THE

STATUTES OF CALIFORNIA,

PASSED AT THE

TWENTIETH SESSION OF THE LEGISLATURE,

1873–74,

BEGAN ON MONDAY, THE FIRST DAY OF DECEMBER, EIGHTEEN HUNDRED AND SEVENTY-THREE, AND ENDED ON MONDAY, THE THIRTIETH DAY OF MARCH, EIGHTEEN HUNDRED AND SEVENTY-FOUR.



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345	An Act to prohibit the collection of accounts for liquors sold at retail—approved March 20th, 1874	A. B. 228	509
346	An Act supplemental to and amendatory of "An Act fixing the salaries of certain county officers of the County of Inyo," approved February twenty-eighth, A. D. eighteen hundred and seventy-four—approved March 20th, 1874	A. B. 494	510
347	An Act authorizing the Board of Supervisors of Sierra County to levy taxes for county purposes, and for the payment thereof into certain Funds—approved March 20th, 1874	A. B. 569	510
348	[See volume of Amendments to the Codes.]	A. B. 635	.....
349	An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District Number One, of Sutter County—approved March 20th, 1874	Sub. A. B. 406	511
350	An Act to dispense with copies of the Great Register in certain elections in Napa County—approved March 20th, 1874	S. B. 421	515
351	An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals in the County of Monterey—approved March 20th, 1874	S. B. 365	515
352	An Act making an appropriation for the payment of the unpaid salaries of the Code Commissioners, clerical labor, and other expenses incurred by the State, under the Act approved March the twenty-second, eighteen hundred and seventy-two—approved March 21st, 1874	S. B. 256	516
353	An Act in relation to the revision of the laws—approved March 23d, 1874	S. B. 274	516
354	An Act for the relief of James W. Marshall—approved March 23d, 1874	S. B. 212	517
355	An Act supplemental to an Act entitled an Act to create the County of Modoc, to establish the boundaries thereof, and to provide for its organization, approved February seventeenth, eighteen hundred and seventy-four—approved March 23d, 1874	A. B. 608	517
356	An Act making an appropriation for the purchase of apparatus for the State Normal School—approved March 23d, 1874	A. B. 423	518
357	An Act to provide for the return to the State Treasury and cancellation of certain Controller's warrants—approved March 23d, 1874	A. B. 164	519
358	An Act to provide for the payment of the indebtedness incurred in repairing and refitting the Capitol—approved March 23d, 1874	Sub. A. B. 73	519
359	An Act to provide for the purchase of certain portraits—approved March 23d, 1874	S. B. 358	520
360	An Act to provide for the payment of attorney's fees—approved March 23d, 1874	S. B. 262	521
361	An Act to pay certain claims in favor of Patrick Kearns—approved March 23d, 1874	S. B. 194	521

Chapter.	TITLE OF ACT.	No. of bill, and where introduced.	Page.
362	An Act supplementary to an Act entitled an Act to 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 April first, eighteen hundred and seventy-two—approved March 23d, 1874	A. B. 510	522
363	An Act to indemnify bona fide settlers on the Yosemite Grant—approved March 23d, 1874	S. B. 219	523
364	[See volume of Amendments to the Codes.]	A. B. 344	.....
365	An Act supplementary to 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 23d, 1874	A. B. 374	525
366	An Act to authorize the Trustees of the City of Petaluma to issue bonds for the purchase of an Agricultural Park—approved March 23d, 1874	A. B. 530	526
367	An Act to provide for the building of a bridge across the mouth of the Bay of San Leandro, in the County and Town of Alameda, and to authorize the Supervisors of the County of Alameda to levy a special tax for that purpose—approved March 23d, 1874	Sub. A. B. 383	527
368	An Act to provide for the payment of two thousand dollars to the Grass Valley Orphan Asylum, appropriated by the Legislature April first, eighteen hundred and seventy-two—approved March 23d, 1874	A. B. 496	528
369	An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society, in the City of Oakland and County of Alameda—approved March 23d, 1874	A. B. 351	529
370	An Act to authorize the City of Oakland to construct a main sewer—approved March 23d, 1874	A. B. 339	530
371	An Act to incorporate the Town of Menlo Park, in the County of San Mateo—approved March 23d, 1874	A. B. 545	533
372	An Act to repeal an Act entitled an Act to enable the inhabitants of territory adjacent to any city in this State to annex the same thereto, approved February first, eighteen hundred and seventy-two—approved February 23d, 1874	S. B. 218	535
373	An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm in the City and County of Los Angeles, to build and establish a County Almshouse and Hospital thereon, and to issue bonds for the payment of the same—approved March 23d, 1874	S. B. 370	535
374	An Act concerning the offices of Public Administrator, Coroner, and Superintendent of Public Schools of the County of Stanislaus—approved March 23d, 1874	S. B. 312	537
375	An Act to fix the compensation of the School Superintendent of the County of Stanislaus—approved March 23d, 1874	S. B. 335	537
376	An Act to amend an Act entitled "An Act to incorporate the Town of Colusa," approved April fourth, one thousand eight hundred and seventy—approved March 23d, 1874	S. B. 348	538

Chapter.	TITLE OF ACT.	No. of bill, and where introduced.	Page.
377	An Act to amend an Act entitled an Act to provide for the opening and improving of Santa Clara Avenue, in the County of Santa Clara, approved March fifteenth, eighteen hundred and seventy-two—approved March 23d, 1874	A. B. 662	538
378	An Act to regulate the fees of certain officers in the County of Mendocino—approved March 25th, 1874	S. B. 428	539
379	[See volume of Amendments to the Codes.]	S. B. 359	
380	An Act to protect bona fide settlers upon public lands—approved March 23d, 1874	S. B. 95	543
381	An Act for the protection of preëmption and homestead claimants—approved March 23d, 1874	S. B. 204	543
382	An Act to provide for the purchase and construction of free bridges in Big River Township, in the County of Mendocino—approved March 23d, 1874	A. B. 543	544
383	[See volume of Amendments to the Codes.]	A. B. 102	
384	An Act to appropriate money for expenses of the Tide Land Commission—approved March 24th, 1874	A. B. 53	548
385	An Act to authorize and empower the Board of Trustees of Court House School District, in the County of Sonoma, to raise additional funds for school purposes—approved March 24th, 1874	A. B. 568	549
386	An Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six—approved March 24th, 1874	S. B. 430	551
387	An Act to repeal an Act entitled an Act to provide for the opening and improving of Santa Clara and Saratoga Avenue, in the County of Santa Clara, approved March sixteenth, eighteen hundred and seventy-two—approved March 24th, 1874	A. B. 326	556
388	An Act to reincorporate the Town of Woodland—approved March 24th, 1874	A. B. 498	557
389	An Act to amend an Act entitled an Act to declare navigable the Arroya de San Antonio, or Keyes' Creek, Marin County, approved March twenty-eighth, eighteen hundred and sixty—approved March 24th, 1874	S. B. 479	564
390	An Act to provide for the completion of the Napa State Asylum for the Insane, and for other purposes—approved March 24th, 1874	Sub. A. B. 480	565
391	An Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four—approved March 24th, 1874	A. B. 501	566
392	[See volume of Amendments to the Codes.]	A. B. 143	
393	[See volume of Amendments to the Codes.]	A. B. 89	
394	An Act for the relief of T. P. Riordan—approved March 24th, 1874	A. B. 524	567

Chapter.	TITLE OF ACT.	No. of bill, and where introduced.	Page.
395	An Act to provide funds for the school department of the Town of Alameda—approved March 24th, 1874	S. B. 435	567
396	[See volume of Amendments to the Codes.]	S. B. 225	.....
397	An Act to authorize Daniel Gobbi to remove the remains of deceased persons in the Town of Ukiah City, Mendocino County—approved March 24th, 1874	A. B. 649	569
398	An Act to provide for the payment of a debt due N. Fitzgerald, from Lake City School District, in Modoc County—approved March 24th, 1874	A. B. 537	570
399	An Act to pay certain claims for services rendered as witnesses summoned on behalf of the State—approved March 24th, 1874	A. B. 442	570
400	An Act to provide for the payment of certain outstanding road warrants of Yolo County, and to provide for levying taxes for county purposes in said county—approved March 24th, 1874	A. B. 603	572
401	An Act concerning roads and highways in the County of Sutter—approved March 24th, 1874	A. B. 571	573
402	An Act to provide additional Notaries Public in the County of Inyo—approved March 24th, 1874	A. B. 605	574
403	An Act authorizing the Board of Education of the City and County of San Francisco to exchange a lot of land in said city and county—approved March 24th, 1874	A. B. 596	574
404	An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin County—approved March 24th, 1874	A. B. 420	575
405	An Act to protect agriculture in the County of Calaveras—approved March 24th, 1874	A. B. 566	579
406	An Act supplemental to an Act entitled "An Act supplementary to an Act concerning public ferries and toll bridges, approved April twenty-eight, eighteen hundred and fifty-five," approved April fourth, eighteen hundred and seventy—approved March 24th, 1874	S. B. 233	581
407	An Act for the relief of David C. Norcross, Sheriff of San Luis Obispo—approved March 24th, 1874	S. B. 375	581
408	[See volume of Amendments to the Codes.]	A. B. 476	.....
409	[See volume of Amendments to the Codes.]	A. B. 577	.....
410	[See volume of Amendments to the Codes.]	S. B. 353	.....
411	An Act to enable certain parties therein named to alienate or incumber homesteads—approved March 25th, 1874	S. B. 107	582
412	An Act amendatory of and supplemental to 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 March 25th, 1874	A. B. 624	584

Chapter.	TITLE OF ACT.	No. of bill, and where introduced.	Page.....
413	An Act amendatory of and supplemental to an Act entitled "An Act to provide for funding the indebtedness of the reclamation and levee districts of the State," approved March thirtieth, eighteen hundred and seventy-two—approved March 25th, 1874	Sub. A.B.213	585
414	An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county—approved March 25th, 1874	A. B. 359	588
415	An Act to legalize, ratify, and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, and the contracts made thereunder—approved March 25th, 1874	A. B. 536	589
416	An Act to legalize the grades of certain streets in the City and County of San Francisco—approved March 25th, 1874	A. B. 594	590
417	An Act amendatory of and supplementary to an Act entitled "An Act to reincorporate the Town of Santa Clara," approved March sixth, eighteen hundred and seventy-two—approved March 24th, 1874	A. B. 667	591
418	An Act to authorize the Board of Supervisors of Trinity County to fix and pay the compensation of Under Sheriff in said county—approved March 25th, 1874	A. B. 681	593
419	An Act to authorize the State Treasurer to pay Controller's warrants, drawn for the salaries of public officers who are entitled to monthly payments from this State—approved March 25th, 1874	A. B. 638	593
420	An Act to provide for the erection of county buildings in the County of Alameda, and for the issuance of bonds therefor—approved March 25th, 1874	Sub.S. B. 346	594
421	An Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento—approved March 25th, 1874	A. B. 439	599
422	An Act authorizing the County Auditor of Santa Clara to provide himself with a seal of office—approved March 25th, 1874	A. B. 591	600
423	An Act to fix the compensation of the Deputy Sheriff of Alameda County—approved March 25th, 1874	A. B. 652	601
424	An Act to authorize the Board of Supervisors of Mendocino County to issue additional coupons to the holders of certain bonds—approved March 25th, 1874	A. B. 623	601
425	An Act relative to the powers of the Boards of Supervisors of the Counties of Yolo and Solano—approved March 25th, 1874	A. B. 552	602
426	An Act concerning the office of the District Attorney of the City and County of San Francisco—approved March 25th, 1874	A. B. 584	602
427	An Act to appropriate money to complete the State Normal School building, and for the improving of the grounds—approved March 25th, 1874	S. B. 99	603

Chapter.	TITLE OF ACT.	No. of bill, and where introduced.	Page.
428	An Act providing for the ascertainment and settlement of the claims, if any he has, of John Domingos, for services performed on and material furnished in the construction, improvement, and repair of the Sacramento Drainage Canal—approved March 25th, 1874	S. B. 415	604
429	An Act supplementary to and amendatory of an Act entitled "An Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California," approved February eighteenth, eighteen hundred and seventy-four—approved March 25th, 1874	S. B. 447	605
430	An Act to amend the special school law of the City of Los Angeles—approved March 25th, 1874	S. B. 466	605
431	An Act to authorize the State Controller to issue a duplicate warrant—approved March 25th, 1874	S. B. 352	606
432	An Act supplemental to and amendatory of an Act entitled an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite Grant, approved February seventeenth, eighteen hundred and seventy-four—approved March 25th, 1874	S. B. 409	607
433	An Act to authorize and empower the Board of Supervisors of the County of Trinity to fix the rate of tolls to be charged on certain wagon roads—approved March 25th, 1874	S. B. 442	607
434	An Act authorizing the Trustees of Santa Barbara School District, of the County of Santa Barbara, to issue bonds of the said district for school purposes—approved March 25th, 1874	S. B. 384	608
435	An Act in relation to the county officers of Santa Clara County, their fees and salaries—approved March 25th, 1874	S. B. 495	610
436	An Act to establish and define the powers and duties of the Board of Education of Nevada School District, in the County of Nevada, the said district including Nevada City—approved March 25th, 1874	S. B. 445	614
437	An Act to quit the title to certain salt march and tide lands in Contra Costa County—approved March 25th, 1874	S. B. 315	616
438	[See volume of Amendments to the Codes]	S. B. 379	.....
439	An Act relating to officers and fees of office in San Diego, San Bernardino, and Los Angeles Counties—approved March 26th, 1874	S. B. 471	616
440	An Act to provide for the payment of certain road indebtedness of Tuolumne County—approved March 26th, 1874	S. B. 394	617
441	An Act fixing the salaries of certain officers of San Luis Obispo, Santa Barbara, and Ventura Counties—approved March 26th, 1874	S. B. 269	618
442	An Act for the protection of buoys and beacons—approved March 26th, 1874	S. B. 407	619
443	An Act to aid in the improvement of the lands of the State Agricultural Society—approved March 26th, 1874	S. B. 380	619
444	An Act to authorize the Controller of State to issue duplicate warrants—approved March 26th, 1874	S. B. 349	620

Chapter.	TITLE OF ACT.	No. of bill, and where introduced.	Page.
445	An Act concerning submarine sites for lighthouses and other aids to navigation on the coast of this State—approved March 26th, 1874	S. B. 363	621
446	An Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa—approved March 26th, 1874	Sub. S. B. 50	621
447	An Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government—approved March 26th, 1874	S. B. 258	633
448	An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Merced—approved March 26th, 1874	S. B. 440	660
449	An Act to abolish the office of Architect of the State Capitol building—approved March 26th, 1874	S. B. 417	662
450	An Act for the relief of Catherine Connelly—approved March 26th, 1874	S. B. 253	663
451	An Act to authorize the Board of State Harbor Commissioners to make repairs upon private wharves in their possession—approved March 26th, 1874	A. B. 574	663
452	An Act to authorize the Board of State Harbor Commissioners to adjust and pay certain claims—approved March 26th, 1874	Sen. Sub. for A. B. 349	664
453	An Act to amend the charter of the City of Healdsburg—approved March 26th, 1874	A. B. 516	665
454	An Act to incorporate the Town of Hollister—approved March 26th, 1874	A. B. 394	675
455	An Act relative to Swamp Land District Number One Hundred and Eighteen, in Contra Costa County—approved March 26th, 1874	A. B. 582	689
456	[See volume of Amendments to the Codes]	A. B. 403	.....
457	An Act to change the name of the Town of Mokelumne—approved March 26th, 1874	A. B. 639	690
458	An Act certifying and confirming action of Common Council of the City of Oakland for relief of J. N. Baily—approved March 26th, 1874	A. B. 651	690
459	An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of San Bernardino—approved March 26th, 1874	A. B. 715	691
460	An Act to legalize a certain assessment in the City of Sacramento—approved March 26th, 1874	A. B. 540	691
461	An Act to make the County Treasurer of San Joaquin County ex officio Tax Collector, and the Recorder ex officio County Auditor—approved March 26th, 1874	A. B. 637	692

