

SEC. 19. The several Justices of the Peace within said town shall have jurisdiction—

First—Of an action or proceeding for a fine, penalty or forfeiture imposed by a breach of any ordinance of said town

Second—Of proceedings respecting vagrants and disorderly persons.

They may issue such warrants of arrest as may be necessary to enforce such jurisdiction.

Form of actions.

SEC. 20. All proceedings and actions under this Act, or any ordinance passed in pursuance hereof, shall be commenced by complaint, setting forth the cause of complaint, so 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 the party making them. The answer to the complaint may be oral or in writing, and immediately thereafter the matter shall be tried, unless for good cause shown, and adjournment. In all cases the defendant shall, upon demand, be entitled to trial of by jury, composed of six electors of the county. No fine imposed under this Act shall exceed one hundred dollars.

Fines for breach of ordinance.

SEC. 21. Every Justice of [the] Peace who shall collect any fines for breach of any ordinance shall pay over the same to the Treasurer, taking his receipt therefor; and such Justice of the Peace shall be liable on his official bond for all sums so collected by him.

SEC. 22. No member of the Board of Trustees shall be, directly or indirectly, interested in any contract or sale of anything belong[ing] to said town, or any work or business ordered to be executed by authority of said Board. For a violation of this section, the member so offending shall be expelled from the Board. Not to be interested.

SEC. 23. The Board of Trustees shall have power to fix a fine not exceeding five hundred dollars, and a term of imprisonment not exceeding three months, as the penalty for a violation of any ordinance or ordinances. Until the Board of Trustees provide a place to keep prisoners, the Sheriff of Colusa County shall receive and safely keep, until the expiration of his term of imprisonment, or until discharged by due process of law, any person delivered to him by the Marshal, under a commitment from a Justice of the Peace, the town paying expenses of the same; *provided* further, that whenever sentence of imprisonment is passed upon such offender, the Justice of the Peace shall include in such sentence that such offender shall be subject to labor, under the charge of the Marshal, provided any provision shall have been made, by ordinance, for carrying such sentence into effect. They may also, in any suit, tax the costs thereof against the person so convicted. Limitation of penalty. Custody of prisoners.

SEC. 24. The present Board of Trustees, organized under the Act entitled an Act to provide for the incorporation of towns, approved April nineteenth, eighteen hundred and fifty-six, shall remain and continue to act as said Board of Trustees of said town, until the first Monday in May, eighteen hundred and seventy, or until their successors under this Act shall be qualified; and the President and Secretary of said Board of Trustees shall publish a notice for the first annual election of town officers, in the manner prescribed in section five of this Act. The Inspector and Judges of said election shall each, before entering upon the duties of his office, take an oath, before some officer authorized by law to administer oaths, to perform their respective duties according to law. Said Inspector and Judges shall, within one week after said election, issue certificates to the Trustees and other officers who shall have received the highest number of votes, and shall, immediately after the organization of the Board of Trustees, transmit to the Secretary of the Board the poll list and tally list of said election. Present Trustees to act until successors qualify. Annual election of officers. Certificates.

SEC. 25. At all elections subsequent to the first election, the Inspector and Judges shall make their returns and forward the same within three days after such election, to the Secretary of the Board of Trustees, together with the poll list and tally list. Returns.

SEC. 26. One week after each annual election, the Board of Trustees shall meet for the purpose of canvassing the election, and declare the names of the persons elected to fill the respective town offices for the ensuing year, whereupon the Secretary shall issue certificates to the persons so declared elected. The person holding such certificate shall be installed into office at the next succeeding regular meeting, unless their election be contested within two weeks after their election, in which case the old Board shall try and determine such contest before such regular meeting, and their decision shall be final. Canvass.

SEC. 27. Nothing contained in this Act shall repeal or in any

Not to affect. manner affect the validity of any ordinance now in force in said town, or affect in any manner any debt, contract or liability of said town, now in existence; and all debts and liabilities in favor of or against said town shall remain in full force of and against said town, as organized under the provision of this Act.

SEC. 28. The provisions of this Act shall not repeal or affect the provisions of an Act entitled an Act to provide for the incorporation of towns, approved April nineteenth, eighteen hundred and fifty-six, under which Act the said Town of Colusa was incorporated, for the collection of license taxes, nor in any manner repeal or affect any levy or levies, assessment or assessments, or proceedings of any kind whatever had under the provisions of said Act, prior to the time this Act goes into effect; but all such levies, assessments and proceedings shall be as legal, valid and binding, until the license be collected and the proceedings consummated, as though this Act had not been passed. And after this Act goes into effect, all subsequent proceedings under it shall have the same force and effect as though such levies, assessments and prior proceedings had been made under this Act.

SEC. 29. This Act shall go into effect immediately.

CHAPTER DXLVI.

An Act to amend an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said Act is hereby amended so as to read as follows:

Register to prepare patents. Section 5. Whenever final payment shall have been made for any tract of land sold by authority of the State, the selection of which shall have been duly accepted and approved by the proper United States authorities, or when the tract so finally paid for or reclaimed as hereinafter provided, shall be swamp and overflowed, salt marsh or tide lands, it shall be the duty of the Register of the State Land Office, upon the surrender of the certificate of purchase by the person or persons entitled to the same, to prepare a patent for said land, and send the same to the Governor, together with a certificate under his official seal, certifying that the laws in relation thereto have been fully complied with, that payment in full has been made to the State, and that the party named in the said prepared patent is entitled to the same; the patent shall then be signed by the Governor, attested by the Secretary of State, sealed with the great seal of the State and countersigned by the Register of the State Land Office; *provided*, that no patent shall issue until after the expi-

By whom signed.

ration of one year from the date of approval of the survey or location by the Surveyor-General, and the lands shall have been relinquished to the State by authority of the General Land Office at Washington; *provided* further, that such relinquishment shall not be required for locations of the sixteenth and thirty-sixth sections in place, or for swamp and overflowed lands, shown to be such by the official surveys made by authority of the United States Surveyor-General. The Register of the State Land Office shall record all patents in books to be kept in his office for that purpose, and shall then forward or deliver the same to the owners of the land or their agents. When to issue. To be recorded.

SEC. 2. This Act shall take effect on and after its passage.

CHAPTER DXLVII.

An Act concerning gas companies.

[Approved April 4, 1870.]

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 lawful for the corporate authorities of every city and town in this State, and for the Supervisors of the City and County of San Francisco, to grant to any gas company the privilege of laying down pipes in the streets or alleys of such towns and cities, including San Francisco, as aforesaid, and supplying gas for the lighting of the streets and buildings thereon; such privilege to continue for a term not exceeding twenty-five years. May grant franchises to gas companies.

SEC. 2. Every such license or privilege shall be upon condition that the authorities shall have the right at any time to allow similar privileges to other companies; and upon the further condition, that the laying down of such pipes shall be subject to the reasonable direction of the said authorities, and shall do as little injury as possible to the paving, planking or macadamizing of the streets and alleys aforesaid; and that whenever the paving, planking or macadamizing of such streets or alleys is displaced for the purpose of laying down pipes or removing the same, or making connections therewith or repairs thereto, such paving, planking or macadamizing shall be replaced in as good order as practicable by such company. Conditions.

SEC. 3. The authorities of every such town or city, including San Francisco as aforesaid, may contract with any gas company for lighting the streets thereof; but no such contract shall be made at a fixed rate for a longer term than five years, nor at a variable or other rate for a longer term than ten years; nor shall any such contract be made at a higher rate than that now paid in the City of San Francisco. Contract for lighting streets.

SEC. 4. In addition to the foregoing provisions, the authorities of such towns and cities shall affix to every license or contract such conditions as will be for the benefit of the public,

and may secure their enforcement by any orders or ordinances which they may deem necessary. They may, also, control the location and construction of works so that they may be erected in suitable localities to give the least discomfort or annoyance to the public.

Location of works.

SEC. 5. This Act shall take effect immediately.

CHAPTER DXLVIII.

An Act to authorize the issuance of bonds by the County of San Luis Obispo to erect county buildings, and to provide a site for the same.

[Approved April 4, 1870.]

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 San Luis Obispo are hereby authorized and empowered to issue, on behalf of said county, bonds, not exceeding in the aggregate the sum of twenty-five thousand dollars, for the purpose of erecting a County Court-house for said county; such bonds to bear interest at the rate of ten per cent. per annum, and of such denominations, respectively, as the said Board shall order (with coupons for interest attached), made payable in ten years from the date of their issuance, at the office of the County Treasurer of said county; and the interest thereon shall be payable by said Treasurer yearly, at his said office, upon the first Monday in January of each and every year succeeding the date of their issuance, on presentation of the respective coupons therefor. Every bond so issued shall be signed by the President of the Board of Supervisors and by the Clerk of said Board, shall be countersigned by the County Treasurer, and authenticated by the seal of the County Auditor, and shall purport that said county owes to the holder thereof the sum set down on said bond, in United States gold coin, payable and bearing interest as aforesaid; and the principal and interest of said bonds shall be payable in such gold coin of the United States. The first and second coupons attached to each of said bonds shall be blank, as regards the amount to be paid thereon, and on the issuance of each bond, respectively, the Clerk of said Board of Supervisors shall insert in said blanks the amounts which will be due upon each of said coupons at the date of payment; and if the time of payment of either of such coupons shall have elapsed before the issuance of the bond to which it is attached, then the said Clerk shall remove any such expired coupon, and shall cancel the same.

May issue bonds.

Description.

Coupons.

SEC. 2. Said bonds, when so issued, shall only be used in paying for the construction and furnishing of a County Court-house for said county; *provided*, that in case the said Board of Supervisors shall deem proper to authorize that a portion of the building, hereinbefore provided for, shall be constructed for the

For what purpose to be used.

purpose of and used as a county jail, they may so order and invite bids accordingly.

Register. SEC. 3. The Clerk of the Board of Supervisors shall keep a register, showing the date and number of every bond issued, the number of each coupon, when each bond and coupon is payable, and to whom issued; and when any of such bonds shall be sold, the amount realized from the sale thereof, with the name of the purchaser. It shall be the duty of said Clerk to make and certify two copies of said register, one of which shall be delivered to the Auditor, and one to the Treasurer of said county, and the same shall be kept by them in their respective offices.

When to issue. SEC. 4. The bonds hereby authorized shall be issued from time to time, as the same may be required, to pay for the materials used in and work performed on the said building; or they may be sold, or any of them, under the direction of said Board of Supervisors, to the person or persons who will pay the highest price therefor; *provided*, that all sales shall be made to the highest bidder, for cash, and notice of any proposed sale of said bonds shall be given, in a newspaper published in San Luis Obispo County, and also in one published in the City and County of San Francisco, for the term of one month previous to any such sale. The purchasers whose bids shall be accepted shall pay into the county treasury the amount bid by them, and the Treasurer shall receipt for the same, and such purchasers shall, upon the delivery of such receipt to the Clerk of said Board of Supervisors, be entitled to receive the bonds purchased by them. The said receipts to be copied into the said register, and the copies thereof hereby required to be made.

Sale of bonds.

Plans and specifications. SEC. 5. The Board of Supervisors of said County of San Luis Obispo shall, whenever they shall have determined to put in exercise the powers herein delegated to them, advertise for, in the same manner as herein provided for the sale of county bonds, and shall receive, plans, specifications and estimates for constructing a County Court-house, whether with or without provision for a county jail, as they may deem advisable, and shall adopt such plans and specifications as may be deemed best for the county; and after adopting the same, shall give like notice that sealed proposals will be received, at a place to be specified, for the erection of the building decided upon, according to the plans and specifications adopted.

Proposals for erection.

May reject. SEC. 6. In calling for bids, under any of the provisions of this Act, the Board of Supervisors shall reserve to themselves the right to reject any and all bids offered; and such right is hereby reserved to the said Board of Supervisors in any event.

Award of contract. SEC. 7. At the time and place specified in the notice provided for in section five, said Board shall open all bids and proposals for building and completing the edifice contemplated by them, according to the plans and specifications approved 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 said Board shall not accept any bid or proposal which in their judg-

ment is higher than a fair and just compensation for the performance of the contract.

If work to be paid in bonds.

SEC. 8. If the said work is contracted to be paid for in bonds, bonds for sixty per cent. of the estimated value of the work done and materials furnished may be drawn as the work progresses, according to an estimate to be approved by said Board; at least forty per cent. of the whole amount to be paid being reserved until the completion of the building, as additional security for the performance of the contract. If contracted to be paid for in cash, the like proportion to be observed in the payment of the work.

If in cash.

Special tax.

SEC. 9. For the purpose of paying the interest on the bonds authorized to be issued by this Act, and also to constitute a Sinking Fund for the gradual redemption of the same, it shall be the duty of the Board of Supervisors of said county to cause to be levied and collected, a special tax on all real and personal property within the county, which shall not exceed one-quarter of one per cent. on each one hundred dollars valuation of such real and personal property, to be called the "Court-house Bond Tax," such tax to be assessed and collected in gold and silver coin of the United States currency, at the same time and in like manner as are assessed and collected State and county taxes for other purposes, and the amount of taxes so collected shall be applied only to the purpose of paying the interest and principal of the bonds authorized to be issued by this Act, until the same shall be fully paid.

Transfer of surplus moneys.

SEC. 10. Whenever at any time there shall exist in the Current Expense Fund of said county a surplus, over and above all outstanding floating indebtedness of said county duly presented and entitled to audit and payment, said Board shall order the County Treasurer of said county to carry said surplus to the credit of said Court-house Bond Tax Fund, and said Treasurer shall, upon receipt of said order, make such transfer accordingly.

Redemption of bonds.

SEC. 11. On the first Monday in January of each year, when there shall be as much as five hundred dollars collected under the provisions of this Act, and received into the Court-house Bond Tax Fund, over and above the interest due on all bonds issued, it shall be the duty of the County Treasurer to advertise for the time and in the manner hereinbefore provided in other cases under the provisions of this Act, stating the amount of such surplus in said fund, and inviting bids at his office, on a given day, specifying the hour, for proposals to redeem bonds by this Act authorized to be issued. On the day and at the hour named in such notice, the bidding shall take place, and shall be public, and it shall be the duty of the Treasurer to accept such bids and in such amounts, the terms of which will be most advantageous to the county and which will redeem the greatest amount of bonds with such surplus; which surplus shall be applied to the redemption of such bonds for which bids are accepted, and the bonds so redeemed shall be taken up and cancelled. No bid shall be received at a higher rate than principal and interest. And in the event that no offer shall be made to redeem said bonds between the date of the first publication of said notice and the day appointed for opening propo-

sals therefor, it shall be the duty of said Treasurer to give like notice as aforesaid, that he is prepared to redeem certain of said bonds, specifying them by number, which number shall commence with the lowest number of said bonds unredeemed at the date of said notice. And the interest shall cease on such bonds so advertised, from and after the expiration of the full term of said notice. All bonds, when paid by said Treasurer, shall be marked by him "Cancelled," which indorsement shall be signed by him, with his name of office.

Tax upon bonds and coupons.

SEC. 12. Before payment of any coupon or redemption of any bond, it shall be the duty of the County Treasurer to ascertain if the State and county taxes upon said bond or coupon to be redeemed, or the bond from which said coupon was removed, has been duly paid up to the date of such payment or redemption; and if not so paid, then it shall be his duty to deduct from the amount due on such coupon, or the amount due on redemption upon such bond, the amount of such taxes due upon such bonds, respectively, giving duplicate receipts for such taxes, one of which shall be filed with the County Auditor and one with the District Attorney of said county.

Court-house site.

SEC. 13. The building hereby authorized to be contracted for may be erected upon any lot belonging to the County of San Luis Obispo, or which may be donated thereto, or which may be purchased by the said Board of Supervisors, in the discretion of the said Board; and the said Board is hereby authorized to accept any such donation, or to make any such purchase; *provided*, nevertheless, that no bonds hereby authorized to be issued shall be used for such purpose, but such purchase, if any, shall be provided for out of the Current Expense Fund of said county.

Sell and convey real estate.

SEC. 14. Said Board of Supervisors is hereby authorized, in its discretion, to sell and convey any real estate now belonging to said county, and to appropriate the proceeds thereof to any of the purposes contemplated by this Act.

SEC. 15. This Act shall take effect immediately.

CHAPTER DXLIX.

An Act for the relief of Thomas T. Davenport, late County Collector of Nevada County.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of one hundred and ninety-three dollars is hereby appropriated for the relief of Thomas T. Davenport, out of any money in the General Fund in the State treasury, not otherwise appropriated, and the State Controller is hereby required to draw his warrant in favor of Thomas T. Davenport for said amount.

SEC. 2. This Act shall take effect immediately.

CHAPTER DL.

An Act for the encouragement of agriculture.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation for State Agricultural Society.

SECTION 1. There is hereby appropriated, out of any [money] in the treasury not otherwise appropriated, the sum of five thousand dollars, annually, for the years eighteen hundred and seventy and eighteen hundred and seventy-one, for the use of the State Agricultural Society, to be paid to said society upon the requisition of its President and Secretary being filed with the Controller of the State, then the Controller shall draw his warrant on the State Treasurer for said sum, in favor of the Treasurer of the society, and the State Treasurer shall pay the same; also, the sum of fifteen hundred dollars, annually, for the years eighteen hundred and seventy and eighteen hundred and seventy-one, for the use of the Mechanics' Institute of San Francisco, to be paid upon the requisition of its President and Secretary being filed with the Controller of the State, then the Controller shall draw his warrant on the State Treasurer for said sum, in favor of the Treasurer of the Institute, and the State Treasurer shall pay the same.

For S. F. Mechanics' Institute.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DLI.

An Act to amend an Act entitled an Act to define the duties and liabilities of pawnbrokers and pledges, approved April seventeenth, eighteen hundred and sixty-one.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Register to be kept.

Section 1. Every person or firm engaged in the business of a pawnbroker or pledgee, or of the purchase or sale of second-hand clothing, wares or merchandise, shall keep a register book of the size known by stationers as six quarto extra cap, in which shall be made an entry, with ink, in the English language, at the time of loan, pledge or purchase, a true and accurate account and description of every article of property pledged or purchased, the name and residence of the pledger or vendor, the date, duration, amount and rate of interest of every loan made, or the date and hour of purchase of any property purchased, and shall, if any loan be made or property pledged, at the time of the loan or pledge, deliver to the pledgor a written or printed

memorandum, signed by him, her or them, containing a copy of said entry, and shall in like manner keep an account of all sales made by him, her or them.

SEC. 2. Section six of said Act is hereby amended so as to read as follows:

Section 6. Every pawnbroker or pledgee, or purchaser or seller of second-hand clothing, wares or merchandise, shall exhibit his, her or their register book and all articles received in pledge or purchased by him, her or them, and his, her or their account of purchases or sales, to any Sheriff, Constable or police officer possessing the necessary writ or warrant to search for personal property. It shall be the duty of every pawnbroker or pledgee, or any purchaser or seller of second-hand clothing, wares and merchandise, to produce his, her or their register book, for inspection, to any Sheriff, Constable or police officer, whenever so required by the order of any committing magistrate of the county, and such order may be made by such magistrate whenever he shall deem it expedient for the purpose of ascertaining the place of concealment of any stolen property. Open to inspection.

SEC. 3. Section seven of said Act is hereby amended so as to read as follows:

Section 7. Every pawnbroker, pledgee or purchaser or seller of second-hand clothing, wares and merchandise, who shall violate the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than fifty nor exceeding five hundred dollars, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Penalty for violation.

CHAPTER DLII.

An Act to authorize the Board of Supervisors of Yolo County to retain counsel to prosecute or defend proceedings in relation to claims against Swamp Land District Number Eighteen.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Yolo County are hereby authorized to retain or employ counsel to prosecute or defend any action or proceeding which has or may be brought or instituted against said Board of Supervisors, or the County of Yolo, or Trustees of any swamp land district, to enforce or set aside any claim against any swamp land district in said County of Yolo, or any fund of such district. May employ counsel.

SEC. 2. Any counsel who have been or may be employed or retained for the purpose mentioned in the preceding section, shall be paid the amount due or to become due for such services, in the same manner as other claims which are audited, allowed and ordered to be paid by the Board of Supervisors. Pay for services.

SEC. 3. This Act shall take effect from its passage.

CHAPTER DLIII.

An Act to provide for the formation of corporations for certain purposes.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Formation of corporations

SECTION 1. Corporations for any trading, manufacturing, mechanical or other lawful business or purpose, may be formed under the provisions of this Act; such corporations and its members to be subject to the duties, conditions and liabilities herein imposed, and no others.

Sections to apply.

SEC. 2. The provisions of sections two, three, four, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-seven, of an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three, and of all Acts amendatory of or supplementary to said sections, shall apply to corporations formed under this Act.

Trustees.

SEC. 3. The corporate powers of the corporation shall be exercised by a Board of not less than three Trustees, who shall be stockholders in the company, and a majority of them citizens of the United States, and residents of this State, and who shall, after the expiration of the term of the Trustees first selected, be annually elected by the stockholders at such time and place, and upon such notice, and in such mode, as shall be directed by the by-laws of the company; but such election shall be by ballot, either in person or by proxy, and the persons receiving the greatest number of votes shall be Trustees. Vacancies among the Trustees by death, resignation or otherwise, shall be filled for the remainder of the year in such manner as the by-laws prescribe; and the by-laws shall be made or altered or amended by the stockholders at their annual meeting, or at such other meeting of the stockholders as may be provided for in a by-law made for this particular purpose.

Limitations.

SEC. 4. No member of such corporation shall be entitled to hold or claim any interest therein exceeding the sum of two thousand dollars, nor shall any member, upon any subject, be entitled to more than one vote.

Certificates.

SEC. 5. No certificate of shares shall be issued to any person until the full amount thereof shall have been paid in cash; no person shall be allowed to become a stockholder except by the consent of the Board of Trustees, entered in the minutes of their proceedings.

Report of Trustees at annual meeting.

SEC. 6. At the annual meeting of the stockholders in each year, the Board of Trustees shall present a report of the condition of the corporation, containing the amount of capital stock, the par value of the shares, the number of shares issued, the names and residence of the stockholders and the number of shares owned by each; the kind and amount of the property

held by the corporation, its liabilities and the receipts and expenditures during the preceding year; which report shall be signed and sworn to by the President and Secretary of the corporation, and filed in the office of the County Clerk of the county in which the principal place of business of the corporation is located, and a copy thereof, certified by said Clerk, shall be filed in the office of the Secretary of State.

SEC. 7. The Board of Trustees shall, also, when required in writing, by one-third of the stockholders, make out written reports of the exact situation and business of the corporation.

SEC. 8. For failure to make the reports required in the two preceding sections, the corporation shall be subject to a penalty of five hundred dollars, and an additional five hundred dollars for every month that such corporation shall thereafter continue to transact business. Failure to make reports.

SEC. 9. The certificate of incorporation shall substantially state, in addition to the other requirements of the law, that the corporation is formed under this Act; otherwise, the corporation shall not be deemed to be formed under this Act. If formed under this Act, to state.

SEC. 10. This Act shall be in force immediately after its passage.

CHAPTER DLIV.

An Act to fix the terms for holding the Municipal Criminal Court of the City and County of San Francisco and to provide for trials by jury therein.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The terms for holding the Municipal Criminal Court for the City and County of San Francisco shall be the same as are now established by law for the County Court in and for said city and county; and the mode of summoning, drawing and impanelling juries in said Municipal Criminal Court and shall be the same as now prescribed by law for the said County Court. Terms of Court. Juries.

SEC. 2. This Act shall take effect immediately.

CHAPTER DLV.

An Act for the relief of John H. Smith.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of five hundred and fifty-five dollars is hereby appropriated out of any money in the General Fund, Appropriation.

and not otherwise appropriated, and the Controller of State is required to draw his warrant for said amount, in favor of John H. Smith, or his order, said sum being the amount paid and expended by said J. H. Smith for the capture of John K. Best, the murderer of Michael Flynn, in San Joaquin County, on the twenty-first day of October, eighteen hundred and sixty-nine.

SEC. 2. This Act to take effect from and after its passage.

CHAPTER DLVI.

An Act to amend an Act to provide for a system of Common Schools.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

STATE BOARD OF EDUCATION.

Board of Education.

SECTION 1. There shall be a State Board of Education, which shall consist of the Governor, the Superintendent of Public Instruction, the Principal of the State Normal School, the Superintendent of Public Schools of the City and County of San Francisco, the Superintendent of Common Schools of the respective Counties of Sacramento, Santa Clara, Alameda, Sonoma and San Joaquin, and of two professional teachers, who shall be nominated by the Superintendent of Public Instruction, and elected by and with the advice and consent of said Board; *provided*, that no teacher shall be eligible to such election unless he is the holder of a State educational diploma. For the purpose of the primary organization of the Board, any five members may meet at the call of the Superintendent of Public Instruction and elect the members to be elected. The elective members shall hold office for the term of four years, dating from the first day of July next succeeding their respective elections. The Governor shall be the President, and the Superintendent of Public Instruction the Secretary of the Board, and five members shall constitute a quorum for the transaction of business; *provided*, that a majority of the votes of the whole Board shall be necessary for the passage of any measure. The Board shall meet at the call of the Secretary, and shall hold at least two meetings in each year, and its proceedings shall be kept in a record book, which shall be a part of the archives of the Department of Instruction. No member of the Board shall receive any compensation for his services, except actual travelling expenses, which shall be paid by the State Treasurer out of the General Fund, upon the warrant of the Controller, countersigned by the Superintendent of Public Instruction. Any stationery required for the Board shall be furnished from the office of the Secretary of State, and any printing required by it under the provisions of this Act shall be done by the State Printer.

Meetings.

SEC. 2. The State Board of Education shall have power to adopt a course of study and rules and regulations for all public schools in the State; *provided*, that such rules shall not be enforced in conflict with special rules and regulations adopted by the Board of Education of any city or any city and county; to adopt and prescribe regulations and a list of books suitable for district school libraries; to grant teachers' life diplomas and prescribe regulations for the examination of teachers by State, City or County Boards of Examination; to adopt a uniform State series of text books to be used in all public schools; to have and use a common seal; and to authorize the printing by the State Printer of all regulations and circulars necessary to carry their provisions into effect. Powers.

OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

SEC. 3. The Superintendent of Public Instruction shall, at the special election for judicial officers to be held in the year eighteen hundred and sixty-seven, and every four years thereafter, at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election. He shall be paid a salary of three thousand dollars per annum, and shall have power to appoint a Clerk, who shall be paid a salary of eighteen hundred dollars per annum, and who shall be authorized to act as Deputy Superintendent. Election. Salary.

SEC. 4. The Superintendent of Public Instruction shall report to the Governor, biennially, on the first of November of the years in which the regular sessions of the Legislature are held. The Governor shall transmit said report to the Legislature, and whenever it is ordered published the State Printer shall bind two hundred and forty copies and deliver them to the Superintendent, who shall deposit twenty copies in the State Library, furnish one copy to each County Superintendent, to be held by him as public property and delivered to his successor in office; the remaining copies shall be distributed—one to the State Library of each State and Territory, and the others to such cities, institutions of learning, and persons, as he may deem proper. The Legislature shall furnish at least two thousand pamphlet copies to the Superintendent, who shall furnish one copy to each district library, and shall distribute the remainder as he may deem advisable, to school officers or other persons. Said report shall contain a statement of the condition of public schools in the State; full statistical tables, by counties, showing, among other statistics, the number of school children in the State, the number attending public schools, and the average attendance; the number attending private schools, and the number not attending school; the amount of State School Fund apportioned, and sources from which derived; the amount raised by county and district taxes, or from other sources of revenue for school purposes; the amount expended for salaries of teachers, and for building school houses; a statement of plans for the management and improvement of schools; a statement of Biennial report, and distribution thereof.

the condition of the State Normal School, of the State Agricultural College, of all incorporated literary institutions required to report to him; of the educational departments of the State Reform School, the Asylum for the Deaf and Dumb and Blind, and the several orphan asylums, and other educational institutions to which State appropriations may be made

Apportionment of school moneys.

SEC. 5. The Superintendent of Public Instruction, immediately after the State Controller reports to him as required in this Act, shall apportion to the several school districts, counties and cities the school moneys to which each may be entitled, and shall furnish to the State Controller, the State Board of Examiners, to each County Treasurer and Superintendent, an abstract of such apportionment, and shall draw his order on the State Controller in favor of each County Treasurer for the amount of State School Fund to which each county is entitled, and shall take each Treasurer's receipts for the same.

Printing.

SEC. 6. The Superintendent of Public Instruction shall prepare and cause to be printed suitable forms for making all reports and conducting all necessary proceedings under this Act, and shall transmit them to the local school officers and teachers, who shall be governed in accordance therewith. He shall furnish the State Board of Education, the State Board of Examination and each County Board of Examination with suitable diplomas and certificates, and shall prepare a State School Register, which shall be furnished to each school and school district in the State. He shall cause all school laws to be printed in a pamphlet form, and shall annex thereto forms for making reports and conducting school business, the course of study, rules and regulations, and list of text books and library books adopted and prescribed by the State Board of Education, and such suggestions on school architecture as he may deem useful, with such wood cuts and plans of school houses as he may be able to obtain or which may be provided by State appropriation. He shall order printed a number of copies sufficient to supply each school officer and teacher, and each school library, with at least one copy thereof, and to furnish with one copy each Superintendent of Public Instruction and each State Library of each State and Territory in the United States, and shall so distribute them.

Appropriations for binding reports, etc.

SEC. 7. The Superintendent of Public Instruction shall file, arrange and cause to be bound in a substantial form, all valuable printed and manuscript reports in his office, relating to the early educational history of this State, and shall cause to be bound all valuable school reports, school journals and school documents of this and other States, which may be sent to his office, and shall retain them as part of the archives of his office; and such sum as may be necessary, not to exceed two hundred and fifty dollars, is hereby annually appropriated and set apart out of the State School Fund, before apportionment, and the Controller is hereby authorized and directed to draw his warrant for such sums as may be allowed and audited by the State Board of Examiners, for the objects of this section.

SEC. 8. The Superintendent of Public Instruction shall be ex officio one of the Trustees of the Asylum for the Deaf and Dumb and Blind and of the State Reform School; and shall

visit those institutions, from time to time, to inquire into their management and the systems of instruction pursued therein, and shall make a biennial report thereof. He shall visit the several orphan asylums to which State appropriations are made, and report concerning the instruction given to the children therein; and shall also visit, as far as may be practicable, the several incorporated literary institutions in the State, and make such report thereof as he may deem proper. Superintendent to visit educational asylums, etc., and report

SEC. 9. It shall be the duty of the Superintendent of Public Instruction to travel in the different counties of the State, so far as is possible without neglecting his other official duties, during at least four months of each year, for the purpose of visiting schools, of consulting with County Superintendents, of lecturing before County Institutes, and of addressing public assemblies on subjects pertaining to public schools; and the actual travelling expenses incurred by the Superintendent in the discharge of this duty shall be allowed, audited and paid out of the General Fund, in the same manner as claims upon said fund are now allowed, audited and paid; *provided*, that the sum so expended in any one year shall not exceed one thousand dollars; and the sum of two thousand dollars, or so much thereof as may be necessary, is hereby biennially appropriated for payment of the same. To make tour for visiting schools

SEC. 10. The Superintendent of Public Instruction shall, at the expiration of his term of office, deliver over, on demand, to his successor, all property, books, documents, maps, records, reports and other papers belonging to his office, or which may have been received by him for the use of his office. Shall deliver property to successor.

OF THE STATE CONTROLLER.

SEC. 11. The State Controller shall keep a separate and distinct account of the School Fund, and of the interest and income thereof, together with such moneys as may be raised by special State tax, State poll tax or otherwise, for school purposes. He shall, on or before the first day of February, and on the first day of August of each year, report to the Superintendent of Public Instruction a statement of the securities belonging to the School Fund, of the moneys in the treasury subject to apportionment, and the several sources from which they accrued, which reports shall be included in the biennial report of the State Superintendent. He shall draw his warrant on the State Treasurer in favor of any County Treasurer, whenever such County Treasurer shall present the order drawn by the Superintendent of Public Instruction in favor of such county, duly indorsed by said County Treasurer. School Fund accounts, reports, etc.

OF THE STATE TREASURER.

SEC. 12. It shall be the duty of the State Treasurer to receive and hold as a special deposit all school moneys paid into the treasury, and pay them over whenever applied for, only on the warrant of the State Controller, issued on the order of the State Superintendent, attested by the seal of the State Board of Education, in favor of each County Treasurer—which orders, duly Payment of State school moneys.

indorsed by the County Treasurer, shall be the only valid vouchers in the hands of the State Controller for the disbursement of the school moneys; *provided*, that for the payment of subscriptions for a State educational journal, and for binding documents in the office of the Superintendent of Public Instruction, as elsewhere provided in this Act, the bills audited by the State Board of Examiners for such purposes shall be valid vouchers, for which the Controller shall draw his warrant the same as for the orders of County Treasurers. No mileage, or allowance of any kind, shall be made to any County Treasurer for receiving said school moneys and transporting them to his county.

COUNTY TREASURER.

SEC. 13. It shall be the duty of the County Treasurer of each county—

Duty as to school funds.

First—To receive and hold all school moneys as a special deposit, and to keep a separate account of their disbursement to the several school districts which shall be entitled to receive them, according to the apportionment of the Superintendent of Public Instruction and the County Superintendent of Common Schools.

Second—To notify the County Superintendent of Common Schools of the amount of State School Fund in the county treasury subject to apportionment, and, whenever required, to inform said Superintendent of the amount of school moneys belonging to any other fund subject to apportionment.

Third—To pay all warrants drawn on State, county or district school moneys, in accordance with the provisions of this Act, whenever such warrants are countersigned by the County Auditor and properly indorsed by the holders.

Fourth—To make, annually, on or before the first day of August, a financial report for the last preceding school and fiscal year, to the Superintendent of Public Instruction, in such form as may be required by him.

COUNTY SUPERINTENDENT.

Election, term of office and bond.

SEC. 14. A County Superintendent of Common Schools shall be elected in each county at the general election in the year eighteen hundred and sixty-seven, and every two years thereafter, who shall take office on the first Monday in March next succeeding his election, and hold for two years, and until his successor is elected and qualified. He shall take the oath or affirmation of office, and shall give an official bond to the county in a sum to be fixed by the Board of Supervisors of said county.

Apportionment of school moneys.

SEC 15. The County Superintendent shall apportion all school moneys to the school districts, in accordance with the provisions of this Act, as soon as practicable after the State apportionment has been made, and shall make quarterly apportionments thereafter; and he may make apportionments at such other times as may be required by special laws or deemed necessary for the convenience of school officers. He shall draw his warrant on the County Treasurer in favor of persons entitled to receive the same; *provided*, that no such warrant shall

be drawn against the School Fund of any city, town or district, without an order of the Board of Trustees or Board of Education, showing for what purpose the money is required; and *provided* further, that no such warrant shall be drawn unless there is cash in the treasury to the credit of said city, town or district. Warrants.