Chapter.	TITLE OF ACT.	No. of bill, and where introduced.	Page.
462	An Act to make the bridge across the Stone Road Crossing in Sutter County a free bridge, and for said county to own and control the same—approved March 27th, 1874	A. B. 627	693
463	An Act to provide for the preservation of the material of the geological survey of California—approved March 27th, 1874	A. B. 691	694
464	An Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to Santa Maria, in the County of Santa Barbara. [This bill remained in the Governor's hands ten days, and became a law March 27th, 1874.]	S. B. 376	695
465	An Act to provide for the payment of the deficiency in the salaries of the members of the State Board of Examination for the twenty-third fiscal year—approved March 27th, 1874	A. B. 254	697
466	An Act to authorize the issue of bonds by the County of Fresno, to erect county buildings—approved March 27th, 1874	A. B. 531	698
467	An Act legalizing the official acts of Constables in this State, performed between the first Monday of January and the first Monday of March, eighteen hundred and seventy-four—approved March 27th, 1874	A. B. 503	700
468	An Act to establish the county line between the Counties of Fresno and Tulare—approved March 27th, 1874	S. B. 74	700
469	An Act to fix the salary of the County Recorder of the County of Placer—approved March 27th, 1874	S. B. 473	702
470	An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight—approved March 27th, 1874	S. B. 467	703
471	An Act supplemental to an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four—approved March 27th, 1874	S. B. 468	705
472	An Act to authorize the Board of Supervisors of Contra Costa County to levy a special tax—approved March 27th, 1874	S. B. 489	705
473	An Act to authorize the City Clerk of the City of Placerville to execute certain trusts in relation to the lands granted to said city—approved March 27th, 1874	S. B. 275	706
474	An Act to abolish attorney's fees, and other charges, in foreclosure suits—approved March 27th, 1874	S. B. 390	707
475	An Act for the relief of M. B. Pond—approved March 27th, 1874	S. B. 413	707
476	An Act to authorize the Trustees of the City of Benicia to purchase a lot of land for public purposes—approved March 27th, 1874	A. B. 682	708
477	An Act fixing the compensation of the Assessor of Mono County—approved March 27th, 1874	A. B. 672	708

Chapter.	TITLE OF ACT.	No. of bill, and where introduced.	Page.....
478	An Act to authorize the transfer, by order of the Board of Supervisors, of certain funds, in the County of Shasta—approved March 27th, 1874	S. B. 497	708
479	An Act consolidating the offices of Sheriff and Tax Collector, in the County of Placer, and making the Sheriff ex officio Tax Collector—approved March 27th, 1874	A. B. 699	709
480	An Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the fees and salaries of officers, and defining their duties, in the County of El Dorado, and other matters relating thereto, approved March fifth, eighteen hundred and seventy, approved March twenty-seventh, eighteen hundred and seventy-two—approved March 27th, 1874	S. B. 100	710
481	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 27th, 1874	A. B. 648	711
482	An Act supplemental to an Act entitled an Act to regulate the fees of office, and to fix the compensation of the officers in the County of Sacramento, approved Feb'y twenty-eighth, eighteen hundred and seventy-four—approved March 27th, 1874	Sub. A.B. 653	713
483	An Act to repeal an Act entitled an Act relating to public roads in Lake County, approved March the thirty-first, A. D. eighteen hundred and sixty-six—approved March 27th, 1874	A. B. 674	714
484	An Act concerning the salary of the Auditor and ex officio Clerk of the Board of Trustees of the City of Sacramento—approved March 27th, 1874	A. B. 499	714
485	An Act to authorize the Board of Supervisors of San Bernardino County to locate and build bridges across the River "Santa Anna," and to issue bonds for the payment of the same—approved March 27th, 1874	A. B. 745	715
486	An Act giving the consent of the Legislature to Whitman H. Hill, County Clerk of El Dorado County, in the State of California, to absent himself from said State for a period not exceeding ninety days—approved March 27th, 1874	A. B. 728	718
487	An Act supplemental to an Act entitled an Act amendatory of and supplemental to an Act entitled "An Act to regulate fees of office and salaries of officers in Siskiyou County," approved March twelfth, eighteen hundred and seventy, approved February twenty-seventh, eighteen hundred and seventy-four—approved March 27th, 1874	S. B. 522	719
488	Proposed amendment to the Constitution of the State of California—approved March 27th, 1874	S. B. 156	719
489	[See volume of Amendments to the Codes.]	S. B. 398	.....
490	An Act supplemental to an Act entitled an Act to provide for the construction of certain wagon roads in County of Humboldt, approved February twenty-eighth, eighteen hundred and seventy-four—approved March 27th, 1874	A. B. 734	720

Chapter.	TITLE OF ACT.	No. of bill, and where introduced.	Page.....
491	An Act to amend an Act entitled an Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma, approved March sixteenth, eighteen hundred and seventy-four—approved March 27th, 1874.....	A. B. 737.....	720
492	An Act to authorize the Methodist Episcopal Church of the Town of Rohnerville, in the County of Humboldt, to reduce the number of Trustees—approved March 27th, 1874...	A. B. 670.....	721
493	An Act to extend the time in which Swamp Land District Number One Hundred and Sixteen shall complete its work of reclamation—approved March 27th, 1874.....	A. B. 634.....	721
494	An Act directing the payment of the claim of George Durand against Siskiyou County—approved March 27th, 1874.....	S. B. 500.....	722
495	An Act to amend an Act entitled "An Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento," passed March twenty-third, eighteen hundred and seventy-two—approved March 27th, 1874.....	A. B. 686.....	722
496	An Act to enforce payment of delinquent taxes due in the district of Santa Barbara County now constituting the County of Ventura—approved March 27th, 1874.....	A. B. 676.....	723
497	An Act to authorize the City of Los Angeles to issue bonds in payment of certain indebtedness—approved March 27th, 1874.....	A. B. 693.....	724
498	An Act for the protection of coal mines and coal miners—approved March 27th, 1874.....	A. B. 645.....	726
499	An Act to aid the establishment of a law library in the City of San José—approved March 27th, 1874.....	S. B. 523.....	727
500	An Act relating to streets and roads in the City and County of Sacramento—approved March 27th, 1874.....	S. B. 484.....	728
501	An Act relative to a special school tax in the Sutter Creek School District—approved March 27th, 1874.....	S. B. 519.....	729
502	An Act recommending to the electors of the State to vote for or against a Convention to revise and change the Constitution of the State—approved March 27th, 1874.....	S. B. 322.....	731
503	An Act to exempt firemen in Nevada, Placer, El Dorado, Alameda, and Siskiyou Counties, from the payment of poll tax—approved March 27th, 1874.....	S. B. 401.....	732
504	An Act regulating the fees of witnesses in criminal cases in Stanislaus and Merced Counties—approved March 27th, 1874.....	A. B. 604.....	732
505	An Act to fix the salaries and compensation of certain officers of Butte County—approved March 27th, 1874.....	S. B. 521.....	733
506	An Act to authorize Chico School District to issue bonds for building purposes—approved March 27th, 1874.....	S. B. 494.....	735
507	An Act to provide for the construction of bridges across the San Lorenzo and Pajaro Rivers—approved March 28th, 1874.....	S. B. 533.....	740

Chapter.	TITLE OF ACT.	No. of bill, and where introduced.	Page.
508	[See volume of Amendments to the Codes.]	S. B. 290	
509	An Act to authorize the Controller and Treasurer of State to transfer certain funds—approved March 28th, 1874	S. B. 334	745
510	An Act relating to mutual beneficial and relief associations—approved March 28th, 1874	S. B. 264	745
511	An Act levying a tax for State purposes, for the twenty-fourth and twenty-fifth fiscal years, and to provide for the enforcement thereof—approved March 28th, 1874	S. B. 508	746
512	An Act legalizing the State tax and assessments in the several counties, in eighteen hundred and seventy-two and eighteen hundred and seventy-three—approved March 28th, 1874	S. B. 414	749
513	An Act to remove from Henry Meiggs certain legal disabilities. [Vetoed, and passed by Constitutional majority.]	Sub. S. B. 183	749
514	An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the damages awarded to certain owners of property in the matter of the opening of Second street (commonly known as the Second cut)—approved March 28th, 1874	S. B. 525	750
515	[See volume of Amendments to the Codes.]	S. B. 515	
516	An Act to enforce the educational rights of children—approved March 28th, 1874	S. B. 405	751
517	An Act in relation to taxation of solvent debts other than those secured by mortgage or other liens—approved March 28th, 1874	S. B. 472	753
518	An Act to authorize the City Clerk of the City of Placerville to execute certain trusts in relation to the lands granted to said city—approved March 28th, 1874	S. B. 275	754
519	[See volume of Amendments to the Codes.]	S. B. 434	
520	An Act to annex the territory comprised in the present County of Klamath, to the Counties of Humboldt and Siskiyou—approved March 28th, 1874	S. B. 507	755
521	[See volume of Amendments to the Codes.]	S. B. 511	
522	An Act relating to the funds of Swamp Land District No. Eighteen—approved March 30th, 1874	S. B. 426	759
523	[See volume of Amendments to the Codes.]	S. B. 308	
524	[See volume of amendments to the Codes.]	S. B. 459	
525	An Act to amend "An Act entitled an Act to protect agriculture, and to prevent the trespassing of animals in the county of Colusa," approved March twenty-eighth, eighteen hundred and seventy-two—approved March 28th, 1874	S. B. 478	760
526	[See volume of Amendments to the Codes.]	S. B. 314	
527	An Act to amend an Act entitled "An Act concerning roads and highways in Sonoma County," approved March twenty-third, eighteen hundred and seventy-two—approved March 28th, 1874	S. B. 539	762

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531	An Act regulating the sale of mineral lands belonging to the State—approved March 28th, 1874	S. B. 296	766
532	An Act to authorize the Board of Supervisors of Los Angeles County to protect certain lands in El Monte Township against the overflows of San Gabriel River—approved March 28th, 1874	S. B. 516	768
533	An Act to provide for the proper distribution, in the several County Treasuries, of funds arising from the sale of swamp lands—approved March 28th, 1874	S. B. 178	770
534	An Act to amend "An Act concerning roads and highways in the County of El Dorado," approved March the fifteenth, eighteen hundred and seventy-two—approved March 28th, 1874	S. B. 341	771
535	An Act to provide for the construction of a railroad from Independence, in the County of Inyo, to the City of Los Angeles, Los Angeles County, and to regulate fares and freights thereon—approved March 28th, 1874	A. B. 628	772
536	An Act to confer additional powers upon the Board of Supervisors of the County of San Joaquin—approved March 28th, 1874	A. B. 716	774
537	An Act to provide for the collection of district school taxes in Townsend and May School Districts, in Murray Township, in the County of Alameda—approved March 28th, 1874	A. B. 702	774
538	An Act amendatory of and supplementary to an Act entitled "An Act reorganizing the Board of Supervisors of the County of Placer, and providing for the election of the same," approved March thirteenth, eighteen hundred and seventy-four—approved March 28th, 1874	A. B. 754	775
539	An Act to prevent hogs from running at large in the Towns of Red Bluff and Tehama, in Tehama County—approved March 28th, 1874	A. B. 749	776
540	An Act to authorize the Mutual Life Insurance Company of New York, and the Equitable Life Assurance Company of the United States, to invest moneys in real and personal estate within the limits of California—approved March 28th, 1874	A. B. 593	777
541	An Act amendatory of an Act entitled an Act amendatory of and supplementary 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 fourth, eighteen hundred and seventy—approved March 28th, 1874	A. B. 706	777

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544	An Act to amend an Act entitled an Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto, approved March eighteenth, eighteen hundred and seventy-four—approved March 28th, 1874	A. B. 756.....	779
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547	An Act to pay officers and clerks of the Senate and Assembly for the twentieth session—approved March 28th, 1874	S. B. 546.....	782
548	An Act to locate the county seat of Solano County—approved March 28th, 1874	A. B. 771.....	783
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576	An Act in relation to suits brought against the County of Marin for damages on account of laying out public roads—approved March 30th, 1874	A. B. 620	815
577	An Act to redistrict the County of Tehama, and to reorganize the Board of Supervisors in and for said county—approved March 30th, 1874	S. S. A. B. 460	816
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580	An Act to authorize the Mayor and Common Council of Salinas City to build a school house, and to provide for a fire department in said city, to issue bonds therefor, and to provide for the payment of the land—approved March 30th, 1874	A. B. 642	820
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583	An Act to amend an Act entitled "An Act to protect agriculture, and to prevent the trespassing of animals upon private property, in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four"—approved March 30th, 1874	A. B. 735	824
584	An Act for the relief of A. T. Gray, late Treasurer and ex officio Tax Collector of El Dorado County—approved March 30th, 1874	A. B. 541	824
585	An Act to authorize the Board of Supervisors of Santa Clara County to exempt firemen from the payment of poll taxes for county purposes—approved March 30th, 1874	A. B. 746	825
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594	An Act to abolish the Board of City Hall Commissioners, and to provide for the continuance of the construction of the City Hall, of the City and County of San Francisco—approved March 30th, 1874	Sub. A. B. 694	828
595	An Act to equalize and confirm the levy, equalization, assessment roll, publication, and sale of real estate for the non-payment of taxes—approved March 30th, 1874	A. B. 741	832
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598	An Act to authorize the Trustees of the Town of Hollister to build a school house, to issue bonds therefor, and to provide for the payment of the same—approved March 30th, 1874	A. B. 742	840
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601	An Act relative to roads and highways in the County of Shasta—approved March 30th, 1874	A. B. 718	844
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604	An Act to authorize the Board of Supervisors of the City and County of San Francisco to lease a school lot in said city and county, and to authorize the issuance of school bonds for the purchase of sites and the erection of school buildings in said city and county—approved March 30th, 1874	A. B. 578	848
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618	An Act to regulate fees of Justices of the Peace and Constables in the County of Sacramento—approved March 30th, 1874	S. B. 519	863
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626	An Act to repeal an Act supplementary to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and seventy-four—approved March 30th, 1874	S. B. 552	865
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654	An Act supplementary to an Act entitled "An Act to amend the Political Code in relation to highways," approved March thirtieth, eighteen hundred and seventy-four—approved March 30th, 1874	S. B. 557	907
655	An Act relative to the City Hall Commissioners of San Francisco—approved March 30th, 1874	S. B. 543	907
656	An Act amendatory of and supplementary to an Act entitled "An Act in relation to Coroners in the City and County of San Francisco," approved March sixteenth, eighteen hundred and seventy-two—approved March 30th, 1874	A. B. 788	908
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47	Senate Joint Resolution No. 50, concerning the improvement of the harbor at Oakland	992
48	Assembly Concurrent Resolution No. 60, requesting Professor Whitney to return to California all specimens collected by him	992
49	Senate Concurrent Resolution No. 64	993

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.