SEC. 16. The County Superintendent shall have power, and it shall be his duty: Duties.

First—To visit each school in his county at least once a year.

Second—To distribute promptly all reports, forms, laws, circulars and instructions which he may receive for the use of school officers from the Department of Instruction, or the State Board of Education.

Third—To report to the Superintendent of Public Instruction, annually, on or before the twentieth of August, for the school year ending on the last day of June next preceding, such statistics as may be required by him or by the State Board of Education.

Fourth—To preside over County Teachers' Institutes.

Fifth—To enforce the course of study and the use of text books adopted by the State Board of Education.

Sixth—To enforce the rules and regulations required in the examination of teachers.

Seventh—To keep on file and preserve in his office the biennial reports of the Superintendent of Public Instruction and a file of the State educational journal, adopted in pursuance of law.

Eighth—To keep a record of his official acts, and of the acts of the County Board of Examination.

Ninth—To carefully preserve all reports of school officers and teachers, and, at the close of his official term, deliver to his successor all records, books, documents and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the County Clerk.

Tenth—To keep a register of all orders or warrants for the payment of public school moneys, such orders or warrants to be payable in the order of their registration.

SEC 17. If the County Superintendent fails to make a full and correct report to the Superintendent of Public Instruction of all statements required to be made by law, he shall forfeit the sum of one hundred dollars from his salary; and the Board of Supervisors are hereby authorized and required to deduct therefrom the sum aforesaid, upon information from the Superintendent of Public Instruction that such returns have not been made. Penalty for failure to make reports.

SEC. 18. The County Superintendent shall have power to administer oaths and affirmations to School Trustees, Marshals, Assessors, Collectors, teachers and other persons, in all official matters connected with or relating to schools; but shall not have power to make or collect any charge or fee for so doing. No fee for administering oath.

SEC. 19. The County Superintendent shall have power, and it shall be his duty, to appoint Trustees for any district which, from any cause, fails to elect at the regular time; to appoint Trustees to fill vacancies; to appoint Trustees for any new district; *provided*, however, that when a new district is organized, such of the Trustees of the old district as reside within the Appointment of District Trustees

limits of the new one shall be Trustees of the new one, and the vacancy in the old district shall be filled by appointment.

Repairs, outhouses, etc.

SEC. 20. The Superintendent shall, whenever he deems it necessary for the health or comfort of pupils, require the Trustees of any school district to repair the school buildings or property, or to abate any nuisance in or about the premises; *provided*, such repairs or abatement can be done for a sum not exceeding fifty dollars, and there is a sufficient amount of money in the treasury to the credit of the district. He shall also, in all cases, require the Trustees to provide such privies and out-houses as decency requires; and if the Trustees refuse or neglect to make such provision, he shall cause it to be done, and shall pay for it, on his own warrant, out of any money to the credit of the district.

Teachers' Institutes.

SEC. 21. Whenever the number of school districts in any county is ten or more, the County Superintendent shall hold at least one Teachers' Institute in each year, and every teacher employed in a public school in the county [shall attend] every such Institute and participate in its proceedings. Each session of a County Institute shall continue not less than three nor more than five days, and the Superintendent shall, if practicable, secure lecturers and instructors competent to instruct teachers in the theory and practice of teaching. Every Board of Trustees and every Board of Education shall not only allow, but shall require the teachers in its employ to attend every Teachers' Institute held in the county, and when the Institute is held during the time that teachers may be employed in teaching, their pay shall not be diminished by reason of attendance on said Institute. For the payment of the expenses of the Institute a sufficient sum, not exceeding one hundred dollars in any one year, shall be paid on the warrant of the Superintendent, out of the unapportioned County School Fund. The Superintendents of two or more counties may unite and hold a joint Institute, in which case the expenses shall be apportioned by the Superintendents between the counties joining in the Institute. In any county in which there are less than ten school districts, the Superintendent may, if he deem proper, hold an Institute. Any county in which the teachers have a regularly organized County Association or Institute, and hold regular monthly meetings during the year, shall be excepted from the provisions of this section whenever a majority of the teachers of said county shall determine by vote to sustain such monthly associations

Payment of expenses.

Works on school architecture

SEC. 22. The County Superintendent shall furnish his office with such works on school architecture as may be prescribed by the State Board of Education, and shall pay for them, on his own warrant, out of the unapportioned County School Fund. Such works shall be kept in his office for the use of Trustees and teachers. Except in cities having special Boards of Education, no school house shall be erected unless the Trustees first submit the plan to the County Superintendent; and in all plans, as far as practicable, regard shall be had to taste, convenience, durability and economy.

District schools to be kept open.

SEC. 23. If at any time, when there is sufficient money in the county treasury to the credit of any school district to keep a school open in said district for a period of five months, and if

the Trustees of such district, from any cause whatever, fail, neglect or refuse to open such school and keep it open, the County Superintendent shall appoint a teacher, and cause the school to be opened and kept open, and he shall pay therefor by his warrant on the fund to the credit of the district.

Payment of claims

SEC. 24. It shall be the duty of the County Superintendent of each county to draw his warrant on the County Treasurer for any bill in favor of any school district, duly signed by the Trustees and authorized by the provisions of this Act, and to draw his warrant in his own favor on the unapportioned county school money for the payment of members of the County Board of Examination; for the expenses of an annual County Institute; for the binding of school documents, not to exceed twenty dollars a year; for postage and expressage for his office, not to exceed one dollar for each district in his county, and for any other incidental expense of his office which may be authorized in this Act.

Boundaries of school districts.

SEC. 25. It shall be the duty of every County Superintendent to inquire and ascertain whether the boundaries of school districts in his county are definitely and plainly described in the records of the Board of Supervisors, and to keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting or incorrectly described, he shall change, harmonize and describe them, and make a report of such action to the Supervisors, and, on being ratified by the Supervisors, the boundaries and descriptions so made shall be the legal boundaries and descriptions of the districts of that county. For searching and transcribing such records, and equalizing district boundaries, he may be allowed by the Supervisors a sum not exceeding five dollars per day for each day's labor, to be paid out of the County School Fund. The County Superintendent, if he deem it necessary for the guidance of School Census Marshals, may order the descriptions of the district boundaries to be printed in pamphlet form, and pay for the same out of the County School Fund.

Salary and travelling expenses of Superintendent.

SEC. 26. Each County Superintendent, except when otherwise provided by statute, shall receive such salary and his reasonable travelling expenses, to be estimated by the Board of Supervisors, and as may be allowed by the Board of Supervisors, which shall be paid out of the County General Fund, in the same manner as other salaried county officers are paid; *provided*, that such compensation shall not be less than a sum equal to twenty dollars for each school district in his county, exclusive of travelling expenses, and that he shall be allowed, in addition to his salary, a sum for postage and expressage, payable out of the County School Fund, equal to one dollar for each school district; *provided*, that in incorporated cities, each school containing three hundred pupils shall be considered as equal to one school district.

Deputies.

SEC. 27. Each County Superintendent may appoint a deputy, who shall take the usual oath or affirmation of office, and who may exercise all the functions of County Superintendent; *provided*, that said deputy shall draw no salary from the Public School Fund; *provided* further, that the Deputy Superintendent for the City and County of San Francisco may receive such

compensation as may be allowed by the Board of Education of said city and county, and be paid out of the same fund out of which the County and City Superintendent is paid.

School district.

SEC. 28. Each county or city, or incorporated town, shall constitute one school district, unless districts are otherwise determined and established by the Board of Supervisors or the proper city authorities; and the Board of Supervisors shall furnish their own office, and the offices of the Collector and County Superintendent, respectively, with a map of the county, with the boundaries of each school district plainly defined thereon.

Organization of school districts.

SEC. 29. For the purpose of organizing a new district, or for a subdivision of or change in the boundaries of an old one, except as provided in section twenty-five, at least ten heads of families must present a petition to the County Superintendent, setting forth the boundaries of the new district asked for, or the change of boundaries desired, with reasons for the same. The County Superintendent shall, after giving due notice to all parties interested, transmit the petition to the Board of Supervisors, with his approval or disapproval, and such changes in the boundaries as he may deem necessary or advisable. The Supervisors shall establish the district as approved by the County Superintendent; *provided*, that by a unanimous vote of the whole Board, they may establish the district in accordance with the original prayer of the petition, or with such modification as they may choose to make, or may reject it. In any case of alleged hardship, any head of a family, parent or guardian may make a statement of the facts to the Board of Supervisors, and if, in the judgment of the Board, good cause be shown for such transfer, he may be transferred to another district.

Division of money between old and new districts.

SEC. 30. No new district formed by the subdivision of an old one shall be entitled to any share of the public moneys belonging to the old district until a school has been actually commenced in such new district; and unless within four months from the action of the Supervisors a school is opened, then the action making a new district shall be void, and all elections or appointments of Trustees made in consequence of such action, and all rights and offices of the parties so elected or appointed shall cease and determine; and all taxes which may have been levied in such old district shall be valid and binding upon the real and personal property of the new district, and shall be collected and paid into the School Fund of the district.

SEC. 31. When a new district is formed by the division of an old one it shall be entitled to a just share of the school moneys to the credit of the old district, after the payment of all outstanding debts at the time when a school was actually commenced in such new district; and the County Superintendent shall divide and apportion such remaining moneys, and such as may afterwards be apportioned to the old district, according to the number of census children resident in each district, for which purpose he may order a census to be taken.

District lying in two counties.

SEC. 32. Whenever a district is formed lying partly in two adjoining counties, the Census Marshal shall report to each County Superintendent the number of children in the district residing in his county. In the same manner, the Trustees and teacher shall make a distinct and separate report of all school

statistics; and a teacher's certificate, granted by the Board of Examination of one county, shall be valid for both counties.

Union grammar schools.

SEC. 33. Any two or more adjoining districts may, by concurrent vote, agree to establish a union grammar school for the more advanced children of such districts, under the joint supervision of the Trustees, or a committee of Trustees of such districts; and such school shall be entitled to its pro rata of public moneys belonging to such united districts, apportioned according to the average number of scholars attending such school from each district. Said joint committee of Trustees shall have power to assess rate bills, to appoint teachers, and to manage the general business affairs of the school.

School property exempt from tax, etc.

SEC. 34. All school property owned by any district, town or city, and devoted to school purposes, shall be and the same is hereby exempted from taxation, and from sale on any execution, or other writ or order in the nature of an execution.

Custody and disposition of school property.

SEC. 35. The Board of Trustees of each school district shall have custody of all school property belonging to the district, and shall have power, in the name of the district, or in their own names as Trustees of the district, to convey by deed all the interest of their district in or to any school house or lot directed to be sold by vote of the district; and all conveyances of real estate made to the district or to the Trustees thereof, shall be made to the Board of Trustees of the district, and to their successors in office. Said Board, in the name of the district, shall have power to transact all business necessary for maintaining schools and protecting the rights of the district.

OF SCHOOL ELECTIONS AND TRUSTEES.

Elections.

SEC. 36. An annual school meeting for the election of School Trustees shall be held in each district on the last Saturday in April of each year, at the district school house, if there be one, and if there be none, at a place to be designated by the Board of Trustees. The Trustees shall post written or printed notices thereof, specifying the day, time and place of meeting, in at least three public places in the district, one of which shall be the school house, at least five days previous to the time of meeting. If the Trustees fail to give notice thereof, as required, then any citizen of the district may give it; but no such meeting shall be illegal for want of due notice. All elections shall be held by ballot, and the Trustees shall have power to determine the hours during which the ballot-box shall be kept open, having given due notice thereof in the posted notice of election. Every elector legally qualified to vote at any general election, having been a resident of the school district thirty days next previous to the time of such district election, shall be entitled to vote. Any person offering to vote may be challenged by any legally qualified elector of the district, and the Judge of Election shall thereon administer to the person challenged an oath in substance as follows: "You do swear (or affirm) that you are a citizen of the United States; that you are twenty-one years of age, according to the best of your information and belief; that you have

resided in this State six months next preceding this election, and in this school district thirty days, and that you have not before voted this day." If he shall refuse to take the oath his vote shall be rejected; and any person guilty of illegally voting shall be punished as provided in the general election law of this State. The Trustees shall appoint the Inspector and Judges of Election, and in case none are so appointed, or if they are not present at the time for opening the polls, then the electors present may appoint the officers of election. A poll and tally list shall be kept, which shall be returned to the Clerk of the Board of Trustees, and with the exceptions mentioned in this section, the election shall be conducted, as far as practicable, in the form and manner of the general election. Any one of the old Trustees shall have power to administer to any Trustee elect the oath of office; and the Clerk of the election shall issue his certificate of election to any Trustee elect, who shall forward it, with the oath attached or indorsed thereon, to the County Superintendent of Public Schools.

Term of office of Trustees.

SEC. 37. In all organized districts in which elections have been previously held, one Trustee shall be elected for the term of three years, and if there are vacancies to be filled, a sufficient number to fill them for the unexpired terms; and the ballots shall specify the respective terms for which each Trustee is to be elected. In new districts, acting under Trustees appointed by the County Superintendent, three Trustees shall be elected for one, two and three years, respectively. Trustees elect shall take office on the first Saturday in July next after their election, and shall hold office until their successors are elected and qualified, or appointed by the County Superintendent and qualified. The term of office for any Trustee whose term would otherwise expire in September of any year, shall expire on the first Saturday in July of the same year. Any Trustee elect who shall fail to qualify within ten days after the term of office commences, shall forfeit all right to the office, and the County Superintendent shall appoint to fill the vacancy.

Organization of new districts.

SEC. 38. Whenever any new district is formed by ordinance of the Board of Supervisors, within thirty days thereafter a special school meeting may be called by notice of any three legal voters of said district, and such meeting shall be conducted in the manner and form provided in this Act for the annual school meeting for the election of Trustees. Such new district shall be considered organized whenever any two of the Trustees elected shall have qualified, and the record of the District Clerk shall be prima facie evidence of the legal organization of the district.

Name.

The name of the new district, unless a name shall have been given by act of the Supervisors, may be determined by a majority of voters present at the first election of Trustees; but if at such meeting no name was given, then the Trustees, at their first meeting, shall name the district, and the Clerk shall record it in his record book.

Meetings.

SEC. 39. No district school meeting, annual or special, shall be organized before nine o'clock A. M., or closed before twelve

Polls.

o'clock M., or kept open less than one hour; and in all districts in which the number of children between five and fifteen years

of age equals or exceeds three hundred, the polls shall be kept open from eight o'clock A. M. until sunset.

Election of District Clerk.

SEC. 40. Each Board of Trustees shall, within ten days after the annual election, meet at the school house, or if that be impracticable, at some other convenient place designated by the District Clerk, and proceed to elect one of their number Clerk of the Board, who shall be known and referred to as District Clerk; and it shall be his duty to record all proceedings of the Board in a suitable record book; to record in the same book the proceedings of the annual school meetings, or of special school meetings, and to keep an accurate and detailed account of all receipts and expenditures of school moneys. At each annual school meeting, the District Clerk shall present his record book for public inspection, and, if required, shall make a statement of the financial condition of the district, and of the action of the Trustees.

Duties.

Names of districts.

SEC. 41. Every legally organized school district shall be known by the name and style of "———— District (using the name of the district), of ———— County" (using the name of county in which such district is situated); and in that name the Trustees shall be capable of suing and being sued in all Courts and places whatever, and of holding and conveying real estate for the use and benefit of such district, and such personal property as may be proper. If any school district has not heretofore been named, as herein required, but has been designated only by number, the Trustees shall give it a name, and the District Clerk shall record it in the record book, and notify the County Superintendent of such action. In counties having several districts designated by different numbers of the same name, District Number One shall retain the name and the others shall be given a different name each; and in case two districts in any county have the same name, the County Superintendent shall have power to change the name of either or both; and a number shall no longer be used as a part of the designation of any school district.

Powers and duties of Boards of Trustees and of Education

SEC. 42. Every Board of Trustees, and any Board of Education in any city, city and county, or town, unless otherwise expressly provided by law, shall have power, and it shall be their duty—

First—To employ and dismiss teachers, janitors, School Census Marshals, mechanics and laborers, and to fix, alter, allow and order paid their salaries and compensation.

Second—To make and enforce rules and regulations, not in conflict with the general regulations of the State Board of Education, for the government of schools, pupils and teachers, and to enforce the regulations and course of study adopted in pursuance of State law.

Third—To provide and pay for, out of the school moneys, school furniture and apparatus, and such other articles, materials or supplies as may be necessary for school use or for the use of the School Board.

Fourth—To suspend or expel pupils from school, and in cities or large towns to exclude from school children under six years of age, when the interests of the school require such exclusion.

Fifth—To rent, furnish, repair and insure school houses.

Powers and duties of Boards of Trustees and of Education

Sixth—To build school houses and purchase or sell school lots, when the Trustees may be directed by a vote of the district, and when the Board of Education may be directed by a vote of the Board of Supervisors of the county, or city and county.

Seventh—To purchase personal property, and to receive, lease and hold in fee, in trust for their district, town or city, any and all real or personal property, for the benefit of the schools thereof.

Eighth—To provide books for indigent children, on the written statement of the teacher that the parents of such children are not able to purchase them.

Ninth—To require all pupils to be furnished with suitable books as a condition of membership in the school.

Tenth—To provide library and cabinet cases.

Eleventh—To exclude from school and from school libraries all books, tracts, papers or catechisms of a sectarian character.

Twelfth—To require the State series of text books, adopted in pursuance of State law, to be used exclusively in their schools.

Thirteenth—To require every teacher to keep a State School Register.

Fourteenth—To enforce in school the course of study adopted and prescribed by the State Board of Education.

Fifteenth—To require teachers to attend County or City Institutes, and to make such annual reports as may be required by the Superintendent of Public Instruction.

Sixteenth—To make an annual report, on or before the twentieth day of July, to the County Superintendent, in the manner and form, and on the blanks prescribed by the Superintendent of Public Instruction.

Seventeenth—To make a report, whenever required, directly to the Superintendent of Public Instruction, of the text books used in their schools.

Registry of children,

Eighteenth—To keep a registry, in a book or books to be provided for that purpose, of all children applying for and entitled to be admitted in the schools, and to notify the parent or guardian of such children when vacancies occur, and receive such children in the schools in the order in which they may be registered. Such register shall at all times be open to the inspection of the public.

Appointment and duties of School Census Marshal.

SEC. 43. The Board of Education of each city or city and county, and the Board of Trustees of each district, shall appoint a School Census Marshal on or before the first day of June of each year, and notify the County or City Superintendent of such appointment in writing. It shall be the duty of the School Census Marshal to take, annually, in the month of June, an exact census of all children under fifteen years of age. He shall take, specifically and separately, a census of all white children, negro children, and Indian children who live under the guardianship of white persons, between five and fifteen years of age, and shall specify the number and sex of such children, and the names of their parents or guardians. All children who may be absent from home, attending colleges, college schools, boarding schools and private seminaries of learning, shall be included by the Marshal in the census list of the city, town or district in which their parents or guardians

reside, and shall not be taken by the Census Marshal of the city, town or district where they may be attending such private institutions of learning. The Census Marshal shall further report, separately, the number of white, negro and Indian children under five years of age, and the whole number of Mongolian children under fifteen years of age, and also such other statistics as may be required by the Superintendent of Public Instruction, or by City Boards of Education. He shall make a full report thereof on the blanks furnished for that purpose, under oath, to the County Superintendent or the City Board of Education, on or before the first day of July next after his appointment, and deliver a copy, if required, to the School Trustees. The Census Marshal shall be paid by the Board of Trustees from the county school money to the credit of the district, in the same manner as other contingent expenses are paid; and Boards of Education, in incorporated cities, shall audit his bills in the same manner as bills for contingent expenses are audited and paid, unless otherwise provided by law

Grading of schools.

SEC. 44. Boards of Trustees and Boards of Education shall have power, and it shall be their duty, to organize their schools into primary, grammar and high school departments; *provided*, there be means sufficient to maintain all three departments, and to accommodate all children applying for admission into the primary schools; and if not, then the several departments shall be maintained in the order herein named, the primary schools having the preference.

To maintain schools for equal length of time.

SEC. 45. It shall be the duty of the Boards of Trustees and Boards of Education to maintain all the schools established by them in any district or city for an equal length of time during the year, and, as far as practicable, with equal rights and privileges; *provided*, in all cases the primary schools shall first be provided for, and shall have the preference.

Supplies and repairs.

SEC. 46. The District Clerk of each district shall provide all school supplies authorized by this Act, and shall keep the school house in repair during the time school is taught therein; and he shall keep an accurate record of all expenses incurred by him on account of the school, which account shall be audited by a majority of the Board, and paid out of the county school moneys of that district.

District Clerk may act as Census Marshal, etc.

SEC. 47. The District Clerk may act as Census Marshal, and as either Assessor or Collector, or as both, of district taxes, in either of which cases he shall be paid the same compensation which would have been allowed by the Board to any other person, and the provision by which no Trustee is allowed to receive compensation for his official services shall not apply.

Supplies to be furnished to schools gratis.

SEC. 48. The District Clerk is hereby required, from time to time, to purchase and furnish to the school, free of charge, such supplies of pens, penholders, pencils, crayons for blackboards, ink and stationery for the use of pupils, as must be used in carrying out the course of study prescribed therein; and the County Superintendent, upon the presentation of proper vouchers, and being satisfied that such supplies were proper, needed and used in school, shall draw his warrant in favor of the District Clerk for the amount so expended. And in incorporated

cities, every Board of Education shall cause to be furnished to the pupils, free of charge, the supplies in this section named, and shall pay for them in the manner provided for the payment of other school expenses.

Use of school moneys.

SEC. 49. The Board of Trustees of any district and Board of Education shall use the school moneys, received from the State or county apportionment during any school year, exclusively for the support of schools for that school year; *provided*, that if, at the end of any school year, there be any unexpended balance, it may be used for the payment of any claims against the district outstanding, or it may be used for the year succeeding.

Use of school moneys.

SEC. 50. Any Board of Trustees may use the county school moneys for any of the purposes authorized by this Act; but all State school moneys, except in those cities where it has otherwise been expressly provided by special law, shall be used exclusively for the payment of teachers, excepting the ten per cent. reserved for district school library purposes.

Trustees liable for judgment.

SEC. 51. Any Board of Trustees shall be liable, as Trustees in the name of the district, for any judgment against the district for any salary due any teacher on contract, and for all debts legally contracted under the provisions of this Act, and they shall pay such judgment or liabilities out of the school moneys to the credit of such district.

SEC. 52. Any Board of Trustees shall have power—

Union of two contiguous districts.

First—To unite two contiguous districts in the same county, or in adjoining counties, and to establish a union school, to be supported out of the funds belonging to their respective districts, and a school thus established shall be governed by a joint Board, composed of the Trustees of the combining districts.

Second—To make arrangements with the Trustees of any adjoining district for the attendance of such children in the school of either district as may be best accommodated therein, and to transfer the school moneys, due by apportionment to such children, to the district in which they may attend school.

OF SCHOOLS.

Who may be admitted.

SEC. 53. Every school, unless otherwise provided by special law, shall be open for the admission of all white children, between five and twenty-one years of age, residing in that school district, and the Board of Trustees or Board of Education shall have power to admit adults and children not residing in the district, whenever good reasons exist for such exceptions

Grades.

SEC. 54. All schools, unless otherwise provided by special law, shall be divided into three grades, viz: First, second and third. Each County Superintendent shall determine the respective grade or class of schools of his county, under instructions from the State Board of Education. No person shall be eligible to teach a county school of the first grade unless the holder of a certificate equal in grade to a first grade county certificate, and no person holding merely a third grade county certificate shall be eligible to teach any school except one of the third grade.

Course of education.

SEC. 55. All schools shall be taught in the English language; and instructions shall be given in the following branches in the

several grades in which each may be required in the course of study adopted in pursuance of law, viz: Reading, writing, orthography, arithmetic, geography, English grammar, history of the United States, physiology and bookkeeping; and such other studies as may be deemed necessary may be authorized by the State Board of Education, or Boards of Education of any city or city and county; *provided*, that no such studies shall be pursued to the neglect or exclusion of the studies herein specified, and that thorough instruction shall first be given in all these branches. Instruction shall be given in all grades of schools, and in all classes, during the entire school course, in manners and morals, and the laws of health; and due attention shall be given to such physical exercises for the pupils as may be conducive to health and vigor of body as well as mind, and to the ventilation and temperature of school rooms.

Negro and Indian children.

SEC 56. The education of children of African descent, and Indian children, shall be provided for in separate schools Upon the written application of the parents or guardians of at least ten such children to any Board of Trustees or Board of Education, a separate school shall be established for the education of such children; and the education of a less number may be provided for by the Trustees, in separate schools, in any other manner.

Laws, rules, etc., made applicable.

SEC. 57. The same laws, rules and regulations which apply to schools for white children shall apply to schools for colored children.

Sectarian books prohibited.

SEC. 58. No books, tracts, papers, catechisms or other publication of a sectarian or denominational character shall be used or distributed in any school, or shall be made a part of any school library; neither shall any sectarian or denominational doctrine be taught therein; and any school district, town or city, the officers of which shall knowingly allow any schools to be taught in violation of these provisions, shall forfeit all right to any State or county apportionment of school moneys; and upon satisfactory evidence of such violation, the State Superintendent and County Superintendent shall withhold both State and county apportionments.

Duration of school sessions.

SEC. 59. For the purpose of protecting the health of young children, it is hereby provided that no school in which the average age of the pupils does not exceed eight years, shall be continued in session more than four hours a day, exclusive of intermission; and no school whatever shall be continued in session more than six hours a day, exclusive of an intermission at noon; and no pupil under eight years of age shall be kept in school more than four hours per day; and any violation of the provisions of this section shall be treated in the same manner as a violation of section sixty.

OF PUPILS.

Admission to school, suspension and expulsion.

SEC. 60. Pupils shall be admitted into the schools in the order in which they apply to be registered; and all pupils who may be admitted into public schools shall comply with the regulations established in pursuance of law for the government of such schools; shall pursue the required course of study,

and shall submit to the authority of the teachers of such schools. Continued and wilful disobedience and open defiance of the authority of the teacher shall constitute good cause for expulsion from school; and habitual profanity and vulgarity good cause for suspension from school. Any pupil who shall in any way cut, deface or otherwise injure any school house, fences or out-buildings thereof, shall be liable to suspension and punishment; and the parents of such pupil shall be liable for damages, on complaint of the teacher or Trustees.

OF TEACHERS.

To make reports.

SEC. 61. Every teacher employed in any public school shall make an annual report to the County Superintendent on or before the tenth day of July next after the close of each school year, in the form and manner and on the blanks prescribed by the Superintendent of Public Instruction. A duplicate of such report, when required by the Trustees, shall be furnished to the District Clerk. Any teacher who shall end any school term before the close of the school year shall make a report to the County Superintendent immediately after the close of such term; and any teacher who may be teaching any school at the close of the school year shall, in his or her annual report, include all statistics from the school register for the entire school year, notwithstanding any previous report for a part of the year. Teachers shall make such additional reports as may be required in pursuance of law by the State or by City Boards of Education. No County Superintendent, or City Superintendent, or Board of Education, or Board of Trustees shall draw any order or warrant for the salary of any teacher for the last month of his or her services until the reports herein required shall have been made and received.

Withholding of salary.

To keep State School Register.

SEC. 62. Every teacher shall keep a State School Register, in the manner provided therefor; and no County Superintendent shall draw any warrant for the salary of any teacher for the last month of his or her services in school at the end of any term or year until he shall have received a certificate from the District Clerk that the said register has been properly kept, the summaries made and the statistics entered; or, until, by personal examination, he shall have satisfied himself that it has been done. Teachers shall faithfully enforce in school the course of study and the regulations prescribed in pursuance of law; and if any teacher shall wilfully refuse or neglect to comply with such requisitions, then the County Superintendent shall be authorized to withhold any warrant for salary due until such teacher shall comply therewith.

Withholding of salary.

Salary.

SEC. 63. No teacher shall be entitled to draw for salary any school moneys unless such teacher shall be employed by a majority of the Trustees, nor unless the holder of a legal State, city or county teacher's certificate, in full force and effect.

Contracts.

Definition of "school month."

SEC. 64. In every contract, whether written or verbal, between any teacher and any Board of Trustees, except in incorporated cities, a school month shall be construed and taken to be twenty school days, or four weeks of five school days each; and no teacher shall be required to teach school on Sat-

urday, the fourth day of July, the first day of January, Christmas day, the days of the general election and special judicial election, and such days of fasting or thanksgiving as may be appointed by the President of the United States or the Governor of this State, and no deduction from the teacher's time or wages shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught. Any contract made in violation of the provisions of this section shall have no force or effect as against the teacher; *provided*, that in incorporated cities the common schools shall not be dismissed on election days.

Disorderly conduct, and suspension of pupils.

SEC. 65. Every teacher shall have power to hold every pupil to a strict accountability, in school, for any disorderly conduct on the way to or from school, or on the play grounds of the school, or during intermission or recess, to suspend from school any pupil for good cause; *provided*, that such suspension shall be reported by the teacher to the Trustees as soon as practicable; and if such action is not sustained by them, the teacher may appeal to the County Superintendent, whose decision shall be final, whether for or against expulsion.

Appeal on revocation of certificate.

SEC. 66. In all cases of the revocation of a certificate, the teacher shall have the right of appeal from any City or County Board of Examination to the State Board of Examination, and upon the revocation of a State diploma or certificate, to the State Board of Education.

Dismissal.

SEC. 67. In case of the dismissal of any teacher before the expiration of any written contract entered into between such teacher and Trustee, for alleged unfitness, or incompetence, or violation of rules, the teacher shall have the right of appeal to the County Superintendent, and if such County Superintendent shall decide that the removal was made without good cause, the teacher so removed shall be reinstated in school, and shall continue during the time of contract. Any teacher whose salary is withheld in pursuance of the provisions of this Act, shall have the right to appeal to the Superintendent of Public Instruction, whose decision shall be final.

Teachers to instil moral and patriotic principles

SEC. 68. It shall be the duty of all teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, justice and patriotism; to teach them to avoid idleness, profanity and falsehood, and to instruct them in the principles of a free Government, and to train them up to a true comprehension of the rights, duties and dignity of American citizenship.

OF SCHOOL DISTRICT LIBRARIES.

Library Fund, and how applied.

SEC. 69. Every County Superintendent and every County Treasurer shall set apart ten per cent. of each annual apportionment of State School Fund for each district, as a "District School Library Fund" for that district, and said fund shall be used for no other purpose; *provided*, that when ten per cent. exceeds fifty dollars, only fifty dollars shall be so set apart; and further *provided*, that when ten per cent. is less than ten dollars,

and no library has been previously formed, the money shall remain in the treasury until subsequent apportionments or donations shall equal that sum. The Boards of Trustees of each district shall procure a suitable library case, and shall expend the entire ten per cent. set apart as a Library Fund, together with such sums as may be added thereto by subscription or donation, in the purchase of such books for the library as may be authorized by the State Board of Education. If the Trustees neglect or refuse to purchase such books, then it shall be the duty of the County Superintendent to expend the Library Fund to the credit of such district and pay for the books on his *own warrant*.

Librarian. SEC. 70. The Trustees shall have the same control over the library as over other school property, and shall appoint the teacher or the District Clerk, or some other suitable person, to act as Librarian, and whenever practicable and safe, the library shall be kept in the school house of such district.

List of books SEC. 71. It shall be the duty of the State Board of Education to prepare a list of books suitable for school libraries, in which no work of a sectarian character shall be included, and which may be, from time to time, amended, revised and enlarged, and to prepare uniform rules and regulations for the government of district libraries, and to prescribe penalties, fines and conditions of membership.

Government and preservation of library. SEC. 72. The Trustees shall be held accountable for the proper care and preservation of the library, and shall have power to assess and collect all fines, penalties and fees of membership, and to make all needful rules and regulations not provided for by the State Board of Education and not inconsistent therewith, and they shall report annually to the County Superintendent all library statistics which may be required by the blanks furnished for that purpose by the Superintendent of Public Instruction.

Donations and dues. SEC. 73. Trustees may receive donations of books, maps or charts, from any person; *provided*, no books of a sectarian character shall be placed in the library, and that any such books found therein shall be removed by order of the County Superintendent. The library shall be free to all pupils of a suitable age, belonging to the school; but any resident of the district may become entitled to its privileges upon the payment of such a sum of money for life membership, or such annual or monthly fee, as may be prescribed by the Trustees.

Not applicable to incorporated towns or cities. SEC. 74. In cities not divided into school districts, or in any incorporated towns or cities, or county and city, the provisions of the preceding sections relating to the setting apart of ten per cent of the State School Fund as a Library Fund shall not apply; but the sum of fifty dollars—not to exceed ten per cent. of the State apportionment—shall be set apart as a Library Fund, by the Board of Education, for every five hundred children between the ages of five and fifteen years, within the limits of said city, and expended as provided in other cases for the formation of school libraries.

OF AN EDUCATIONAL JOURNAL.

Subscription

SEC. 75. It shall be the duty of the Superintendent of Public Instruction to annually subscribe for a sufficient number of copies of some monthly journal of education to supply each County Superintendent, City Superintendent, District Clerk, and each district school library, with one copy thereof. Said journal shall be designated by the State Board of Education, and shall be a journal devoted exclusively to educational purposes, and published monthly, in California. The Superintendent of Public Instruction shall be one of its editors, and it shall contain, as a condition of such subscriptions by the State, a department of public instruction, in which shall be published the decisions, circulars, instructions and apportionments of school funds made by the Superintendent of Public Instruction and the State Board of Education, together with a monthly report of the State Normal School. The subscription price paid for each annual subscription of twelve monthly copies shall not exceed one dollar and fifty cents; and the State Board of Education shall have power to reduce the rate whenever said journal can be creditably sustained at a lower rate. At the beginning of each school year the Superintendent of Public Instruction shall draw his order on the State Controller for an amount sufficient to pay for such subscriptions, in favor of such journal, which order shall be certified by the State Board of Education and allowed by the State Board of Examiners, whereupon it shall be the duty of the State Controller to draw a warrant on the State Treasurer, payable out of any unapportioned school moneys in the treasury.

Price.

Payment.

Appropriation for State Teachers' Institute.

SEC. 76. The Superintendent of Public Instruction shall annually convene and preside over a State Teachers' Institute, which shall continue in session not less than three nor more than five days. The sum of five hundred dollars is hereby appropriated biennially, out of any unappropriated moneys in the General Fund, for the purpose of defraying the necessary expenses of such annual Institutes.

STATE BOARD OF EXAMINATION.

Board of Examination.