NAME.	OFFICIAL POSITION.	RESIDENCE.
Newton Booth	Governor	Sacramento.
Romualdo Pacheco	Lieutenant Governor	San Luis Obispo.
Drury Melone	Secretary of State	San Francisco.
James J. Green	Controller	Marin.
Ferdinand Bachr	State Treasurer	San Francisco.
John L. Love	Attorney General	San Francisco.
Robert Gardner	Surveyor General	Humboldt.
Grant H. Springer	State Printer	Sacramento.
H. N. Bolander	Superintendent Public Instruction	San Francisco.
Lucius H. Foote	Adjutant General	Sacramento.
R. O. Cravens	State Librarian	Placer.
Albert Hart	Governor's Private Secretary	San Francisco.
Samuel Soule	State Harbor Commissioner	San Francisco.
D. C. McRuer	State Harbor Commissioner	San Francisco.
T. D. Mathewson	State Harbor Commissioner	San Francisco.
Newton Booth	Tide Land Commissioner	Sacramento.
J. J. Green	Tide Land Commissioner	Sacramento.
Robt. Gardner	Tide Land Commissioner	Sacramento.

JUDGES, CLERK, AND REPORTERS OF THE SUPREME COURT.

TERM OF OFFICE FOR JUDGES, TEN YEARS.

NAME.	OFFICIAL POSITION.
William T. Wallace	Judge (Chief Justice); elected October 20th, 1869.
Joseph B. Crockett	Judge; elected October 20th, 1869.
A. C. Niles	Judge; elected October 18th, 1871.
A. L. Rhodes	Judge; elected October 18th, 1871.
E. W. McKinstry	Judge; elected October 18th, 1873.
Chas. A. Tuttle	Reporter.
Jas. A. Waymire	Phonographic Reporter.
Grant I. Taggart	Clerk.

SENATORS.

WM. IRWIN.....President pro tem.

NAME.	COUNTIES REPRESENTED.
Andross, M. C.	Tuolumne, Inyo, and Mono.
Bartlett, Washington	San Francisco.
Beck, Thomas	Monterey and Santa Cruz.
Boggs, John	Colusa and Tehama.
Bush, C. W.	Los Angeles.
Crane, L. T.	Yuba.
De Haven, J. J	Del Norte, Humboldt, and Klamath.
Duffy, J. A	Sacramento.
Dyer, Barlow	Calaveras.
Eakin, W. A	Tuolumne, Inyo, and Mono.
Edgerton, Henry	Sacramento.
Evans, George S	San Joaquin.
Farley, J. T	Amador and Alpine.
Finney, S. J	San Mateo and San Francisco.
Fraser, Thomas	El Dorado.
Garratt, W. T	San Francisco.
Gibbons, Edward	Alameda.
Goodale, David	Contra Costa and Marin.
Graves, W. J	San Luis Obispo, Santa Barbara, Ventura.
Hendricks, W. C	Butte.
Hopkins, R	Calaveras.
Irwin, Wm	Siskiyou.
Kent, Charles	Nevada.
Keys, Thomas J	Mariposa and Stanislaus.
Laine, T. H	Santa Clara.
Lindsey, Tipton	Fresno, Kern, and Tulare.
Martin, Noble	Placer.
McCoy, James	San Bernardino and San Diego.
McCune, H. E	Solano and Yolo.
McKusick, H. J	El Dorado.
McMurry, John	Shasta and Trinity.
Neff, J. H	Placer.
O'Connor, Myles P	Nevada.
Oulton, George	San Francisco.
Pendegast, W. W	Lake, Mendocino, and Napa.
Perkins, George C	Butte, Lassen, and Plumas.
Roach, Philip A	San Francisco.
Spencer, S	Yuba and Sutter.
Turner, H. K	Sierra.
Tuttle, B. F	Sonoma.

OFFICERS OF THE SENATE.

NAME.	OFFICIAL POSITION.
T. J. Shackleford	Secretary of the Senate.
J. B. Chinn	Assistant Secretary of the Senate.
Ira H. Reed	Assistant Secretary of the Senate.
James W. Hawkins	Sergeant-at-Arms.
Clayton J. Burns	Assistant Sergeant-at-Arms.
Alfred Estell	Enrolling Clerk.
Daniel Fenton	Engrossing Clerk.
Newton Benedict	Minute Clerk.
Fred. Creque	Copying Clerk.
A. J. Starling	Copying Clerk.
R. W. Pendegast	Clerk to Sergeant-at-Arms.
J. H. C. Bonte	Chaplain.

MEMBERS OF ASSEMBLY.

M. M. Estee .....Speaker.

NAME.	COUNTIES REPRESENTED.
Ables, T. J	Marin.
Aldrich, W. A	San Francisco.
Amerman, I. A	Alameda.
Barton, James N	Sacramento.
Bowers, W. W	San Diego.
Bradley, J. C	Yuba.
Bryan, Wm. E	Sacramento.
Burt, S. B	Placer.
Byers, J. D	Lassen and Plumas.
Byrnes, James	San Mateo.
Canfield, W	Kern and Tulare.
Carter, John	Yuba.
Chandler, Augustus L	Sutter.
Clark, J. B	Butte.
Coggins, Paschal	Sacramento.
Cowdery, J. F	San Francisco.
Cressler, W. T	Siskiyou.
Davis, H. B	Merced and Stanislaus.
Dixon, James	Sonoma.
Escandon, A. G	San Luis Obispo, Santa Barbara, Ventura.
Estee, M. M	San Francisco.
Fahey, Edward	Calaveras.
Ferguson, John W	Fresno.
Franck, F. C	Santa Clara.
Freeman, F. S	Yolo.
Freidenrich, D	San Francisco.
Giffen, G. W	Nevada.
Gilmore, George W	Calaveras.
Gilmore, N	El Dorado.
Gray, John C	Butte.
Gurnett, W. J	Alameda.
Hamill, John	San Francisco.
Hammitt, A. W	Contra Costa.
Hay, Alexander	Santa Clara.
Heald, John L	Solano.
Higbie, A	Los Angeles.
Hill, W. H	Nevada.
Howe, Robert	San Francisco.
Hurlburt, B. G	Humboldt.
Ingham, G. H	El Dorado.
Kercheval, Reuben	Sacramento.
Klotz, R	Shasta.
Knox, Martin	Yuba.
Long, Wm. G	Tuolumne, Mono, and Inyo.
McBride, John W	Siskiyou.
McCallum, D. W	Mendocino.
Miller, L	Alpine and Amador.
Morgan, W. R	Sierra.
Murphy, James E	Del Norte and Klamath.
Meyers, Samuel	San Joaquin.
Northcutt, Wm. H	Sonoma.
Northup, B. C	Nevada.
Norton, W. C	Placer.
Parker, J. E	Tuolumne, Mono, and Inyo.
Patterson, James	San Francisco.
Paulsell, A. C	San Joaquin.
Peek, W. P	Calaveras.
Pelham, A. J	Nevada.
Pishon, N. J	San Bernardino.

MEMBERS OF ASSEMBLY—Continued.

NAME.	COUNTIES REPRESENTED.
Rea, Thomas	Santa Clara.
Rogers, Daniel	San Francisco.
Roush, William	Placer.
Russell, P. H	Sacramento.
Simpers, G. W	El Dorado.
Simpson, John	Colusa and Tehama.
Snyder, J. W	Mariposa.
Stowers, W. H	Amador.
Summers, J. W	Tuolumne, Mono, and Inyo.
Swift, John F	San Francisco.
Terrill, C. C	San Francisco.
Thomas, Chas. L	Santa Cruz.
Tinnin, W. J	Trinity.
Tully, E. C	Monterey.
Vandall, B. C	San Francisco.
Venable, J. W	Los Angeles.
Welch, S. K	Lake and Napa.
Wickware, George C	San Francisco.
Williams, George E	El Dorado.
Winchell, G	Sierra.
Wright, W. S. M	Sonoma.

OFFICERS OF THE ASSEMBLY.

NAME.	OFFICIAL POSITION.
D. T. Loofbourrow	Chief Clerk.
J. A. Brumsey	Assistant Clerk.
John Webber	Assistant Clerk.
W. M. Crutcher	Sergeant-at-Arms.
John M. Inghram	Assistant Sergeant-at-Arms.
T. S. Harris	Minute Clerk.
J. B. Stevens	Minute Clerk.
Richard Brown	Enrolling Clerk.
Cameron H. King	Engrossing Clerk.
B. F. Jeffries	Journal Clerk.
Walter Ferral	Copying Clerk.
Mrs. J. P. Biggers	Copying Clerk.
Michael C. Conroy	Clerk to Sergeant-at-Arms.
Chas. Shelling	Chaplain.

COMMISSIONERS OF DEEDS,

WITH NAMES, 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 twentieth, eighteen hundred and fifty:

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 taking the same.

By said Act the Commissioner is "to continue in office four years."

ALABAMA.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
September 3d, 1872.....	John C. Berry.....	Mobile.....	.....March 4th, 1873.

ARKANSAS.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
April 6th, 1872.....	Frank Strong.....	Little Rock.....	.....

ARIZONA.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
April 14th, 1871	James P. Bull	Hardyville	June 29th, 1871.
November 17th, 1871	W. P. Miller		
February 2d, 1872	W. H. Silverthorn	Mineral Park	
April 29th, 1872	D. Henderson	Prescott	
November 27th, 1872	H. N. Alexander	Arizona City	January 16th, 1873.
February 16th, 1874	James E. McCaffry.	Tucson.	

CONNECTICUT.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
March 22d, 1871	W. E. Simonds	Hartford	April 8th, 1871.
December 9th, 1871	S. Tweedy	Danbury	
March 18th, 1872	D. Y. Gordon	Hartford	
October 7th, 1872	E. Goodman	Hartford	October 23d, 1872.
January 17th, 1873	J. C. Hollister	New Haven	February 26th, 1873.
February 3d, 1874	W. H. Noble.	Bridgeport	

COLORADO.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
May 4th, 1871	R. S. Morrison	Denver	August 4th, 1871.

DISTRICT OF COLUMBIA.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
December 12th, 1870	J. T. K. Plank	Washington	April 1st, 1872.
September 18th, 1871	A. J. Haley	Washington	
September 18th, 1871	J. B. Motley	Washington	
April 6th, 1872	N. Callan	Washington	May 13th, 1872.
September 20th, 1872	Ivan Pike	Washington	

FLORIDA.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
April 29th, 1872	J. H. Durkee.....	Jacksonville	....

GEORGIA.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
March 27th, 1871.....	R. R. Freeman.....	Atlanta	.....June 9th, 1871.
March 27th, 1872.....	J. W. Burroughs.....	Savannah	....
June 7th, 1872.....	Samuel Levy.....	Augusta.....	....

ILLINOIS.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
September 21st, 1870...	Charles O. Tucker...	Chicago	.....October 31st, 1870.
March 1st, 1872.....	S. W. King.....	Chicago	.....March 20th, 1872.
December 29th, 1872...	S. S. Willard.....	Chicago	.....April 20th, 1872.
May 8th, 1874	Chas. Knobelsdorff..	Chicago	....

INDIANA.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
May 20th, 1872..	Geo. H. Campbell....	Indianapolis.....	.....June 22d, 1872.

LOUISIANA.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
April 18th, 1871	A. Ingraham	New Orleans	May 9th, 1871.
March 25th, 1872	A. Hero, Jr	New Orleans	May 8th, 1872.
April 6th, 1872	A. D. Bragdon	New Orleans	July 29th, 1872.
July 1st, 1873	James Graham	New Orleans	August 28th, 1873.

MAINE.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
August 19th, 1870	J. O'Donnell	Portland	September 24th, 1870.

MARYLAND.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
July 2d, 1870	W. B. Hill	Baltimore	August 17th, 1870.
June 24th, 1871	T. W. Rittenhouse	Rising Sun	August 16th, 1871.
February 27th, 1872	J. H. Buchanan	Baltimore	April 5th, 1872.
July 19th, 1872	W. W. Latimer	Baltimore	July 19th, 1872.
April 29th, 1873	H. L. Emmons Jr.	Baltimore	May 26th, 1873.

MASSACHUSETTS.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
June 29th, 1870	Arthur Wm. Hobart	Boston	July 26th, 1870.
July 2d, 1870	J. Henry Hill	Worcester	August 31st, 1870.
April 6th, 1871	Benjamin Pond	Boston	
April 8th, 1871	James M. Bunker	New Bedford	June 10th, 1871.
April 14th, 1871	George T. Angell	Boston	
July 7th, 1871	Henry J. Wells	Boston	August 17th, 1871.
April 6th, 1872	George A. Dary	Boston	
June 22d, 1872	S. Lynde	Boston	October 19th, 1872.
June 22d, 1872	C. H. Adams	Boston	August 5th, 1872.
August 3d, 1872	A. J. Morton	Boston	September 5th, 1872.
February 25th, 1873	E. J. Jones	Boston	March 17th, 1873.
September 17th, 1873	James B. Bell	Boston	October 20th, 1873.
January 17th, 1874	Daniel Sharp	Boston	February 24th, 1874.

MICHIGAN.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
June 7th, 1873.....	Wm. J. Waterman..	Detroit.....	.....July 7th, 1873.

MISSOURI.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
July 19th, 1870.	James S. Garland....	St. Louis.....	.....October 13th, 1870.
March 4th, 1871.....	Austin Drake..	St. Louis.....	.....April 3d, 1871.
December 9th, 1871...	Cullen M. Lincoln...	St. Joseph	..December 26th, 1871.
December 15th, 1871..	Henry Clusky	St. Louis..	....
November 17th, 1872.	John R. Boas.....	St. Louis.....	.....January 6th, 1873.

MINNESOTA.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
March 9th, 1872.....	Charles McC. Reeve.	Minneapolis	.....May 30th, 1872.

NEW HAMPSHIRE.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
December 9th, 1870 ...	W. H. Hackett.....	Portsmouth	. December 31st, 1870.