SEC. 77. There shall be a State Board of Examination, consisting of the Superintendent of Public Instruction, who shall be ex officio Chairman, and four professional teachers, who shall be appointed by the Superintendent of Public Instruction; *provided*, that no person shall be eligible to such appointment unless he holds a State educational diploma. The Board shall meet at such times and places as may be designated by the Chairman, and shall hold at least two sessions in each year. It shall have power to grant certificates of the following grades, to wit: State educational diplomas, valid for six years; State certificates, first grade, valid for four years; second grade, valid for two years; third grade, valid for one year.

Compensation.

SEC. 78. Each of the appointed members of the Board shall receive compensation for their services at the rate of two hundred dollars per annum, commencing July first, eighteen hundred and sixty-nine, payable out of the General Fund on the

warrant of the State Controller, indorsed by the Superintendent of Public Instruction.

Manner of examination

SEC. 79. Every applicant for a State diploma, or for a State certificate of the first or second grade, shall be critically examined, by written or printed questions, and by additional oral examinations, in algebra, arithmetic, English grammar, English composition, geography, history of the United States, school law of California, physiology, natural philosophy, orthography, defining, penmanship, Constitution and Government of the United States, reading and elocution, and theory and practice of teaching. Extra credits may be given for ability to teach drawing, vocal or instrumental music, and school calisthenics. For success and experience in teaching, extra credits may be allowed, as the State Board of Education may determine. Cer-

Certificates and diploma.

tificates shall be issued to such persons only as, in addition to passing examination in the studies herein specified, shall have given evidence of good moral character and fitness for the profession of teaching. State educational diplomas shall be issued to such persons only as shall have been employed in the occupation of teaching at least three years; and the holders of said diplomas shall be eligible to teach in any public school in the State, except high schools in which the ancient and modern languages are required to be taught by such teachers. State certificates of the first grade shall entitle the holders to teach in county schools of the first grade, and in all grammar schools. State certificates of the second grade shall entitle the holders to teach in second grade schools, and as assistants in grammar schools. State certificates of the third grade shall entitle the holders to teach in any primary school. The standing in each study of each successful applicant shall be indorsed upon the back of his or her diploma or certificate, together with his or her total percentage and relative standing in the class. The

Revocation

State Board of Examination shall have power to revoke, for immoral or unprofessional conduct, or habitual profanity, intemperance, cruelty or evident unfitness for the profession of teaching, any diploma or certificate granted by it, and to renew all State certificates at the expiration of the time for which they were granted.

Diploma shall be evidence of fitness.

SEC. 80. All regularly issued Normal School diplomas from any State Normal School in the United States, and all life diplomas granted by the State Board of Examination in any of the United States, shall be recognized by the State Board of Examination of this State as prima facie evidence of fitness for the profession of teaching; and the said Board shall, on application of the holders thereof, proceed to issue, without examination, State certificates, the grade to be fixed at the option of the Board; *provided*, in all cases satisfactory evidence to be given

Examination fee.

of good moral character and correct habits. All applicants for State diplomas or certificates shall pay an examination fee of two dollars, which shall be appropriated to the support of the State educational journal.

Life diplomas.

SEC. 81. In order to elevate the profession of teaching and advance the interests of public schools, the State Board of Education shall grant teachers life diplomas, which shall remain valid during the life of the holder, unless revoked by the said

Board for immoral or unprofessional conduct, or want of qualifications to teach. Said diplomas shall be granted to such persons only as shall have taught one year successfully after receiving a State educational diploma from the State Board of Examination, or who shall have held, for one year after receiving a State diploma, the office of State, City or County Superintendent Applicants for life diplomas shall file with the State Board of Examination certificates of their success in teaching; and said Board, after due consideration and examination, shall present the application to the State Board of Education, with a recommendation either for or against its being granted. The State Board of Education may recognize the life diplomas of other States of the United States, and issue to the holders thereof life diplomas of this State. Each applicant for a State life diploma shall pay the sum of five dollars, to defray the expense of filling out and issuing the diploma. Fee.

COUNTY BOARDS OF EXAMINATION.

SEC. 82. There shall be in each county a County Board of Examination, which shall be composed of the County Superintendent, who shall be ex officio Chairman, and of a number of teachers, not to exceed three, to be appointed by him, who shall hold office for one year from the first of July next succeeding their respective appointments; but no person shall be appointed unless he holds either a State diploma or a first grade State or county certificate. The Superintendent shall fill vacancies that occur from absence or other cause; and if he cannot find any teacher in his county qualified under the provisions of this section willing to serve, he shall conduct the examination himself. The Board shall meet at such times and places as may be designated by the Chairman, and shall hold a session at least as often as once in every three months. The Superintendent of Public Instruction shall, ex officio, be a member of all County Boards of Examination. The members of said Board shall each be paid for their services a sum not exceeding three dollars per day, in addition to actual travelling expenses, for each session of said Board, to be paid out of the unapportioned County School Fund, on the warrant of the County Superintendent; *provided*, that this compensation shall be paid only at the regular quarterly examinations, and that whenever said Board shall hold sessions at any other time, no compensation shall be allowed from the county; but in cases of such special examinations said Board may charge an examination fee, not exceeding two dollars for each applicant. How composed. Meetings and compensation.

SEC. 83. The County Board of Examination shall have power to grant certificates of three grades, to wit: County certificates, first grade, valid for three years, and authorizing the holder to teach a grammar school or a school of the first grade in the county; county certificates, second grade, valid for two years, and authorizing the holder to teach a second grade school in the county; county certificates of the third grade, valid for one year, and authorizing the holder to teach a third grade school in the county. Third grade certificates shall be granted to female teachers only. Certificates shall be issued to such per- Certificates.

sons only as shall have given evidence of good moral character, of fitness for teaching and of ability to impart their knowledge.

Qualifications necessary to procure.

SEC. 84. Certificates of the first grade shall be issued to those only who have passed a satisfactory examination in orthography, defining, reading, penmanship, physiology, natural philosophy, English composition, arithmetic, algebra, geography, grammar, history of the United States, the school law of California, and the theory and practice of teaching. Certificates of second grade shall be issued to those only who have passed a satisfactory examination in all of the above subjects, except natural philosophy and algebra. Extra credits may be given in all grades for ability to teach drawing, vocal or instrumental music, calisthenics and other branches, as may be determined by the State Board of Education. All examinations in written arithmetic, algebra, orthography, defining, grammar, history of the United States, and Constitution and Government of the United States, shall be conducted in writing, and at least ten questions shall be submitted in each separate study. The standing of each applicant in each study shall be indorsed on the back of each certificate, together with the total percentage and relative standing in the class. The County Board shall have power, without examination, to renew certificates, and to revoke, for immoral or unprofessional conduct, or habitual profanity, intemperance, cruelty or evident unfitness for the profession of teaching, any county certificate.

Time of holding examination

SEC. 85. The times for holding examinations shall be uniform in all the counties of the State, as follows: Commencing on the first Wednesday in the months of December, March, June and September.

CITY BOARD OF EXAMINATION.

How composed.

SEC. 86. In every city having a Board of Education, governed by special laws, there shall be a City Board of Examination for determining the qualifications of teachers, which shall consist of the City Superintendent of Public Schools and the President of the Board of Education of that city, the County Superintendent of the county in which such city is situated and of three public school teachers, residents of such city, who shall be elected by the City Board of Education for the term of one year. Any teacher, to be eligible to such election, shall be the holder of a State diploma or of a grammar school city certificate. The teachers elected to such Board shall be allowed such compensation for their services as may be granted by the Board of Education. The Superintendent of Public Instruction shall be ex officio a member of every City Board of Examination. Said Board shall conduct all examinations in conformity with the general rules and regulations of the State Board of Education, and shall have power to grant certificates of the same grade and for the same time as the State Board of Examination; *provided*, they shall be valid only in the city in which they are granted. Said Board shall also have power to grant such certificates of a grade lower than grammar school certificates as may be deemed necessary; and to grant certificates for teaching high schools. Said Board shall have power to renew, without examination, all city certificates. No City Board of Education

Examinations and certificates.

or of Examination shall have power to require or hold an examination of any teacher holding a State diploma or certificate, except in cases where such teacher is an applicant for a school of higher grade than the certificate then held allows such teacher to teach. Any City Board of Examination may recognize the certificates of any other city, and, without examination, issue to the holder certificates of a corresponding grade. No person shall be a legally qualified teacher in any city, unless he or she holds a State or city certificate, granted by a State or City Board of Examination.

Certificates. SEC. 87. The State Board of Education shall prescribe a standard of proficiency before a County Board, which shall entitle the holder of the certificate to a certificate from the State Board of Examination; and whenever such standard is reached, the County Superintendent shall certify the facts, together with certificates of the party's character, to the State Board of Examination, and that body may grant or refuse a State certificate and fix its grade. Every person holding a diploma of graduation from any State Normal School in the United States shall be entitled to a county certificate of the first or second grade, at the option of said Board; and upon proof of good character, such certificate shall be granted without further examination. Every County Superintendent and each City Superintendent of Public Schools shall annually report, at the time of making his other report to the Superintendent of Public Instruction, the number of certificates granted by the Board of Examination of his county or city, as the case may be, the names of persons to whom granted, and date of each certificate, the number of all applicants rejected, and the number of certificates revoked, the cause of their revocation, and the names of the holders. The County Superintendent shall also report to the State Superintendent the amount of money received from examination fees, and the manner in which it was expended. The County Superintendent may recognize county certificates of the first grade, granted by Boards of Examination in other counties, and may issue temporary certificates for teaching, to the holders, on application, which shall be valid until the next regular examination of the County Board of his county.

Report.

Temporary certificates.

Text books. SEC. 88. The State Board of Education shall prescribe and adopt a uniform series of text books in the following branches of study, viz: Arithmetic, reading, spelling, English grammar, geography, history and physiology, which shall be used in all public schools, as well in incorporated cities having Boards of Education as in the State at large; *provided*, that said State Board may, when making a change in any of the series, prescribe a future date for it to take effect, which shall not be less than six months thereafter, and may adopt special books when necessary for the use of graded schools in cities. Any books once adopted in the State series, shall be continued in use for a period not less than four years. If any city, town or district refuse or neglect to use the books that may be prescribed, or shall use any other text books in any of the prescribed studies, the Superintendent of Public Instruction shall withhold from such city, town or district, twenty-five per cent. of all State school moneys to which it may be entitled, until it comply;

and any moneys so withheld shall be apportioned by the Superintendent, at the next annual apportionment, in the same manner as other school moneys in the treasury.

OF SCHOOL REVENUE.

State school tax.

SEC. 89. An annual ad valorem tax of ten cents on each one hundred dollars value of all taxable property throughout the State is hereby levied and directed to be collected and paid, in the same manner as other State taxes are required to be paid; and said tax shall be called and known as the State school tax; and the Board of Supervisors of the several counties shall, annually, at the same time other State taxes are levied, add this to the other taxes provided by law to be levied and collected, and it shall be annually collected at the same time and in the same manner as other State taxes are collected; and if from any reason whatever, in any year, said taxes shall not be levied, as herein required, by the Board of Supervisors, the Auditor shall enter them on the assessment roll, as required by law for other taxes. All moneys derived from the tax herein levied shall be paid into the State School Fund, and be apportioned as other moneys in that fund. No Tax Collector or County Treasurer shall receive any fees or compensation whatever for collecting, receiving, keeping or disbursing any school moneys; but the whole moneys collected shall be paid to the County Treasurer and by him paid to the State Treasurer, at the same time other moneys are paid over.

No fees.

County school tax.

SEC. 90. The Board of Supervisors, except in the City and County of San Francisco, of each county, shall annually, at the time of levying other county taxes, levy a school tax, the maximum rate of which shall not exceed thirty-five cents on each one hundred dollars of taxable property in the county, nor the minimum rate be less than sufficient to raise a sum equal to three dollars for each child in the county between five and fifteen years of age. Said Supervisors shall determine the minimum rate of State school tax, as follows: They shall—

First—Ascertain from the County Superintendent the number of census children entitled to school apportionment, as shown by the then next preceding school census, and then shall calculate the amount required to be raised, at three dollars per child.

Second—They shall deduct fifteen per cent. from the equalized value of the last general assessment roll, and the amount required to be raised, divided by the remainder of the assessment roll, shall be the rate levied; *provided*, that if any fraction of a cent occur, it shall be taken as a full cent on each one hundred dollars. If the Supervisors fail to levy said tax as herein provided, then the Auditor shall levy it and add the tax to the assessment roll. In case the Supervisors or Auditor shall refuse or neglect to levy at least the minimum rate of tax herein provided, the Superintendent of Public Instruction shall deduct twenty-five per cent. from the next succeeding annual apportionment of State School Fund otherwise due to that county, and shall withhold it and apportion it to the other counties of the State.

OF DISTRICT TAXES.

SEC. 91. The Board of Trustees of any district may, when in their judgment it its advisable, call an election and submit to the qualified electors of the district the question whether a tax shall be raised to furnish additional school facilities for said district, or to maintain any school or schools in such district, or for building one or more school houses, or for any two or all of those purposes. Such election shall be called by posting notices in three of the most public places in the district for twenty days; and also, if there is a newspaper in the county, by advertisement therein, once a week for three weeks. Said notices shall contain the time and place of holding the election, the amount of money proposed to be raised, and the purpose or purposes for which it is intended to be used. The Trustees shall appoint three Judges to conduct the election, and it shall be held in all other respects, as nearly as practicable, in conformity with the general election law. At such elections, the ballots shall contain the words "Tax—Yes," or "Tax—No," and also the name of one person as Assessor and one as Collector; *provided*, however, the same person may be elected to both offices. If a majority of the votes cast are "Tax—Yes," the officers of the election shall certify the fact to the Trustees, and shall also certify the names of the person or persons having the plurality of votes for Assessor and Collector. The Trustees shall issue certificates of election, and the Assessor shall, on receiving his, forthwith ascertain and enroll, in the manner provided for County Assessors, all the taxable persons and property in the district; and within thirty days he shall return his roll, footed up, to the Trustees. The Trustees, upon receiving the roll, shall deduct fifteen per cent. therefrom for anticipated delinquencies, and then, by dividing the sum voted, together with the estimated cost of assessing and collecting added thereto, by the remainder of the roll, ascertain the rate per cent. required; and the rate so ascertained (using the full cent on each hundred dollars in place of any fraction), shall be and is hereby levied and assessed to, on or against the persons or property named or described in said roll; and it shall be a lien on all such property until the tax is paid; and said tax, if not paid [within] the time limited within the next succeeding section for its payment, shall be recovered by suit, in the same manner and with the same costs as delinquent State and county taxes. The maximum rate of tax levied by a district tax in any one year, for building purposes, shall not exceed seventy cents on each hundred dollars; and the maximum rate levied for school purposes by such tax shall not exceed thirty cents on each hundred dollars in any one year. Each District Tax Collector shall give a bond to the people of the State of California, joint and several in form, with similar sureties as are required on other official bonds. Such bonds shall be in such penal sum as the Trustees may direct, provided it be not less than double the amount to be collected, and shall be approved by them. The Trustees, upon receiving any assessment roll from the Assessor, shall give

Additional school facilities.

Election.

Tax levied.

Maximum rates

Bonds.

five days notice thereof, by posting a notice in three public places in the district, and shall sit for at least three days as a Board of Equalization, at such time and place as shall have been named in said posted notices; and they shall have the same power as County Boards of Equalization, to make any changes in said assessment roll.

Equalization

Collection.

SEC. 92. As soon as the rate of taxation has been determined as provided in the last preceding section, the Trustees shall place the tax list in the hands of the Collector, who shall then proceed to collect the tax, and shall, within sixty days, return the roll to the Trustees, with the word "Paid" marked opposite the name of each person or description of property from whom or on which he has received the tax; and he shall also at the same time file with the Trustees the County Treasurer's receipt for all the moneys by him collected; and the persons and property on the roll not by the Collector marked "Paid" shall be deemed delinquent, and the Trustees shall deposit said roll with the District Attorney, who shall proceed to collect the delinquent taxes in the manner prescribed by law for other delinquent tax; and said roll, or any certified copy thereof, shall have the same force, as evidence, as a duplicate or delinquent tax roll of State and county taxes

Vacancy in offices of Assessor and Collector.

SEC. 93. In case any Assessor or Collector of district taxes shall refuse or neglect to qualify within ten days of his election or appointment, or, having qualified, shall refuse or neglect to act, or in case of any vacancy from any other cause, in either or both of said offices, the Board of Trustees shall appoint some proper person or persons to fill the place or places.

GENERAL PROVISIONS—SCHOOL FUNDS.

Apportionment.

SEC. 94. All State school funds apportioned by the Superintendent of Public Instruction, and all county school moneys apportioned by County Superintendents of Common Schools shall be apportioned to the several school districts and cities in proportion to the number of school census children between five and fifteen years of age, as shown by the returns of the School Census Marshals for the next preceding school year; *provided*, that Indian children who are not living under the guardianship of white persons, and Mongolian children, shall not be included in the apportionment list.

How to be used.

SEC. 95. The State School Fund, excepting as otherwise provided in this Act, shall be used for no other purpose than the payment of teachers legally qualified and employed under the provisions of this Act. County school moneys may be used by the County Superintendent and Trustees for the various purposes as authorized and provided in this Act.

Apportionments conditional.

SEC. 96. No school district shall be entitled to receive any apportionment of State or county school moneys, unless the teachers employed in the schools of such district shall hold legal certificates of fitness for the occupation of teaching, in full force and effect.

Same.

SEC. 97. No school district shall be entitled to receive any apportionment of State or county school moneys which shall not have maintained a free public school for at least three

months during the then next preceding school year; *provided*, that any new district formed by the division of an old one shall be entitled to its apportionment when the time that school was maintained in the old district before division, and in the new district after division, shall be equal to at least three months, as required in section one hundred and one. Any school district which shall neglect or refuse to adopt and use the State series of text books, required in pursuance of law, shall not be deemed or adjudged a school district, within the meaning of this Act.

Estimate of school expenses.

SEC. 98. The County Superintendent in each county shall, on or before the first day of March in each year, furnish to the Board of Supervisors and Tax Collector, respectively, an estimate, in writing, of the cost of maintaining a free school for eight months in each school district in the county, together with the cost of incidental expenses and necessary repairs; and also an estimate of the amount of public money, both State and county, to which each district will be entitled during the year, and the amount necessary to be raised in each school district to support a school eight months.

Special school tax.

SEC. 99. The Board of Supervisors in each county shall, after receiving the assessment roll from the County Assessor, and before the first Monday in September of each year, levy a special school tax upon the property in each school district in which there shall be a deficiency, as shown by the written statement of the County Superintendent, for an amount which, together with the State and county money to be received, shall be sufficient to maintain the school (or schools) for eight months during the year; and said tax shall be equalized and collected in the manner provided for equalizing and collecting State and county taxes. The Collector shall pay over the money so collected to the County Treasurer, who shall place it to the credit of the respective districts from which it shall be collected, as a special deposit, and pay it out on the warrant of the County Superintendent, in the manner provided for the payment of State and county school money.

Exempt.

SEC. 100. Any school district whose taxable property does not exceed seventy-five thousand dollars, and containing not more than twenty-five children between the ages of five and fifteen years, shall, on a proper showing of the facts, be exempted from the requirement to maintain a free school eight months.

OF PENALTIES AND DISABILITIES.

Penalty for refusal to deliver books, misapplication of moneys, etc.

SEC. 101. When any school officer is superseded, by election or otherwise, he shall immediately deliver to his successor in office all books papers and moneys pertaining to his office; and every such officer who shall refuse to do so, or who shall wilfully mutilate or destroy any such books or papers, or any part thereof, or shall misapply any moneys intrusted to him by virtue of his office, shall be guilty of misdemeanor, and shall be punished by a fine, in the discretion of the Court, not exceeding one hundred dollars.

Oath of office

SEC. 102. Every person elected or appointed to any office mentioned in this Act shall, before entering upon the discharge of the duties thereof, take an oath to support the Constitution

of the United States and of this State, and faithfully discharge the duties of his office according to the best of his abilities. In case such officer has a written appointment or commission, his oath shall be indorsed thereon; otherwise it may be taken orally. In either case, it may be sworn to before any officer authorized to administer oaths; and school officers are hereby authorized to administer all oaths relative to school business appertaining to their respective offices, without charge or fee.

Neglect of duty.

SEC. 103. If any School Trustee or member of any Board of Education shall refuse or neglect to perform any official act or duty prescribed by law, he shall be liable to the pains and penalties of the Act of March fourteenth, eighteen hundred and fifty-three, entitled an Act to prevent extortion in office and to enforce official duty.

No interest in contracts.

SEC. 104. No School Trustee or member of any Board of Education shall be, directly or indirectly, interested in any contract made by the Board of which he is a member; and any contract made in violation of this provision shall be null and void.

Collection of fines.

SEC. 105. All fines and penalties not otherwise provided for in this Act shall be collected by an action in any Court of competent jurisdiction, and shall be paid into the District or County School Fund, as the case may be.

Insult or abuse of teachers.

SEC. 106. Any parent, guardian, or other person, who shall upbraid, insult or abuse any teacher, in the presence of the school shall be guilty of a misdemeanor, and be liable to a fine of not less than ten nor exceeding one hundred dollars.

Disturbance of meetings.

SEC. 107. Any person who shall wilfully disturb any public school or any public school meeting, shall be guilty of a misdemeanor, and liable to a fine of not less than ten nor more than one hundred dollars.

Neglect to appoint Census Marshal.

SEC. 108. In case any Board of Trustees or Board of Education shall fail to appoint a Census Marshal at the proper time, and if through such neglect the district shall fail to receive its apportionment of school moneys, said Trustees or members of said Board of Education shall be, jointly and severally, individually liable to the district for the full amount so lost, and it may be recovered on a suit brought by any citizen of such district, in the name of and for the benefit of the district.

Reference of disputes.

SEC. 109. All cases of dispute in relation to school matters, not properly belonging to Courts of justice, may be referred first to the County Superintendent and appealed to the State Superintendent.

MISCELLANEOUS.

Educational and literary institutions to report biennially.

SEC. 110. All incorporated literary institutions and all institutions having educational departments to which State appropriations are made, shall report biennially to the Superintendent of Public Instruction such educational statistics as he may require.

Election of school officers.

SEC. 111. Every member of any Board of Education and every Superintendent of Public Schools in any incorporated city having a special school law shall hereafter be elected by direct vote of the people, and all laws or parts of laws in conflict with this provision are hereby repealed. And in any city in

which such school officers have heretofore been appointed, the Common Council or Board of Supervisors shall make provision by ordinance for the election of school officers at the general election, or at special elections; *provided*, that the terms of officers already appointed may be continued until the time of the next general or city election, and if provision for such election is not made, any ten voters may call it, on thirty days' notice.

School year. SEC. 112. The school year shall begin on the first day of July and end on the last day of June.

Printing and binding. SEC. 113. All printing or binding required under this Act shall be executed by the State Printer, in the form and manner and at the prices of other State printing, and shall be paid for in like manner out of the General Fund of the State.

Title of Act. SEC. 114. This Act shall be known and referred to as the California School Law, and no other title or reference shall be necessary.

Repeal. SEC. 115. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed; but such repeal shall not affect any legal proceedings taken, or taxes levied, or officers elected in accordance with the provisions of such repealed Acts.

SEC. 116. This Act shall take effect and be in force from and after its passage.

CHAPTER DLVII.

An Act to amend an Act entitled an Act for the protection of game, passed May fifteenth, eighteen hundred and fifty-four.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Unlawful to kill game in certain seasons. 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, namely: Quails, partridges or grouse, mallard duck, wood duck, teal duck and spoon-bill duck, and all other broad-bill ducks, shall not be taken, killed or destroyed between the fifteenth day of March and the fifteenth day of September in each year; *provided*, that in the Counties of San Bernardino and Los Angeles, the taking, killing or destroying of any of the birds or game above enumerated shall be lawful at any time between the first day of August and the first day of April of each year, and at no other time; and *provided* further, that in the Counties of Sierra, Plumas and Lassen, the taking, killing or destroying any of the birds or game above enumerated, except quails, partridges and grouse, shall be lawful at any time between the fifteenth day of August and the fifteenth day of March of each year, and at no other time.

SEC. 2. This Act shall take effect immediately.

CHAPTER DLVIII.

An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and sixty-four.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is amended so as to read as follows:

Boundaries. Section 2. The boundaries of said town shall be as follows: Commencing at the northeasterly corner of block number one of town lots of Santa Barbara, as per Haley's survey, made in eighteen hundred and fifty-one; thence, first, southeasterly to the northeasterly corner of block number two hundred and thirty-seven; thence, following the westerly line of Canada street, to the sea coast; thence westwardly, along the sea shore, to the foot of the point known as Castle Point; thence, following the easterly line of San Pascual street, northwestwardly to the southerly line of Mission street; thence, following said southerly line, eastwardly to the place of beginning

SEC. 2. Section eight of said Act is amended so as to read as follows:

Powers of Trustees. Section 8. The Trustees of said town shall have power to levy taxes for municipal purposes, not exceeding fifty cents on one hundred dollars of the valuation of the property within the above named limits; and also to open such streets as may be necessary within its municipal limits, and for such purposes to appraise the damages and assess the benefits of such improvements on all owners of lands and tenements affected thereby; and also to grade and improve the streets within the limits aforesaid, and for the purpose of such grading and improvement, to assess the necessary sums on the property benefited thereby.

SEC. 3. These amendments shall take effect on and after the first day of March, eighteen hundred and seventy.

CHAPTER DLIX.

An Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Government SECTION 1. The government of the City of Benicia shall be vested in a Board of Trustees, as now constituted, and a City

Marshal, said Marshal to be appointed by the Board of Trustees from the Constables of the township. Said city shall be a body politic and corporate by the name and style of the "City of Benicia," and by that name they and their successors shall be known in law, have perpetual succession, and may sue and be sued in all the Courts and in all actions whatsoever, and may provide for the use and regulation of all the commons and property, both real and personal, belonging to the city. Corporate name.

SEC. 2. The said Board of Trustees shall have power, within said city— Powers of Trustees.

First—To make by-laws and ordinances not repugnant to the Constitution and laws of this State.

Second—To construct and keep in repair pumps, aqueducts, reservoirs or other works necessary for duly supplying the town with water.

Third—To lay out, alter, open, and keep open and repair the streets, sidewalks and alleys of the town, and to determine the width and grade of all sidewalks in the town, and to grant the right of way for railroad purposes through any and all streets, alleys and public squares, or through any lands belonging to said city.

Fourth—To provide such means as they may deem necessary to protect the city from injuries by fire.

Fifth—To levy annually, not to exceed one (1) per cent. on the county assessment valuation (which county assessment for each year shall be adopted as the city assessment) of all property, both real and personal, within the limits of the city, of which levy they shall officially notify the Board of Supervisors of Solano County on or before the making out of the duplicate of the general assessment list for said county in each year.

Sixth—To impose and collect a poll tax of not exceeding three (3) dollars per annum, on every male inhabitant of the age of twenty-one years and upwards.

Seventh—To impose and collect a tax of not to exceed five (5) dollars per annum on every dog owned within the limits of the city.

Eighth—To provide for the draining, the establishment of uniform grades, paving, improvement, repairs and lighting of the streets, and the construction of sidewalks, drains and sewers, and the keeping of the same in repair, and the prevention and removal of obstructions on the sidewalks and all the streets, alleys and public grounds of the city, and to prevent animals of every description from running at large within the limits of said city.

Ninth—To borrow money upon the faith and credit of the city, but no loan shall be made for a sum exceeding five thousand ($5,000) dollars, nor without the consent to such loan of a majority of the electors of said city previously obtained.

Tenth—To pass all ordinances and by-laws necessary and proper for carrying into effect the foregoing powers, which ordinances shall only be in force after the same shall have been duly passed, printed and posted for ten days in three conspicuous places in said city.

Eleventh—To sell and convey, upon giving twenty days notice by posting, as in case of an ordinance, any and all real estate

donated to the city by the United States Government or the State of California, not heretofore sold or reserved for public purposes.

Supervisors to levy tax.

SEC. 3. It shall be the duty of the Board of Supervisors of Solano County, previous to the making out of the duplicate of the general assessment list for said county in each year, to levy upon all the property within the corporate limits of Benicia, such a tax as the Board of Trustees of said Benicia may have officially notified them of; said tax to be styled the "Benicia General Fund Tax." Said tax shall be collected in the same manner as the general taxes for county purposes, and when collected shall be paid unto the County Treasurer, who shall account for and keep the same separate as the "Benicia General Fund," and pay the same out upon the warrant of the President and Clerk of the Board of Trustees of Benicia, and for which he and the Tax Collector shall be responsible on their official bonds, and receive the same fees as for other funds.

Fines for breach of ordinances.

SEC. 4. The Board of Trustees may by ordinance designate the fines to be imposed for the breach of their ordinances, but no fine shall be imposed on any one person, for any one breach of any ordinance, of more than fifty dollars, which fine may be recovered before any Justice of the Peace having his office within the incorporated limits of the city, by suit in the name of the City of Benicia, and collected by execution, or in such other manner as fines imposed by the laws of the State are collected; and persons living within the limits of the city shall be competent jurors and witnesses, if in other respects competent and qualified. All fines collected under this Act shall, by the officer collecting the same, be paid over to the County Treasurer, to the credit of the Benicia General Fund, and any omission to do so, such officer may be proceeded against upon his official bond, in the name of the city, in the manner authorized by law on the failure of officers to pay over money collected when so required.

Limitation of penalties

SEC. 5. The Board of Trustees shall have power to designate the fines and imprisonment to be imposed for any breach or violation of any city ordinance; but no fine shall be for a larger amount than fifty dollars, nor any imprisonment for more than thirty days, for any offence.

Sidewalks

SEC. 6. If at any time the owners of a majority of the real estate fronting on one side of any street, between two given points on such street, shall petition the Board of Trustees to order to be constructed or repaired a sidewalk along said street, and between said given points, then it shall be the duty of said Trustees to determine and draw up, or cause to be drawn up, plans and specifications of the character of the sidewalk to be constructed or repairs to be made, and shall order such improvements as petitioned for to be made in accordance with said plans and specifications, and shall make an assessment of the costs thereof to each of the persons owning the real estate between said given points, each of said persons to pay the cost of said improvement in front of his property; and the same shall constitute a lien upon such real estate until the assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making such improvements in front of his

property, in accordance with the specifications and within the time mentioned in the ordinance ordering the improvements to be made, but if not so made, then it shall be the duty of the Marshal forthwith to let out, in manner provided by ordinance, the making of all improvements that remain unfinished; and if the owner or occupant of such real estate shall fail, neglect or refuse to pay for the cost of the same when completed, it shall be the duty of the Marshal, by order of the Board of Trustees, to institute suit in the name of the city against the owner for the recovery of said costs, and the judgment recovered thereon shall constitute a lien upon said real estate, and execution may be issued thereon and may be served as in other civil cases. The said Trustees may require said sidewalks, after such improvements have been made, to be kept in good repair by the owners of said real estate; and if not repaired when ordered, the Marshal may let out the making of said repairs and collect the cost of the same in the same manner as in the case of the owners failing to make or pay for the cost of the improvement as aforesaid; *provided*, that the cost of the plan and specifications shall be paid out of the General Fund of the city; and *provided* further, that all street crossings for sidewalks shall be made at the expense of the owners of the quarter blocks adjacent to said crossing.

Grading of streets.

SEC. 7. If at any time the owners of more than one-half in frontage of lots and lands fronting on any street between two given points on such street, or their duly authorized agent, shall petition the Board of Trustees to order to be graded, macadamized or otherwise improved, such street between said points, then it shall be the duty of said Board of Trustees to determine and draw up, or cause to be drawn up, plans and specifications of the character of the improvement to be made on such street, and shall order such improvement, as petitioned for, to be made in accordance with such plans and specifications, and may make an assessment of one-half of the cost thereof to each of the persons owning the real estate fronting on said street between said points, each of said persons to pay one-half of the cost of making said improvement in front of his property; or said Board of Trustees may assess less than one-half of the cost of said improvement to each of the owners of the real estate fronting on said street, and may pay out of the General Fund such amount as may be necessary to complete said improvement. Whatever amount may be assessed against said real estate, as aforesaid in this section, by said Board of Trustees, shall constitute a lien upon such real estate until the assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making such improvement in front of his property, in accordance with the plans and specifications, and within the time mentioned in the ordinance ordering the improvement to be made; but if not so made, then it shall be the duty of the Marshal forthwith to let out, in the manner provided by ordinance, the making of all improvements that remain unfinished; and if the owner or occupant of such real estate shall fail, neglect or refuse to pay for the cost of the same when

completed, it shall be the duty of the Marshal, by order of the Board of Trustees, to institute suit in the name of the city against the owner, for the recovery of said costs; and the judgment recovered thereon shall constitute a lien upon said real estate, and execution may be issued thereon and may be served as in other civil cases. The plans and specifications provided for in this section shall be paid for out of the General Fund.

Assessments, how made.

SEC. 8. The assessments provided for in sections six and seven of this Act, shall be made upon the lots and lands fronting upon the street to be improved; each lot or portion of lot being separately assessed, in proportion to its frontage, at such rate per front foot as the Board of Trustees may have agreed upon, not to exceed the one-half of the cost of such improvement in front of such property.

Crossings.

SEC. 9. Whenever any street to be improved, as provided in section seven of this Act, shall cross any other street, then the expense of the improvement on such crossing shall be assessed by the Board of Trustees upon the four quarter blocks adjoining and cornering on the crossing; and each lot or part of a lot in such quarter block fronting on such street where the improvement is being or about to be made, shall be separately assessed according to its proportion of frontage on such street to be improved; *provided*, that said Board of Trustees may assess less than the entire cost of said improvement on said four quarter blocks, and may pay the balance out of the General Fund. The Trustees shall fix by ordinance, each year, the amount of taxes to be levied and collected for current expenses; *provided*, that no tax to be levied for any one year shall exceed one per cent. on all the taxable property in said city.

Amount of taxes.

Loans.

SEC. 10. Whenever the Board of Trustees shall desire to effect a loan for any sum not exceeding five thousand ($5,000) dollars, they shall submit a proposition for effecting such loan, stating the amount of such loan, to the electors of said city, at a special election to be held for the purpose, upon the Board of Trustees giving twenty days public notice of the same; and if a majority of the electors vote in favor of such proposition, the Board of Trustees shall have power to effect such loan, but not otherwise, and pledge the faith of the city for the payment of such loan; *provided*, that the aggregate amount of such loans shall not exceed the sum of five thousand dollars.

SEC. 11. Every ordinance passed by the Board of Trustees, in order to possess legal force, shall receive a majority vote of all the members elected.