NEW YORK.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
June 2d, 1870	J. T. Kilbreth	New York City	June 23d, 1870.
June 13th, 1870	William H. Melick	New York City	August 31st, 1870.
June 13th, 1870	George W. Colles	New York City	September 2d, 1870.
June 13th, 1870	Fred. R. Anderson	New York City	
June 23d, 1870	A. De Witt Baldwin	New York City	
July 2d, 1870	Marvin J. Merchant	New York City	August 9th, 1870.
July 2d, 1870	Edmund Webster	Rochester	August 8th, 1870.
July 2d, 1870	J. Spencer Smith	New York City	
July 2d, 1870	S. N. J. Christophers	New York City	
July 2d, 1870	Thomas Vance	New York City	
July 13th, 1870	Fordham Morris	New York City	August 25th, 1870.
July 21st, 1870	Thomas Sadler	New York City	July 21st, 1870.
July 29th, 1870	R. B. Martine	New York City	September 21st, 1870.
August 17th, 1870	Frank B. Schaffer	New York City	
August 19th, 1870	W. B. Coleman	New York City	September 22d, 1870.
August 19th, 1870	Michael Phillips	New York City	December 8th, 1870.
September 1st, 1870	H. S. Fairchild	Rochester	September 30th, 1870.
September 7th, 1870	John H. Comer	New York City	
October 20th, 1870	D. W. Esmonds	Newberg	
October 28th, 1870	J. Warren Lawton	New York City	February 23d, 1871.
December 13th, 1870	E. J. Moore	New York City	
December 29th, 1870	Charles E. Crowell	New York City	January 26th, 1871.
January 31st, 1871	Miron Winslow	New York City	March 14th, 1871.
February 4th, 1871	E. B. Barnum	New York City	
February 4th, 1871	Charles Nettleton	New York City	February 23d, 1871.
February 28th, 1871	Thomas H. Hay	New York City	May 15th, 1871.
March 4th, 1871	Lewis Hurst	Brooklyn	
March 22d, 1871	John D. Monell	New York City	March 26th, 1872.
April 1st, 1871	Calvin Goddard	New York City	October 30th, 1871.
April 12th, 1871	Chas. W. Anderson	New York City	May 15th, 1871.
May 1st, 1871	Jacob Du Boise	New York City	June 3d, 1871.
May 4th, 1871	David McAdam	New York City	July 5th, 1871.
July 7th, 1871	Franz Osteneich	New York City	
July 10th, 1871	David Klein	New York City	
August 9th, 1871	William F. Lete	New York City	October 7th, 1871.
July 31st, 1871	S. B. Goodale	New York City	August 17th, 1871.
August 30th, 1871	Gustavus G. Jenkins	New York City	
September 18th, 1871	John E. Dow, Jr.	New York City	
September 18th, 1871	Francis B. Schaeffer	New York City	
September 21st, 1871	Edward Bissell	New York City	October 25th, 1871.
October 26th, 1871	Samuel Adler	New York City	
November 17th, 1871	M. H. Regensburger	New York City	January 10th, 1872.
November 25th, 1871	Joseph T. Brown	New York City	December 26th, 1871.
November 5th, 1871	Joseph B. Norris	New York City	December 26th, 1871.
December 9th, 1871	Anthony J. Thomas	New York City	
January 10th, 1872	Charles H. Smith	New York City	
February 1st, 1872	Henry C. Banks	New York City	March 25th, 1872.
February 22d, 1872	Mordecai Lewis	New York City	
February 26th, 1872	William H. Clarkson	New York City	April 5th, 1872.
March 12th, 1872	Charles J. Bushnell	New York City	April 1st, 1872.
March 12th, 1872	Moses B. Maclay	New York City	April 15th, 1872.
March 27th, 1872	Sylvester Lay	New York City	April 15th, 1872.
May 4th, 1872	Joseph L. Fairchild	Buffalo	
May 20th, 1872	Thomas Kilvert	New York City	
May 20th, 1872	Watson Hildreth	New York City	
May 23d, 1872	John Bissell	New York City	
July 1st, 1872	W. H. Butler	New York City	July 29th, 1872.
August 1st, 1872	F. P. Burke	New York City	October 7th, 1872.
September 18th, 1872	C. E. Mills	New York City	May 23d, 1873.
January 18th, 1873	W. E. Osborn	Brooklyn	April 3d, 1873.
February 17th, 1873	O. P. C. Billings	New York City	March 15th, 1873.
February 25th, 1873	George W. Brown	New York City	March 29th, 1873.
May 3d, 1873	Horace Andrews	New York City	May 20th, 1873.

NEW YORK—Continued.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
July 1st, 1873.....	E. F. Corey, Jr.....	New York City.....	.....July 29th, 1873.
September 23d, 1873...	F. F. Fargo	Buffalo	.November 19th, 1873.
December 10th, 1873..	H. A. Bagley.....	New York City.....	.....January 3d, 1874.
February 6th, 1874.....	Alex. Ostrander.....	New York City.....	.....March 3d, 1874.
February 24th, 1874...	M. Crannell	Albany.....	....April 25th, 1874.
February 24th, 1874...	John A. Helleny.....	New York City	.....April 11th, 1874.

NEVADA.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
June 13th, 1870.....	John S. Bowker.....	Reno	.....June 20th, 1870.
July 20th, 1870.....	Henry Rives.....	Pioche City.....	..... August 4th, 1870.
July 20th, 1870.....	Will. H. Burrall.....	Virginia City.....	..... July 26th, 1870.
December 14th, 1870..	James M. Meredith..	Aurora.....	...January 26th, 1871.
January 7th, 1871.....	E. B. Stonehill	Hamilton.....	...January 20th, 1871.
January 12th, 1871.....	George W. Kinney..	Eureka	.....April 14th, 1871.
February 4th, 1871.....	James E. Dealy	Carson	.....April 14th, 1871.
March 4th, 1871.....	Frederick Elliott.....	Eureka	.....August 28th, 1871.
May 30th, 1871.....	Daniel A. Bender....	Reno	.....June 24th, 1871.
May 31st, 1871.....	H. M. Barnes.....	Pioche	..... May 31st, 1871.
November 4th, 1871...	H. R. Breakey.....	Pioche	.....
December 29th, 1871..	William Timson.....	Hamilton	.....May 7th, 1872.
March 5th, 1871.....	W. J. Moody.....	Shelbourn	.....March 19th, 1872.
November 4th, 1872...	Thos. E. Hayden.....	Reno	..November 21st, 1872.
November 29th, 1873..	T. N. Rogers..	Elko	..December 12th, 1873.
February 4th, 1874.....	A. E. Shannon	Austin.....	.....April 17th, 1874.

OHIO.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
June 13th, 1870.....	A. T. Brinsmade.....	Cleveland	..December 17th, 1870.
August 11th, 1873.....	James Wade, Jr.....	Cleveland	... January 15th, 1874.

OREGON.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
October 27th, 1870	John C. Carroll	Portland	January 31st, 1871.
March 10th, 1871	Alex. B. Macready	Portland	March 31st, 1871.
June 24th, 1871	Andrew J. Moses	Portland	August 17th, 1871.
August 1st, 1872	Joseph Simon	Portland	September 20th, 1872.
February 6th, 1873	O. F. Bell	Portland	March 11th, 1873.
February 17th, 1873	D. L. Watson	Empire City	April 4th, 1873.

PENNSYLVANIA.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
July 2d, 1870	Charles Canvery	Philadelphia	October 4th, 1870.
July 20th, 1870	Samuel B. Huey	Philadelphia	August 25th, 1870.
October 20th, 1870	David Tine	Philadelphia	November 30th, 1870.
January 13th, 1871	J. Paul Diver	Philadelphia	February 16th, 1871.
January 13th, 1871	Edward Shippen	Philadelphia	February 21st, 1871.
April 8th, 1871	Kinley J. Tener	Philadelphia	April 26th, 1871.
October 26th, 1871	William F. Robb	Pittsburg	November 13th, 1871.
February 26th, 1872	H. E. Hindmarsh	Philadelphia	April 1st, 1872.
March 15th, 1872	C. H. Krumbhaar	Philadelphia	November 4th, 1872.
January 7th, 1873	Theo. D. Rand	Philadelphia	January 24th, 1873.
March 31st, 1873	Henry Reed	Philadelphia	October 23d, 1873.
July 21st, 1873	J. B. Moffitt	Philadelphia	December 24th, 1873.
December 8th, 1873	Henry Phillips	Philadelphia	January 14th, 1874.

RHODE ISLAND.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
March 10th, 1874	Charles Selden	Providence	April 29th, 1874.

SOUTH CAROLINA.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
May 28th, 1872	A. E. Cohen	Charleston	July 8th, 1872.

TENNESSEE.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
September 12th, 1871.	H. F. Dix.....	Memphis	.....October 12th, 1871.

TEXAS.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
June 13th, 1870.....	John W. McDonald.	Houston.....	.....April 1st, 1872.
February 14th, 1871...	Robert D. Johnson...	Galveston	.....March 7th, 1871.
April 6th, 1871.....	James Anderson.....	Waco	.....May 20th, 1871.
April 6th, 1871.....	John T. Carey.....	Dallas..	.....May 22d, 1871.
March 4th, 1872.....	D. U. Barziza.....	Houston.....	.....April 23d, 1872.

UTAH.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
December 12th, 1870..	Wm. P. Appleby....	Salt Lake City.....	.....January 2d, 1871.
December 12th, 1870..	A. S. Gould	Salt Lake City.....	.....January 2d, 1871.
February 19th, 1872...	William Clayton.....	Salt Lake City.....	..February 19th, 1872.
February 26th, 1872...	Jas. W. Stainburn...	Salt Lake City.....	..... March 21st, 1872.

VIRGINIA.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
September 7th, 1870..	T. W. Upshur.....	Richmond.....	.....October 15th, 1870.

WISCONSIN.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
March 22d, 1871.....	F. Bloodgood.....	Milwaukee.....	....October 15th, 1870.

WASHINGTON TERRITORY.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
October 5th, 1870.....	C. C. Perkins.....	.....	...November 2d, 1870.
December 16th, 1870..	Wm. W. Theobalds..	Seattle.....	.....March 22d, 1871.

GREAT BRITAIN.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
January 26th, 1871.....	Edwin Hughes.....	Liverpool	.....May 11th, 1871.
February 18th, 1874...	John H. Grain.....	London	.....April 22d, 1874.

IRELAND.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
November 17th, 1871.	John Lawless.....	Dublin.....	...February 21st, 1872.

FRANCE.

Date of Appointment.	Name.	Residence.	Date of Filing Oath.
July 22d, 1872.....	C. S. Johnson.....	Paris.....	..December 12th, 1872.
February 24th, 1874...	E. B. Morel	Paris.....	.....April 4th, 1874.

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 tranquillity, provide for the common defense, 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; 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 own 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 choosing 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 the 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 repassed 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 defense 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 coins, 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 offenses 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, dockyards, 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 imminent 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 a 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)

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(1) This clause has been superseded by the twelfth amendment to the Constitution.

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 case 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.

PRESIDENT'S COMPENSATION.

The President shall, at stated times, receive for his services a compensation which shall neither be increased or 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 offenses 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,
NICHOLAL GILMAN.

MASSACHUSETTS.

NATHANIEL GORHAM,
RUFUS KING.

CONNECTICUT.

WILLIAM 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 McHENRY,
DANIEL OF ST. THOMAS 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 thing 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 offense 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 defense.—[*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 reëxamined 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 ma-

jority 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 ballot, 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 offenses 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 offense; 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 libel, 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 for 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.

SEC. 22. The Legislature shall have no power to make an appropriation, for any purpose whatever, for a longer period than two years.—[*Amended*, 1871.

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 the 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 impeach-

ments 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 reënacted 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 years 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 year 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 IV 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 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 offenses, 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 forces 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 V 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 Court; 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 VI, 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 Constitu-

tion 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 offices 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 traveled 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 VIII 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.

WM. G. MARCY, Secretary.

R. SEMPLE,
President, and Delegate from Benicia.

JOSEPH ARAM,
CH. T. BOTTS,
ELAM BROWN,
ELISHA O. CROSBY,
JOSE M. COVARUBIAS,
STEPHEN C. FOSTER,
PABLO DE LA GUERRA,
LEWIS DENT,
KIMBALL H. DIMMICK,
A. J. ELLIS,
JOSE 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,

STATUTES.

STATUTES OF CALIFORNIA,

PASSED AT THE

TWENTIETH SESSION OF THE LEGISLATURE.

CHAPTER I.

An Act to authorize the State Treasurer to pay Controller's warrants drawn for the per diem and mileage for members of the Senate and Assembly, and their respective officers and employés.

[Approved December 12, 1873.]

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

SECTION 1. The State Treasurer is hereby authorized to advance the money on the Controller's warrants drawn for the per diem and mileage of the Senate and Assembly, and their respective employés, out of such public funds as he may have in charge, keeping said warrants as his vouchers, until such time when there shall be money in the General Fund to cancel the same, and place them to his credit. Treasurer to advance per diem and mileage.

SEC. 2. Nothing in this Act shall be so construed as to take money out of any Fund against which there are warrants now due, or may become due, or in any way keep claimants out of their just demands. Construction.

SEC. 3. This Act to take effect immediately.

CHAPTER II.

[See volume of Amendments to the Codes.]

CHAPTER III.

An Act in relation to the School Fund of Tehama County.

[Approved December 17, 1873.]

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

Transfer of funds.

SECTION 1. The Treasurer of Tehama County is hereby directed, out of the first moneys collected for county purposes and paid into the treasury of said county for the fiscal year one thousand eight hundred and seventy three and four, to transfer to the School Fund of said county the sum of five thousand dollars.

An advance.

SEC. 2. The sum so transferred must be considered as an advance to said Fund, and upon the final apportionment of moneys collected for taxes in said year, must be deducted from the amount apportioned to said Fund.

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

CHAPTER IV.

An Act supplemental to an Act entitled "An Act to amend an Act entitled an Act to authorize the Board of Trustees of Woodland School District, in the County of Yolo, to borrow money for certain purposes, and provide for the payment of the same, approved February twenty-fourth, eighteen hundred and seventy-two," approved March thirtieth, eighteen hundred and seventy-two.

[Approved December 17, 1873.]

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

Special election.

SECTION 1. Within twenty days after the passage of this supplemental Act, the Trustees of Woodland School District shall give notice of a special election, for the purpose of electing a School District Assessor and a School District Collector, which election shall be governed by the laws relating to elections in school districts, shall be held at the usual place of holding school district elections, in said school district, and the day for holding said election shall not exceed thirty days from the passage of this Act; said notice shall be given by posting, at least five days before the day of said election, at least three notices of said election, in three public places in said district, one of which shall be at the door of the public school house in said school district. There shall be elected, at said election, one person to act as School District Assessor, and one to act as School District Collector, who shall each hold his office until the next

Notice.

Officers.

annual school district election in said district, at which annual election their successors shall be elected, and shall hold their respective offices for the period of two years; and in case of a vacancy occurring in either of said offices, the Trustees of said Woodland School District shall have power, and it shall be their duty, to call a special election to fill such vacancy, and shall give notice as hereinbefore prescribed for the first election; and the person or persons so elected shall perform all the duties required to be performed by the provisions of this Act. The Assessor and Collector shall each give bonds for the faithful discharge of the duties of his office, conditioned according to law; the Assessor, in the sum of five hundred dollars, and the Collector, in the sum of four thousand dollars. Vacancies. Bonds.

SEC. 2. The Assessor elected under the provisions of the preceding section, immediately after his election shall proceed to assess all the property in said Woodland School District, in the manner provided by law for the assessment of property by County Assessors in this State, and prepare an assessment roll, in form substantially the same as is required by law to be kept by the County Assessors of the several counties of this State, and to return said roll to the Board of Trustees of said school district, within twenty days from the time he is elected. Duty of Assessor.

SEC. 3. Upon the return of the assessment roll as required, the Board of Trustees of said school district shall give five days notice, by posting in at least three public places in said school district, of the time and place of their meeting for that purpose, and shall, in pursuance of such notice, sit as a Board of Equalization for the purpose of equalizing said assessment, and shall be governed by the law regulating the equalization of assessments by the several Boards of Supervisors in this State; and, as such Board of Trustees sitting as a Board of Equalization, shall continue in session for at least three days; and when said equalization has been made, said Board of Trustees shall estimate the percentage necessary to be raised to amount to a sum sufficient to pay the interest on all bonds issued and outstanding, under the provisions of the Act of which this is a supplement, and one fourth of the principal, together with a sufficient amount to pay the expenses of assessment and collection, to which shall be added ten per cent for anticipated delinquencies; and shall levy and assess against all the property of said school districts, a tax equal to the assessment, as aforesaid, and said taxes shall be collected by the said School District Collector, in the same manner as other taxes are collected by the County Tax Collector, and the same shall be paid into the County Treasury of Yolo County, and shall be kept as a separate Fund, and shall be designated as the Woodland School District and Redemption Fund. Board of Equalization. Tax.

SEC. 4. The Assessor elected under the provisions of this Act shall receive for his services four dollars per day for each day actually employed in making the assessment, and the Collector shall be entitled to receive five per cent of all moneys actually collected by him. Compensation.

SEC. 5. The officers first elected under the provisions of this Act shall immediately enter upon the duties of their respective offices, and as soon as may be, after the first assessments have

Pay interest.

been collected, the money so collected shall be deposited in the County Treasury; and the County Treasurer shall, thereupon, pay the interest and such portion of the principal of the bonds issued under the provisions of the Act of which this is a supplement, as become due on the first day of January, eighteen hundred and seventy-four.

Taxes, when collected.

SEC. 6. All taxes collected under the provisions of the Act of which this is supplementary, and of this Act, subsequent to the first assessment, herein provided for, shall be collected between the first day of October and the third Monday of December of each year, and shall be deposited in the County Treasury on or before the first day of January following.

SEC. 7. Such portions of the Act to which this Act is supplementary as are 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 V.

An Act giving the consent of the Legislature to Cornelius Finley, County Clerk of Santa Clara County, in the State of California, to absent himself from said State for a period not exceeding sixty days.

[Approved December 19, 1873.]

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

Leave of absence.

SECTION 1. The Legislature of the State of California hereby consents that Cornelius Finley, County Clerk of Santa Clara County, in the State of California, may absent himself from said State, for a period not exceeding sixty days, at any time during his present term of office; *provided*, said Clerk leave in his office competent clerical force for the prompt and efficient transaction of the business thereof; *and, provided further*, that he shall first obtain the consent of a majority of the Board of Supervisors of said county and of all the sureties on his official bond.

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

CHAPTER VI.

An Act to repeal an Act entitled "An Act for laying out, altering, and vacating public roads in the County of Marin," approved April second, eighteen hundred and sixty-six, and an Act entitled an Act concerning roads in the County of Marin, approved March thirtieth, eighteen hundred and sixty eight; also, "An Act amendatory of and supplemental to an Act entitled an Act concerning roads in the County of Marin," approved March thirtieth, eighteen hundred and sixty-eight, approved March twenty-third, eighteen hundred and seventy-two.

[Approved December 19, 1873.]

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

SECTION 1. An Act entitled "An Act for laying out, altering, and vacating public roads in the County of Marin," approved April second, eighteen hundred and sixty-six, and an Act entitled "An Act concerning roads in the County of Marin," approved March thirtieth, eighteen hundred and sixty-eight; also, "An Act amendatory of and supplemental to an Act entitled an Act concerning roads in the County of Marin, approved March thirtieth, eighteen hundred and sixty-eight, approved March twenty-third, eighteen hundred and seventy-two," are hereby repealed. Acts repealed.

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

CHAPTER VII.

An Act to create a Board of Canvassers for the County of El Dorado, and other matters relating thereto.

[Approved December 20, 1873.]

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

SECTION 1. The County Judge of El Dorado County shall, with ten days after the passage of this Act, appoint three persons, who shall be and constitute a Board of Canvassers, to canvass the returns of the judicial election held in said County of El Dorado on the fifteenth day of October, A. D. eighteen hundred and seventy-three. Board of Canvassers.

SEC. 2. Said Canvassers shall meet at the Court House in the City of Placerville, on the twenty-ninth day of December, A. D. eighteen hundred and seventy-three, and, after being duly sworn according to law, shall organize by electing from their number a Chairman. Meeting.

Clerk. SEC. 3. The County Clerk of El Dorado County shall be the Clerk of said Board of Canvassers, and shall enter all the proceedings of said Board in the book of minutes of the Board of Supervisors of said county.

Canvass. SEC. 4. As soon as the Board of Canvassers is organized, the County Clerk shall furnish said Board with the election returns of the judicial election held in said county on the fifteenth day of October, A. D. eighteen hundred and seventy-three, and thereupon said Board shall proceed to canvass said returns.

Duties. SEC. 5. In canvassing said election returns, the duties of said Board, and the Clerk of said Board, shall be the same, and they shall proceed in the same manner as is prescribed in Chapter Eleven, Title Two, of the Political Code of the State of California, for the canvassing of election returns by a Board of Supervisors, and the provisions of said Chapter Eleven shall govern said Board of Canvassers, and the Clerk of said Board, so far as the same are applicable.

Quorum. SEC. 6. A majority of said Board of Canvassers shall constitute a quorum.

Compensation. SEC. 7. Each member of said Board of Canvassers shall be paid the sum of twelve dollars for his services, and immediately upon the final adjournment of said Board, the County Auditor of said county shall draw his warrant in favor of each member of said Board, for the sum of twelve dollars, payable out of the County Current Expense Fund of said county.

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

CHAPTER VIII.

[See volume of Amendments to the Codes.]

CHAPTER IX.

An Act authorizing the State Treasurer to dispose of the sixty-five thousand dollars United States five-twenty bonds, now held in trust for the University Fund, and to purchase State bonds of the funded debt of eighteen hundred and seventy-three.

[Approved December 22, 1873.]

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

Treasurer to dispose of bonds of University Fund. SECTION 1. The State Treasurer, under the supervision of the Governor, is hereby authorized and empowered to dispose, to the best advantage, the sixty-five thousand dollars United

States Five-twenty Bonds, now held in trust by him for the University Fund, and purchase for the amount so received from the Loan Commissioners, State Bonds of the Funded Debt of eighteen hundred and seventy-three, for the benefit of the aforesaid University Fund; *provided*, that the sixty-five thousand dollars United States Five-twenty Bonds, or any part thereof, shall not be sold for a less amount than par in United States gold coin, with interest due on the same up to the day of sale.

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

CHAPTER X.

An Act to provide for the building of and furnishing a Court House, offices, and Jail, in Merced County, and for improving the Court House grounds.

[Approved December 22, 1873.]

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 hereby authorized and directed to issue the bonds of the county, to an amount not exceeding seventy-five thousand dollars, all bonds to be payable twenty years from the date of their issuance, with interest at the rate of ten per cent per annum, payable annually, on the first day of January in each year, both principal and interest to be made payable in United States gold coin only. The bonds shall be issued in denominations of five hundred dollars each, and shall be signed by the Chairman of the Board of Supervisors and the County Clerk. Interest coupons shall be attached, signed in like manner. The Supervisors shall issue twenty thousand dollars of the bonds within sixty days after the passage of this Act, and shall issue the remaining amount of fifty-five thousand dollars of the bonds from time to time, at such times as shall be necessary to provide funds for the progress of the construction of the Court House and Jail provided for in this Act, and for the payment of claims to become due therefor. Supervisors to issue bonds. Amount.

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 canceled by the Treasurer in the same manner as county warrants are canceled by him, and they shall be deposited by him with the County Auditor, on making his monthly settlement with the County Auditor, which he is required hereby to make on the first Monday of every month, and the County Auditor shall give him a receipt therefor. Coupons canceled.

SEC. 3. The bonds shall bear the date of their issuance, and the first coupon shall be for interest from such date up to the first day of January next succeeding. Date.

Special tax. SEC. 4. For the purpose of paying the interest on the bonds, the Supervisors shall, at the time of levying the county taxes for each year, levy a special tax on all property in the 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 county taxes are assessed and collected, and be set apart as a special Fund, to be known as the "Court House Bond Interest Fund," and out of this Fund the coupons on the bonds shall be paid, as they fall due.

Deficiency. SEC. 5. If such special tax shall at any time be insufficient to pay the coupons due, the County Treasurer shall make up the deficiency out of the current Fund of the county. If the amount realized from the special Fund exceeds the amount required to pay the coupons, the Board of Supervisors must transfer such surplus to the current Fund.

Pay ten per cent. SEC. 6. In and for the year eighteen hundred eighty-four, and each year thereafter, until the whole of the bonds are paid, the Board of Supervisors shall levy and cause to be collected, a tax sufficient to pay ten per cent of the whole issue of the bonds; and the tax thus levied and collected shall be set apart as a special Fund, to be known as the "Court House Bond Redemption Fund."

Surrender of bonds. SEC. 7. Whenever there shall be one thousand dollars or more in such Redemption Fund, the Treasurer shall cause a notice to be published once a week, for four successive weeks, in some newspaper printed in the county, or in the City and County of San Francisco; which notice shall state he is prepared to redeem on a day to be stated therein, bonds to the amount of the moneys in the Redemption Fund, and that until such 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 Clerk, open all such proposals, and shall redeem such bonds as may be offered, at the lowest figure; but no bid above par shall be accepted. If no bid be put in at par or less, or if a sufficient amount of bonds be not offered to absorb all the moneys in the Redemption Fund, then bonds, to the amount of the moneys in such 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.

Sale. SEC. 8. Within forty days after the issuance of any bonds, the Board of Supervisors shall sell the bonds so issued to the highest bidder or bidders therefor, in accordance with the provisions of this Act.

Notice. 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 Merced County, if any be there published; said bonds shall be sold for United States gold coin, and for not less than eighty per cent of their nominal value.

SEC. 10. Bids for the purchase of the bonds shall be made in writing and inclosed in a sealed envelope, 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 bidding the highest price therefor; but no bid shall be considered unless the bidder shall have, before it is opened, deposited with the County Treasurer of said county ten percentum 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 such bids, the Board shall receive from the bidder the amount bid, and shall deliver to him the bonds purchased. If no bidder attend on the day fixed for the sale of the bonds, or if from any cause the sale of such bonds shall not be made on said day, then the Board of Supervisors may again advertise for bids in the same manner, and for the time above provided, and shall award the bonds, in all respects, as hereinbefore provided; but in all cases the Board of Supervisors shall have power to reject any and all bids. Bids for the purchase, how made.

SEC. 11. All moneys derived from the sale of the bonds shall be immediately paid into the County Treasury of Merced County, and the County Treasurer shall give duplicate receipts therefor, one of which receipts he shall deliver to the Chairman of the Board of Supervisors, and the other of which he shall file with the County Auditor, who shall charge the Treasurer with the amount thereof. Receipts.

SEC. 12. The County Auditor and Treasurer shall each keep an account of the bonds issued and the moneys received and disbursed under this Act. Account.

SEC. 13. All moneys derived from the sale of the bonds, shall be set apart as a "Court House Building Fund," and shall be applied, laid out, and expended in the building and constructing a Court House and Jail on the lands which the Supervisors may designate for that purpose, in the Town of Merced, in Merced County, and the necessary county offices in and for said county, and furnishing the same, and improving the Court House grounds. Moneys, how expended.

SEC. 14. The Board of Supervisors shall, five days after receiving notification of the passage of this Act, at a special or regular meeting, cause to be published in a weekly newspaper in said county, for at least thirty days, a notice to receive plans and specifications for the construction of a Court House and Jail at Merced, the present county seat of said county—the Board of Supervisors reserving to themselves the right to reject any and all plans and specifications presented for the construction and erection of said buildings. If any plan and specification presented to the Board of Supervisors by any skillful architect shall be accepted, said Board of Supervisors shall allow such architect the sum of five hundred dollars as compensation therefor, payable out of the current Fund of the county. Advertise for plans.

SEC. 15. The Board of Supervisors shall, as soon as practicable after the first sale of bonds, proceed with the erection and construction of the building contemplated by this Act, and for that purpose shall have full power and authority to do and Erect and construct the building.

perform all acts and things which may be requisite or necessary to carry out the provisions of this Act; but the contracts for the erection of the buildings shall be let to the lowest responsible bidder, after due public notice in the manner prescribed by law, the security for the faithful performance of such contracts to be approved by the Chairman of the Board of Supervisors. The buildings shall be completed within eighteen months from the date of the issuance of the first bonds, and shall be constructed in conformity with the plans furnished by the architect.

Payments. SEC. 16. All payments for costs and expenses of carrying this Act into effect, including the cost of plans and specifications, architect's fees, and for construction and furnishing the Court House offices and jail, and improving the Court House grounds, shall be paid by warrants drawn on the "Court House Building Fund" of the county; and until the Court House offices and jail are completed and furnished, and grounds improved, none of the last named Fund shall be applied to any other purpose.

Insufficiency provided for. SEC. 17. If the money provided for by this Act, for the purpose of building a Court House, offices, and jail, and improving Court House grounds, shall be insufficient for the purposes intended, the deficiency shall be made up from the current Fund of the county, in such manner as the Board of Supervisors may direct; and any surplus on hand in the Court House Building Fund, after the Court House, offices, and jail is constructed, furnished, and paid for, and Court House grounds improved, shall be transferred to the current Fund of the county.

Not subject to lien. SEC. 18. The buildings constructed under the provisions of this Act, shall not be subject to the lien of any contractor, subcontractor, mechanic, lumberman, laborer, or other person whatsoever, for any labor, materials, or other thing furnished in the erection or construction of the buildings.

Reimbursement. SEC. 19. The Board of Supervisors, or any member thereof, who has or may render any services in traveling for information, the negotiation of bonds, or for any other purpose relating to the erection of a Court House and jail in said County of Merced, shall, in addition to the per diem compensation now allowed by law, be entitled to receive an amount sufficient to reimburse them for actual necessary traveling expenses while so engaged, the same to be audited and paid as other evidences of county indebtedness of said county.

Commissioner to inspect. SEC. 20. After the said contract to build said Court House, offices, and jail, shall have been awarded to any person or persons, as hereinbefore provided in this Act, the Board of Supervisors of said county shall appoint immediately thereafter one disinterested Commissioner, who shall be a skillful architect, to critically inspect and examine all the material used, and to be used, in the erection and construction of said public buildings, and report the result of his examination to said Supervisors, or any one of them; and if it shall appear from such report, or otherwise, to the Board of Supervisors, that the material, or any part thereof so used in said buildings, shall not be of a good and substantial character, and the same shall not be built in a skillful and workmanlike manner, and in strict conformity with the

contract made and entered into by said contractor or contractors, and the Board of Supervisors, on behalf of said County of Merced, said public buildings shall not be accepted by the Board of Supervisors of said county, nor their duly appointed Commissioner for said purpose.

Compensation.

SEC. 21. The Commissioner mentioned in the last preceding section of this Act, shall be paid a reasonable compensation for his services.

Attorney.

SEC. 22. The Board of Supervisors shall, immediately after awarding the contract to any person or persons, to build said Court House, offices, and jail, as provided in this Act, employ a disinterested and skillful attorney at law, to draw up the contract in writing, made and entered into for the construction of said public buildings aforesaid, who shall be paid a reasonable compensation for his services, not to exceed the sum of one hundred dollars.

Penalty for neglect.

SEC. 23. Each and every officer named in this Act, who shall neglect or refuse to perform any and all of the duties required of him by this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not less than two hundred dollars, and not to exceed one thousand dollars, and removed from office.

SEC. 24. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 25. This Act shall take effect from and after its passage.

CHAPTER XI.

An Act to repeal "An Act entitled an Act concerning roads and highways in the County of Yuba," approved February third, eighteen hundred and seventy-two.

[Approved December 23, 1873.]

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

Repealed.

SECTION 1. An Act entitled "An Act concerning roads and highways in the County of Yuba," approved February third, eighteen hundred and seventy-two, is hereby repealed.

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

CHAPTER XII.

[See volume of Amendments to the Codes.]