Oath of office

SEC. 12. The Marshal and Clerk, before entering upon the duties of their office, shall take the oath of office, as prescribed by law; and shall also give a bond, with sureties to be approved by the Board of Trustees of said city, payable to the City of Benicia, in such penalty as may be prescribed by ordinance, conditioned for the faithful performance of their duties.

Claims.

SEC. 13. All demands that shall lawfully arise against the city, in order to be entitled to payment, shall, after being verified by the oath of the claimant, be presented to and allowed for such an amount as shall be deemed just by the Board of Trustees; and no bill, demand or warrant shall be paid out of Benicia General Fund unless the same be allowed by the Board

of Trustees, signed by the President and countersigned by the Clerk.

Duties of Clerk.

SEC. 14. The Board of Trustees may elect a Clerk (who may be one of their own number), whose duty it shall be, in addition to any duties required of him by the Board, to attend all meetings held by said Board; shall keep a correct journal of their proceedings, and on receiving the official returns of all charter elections held, shall, without delay, after the result of the election has been declared by the Board of Trustees, notify the persons elected, and shall draw and countersign all orders drawn on the County Treasurer; and shall receive such compensation as the Board of Trustees may deem just, not exceeding fifty dollars per annum.

Duties of Marshal.

SEC. 15. It shall be the duty of the City Marshal to enforce all ordinances passed by the Board of Trustees, and arrest all persons guilty of the violation of the same; to collect the poll and dog tax, and all fines due the city; the said Marshal being hereby vested with the same powers to make collections of the taxes specified in this section as is or shall be conferred upon Tax Collectors for the collection of State and county revenue, and to pay over to the County Treasurer monthly, to the credit of the Benicia General Fund, all moneys by him collected, taking a receipt for the same. Said Marshal shall receive such compensation for his services as the Board of Trustees may by ordinance fix, not to exceed fifty dollars per annum.

Duties of Treasurer.

SEC. 16. It shall be the duty of the County Treasurer of Solano County to make out annually, on the last day of June, a statement of his receipts and payments on account of Benicia General Fund, and file the same with the City Clerk; and at the end of his official term shall deliver over to his successor, all moneys, books, papers or other property in his possession belonging to the city; said Treasurer shall receive the same fees as for other funds.

In coin.

SEC. 17. All taxes, assessments and fines, payable to or for said city, and costs of the improvements on sidewalks and streets and other city improvements, shall be payable only in the gold and silver coin of the United States.

SEC. 18. All Acts and parts of Acts, so far only as they conflict with the provisions of this Act, are hereby repealed.

SEC. 19. This Act shall take effect and be in force from and after its passage.

CHAPTER DLX.

An Act to provide for the official valuation of life insurance policies.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Valuation of policies.

SECTION 1. Every life insurance company organized under the laws of this State shall, on or before the first Monday in

January, of each year, furnish the Insurance Commissioner the data necessary for determining the valuation of all its policies outstanding on the thirty-first day of December next preceding, which said valuation shall be based upon the rate of mortality as established by the American Experience Life Table; the rate of interest to be assumed shall be four and one-half per centum per annum. For the purpose of making such valuation, the Insurance Commissioner of this State is authorized to employ a competent actuary, whose compensation for such valuation shall be three cents for each thousand dollars of insurance, to be paid by the respective companies for which the valuation is made.

Actuary to be employed.

When valuation not accepted in other States.

SEC. 2. When the certificate of the Insurance Commissioner of the official valuation of the policies, as provided in section one of this Act, issued to any company organized under the laws of this State, shall not be accepted by any other State in lieu of a valuation of the same by the insurance officer of such other State, then all companies organized under the laws of such other State, doing business in this State, shall be required to have a separate valuation made under the authority of the Insurance Commissioner of this State, as in this Act provided.

SEC. 3. This Act shall take effect immediately.

CHAPTER DLXI.

An Act concerning estrays and animals found running at large in the County of Santa Cruz.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Taking up of estrays.

SECTION 1. Any person finding at any time an estray horse, mare, mule, jack, jenny or any estray cattle, sheep, hogs or goats, or any number of such animals, upon his farm or premises, whether the owners of such animals are known or unknown, may take the same up and proceed therewith as hereinafter directed; and no person shall remove such animals from the possession of the taker up or from the possession of the officer into whose hands they may be placed for the purpose of sale, except as hereinafter provided.

Notice.

SEC. 2. The person taking up such animal or animals shall confine the same in a secure place, within the township where they were taken up, and shall post notices containing a description of them, with marks and brands, if they have any, and a statement of the place of finding and the place where such animals are confined, as follows: One notice at [the] door of the school house of the school district wherein they were found, one at the door of the nearest Post-office, and shall file one with the County Recorder; and if the mark or brand of the owner or owners of such animals is recorded in the office where

Marks or brands.

such notice is filed, the Recorder shall, within three days after the filing of such notice, deposit a copy thereof in the nearest Post-office, with the postage paid thereon, addressed to the owner or owners of said animals, or if owned by a company, to the President or managing agent of such company, at his or their place of residence. The fee of the Recorder shall be twenty-five cents for filing the notice and fifty cents for serving a copy thereof, as required by the provisions of this section. If the owner of the animals posted by virtue of this Act fails to appear within twenty days thereafter, and prove his property and pay damages to the taker up, as follows: For every sheep the sum of fifty cents, for every hog or goat one dollar, and for other animals mentioned in this Act two dollars per head, also the fees of the Recorder, then the finder of such animals may give notice to any Constable of the county of the posting of such animals.

Fees of Recorder.

If owner fails to appear.

SEC. 3. The Constable notified shall immediately proceed to sell such animals at public sale, in conformity with the law concerning sales on execution; *provided* that said owner or owners may redeem said animals at any time before sale, by paying the aforesaid damages and such costs as may have accrued, to the officers; and *provided* further, that such owner or owners may redeem such animals at any time within six months after such sale, by producing satisfactory evidence of his right thereto, and paying to the purchaser the amount of the purchase money, with fifteen per cent added thereto, together with the necessary expenses incurred by said purchaser in keeping said animals.

Sale of estrays

Redemption.

SEC. 4. The Constable making such sales shall be entitled to the same fees as are provided for by law for sales on executions.

Fees of Constable.

SEC. 5. The Constable making such sales shall pay the surplus in his hands, if any remain after paying costs and damages as above prescribed, to the owner, if he be present and demand the same, and produce satisfactory evidence of his right thereto; and if not, then said Constable shall pay such surplus to the County Treasurer, and take his receipt therefor, which receipt he shall file with the County Recorder. If any person or persons shall, within one year thereafter, prove to the satisfaction of the Board of Supervisors of said county that he or they are entitled to such sum, or any part thereof, said Board of Supervisors shall order such sum to be paid over to such person or persons; and if not so ordered, the same shall become a part of the Common School Fund of said county.

Surplus.

SEC. 6. No sale made by virtue of this Act shall be valid, unless the provisions of section two thereof, in regard to notices, be fully complied with.

No sale valid, unless.

SEC. 7. When more than ten of such animals, belonging to one man, are posted at one time, under the provisions of this Act, the damages for all above that number shall be one-half of that specified in section two of this Act.

SEC. 8. All Acts and parts of Acts in conflict with this Act are hereby repealed, so far as they relate to the County of Santa Cruz; *provided*, that nothing herein contained shall be construed so as to deprive any person of the right to sue and

Repealed.

Proviso.

recover damages for trespass by any animals mentioned in this Act.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAPTER DLXII.

An Act to decrease the expenses of land litigation in the City and County of San Francisco.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Courts to take cognizance.

SECTION 1. That whenever the subject matter of any action pending in any of the Courts of justice within this State is any part or portion of the land within the limits of the City and County of San Francisco, lying east of a line commencing at Seal Rock in said city and county, and running thence south to the southerly line of said city and county, the Courts within which such action is pending shall take judicial cognizance that the same is prima facie a part of the pueblo lands of said city, as confirmed to said city by the decree of the United States Circuit Court for the District of California, and that the same is prima facie not among or part or parcel of any exceptions or reservations mentioned or contained in said decree of confirmation.

Not to prevent.

SEC. 2. Nothing in this Act contained shall be construed to prevent any party to such action from showing affirmatively that the land, the subject matter thereof, is not included within the limits of the land so confirmed as aforesaid to said city, or that the same is among, or part or parcel of any exception or reservation mentioned or contained in said decree of confirmation.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER DLXIII.

An Act in relation to the school lands of the State.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors to report school lands sold.

SECTION 1. The Supervisors of the several counties of this State are hereby required to report to the Surveyor-General of the State, within six months after the passage of this Act, all school lands within their respective counties heretofore sold

under any law of this State, except those sold under the Act of twenty-eight of March, eighteen hundred and sixty-eight; and all lands thus returned, whether unsold or sold, and not paid for, shall be subject to the provisions of said Act of twenty-eight of March, eighteen hundred and sixty-eight; *provided*, that delinquent purchasers of any of such school lands shall have six months after the passage of this Act to make full payment for the lands purchased, and failing to do so, shall be proceeded against as provided for in said Act of March twenty-eight, eighteen hundred and sixty-eight. Delinquent purchasers.

CHAPTER DLXIV.

An Act concerning the term of office of the Supervisors of Santa Cruz County.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The term of office of the Supervisors of Santa Cruz County shall commence on the first Monday in March next succeeding their election. Term of office.

CHAPTER DLXV.

An Act to authorize and require the Board of Supervisors of Yolo County to approve and certify certain claims against Swamp Land District Number Eighteen.

[Approved April 4, 1870.]

WHEREAS, The Board of Supervisors of the County of Yolo, sitting as a Board of Swamp Land Commissioners, did, in the year eighteen hundred and sixty-six, after advertisement, award contracts for the construction of a levee in Swamp Land District Number Eighteen, to the following named persons, to wit: Jackson Wilcoxon, James McDonald, A. G. McCormick, John T. Hall, John T. Russell, all of whom, after having given bonds for the faithful performance of said contracts, proceeded in good faith to execute the same; and whereas, before the completion of said several contracts, the said Board of Supervisors abandoned, as impracticable, the mode of reclamation previously adopted for said district, and gave notice to the parties aforesaid to cease to work thereon, but have neglected and refused to certify to the State Board of Examiners the amount due to said parties, respectively, for the work performed by them under said contracts; now, therefore, Preamble.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Contracts legalized.

SECTION 1. The several contracts made by the Board of Supervisors of Yolo County with the persons named in the preamble to this Act, on the —— day of ——, eighteen hundred and sixty-six, for the building of levee in Swamp Land District Number Eighteen, are hereby legalized and declared valid to the extent to which the same were performed by the parties, respectively, prior to the sixth day of July, eighteen hundred and sixty-eight.

Supervisors to certify amount due.

SEC. 2. Said Board of Supervisors are hereby directed to certify to the State Board of Examiners the amount due to each of said parties under said contracts, as shown by the report of the committee to the Board of Swamp Land Commissioners of Swamp Land District Number Eighteen, July seventh, eighteen hundred and sixty-nine, and now on file in the office of said Board of Supervisors, after deducting warrants issued since the date of said report.

SEC. 3. This Act shall be in force from and after its passage.

CHAPTER DLXVI.

An Act to authorize the Board of Supervisors of Mendocino County to levy an additional tax for the construction of a wagon road from Ukiah to Mendocino City, and to repair and improve the wagon road from Ukiah City to Cloverdale.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special tax for road purposes.

SECTION 1. The Board of Supervisors of Mendocino County are hereby authorized, and at their discretion may levy, for one year, namely, for the fiscal year eighteen hundred and seventy-one, at their next regular meeting subsequent to the passage of this Act, a special tax of thirty cents on each one hundred dollars of the assessable property of said county, for the purpose of constructing that portion of the Big River and Ukiah Road between Ukiah City and the place known as Rice and Hoak's ranch, on the upper Albion River; and one-half the money collected under this Act shall be set apart and held as a special fund for the building of said road last aforesaid, to be used only as herein provided.

Building of road.

SEC. 2. The Board of Supervisors of said county shall ascertain the best, most practicable and direct route between the said points named, that is, between the place of Rice and Hoak's, on the head waters of the Albion River, and Ukiah City, and engage competent parties to build the road between those two points, upon such terms and conditions as they may deem proper, said parties to be paid from said Special Ukiah and Big River Road Fund; always *provided*, however, that said Board

of Supervisors shall not order any warrant to be drawn, payable out of the said special fund, until a good substantial wagon road, suitable and of sufficient width for teaming with wagons drawn by two yoke of cattle or two span of horses, with ascents or descents not to exceed twenty inches to the rod, rise or fall, in any one place, shall have been constructed for the whole length between the said place of Rice and Hoak, on the upper Albion River, and Ukiah City, and until such road shall have been received, after a thorough inspection by said Board of Supervisors. No warrants drawn, until.

SEC. 3. One-third of the money collected under this Act shall be applied by the said Board of Supervisors, under their exclusive direction and control, and according to their best discretion, to the improvement of the road between Ukiah City and the southern boundary of said county, on the route between said Ukiah City and Cloverdale. Improvement of road.

SEC. 4. This Act shall take effect immediately.

CHAPTER DLXVII.

An Act requiring the Board of Education of the City and County of San Francisco to equalize the salaries of the male and female teachers in said schools.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Education of the said city and county are hereby authorized and required to equalize the salaries of the male and female teachers employed by them in said public schools, allowing and paying to female teachers the same amount of money per month for their services as male teachers are allowed and paid for similar services in the same grades and classes of the department. Salaries to be equalized.

SEC. 2 This Act shall take effect and be in force from and after its passage.

CHAPTER DLXVIII.

An Act for the payment of certain claims against the Second Township of the County of San Mateo.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Township Trustees of the Second Township in the County of San Mateo shall inquire into and audit the Claims to be audited and paid.

claims of J. E. Butler and of the estate of J. Q. A. Tilton, deceased, for work, labor and materials upon the public highways in said township done, performed and furnished during the fiscal year eighteen hundred and sixty-eight–nine, and having ascertained the amount thereof, shall include the same in their estimate of road funds to be levied in said township for the year eighteen hundred and seventy; and out of the road fund levied and collected for the year eighteen hundred and seventy the claims so audited shall be paid, in the same manner as the claims allowed and paid out of said fund.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DLXIX.

An Act in relation to sales and conveyances made by the Pacific Savings and Homestead Association.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Sales and conveyances confirmed.

SECTION 1. In all cases of sales and conveyances heretofore made of real estate in the City and County of San Francisco, and purporting to have been made by the corporation known as the Pacific Savings and Homestead Association, through its proper officers for that purpose, and made after the expiration of its term of existence as such corporation, to the owner or owners of shares in the capital stock therein, such sales and conveyances are hereby ratified, confirmed and made valid and sufficient in law to transfer all the title which said association had attained prior to the termination of its existence, to all intents and purposes, and with the same effect, as the same could or would have done if such sales and conveyances had been made during the existence of said association as a corporation.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DLXX.

An Act amendatory of an Act entitled an Act supplementary and amendatory of an Act entitled an Act to authorize the County of Placer to subscribe to the capital stock of the Central Pacific Railroad Company of California, and to provide for the payment of the same, and other matters relating thereto, approved March thirty-first, eighteen hundred and sixty-six.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Supervisors may sell or exchange stock.

Section 1. The Supervisors of the County of Placer are hereby authorized and empowered to sell and dispose of any or all of the stock, held or owned by said county, in the Central Pacific Railroad Company of California, upon such terms and conditions as shall to said Board of Supervisors, to be declared by a unanimous vote thereof, be deemed expedient and for the best interest of said county; *provided*, that said sale shall be for cash and in gold coin of the United States, or in exchange of said stock or portions thereof for the railroad bonds of said county issued in payment thereof, upon such terms and conditions, to be declared in the manner aforesaid, as shall be deemed expedient by said Board for the best interest of said county; and *provided* further, that the power hereby granted to said Board shall not be exercised after the first Monday of September, A. D. one thousand eight hundred and seventy-one, except with the restrictions that thereafter said Board shall have power to sell and dispose of said stock at its full par value for cash, to be paid in gold coin, as aforesaid, or by exchange thereof for the railroad bonds of said county, upon such terms as to fully liquidate and discharge all the then outstanding railroad bonds of said county, together with the unpaid interest coupons thereto attached or belonging, or by exchanging of portions of said stock at its par value for portions of said bonds at their par value, upon such terms that the amount of said bonds, reckoning the principal sums expressed therein only, which shall also retain the interest coupons then remaining unpaid, shall equal the par value of the stock of the county so exchanged.

SEC. 2. Section five of said Act is hereby amended so as to read as follows:

Committee to attend meetings.

[Section 5] Section seventeen of said Act is hereby amended so as to read as follows: Section 17 The said Board of Supervisors shall have authority to authorize a committee of any one or more of their number, or any other person or persons, to attend all meetings of the stockholders of said company, and to cast all votes representing the capital stock so subscribed and held by said county, and generally and at all times to do and perform any and every act and thing relating to said stock and the rights, privileges and obligations of said county as a stockholder of said railroad company, as fully and in the same manner, and with the same legal effect, as might or could be done or performed by any other stockholder in said company, except only to sell, dispose of, pledge, hypothecate, or in any manner to encumber said stock or any portion thereof.

SEC. 3. Section three of said Act is hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER DLXXI.

An Act concerning the Insane Asylum of the State of California.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Directors of Insane Asylum.

SECTION 1. The Board of Directors of the Insane Asylum of this State shall hereafter consist of five persons, who shall be elected by the Legislature in joint convention. Of said Directors, two shall be elected to hold office for the term of four years, two for the term of two years, and one for the term of one year. At the expiration of the several terms of office of the said Directors hereinbefore provided for, their successors shall be appointed by the Governor and they shall hold office for the term of four years. Such term of office, whether it be then filled or not, shall commence with the expiration of the term of his or their predecessor. All vacancies occurring in said Board shall be filled by appointment by the Governor; but any person appointed to fill a vacancy shall be appointed only for the unexpired term of his predecessor.

Oath of office

SEC. 2. The Directors provided for by the preceding section shall qualify by taking the usual oath of office and enter upon their duties within thirty days after their election or appointment.

Powers and duties of Directors.

SEC. 3. The Board of Directors shall be known by the name and style of the Board of Directors of the Insane Asylum of the State of California, and by that name they and their successors shall be known in law, may sue and be sued in any of the Courts of this State, and may receive, take and hold property, both real and personal, in trust for the State, for the use and benefit of said asylum. They shall have power to govern, manage and administer the affairs of said asylum, and may make and adopt by-laws for their own government and the government of said asylum, not repugnant to the laws of the United States or of this State. The Board of Directors shall cause to be kept a full and correct record of their proceedings, which shall be open at all times to the inspection of any citizen desiring to examine the same. They shall hold stated meetings at the asylum monthly, and a majority of the Board shall constitute a quorum for the transaction of business. They shall make a thorough inquiry into all the departments of labor and expense, and a careful examination of the buildings, property and general condition of the asylum. They shall submit to the Governor, biennially, on or before the first day of November next preceding the regular session of the Legislature, a report showing the receipts and expenditures, the general condition of the asylum, the number of patients under treatment during the two preceding years, and such other matters touching the general affairs of the asylum as they may deem advisable. The Board of Directors, at their first meeting, shall proceed to elect a Medical Superintendent and three Assistant Physicians, who

shall each hold his office for four years, and until his successor is elected and qualified.

Treasurer.

SEC. 4. The Board of Directors shall elect a Treasurer, who shall not be of their number, and who shall hold his office for the term of two years and until his successor is elected and qualified. Before entering upon his duties, the Treasurer shall qualify by taking the usual oath of office, and shall give bond, with good and sufficient sureties, in a sum not less than thirty thousand dollars, payable to the people of the State of California, to be approved by the Board of Directors, and conditioned for the faithful performance of his duties according to law, and for the delivery to his successor of all books, papers, vouchers, moneys and effects held by him by virtue of his office. The Board of Directors may increase the amount of the bond of the Treasurer, and may require additional surety at any time. The Treasurer shall act as the Secretary of the Board of Directors and have charge of their books and accounts, and he shall render to the State Board of Examiners, monthly, a detailed statement, under oath, of the expenses of the preceding month, and shall perform such other duties as the Board of Directors may require. He shall have a yearly salary of six hundred dollars, payable quarterly out of any moneys appropriated to the use of the asylum.

Not to be interested in contracts.

SEC. 5. The Directors shall not, nor shall either of them, be either directly or indirectly interested in any contract or contracts for supplies furnished the asylum. They shall receive as their compensation ten dollars per day each for every day while in attendance at or in going to the meetings of the Board, payable out of any moneys appropriated to the use of the asylum; *provided*, that the sum paid to each member shall not exceed one hundred and thirty dollars per annum.

Medical Superintendent.

SEC. 6. The Medical Superintendent shall be a graduate in medicine and shall have practiced his profession at least five years from the date of his diploma. He shall receive an annual salary of three thousand five hundred dollars, payable quarterly out of any money appropriated by law for the use of the asylum. He shall be provided by the Board of Directors with suitable apartments within the asylum grounds and supplied with provisions, light, fuel and household furniture, sufficient for himself and family, if he has one.

Powers and duties.

SEC. 7. The Medical Superintendent shall be the chief executive officer of the asylum. He shall have the sole control of the patients, prescribe their treatment and adopt such sanitary measures as he may think best. He shall appoint, with the consent of the Board of Directors, as many attendants and assistants as he may think proper and necessary for the efficient and economical care and management of the asylum and its inmates; prescribe the duties of the attendants and assistants; fix, with the consent of the Board of Directors, their compensation, and discharge any of them, with the consent of the Board of Directors. He shall estimate, quarterly in advance, the probable expenses of the asylum, and submit the same to the Directors, at their stated meetings, for their consideration and approval. The Controller of State is hereby directed and authorized to draw his warrant for the amounts thus ascer-

tained and approved by the Board of Directors, in three equal sums, in favor of the Board of Directors, to be drawn monthly, and the Treasurer is hereby authorized and directed to pay the same out of any moneys provided by law for the use of the asylum. The Medical Superintendent shall ascertain, as nearly as he can, and report to the Board of Directors, the amount, character and quality of provisions, fuel and clothing required for the six months ending on the first day of May and November of each year; and the Board of Directors shall then advertise for contracts for furnishing such supplies, for three successive weeks, in one newspaper in each of the Cities of Stockton, Sacramento and San Francisco. The contract or contracts shall be awarded to the lowest bidder or bidders, upon their giving to the Board of Directors satisfactory security for the faithful performance of the same. Necessary expenditures, other than those for provisions, fuel and clothing, may be made by the Medical Superintendent, subject to the approval of the Board of Directors. The Medical Superintendent shall cause to be kept full and correct accounts and records of his official transactions, from day to day, in books provided for that purpose, in the mode prescribed in the by-laws. He shall see that all his accounts are fully made up to the first day of October of each year, and shall submit his annual report to the Board of Directors as soon thereafter as practicable. He shall live within the asylum grounds and shall not engage in private practice, but shall be at all times in attendance at the asylum, unless he obtain leave of absence from the President of the Board of Directors. Before entering on the duties of his office he shall qualify by taking the usual oath of office, and give bond, with sufficient surety to be approved by the Board of Directors, payable to the people of the State of California, in such sum as the Board of Directors may require, conditioned for the faithful performance of his duties according to law, and the rules and regulations of the by-laws.

Assistant Physicians.

SEC. 8. The Assistant Physicians provided for in section three of this Act shall be graduates in medicine. They shall perform such duties as may be directed by the Medical Superintendent or prescribed by the by-laws. They shall reside within the asylum grounds, and shall be supplied with fuel, provisions, light and household furniture, sufficient for themselves and families, if they have any. They shall not engage in private practice, but shall be in attendance at all times at said asylum, except when they may obtain leave of absence from the Board of Directors. The Senior or First Assistant Physician shall perform the duties, and be subject to the responsibility, of the Medical Superintendent, during his sickness or absence. He shall have an annual salary of twenty-five hundred dollars, payable in the same manner, and from the same fund, as the Medical Superintendent is paid. The Junior or Second Assistant Physicians shall have the same salary, to be paid in like manner as that herein provided for the Senior or First Assistant Physician.

SEC. 9. The Board of Directors shall have power to expel the Treasurer for sufficient cause.

SEC 10. The Board of Directors shall have power to remove any employé.

SEC. 11. The Judge of any Court of record in this State shall, upon application under oath, setting forth that a person, by reason of insanity, is dangerous to be at large, cause such person to be brought before him, and he shall summon to appear at the same time and place two or more witnesses, who well know the accused during the time of the alleged insanity, who shall testify under oath as to conversation, manners and general conduct upon which said charge of insanity is based, and shall also cause to appear before him at the same time and place two graduates in medicine, before whom the Judge shall examine the charge, and if, after a careful hearing of the case and a personal examination of the alleged insane person, the said physicians shall certify on oath that the person so examined is insane, and that the case is of a recent or curable character, or that the said insane person is of a homicidal, suicidal or incendiary disposition, or that from any other violent symptoms the said insane person would be dangerous to his or her own life, or to the lives or property of the community in which he or she may live, and if said physicians shall also certify to the name, age, nativity, residence, occupation, length of time in this State, State last from, previous habits, premonitory symptoms, apparent cause and class of insanity, duration of the disease and present condition, as nearly as can be ascertained by inquiry and examination, and if the Judge shall be satisfied that the facts revealed in the examination establish the existence of the insanity of the person accused, of a recent or curable nature, or of a homicidal, suicidal or incendiary character, or from the violence of the symptons the said insane person would be dangerous to his or her own life, or to the lives or property of others, if at large, he shall direct the Sheriff of the county, or some suitable person, to convey to and place in the charge of the officers of the Insane Asylum of this State, such insane person, and shall transmit a copy of the complaint, commitment and physicians' certificate, which shall always be in the form as furnished to the Courts by the Medical Superintendent of the Insane Asylum; and the person taking such insane person to the Insane Asylum shall be allowed therefor the same fees as are allowed by law to the Sheriff in such cases, to be paid in like manner, and the physicians attending the examination aforesaid shall be allowed by the Board of Supervisors of the county in which the examination is had, five dollars each; *provided*, that no case of idiocy or imbecility, or simple feebleness of mind or old cases of demented, or other class of old, incurable and harmless insanity, shall be maintained at, nor shall any case of delirium tremens be admitted into the asylum.

Proceedings for commitment of insane persons.

Fees.

SEC. 12. All the duties which the Judge of record is authorized by this Act to perform, may be performed in like manner and with like effect by the Probate Judge of the City and County of San Francisco.

SEC. 13. The Judge of record shall inquire into the ability of insane persons, committed by him to the asylum, to bear the actual charges and expenses for the time that such persons may remain in the asylum. In case an insane person committed to

Maintenance of insane.

Maintenance of insane.

the asylum under the provisions of this Act shall be possessed of real or personal property sufficient to pay said charges and expenses, the Judge shall appoint a guardian for such person, who shall be subject to all the provisions of the general laws of this State in relation to guardians, as far as the same are applicable; and, when there is not sufficient money in the hands of the guardian, the Judge may order a sale of the property of such insane person, or so much thereof as may be necessary; and from the proceeds of such sale the guardian shall pay to the Board of Directors the sum of fifteen dollars each month, quarterly in advance, for the maintenance of such insane ward, and he shall also pay out of the proceeds of such sale, or such other funds as he may have belonging to his ward, for such clothing as the Medical Superintendent shall from time to time furnish to such insane person; and he shall also give a bond, with good and sufficient sureties, payable to the Board of Directors, and approved by a Judge of record, for the faithful performance of the duties required of him by this Act, as long as the property of his insane ward in his hands be sufficient for that purpose. Indigent insane persons having kindred in this State in the degree of husband, father, mother or children, of sufficient ability, said kindred shall support such indigent insane persons to the extent as in this section before provided. It shall be the duty of the Judge to inquire and determine whether such kindred reside in this State, and if so, he shall require from them the execution of a bond in the same manner and to the same extent as in the case of a guardian for an insane person, except that it shall be joint and several. The Board of Directors shall furnish such blank bonds as are required by this section, to the several County Judges in this State, and to the Probate Judge of the City and County of San Francisco. A breach of any bond provided for in this Act may be prosecuted in the District Court of any county in this State in which any one of the obligors may reside; and the same shall be prosecuted by the District Attorney of the county in which the action shall be brought, and shall be conducted throughout and the judgment enforced as in a civil action for the recovery of a debt. Should there remain in the hands of the Board of Directors, or their Treasurer, at the time an insane person is discharged, any money unexpended, paid by his guardian or kindred, the same shall be refunded on demand; *provided*, that the Board of Directors shall not be required to refund any such money for a fraction of a month; but upon the death of an insane person, after paying the ordinary burial expenses, the remainder of any moneys received from the guardian, or on deposit with the Board of Directors or their Treasurer, shall be refunded to the person or persons thereto entitled, on demand. Any moneys found on the person of an insane person at the time of arrest shall be certified to by the Judge and sent with such person to the asylum, there to be delivered to the Medical Superintendent, who shall deliver the same to the Treasurer, to be applied to the payment of the expenses of such person while in the asylum. The kindred or friends of an inmate of the asylum may remove such inmate therefrom on their giving satisfactory evidence to the Judge of

Removal.

the Court issuing the commitment that they or any of them are capable and suited to take charge of and give proper care to such insane person, and give protection against any of his acts as an insane person. If such satisfactory evidence appear to the Judge, he may issue an order, directed to the Medical Superintendent of the asylum, for the removal of such person, but the Medical Superintendent shall reject all other orders or applications for the release or removal of any insane person; and if, after such removal, it is brought to the knowledge of the Judge, by verified statement, that the person thus removed is not properly cared for, or is dangerous to persons or property by reason of such want of care, such person shall be recommitted to the asylum, as in the first instance.

Insane persons from other States.

SEC 14. Insane persons not citizens of this State may be committed to the asylum, on such legal proceedings being first had as are required in this Act, and on bond being given as herein provided, [and] on no other conditions. But no indigent insane person, a citizen or resident of any other State or Territory, shall be committed to said asylum, unless the Government of the State or Territory, or the Supervisors of the county of which such insane person is a citizen or resident, shall pay to the Board of Directors of the asylum twenty-five dollars per month, quarterly in advance, and supply suitable clothing for such person for the first quarter, and become bound, by a valid obligation in writing, for all subsequent quarterly payments at the same rate, and also for the supply of necessary clothing.

Discharge or recovery.

SEC. 15 Whenever any insane person, committed to the asylum under the provisions of this Act, shall have recovered his right mind, he shall be discharged therefrom.

Terms of office of incumbents.

SEC. 16. The term of office, duties, powers, privileges, pay and emoluments of any incumbent of the offices of Resident Physician, Assistant Physicians, Directors or Treasurer of the said Insane Asylum, holding said offices by virtue of any Act heretofore passed, or otherwise, shall cease and determine upon the respective elections of Directors, or Medical Superintendent, Assistant Physicians and Treasurer of said Insane Asylum under the provisions of this Act.

SEC. 17. All other Acts and parts of Acts relating to the Insane Asylum of this State, or to the management thereof, are hereby repealed.

SEC. 18. This Act shall take effect thirty days after its approval.

CHAPTER DLXXII.

An Act to amend section nine of an Act entitled an Act to amend an Act entitled an Act amendatory of article fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said article four, approved the twenty-fifth day of April, eighteen hundred and sixty-two, approved March twenty-sixth, A. D. eighteen hundred and sixty-eight.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of said Act is hereby amended so as to read as follows:

Duties of Superintendent.

Section 9. The said Superintendent shall keep a public office in some convenient place, to be designated by the Board of Supervisors; and his office shall be kept open as in this Act required. He shall not, during his continuance in office, follow any other profession or calling, but shall be required to devote himself exclusively to the duties of his office. He shall be allowed not more than eleven deputies, to be by him appointed from time to time. Three of said deputies shall receive a salary of two hundred dollars per month each, and four of said deputies shall receive a salary of one hundred and fifty dollars per month each, and four of said deputies shall receive a salary of one hundred and twenty-five dollars per month each. It shall be lawful for the said deputies to perform all or any of the duties conferred by this Act upon the Superintendent of Public Streets and Highways, under the direction of the said Superintendent, except the acceptance or approval of work done. The Superintendent of Public Streets and Highways, or his deputies, shall superintend and direct the clearing of all sewers in the public streets, and the expense of the same shall be paid out of the Street Department Fund, in the same manner as provided for the improvements of streets that have been finally accepted, as in this Act provided.

Deputies.

Salaries.

SEC. 2. All Acts and parts of Acts, so far as they conflict and are inconsistent with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER DLXXIII.

An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of the Act the title of which is recited in the title of this Act, is hereby amended so as to read as follows, viz:

Section 8. The Register of the State Land Office shall receive a salary of two thousand dollars per annum, payable the same as other State officers are paid, and he shall be entitled to demand and receive the following fees: For each certificate of purchase, duplicate or patent, three dollars; for certifying a contested case to District Court, ten dollars; for copies of papers in his office, fifteen cents per folio, and fifty cents for the certificate with the seal attached, and such other fees as may be allowed by law. All fees received by the Register shall be disposed of as provided in section fifty-five of this Act.

Salary of Register.

Fees.

How disposed of.

SEC. 2 Section twelve of said Act is hereby amended so as to read as follows, viz:

Section 12. It shall be the duty of the Surveyor-General, whenever application shall be made to him as hereinafter provided, for any portion of the lands described in the preceding section, to communicate immediately with the proper United States Land Office, and ask that the lands described in the application shall be accepted in part satisfaction of the grant under which it is sought to be located; and when the acceptance of the Register of the United States Land Office shall have been obtained, he shall give to the party applying, a certificate, which shall authorize the County Treasurer of the county in which the lands are situated, to receive payment thereon; *provided*, that in cases where the townships have not been subdivided, but township and other lines have been established so as to clearly show that a tract of land is included in any thirty-sixth section, and the parties applying for the same make affidavit that there is no legal claim to the same other than his or their own, and that the same is not occupied by any bona fide settler, the Surveyor-General may approve such locations, without the acceptance of the Register of the United States Land Office, and the Register of the State Land Office may issue certificate of purchase for the same; *provided*, the State shall in no manner be held responsible for damages, should the title prove defective, and that no patent shall be issued by the State until the location shall have been approved by the United States.

Duty of Surveyor-General, when lands applied for.

Defective title.