CHAPTER XIII.

An Act to prohibit the sale of intoxicating liquors within two miles of the University of California.

[Approved December 23, 1873.]

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

Unlawful to sell liquor.

SECTION 1. It shall not be lawful for any person or persons to keep or expose for sale, or sell, or give, or permit others to take, for a consideration, directly or indirectly, any malt, spirituous, or other alcoholic liquors, upon or within two miles of the grounds belonging and adjacent to the University of California in Alameda County.

Penalty.

SEC. 2. Any violation of section first of this Act, shall be deemed a misdemeanor, punishable by fine, or imprisonment in the County Jail of Alameda County, or both. The fine to be not less than fifty dollars nor more than one hundred dollars; and the imprisonment to be not less than thirty nor more than ninety days, for each offense.

SEC. 3. This Act shall take effect from and after the first day of February, one thousand eight hundred and seventy-four.

CHAPTER XIV.

An Act to amend an Act entitled "An Act to change the manner of electing Supervisors in the County of Del Norte, and prescribing the method thereof," approved March thirtieth, A. D. eighteen hundred and seventy-two.

[Approved January 2, 1874.]

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:

Terms of office.

Section 1. Members of the Board of Supervisors shall hold their office for the term of three years, except as hereinafter provided. There shall be chosen at the general election for State and county officers, on the first Wednesday of September, eighteen hundred and seventy-three, in the County of Del Norte, by the qualified electors thereof, one Supervisor for each Supervisor District in said county, who shall hold their offices as follows: District Number One, until the first day of January, eighteen hundred and seventy-five; District Number Two, until the first day of January, eighteen hundred and sev-

enty-six; and District Number Three, until the first day of January, eighteen hundred and seventy-seven.

SEC. 2. This Act shall take effect immediately.

CHAPTER XV.

An Act supplemental to 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 fourth, eighteen hundred and seventy.

[Approved January 8, 1874.]

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

SECTION 1. The Constables of the County of Calaveras shall be ex officio collectors of taxes for their respective townships, and shall collect, by themselves or deputies, all and every kind of tax or license, except real and personal property tax and road poll tax, in and for said county, required by law to be collected; and for the collection of said tax and license, they shall receive the following rates and percentages, which they shall keep and retain for their own use and benefit: For the collection of poll and hospital tax, fifteen per cent on the amount collected; for the collection of traders' licenses, liquor licenses, theater, peddler, and all kinds and character of licenses required by law to be collected, ten per cent upon the amount so collected. Tax Collectors. Fees.

SEC. 2. The Constables shall keep a book, in which they shall enter: first, the name of each person or persons from whom they shall have collected any tax or license, the amount collected, and for what particular tax or license the same was so collected; second, they shall enter in said book the names of all persons within their respective townships engaged in any business, the carrying on of which is required by law 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, 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 Constables. License and fee book.

SEC. 3. It shall be lawful for said Constables to divide their respective townships into collection districts; but in all things they shall jointly act, except that they may assign themselves to a particular district in their township. Districts.

SEC. 4. It shall be the duty of said Constables, every three months, to make out a list of all persons or firms doing business in their respective townships, the nature and kind of business, the amount of their license tax, and the place where said business is carried on, which shall be posted up in two conspicuous Lists of firms.

places in the township, for the information and investigation of all persons interested. When the license has been collected the word "*Paid*" shall be written opposite the name.

Act to apply.

SEC. 5. The provisions of an Act entitled 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 fourth, eighteen hundred and seventy, to which this Act is supplementary, shall, in all respects, apply to the Constables of the various townships of Calaveras County; and where the word "*Sheriff*" occurs in said Act, in reference to the collection of license and taxes herein named, it shall be construed to mean Constables, and said Constables shall make their return and payments in the same mode and manner and form as is therein provided to be done by the Sheriff.

Official bond.

SEC. 6. Before said Constables shall enter upon their duties as Collectors, as herein provided, they shall each execute a bond for the faithful performance of their duties as such Collectors, in such sums as may be named by the Board of Supervisors, and which bond shall be approved by said Board; *provided*, that no bond shall be less than two thousand dollars.

SEC. 7. All Acts or parts of Acts, so far only as they conflict with this Act, are hereby repealed.

SEC. 8. This Act shall take effect immediately.

CHAPTER XVI.

An Act to provide for the building of a school house in Modesto School District, in the County of Stanislaus, State of California.

[Approved January 9, 1874.]

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

Advertise for plans.

SECTION 1. The Board of Trustees of Modesto School District, in the County of Stanislaus, State of California, must, as soon as is expedient after the passage of this Act, cause to be advertised in one or more newspapers published in this State, a notice, for a period of at least twenty days, that said Board will receive plans and specifications, at a time and place therein mentioned, for a school house, to be built in the Town of Modesto, in Modesto School District, in said county; the Board reserving the right to reject any and all of the plans and specifications presented by any architect for the construction of said school house, and in the event of the adoption of any plan and specifications presented, said Board may allow such architect such compensation for the same as shall be reasonable.

Notice for proposals.

SEC. 2. Immediately after the adoption of the plans and specifications for said school house, said Board of Trustees must cause to be advertised in one or more newspapers published in this State, a notice, for the period of at least twenty days, that

said Board will receive sealed proposals and bids at a time and place therein designated, for the building of said school house in the Town of Modesto, in said district, in accordance with the plans and specifications adopted; the Board reserving the right to reject any and all of the proposals and bids for the construction of said school house which in its judgment may be too high in price. And in the event of the acceptance of any of the proposals and bid of any person or persons for the building of said school house, said Board must award the contract to build said school house to such contractor, on his furnishing a good and sufficient bond in double the amount of his bid, conditioned to perform said contract in a skillful and workmanlike manner, and in strict conformity with the plans and specifications adopted. Said bond must be approved by the County Judge of said County of Stanislaus. Award of contract.

SEC. 3. The Board of Trustees may, if they deem it necessary, employ an attorney at law, whose duty it shall be to advise them upon all matters arising under the Act, and to draw up this contract for the erection of said school house, and they are hereby authorized to pay such attorney a reasonable compensation for his services. Attorney.

SEC. 4. Immediately after awarding the contract for the building of said school house, the said Board of Trustees must appoint a skillful person to superintend the construction of said building, whose duty it shall be to see that the material used in the construction of the same is of the kind and quality contracted for, that the work thereon is done in a good and workmanlike manner, and generally that all the provisions of the contract, relating to the erection of said building, are faithfully carried out, and the said Board is hereby authorized to pay the said Superintendent a reasonable compensation for his services. Superintendent.

SEC. 5. Said school house shall be erected on the portion of Block No. —, in the said Town of Modesto, donated, or to be donated, to said district for that purpose, by the Contract and Finance Company, or to be purchased by the said Board of Trustees. Where erected.

SEC. 6. The said Board of Trustees is hereby authorized to issue the bonds of said district, in a sum not to exceed twenty thousand dollars, payable in annual installments of not less than one thousand dollars of the principal, on the second Monday in January of each year after the issuance thereof, until the whole of said bonds are paid; said bonds shall bear interest from the date of their issuance at the rate of ten per cent per annum, payable semi-annually on the second Monday of January and July of each year after their issuance. The principal and interest of said bonds shall be payable in gold coin at the office of the County Treasurer of said county. Said bonds must be issued in denominations of one hundred or five hundred dollars each; they must be numbered consecutively and signed by the Clerk of said district, by the Superintendent of Public Schools of said county, and countersigned by the County Treasurer of said county; each of said bonds must have attached thereto coupons for the interest to accrue thereon; in the first coupon on each bond a sum must be inserted for the amount of Amount of bonds. Denominations. Coupons.

interest to accrue on such bond from the date of issuance until the next date herein fixed for the payment of such interest; each of the other coupons must have inserted therein a sum representing the full semi-annual interest on such bond; said coupons must be numbered on each bond from one consecutively, and must each be signed and countersigned in the same manner as the bonds. The District Clerk, County Superintendent of Public Schools, and County Treasurer, must each keep a list of said bonds, showing the amount of bonds issued, their number, and the sum for which each bond is issued, the date of issuance, and the name of the person to whom issued, which lists during office hours shall be open for the inspection of the public. Said bonds, from the time they are issued until paid as herein provided, shall be a lien on all the property in said district, as now constituted.

List.

Lien.

Proposals for surrender.

SEC. 7. During the first week in December, in each year, after the issuance of said bonds, the Board of Trustees shall cause to be advertised for the period of at least two weeks, in one or more newspapers published in the Town of Modesto, a notice, calling for sealed proposals from the holders of said bonds for the surrender of such an amount of said bonds as there may be money in the Treasury to redeem. On the day specified in the notice, at twelve o'clock M., the Board of Trustees shall meet at the office of the District Clerk to consider the proposals received, and then must make an order for the redemption of the bonds offered, for the least sum below their par value, to the extent of the money in the Treasury for that purpose; *provided*, no bids for more than the par value of any of said bonds shall be received under any circumstances; *provided further*, if, upon the day specified in such notice, no bids for the surrender of any bonds, or of a number insufficient to exhaust the money in the Treasury available for the redemption is received, then the said Board is hereby authorized and required to order to be paid such number of the outstanding bonds, the first on the list of the District Clerk, at their par value, as the money in the Treasury applicable thereto will redeem, and within one week thereafter it shall cause said order to be published in one or more newspapers, published in the Town of Modesto, for at least one week; and from the second Monday in January next after the publication of said order, the bonds so ordered to be paid shall cease to bear interest; a copy of said order, certified to by the District Clerk, must be delivered to the County Treasurer on or before the second Monday in January; and on said day the County Treasurer must set apart in the Treasury the sum mentioned in said order, for the redemption of the bonds therein specified, and he must redeem such bonds if presented to him for payment within ten months from said date; and if not presented after the expiration of said ten months, the County Treasurer must report such fact to said Board of Trustees, and said Board may thereafter use said money in the Treasury so set apart as aforesaid for the redemption of other bonds outstanding; and the bonds so ordered to be paid, as aforesaid, which have not been presented for payment within said ten months, at the option of said Board of Trustees, need not be paid until all other out-

Board to order paid.

Redemption.

standing and interest-bearing bonds have been paid. All bonds and coupons redeemed shall be canceled by the County Treasurer and disposed of by him in the same manner as he is by law required to cancel and dispose of the county warrants redeemed by him. Canceled.

SEC. 8. For the purpose of obtaining funds to meet any obligation incurred under the provisions of this Act, the said Board of Trustees is hereby authorized to convert said bonds into money, by selling the same to the highest bidder, for cash, after advertising for at least twenty days, in one or more daily newspapers published in this State, for sealed proposals to purchase said bonds. The Board, in such advertisement, must reserve the right to reject any or all bids for the purchase of said bonds which in its judgment may be too low in price; and, provided that none of said bonds shall, under any circumstances, be sold at a discount of more than ten per cent. The proceeds derived from the sale of said bonds must be paid into the County Treasury, and must, by the County Treasurer, be kept in a separate Fund, to be known as the "Modesto School District Building Fund," and must be used exclusively in the building and furnishing of said school house, and in the purchase and improvement of the lots belonging to the district, and for the payment of such incidental expenses as are herein expressly authorized. The said moneys must be paid on the warrant of the County Superintendent, drawn upon the order of the Board of Trustees, in the same manner as other school moneys are by him required to be paid. Convert into cash. How used. How paid.

SEC. 9. Within three months after the issuance of any bonds, under the provisions of this Act, and thereafter in every second year until all the bonds, and the interest thereon, are fully paid, the qualified electors of said Modesto School District, shall elect one District Assessor, and one District Tax Collector; *provided*, that it shall be competent for said electors, at such election, to elect to such offices any elector of said county. The first election of said officers shall be held at such time and place as may be designated by the Board of Trustees. All subsequent elections must be held at the same time as is by law required for the election of District Trustees, and notice of such election must be given, officers to conduct the same must be appointed, and the same must be conducted, in all respects, as the law requires for the election of District Trustees, except in this: that the officers conducting said election must, within three days thereafter, make return thereof to said Board of Trustees; and said Board must canvass said election returns, and must issue thereupon certificates of election to the persons having received the highest number of votes cast. The term of office of the persons so elected at the first election, shall commence upon their reception of a certificate of election, and qualifying, as herein provided, and shall continue until the first Monday in May in the second year after their election; and thereafter the terms of said offices shall commence on the first Monday in May after their election, and continue for two years, and until their successors are elected and qualified. The per- Election of Assessor and Collector. Term of office.

Qualification.

sons elected to said offices, within ten days after receiving their certificates of election, must qualify by taking the oath of office, and executing and filing with the District Clerk an official bond, in such a sum as may be fixed by the order of said Board of Trustees. Said bond must be executed in the same manner as other official bonds, and before filing must be approved by the County Judge of said county; *provided*, that if either the County Assessor or County Tax Collector, or both, are elected to these respective offices of District Assessor and Collector, no additional bond shall be required of them; but they shall be liable on their official bonds as County Assessor or County Tax Collector, for the faithful discharge of the duties devolving upon them under the provisions of this Act.

Duties of Assessor.

SEC. 10. It shall be the duty of the District Assessor, immediately after his election as such Assessor, and thereafter, on the first Monday in May in each year, during his continuance in office, to commence making an assessment of all the property in said district, both real and personal, liable to taxation. Such assessment shall be made in the same manner as the assessment for State and county purposes is required to be made by law; and said District Assessor shall, within his district, have and exercise all the powers by law conferred upon County Assessors. Said assessment, in each year, shall be finished, and the assessment roll delivered to the Board of Trustees of said district, on the first Monday in September in each year.

Equalization and levy of taxes.

SEC. 11. The Trustees, after receiving the assessment roll from the Assessor, must give five days notice thereof by posting notices in three public places in said district, and at such times and places as have been named in such posted notices they must sit as a Board of Equalization; their sessions as such must continue for at least three days and not more than ten days. During their session they must equalize said assessment, and for that purpose they have the same power as the County Board of Equalization, to make any changes in said assessment roll. As soon as the work of equalization has been completed, the Trustees must levy a tax upon the property in said district, sufficient, in each year, to pay all the interest accruing on all the bonds issued under the provisions of this Act during the year, and to pay at least one thousand dollars of the principal of said bonds. They shall compute the rate to be levied, as required by section eighteen hundred and thirty-eight of the Political Code, in relation to other district taxes; and said taxes, when so levied, shall be a lien upon all the property in said district, upon which they are assessed, which lien shall attach, in each year, on the first Monday in May, and shall continue until said taxes are fully paid, or until the property upon which the same has been assessed, vests absolutely in a purchaser under a valid sale for the satisfaction of such taxes.

Tax and assessment roll.

SEC. 12. Immediately after the levy of the taxes as aforesaid, the District Clerk and Assessor must compute and carry out on the assessment roll the amount of taxes due from each person or parcel of property assessed, in the same manner as the law requires the Auditor to do in the county assessment, and at the same time at which the law requires the county assess-

ment roll to be delivered to the County Collector, the Clerk of the district must deliver to the District Collector the said district assessment roll, duly certified to by said Clerk, and he must take a receipt therefor from said Collector, and must charge him with the full amount of the taxes due thereon; and said District Clerk must immediately forward a copy of said receipt, certified to by him, to the County Auditor of said county.

Collection of the taxes.