SEC. 3. Section twenty-three of said Act is hereby amended so as to read as follows, viz:

Section 23. Whenever any survey or location of any State lands shall have been made or approved by the Surveyor-General, the purchaser shall, within fifty days from the date of said

Purchaser to make payments.

approval or location, present his copy of the same to the County Treasurer, who shall thereupon receive the amount, whether in full or in part, so provided by law, and the fee for the certificate of purchase, indorsing his receipt therefor upon the back of the said certificate of location or survey, which shall then be returned to the purchaser; and in case said payment is not made within said fifty days, the land described in said survey or location shall revert to the State without suit, and said survey or location shall be and become null and void. All subsequent payments, whether of the balance of the principal or of the interest thereon, shall be paid to the County Treasurer in like manner, who shall indorse the same upon the back of the certificate of purchase. The Treasurer shall also direct the purchaser to take said certificate of location, or purchase, or survey so indorsed, to the Auditor, who shall charge the amount named therein to the account of the Treasurer, and make his check upon the indorsed receipt so charged.

In case of non-payment.

SEC. 4. Section fifty-three of said Act is hereby amended so as to read as follows, viz:

Occupants of 16th and 36th sections to file applications.

Section 53. Every occupant of a sixteenth or thirty-sixth section shall be protected in his or her occupancy for six months after the passage of this Act; and after the expiration of that time, any person settling upon a sixteenth or thirty-sixth section shall have sixty days after such settlement in which to file the application required in the preceding section. All applications filed in the Surveyor-General's office prior to the expiration of said six months, shall be retained until the end of that time before approval; and after the expiration of said six months, all applications shall be retained in said office for sixty days before approval If two or more shall claim the same land, the contest shall be determined as provided in section seventeen of this Act, but no person shall have a right to purchase by reason of any settlement or improvement, unless application shall have been made within the time above prescribed. Whenever any resident of the State desires to purchase any of the other lands mentioned in section fifty-one of this Act, except the sixteenth and thirty-sixth sections, he or she shall make an affidavit before any officer authorized to administer oaths, that he or she is a citizen of the United States (or, if a foreigner, then that he has filed his intention of becoming a citizen), a resident of the shall be forwarded to the Surveyor-General.

Applicants for other lands.

SEC. 5. Section fifty-five of said Act is hereby amended so as to read as follows, viz:

Fees.

Section 55. Each application for lands under the provisions of this Act shall be accompanied by a fee of five dollars. The Surveyor-General, in addition thereto, shall demand and receive the same fees allowed the Register of the State Land Office for like service. The Surveyor-General shall use said fees so collected by him, so far as necessary, in defraying the expenses of procuring maps, records, documents and extra assistance needed either by the Surveyor-General or the Register of the State Land Office, and shall pay the residue thereof into the State treasury, and shall give a correct statement of said expenditures in his biennial report to the Governor.

How to be applied.

SEC. 6. Section fifty-eight of said Act is hereby amended so as to read as follows, viz:

Section 58. All persons who have purchased any portion of either of the grants mentioned in the preceding section, on a credit, are hereby required to pay the principal and any interest that may be due within one year after the passage of this Act. All amounts remaining unpaid at the end of that time shall be included in the delinquent list provided in section six of this Act, and the District Attorney shall proceed against such delinquents as provided in sections sixty-five, sixty-six, sixty-seven and sixty-eight of this Act; and if such lands revert to the State, they shall be under the control of the Board of Regents of the University, who shall dispose of the same in such manner and at such prices as they may deem best. Delinquent purchasers. If lands revert to State.

SEC. 7. Section sixty of said Act is hereby amended so as to read as follows, viz:

Section 60. The Board of Directors of the Agricultural, Mining and Mechanical Arts College, or such corporations as may be appointed by law to succeed them, shall have power to order the selection of the grant of one hundred and fifty thousand acres of land granted to the State for the use of an agricultural college, and dispose of the same at such price and in such manner as they shall deem best for the interests of the college, and it shall be the duty of the Land Agent of the University, as the agent of the State, to select the lands in the United States Land Offices, according to the instructions of said Board or corporation, and it shall be the duty of the said Land Agent to issue certificates of purchase and patent to purchasers who comply with the conditions ordained by the said Board or corporation, in the manner prescribed in sections four and five of this Act; and the said Board or corporation shall invest any and all moneys accruing from the sale of said lands as they shall deem best, subject only to the conditions of the Act of Congress granting said lands. Lands for Agricultural College. Duty of Land Agent of the University.

SEC. 8. Section sixty-three of said Act is hereby amended so as to read as follows, viz:

Section 63. In the event of any of the lands sold by the State proving to be within the boundaries of a grant, or otherwise not the property of the State, the holder or assignee of the certificate of purchase or patent shall be entitled to receive in exchange therefor a certificate from the Register of the State Land Office that such amount has been paid. This certificate shall specify the kind or class of land upon which the said amount was paid, and the Controller of State, upon the presentation and surrender to him of said certificate, shall draw his warrant upon the Treasurer of State, or upon the County Treasurer of the county wherein the land is situated, if the same is swamp land, in favor of the owner and holder of said certificate, for the amount therein specified, payable out of the proper fund, and the Treasurer of State shall pay said warrant drawn in pursuance of the provisions of this section. Land sold, when not State property.

Section seventy is hereby amended as follows:

Section 70. All the swamp and overflowed, salt marsh and tide lands within one mile of the State Prison at San Quentin, within five miles of the City and County of San Francisco, within Lands excluded

five miles of the corporate limits of the City of Oakland, and within two miles of any town or village, are hereby excluded from the provisions of this Act; *provided*, that this Act shall not be construed to authorize the sale of any land below low tide.

Repealed.

SEC. 9. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed, and this Act shall take effect from and after its passage.

CHAPTER DLXXIV.

An Act for the relief Caleb Dorsey, District Attorney of Tuolumne County.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of eleven hundred and sixty-one dollars and twenty-seven cents is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, to pay Caleb Dorsey, District Attorney of Tuolumne County, it being the amount of percentage due him for obtaining judgment on the official bond of Thomas Norwood, late Treasurer of Tuolumne County, in the suit of People of the State of California vs. Thomas Norwood et al, in District Court in and for Tuolumne County; and the Controller of State is hereby authorized and directed to issue his warrant for said sum, to Caleb Dorsey or his assigns, and the Treasurer of State to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER DLXXV.

An Act supplementary to an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth (28), *eighteen hundred and sixty-eight* (1868).

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Preferred purchasers.

SECTION 1. All settlers upon the swamp and overflowed lands belonging to the State, whose settlement is evidenced by actual inclosure, or by ditches, plough furrows or monuments, showing clearly the metes and bounds of their possessory claim, and the same are occupied for purposes of tillage or grazing,

are hereby recognized as possessing an equitable claim to the land so inclosed or occupied by them, within the true intent and meaning of the Act to which this is supplementary, and are declared preferred purchasers for such lands to the extent of such inclosure or occupancy, within the limits of time hereinafter set forth; and the County Surveyor shall return surveys of such settlers in accordance with the lines of their possessory claims, connecting the same with the United States surveys.

No title issued until lands segregated.

SEC. 2. The Surveyor-General of the State shall not approve nor shall the Register of the State Land Office issue title for any swamp and overflowed land, until six months after the same shall have been segregated by authority of the United States, or of the State, by legislative enactment; and for ninety days after the filing of plats showing said line of segregation in the United States Land Office for the district in which the land is situate, the settlers possessing equitable claims under section one of this Act shall be deemed preferred purchasers and shall file their applications for survey of their possessory claims with the County Surveyor of the county in which the land is situate, within the said ninety days.

Not to apply.

SEC. 3. The provisions of this Act shall not apply to any lands within the limits of the County of San Francisco, or within five miles of the exterior boundaries of said county.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER DLXXVI.

An Act to re-district the County of Los Angeles into supervisor districts, and provide for the election of Supervisors therefor.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows.

Supervisor districts.

SECTION 1. The County of Los Angeles is hereby divided into four (4) supervisor districts, which shall be known and designated as follows: District Number One (1) shall consist of the City of Los Angeles and the Precincts of Ballona, San Fernando and Soledad, from which shall be elected, from among the actual resident citizens of said district, at the next general election, and every two (2) years thereafter, two (2) Supervisors; District Number Two (2) shall consist of the Precincts of San Pedro or Wilmington, Silver Precinct and Halfway House, and such other precincts as may hereafter be created in or form a part or parts of said precincts, from which shall be elected, from among the actual resident citizens of said district, at the next general election, and every general election thereafter, one Supervisor; District Number Three (3) shall consist of the Precincts of El Monte, San José Azusa, San Gabriel Mission and Old Mission, and such other precincts as may hereafter be created out of any part or parts of said precincts, from which

District No. 1

District No. 2

District No. 3

shall be elected, from among the actual resident citizens of said district, at the next general election, and every two (2) years
District No. 4 thereafter, one Supervisor; District Number Four (4) shall consist of the Precincts of San Juan Capistrano, Santa Anna, Anaheim and Los Nietos, and such other precincts as may hereafter be created out of any part or parts of said precincts, from which shall be elected, from among the actual resident citizens of said district, at the next general election, and every two (2) years thereafter, one Supervisor.

Term of office. SEC. 2. All Supervisors elected under the provisions of this Act shall qualify and take their respective offices at the time fixed by law for the other county officers elected at the general election, and shall hold their office for two (2) years and until their successors are elected and qualified, and shall be voted for by the electors of and in their respective districts, in said
Election. County of Los Angeles, and at any general election held in said county; the five persons voted for, for Supervisors, having the highest number of votes cast in their respective districts, shall be deemed the duly elected Supervisors of said county, and be entitled to qualify as such; *provided*, always, that no two Supervisors shall be elected from the same district, except in District Number One (1), composed, as aforesaid, of the City of Los Angeles and Precincts of Ballona, San Fernando and Soledad, from which two Supervisors shall be elected; and *provided*, that the persons elected Supervisors shall be actual resident citizens
Vacancies. of the district they are elected to represent; and *provided* further, that in the event of the death or permanent removal of any Supervisor from the district in which he resided at the time of his election, his office, as a member of said Board of Supervisors, shall be by said Board declared vacant, and an election be ordered at once by the said Board of Supervisors, to fill such vacancy or vacancies. The said Board shall give at least ten (10) days notice of such election, by causing notices thereof to be posted in each precinct of the district where the vacancy or vacancies have occurred, and by publishing a similar notice in some newspaper published in Los Angeles County, at least ten (10) days prior to said election.

SEC. 3. The present Board of Supervisors of the said County of Los Angeles shall hold office until their successors are elected and qualified, under the provisions of this Act.

Repealed. SEC. 4. An Act entitled an Act to re-district the County of Los Angeles, approved March twenty-eighth, eighteen hundred and sixty-eight, and all other Acts or parts of Acts in conflict with the provisions of this Act, are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAPTER DLXXVII.

An Act to authorize Frederick B. Lewis, his heirs or assigns, to institute proceedings to recover certain real estate of James M. Lewis, deceased, escheated to the State of California.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

May prosecute claim for recovery of certain real estate.

SECTION 1. The right is hereby granted to Frederick B. Lewis, his heirs or assigns, to appear and prosecute his claim for the recovery of certain real estate of James M. Lewis, deceased, described in a certain judgment entered in favor of the State of California, on the fifth day of October, Anno Domini eighteen hundred and sixty-four, declaring the estate of the said James M. Lewis, deceased, to have escheated to the State of California, said judgment being obtained in an action brought in the District Court of the Thirteenth Judicial District of said State, in and for the County of Stanislaus. The right is hereby granted to the said Frederick B. Lewis, his heirs and assigns, to prosecute his claim in the mode and manner prescribed in section five of an Act entitled an Act concerning escheated estates, approved May fourth, eighteen hundred and fifty-two, in the same manner and with like effect, in all respects, as if the proper proceedings to recover said property had been instituted by said Frederick B. Lewis, his heirs or assigns, within five years after the rendition of said judgment declaring, as aforesaid, the said property to have escheated to the State of California; *provided*, that such proceedings shall be commenced within six months from the passage of this Act.

Mode of prosecution.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DLXXVIII.

An Act concerning foreign corporations.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To designate some person upon whom process may be served.

SECTION 1. Every corporation heretofore created by the laws of any other State, and doing business in this State, shall, within one hundred and twenty (120) days after the passage of this Act, and any corporation hereafter created and doing business as aforesaid, within sixty (60) days from the time of commencing to do business in the State, designate some person residing in the county in which the principal place of business

of said corporation in this State is, upon whom process issued by authority of or under any law of this State may be served; and within the time aforesaid, shall file such designation in the office of the Secretary of State, and a copy of such designation, duly certified by said officer, shall be evidence of such appointment; and it shall be lawful to serve on such person so designated, any process issued as aforesaid; such service shall be made on such person in such manner as shall be prescribed in case of service required to be made on foreign corporations, and such service shall be deemed to be a valid service thereof.

If designation not made.

SEC. 2 In all cases where such designation shall not be made as aforesaid, it shall be lawful to serve such process on any person who shall be found within this State acting as the agent of said corporation or doing business for them.

Service.

SEC. 3. Service made in accordance with any provisions of this Act shall be as effectual as if made in the form and manner required by law, and shall be deemed a full compliance with any statute requiring personal or other service to be made.

"Process," how construed

SEC. 4. The term "process" in this Act, shall be held and deemed to include any writ, summons or order whereby any action, suit or proceeding shall be commenced, or which shall be issued in or upon any action, suit or proceeding, by any Court, officer or magistrate.

Service of process by Sheriff.

SEC. 5. When any process shall be delivered to the Sheriff for service upon a foreign corporation, it will be his duty to execute it, whether such corporation has, in pursuance of the foregoing provisions, designated any person on whom such service may be made, or not; and if he find that such designation has been made, he shall make such service of such process upon him, in the same manner as if he was an officer of the corporation within the State. If no such designation has been made, he may then make the service in like manner upon any person in his county, acting as agent of such corporation or doing business for them; and his return of such service shall show that the person served has been designated by such corporation, on whom process against such corporation might be served. If no person has been so designated, and the service is made upon an agent or party doing business for the corporation, the return should show that no person had been so designated, and that the person upon whom the service was made was acting as agent for said company within this State, or that he was doing business for it, as the fact may be.

CHAPTER DLXXIX.

An Act to aid in giving effect to an Act of Congress relating to the Southern Pacific Railroad Company.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

May change line of railroad.

SECTION 1. Whereas, by the provisions of a certain Act of Congress of the United States of America, entitled an Act granting lands to aid in the construction of a railroad and telegraph line from San Francisco to the eastern line of the State of California, approved July twenty-seventh, eighteen hundred and sixty-six, certain grants were made to, and certain rights, privileges, powers and authority were vested in and conferred upon the Southern Pacific Railroad Company, a corporation duly organized and existing under the laws of the State of California; therefore, to enable the said company to more fully and completely comply with and perform the requirements, provisions and conditions of the said Act of Congress, and all other Acts of Congress now in force or which may hereafter be enacted, the State of California hereby consents to said Act; and the said company, its successors and assigns, are hereby authorized and empowered to change the line of its railroad so as to reach the eastern boundary line of the State of California by such route as the company shall determine to be the most practicable, and to file new and amendatory articles of association: and the right, power and privilege is hereby granted to, conferred upon and vested in them, to construct, maintain and operate, by steam or other power, the said railroad and telegraph line mentioned in said Acts of Congress, hereby confirming to and vesting in the said company, its successors and assigns, all the rights, privileges, franchises, power and authority conferred upon, granted to or vested in said company by the said Acts of Congress and any Act of Congress which may be hereafter enacted.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DLXXX.

An Act to provide for the construction and maintenance of toll roads within the State of California.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

When parties desire to construct a toll road.

SECTION 1. Any three or more persons, desiring to construct and maintain a toll road within or through any one or more of the counties of this State, shall make, sign and acknowledge,

before some officer authorized to take the acknowledgments of deeds, a certificate in which shall be stated—

First—That it is their desire and intention to construct and maintain a toll road.

Second—The name by which such toll road is to be known.

Third—The termini of such road, naming the county or counties within which the same is to be constructed, and describing generally the route thereof.

Fourth—The name of the company, the place where the office is to be located, the names of the persons who shall manage the affairs of the corporation for the first year, the amount of its capital stock and the number of shares into which the same is to be divided; and

Fifth—A diagram shall be inserted in or attached to the certificate and referred to as the route of the proposed road.

Filing of certificate.

Upon filing such certificate with the County Clerk of the county where the office is to be located, and upon filing a certified copy thereof with the Secretary of State, the persons named in such certificate shall become a body corporate, with the right and authority to construct and maintain a toll road within the county or counties and upon the route in the certificate specified.

Notice.

SEC. 2. From the time of the filing of the certificate aforesaid in the County Clerk's office, all persons shall be deemed to have notice of the contents thereof, and the right of the corporation to the route for a road, as shown by the diagram, shall become vested; *provided*, when such route extends into two or more counties, the filing of such certificate shall only operate as such notice in the county wherein the same is filed, but a certified copy thereof filed in the County Clerk's office of any other county included in such diagram, shall, from the date of filing thereof, operate as notice with the same force and effect as herein provided; *provided* further, the work of the construction of said road shall be commenced within thirty days from the time of the filing of the certificate, and shall be prosecuted with reasonable dispatch until completed, otherwise the filing and recording of the certificate shall cease to be notice to third persons.

When route extends into other counties.

Commencement of work.

SEC. 3. Upon complying with the provisions of this Act, the corporation shall have the right to maintain a toll road over the route and between the termini mentioned in the certificate; *provided*, it shall be lawful for such corporation to make divergence from the strict line of route prescribed in their certificate, for more available ground, without forfeiting any right; and *provided* further, said road may be constructed in sections or divisions. and rates of toll fixed upon such sections or divisons, and collected accordingly. Upon the completion of such road, or of sections thereof, the corporation shall be entitled to charge and collect tolls from all persons who may travel upon or use the same, at such rates as may be fixed; but all tolls shall be uniform and operate equally on the same class of animals, teams and wagons, and shall be legibly painted, written or printed on a bulletin board exposed to public view at each toll gate; and it shall not be lawful for such corpora-

Change of route.

When toll may be collected.

tion to commute tolls to any person or persons on more favorable terms than to any other person or persons. Any person, as toll gate keeper or otherwise, who shall demand or collect from any person or persons, as tolls, any higher rate than as prescribed, shall be fined not less than twenty-five dollars nor exceeding five hundred dollars; and if done by authority of the corporation, all right to collect tolls on such road shall be forfeited. The Board of Supervisors of the county in which any such toll road may hereafter be constructed, under authority of this Act, shall have the power, and it shall be their duty, to prescribe the rates of toll to be charged thereon; and when such road or sections thereof extends into two or more counties, the Board of Supervisors of each county shall fix the rates of toll for the portion of such road constructed within the county, if a toll gate be placed therein, and shall have the right from time to time, on complaint made, to change and regulate the same.

Penalty for excessive tolls.

Supervisors to prescribe rates.

SEC. 4. All corporations formed under the provisions of this Act shall have the right of way over all lands covered by their route, to the width of one hundred feet, for the purpose of constructing and maintaining their road, and shall have the right to place, at suitable places, toll gates and toll houses, and to collect toll thereon at such gates; *provided*, when ten persons over or through whose lands said road passes, and who are taxpayers of the county, by a statement in writing, signed by them, complain to the Board of Supervisors of the proper county that the tolls charged are too high, specifying the rates charged and the rate to which in their opinion the same should be reduced, when the Board of Supervisors, or, if the tolls complained of extend into two or more counties, the several Boards of Supervisors of such counties, shall, after due consideration, by an order entered in their minutes of proceedings, proceed to fix the rates of toll to be charged and collected on such road at each toll gate within the county, should the Board deem any change of such rates proper or expedient.

Right of way.

Complaint of taxpayers when rates too high.

SEC. 5. The right to maintain such toll road, when constructed, shall continue to exist in favor of the corporation or owners thereof, for a term of ten years; *provided*, when the cost of construction of such road has exceeded the sum of fifty thousand dollars, the term shall extend to twenty years; when the same shall have exceeded one hundred thousand dollars, the term shall extend to thirty years; when the same shall have exceeded one hundred and fifty thousand dollars, the term shall extend to forty years; and when the same shall have exceeded two hundred thousand dollars, the term shall extend to fifty years.

Terms of maintenance of road.

SEC. 6. Whenever any company organized under this Act shall represent to the Board of Supervisors of any county or counties through or within which a toll road has been laid out for construction, that they have constructed the same or any section or division thereof, and desire to commence charging and collecting tolls thereon, it shall be the duty of such Board of Supervisors to appoint one person, a resident taxpayer of the county, to act with one person of like qualifications selected by

When company desire to collect tolls.

the company, and with one person of like qualifications selected by the two, to examine such road or such portion thereof upon which it is desired to collect tolls. If the persons so appointed and selected, or a majority of them, shall sign a certificate in writing, setting forth that the road or portion thereof examined by them has been completed, the corporation, from the time of filing such certificate in the Clerk's office of the proper county, shall have the right to charge and collect tolls as in this Act provided. In case of the failure of any Board of Supervisors, after a request made in writing to the Chairman of such Board or Clerk thereof, within ten days to make the appointment in this section provided, such corporation may proceed to charge and collect tolls, the same as though the appointment had been made and the certificate herein provided for had been filed; *provided*, before charging and collecting tolls, the corporation shall first request the Board of Supervisors of the county to fix rates of toll, and if after such request, made in writing to the Chairman of the Board or Clerk thereof, such Board fail or neglect for ten days to fix rates of toll, the corporation or owners of the road may fix such rates, and charge and collect the same until fixed by such Board.

When counties have right to purchase.

SEC. 7. At any time after five years from the date of the completion of any toll road, constructed under the provisions of this Act, the county or counties within which the same has been constructed shall have the right to purchase the same, and for that purpose three appraisers shall be appointed by the Board or Boards of Supervisors of such county or counties, and a like number may be selected by the owners of the road, and the persons so chosen shall select a seventh, who shall fix the value of said road in gold coin, which sum, if paid or tendered to the owners of said road, or any officer or managing agent thereof, within three months from the time such value shall have been fixed, shall terminate the right of the corporation and all others to collect tolls on such road.

If right of way disputed.

SEC. 8. If the right of way to construct any road, authorized by the provisions of this Act, over the lands of individuals, cannot be had by mutual agreement, the corporation desiring such right of way may acquire the same under and by virtue of the provisions of the Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, and the Acts amendatory of and supplementary thereto, and all the provisions of said Act and Acts are hereby made applicable to the provisions of this Act, so far as the same may be made to apply to the objects and purposes thereof.

Penalty for avoiding payment of toll.

SEC. 9. If any person or persons travelling upon any toll road, constructed under the provisions of this Act, shall attempt to run by, or actually run by or go around, any toll gate established thereon, with intent to avoid the payment of toll, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof, before any Court of competent jurisdiction, shall, for each offence, be punished by fine in any sum not exceeding fifty dollars; and any person or persons who shall

wilfully injure any such toll road, or any toll gate or toll house thereto attached or belonging, shall be deemed guilty of a misdemeanor, and on conviction, as aforesaid, be punished for each offence by fine in any sum not exceeding five hundred dollars; and all persons travelling on or using any such road, and becoming subject to the payment of toll therefor, shall be liable to a civil action by attachment, process or otherwise, in favor of the corporation or owner of such road, for such tolls

Injuring toll road, etc.

SEC. 10. All Acts and parts of Acts, so far only as they may conflict with the provisions of this Act, are hereby repealed.

CHAPTER DLXXXI.

An Act supplemental to an Act concerning public ferries and toll bridges, approved April twenty-eighth, eighteen hundred and fifty-five.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of each county in this State shall have power to grant a license to construct a toll bridge across any stream, creek or slough in their county, and for using and maintaining such bridge for a period not exceeding twenty years, or to grant a license to keep, use and maintain a public ferry across any river or stream for a period not exceeding twenty years; and said Board shall have the right to prescribe the rates of toll, and change the same from year to year, as they may think proper. but previous to the first day of January, eighteen hundred and seventy-three, they shall not fix the rates of toll over any bridge or ferry constructed or licensed under the provisions of this Act so low as to make the net [income] less than twenty per cent. per annum upon a fair valuation of such bridge or ferry and franchise, and thereafter, not less than ten per cent. per annum upon such valuation, which shall be made at the time in each year when such tolls are fixed. Said Board shall have power to authorize and maintain fords across any stream so bridged, as near to any such toll bridge as, in the discretion of said Board, the public convenience may require. All the provisions of the Act to which this Act is supplemental, except that which limits the time of a license for a toll bridge for one year, and to streams not navigable, shall apply to grants made under this Act. Said valuation, in case of a disagreement as to the amount of the same, shall be determined by three Commissioners, one of whom shall be chosen by said Board of Supervisors, one by the owners of said bridge and the third to be selected by the two thus chosen, or, in the event of their failing to agree within ten days, he shall be appointed by the County Judge of the county. Said Board shall not have power to license bridges across the Sacramento or San Joaquin

Supervisors may grant franchises for toll bridges or ferries.

Rates of toll.

Fords.

Bridges across navigable streams.

Rivers, the Petaluma, Napa or Sonoma Creeks, nor San Francisco, San Pablo or Suisun Bays; and if a bridge shall be established across any navigable creek, stream or slough, under the provisions of this Act, it shall be constructed so as not to obstruct navigation, and shall contain a draw or swing with sufficient space or span to admit of the safe, convenient and expeditious passage at all times of vessels and steamers of any class which may navigate said creek, stream or slough. At any time after the expiration of five years from and after the granting of any such license or franchise, the person or persons to whom the same shall have been granted shall be required to sell, transfer and convey said bridge, together with the appurtenances thereto belonging, to the county from whose Supervisors said license or franchise may have been obtained, upon a demand being made to that effect by said Board of Supervisors, and upon payment or tender to said person or persons of the appraised value thereof, with ten per cent. added, exclusive of the value of the franchise. On the purchase of said bridge, it, together with the franchise, shall vest in said county. Such appraisment shall be made by five Commissioners, to be chosen in the following manner: The Board of Supervisors of said county shall appoint two Commissioners, and notify the grantees or their assigns of such appointment, who, within ten days after the receipt of such notice, shall appoint two Commissioners and notify said Board thereof. The four Commissioners so appointed shall select a fifth, but in case of their inability to agree upon such fifth Commissioner within ten days, he shall be appointed by the County Judge of said county. In case of the failure of the grantees or their assigns to appoint Commissioners on their part, as provided, or in case of their refusal to act, the County Judge shall have the power of appointing them. Said Commissioners shall make their appraisement and present their report within thirty days after the completion of the commission, and file the same in the office of the Board of Supervisors. A majority of said Commissioners shall constitute a quorum, and the award of the majority shall be final and binding upon said grantees, if the said report be approved by said Board of Supervisors; and upon such approval, the amount of the award shall be paid by the Treasurer of the county to the grantees or their assigns within sixty days after the filing of said award. And the said Board of Supervisors shall have the further power to prescribe rules and regulations governing the amount of weight or number of animals that may be drove or driven on any such bridge at any one time, and any person refusing to comply with said rules and regulations shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not less than ten nor more than five hundred dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. The powers hereby conferred shall include and extend to all the franchises aforesaid within the limits of any incorporated town or city.

Purchase of bridges by counties.

Appointment of Commissioners.

Rules and regulations.

Rates of toll under special Acts.

SEC. 2. All toll bridges and ferries constructed or licensed under or by virtue of a special Act of the Legislature shall be governed in the regulations of tolls by the provisions of such

special Act, and in case there be no such provisions in such special Act, then the Board of Supervisors of the county in which any such toll bridge or ferry is situated shall have the sole and exclusive right and power to regulate the tolls thereof without being subject to any of the restrictions mentioned in section one of this Act.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER DLXXXII.

An Act for the relief of the free schools of the Presentation Convent of the City and County of San Francisco.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of fifteen thousand ($15,000) dollars is hereby appropriated out of the funds in the treasury of the City and County of San Francisco, not otherwise appropriated, for the benefit of the free schools of the Presentation Convent of the City and County of San Francisco. Appropriation.

SEC. 2. The said amount of fifteen thousand ($15,000) [dollars] shall be divided as follows: For the school on the southwest corner of Taylor and Ellis streets, ten thousand ($10,000) dollars; for the school attached to said convent, of Powell street, five thousand ($5,000) dollars. How divided.

SEC. 3. The Auditor of said city and county is hereby required to draw his warrants upon the Treasurer of the City and County of San Francisco, and the Treasurer is hereby required to pay said amounts. Said warrants shall be drawn in favor of the Superioress of said convent, and her receipts therefor shall be a sufficient voucher for said warrants and money. Warrants.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER DLXXXIII.

An Act to amend sections one, two, nine, ten and seventeen of an Act entitled an Act amendatory of article fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixt-four inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said article four, approved April twenty-fifth, eighteen hundred and sixty-two; and to amend sections one and five of an Act amendatory of the Act aforesaid, approved April twenty-fifth, eighteen hundred and sixty-three; and to amend section two of an Act amendatory of the Act first mentioned aforesaid, approved March thirty-first, eighteen hundred and sixty-six; and to amend sections one, three and four of an Act amendatory of the Act first mentioned aforesaid, approved March twenty-sixth, eighteen hundred and sixty-eight, being the original sections one, two, four, six, nine, ten, eleven, twelve, thirteen, seventeen and twenty-one of the Act mentioned first aforesaid; and to repeal an Act for paving the streets in the City and County of San Francisco, approved March fourteenth, eighteen hundred and sixty-eight.

[Approved April 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act, approved April twenty-fifth, eighteen hundred and sixty-two, is hereby amended so as to read as follows:

Public streets.

Section 1. All the streets, lanes, alleys, places or courts, as laid down on the map now in the office of the City and County Surveyor of the City and County of San Francisco, which was made official by the Board of Supervisors of said city and county, as per Order Number Six Hundred and Eighty-four, January thirtieth, eighteen hundred and sixty-six, signed by George C. Potter and Thaddeus R. Brooks, and all other streets, lanes, alleys, places or courts now dedicated to public use, are hereby declared to be open public streets, lanes, alleys, places or courts for the purpose of this law; and the said Board of Supervisors are hereby invested with jurisdiction to order any of the work mentioned in section three of this Act to be done on any of said streets when the grade and width of said streets have been officially established.

SEC. 2. Section two of said Act, approved April twenty-fifth, eighteen hundred and sixty-two, is hereby amended so as to read as follows:

Grading of streets.

Section 2. All streets, lanes, alleys, places or courts which may be hereafter officially established, and all which may hereafter be dedicated to public use, shall be deemed and held to be open public streets, lanes, alleys, places or courts; and whenever the grade and width of said streets, lanes and alleys, and the grade and size of said places or courts shall have been officially established, the Board of Supervisors shall have the

same jurisdiction to order work to be done thereon as is conferred upon them by section one of this Act.

SEC. 3. Section one of said Act, approved April twenty fifth, eighteen hundred and sixty-three, is hereby amended so as to read as follows:

Section 4. The Board of Supervisors may order any work authorized by section three of this Act to be done, after notice of their intention so to do, in the form of a resolution describing the work, and signed by the Clerk of said Board, has been published for the period of ten days in the paper doing the printing under this law, and also in two daily newspapers, one of which newspapers shall be published as a morning edition and one as an evening edition, printed and published in said city and county, for five days, Sundays and non-judicial days excepted; *provided*, that no such notice shall be given or order made for the grading of any street mentioned in section three of this Act, unless the majority of the frontage of the lots and lands fronting on the work proposed to be done and described in said resolution, or which is to be made liable for such grading, excepting public property, shall have been represented by the owners thereof, or by their agents, in a petition to the said Board of Supervisors, stating that they are the owners and in possession, or agents of the lots named in the petition, and also requesting that such improvements or street work shall be done; and for any other character of street improvements, the Board of Supervisors shall have power, without petition of the property owners, to give the notice prescribed in this section, to be published in the manner hereinbefore provided, and to order the said work to be done. All owners of lands or lots, or portions of lots, who may feel aggrieved or have objections to the ordering of the work described in said notice, or who may have objections to any of the subsequent proceedings of the said Board in relation to the work mentioned in such notices of intentions, or who may have any objections to any of the acts of the Superintendent of Public Streets, Highways and Squares of the City and County of San Francisco, in the discharge of any of the obligations or duties imposed upon him by virtue of his office, shall file with the Clerk a petition or remonstrance, wherein they shall set forth in what respect they feel aggrieved or the acts or proceedings to which they object; which petition or remonstrance shall be passed upon by said Board, and their decisions thereon shall be final and conclusive; but said Board of Supervisors shall not order the work described in said notices to be done, unless all objections and protests that may have been presented and filed, as aforesaid, shall have been by them disposed of. Should the owners or agents of more than one-half in frontage of the lots and lands fronting on the work proposed to be done, and designated in said notice or resolution, or liable to be assessed for work, file with the Clerk of the Board of Supervisors written objections against any grading described in said notice, at any time before the expiration of the publication of said notice of intention, and his publication thereof as hereinbefore provided, then and thereupon the said Board of Supervisors shall be barred from proceeding further for the period of six months; and the said

Notice of intention.

Aggrieved parties.

Objections of majority of owners

Board of Supervisors shall not renew the notice of intention for doing any grading so protested against within said six months, unless the owners or agents of a majority of the frontage of the lots and lands fronting on said grading, or liable to be assessed therefor as aforesaid, shall petition anew for the work to be done; *provided* further, that in all cases of any intended paving of any street or part of street, lane, alley, place or court, the owners or agents of a majority of the frontage of the lots and lands fronting on said intended improvement, may petition the said Board of Supervisors to have such paving done; and in such petition may may designate whether the same shall be by cobble or other stone pavement, or by what is known as the Stow foundation pavement; and the said Board of Supervisors shall thereupon order the same kind of pavement to be laid down as the said petitioners shall request, the same to be laid down and constructed in other respects under the laws and regulations as heretofore or herein provided. Said Stow foundation pavement shall be constructed of black heart redwood, or of such other wood as may have been subjected to the preservation process, and the blocks placed with the grain of the wood in a vertical position, which blocks shall not be less than six inches in length and four inches in thickness; and when the same shall be completed according to the terms of the contract and to the satisfaction of the Superintendent of Streets, then it shall be the duty of the said Board of Supervisors to accept the same in all respects, and to the extent and for all purposes, as cobble stone pavements are now accepted. It is further *provided*, that at the expiration of any notice of intention, the Board of Supervisors shall be deemed to have acquired jurisdiction to order any work to be done which is authorized by section three of this Act, except as hereinbefore provided; and it is further *provided*, that where any public street shall have been graded, or graded and macadamized, or graded and paved for the distance of two or more blocks upon each side thereof of any one or more blocks or crossing of a street which is not improved, it shall be the duty of the Board of Supervisors, upon the recommendation of the Superintendent of Streets and Highways, to order the notice provided in this section to be given, without the petition provided first aforesaid; and if the owners of three-fourths of the frontage of the land and lots fronting on such portions of said streets to be graded or improved, shall, within the time prescribed in said notice, file written objections to the improvement of the said street, the Board of Supervisors shall duly consider said objections before ordering said work; and if said Board of Supervisors shall decide and declare, by an entry in the minutes of said Board, that the objections so made are not good, thereupon the Board of Supervisors shall be deemed to have acquired jurisdiction to order any of such street work to be done that is prescribed in said notice and in section three of this Act; *provided* further, that when one-half or more of the grading, planking, macadamizing, paving, sidewalking or sewering of any one street lying between two main street crossings has been already performed, the Board of Supervisors may order the remainder of such grading, planking, macadamizing,

Paving of streets.

paving, sidewalking or sewering to be done, notwithstanding the objections of any or all of the property owners.

SEC. 4. Section one of said Act, approved March twenty-sixth, eighteen hundred and sixty-eight, is hereby amended so as to read as follows:

Section 6. Before giving out any contracts by the Board of Supervisors for doing any work authorized by section three of this Act, the Clerk of the Board of Supervisors shall cause notice to be conspicuously posted in the office of the Superintendent of Public Streets and Highways, and also published for five days (Sundays and non-judicial days excepted), inviting sealed proposals for the work contemplated. All proposals offered shall be delivered to the Clerk of the Board of Supervisors; and said Board shall, in open session, open, examine, and publicly declare the same, and shall award said work to the lowest responsible bidder; and all bids shall be for a price payable in gold coin of the United States; *provided*, said Board may reject any and all bids, should they deem it for the public good; and also may reject the bid of any party who may be proved delinquent or unfaithful in any former contract with said city and county. And if all bids shall be rejected, the Supervisors shall direct the Clerk to again post said notice and publish the same, as in the first instance. All proposals shall be accompanied with a check, payable at sight, on a bank or banking house in said city and county, duly certified, for the sum of five hundred dollars, United States gold coin, payable to the order of the Clerk of the Board of Supervisors, and to be approved by him; and if the bidder to whom the contract is awarded shall, for ten days thereafter, fail or neglect to enter into a contract, as hereinafter provided, it shall be the duty of said Superintendent to certify such failure on the part of said bidder to the Clerk of the Board of Supervisors, who shall thereupon draw the money due on said check and pay it over to the Treasurer of the City and County of San Francisco, to be by him deposited to the credit of the Street Department Fund. It is further *provided*, that all persons, owners included, who shall fail to enter into any contract, as herein provided, or to complete the contracts entered into, are hereby prohibited from bidding a second time for the same work; and in case of owners, they are hereby prohibited from electing to take the same work a second time, and from entering into any contract concerning the same. Notice of such award shall be published for three days (Sundays and non-judicial days excepted), and within five days after the first publication of said award, the owners of a majority of the frontage of lots and lands liable to be assessed for said work, or their agents, and who shall make oath that they are such owners or the agents of said owners, may elect to do the said work, and enter into a written contract to do the whole work, at the price for which the same is awarded, upon giving the bond as hereinafter provided; and they shall commence said work within ten days from the first publication last above mentioned; and shall prosecute it diligently and continuously, and complete it within the time limited in the contract, or within any extended time; but should the said property owners fail to commence the said work within

Proposals for street work.

Notice of award.

said ten days, or fail to prosecute the same diligently or continuously, in the judgment of said Superintendent, or complete it within the time prescribed in the contract, or within such extended time, then it shall be the duty of said Superintendent to enter into a contract with the original bidder to whom the contract was first awarded, to do said work or complete the same, as the case may be, provided said original bidder, within five days after the notice thereof, elect to take said contract; but if he refuse to take said contract, then the said Superintendent shall report the same to the Board of Supervisors, who shall, without further petition on behalf of the property owners, order the Clerk of the Board of Supervisors to advertise for bids, as in the first instance, and relet the contract, in the manner hereinbefore provided. And it is further *provided*, that all contractors for street work shall, at the time of entering into said contract, execute a bond payable to the City and County of San Francisco, with two or more sureties in the sum of not less than one thousand dollars, and in such additional amount as may be fixed by said Superintendent, conditioned for the faithful performance of said contract; and said sureties shall justify in double the amount of the penalty fixed in said bond; such sureties to justify before said Superintendent or his deputy. And the qualifications and responsibility of such sureties shall be the same as are now prescribed for sureties on the official bonds of the officers of said City and County of San Francisco. And it is further *provided*, that the City and County of San Francisco, or any person suffering damage by reason of the breach of said contract, may sue on said bond; it is further *provided*, that it shall be the duty of said Superintendent to collect from the contractors, before any contract is signed, the expense of publication of the notices mentioned in this Act.

Bonds.

Damages from breach of contract.

SEC. 5. Section nine of said Act, approved April twenty-fifth, eighteen hundred and sixty-two, is hereby amended so as to read as follows:

Assessment.

Section 9. After the contractor of any street work has fulfilled his contract to the satisfaction of the Superintendent, the said Superintendent shall make an assessment to cover the sum due for the work performed and specified in such contracts, including incidental expenses, if any, in conformity with the provisions of this Act, and according to the character of the work done, which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with the incidental expenses, if any, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot or portion of lot, if known to the Superintendent, if unknown, the word "Unknown" shall be written opposite the number of the lot, but an assessment made to a person not the owner shall not render said assessment illegal, and the amount assessed thereon, the number of each lot or portion of a lot assessed, and shall have attached thereto a diagram exhibiting each street or street crossing, lane, alley, place or court on which any work has been done, and showing the relative location of each district, lot or portion of a lot to the work done, numbered to correspond with the numbers in the assessment, and showing the number of feet

frontage assessed for said work, and contracted for and performed; and such assessment shall in all cases be payable in gold coin of the United States.

SEC. 6. Section ten of said Act, approved April twenty-fifth, eighteen hundred and sixty-two, is hereby amended so as to read as follows:

Certificate. Section 10. To said assessment mentioned in section nine of this Act shall be attached a certificate, signed by said Superintendent and the Auditor of said City and County of San Francisco, to the effect that the said assessment, and the amount or amounts assessed to each person or to each piece or parcel or lot of land affected thereby or liable therefor, is true and correct; and it shall be the duty of said Superintendent to give to each of said contracts for street improvement or assessment a name or number, by which the fund collected for the payment of said work shall be known; and it is further *provided*, that the said Superintendent shall deliver to such contractor, upon the recording of the assessment, diagram and certificate above referred to, an order for the amount due to such contractor, payable only out of such fund, and in amounts as the same is collected at the end of each month, such amounts to be paid by the City and County Treasurer to the holder of said order, and to be indorsed on the same when payments are so made; and it is further *provided*, that the said Superintendent shall, immediately after the recording of the assessment, diagram and certificate, as herein prescribed, deliver the same to the Tax Collector of the City and County of San Francisco, who shall note thereon the time of its receipt by him, and the date when the same shall become delinquent, and shall thereupon publish a brief notice, for the period of thirty successive days, Sundays and non-judicial days excepted, that the same is in his hands for collection, and that unless such assessment shall be paid at his office within thirty days after the first publication of said notice the same will be delinquent, and will be by him delivered to the City and County Attorney, for collection by suit. That said Tax Collector, on the last day of each month, shall pay over to the City and County Treasurer each amount collected, on each separate assessment, and the same shall be placed by said Treasurer to the credit of the proper fund. And said Treasurer shall pay out the said moneys so collected to the parties holding the Superintendent's orders on said fund, as hereinbefore prescribed, and take the proper vouchers therefor. The said Tax Collector and the said Treasurer shall be respectively entitled to one additional clerk, in the discretion of said Board, at a salary not exceeding one hundred and fifty dollars per month each, who shall be paid out of the General Fund.

Contracts to be named or numbered.

Payment of moneys collected.

SEC. 7. Section three of said Act, approved March twenty-sixth, eighteen hundred and sixty-eight, is hereby amended so as to read as follows:

Assistant City and County Attorney. Section 11. The City and County Attorney of the City and County of San Francisco is hereby authorized, after the passage of this Act, to appoint an Assistant City and County Attorney, whose duty it shall be to sue for and collect all and every delinquent street assessment, such suits to be prosecuted as hereinafter provided. Such Assistant City and County Attorney to

Fees.

receive no compensation, except a fee and percentage in each action, which shall be as follows: After suit brought, and before judgment or decree, said Attorney shall be entitled to charge and collect, in addition to the said principal sum or sums for which suit is brought, interest, costs of suit and disbursements, fifteen dollars in each case where suit is commenced, which he shall have for his own use; but if a judgment or decree is rendered, fifteen per cent. shall be added and collected as his fee for collection; *provided*, that said percentage fee of fifteen dollars shall not be allowed to exceed the sum of one hundred dollars in any one judgment; and *provided* further, that if any suit is carried on appeal to the Supreme Court, he shall be entitled to receive an additional sum of one hundred dollars; and it is further *provided*, that said assessment or assessments shall draw interest at the rate of ten per cent. per annum from the date of the recording of said assessment down to and after judgment or decree, any law to the contrary notwithstanding. It shall be the duty of said Assistant City and County Attorney to commence suit to recover said assessments within ten days after the same is delivered to him, and said action shall be brought in the name of the people of the City and County of San Francisco. The costs required to commence and prosecute said actions to be drawn from the Street Department Fund hereinafter mentioned, and returns to that fund when collected; and no defence shall be interposed except:

When to commence suit.

Defence.

First—Want of jurisdiction to order work

Second—That the assesment has been paid.

Third—Fraud in the assessment or in any of the acts or proceedings prior thereto, setting out the facts showing such fraud.

When assessments declared invalid.

And it is further *provided*, that when any contract for any street work shall have been made by the proper officers of said city and county, and shall be fully and faithfully performed by the contractor thereof, or his assigns, in every respect and in accordance with the terms of said contract, and afterwards the assessment for the payment of such street work shall be declared invalid by the highest Courts in the State, and if such invalidity shall appear by the decision of said Courts not to have been in any manner caused by the frauds, acts, conduct or omissions of said contractor, then it shall be the duty of the said Board of Supervisors of said city and county to order the full amount or amounts of such contract, or whatever amounts shall be due and owing on said contract, to be paid to the contractor, or his assigns, out of the Street Department Fund, together with all such fees to the said Attorney as he, the said Attorney, would have been entitled to if the same had been collected after judgment; and the City and County Auditor shall audit, and the Treasurer shall pay the same; *provided*, that the claim of said contractor shall be presented within six months after the final determination of the cause by such Court; and upon such payment to such contractor, as aforesaid, the said contractor, or his assigns, shall assign said contract to the City and County of San Francisco. Said Assistant City and County Attorney shall be required to enter into a bond in the sum of twenty thousand dollars, payable to the said Street Department Fund, with two or more sureties, to be approved by the County Judge of said

Bond of Assistant Attorney.

city and county, and conditioned faithfully and diligently to perform his duties as Assistant City and County Attorney, and to sue for and collect all assessments that may be delinquent under the provisions of this Act, and to pay, on the last day of each month, all moneys collected during the month to the Treasurer of the City and County of San Francisco, accompanied with a statement to the City and County Treasurer which shall designate the fund or funds to which said money shall be applied; and it is especially *provided*, that the duties of such Attorney shall extend only to the collection of delinquent street assessments, and counsel relative to street work, and in no case shall be entitled to any claim against or compensation from the said City and County of San Francisco, except as hereinbefore provided. The percentage to be paid said Assistant City and County Attorney, when assessments are declared invalid, shall be allowed and paid monthly, in the same manner that other claims against the City and County of San Francisco are allowed; but said claim shall only be paid out of the special fund collected as aforesaid. On collections made and received before judgment or decree, the percentage may be retained by him. Percentage.

SEC. 8. Section five of said Act, approved April twenty-fifth, eighteen hundred and sixty-three, is hereby amended so as to read as follows:

Section 12. The owner, contractor, or his assigns, and all persons, whether named in the assessment or not, feeling aggrieved by any of the acts or determinations of the said Superintendent in relation to the acceptance of work, or to the assessment, or to any act, proceeding, matters or thing done, suffered or committed by him, shall, within fifteen days after the first publication of notice of the issuance of said assessment, as herein provided, appeal to said Board of Supervisors, as provided in this section, by briefly stating their objections in writing and filing the same with the Clerk of said Board. Notice of the time and place of the hearing, briefly referring to the subject matters of appeal, and to the acts or determinations objected to or complained of, shall be published for five days, Sundays and non-judicial days excepted. When said assessment shall have been made by said Superintendent, he shall publish for ten days, Sundays and non-judicial days excepted, a brief notice of said assessment, describing therein the general nature of the work done, and the names of such persons as are named therein and the amount assessed to them respectively. During the time of said last named publication, said Superintendent, on application of any of said owners, may make any changes, alterations and corrections in said assessment, which to him may seem just, or he may annul the same, if he finds the contract on which the same is based has not been performed, and make a new assessment on performance thereof, and republish said notice of ten days, with the like right to object to any second assessment on the part of the owners, and of appeal to said Board as herein provided. Said Board, on appeal, may correct, alter or modify said assessment, as to them shall seem just, and may annul the same, and may order a new assessment

Aggrieved parties.

Hearing.

Notice of assessment.

May correct or alter, on appeal.

to be made in the manner by them directed, and may make any order or decision in relation to any contract or the performance thereof, or in relation to any of the acts of the contractor or the said Superintendent, prior to the date of the hearing of said appeal. And all the decisions and determinations of said Board shall be final and conclusive upon all persons entitled to an appeal. At the expiration of said ten days, if no appeal is taken to said Board, or if an appeal is taken and the appeal is dismissed, or after the decisions of said Board on appeal have been complied with, said assessment, diagram and certificate shall be recorded in suitable books kept in the office of said Superintendent for that purpose, and when so recorded the several amounts assessed shall be a lien upon the land, lots or portions of lots assessed, respectively, until the same shall have been fully paid, and have priority to all other liens, taxes excepted; and from and after the date of said recording all persons shall be deemed to have notice of the contents of the record thereof, and of all the records, proceedings, orders, resolutions and notices of the said Board of Supervisors or of said Superintendent, in relation to street work. After jurisdiction to order any work has been obtained, no irregularity in any of the subsequent proceedings shall render any assessment illegal.

Assessment recorded.

SEC. 9. Section four of said Act, approved March twenty-sixth, eighteen hundred and sixty-eight, is hereby amended so as to read as follows:

Actions for delinquent assessments.

Section 13. Actions for the collection of any delinquent street assessment shall be brought in the name of the people of the City and County of San Francisco, and in any of the District Courts in and for said City and County of San Francisco, and against the owners and all persons having any interest therein, and the said original assessments delivered to the said Tax Collector of said City and County of San Francisco for collection, shall, at the expiration of the said fifteen days from the first publication thereof, be delivered to the Assistant City and County Attorney, with the word "Paid" marked opposite to each sum assessed and which shall have been paid; also, to whom and by whom paid and the date of payment; and said assessment or assessments, or the original record thereof, shall be prima facie evidence of plaintiff's right to recover in the action, and as to all defences not hereinbefore enumerated, it shall be conclusive evidence of the right of the plaintiff to recover. And in case any one or more of the items in the assessment or assessments are against owners thereof who cannot with due diligence be found, the service in each of such actions may be had either in manner as is now prescribed by the Civil Practice Act of this State, or in manner as is prescribed by an Act of the Legislature of the State of California, entitled an Act supplementary to an Act entitled an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two, approved March twenty-fourth, eighteen hundred and sixty-four, and the remedies therein provided are cumulative, and the said Assistant City and County Attorney shall have all the powers and authority which are conferred upon the District Attorney by said last

mentioned Act. The Court in which such suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution or decree, as in other cases of the sale of real estate by the process of said Courts; and on appeal, the appellate Court shall be vested with the same power to adjudge and decree a lien, and to order to be sold such premises on execution or decree, as is conferred on the Court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In bringing an action to recover street assessments, the complaint need not show any of the proceedings prior to the issuance of the assessment, diagram and certificate, but it shall be held legally sufficient if it shows the title of the Court in which the action is brought by the parties plaintiff and defendant, the date of the issuance of the assessment, the date of the recording thereof, the book and page where recorded, a general statement of the work done, a description of the lot or lots sought to be charged with the assessments, the amount assessed thereon, that the same remains unpaid, and the proper prayer for relief; said complaint may be verified by said Assistant City and County Attorney. In all suits now pending or hereafter to be brought to recover street assessments, the proceedings therein shall be general and regulated by the provisions of this Act, and also, when not in conflict herewith, by the Civil Practice Act of this State. It is hereby expressly provided that nothing but gold or silver coin of the United States shall be received in payment of street assessments, and the judgment or decree in every case shall be made payable in and entered for gold coin.

Complaint.

SEC. 10. Section seventeen of said Act approved April twenty-fifth, one thousand eight hundred and sixty-two, is amended so as to read as follows:

Section 17. The person in whose name the lots and lands shall stand assessed on the assessment roll in the office of the Assessor of the City and County of San Francisco, or the owner in fee, or the person in possession thereof claiming to own the same or exercising acts of ownership over the same at the date of said assessment, shall be regarded and deemed to be the owner (for the purpose of this law), according to the true intent and meaning of that word, as used in this Act.

Who deemed the owner of lots.

SEC. 11. Section two of said Act, approved March thirty-first, one thousand eight hundred and sixty-six, is amended so as to read as follows:

Section 21. When any street or portion of a street has been or shall hereafter be constructed to the satisfaction of the committee on streets, wharves, grades and public squares of the Board of Supervisors and said Superintendent, and shall have a brick sewer or cement pipe constructed therein under such regulations as said Board shall adopt, the same shall be accepted by the Board of Supervisors, and thereafter shall be kept open and improved by the said city and county, the expense thereof, together with all work done in front of city property, to be paid out of the Street Department Fund; *provided*, that the Board of Supervisors shall not accept of any portion of the street less than the entire width of the roadway) including the

Sewers.

curbing and one block in length or one entire crossing); and *provided* further, that the Board of Supervisors may partially or conditionally accept any street or portion of a street without a sewer or pipe therein, as above stated, if a sewer or pipe therein shall be deemed by them unnecessary; but the lots of land previously assessable for the cost of construction of a sewer or pipe shall still remain and be assessable for such cost and for the cost of repair and restoration of the street damaged in the said construction, when a sewer or pipe shall be deemed necessary, the same as if no partial or conditional acceptance had ever been had. The said Superintendent shall keep in his office a register of all accepted streets, the same to be indexed so that reference may be easily had thereto.

Repealed.

SEC. 12. The Act of March fourteenth, eighteen hundred and sixty-eight, entitled an Act to provide for paving the streets in the City and County of San Francisco, as well as all Acts or parts of Acts conflicting or inconsistent with this Act, are hereby repealed.

How construed.

SEC. 13. This Act shall be liberally construed to carry out the intentions and purposes of this Act, and shall not be construed so as to effect any contracts heretofore awarded or assessments issued.

SEC. 14. This Act shall be a public Act and take effect from and after its passage.

PROPOSED AMENDMENTS

TO THE

CONSTITUTION OF CALIFORNIA.

AMENDMENTS TO THE CONSTITUTION.

PROPOSED AT THE EIGHTEENTH SESSION OF THE LEGISLATURE.

SENATE PROPOSED AMENDMENT TO THE CONSTITUTION.

[Introduced by Mr. Maclay, March 29, 1870.]

Proposed amendment to the Constitution of the State of California.

The Legislature of the State of California, at its eighteenth session, commencing on the sixth day of December, eighteen hundred and sixty-nine, propose the following amendments to section thirteen, article eleven, of the Constitution of said State:

ARTICLE ELEVEN.

Section thirteen of said article is amended so as to read as follows:

SEC. 13. Taxation shall be equal and uniform throughout the State. All property in this State, except houses used for religious worship, shall be taxed in proportion to its value, to be ascertained as directed by law; but Assessors and Collectors of town, county and State taxes, shall be elected by the qualified electors of the district, county or town in which the property taxed for State, county or town purposes, is situated. Taxation

Proposed amendments to the Constitution of the State of California.

The Senate and Assembly of the State of California, at the eighteenth session of the Legislature thereof, do propose the following amendments to the Constitution of the State:

ARTICLE SIX.

Section one of article six of the Constitution is amended so as to read as follows:

Judicial power, in what Courts vested.

SEC. 1. The judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts, and in Justices of the Peace, and in such Recorders' and other inferior Courts, and Courts of exclusive criminal jurisdiction, as the Legislature may establish in any incorporated city or town.

Section three of article six of the Constitution is amended so as to read as follows:

Election of Justices of Supreme Court.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State. The Justices shall hold their offices for the term of ten years from the first day of January next after their election, except in case a Justice be elected to fill a vacancy, in which case the Justice so elected shall hold his office during the remainder of the unexpired term; *provided*, that the Justices of the Supreme Court in office when this amendment takes effect, shall hold office for the full term for which they were severally elected; and thereafter one Justice shall go out of office and his successor be elected every two years; and the Justice elected by the people having the shortest time to serve, shall be Chief Justice.

Section five of article six of the Constitution is amended so as to read as follows:

Judicial districts.

SEC. 5. The judicial districts now established by law may be altered and new districts created, from time to time, by a two-thirds vote of all the members elected to both Houses of the Legislature. In each judicial district there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the district. The District Judges shall hold their offices for the term of six years from the first day of January next after their election; *provided*, that the District Judges in office at the time this amendment is adopted shall hold their offices for the remainder of the term for which they shall have been elected. Any judicial officer who shall wilfully absent himself from the State for upwards of thirty consecutive days shall forfeit his office.

Section seven of article six of the Constitution is amended so as to read as follows:

County Judges.

SEC. 7 There shall be in each of the organized counties of this State a County Court, for each of which a County Judge shall be elected by the qualified electors of the county. The County Judges shall hold their offices for the term of four years from the first day of January next after their election; *provided*, that the County Judges in office at the time this amendment is adopted, shall hold their offices for the remainder of the term for which they shall have been elected.

Probate Judge.

In the City and County of San Francisco, the Legislature may separate the office of Probate Judge from that of County Judge, and may provide for the election of a Probate Judge, who shall hold his office for the term of four years; *provided*, that the Probate Judge in office at the time this amendment is adopted, shall hold his office for the remainder of the term for which he shall have been elected,

and shall hold the Courts and perform all the duties required by laws then existing.

Section ten of article six of the Constitution is amended so as to read as follows:

Jurisdiction of Courts.

SEC. 10. The Legislature shall fix by law the jurisdiction of any Recorder's, or other inferior municipal Court, or Court of exclusive criminal jurisdiction, which may be established in pursuance of section one of this article, and shall fix by law the powers, duties and responsibilities of the Judges thereof; *provided*, that the jurisdiction of any Recorder's, or other inferior municipal Court now established, and the powers, duties and responsibilities of the Judges thereof, as now fixed by law, shall not be affected by the adoption of this amendment. The election for judicial officers shall be held at the general elections provided by law for the election of members of the Assembly, or otherwise, as the Legislature by law may provide.

ARTICLE NINE.

Section one of article nine of the Constitution is hereby amended so as to read as follows:

Election of Superintendent of Public Instruction.

SEC. 1. A Superintendent of Public Instruction shall be elected by the qualified electors of this State at any general election provided by law for the election of State officers, who shall hold his office for the term of four years from the first day of December next after his election.

Add the following new section:

ARTICLE FOUR—LEGISLATIVE DEPARTMENT.

Section two of article four of the Constitution is amended so as to read as follows:

Sessions of Legislature.

SEC. 2. The sessions of the Legislature shall be biennial, and shall commence on the first Wednesday after the first Monday in January next after the election of its members, unless the Governor shall, in the interim, convene the Legislature by proclamation. No session shall continue longer than one hundred and twenty days.

Amendment to the Constitution.

The Legislature of the State of California, at its eighteenth session, commencing on the sixth day of December, A. D. eighteen hundred and sixty-nine, proposed the following amendment to section thirteen of article eleven of the Constitution:

ARTICLE ELEVEN—PROMISCUOUS PROVISIONS.

Taxation.

SEC. 13. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law; but Assessors and Collectors of town, county and State taxes shall be elected by the qualified electors of the district, county or town in which the property taxed for State, county or town purposes, is situated; *provided*, that public buildings, parochial schools, free schools supported by the public authorities or private charity, and property actually and solely used for religious and eleemosynary purposes, and all cemeteries owned by religious or charitable or benevolent associations, shall be exempt from taxation.

Property exempt.

RESOLUTIONS.

CONCURRENT AND JOINT RESOLUTIONS.

NUMBER I.—*On printing public documents, from Committee on Printing.*

[Adopted December 14, 1869.]

Resolved by the Assembly, the Senate concurring, That public documents and official reports be ordered printed as follows:

Printing and distribution of public documents.

Of the Governor's biennial message, nine hundred and sixty copies in Spanish and twenty-four hundred copies in German.

Of the Controller's report, two thousand and four hundred copies in English and nine hundred and sixty copies in Spanish.

Of the Surveyor-General's report, two thousand four hundred copies in English and nine hundred and sixty copies in Spanish.

Of the State Treasurer's report, one thousand nine hundred and twenty copies in English and two hundred and forty copies in Spanish.

Of the Superintendent of Public Instruction's report, five thousand two hundred and eighty copies in English and nine hundred and sixty copies in Spanish.

Of the Adjutant-General's report, one thousand nine hundred and twenty copies in English.

Of the report of the Secretary of State, nine hundred and sixty copies in English.

Of the report of the Attorney-General, nine hundred and sixty copies in English.

Of the report of the State Librarian, nine hundred and sixty copies in English.

Of the report of the State Geologist, two thousand and four hundred copies.

Of the report of the Regents of the University of California, one thousand nine hundred and twenty copies.

Of the reports of the officers of the Insane Asylum, three thousand one hundred and twenty copies.

Of the report of the State Prison Directors, four thousand three hundred and twenty copies.

Of the report of the State Harbor Commissioners, nine hundred and sixty copies.

Of the report of the State Capitol Commissioners, four hundred and eighty copies.

Of the report of the Tide Land Commissioners, one thousand nine hundred and twenty copies.

Resolved, That the State Printer be directed to furnish, out of the number above ordered:

To the Adjutant-General, five hundred copies of his report, for distribution officially.

To the Superintendent of Public Instruction, twenty-five hundred copies of his report, for distribution to the teachers and School Trustees throughout the State and for exchange with other States.

To the Surveyor-General, one thousand copies of his report, for distribution to County Surveyors, Assessors and Clerks, and to the officers of other States.

To the Attorney-General, one hundred copies of his report, for distribution among the District Attorneys of the State.

To the Controller, two hundred and fifty copies of his report, for distribution at his discretion.

To the officers of the Insane Asylum, two hundred and fifty copies of their report, to be distributed at their discretion.

And that the remainder of all reports be delivered, as soon as possible, to the Sergeants-at-Arms of the two Houses, to be distributed pro rata among the members of the Legislature.

No. II.—*Senate Joint Resolution.*

[Approved December 21, 1869.]

Suspension of orders for sale of lands.

Resolved by the Senate, the Assembly concurring, That the Secretary of the Interior be and he is hereby requested to suspend, for twelve months, those portions of his orders of November second and November eleventh, eighteen hundred and sixty-nine, authorizing the sale of the lands heretofore withdrawn for the benefit of the Southern Pacific Railroad in California, and to give immediate force and efficacy to those portions of the aforesaid orders relating to actual settlers entering on the aforesaid lands by pre-emption or under the provisions of the homestead law; and our Senators in Congress are hereby instructed, and our Representatives requested, to use their influence with the Secretary of the Interior to obtain his compliance with this resolution, and failing that, to procure such speedy legislation as will accomplish the object desired.

Resolved, That the Governor is hereby requested to transmit copies of the foregoing resolution to our Representatives in Congress without delay.

No. III.—*Senate Concurrent Resolution.*

[Adopted December 21, 1869.]

Withdrawal of public lands from private entry.

WHEREAS, It is of the utmost importance that the public lands of the State of California should be reserved for the benefit of homestead and pre-emption settlement; and, whereas, a large quantity of the public lands of this State heretofore having been offered at public sale, are now subject to private entry, and in many instances have been and are now likely to be entered by non-resident persons for the purposes of speculation; therefore, be it

Resolved, by the Senate, the Assembly concurring, That our Representatives in Congress be requested, and our Senators instructed, to use all possible means in their power to obtain suitable and speedy legislation for the withdrawal from private entry all of the public lands within this State; and that the Governor of this State be requested to transmit a copy of this resolution to our Representatives in Congress.

No. IV.—*Memorial.*

[Adopted December 22, 1869.]

The Memorial of the Legislature of the State of California respectfully represents:

Restoration of lands to settlement by pre-emption.

That immense tracts of land in this State, amounting to about thirteen millions of acres, are now owned or claimed by a few railroad companies, under grants from Congress; that such lands comprise a very considerable portion of the agricultural lands of our State; that the holding of or claim to such large tracts of land by a few persons has proved very disastrous to the interests of our citizens, by preventing the development of our resources and the settlement of our State; and it is further represented that more than one-half of the said thirteen millions of acres are claimed by the Southern Pacific Railroad Company, by the provisions of an Act of Congress passed July twenty-seventh, A. D. eighteen hundred and sixty-six; that the land claimed by them virtually includes every alternate section now belonging to the United States, to the width of sixty miles, and extending from the Bay of San Francisco for a distance of about six hundred miles, to the southern line of the State; that by the decision of the Secretary of the Interior, the claim of the said railroad company to said lands has been held invalid, but that said lands have not yet been restored to settlement by pre-emption, thereby inflicting a serious injury to the welfare of this State;

Wherefore, Congress is earnestly requested to order the said land, now claimed by the Southern Pacific Railroad Company, to be restored as soon as practicable to settlement by pre-emp-

tion; and that while the granting of aid for the construction of railroads and other internal improvements is earnestly advocated, Congress is requested not to make any more grants of lands in large tracts, in this State, for any purpose, but to direct the disposition of said lands under the pre-emption and homestead laws, to actual settlers, and to grant in lieu thereof, in aid of the construction of railroads and other internal improvements, a fair share of the proceeds of the sale of such lands.

Resolved, That the Governor of this State be respectfully requested to forward this memorial to our Senators and Representatives at Washington, at his earliest convenience.

No. V.—*Assembly Concurrent Resolution.*

[Approved January 12, 1870.]

Granting leave of absence.

Resolved by the Assembly, the Senate concurring, That B. W. Jenks, County Clerk elect of Klamath County, be and is hereby granted leave of absence from this State, for the period of six months, at such time as he may select during his term of office; *provided*, that said County Clerk elect shall appoint a competent and responsible deputy to act in his place during his absence; and *provided* further, that the compensation of such deputy shall not, in any case, become a charge against said county.

No. VI—*Assembly Concurrent Resolution.*

[Adopted January 15, 1870.]

Granting leave of absence.

Resolved by the Assembly, the Senate concurring, That Peter H. Peveler, County Clerk of Del Norte County, is hereby granted leave of absence from this State, for the period of six months, at such time as he may select during his term of office, which commences on the first Monday of March, A. D. eighteen hundred and seventy; *provided*, said P. H. Peveler shall leave a competent deputy to discharge the duties of said office of County Clerk during his absence; and *provided* further, that the compensation of such deputy shall not be a charge upon the said county.

No. VII.—*Senate Concurrent Resolution.*

[Approved January 21, 1870.]

Mail routes.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives

requested, to procure the passage of an Act declaring the public highways leading from Santa Rosa to Sonoma, and from Santa Rosa to Sebastopol, in the County of Sonoma, and from Healdsburg, in Sonoma County, to Calistoga, in Napa County, in this State, "mail routes," and to have mail service placed thereon at an early day. And that the Governor of this State be requested to transmit copies of this resolution to our Senators and Representatives in Congress.

No. VIII.—*Assembly Concurrent Resolution, granting leave of absence to John A. Watson, County Clerk of Humboldt County.*

[Adopted January 20, 1870.]

Resolved by the Assembly, the Senate concurring, That John A. Watson, County Clerk elect of Humboldt County, be and is hereby allowed leave of absence from the State for the period of six months, at such time after the first day of May, A. D. eighteen hundred and seventy, as he may select during his term of office; *provided*, that said John A. Watson shall furnish a competent deputy or deputies to discharge the duties of his office during such absence. Granting leave of absence.

No. IX.—*Senate Concurrent Resolution.*

[Adopted January 27, 1870.]

Resolved by the Senate, the Assembly concurring, That leave of absence be and hereby is granted to James F. Burns, Sheriff and Sheriff elect of the County of Los Angeles, to depart from this State at such time during the present year as he may select, for a period not exceeding three months; provided he shall leave a competent Under Sheriff in charge of his office during such absence. Granting leave of absence.

No. X.—*Senate Joint Resolution.*

[Approved January 28, 1870.]

WHEREAS, The Congress of the United States, two-thirds of both Houses having deemed it necessary, by a joint resolution duly passed, did propose to the Legislatures of the several States, for their ratification, a certain amendment to the Constitution of the United States, which proposed amendment is in the words and figures following, to wit: Article 15. Sec- Rejecting 15th amendment.

tion 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of servitude. Section 2. The Congress shall have power to enforce this article by appropriate legislation. Therefore, be it

Resolved by the Senate and Assembly of the State of California, That the said proposed amendment be and the same is hereby disapproved of and rejected by the Legislature of the State of California.

No. XI.—*Assembly Joint Resolution, relative to the building of a breakwater at Crescent City.*

[Approved February 3, 1870.]

Appropriation for building of breakwater.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure an appropriation from the General Government to build a breakwater at Crescent City, Del Norte County, California, for the protection of shipping and the encouragement of commerce in the northern portion of the Pacific Coast.

Resolved, That the Governor be requested to forward a copy of the above resolution to our Senators and Representatives in Congress.

No. XII.—*Senate Concurrent Resolution.*

[Adopted February 3, 1870.]

Additional joint rule.

Resolved by the Senate, the Assembly concurring. That the following additional rule be added to the "Joint Rules" of the Senate and Assembly: Rule 22. Whenever a bill or resolution, which shall have been passed in one House, shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted;" and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be indorsed "Concurred in," and such indorsements shall be signed by the Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

No. XIII.—*Senate Concurrent Resolution.*

[Adopted February 9, 1870.]

Correction of error.

Resolved by the Senate, the Assembly concurring, That the Enrolling Committee of the Senate be authorized to correct an

error, by changing the word "with" into the word "without," in the last line of section three of Senate substitute number two hundred and twenty-seven for Assembly Bill number two and Senate Bill number ninety-five, entitled an Act amendatory of and supplementary to an Act entitled an Act to organize and regulate the Justices' Court in the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.

No. XIV.—*Assembly Concurrent Resolution.*

[Adopted February 9, 1870.]