SEC. 13. The District Collector, after receiving said assessment roll, must collect the taxes due thereon from the persons and property assessed, in the same manner and at the same time as the County Tax Collector is by law required to collect State and county taxes; and the taxes remaining unpaid on said district assessment roll shall in each year become delinquent at the same time State and county taxes become delinquent, and on said delinquent taxes the same percentage shall be allowed, and they shall be collected in the same manner, as delinquent State and county taxes. For the purpose of collecting said taxes, the District Tax Collector shall have and exercise within said district the same powers that by law are conferred upon the County Tax Collector. The District Tax Collector must pay over all moneys collected by him to the County Treasurer, and make settlement therefor with both the County Auditor and the District Clerk, at the same time and in the same manner as the County Tax Collector is required by law to do in relation to State and county taxes.

Accounts and settlement.

SEC. 14. The County Auditor, upon receiving the copy of the receipt of the Tax Collector provided for in section twelve of this Act, must charge the District Collector with the amount of the taxes receipted for, in an account to be kept by him, and thereafter he must keep said District Collector's account, and must make settlement with him in relation to said district assessment roll, in the same manner as he is required to charge the County Tax Collector and settle with him on account of State and county taxes; and upon receiving from said Collector the Treasurer's receipt for money paid him on account of such taxes, the County Auditor must charge the County Treasurer with the amount specified in such receipt.

Funds, how kept and paid.

SEC. 15. The County Treasurer must keep all moneys paid him under the provisions of this Act in a separate Fund, to be known as the "Modesto School District Bond Redemption Fund," and the said moneys must be paid out by him to liquidate the interest accruing upon said bonds, upon presentation at the times herein specified of the coupons therefor, and for the redemption of bonds, upon presentation to him of the bonds ordered to be paid as hereinbefore provided, by the Trustees of said district; and the said Treasurer must settle with the County Auditor for the moneys received and disbursed by him under this section, in the same manner as he is required to settle for county moneys received and disbursed by him.

Salaries.

SEC. 16. The District Assessor and District Tax Collector, for the services required of them under the provisions of this Act, shall each receive a salary of fifty dollars per annum, which shall be payable semi-annually, on the first Monday in May and the first Monday in November, out of moneys received

from county taxes in the Modesto District School Fund; and on the first Monday in May, and on the first Monday in November of each year, the Trustees of said Modesto School District shall audit the salary then due the said Assessor and Tax Collector, and order the same paid; and upon the filing of such order with him, the County Superintendent shall issue his warrant for the amount therein specified, in the same manner as he is required to issue other school warrants; and upon presentation of said warrant, the County Treasurer shall pay the salary of said Assessor and Collector out of the county portion of the moneys in the Modesto District School Fund.

SEC. 17. No other officers, except the Assessor and Collector, charged with any duties under the provisions of this Act, shall be allowed or receive any compensation for such service.

SEC. 18. From the time of the issuance of any bonds, as hereinbefore authorized, until their payment and redemption, the boundaries of said Modesto School District, as now constituted, shall not be diminished.

SEC. 19. This Act shall take effect and be in force from and after its passage.

CHAPTER XVII.

An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of San Mateo County to settle certain claims against said county, approved April first, eighteen hundred and seventy-two.

[Approved January 9, 1874.]

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

Repealed. SECTION 1. The Act entitled an Act to authorize the Board of Supervisors of San Mateo County to settle certain claims against said county, approved April first, eighteen hundred and seventy-three, is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER XVIII.

An Act to provide for the appointment of additional Notaries Public in the Counties of Fresno, Tulare, and Humboldt.

[Approved January 9, 1874.]

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

Additional Notaries. SECTION 1. The Governor shall have the power and is hereby authorized to appoint and commission four Notaries Public in

each of the Counties of Fresno, Tulare, and Humboldt, in addition to the number now authorized by law to be appointed in said counties, who shall hold their offices for the period of two years, and until their successors shall have been appointed and qualified.

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

CHAPTER XIX.

An Act to authorize the transfer to the General Fund of the money in the Soldiers' Bounty Fund, the Soldiers' Relief Fund, the Line Officers' Fund, and the Hospital Fund.

[Approved January 9, 1874.]

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

SECTION 1. The Controller and Treasurer are hereby authorized to transfer to the General Fund all money remaining in the State Treasury to the credit of the Soldiers' Bounty Fund, the Soldiers' Relief Fund, the Line Officers' Fund, and Hospital Fund. Transfer Funds.

SEC. 2. This Act shall take effect immediately.

CHAPTER XX.

An Act defining the legal distances from the county seat of Ventura County, to Sacramento, Stockton, and San Quentin.

[Approved January 9, 1874.]

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

SECTION 1. The legal distance from the county seat of Ventura County to Sacramento, is four hundred and sixty-three miles; to Stockton, four hundred and sixty-three miles; and to San Quentin, three hundred and thirty-five miles. Legal distances.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXI.

An Act to repeal an Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County, approved March thirteenth, eighteen hundred and sixty-six.

[Approved January 9, 1874.]

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

Repealed. SECTION 1. An Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County, approved March thirteenth, eighteen hundred and sixty-six, is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXII.

An Act to repeal an Act concerning roads and highways in the County of Stanislaus, approved March tenth, eighteen hundred and sixty-six.

[Approved January 9, 1874.]

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

Repealed. SECTION 1. An Act entitled an Act concerning roads and highways in the County of Stanislaus, approved March tenth, A. D. eighteen hundred and sixty-six, is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXIII.

An Act to authorize the Governor of the State of California to pay the expenses of and offer a reward for the arrest of the bandit Vasques and his associates, for the murder of Davidson Redford and others, in Monterey County, August twenty-sixth, eighteen hundred and seventy-three, and for robberies since committed in the County of Fresno.

[Approved January 10, 1874.]

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

SECTION 1. The Governor of the State of California is hereby authorized and directed to expend a sum or sums of money,

not exceeding in the aggregate the sum of fifteen thousand dollars, for the arrest and delivery to the proper authorities, of the body or bodies of T. Vasques and his associates, who are charged with the murder of Davidson Redford and others, at Tres Pinos, in Monterey County, August twenty-sixth, eighteen hundred and seventy-three, and with various robberies since committed in the County of Fresno. Arrest of Vasques and band.

SEC. 2. The expenditure, authorized by section one of this Act, shall be made by the Governor in the payment of the necessary expenses incurred in the capture or killing of said Vasques or any of his band; *provided*, such killing may be necessary in the attempt to arrest him or them, and shall be paid by the Governor at his discretion. No money shall be paid under this Act unless said Vasques or some of his band be killed or captured, and safely delivered to the proper officer or officers of this State. Expenses.

SEC. 3. The sum of fifteen thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated by law, for the purposes of this Act. Appropriation.

SEC. 4. This Act shall take effect immediately.

CHAPTER XXIV.

An Act to repeal the special road laws of San Mateo County.

[Approved January 12, 1874.]

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

SECTION 1. The Act entitled "An Act concerning roads and highways in the County of San Mateo," approved March twenty-fifth, eighteen hundred and sixty-eight, and all Acts amendatory thereof and supplemental thereto, are hereby repealed. Repealed.

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

CHAPTER XXV.

An Act to amend an Act entitled "An Act to reincorporate the City of Petaluma," approved March twenty-seventh, eighteen hundred and sixty-eight.

[Approved January 13, 1874.]

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

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

Powers of the Board of Trustees.

Section 10. The Board of Trustees shall have power, and it is hereby made their duty, to make such ordinances, not inconsistent with the laws and Constitution of the United States, and of this State, as they may deem necessary for the purposes following: To prevent and remove nuisances within the limits of said city; to regulate and prohibit the storage of gunpowder, hay, and all other combustible materials; to prohibit disorderly conduct; to license and regulate auctioneers, taverns, barrooms, theatricals, circusses, and all shows, concerts, and places of amusement; to license and regulate tippling houses and dramshops, hawkers, peddlers, and pawnbrokers; to regulate and prohibit dance houses, houses of ill-fame, and disorderly houses of all kinds; to prevent and punish disorderly conduct in the presence of the Board of Trustees, and disturbance of a meeting thereof; to fix the time and places of the meetings of the Board of Trustees; to establish rules for the proceedings of the Board; to require bonds of all city officers except the Trustees; no Trustee to be directly or indirectly interested in any contract made by them, or in any pay for work done under their direction or supervision, and to fix the amount and penalties thereof, and the number and qualification of sureties thereon, and the condition of said bonds; to lay out, alter, and establish all streets, alleys, sidewalks, crossings, and public grounds of the city, and to establish grades of the same; to lay out, locate, and establish sewers and drains in said city; to provide for the prevention of the running at large in said city of horses, swine, mules, sheep, goats, and cattle; and for the impounding the same, and selling them to pay the expenses and costs of such impounding, keeping, and selling, and paying in such fines; to compel the muzzling and killing of dogs, and to authorize their being killed; to establish and regulate markets; to prohibit slaughter houses within said city, and the slaughtering of cattle, calves, swine, sheep, and goats in said city; to establish a Police Department, and regulate the proceedings and conduct of the same; to provide for and establish a chain gang, and to regulate the proceedings and conduct of the same; to provide for and establish a Fire Department, and to regulate the proceedings and conduct of the same; to establish public reservoirs and works for supplying the city with water; to provide modes and manner of lighting streets and public grounds; to regulate the construction of wharves in said city, and to prevent the filling up, obstructing the navigation of, or improper use of Petaluma Creek, within the limits of said city; to establish the manner of appropriating fines, penalties, and forfeitures for breaches and violations of ordinances, and noncompliance therewith; to ordain, establish, and impose fines, penalties, and forfeitures, for the breach or violation of any ordinance, or for non-compliance therewith; *provided*, that no ordinance shall fix the fine for one offense above three hundred dollars, or the imprisonment for one offense more than one hundred and fifty days; *and, provided*, that such ordinances may provide an alternative, judgment may be rendered imposing a fine, and on failure to pay the same, imprisoning the person one day for each two dollars of such fine; to provide for the removal of dirt, filth, and obstruc-

tions from the streets, alleys, and sidewalks, and public squares of said city, and to punish for the depositing of stone, dirt, filth, and obstructions in the streets, alleys, sidewalks, and public squares of said city; to provide for the forcible abating and removal of nuisances; to prevent and punish for the depositing of dead animals and filth in said city, or in Petaluma Creek, and to establish sanitary regulations for the health of the city, or to prevent the spread of infectious diseases. The said Board of Trustees shall be the general agents of said city for the management of the affairs thereof, and shall have the general supervision of the same and control thereof, and by order entered on the minutes, shall have power to make contracts; to levy a tax annually for general purposes, on all property in the city subject to taxation, not exceeding one half of one per cent of the assessed value thereof, and to order the same collected; to order the collecting of a street tax annually of three dollars on each male person over the age of twenty-one years residing in said city; *provided*, that active and exempt firemen shall not be liable to pay said tax; to levy and order collected a tax, not to exceed five dollars, on each and every dog owned or kept within the city limits; to levy and collect annually a tax on all property in the city subject to taxation, not exceeding one half of one per cent on the assessed value thereof, to be used specially for the straightening and improving the navigation of Petaluma Creek, both within and without the limits of said city; *provided*, such tax shall be voted by the qualified voters of said city, and the Board of Trustees may, by order entered on their minutes, and by notice of ten days previously given in the same manner as notices of city elections are required to be given, submit at any election the question of levying such tax, specifying the rate, and the manner of voting; to expend the amount collected of the tax for the straightening and improving the navigation of Petaluma Creek, both within and without the limits of said city; to construct public reservoirs and other works necessary to supply the city with water, and keep the same in repair; to construct and keep in repair public cisterns and wells; to purchase and repair fire engines, hose, and other apparatus necessary or needed in the Fire Department; to build or rent buildings for the use of said city, and for the use of the Fire and Police Departments thereof; to open, repair, and construct streets, alleys, crossings, sidewalks, and public grounds, and to grade the same; to furnish lights for the streets, alleys, and public grounds; to approve all bonds of city officers; to appoint policemen and watchmen, and discharge the same; to establish and regulate a city prison; to contract, pay out, and expend the funds of said city; and to do any and all acts necessary to the proper performance of their duties under the charter of said city. They shall receive four dollars per day while sitting as a Board of Equalization, but shall receive no other compensation. Same.

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

Fiscal year.

Section 23. The fiscal year of said city shall commence on the first day of April of each year, and end on the last day of March of the ensuing year. The taxes of said city shall be annually:

Taxes.

First—A general tax on all the property of the city subject to taxation, not exceeding one half of one per cent of the assessed value thereof, for general purposes;

Second—A tax on all the property in the city subject to taxation, not exceeding one half of one per cent of the assessed value thereof, for the purpose of straightening and improving the navigation of Petaluma Creek, the same to be voted by the qualified voters of said city;

Third—A street tax of three dollars on each male person over twenty-one years of age residing in said city; *provided*, that active and exempt firemen shall not be liable to pay said tax;

Fourth—A tax not to exceed five dollars on each dog owned and kept within said city.

Each of said taxes shall be due to said city on said property, and from the owners thereof, and from said persons, whenever the same shall be levied during the months of August and September of each year.

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

CHAPTER XXVI.

An Act to repeal certain Acts herein named, known as the Five Per Cent Subsidy Acts.

[Approved January 14, 1874.]

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 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;" also, "An Act entitled 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 n their respective counties, approved April fourth, eighteen hundred and seventy," approved April fourth, eighteen hundred and seventy; also, an Act entitled "An Act to repeal an Act entitled 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," and an Act entitled "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 fourth, eighteen hundred and seventy, except as to certain counties therein named, approved March twenty-first, eighteen hundred and seventy-two, are hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXVII.

An Act to prohibit the sale of intoxicating liquors within a certain distance of the Napa State Asylum for the Insane.

[Approved January 15, 1874.]

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

SECTION 1. It shall not be lawful for any person to keep any saloon or bar, or to sell or offer for sale any spirituous or malt liquors, within one mile of the asylum building, now in course of construction, upon the property in Napa County deeded to the State of California for the site of the Napa State Asylum for the Insane; and any person so doing shall be guilty of a misdemeanor, and for each offense shall be punished by a fine not exceeding five hundred dollars. Unlawful to sell liquors. Penalty.

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

CHAPTER XXVIII.

An Act to amend an Act entitled an Act relating to the Yreka School District, in Siskiyou County, approved March eighteenth, eighteen hundred and seventy.

[Approved January 15, 1874.]

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 relating to the Yreka School District, in Siskiyou County, is so amended as to read as follows:

Section 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 finishing of said building, shall be fully paid, provided the same shall not exceed seven years. Tax continued.

CHAPTER XXIX.

An Act to provide for the redemption of the outstanding bonds of Butte County.

[Approved January 17, 1874.]

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

Advertise for proposals.

SECTION 1. Whenever the Redemption Fund of Butte County shall amount to one thousand dollars or more, the County Treasurer shall advertise, for the space of thirty days, in at least one daily newspaper published in said county, then in one or more weekly newspapers published in said county, for sealed proposals for the redemption of said county bonds.

Redemption.

SEC. 2. In five days after the receiving of proposals shall have expired, according to said advertised notice, the Board of Supervisors shall open the sealed proposals, and shall award the said Redemption Fund to the lowest proposals; *provided*, no proposal which is not less than the par value shall be accepted; and in case the Redemption Fund is not exhausted by the acceptance of said proposals, then the said Redemption Fund, or the balance thereof, unless it amounts to less than one thousand dollars, shall be applied to the payment of said bonds in the order of the number of their issue.