Mail routes and Post-offices.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives be requested, to use their influence to procure the establishment of a weekly mail from Millville, Shasta County, to Fort Bidwell, Siskiyou County, by Phillips' Ranch, Round Mountain, Luttrels' Ranch, Catons Valley, Birney Falls, Pitt River Ferry, Burgettville, Fall River Valley, Big Valley, Adin, Hot Spring Valley and Lake City; and also the establishment of Post-offices at Phillips' Ranch, Round Mountain, Catons Valley, Pitt River Ferry, Burgettville, Big Valley, Adin and Hot Spring Valley.

Resolved, That his Excellency the Governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

No. XV.—*Assembly Concurrent Resolution, for the establishment of a mail route from San Rafael, Marin County, to Petaluma, Sonoma County.*

[Adopted February 10, 1870.]

Mail route and Post-office.

Resolved by the Assemby, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to procure the establishment of a semi-weekly mail from San Rafael, in Marin County, to Nicasio, in said county, and thence to Petaluma, in Sonoma County, and the establishment of a Post-office at Nicasio.

No. XVI.—*Assembly Concurrent Resolution.*

[Approved February 14, 1870.]

Mail route.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives be requested, to use their best endeavors to procure a mail route

from Tuolumne City, in Stanislaus County, via Ward's Landing, Dover and Applings, to Millerton, in Fresno County; and further, that a copy of these resolutions be immediately forwarded to our Senators and Representatives in Congress.

No. XVII.—*Assembly Concurrent Resolution.*

[Adopted February 14, 1870.]

Mail route and Post-office.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their influence for the establishment of a semi-weekly mail route from Yreka, in the County of Siskiyou, to Little Shasta, in the same county, and for the establishment of a Post-office at the store of Riley J. McGrath, of Little Shasta.

Resolved, That his Excellency the Governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

No. XVIII.—*Senate Concurrent Resolution.*

[Approved March 1, 1870.]

Granting leave of absence.

Resolved by the Senate, the Assembly concurring, That John W. Bost, Surveyor-General of this State, is hereby granted leave of absence from this State for the period of sixty days, at such time as he may select during his term of office; *provided*, he shall leave a competent and responsible deputy in his office during his absence.

No. XIX.—*Senate Concurrent Resolution.*

[Adopted February 16, 1870.]

Mail routes and Post-offices.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to intercede with the Federal Government to procure the early establishment of a daily mail from the City of San José, in the County of Santa Clara, via the Town of Santa Clara, to the Town of Saratoga, in said county; also, a weekly mail from Saratoga, via Maclay's Mills, Congress Springs Hotel, over and along the Saratoga and Pescadero Turnpike Road, to the Summit House, in Santa Cruz County, and the establishing [of] Post-offices at Saratoga and Summit House.

Resolved, That his Excellency the Governor be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

No. XX.—*Senate Concurrent Resolution.*

[Adopted February 19, 1870.]

Resolved by the Senate of the State of California, the Assembly concurring, That our Senators in Congress are instructed, and our Representatives requested, to procure the establishment of a daily mail route from San Francisco to Saucelito, in Marin County, and the establishment of a Post-office at Saucelito, in said Marin County, California. Mail route and Post-office.

Resolved, That his Excellency the Governor be requested to forward a copy of the above resolution to each of our delegations in Congress.

No. XXI.—*Assembly Concurrent Resolution.*

[Adopted February 28, 1870.]

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the establishment of a daily mail from the City of San José, in the County of Santa Clara, to the Town of Almaden, in the same county. Mail route.

Resolved, That his Excellency, Governor H. H. Haight, be requested to forward a copy of this resolution to each of our Representatives and Senators in Congress.

No. XXII.—*Senate Concurrent Resolution.*

[Adopted February 26, 1870.]

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure mail service from Oroville to Taylorville three times per week, and to procure the extension of that route to Round Valley, via Crescent Mills and Greenville. Mail route.

Resolved, That his Excellency the Governor be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

No. XXIII.—*Senate Concurrent Resolution.*

[Adopted March 2, 1870.]

Printing of Surveyor-General's report

Resolved by the Senate, the Assembly concurring, That the State Printer be authorized to furnish, for distribution, five thousand copies of the biennial report of the Surveyor-General for the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine.

No. XXIV.—*Assembly Concurrent Resolution.*

[Adopted March 2, 1870.]

Presentation of National flag.

Resolved by the Assembly, the Senate concurring, That his Excellency the Governor be requested to forward the National flag, manufactured in this State for presentation to the Congress of the United States, to the California delegation, with the request that it be presented to Congress in such a manner as to them may seem fit; and that the manufacturer of the flag be authorized to take charge of it and deliver it to our Representatives in Congress.

No. XXV.—*Senate Concurrent Resolution.*

[Adopted March 7, 1870.]

Mail route and Post-offices

WHEREAS, The territory lying between the City of San Diego, in the State of California, and the City of Salt Lake, in the Territory of Utah, embracing a distance of nearly one thousand miles, along which the land is being rapidly settled by an intelligent and permanent population, with towns and trading posts established at convenient distances; and whereas, there are at present no postal facilities afforded, and no provision made by the Post-office Department of the General Government, for the transmission of the mails along said route, and between the said termini of Salt Lake and San Diego; therefore, be it

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the establishment of a mail route from San Diego, California, via San Bernardino, to Salt Lake City, Utah, with the establishment of Post-offices along said route, at convenient intervals, said service to be performed weekly.

Resolved, That his Excellency the Governor be requested to forward a copy of these resolutions to our Senators and Representatives in Congress, at as early a day as possible.

No. XXVI.—*Assembly Concurrent Resolution.*

[Adopted March 7, 1870.]

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the establishment of a semi-weekly mail route from Moore's Flat, Nevada County, to Graniteville, Nevada County. Mail route.

Resolved, That his Excellency the Governor be requested to forward a copy of the above to each of our members in Congress.

No. XXVII.—*Senate Concurrent Resolution.*

[Adopted March 7, 1870.]

WHEREAS, The existing Internal Revenue Law of the United States is oppressive and unjust in its operation toward the fruit distilling interest of California, leading to arrest as a criminal and working a confiscation of the machinery and house and land whereon it is located, for the slightest technical violation of its stringent provisions, which are so conflicting as to be beyond the simple comprehension of the humble distiller; and whereas, the law, by its system of rewards to informers and officials in cases of seizure and sale, acts practically as a bounty upon injustice and petty tyranny, inasmuch as the officer making the seizure is the interpreter of the law, and passes upon the legality of his own acts, from which there is no appeal except at a ruinous expense and loss of time; and whereas, the ruling now imposed by the Commissioner of Internal Revenue, regarding a capacity and per diem tax, is ruinous and inapplicable to the fruit distiller, and prevents the working up of light and inferior wines into brandy, and if persisted in will effectually destroy and close the fruit interests of California; therefore, be it Fruit distilling, modification of law relating to.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to lay the facts stated in the preceding preamble before that body, and use their utmost endeavors for the repeal of the said law, or such a modification of it as will exempt fruit distillers from its provisions, as applied to malt and grain distillers.

Resolved, That his Excellency, Governor Haight, be requested to furnish a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

No. XXVIII.—*Assembly Concurrent Resolution.*

[Adopted March 8, 1870.]

Mail route.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress are instructed, and our Representatives requested, to procure the establishment of a daily mail route from the City of San José, in the County of Santa Clara, to Evergreen, in the said county, distant about eight miles from San José.

Resolved, That his Excellency the Governor be requested to forward a copy of the above to each of our delegation in Congress.

No. XXIX.—*Senate Concurrent Resolution.*

[Adopted March 9, 1870.]

Granting leave of absence.

Resolved by the Senate, the Assembly concurring, That Sydney Waite, County Clerk of San Bernardino County, is hereby granted leave of absence from this State for the period of four (4) months, at such time as he may select during his term of office; *provided*, that the said County Clerk shall leave a competent deputy to discharge the duties of said office during his absence, and obtain the consent of the Board of Supervisors of San Bernardino County for such absence.

No. XXX.—*Senate Concurrent Resolution.*

[Adopted March 11, 1870.]

Insertion of enacting clause.

Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be authorized to insert the enacting clause in Senate Bill number four hundred and fifty-eight (458), an Act entitled an Act to amend an Act entitled an Act to amend an Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six, approved March thirteenth, eighteen hundred and sixty-eight.

No XXXI.—*Senate Concurrent Resolution.*

[Adopted March 14, 1870.]

Correction.

Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of Senate is authorized to strike out the word

"he," in line eight of section five, where it occurs in the engrossed bill in an Act entitled an Act to prevent the kidnapping and importation of Mongolian, Chinese and Japanese females for criminal or demoralizing purposes.

No. XXXII.—*Senate Concurrent Resolution.*

[Adopted March 14, 1870.]

Restoration of ship-building.

Resolved, if the Assembly concur, That our Senators in Congress be instructed, and our Representatives requested, to fully co-operate with the representatives of other States in all proper measures having for their object the restoration of the building of ships to American ship builders, and to save from absolute decay this important element of national wealth and power.

No. XXXIII.—*Senate Concurrent Resolution.*

[Approved March 18, 1870.]

Abolition of income tax.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure, if possible, the abolition of the income tax.

Resolved, That his Excellency the Governor of this State be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

No. XXXIV.—*Senate Concurrent Resolution, relative to the erection of a breakwater at Wilmington Harbor.*

[Approved March 18, 1870.]

PREAMBLE.

Breakwater in Wilmington Harbor.

WHEREAS, The Harbor of Wilmington, in Los Angeles County, is one of the most important on the coast line of the State south of San Francisco, being the outlet for the large and rapidly increasing trade of nearly the whole of the southern counties, and where a vast amount of merchandise is received, not only for the supply of those counties, but for Northern Arizona and Southern Utah. The business of said port is increasing every year, and it may be considered, in a shipping and commercial point of view, the second port in importance in the State; and whereas, the General Government has gone to great expense in building large warehouses and establish-

Breakwater in Wilmington Harbor.

ing distributing depots at said port, making it the headquarters for the United States troops for the district of Southern California and Arizona; and whereas, the said harbor is rapidly becoming inaccessible, by reason of the accumulation of sand on the bar forming across the harbor, thereby compelling the lighterage of all goods received at or shipped from said port, at a great risk to owners and shippers, and a heavy additional expense of insurance on both vessel and cargo. The expense attending such lighterage amounts to some seventy-five thousand dollars ($75,000) per year, as shown by the books of the commercial and shipping houses doing business at that port; and whereas, it is shown by the accompanying report and map of said harbor, made by Brevet Brigadier-General B. S. Alexander, U. S. A., Lieutenant-Colonel of Engineers and Chief of the Engineering Corps on the Pacific coast (which report and map is herewith submitted and appended), that it is entirely feasible and practicable to improve said harbor and deepen the water at the bar to an average of from eleven feet to eighteen feet, by constructing a breakwater, some seven thousand feet in length, between the points of the harbor known as "Dead Man's Island" and "Rattlesnake Island." Three thousand six hundred and sixty-five feet of said breakwater will stand upon ground that is bare at low water, and three thousand three hundred and thirty-five feet will have its base under water. General Alexander estimates that the breakwater can be constructed in one season, and at a cost of three hundred and fifty thousand dollars ($350,000); and whereas, the construction of said breakwater would greatly increase the safety and facility of said harbor, enabling vessels to receive and discharge cargo alongside the pier, and the cars of the railroad (now completed) which connects this harbor with the City of Los Angeles and the interior of the richest portion of the southern counties, to discharge and receive freight at a warehouse on the same pier with the vessels, to the great lessening of expense and the saving of time and loss; and whereas, the report upon which we base this preamble and following resolution, coming as it does from such high engineering authority, is entitled to the greatest consideration, and the estimate of the cost of the work is based upon practical engineering experience, and is so small, as compared with the importance of the work and the immediate and immense benefit to be derived therefrom, not only to that section of the State, but to the welfare of the entire State of California and the General Government; therefore, be it

Resolved by the Senate, the Assembly concurring, That our Representatives in Congress be requested, and our Senators instructed, to use all possible means in their power to obtain from Congress an appropriation of three hundred and fifty thousand dollars, for the improvement of said harbor and the construction of said breakwater. And that the Governor of this State be requested to transmit a copy of this preamble and resolution, together with the accompanying report and map appended, to each of our Representatives and Senators, with a request that they take speedy action in the matter.

No. XXXV.—*Senate Concurrent Resolution.*

[Adopted March 15, 1870.]

Printing of certain Fee and Salary Acts.

Resolved by the Senate, the Assembly concurring, That the Secretary of State be and he is hereby directed to furnish a certified copy of the Siskiyou County, El Dorado and Calaveras Counties, also Nevada County, Fee and Salary Act, to the State Printer, and that the State Printer be directed to print two hundred and forty copies of each.

No. XXXVI.—*Senate Concurrent Resolution.*

[Adopted March 15, 1870.]

Darien ship canal.

WHEREAS, Inter-oceanic communication between the Atlantic and Pacific, by means of a ship canal across the Isthmus of Darien or Panama, has been demonstrated by actual survey to be a feasible enterprise; and whereas, the construction of such a canal would be of vast importance to the commercial interest of the civilized world, and particularly to our own country; and whereas, from the geographical position of our State, the completion of this grand work is of vital interest to California; therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to urge upon Congress the speedy construction of a ship canal connecting the Atlantic and Pacific, and to use all honorable means to hasten its commencement and completion.

Resolved, That his Excellency the Governor be requested to transmit a copy of this preamble and resolutions to the State Department at Washington, and to each of our Senators and Representatives.

No. XXXVII.—*Senate Concurrent Resolution.*

[Adopted March 15, 1870.]

Port of entry

Resolved by the Senate of the State of California, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to use all proper efforts to have the City of Vallejo lawfully declared a port of entry, under the laws of the United States.

Resolved, That his Excellency the Governor be and is hereby requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

No. XXXVIII.—*Assembly Concurrent Resolution.*

[Adopted March 15, 1870.]

Mail route.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means in their power to procure the establishment of a tri-weekly mail from the Town of Calistoga, in Napa County, to the Town of Kelsey, in Lake County, California, by the way of Guenoc and Lower Lake, in said County of Lake.

Resolved, That his Excellency the Governor be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

No. XXXIX.—*Senate Concurrent Resolution concerning substitutes for Senate Bill number three hundred and twenty-eight (328), entitled an Act to empower the City of Stockton to aid in the construction of the Stockton and Visalia Railroad, and concerning Senate Bill number four hundred and fifty-three (453), entitled an Act to empower the County of San Joaquin to aid in the construction of the Stockton and Visalia Railroad.*

[Adopted March 15, 1870.]

Amendments.

Resolved by the Senate, the Assembly concurring, the unanimous consent of both bodies being first had, That the Enrolling Clerk of the Senate be and he is hereby authorized and required to strike out the words "fifth Tuesday in March," wherever they occur in said substitute for Senate Bill number three hundred and twenty-eight (328), and wherever they occur in said Senate Bill number four hundred and fifty-three (453), and insert instead of such words, the words "fifteenth (15th) day of April."

No. XL.—*Senate Concurrent Resolution.*

[Adopted March 15, 1870.]

Return of bill for correction.

Resolved by the Senate, the Assembly concurring, That the Governor be requested to return to the Senate, Senate Bill number three hundred and fourteen, for the purpose of having an enacting clause inserted in it, and that the Secretary of the Senate be authorized to make the correction.

No. XLI.—*Senate Concurrent Resolution.*

[Adopted March 16, 1870.]

Amendment

Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be and he is hereby authorized to amend, by omitting section two from Senate Bill number eighty-three.

No. XLII.—*Assembly Concurrent Resolution.*

[Adopted March 16, 1870.]

Granting leave of absence.

Resolved by the Assembly, the Senate concurring, That A. Maurice, Jr., District Attorney of Butte County, be and is hereby granted leave of absence from this State for the period of four months, at such time as he may select during his present term of office; *provided*, he shall leave a competent and responsible deputy in his office during his absence.

No. XLIII.—*Senate Concurrent Resolution.*

[Adopted March 16, 1870.]

Return of Senate bill.

Resolved by the Senate, the Assembly concurring, That his Excellency the Governor be respectfully requested to return to the Senate, Senate Bill number eighty-three, an Act to amend an Act concerning civil actions in this State.

No. XLIV.—*Senate Concurrent Resolution.*

[Adopted March 16, 1870.]

Amendment

Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be authorized to strike out the word "his" in line five of section three of Senate Bill number two hundred and twenty-one, entitled an Act providing for the adoption of minors and the legitimizing of children born out of wedlock, and insert in lieu thereof the word "its."

No. XLV.—*Senate Concurrent Resolution.*

[Adopted March 18, 1870.]

Granting leave of absence.

Resolved by the Senate, the Assembly concurring, That Thomas Laspeyre, District Attorney of Kern County, be and is hereby granted leave of absence from the State for the period of four months, at such time as he may select during his term of office; *provided*, he shall leave a competent and responsible deputy in his office during his absence.

No. XLVI.—*Senate Concurrent Resolution.*

[Adopted March 18, 1870.]

Mail route and Post-offices.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to procure the establishment of a semi-weekly mail route between the Town of Snelling and the Town of San Luis, in Merced County, via Hopeton, Alexandria, Dover, Hill's Ferry and Cottonwood; and also the establishment of Post-offices at Hill's Ferry, Cottonwood and San Luis Ranch.

Resolved, That his Excellency the Governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

No. XLVII.—*Senate Concurrent Resolution.*

[Adopted March 19, 1870.]

Amendment to Senate bill.

Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be and he is hereby instructed to insert the words "article one" between the words "to wit" and "section twenty-two," when said words occur in the preamble of Senate Bill number five hundred and fifty, an Act entitled an Act to provide for the submission to the people of the proposed amendment to the Constitution of the State, as proposed by the Legislature at its sixteenth session and adopted by the Legislature at its seventeenth session, to the votes of the qualified electors of the next general election; and that his Excellency the Governor be requested to deliver said bill to the Enrolling Committee of the Senate, for the purpose of making the correction.

No. XLVIII.—*Senate Concurrent Resolution.*

[Adopted March 19, 1870.]

Correction of error.

Resolved by the Senate, the Assembly concurring, That the Secretary of the Senate be and is hereby authorized and directed to correct an error in Senate Bill number five hundred and seventy-seven, by striking out the word "sixty" in line fourteen, section one, and inserting in lieu thereof the word "eighty."

No. XLIX.—*Assembly Concurrent Resolution.*

[Adopted March 21, 1870.]

Granting leave of absence.

Resolved by the Assembly, the Senate concurring, That J. W. Graham, County Treasurer of Klamath County, be and is hereby granted leave of absence from the State, for the period of six months, at such time as he may select during his term of office; *provided*, he shall leave a competent and responsible deputy in his office during his absence, and obtain the consent of the Board of Supervisors of Klamath County for such absence, and also of the sureties on his official bond.

No. L.—*Assembly Concurrent Resolution.*

[Adopted March 22, 1870.]

Asking for donation of Presidio lands for public park.

WHEREAS, The Presidio Reservation is the property of the United States, and only a small portion of which is used for military purposes; and whereas, it consists of about seventeen hundred acres of land, lying immediately north of the City and County of San Francisco, and less than three miles from the centre of the business part of said city, and is the most attractive spot for a public park on the peninsula, skirting, as it does, the great Bay of San Francisco on the west, and comprising the whole of the land sloping to the east from the Golden Gate to the city; and whereas, much of said land is well watered and capable of cultivation, while a large portion of the remaining lands of the said City and County of San Francisco which is not built upon, is drifting sand; therefore,

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to use all means in their power to secure the passage of an Act of Congress dedicating the lands above described for the purposes of a public park.

No. LI.—*Assembly Concurrent Resolution.*

[Adopted March 22, 1870.]

Mail route.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means to procure the establishment of a tri-weekly mail route from Cloverdale, in Sonoma County, to Trinidad, in Klamath County.

Resolved, That his Excellency the Governor be requested to forward a copy of the above resolution to our Senators and Representatives in Congress, at as early a day as possible.

No. LII.—*Senate Concurrent Resolution.*

[Adopted March 22, 1870.]

Return of Senate bill.

Resolved by the Senate, the Assembly concurring, That his Excellency the Governor be and he is hereby respectfully requested to return to the Senate, Senate Bill number five hundred and forty-three, entitled an Act authorizing the sale of certain legal tender notes, for further consideration.

No. LIII.—*Senate Concurrent Resolution.*

[Adopted March 23, 1870.]

Granting leave of absence.

Resolved by the Senate, the Assembly concurring, That J. Fred. Eastman, Treasurer and ex-officio Tax Collector of Yuba County, be and he is hereby granted leave of absence from this State for the period of three months, at such time as he may select during his term of office; *provided*, that the said Treasurer shall leave a competent deputy in his office for the transaction of business; and *provided* further, he shall first obtain the consent of a majority of the Board of Supervisors of said county and the sureties upon his official bond.

No. LIV.—*Assembly Concurrent Resolution.*

[Approved March 26, 1870.]

Asking for an appropriation for a U. S. building on Custom-house block.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to obtain an appropriation from the Congress of the United States, for the construction of a suitable building for

the uses of the United States Government, on the block of land situated in the City and County of San Francisco, and known as the "Custom-house Block," which land was, by Act passed May third, eighteen hundred and fifty-four, donated by the State of California to the Government of the United States for the purpose of erecting and continuing thereon a Custom-house and other necessary buildings for the use of the United States.

No. LV.—*Assembly Concurrent Resolution.*

[Adopted March 24, 1870.]

Addition to Section 7, A. B. 57.

Resolved by the Assembly, the Senate concurring, That the Enrolling Clerk of the Assembly is hereby authorized to add to section seven of Assembly Bill No. 57—An Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the City and County of San Francisco—at the end of said section, the following: All the salaries, provided to be paid under the provisions of this Act, shall be paid monthly, in equal instalments, out of the General Fund of said city and county, in the same manner as the salaries of the other officers of said city and county are paid; and it shall be the duty of the Auditor of said city and county to allow, and of the Treasurer to pay, said salaries in the manner herein provided.

No. LVI.—*Assembly Concurrent Resolution.*

[Approved March 28, 1870.]

For cession of certain lands for educational purposes

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to urge upon Congress the cession of the grounds situated in Siskiyou County, in this State, and known as the "Fort Jones Reserve," to the County of Siskiyou, for educational purposes.

Resolved, That the Governor be requested to forward a copy of these resolutions to our Senators and Representatives in Congress.

No. LVII.—*Assembly Joint Resolution, directing the State Librarian to deliver to each of the Judges of the United States Courts on the Pacific Coast a copy of the California Reports.*

[Approved March 25, 1870.]

Resolved by the Senate and Assembly of the State of California, That the State Librarian of the State be and he is hereby

Delivery of Supreme Court Reports.

authorized and directed to deliver to the United States Circuit Judge for the Ninth Circuit, and to the Judges of the United States District Courts for California, Oregon and Nevada, and to each of them, a full set of the Reports of the Supreme Court of California, and from time to time hereafter, as the same shall be published, to each of said Judges, one copy of the Reports of the Supreme Court hereafter published, to be by said Judges turned over to their successors in office; and also, to each of said Judges, one copy of the session laws from and including the session laws of A. D. eighteen hundred and sixty-four.

No. LVIII.—*Senate Concurrent Resolution.*

[Adopted March 28, 1870.]

Mail route and Post-offices.

WHEREAS, A population of not less than two thousand persons, who are now distant from twenty to seventy-five miles from the nearest Post-office, would be supplied with necessary and convenient mail facilities by the placing of mail service, and the establishment of Post-offices at proper points, on the road running from Red Bluff, Tehama County, via Bass Ranch, Dog Creek, Soda Springs, Strawberry Rancho and Shasta Valley, to Yreka, Siskiyou County; be it

Resolved by the Senate and Assembly, That our Senators in Congress be instructed, and our Representatives requested, to urge on the Postmaster-General that he award a contract for carrying the mail over the above named road to some one of the parties, if any, who shall, in pursuance of the published invitation of the Department for proposals, made in October last, offer to carry the same.

Resolved, That his Excellency the Governor be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

No. LIX.—*Senate Concurrent Resolution.*

[Adopted March 28, 1870.]

Amendment

Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be authorized to insert the words "or she" after the word "he," in line fifteen of section six of an Act entitled an Act providing for the adoption of minors and the legitimizing of children born out of wedlock.

No. LX.—*Assembly Concurrent Resolution.*

[Adopted March 28, 1870.]

Resolved by the Assembly, the Senate concurring, That the Enrolling Committee of the Assembly is authorized and required to insert in Assembly Bill number seventy, at the end of the last line of section one, the following proviso, viz: "*Provided*, that in cases where property has been sold prior to the passage of this Act, the right of third person shall not be affected by any such amendment of the assessment roll." Adopted. Amendment

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No. LXI.—*Senate Concurrent Resolution.*

[Adopted March 29, 1870.]

Resolved, by the Senate and Assembly of the State of California, That the flag over the dome of the Capitol be lowered to half-mast, in honor of the memory of Major-General George H. Thomas, U. S. A., and General of Division for the Pacific Coast, who departed this life at San Francisco on the evening of March twenty-eighth, eighteen hundred and seventy. Flag at half-mast.

No. LXII.—*Senate Concurrent Resolution.*

[Adopted March 29, 1870.]

WHEREAS, Between the first day of January, eighteen hundred and sixty-nine, and the twenty-eighth day of February, eighteen hundred and seventy, there were landed at the port of San Francisco, principally from the British port of Hong-kong, one thousand one hundred and fifty-six Chinese females, many of whom were kidnapped from their homes, and most of whom were imported for immoral purposes; and whereas, the steamship company cannot refuse passage to these females without assuming the burden of proving the immoral character of each individual so refused passage; and whereas, in the interests of common humanity and the cause of good morals in both countries, it is desirable that this nefarious traffic be broken up; therefore, be it To restrict the importation of Chinese females.

Resolved by the Senate of the State of California, the Assembly concurring, That our Senators and Representatives in Congress are hereby requested to call the attention of the Secretary of State of the United States to this subject, and to request him to instruct our Minister to England to lay the facts before the British Government, and through it to ask of the proper authorities the enactment of such laws or police regulations in the British ports of China as will prevent the shipment of Chinese

females to this country, unless satisfactory evidence is furnished that they are not intended for purposes of prostitution. And be it further

Resolved, That our Senators in Congress are instructed, and our Representatives requested, to procure the passage of a law forbidding any master of an American vessel to bring to this country, from Chinese ports, any alien passenger, unless provided with a passport from the American Consul, and forbidding Consuls to grant any passport to any Asiatic female, unless she is to be accompanied on the voyage by her husband or father, and that he is satisfied that she goes of her own free will, and is not intended for immoral purposes. And be it further

Resolved, That his Excellency the Governor be respectfully requested to forward copies of the foregoing resolutions to our Senators and Representatives in Congress.

No. LXIII.—*Joint Resolution, concerning a certain bill now pending in the Congress of the United States, more particularly defining the character of swamp and overflowed lands, introduced by Mr Julian.*

[Adopted March 30, 1870.]

To protect rights of purchasers of swamp lands.

WHEREAS, Information from reliable sources has come to the knowledge of the Legislature of the State of California that there is now pending in the House of Representatives of the United States a bill, introduced by Mr. Julian, providing for defining the character of swamp and overflowed lands; and whereas, by the provisions of said bill all selections of swamp or overflowed lands hereinafter made and reported to the General Land Office, so far as the same remain undisposed of by patent or statute confirmation, which are shown in the greater part of each smallest subdivision not to be swamp or overflowed to such an extent as to render them unfit for cultivation in their natural condition at any period of the year, or which may be valuable for grazing or other agricultural purposes without reclamation, or on which timber may be found, shall be excluded from patent as swamp and restored to the public domain; and whereas, said bill further provides that where lands already or hereafter selected as swamp are disposed of under any United States law, or to which any adverse right may be attached under any United States law, prior to issuing of patent under the swamp grant, such disposition shall be considered as establishing the character of the lands so disposed of, and they shall be rejected as swamp and stricken from the swamp lists; and whereas, such a law would prove unjust to a large number of purchasers of swamp and overflowed lands in California, in that such purchasers have paid in whole or in part for large tracts of such lands, and the same have not been certified to the State by the proper authorities of the United States; and the provisions of such bill would be otherwise disastrous to many actual settlers in

this State on swamp and overflowed lands which would be by said bill declared arable; therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to use all just means to secure such modifications of said bill, in the event that the same becomes a law, as will amply protect the vested rights of the purchasers of such lands in this State, and all actual settlers thereon, and if they are unable to procure the said modifications, that they then oppose the passage of said bill or any other like measure

Resolved, That his Excellency the Governor be and is hereby requested to telegraph the substance of these resolutions to our Senators and Representatives in Congress, and that he cause copies of the same to be transmitted to said Senators and Representatives as soon as practicable.

No. LXIV.—*Senate Concurrent Resolution, relative to a weekly mail from Cottage Grove to Orleans, in Klamath County.*

[Adopted March 31, 1870.]

Weekly mail

Resolved by the Senate, the Assembly concurring, That our Representatives in Congress be requested, and our Senators instructed, to use their influence to procure the establishment of a weekly mail from the Cottage Grove to Orleans, in Klamath County.

Resolved, That his Excellency, Governor H. H. Haight, be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

No. LXV.—*Senate Concurrent Resolution.*

[Adopted April 1, 1870.]

To subsidize line of steamers between San Francisco and Melbourne

WHEREAS, Action is about to be taken by the British Government and the Australian Colonies, to place upon the Pacific Ocean a line of steamships to ply monthly between Melbourne, Australia, and San Francisco, California. The most superficial observer will readily perceive that such a line of steamers will go largely towards placing the Pacific Ocean under the control of the Government under whose flag they sail. It is evident that such a result in time of war would prove most disastrous to the United States. The shipyards and machine shops, for the construction and repairs of these vessels and their machinery, would be located, did the United States control the line, in San Francisco, giving employment to hundreds of mechanics and laborers, adding largely to the business and wealth of the

city and State; and whereas, in these times of mechanical, agricultural and commercial depression, it becomes the duty of the Government to retain within its borders, encourage and aid, for the benefit of its citizens, all of the avenues of trade over which it is possible for it to obtain control; therefore, be it

Resolved by the Senate of California, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to use such influence as shall cause National aid to be granted in the shape of a liberal subsidy, commensurate with the importance of the project, for a term of years, to any responsible company who will contract to perform a monthly mail service, in vessels of not less than two thousand tons burden, between San Francisco and Melbourne.

Resolved, That the Governor be requested to forward a copy of this preamble and these resolutions to our Senators and Representatives at Washington, without delay.

No. LXVI.—*Senate Concurrent Resolution.*

[Adopted April 2, 1870.]

Striking out a clause in S. B. 568.

Resolved by the Senate, the Assembly concurring, That the Enrolling Committee of the Senate be and they are hereby empowered to strike out the following clause in section twenty, of Senate Bill number five hundred and sixty-eight, an Act entitled an Act to reincorporate the City of Stockton: "To grant to any company now incorporated, or hereafter to be incorporated, the exclusive right to lay down and maintain water pipes in and through the streets of the City of Stockton, and through said pipes to supply water for the use of said city and the inhabitants thereof, for the term of fifty years, subject to such restrictions and regulations as they may impose upon said company concerning the laying, repairing and using of said pipes; *provided*, that the Common Council shall have full power at all times to fix and regulate the charges of said company for supplying water to the inhabitants;" and that his Excellency the Governor be requested to deliver said bill to the Enrolling Committee for the purposes above mentioned.

No. LXVII.—*Assembly Concurrent Resolution.*

[Adopted April 4, 1870.]

Return of bill to correct error.

Resolved by the Assembly, the Senate concurring, That the Governor be requested to return to the Assembly, Assembly Bill number three hundred and twenty-four, for the purpose of correcting a clerical error.

No. LXVIII.—*Senate Joint Resolution.*

[Adopted April 4, 1870.]

To secure to the State tide lands heretofore granted.

Resolved by the Senate of the State of California, the Assembly concurring, That the Attorney-General of the State of California be and is hereby authorized and instructed to institute proceedings in the Courts of this State to secure to the State of California the tide lands heretofore granted by an Act of the Legislature to the Golden City Homestead Association, and to vacate the patent heretofore issued to said association.

No. LXIX.—*Senate Concurrent Resolution.*

[Adopted April 4, 1870.]

Joint rule rescinded.

Resolved by the Senate, the Assembly concurring, That rule number fifteen of the joint rules of the Senate and Assembly be and the same is hereby rescinded.

No. LXX.—*Senate Concurrent Resolution.*

[Adopted April 4, 1870.]

Correction of enacting clause.

Resolved by the Senate, the Assembly concurring, That the Enrolling Committee of the Assembly be instructed to insert in the enacting clause to Assembly Bill seven hundred and forty-seven the word "represented" between the words "California" and "in."

No. LXXI.—*Senate Concurrent Resolution.*

[Adopted April 4, 1870.]

Appropriation.

Resolved by the Senate, the Assembly concurring, That the sum of one hundred and forty-one and forty-hundredths dollars be and the same is hereby allowed and ordered paid to C. A. Urig, for translation of the Governor's biennial message into the German language, one-half thereof payable out of the Contingent Fund of the Senate and one-half payable out of the Contingent Fund of the Assembly; and the Controller of State is hereby authorized and directed to draw his warrants accordingly, and the Treasurer of State to pay the same.

No. LXXII.—*Senate Concurrent Resolution.*

[Adopted April 4, 1870.]

Granting leave of absence.

Resolved by the Senate, the Assembly concurring, That leave of absence from the State be and is hereby granted to Mathew Woods, Sheriff of Yuba County, for the space of four months, to be selected by himself, during the term for which he was elected; *provided*, that he shall first obtain the consent of the Board of Supervisors of said county and all the sureties on his official bond, and leave a competent deputy in the office.

No. LXXIII.—*Assembly Concurrent Resolution.*

[Adopted April 4, 1870.]

Canal for mining and irrigating purposes.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to secure the passage of an Act granting land in aid of the construction of a canal, for mining and irrigating purposes, from the mountain lakes in El Dorado County, via Placerville, to the City of Sacramento.

Resolved, That the Governor be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

No. LXXIV.—*Assembly Concurrent Resolution, instructing our Senators and Representatives in Congress to place our navy yards on a civil basis.*

[Adopted April 4, 1870.]

To place navy yards on a civil basis.

WHEREAS, There is a bill before the present Congress to reorganize the navy, which, if passed, will to a great extent increase the naval officers' power in our navy yards, thereby materially enhancing the cost of our ships of war; whilst the country is laboring under an enormous debt and taxation consequent thereunto, it behooves the Representatives of this State to enter a protest against any measure calculated to increase the expenses of the Government and diminish the efficiencies of its establishment, increasing the taxation, and, as a consequence, to further depress the industry of the country; and whereas, our navy yards are but extensive workshops for the building, fitting and repairing of our ships of war, requiring no military organization, unnecessary class of officers for their management, the whole of the work being mechanical and civil in its nature, the mechanical work in our navy yards can be done at much less cost under a purely civil establishment; therefore, be it

Resolved, if the Senate concur. That our Senators be instructed, and our Representatives in Congress be requested, to exert themselves to the full extent of their influence to have the navy yards of the country placed upon a purely civil basis and analagous to those of other countries. And be it further

Resolved, That the Governor be instructed to transmit a copy of these resolutions to our Senators and Representatives in Washington.

No. LXXV.—*Assembly Concurrent Resolution.*

[Adopted April 4, 1870.]

Investigation demanded.

WHEREAS, There is sufficient evidence to warrant the belief that on the twenty-third of January last the British steamer "Bombay," Captain Arthur Wellesley Eyre, commanding, in the waters of Japan, ran into and sank the United States steamer "Oneida," Captain E. P. Williams, commanding, sending into eternity, in the space of ten minutes, one hundred and twenty officers and men of the United States service; and whereas, it seems that said act was malicious, wanton and cruel upon the part of the British commander; and whereas, we believe the brave and meritorious conduct of Commander E. P. Williams, Lieutenant Commander W. L. Stewart, executive officer of the ship, and Lieutenant Commander A. W. Muldaur, in preserving complete discipline unto the last, shows to the world the material of which the American naval service is composed, as once before particularly evidenced by the fate of the "Cumberland; therefore, be it

Resolved by the Assembly, the Senate concurring, That we demand of our Senators and Representatives in Congress the most thorough investigation of this brutal act of the British commander, and to the cause of those despairing words of the American commander: "I asked for more boats, and they were not allowed me."

Resolved, That his Excellency the Governor be and he is hereby requested to forward a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

CONSTITUTION

OF THE

UNITED STATES.

CONSTITUTION OF THE UNITED STATES.

PREAMBLE.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

OF THE LEGISLATIVE POWER.

Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

OF THE HOUSE OF REPRESENTATIVES.

Sec. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

OF THE SENATE.

Sec. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years, and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth

year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and have a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments; when sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

MANNER OF ELECTING MEMBERS.

SEC. 4. The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of chosing Senators.

CONGRESS TO ASSEMBLE ANNUALLY.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

POWERS.

SEC. 5. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

COMPENSATION, ETC., OF MEMBERS.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

MANNER OF PASSING BILLS, ETC.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting

for and against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

Every order, resolution or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

POWER OF CONGRESS.

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards and other needful buildings;

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

LIMITATION OF THE POWERS OF CONGRESS.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title, of any kind whatever, from any king, prince, or foreign State.

LIMITATION OF THE POWERS OF THE INDIVIDUAL STATES.

SEC. 10. No State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit: make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, or ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such eminent danger as will not admit of delay.

ARTICLE II.

EXECUTIVE POWER.

SECTION 1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

MANNER OF ELECTING.

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each: which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President. (1)

TIME OF CHOOSING ELECTORS.

The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

WHO ELIGIBLE.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President: neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

WHEN THE PRESIDENT'S POWER DEVOLVES ON THE VICE PRESIDENT.

In cases of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected.

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(1) This clause has been superseded by the 12th amendment to the Constitution.

PRESIDENT'S COMPENSATION.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

OATH.

Before he enters on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

POWERS AND DUTIES.

SEC. 2. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States: he may require the opinion, in writing, of the principal officer in each of the Executive Departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the Courts of law, or in the heads of Departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SEC. 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper: he shall receive Ambassadors and other public Ministers: he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

OFFICERS REMOVED.

SEC. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office, on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

OF THE JUDICIARY.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may, from time to time, ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority: to all cases affecting Ambassadors, other public Ministers and Consuls: to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party: to controversies between two or more States; between a State and citizens of another State: between citizens of different States: between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens or subjects.

JURISDICTION OF SUPREME COURT.

In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

OF TRIALS AND CRIMES.

The trials of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may, by law, have directed.

OF TREASON.

SEC. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open Court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

STATE ACTS.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every State. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

PRIVILEGES OF CITIZENS.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

RUNAWAYS TO BE DELIVERED UP.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

NEW STATES.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

TERRITORIAL AND OTHER PROPERTY.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the executive, (when the Legislature cannot be convened), against domestic violence.

ARTICLE V.

AMENDMENTS.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; *provided*, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

DEBTS.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation.

SUPREME LAW OF THE LAND.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land: and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

OATH—NO RELIGIOUS TEST.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

DONE in Convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

NEW HAMPSHIRE.
JOHN LANGDON.
NICHOLAS GILMAN.

MASSACHUSETTS.
NATHANIEL GORHAM.
RUFUS KING.

CONNECTICUT.
WM. SAMUEL JOHNSON.
ROGER SHERMAN.

NEW YORK.
ALEXANDER HAMILTON.

NEW JERSEY
WILLIAM LIVINGSTON.
DAVID BREARLY,
WILLIAM PATTERSON,
JONATHAN DAYTON.

PENNSYLVANIA.
BENJAMIN FRANKLIN,
THOMAS MIFFLIN,
ROBERT MORRIS,
GEORGE CLYMER,
THOMAS FITZSIMONS,
JARED INGERSOLL,
JAMES WILSON,
GOUVERNEUR MORRIS.

DELAWARE.
GEORGE READ,
GUNNING BEDFORD, Jr.,
JOHN DICKINSON,
RICHARD BASSETT,
JACOB BROOM.

MARYLAND.
JAMES M'HENRY,
DANIEL of St. Tho. JENIFER,
DANIEL CARROLL.

VIRGINIA.
JOHN BLAIR,
JAMES MADISON, Jr.

NORTH CAROLINA.
WILLIAM BLOUNT,
RICHARD DOBBS SPAIGHT
HUGH WILLIAMSON.

SOUTH CAROLINA.
JOHN RUTLEDGE,
CHARLES C. PINCKNEY,
CHARLES PINCKNEY,
PIERCE BUTLER.

GEORGIA.
WILLIAM FEW,
ABRAHAM BALDWIN

Attest: WILLIAM JACKSON, Secretary.

AMENDMENTS

TO THE

CONSTITUTION OF THE UNITED STATES.

ARTICLE I.

FREE EXERCISE OF RELIGION, ETC.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.—[*Proposed Sept. 25th, 1789; ratified Dec. 15th, 1791.*

ARTICLE II.

RIGHT TO BEAR ARMS.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.—[*Id.*

ARTICLE III.

NO SOLDIER TO BE BILLETED, ETC.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.—[*Id.*

ARTICLE IV.

UNREASONABLE SEARCHES PROHIBITED.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.—[*Id.*

ARTICLE V.

CRIMINAL PROCEEDINGS.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.—[*Id.*

ARTICLE VI.

MODE OF TRIAL.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation: to be confronted with the witnesses against him: to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.—[*Id.*

ARTICLE VII.

RIGHT OF TRIAL BY JURY.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved: and no fact, tried by a jury, shall be otherwise re-examined in any Court of the United States than according to the rules of common law.—[*Id.*

ARTICLE VIII.

BAIL.—FINES.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.—[*Id.*

ARTICLE IX.

RIGHTS NOT ENUMERATED.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.—[*Id.*

ARTICLE X.

RIGHTS RESERVED.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.—[*Id.*

ARTICLE XI.

LIMITATION OF JUDICIAL POWER.

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by the citizens of another State or by citizens or subjects of any foreign State.—[*Proposed March 5th, 1794, ratified January 8th, 1798.*

ARTICLE XII.

ELECTION OF PRESIDENT.

The Electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves: they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President: and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such a number be a majority of the whole number of Electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by bal-

lot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.—[*Proposed Dec. 12th*, 1803; *ratified Sept. 25th*, 1804.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation. [*Declared ratified December 18th*, 1865. *U. S. Statutes at Large, Vol.* 13, *p.* 775.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or Elector of President and Vice President, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article. [*Declared ratified July 28th*, 1868. *U. S. Statutes at Large, Vol.* 15, *pp.* 709–11.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation. [*U. S. Statutes at Large, Vol.* 15, *p.* 346.

CONSTITUTION

OF THE

STATE OF CALIFORNIA.

CONSTITUTION OF THE STATE OF CALIFORNIA.

ADOPTED BY THE CONVENTION, OCTOBER TENTH, EIGHTEEN HUNDRED AND FORTY-NINE, RATIFIED BY THE PEOPLE, NOVEMBER THIRTEENTH, EIGHTEEN HUNDRED AND FORTY-NINE; PROCLAIMED DECEMBER TWENTIETH, EIGHTEEN HUNDRED AND FORTY-NINE; AND AMENDED EIGHTEEN HUNDRED AND SIXTY-TWO.

WE, The People of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property; and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people; and they have the right to alter or reform the same, whenever the public good may require it.

SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties, in all civil cases, in the manner to be prescribed by law.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief: but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

SEC. 7. All persons shall be bailable by sufficient sureties, unless for capital offences when the proof is evident or the presumption great.

SEC. 8. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny, under the regulation of the Legislature) unless on presentment or indictment of a grand jury; and in any trial in any Court whatever, the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offence; nor shall he be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

SEC. 9. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions on indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 10. The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

SEC. 11. All laws of a general nature shall have a uniform operation.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace; and in time of war no appropriation for a standing army shall be for a longer time than two years.

SEC. 13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner to be prescribed by law.

SEC. 14. Representation shall be apportioned according to population.

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

SEC. 17. Foreigners who are or who may hereafter become bona fide residents of this State shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property as native born citizens.

SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

SEC. 19. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue, but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open Court.

SEC. 21. This enumeration of rights shall not be construed to impair or deny others retained by the people.

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. Every white male citizen of the United States, and every white male citizen of Mexico who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Queretaro, on the thirteenth day of May, eighteen hundred and forty-eight, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county or district in which he claims his vote thirty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law; *provided*, that nothing herein contained shall be construed to prevent the Legislature, by a two-thirds concurrent vote, from admitting to the right of suffrage, Indians, or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper.

SEC. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election during their attendance at such election, going to and returning therefrom.

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept at any almshouse or other asylum at public expense; nor while confined in any public prison.

SEC. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

SEC. 6. All elections by the people shall be by ballot.

ARTICLE III.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the Government of the State of California shall be divided into three separate departments: the Legislative, the Executive, and Judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California, and the enacting clause of every law shall be as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

SEC. 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of December next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation. No session shall continue longer than one hundred and twenty days.—[*Amended*, 1862.]

SEC. 3. The members of the Assembly shall be chosen biennially, by the qualified electors of their respective districts, on the first Wednesday in September, unless otherwise ordered by the Legislature, and their term of office shall be two years.—[*Amended*, 1862.]

SEC. 4. Senators and members of Assembly shall be duly qualified electors in the respective counties and districts which they represent.

SEC. 5. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly; and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State and of the county or district for which he shall be chosen one year next before his election.—[*Amended*, 1862.]

SEC. 6. The number of Senators shall not be less than one-third, nor more than one-half, of that of the members of the Assembly; and at the first session of the Legislature after this section takes effect the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one-half shall be chosen biennially.—[*Amended*, 1862.]

SEC. 7. When the number of Senators is increased, they shall be apportioned by lot, so as to keep the two classes as nearly equal in number as possible.

SEC. 8. Each house shall choose its own officers, and judge of the qualifications, elections and returns of its own members.

SEC. 9. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

SEC. 10. Each house shall determine the rule of its own proceedings, and may, with the concurrence of two-thirds of all the members elected, expel a member.

SEC. 11. Each house shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of any three members present, be entered on the journal.

SEC. 12. Members of the Legislature shall, in all cases except treason, felony and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

SEC. 13. When vacancies occur in either house, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

SEC. 14. The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

SEC. 15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 16. Any bill may originate in either house of the Legislature, and all bills passed by one house may be amended in the other.

SEC. 17. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it he shall sign it, but if not he shall return it, with his objections, to the house in which it originated, which shall enter the same upon the journal, and proceed to reconsider it. If, after such reconsideration, it again pass both houses, by yeas and nays, by a majority of two-thirds of the members of each house present, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law, in like manner as if he had signed it, unless the Legislature, by adjournment, prevent such return.

SEC. 18. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Justices of the Supreme Court, and Judges of the District Court, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit under the State; but the party convicted or acquitted shall, nevertheless, be liable to indictment, trial and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such a manner as the Legislature may provide.

SEC. 20. No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been

created or the emoluments of which shall have been increased, during such term, except such offices as may be filled by election by the people.

SEC. 21. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that officers in the militia to which there is attached no annual salary, or local officers, and Postmasters, whose compensation does not exceed five hundred dollars per annum, shall not be deemed lucrative.

SEC. 22. No person who shall be convicted of the embezzlement or defalcation of the public funds of this State shall ever be eligible to any office of honor, trust or profit, under this State; and the Legislature shall, as soon as practicable, pass a law providing for the punishment of such embezzlement or defalcation as a felony.

SEC. 23. No money shall be drawn from the treasury but in consequence of appropriations made by law. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the Legislature.

SEC. 24. The members of the Legislature shall receive for their services a compensation to be fixed by law, and paid out of the public treasury; but no increase of the compensation shall take effect during the term for which the members of either house shall have been elected.

SEC. 25. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title; and no law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be re-enacted and published at length.

SEC. 26. No divorce shall be granted by the Legislature.

SEC. 27. No lottery shall be allowed by this State, nor shall the sale of lottery tickets be allowed.

SEC. 28. The enumeration of the inhabitants of this State shall be taken, under the direction of the Legislature, in the year one thousand eight hundred and fifty-two, and one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and these enumerations, together with the census that may be taken under the direction of the Congress of the United States, in the years one thousand eight hundred and fifty, and every subsequent ten years, shall serve as the basis of representation in both houses of the Legislature.

SEC. 29. The number of Senators and members of Assembly shall, at the first session of the Legislature holden after the enumerations herein provided for are made, be fixed by the Legislature, and apportioned among the several counties and districts to be established by law, according to the number of white inhabitants. The number of members of Assembly shall not be less than twenty-four, nor more than thirty-six, until the number of inhabitants within this State shall amount to one hundred thousand; and, after that period, in such ratio that the whole number of members of Assembly shall never be less than thirty, nor more than eighty.

SEC. 30. When a Congressional, Senatorial or Assembly District shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county shall be divided in forming a Congressional, Senatorial or Assembly District, so as to attach one portion of a county to another county; but the Legislature may divide each county into as many Congressional, Senatorial or Assembly Districts as such county may by apportionment be entitled to.—[*Amended*, 1862.]

SEC. 31. Corporations may be formed under general laws, but shall not be created by special Act, except for municipal purposes. All general laws and special Acts passed pursuant to this section may be altered from time to time, or repealed.

SEC. 32. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

SEC. 33. The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all Courts, in like cases as natural persons.

SEC. 34. The Legislature shall have no power to pass any Act granting any charter for banking purposes; but associations may be formed, under general laws, for the deposit of gold and silver; but no such associations shall make, issue, or put in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money.

SEC. 35. The Legislature of this State shall prohibit by law any person or persons, association, company or corporation from exercising the privileges of banking, or creating paper to circulate as money

SEC. 36. Each stockholder of a corporation or joint stock association shall be individually and personally liable for his proportion of all its debts and liabilities.

SEC. 37. It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

SEC. 38. In all elections by the Legislature, the members thereof shall vote *viva voce*, and the votes shall be entered on the journal.

SEC. 39. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to article four by the Legislature of eighteen hundred and sixty-one, no officer shall be suspended or superseded thereby, until the election and qualification of the several officers provided for in said amendments.—[*Amended*, 1862.]

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.

SEC. 2. The Governor shall be be elected by the qualified electors, at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday in December subsequent to his election, and until his successor is elected and qualified.—[*Amended*, 1862.]

SEC. 3. No person shall be eligible to the office of Governor (except at the first election) who has not been a citizen of the United States and a resident of this State two years next preceding the election, and attained the age of twenty-five years at the time of said election.

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but, in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both houses, choose one of said persons so having an equal and the highest number of votes, for Governor.

SEC. 5. The Governor shall be Commander-in-Chief of the militia, the army and navy of this State.

SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the Executive Department upon any subject relating to the duties of their respective offices.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both houses, when assembled, the purpose for which they shall have been convened.

SEC. 10. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 11. In case of a disagreement between the two houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper: *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 12. No person shall, while holding any office under the United States or this State, exercise the office of Governor, except as hereinafter expressly provided.

SEC. 13. The Governor shall have the power to grant reprieves and pardons after conviction, for all offences except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have the power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence or grant a further reprieve. He shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the pardon or reprieve.

SEC. 14. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

SEC. 15. All grants and commissions shall be in the name and by the authority of The People of the State of California, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 16. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner, as the Governor; and his term of office, and his qualifications of eligibility, shall also be the same. He shall be President of the Senate, but shall only have a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor until the vacancy be filled or the disability shall cease.

SEC. 17. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

SEC. 18. A Secretary of State, a Controller, a Treasurer, an Attorney-General and a Surveyor-General shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor, and whose term of office shall be the same as the Governor.—[*Amended*, 1862.]

SEC. 19. The Secretary of State shall keep a fair record of the official acts of the Legislative

and Executive Departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law; and in order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said article five by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded or suspended thereby, until the election and qualification of the several officers provided for in said amendments.—[*Amended*, 1862.]

SEC. 20. The Controller, Treasurer, Attorney-General and Surveyor-General shall be chosen by joint vote of the two houses of the Legislature, at their first session under this Constitution, and thereafter shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor.

SEC. 21. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General and Surveyor-General shall each, at stated times during their continuance in office, receive for their services a compensation, which shall not be increased or diminished during the term for which they shall have been elected; but neither of these officers shall receive for his own use any fees for the performance of his official duties.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts and in Justices of the Peace, and in such Recorders' and other inferior Courts as the Legislature may establish in any incorporated city or town.—[*Amended*, 1862.]

SEC. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three Justices shall be necessary for the transaction of business, excepting such business as may be done at chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment.—[*Amended*, 1862.]

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at special elections to be provided by law, at which elections no officer other than judicial shall be elected, except a Superintendent of Public Instruction. The first election for Justices of the Supreme Court shall be held in the year eighteen hundred and sixty-three. The Justices shall hold their offices for the term of ten years from the first day of January next after their election, except those elected at the first election, who, at their first meeting, shall so classify themselves by lot that one Justice shall go out of office every two years. The Justice having the shortest term to serve shall be the Chief Justice.—[*Amended*, 1862.]

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll or municipal fine, or in which the demand, exclusive of interest or the value of the property in controversy, amounts to three hundred dollars; also, in all cases arising in the Probate Courts; and also in all criminal cases amounting to felony, on questions of law alone. The Court shall also have power to issue writs of mandamus, certiorari, prohibition and habeas corpus, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State, upon petition on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any District Court, or any County Court, in the State, or before any Judge of said Courts.—[*Amended*, 1862.]

SEC. 5. The State shall be divided, by the Legislature of eighteen hundred and sixty-three, into fourteen Judicial Districts, subject to such alteration, from time to time, by a two-thirds vote of all the members elected to both houses, as the public good may require: in each of which there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the District, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this article. The District Judges shall hold their offices for the term of six years from the first day of January next after their election. The Legislature shall have no power to grant leave of absence to a judicial officer; and any such officer who shall absent himself from the State for upwards of thirty consecutive days shall be deemed to have forfeited his office.—[*Amended*, 1862.]

SEC. 6. The District Courts shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy, amounts to three hundred dollars; and also in all criminal cases not otherwise provided for. The District Courts and their Judges shall have power to issue writs of habeas corpus, on petition by or on behalf of any person held in actual custody in their respective districts.—[*Amended*, 1862.]

SEC. 7. There shall be, in each of the organized counties of the State, a County Court, for each of which a County Judge shall be elected by the qualified electors of the county, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this article. The County Judges shall hold their offices for the term of four years from the first day of January next after their election. Said Courts shall also have power to issue naturalization papers. In the City and County of San Francisco, the Legislature may

separate the office of Probate Judge from that of County Judge, and may provide for the election of a Probate Judge, who shall hold his office for the term of four years.—[*Amended*, 1862.]

SEC. 8. The County Courts shall have original jurisdiction of actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate a nuisance, and of all such special cases and proceedings as are not otherwise provided for; and also such criminal jurisdiction as the Legislature may prescribe: they shall also have appellate jurisdiction in all cases arising in Courts held by Justices of the Peace and Recorders, and in such inferior Courts as may be established in pursuance of section one of this article, in their respective counties. The County Judges shall also hold in their several counties Probate Courts, and perform such duties as Probate Judges as may be prescribed by law. The County Courts and their Judges shall also have power to issue writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties.—[*Amended*, 1862.]

SEC. 9. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix by law their powers, duties and responsibilities: *provided*, such powers shall not in any case trench upon the jurisdiction of the several Courts of record. The Supreme Court, the District Courts, County Courts, the Probate Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record.—[*Amended*, 1862.]

SEC. 10. The Legislature shall fix by law the jurisdiction of any Recorder's or other inferior municipal Court which may be established in pursuance of section one of this article, and shall fix by law the powers, duties and responsibilities of the Judges thereof.—[*Amended*, 1862.]

SEC. 11. The Legislature shall provide for the election of a Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs and other necessary officers, and shall fix by law their duties and compensation. County Clerks shall be ex officio Clerks of the Courts of record in and for their respective counties. The Legislature may also provide for the appointment by the several District Courts of one or more Commissioners in the several counties of their respective districts, with authority to perform chamber business of the Judges of the District Courts and County Courts, and also to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.—[*Amended*, 1862.]

SEC. 12. The times and places of holding the terms of the several Courts of record shall be provided for by law.—[*Amended*, 1862.]

SEC. 13. No judicial officer, except Justices of the Peace, Recorders and Commissioners, shall receive to his own use any fees or perquisites of office.—[*Amended*, 1862.]

SEC. 14. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person.—[*Amended*, 1862.]

SEC. 15. The Justices of the Supreme Court, District Judges and County Judges shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected; *provided*, that County Judges shall be paid out of the county treasury of their respective counties.—[*Amended*, 1862.]

SEC. 16. The Justices of the Supreme Court, and the District Judges, and the County Judges, shall be ineligible to any other office than a judicial office during the term for which they shall have been elected.—[*Amended*, 1862.]

SEC. 17. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.—[*Amended*, 1862.]

SEC. 18. The style of all process shall be: "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.—[*Amended*, 1862.]

SEC. 19. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said article six by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded thereby, nor shall the organization of the several Courts be changed thereby, until the election and qualification of the several officers provided for in said amendments.—[*Amended*, 1862.]

ARTICLE VII.

MILITIA.

SECTION 1. The Legislature shall provide by law for organizing and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

SEC. 2. Officers of the militia shall be elected or appointed, in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor.

SEC. 3. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections and repel invasions.

ARTICLE VIII.

STATE DEBTS.

SECTION 1. The Legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, with any previous debts or liabilities, exceed

the sum of three hundred thousand dollars, except in case of war, to repel invasion or suppress insurrection, unless the same shall be authorized by some law for some single object or work, to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people and have received a majority of all the votes cast for and against it at such election: and all money raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created: and such law shall be published in at least one newspaper in each Judicial District, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people.

ARTICLE IX.

EDUCATION.

SECTION 1. A Superintendent of Public Instruction shall, at the special election for judicial officers, to be held in the year eighteen hundred and sixty-three, and every four years thereafter, at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election.—[*Amended*, 1862.]

SEC. 2. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement. The proceeds of all lands that may be granted by the United States to this State for the support of schools, which may be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

SEC. 3. The Legislature shall provide for a system of common schools, by which a school shall be kept up and supported in each district at least three months in every year; and any school district neglecting to keep up and support such a school may be deprived of its proportion of the interest of the public fund during such neglect.

SEC. 4. The Legislature shall take measures for the protection, improvement or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State for the use of a University; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said University, with such branches as the public convenience may demand, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

ARTICLE X.

MODE OF AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become part of the Constitution.

SEC. 2. And if, at any time, two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors at the next election for members of the Legislature to vote for or against a Convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a Convention, the Legislature shall, at its next session, provide by law for calling a Convention, to be holden within six months after the passage of such law; and such Convention shall consist of a number of members not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such Convention shall be submitted to the people, at a special election, to be provided for by law, for their ratification or rejection; each voter shall express his opinion by depositing in the ballot box a ticket, whereon shall be written or printed the words "For the New Constitution," or "Against the New Constitution." The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive of the

State, who shall call to his assistance the Controller, Treasurer and Secretary of State, and compare the votes so certified to him. If, by such examination, it be ascertained that a majority of the whole number of votes cast at such election be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.—[*Amended*, November 4, 1856.]

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

SECTION 1. The first session of the Legislature shall be held at the Pueblo de San José, which place shall be the permanent seat of government until removed by law; *provided*, however, that two-thirds of all the members elected to each house of the Legislature shall concur in the passage of such law.

SEC. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit or to enjoy the right of suffrage under this Constitution.

SEC. 3. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of ———, according to the best of my ability."

And no other oath, declaration or test shall be required as a qualification for any office or public trust.

SEC. 4. The Legislature shall establish a system of county and town governments, which shall be as nearly uniform as practicable throughout the State.

SEC. 5. The Legislature shall have power to provide for the election of a Board of Supervisors in each county; and these Supervisors shall jointly and individually perform such duties as may be prescribed by law.

SEC. 6. All officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

SEC. 7. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment; nor shall the duration of any office, not fixed by this Constitution, ever exceed four years.

SEC. 8. The fiscal year shall commence on the first day of July.

SEC. 9. Each county, town, city and incorporated village shall make provision for the support of its own officers, subject to such restrictions and regulations as the Legislature may prescribe.

SEC. 10. The credit of the State shall not, in any manner, be given or loaned to or in aid of any individual, association or corporation; nor shall the State, directly or indirectly, become a stockholder in any association or corporation.

SEC. 11. Suits may be brought against the State in such manner and in such Courts as shall be directed by law.

SEC. 12. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

SEC. 13. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law; but Assessors and Collectors of town, county and State taxes shall be elected by the qualified electors of the district, county or town in which the property taxed for State, county or town purposes is situated.

SEC. 14. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 15. The Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

SEC. 16. No perpetuities shall be allowed except for eleemosynary purposes.

SEC. 17. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 18. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult or other improper practice.

SEC. 19. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

SEC. 20. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

SEC. 21. All laws, decrees, regulations and provisions which from their nature require publication shall be published in English and Spanish.

ARTICLE XII.

BOUNDARY.

SECTION 1. The boundary of the State of California shall be as follows:

Commencing at the point of intersection of forty-second degree of north latitude with the one hundred twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred twentieth degree of west longitude, until it intersects the thirty-ninth degree of north latitude; thence running in a straight line, in a southeasterly direction, to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river, to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence, running west and along said boundary line, to the Pacific Ocean and extending therein three English miles; thence, running in a northwesterly direction and following the direction of the Pacific coast, to the forty-second degree of north latitude; thence, on the line of said forty-second degree of north latitude, to the place of beginning. Also, all the islands, harbors and bays along and adjacent to the coast.

SCHEDULE.

SECTION 1. All rights, prosecutions, claims and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution and not inconsistent therewith, until altered or repealed by the Legislature, shall continue as if the same had not been adopted.

SEC. 2. The Legislature shall provide for the removal of all causes which may be pending when this Constitution goes into effect to Courts created by the same.

SEC. 3. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superseded thereby, nor the laws relative to the duties of the several officers be changed, until the entering into office of the new officers to be appointed under this Constitution.

SEC. 4. The provisions of this Constitution concerning the term of residence necessary to enable persons to hold certain officers therein mentioned shall not be held to apply to officers chosen by the people at the first election, or by the Legislature at its first session.

SEC. 5. Every citizen of California, declared a legal voter by this Constitution, and every citizen of the United States a resident of this State on the day of election, shall be entitled to vote at the first general election under this Constitution and on the question of the adoption thereof.

SEC. 6. This Constitution shall be submitted to the people for their ratification or rejection, at the general election to be held on Tuesday, the thirteenth day of November next. The Executive of the existing Government of California is hereby requested to issue a proclamation to the people, directing the Prefects of the several districts or, in case of vacancy, the Sub-Prefects, or Senior Judge of First Instance, to cause such election to be held on the day aforesaid, in their respective districts. The election shall be conducted in the manner which was prescribed for the election of Delegates to this Convention, except that the Prefects, Sub-Prefects or Senior Judge of First Instance, ordering such election in each district, shall have power to designate any additional number of places for opening the polls, and that, in every place of holding the election, a regular poll list shall be kept by the Judges and Inspectors of Election. It shall also be the duty of these Judges and Inspectors of Election, on the day aforesaid, to receive the vote of the electors qualified to vote at such election. Each voter shall express his opinion by depositing in the ballot box a ticket whereon shall be written or printed "For the Constitution" or "Against the Constitution," or some such words as will distinctly convey the intention of the voter. These Judges and Inspectors shall also receive the votes for the several officers to be voted for at the said election as herein provided. At the close of the election the Judges and Inspectors shall carefully count each ballot and forthwith make duplicate returns thereof to the Prefect, Sub-Prefect or Senior Judge of First Instance, as the case may be, of their respective districts; and said Prefect, Sub-Prefect or Senior Judge of First Instance shall transmit one of the same, by the most safe and rapid conveyance, to the Secretary of State. Upon the receipt of said returns, or on the tenth day of December next, if the returns be not sooner received, it shall be the duty of a Board of Canvassers, to consist of the Secretary of State, one of the Judges of the Superior Court, the Prefect, Judge of First Instance and an Alcalde of the District of Monterey, or any three of the aforementioned officers, in the presence of all who shall choose to attend, to compare the votes given at said election, and to immediately publish an abstract of the same in one or more of the newspapers of California. And the Executive will also, immediately after ascertaining that the Constitution has been ratified by the people, make proclamation of the fact; and thenceforth this Constitution shall be ordained and established as the Constitution of California.

SEC. 7. If this Constitution shall be ratified by the people of California, the Executive of the existing Government is hereby requested, immediately after the same shall be ascertained, in the manner herein directed, to cause a fair copy thereof to be forwarded to the President of the United States, in order that he may lay it before the Congress of the United States.

SEC. 8. At the general election aforesaid, viz: the thirteenth day of November next, there shall be elected a Governor, Lieutenant-Governor, members of the Legislature and also two members of Congress.

SEC. 9. If this Constitution shall be ratified by the people of California, the Legislature shall assemble at the seat of government on the fifteenth day of December next; and in order to complete the organization of that body, the Senate shall elect a President pro tempore until the Lieutenant-Governor shall be installed into office.

SEC. 10. On the organization of the Legislature, it shall be the duty of the Secretary of State to lay before each house a copy of the abstract made by the Board of Canvassers, and, if called for, the original returns of election, in order that each house may judge of the correctness of the report of said Board of Canvassers.

SEC. 11. The Legislature, at its first session, shall elect such officers as may be ordered by this Constitution to be elected by that body, and, within four days after its organization, proceed to elect two Senators to the Congress of the United States. But no law passed by this Legislature shall take effect until signed by the Governor after his installation into office.

SEC. 12. The Senators and Representatives of the Congress of the United States, elected by the Legislature and people of California, as herein directed, shall be furnished with certified copies of this Constitution, when ratified, which they shall lay before the Congress of the United States, requesting, in the name of the people of California, the admission of the State of California into the American Union.

SEC. 13. All officers of this State, other than members of the Legislature, shall be installed into office on the fifteenth day of December next, or as soon thereafter as practicable.

SEC. 14. Until the Legislature shall divide the State into counties and Senatorial and Assembly Districts, as directed by this Constitution, the following shall be the apportionment of the two houses of the Legislature, viz: The Districts of San Diego and Los Angeles shall jointly elect two Senators; the Districts of Santa Barbara and San Luis Obispo shall jointly elect one Senator; the District of Monterey, one Senator; the District of San José, one Senator; the District of San Francisco, two Senators; the District of Sonoma, one Senator; the District of Sacramento, four Senators; and the District of San Joaquin, four Senators. And the District of San Diego shall elect one member of the Assembly; the District of Los Angeles, two members of Assembly; the District of Santa Barbara, two members of Assembly; the District of San Luis Obispo, one member of Assembly; the District of Monterey, two members of Assembly; the District of San José, three members of Assembly; the District of San Francisco, five members of Assembly; the District of Sonoma, two members of Assembly; the District of Sacramento, nine members of Assembly; and the District of San Joaquin, nine members of Assembly.

SEC. 15. Until the Legislature shall otherwise direct, in accordance with the provisions of this Constitution, the salary of the Governor shall be ten thousand dollars per annum; and the salary of the Lieutenant-Governor shall be double the pay of a State Senator; and the pay of members of the Legislature shall be sixteen dollars per diem while in attendance, and sixteen dollars for every twenty miles travelled by the usual route from their residences to the place of holding the session of the Legislature, and in returning therefrom. And the Legislature shall fix the salaries of all officers other than those elected by the people at the first election.

SEC. 16. The limitation of the powers of the Legislature contained in article eighth of this Constitution shall not extend to the first Legislature elected under the same, which is hereby authorized to negotiate for such amount as may be necessary to pay the expenses of the State Government.

R. SEMPLE,
President, and Delegate from Benicia.

WM. G. MARCY, Secretary.

JOSEPH ARAM,
CH. T. BOTTS,
ELAM BROWN,
ELISHA O. CROSBY,
JOSÉ M. COVARRUBIAS,
STEPHEN C. FOSTER,
PABLO DE LA GUERRA,
LEWIS DENT,
KIMBALL H. DIMMICK,
A. J. ELLIS,
JOSÉ ANTO. CARRILLO,
WM. M. GWIN,
EDW. GILBERT,
HENRY HILL,
J. D. HOPPE,
JOSEPH HOBSON,
JULIAN HANKS,
H. W. HALLECK,
L. W. HASTINGS,
J. McHENRY HOLLINGSWORTH,
JAS. McHALL JONES,
THOMAS O. LARKIN,
FRANCIS J. LIPPITT,
BENJ. S. LIPPINCOTT,
BENJ. F. MOORE,
RODMAN M. PRICE,
JNO. McDOUGALL,
MAN'L DOMINGUEZ,
MYRON NORTON,
PACIFICUS ORD,
MIGUEL D. PEDRORENA,
M. M. McCARVER,
ANTONIO MA. PICO,
JACINTO RODRIGUEZ,
HUGH REID,
J. A. SUTTER,
JACOB R. SNYDER,
WINFIELD SCOTT SHERWOOD,
WILLIAM E. SHANNON,
ABEL STEARNS,
P. SANSEVAIN,
WM. M. STEUART,
HENRY A. TEFFT,
M. G. VALLEJO,
THOS L. VERMEULE,
J. P. WALKER,
O. M. WOZENCRAFT.