Notice.

SEC. 3. The said County Treasurer shall give notice of his readiness to pay such bonds, by designated numbers of the same, and the time and place of payment, by advertising in the same manner as before mentioned in section one of this Act; and in case that bonds are not presented for payment, as required by said notice, then and thereafter said bonds shall bear no interest; and thereupon the said County Treasurer shall apply said Fund, or the balance thereof, to the payment of the bond next entitled to precedence in the order of the number of their issue, in case the same shall be presented for payment.

Continued.

SEC. 4. The mode and manner for redeeming and paying said bonds, provided for in this Act, shall be continued from time to time, as long as there are moneys in said Redemption Fund, and until the whole of said bonds are finally redeemed and paid.

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 XXX.

An Act amendatory of an Act making an appropriation for the capture of the bandit Vasquez and his band, approved January tenth, eighteen hundred and seventy-four.

[Approved January 19, 1874.]

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

Reward for Vasquez.

SECTION 1. Section two of an Act entitled "An Act to authorize the Governor of the State of California to pay the expenses of and offer a reward for the arrest of the bandit Vasquez and his associates for the murder of Davidson Redford and others, in Monterey, August twenty-sixth, eighteen hundred and seventy-three, and for robberies since committed in the County of Fresno," approved January tenth, eighteen hundred and seventy-four, is hereby amended so as to read as follows:

Expenditures.

Section 2. The expenditure authorized by section one of this Act shall be made by the Governor in the payment of the necessary expenses incurred in the capture or killing of said Vasquez, or any of his band; *provided*, such killing may be necessary in the attempt to arrest him or them, and in paying such reward or rewards as he may offer in that behalf, and shall be paid by the Governor at his discretion. No greater sums of money shall be paid under this Act than five thousand dollars, unless said Vasquez, or some of his band, be killed or captured and safely delivered to the proper officer or officers of this State. The Governor is hereby authorized to expend the said sum of five thousand dollars, or so much thereof as he may deem necessary, in the payment of any expenses to be incurred in carrying into effect the provisions of this Act. And the Controller is hereby authorized and directed to draw his warrant in favor of the Governor upon his requisition for the said five thousand dollars, or such part thereof as may be named in the said requisition, and the Treasurer to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXI.

An Act to fix the terms of the County Court of the County of Tulare.

[Approved January 19, 1874.]

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 County Court of Tulare County shall be held on the first Monday of March, June, September, and December of each year.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act, so far as they relate to Tulare County, are hereby repealed.

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

CHAPTER XXXII.

[See volume of Amendments to the Codes.]

CHAPTER XXXIII.

An Act to provide for the appointment of additional Notaries Public in some of the counties of this State.

[Approved January 19, 1874.]

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

Additional Notaries.

SECTION 1. The Governor is hereby authorized to appoint and commission Notaries Public in the following counties, in addition to those now authorized by law: In the County of Santa Clara, eight; one of whom shall have his place of business at Mayfield, one at San Felipi, one at Milpitas, one at Saratoga, and one at Gilroy Township, and one at Mountain View. In the County of Napa, one, to reside at Yountville. In the Counties of Santa Barbara and San Luis Obispo, three each. In the County of Sonoma, two; one to reside at Pine Flat.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXIV.

An Act to repeal an Act concerning roads in the Counties of Santa Barbara and San Luis Obispo, passed February twenty-first, eighteen hundred and seventy-two.

[Approved January 21, 1874.]

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

Repealed.

SECTION 1. Said Act and all Acts amendatory thereof are repealed.

SEC. 2. This Act takes effect immediately.

CHAPTER XXXV.

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 January 21, 1874.]

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 is hereby authorized and empowered to appropriate, allow, and order paid 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: Additional powers.

First—For the Street Department Fund, one hundred and sixty-seven thousand dollars. Appropriations.

Second—For City and County Hospital and Almshouse, thirty-nine thousand dollars.

Third—For Industrial School, eighteen thousand two hundred and fifty dollars.

Fourth—For advertising and election printing, eight thousand dollars.

Fifth—For repairs to public buildings, six thousand dollars.

Sixth—For purposes of urgent necessity, eight thousand dollars.

Seventh—For material for the Fire Department, seventy-three thousand three hundred and eighty-five dollars.

Eighth—For Smallpox Hospital purposes, five thousand dollars.

SEC. 2. The Board of Supervisors is hereby authorized and empowered to allow and order paid out of the General Fund, to the parties entitled thereto, the sum of thirty-eight thousand seven hundred and sixty dollars, being amount heretofore borrowed on the faith and credit of the city and county to pay the interest accrued on the public debt. Pay borrowed moneys.

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

CHAPTER XXXVI.

An Act to pay the claim of W. L. McEwen and C. F. Smith.

[Approved January 22, 1874.]

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

Appropriation.

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of W. L. McEwen and C. F. Smith, for services rendered under the authority of the Controller of State, State Treasurer, and Board of Examiners, in adjusting the balances of the several Funds, under the provisions of an Act entitled an Act prescribing certain duties to be performed by the State Controller, State Treasurer, and State Board of Examiners, approved February twentieth, eighteen hundred and seventy-two, and which claim was subsequently examined and adjusted, and recommended for payment by the Board of Examiners, and reported to the Legislature for allowance, and an abstract of which claim was published in the Sacramento *Daily Union*, a newspaper published in the City and County of Sacramento, on the twenty-fifth day of August, eighteen hundred and seventy-three.

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

CHAPTER XXXVII.

An Act to change the orthography of the name of a town in Shasta County.

[Approved January 23, 1874.]

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

Name changed.

SECTION 1. That the name of the Town of Redding, in Shasta County, shall hereafter be known and spelled Reading, in honor of the late Major Pearson B. Reading, the pioneer of Shasta County.

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

CHAPTER XXXVIII.

An Act amendatory of an Act entitled "An Act relating to the Boards of Supervisors of the Counties of Napa and Mendocino," approved April fourth, one thousand eight hundred and sixty-four, so far as the same applies to or affects Mendocino County.

[Approved January 23, 1874.]

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. Every Supervisor of the County of Mendocino shall be elected at the time and for the term now provided, or that may hereafter be provided by law; and he shall be elected by the electors of the district in which he is an elector, and shall reside in the district for which he is elected. Election.

SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

CHAPTER XXXIX.

An Act to amend an Act entitled an Act to empower the City of Stockton to fund its school debt, and for school purposes, approved March twenty-sixth, eighteen hundred and seventy-two.

[Approved January 23, 1874.]

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

SECTION 1. Section eight of the above entitled Act is hereby repealed. Repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER XL.

An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State, approved February the thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of Los Angeles.

[Approved January 23, 1874.]

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 encourage the destruction of squirrels, gophers, and other wild animals in certain counties of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of Los Angeles, is hereby repealed.

Tax continued. SEC. 2. The repeal of said Act shall not be deemed to affect or impair any rights already acquired, and the Board of Supervisors of Los Angeles County shall continue to levy a tax of one fifteenth of one per cent upon each one hundred dollars valuation, until all liabilities under said Act shall have been satisfied.

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

CHAPTER XLI.

An Act providing for the refunding of the bonded indebtedness of the County of Santa Cruz.

[Approved January 23, 1874.]

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 the County of Santa Cruz are hereby authorized and empowered to issue, on behalf of said county, bonds, not exceeding in the aggregate the sum of sixty-five thousand three hundred dollars in gold coin of the United States of America, for the purposes named in this Act. Such bonds shall bear interest at the rate of eight per cent per annum, in like gold coin; shall be of denominations not less than two hundred and fifty dollars nor more than five hundred dollars each; shall have coupons for interest attached, and shall be made payable at or before the expiration of twenty years from their date, at the office of the Treasurer of said county. The interest on said bonds shall be paid by said Treasurer semi-annually, at his said office, on the first day of July and on the first day of January of each year, on presentation of the coupons attached to said bonds therefor. Every bond so issued

shall be signed by the Chairman of the Board of Supervisors, and by the County Clerk of said county, and shall be authenticated by the seal of the County Court of said county. Each of said bonds shall substantially state and purport that said County of Santa Cruz owes to the holder of such bond the principal sum named in the bond in gold coin, payable and bearing the interest as aforesaid; and the principal and interest of said bonds shall be payable in gold coin of the United States.

Coupons and cancellation.

SEC. 2. There shall be attached to said bonds coupons for interest, which shall be signed by the County Clerk and the Treasurer of said county, and when any interest shall be paid on any of the bonds issued by authority of this Act, the coupons due and paid shall be delivered to the County Treasurer of said county, who shall write the word "Canceled" across the face thereof, and deliver the same to the County Auditor of said county, taking his receipt therefor. The said Auditor shall then mark "Paid," on the duplicate register of bonds in his office, the coupons so delivered to him by said Treasurer; and when any of said bonds shall be redeemed by said Treasurer, he shall write the word "Redeemed" across the face thereof, and deliver the same to the County Auditor of said county, taking his receipt therefor, and the same shall be marked "Paid" upon the copies of the register of bonds in the offices of said Auditor and Treasurer, with a memorandum of the amount paid for the redemption thereof; and when any bonds or coupons shall be paid or redeemed, the said Auditor shall report the same to said Board of Supervisors at their next meeting thereafter.

Register of bonds.

SEC. 3. The County Clerk of the County of Santa Cruz 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, the name of the person to whom said bond is issued, and when such bonds are sold, the amount realized from the sale thereof. It shall be the duty of said County 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 the respective offices for public inspection.

Sale of bonds.

SEC. 4. The bonds, or any part thereof, hereby authorized to be issued, shall be sold, under the direction of the Board of Supervisors of said Santa Cruz County, to the person or persons who will pay the highest price therefor; *provided*, that the said bonds, nor any part thereof, shall not be sold for less than par value. The said Board of Supervisors shall give public notice of the sale of such bonds by advertisement of not less than twenty days, in which notice shall be stated the time and place of sale. The proposals to purchase shall be sealed, and shall be opened at the time and place named in said notice by the President of said Board of Supervisors. The purchasers whose bids shall be accepted shall pay into the County Treasury of said county the amount bid by them at such time as said Board of Supervisors shall designate, and said Treasurer shall receipt for the same; and such purchaser shall, upon the delivery of such receipts to the County Clerk, be entitled to receive the bonds purchased by them. The bonds so issued

shall bear interest from the date of the payment of the purchase money therefor. The said receipts shall be copied into the registers required to be kept by the last preceding section.

Redeem outstanding bonds.

SEC. 5. The Board of Supervisors of the County of Santa Cruz are hereby authorized and required to use and appropriate the money realized from the sale of the bonds issued by authority of this Act, to redeem, pay, and discharge all bonds heretofore issued by or on behalf of said county, and now unpaid, bearing more than eight per cent interest per annum, and payable in gold coin of the United States; and the said money realized from the sale of bonds issued by authority of this Act, nor any part thereof, shall not be used for any other purpose. Any person now holding any bonds of said county, bearing more than eight per cent interest per annum, and payable in gold coin of the United States, shall have the right, with the consent of said Board of Supervisors, to surrender such bonds, and receive in exchange therefor bonds issued by authority of this Act, at par value. This section shall not be construed to authorize said Board of Supervisors to pay any premium on any outstanding bonds of said county.

Special redemption tax.

SEC. 6. The Board of Supervisors of the County of Santa Cruz are hereby authorized and empowered to levy annually, at the time and in the manner prescribed for levying general State and county taxes, a tax which will produce the sum of six thousand five hundred and thirty dollars, in gold coin of the United States, which tax shall be levied annually until all the bonds issued by authority of this Act shall have been paid or redeemed, principal and interest; and the money arising from such tax shall be set apart by the Treasurer of said county for the purposes of paying the principal and interest of said bonds. This Fund shall be known as the "Redemption Bond Fund of Santa Cruz County." The said Treasurer shall pay therefrom the interest on said bonds as the same becomes due; any balance remaining in said Fund upon the first day of January of each and every year hereafter, shall be used by said Treasurer for the redemption of said bonds.

Notice of redemption.

SEC. 7. The said County Treasurer, whenever there shall be any money in said Fund for the redemption of such bonds, shall give notice by advertisement in some newspaper printed and published in said County of Santa Cruz, for at least two weeks, that he will redeem the said bonds. The said notice shall state the amount of bonds to be redeemed, and the time and place for receiving bids for the redemption thereof. All bids received for the redemption of such bonds shall be opened at the time and place mentioned in said notice, in the presence of the Chairman of the Board of Supervisors of said county, who, in conjunction with said Treasurer, is hereby authorized to accept and award such bids. Said Treasurer and Chairman of the Board of Supervisors shall accept only such bids as shall cancel the greatest amount of said bonds. No bonds shall be redeemed at greater rate than one hundred cents on the dollar. 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 time appointed for opening proposals therefor, it shall be the duty of said Treasurer to give notice by advertisement in some news-

paper printed in said county that he is prepared to redeem certain of said bonds, which shall be designated in said notice by number and date of the issuance thereof, which said notice shall be published not less than ten days. The interest on such bonds so advertised shall cease from and after the expiration of ten days from the first publication of said notice. All bonds paid by said Treasurer shall be marked "Redeemed," and shall be surrendered to the Board of Supervisors of said county. Same.

SEC. 8. The County Clerk of said county, and the County Treasurer thereof, shall receive such compensation for the services required of them by this Act as the Board of Supervisors of said county shall allow. Compensation.

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

CHAPTER XLII.

An Act to amend an Act entitled an Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State, by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven, approved March thirtieth, eighteen hundred and sixty-eight.

[Approved January 26, 1874.]

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:

Section 3. The said County Judge shall thereupon cause a survey to be made by some competent person, of the lands which the inhabitants of said town may be entitled to claim under the said Act of Congress, located according to the legal subdivisions of the sections, and by the section lines of the United States, and the same shall be distinctly marked by suitable monuments. Such survey shall further particularly designate all streets, roads, lanes, and alleys, public squares, churches, school lots, cemeteries, and commons, as the same exist and have been heretofore dedicated in any manner to public use, and, by measurement, the precise boundaries and area of each and every lot or parcel of land and premises claimed by any person, corporation, or association within said town site, shall be designated on the plat, showing the name or names of the possessor, occupant, and claimant, if other than the occupant, of each particular lot and parcel of land; and in case of any disputed claim as to lots, lands, premises, or boundaries, the said surveyor, if the same be demanded by any person, shall designate the lines in different color from the body of the plat, of such part of any premises so disputed or claimed adversely. Survey of lands.

Plat. A plat thereof shall be made in triplicate, on a scale of not less than eighty feet to one inch, which shall be duly certified under oath by the Surveyor, one of which shall be filed with the County Recorder of the county wherein the town is situated, one shall be deposited with the County Judge, and one shall be deposited with a Justice of the Peace resident in the surveyed town, or if there be no Justice, then with a Notary Public, or if neither of such officers reside in said town, then with some responsible person a resident therein, appointed by the County Judge. These plats shall be considered public records, shall each be accompanied with a copy of the field notes, and the County Recorder shall make a record thereof in a book to be kept by him for that purpose. The said surveyor shall number the blocks as divided by the roads and streets opened at the time of making such survey, and shall number the several lots consecutively in each block, and all others, parcels of land within said town site, surveyed as herein provided, which said numbers shall be a sufficient description of any parcel of land in said plat, when mentioned by reference to such town plat; and such plats, field notes, and records, and certified copies thereof, shall be prima facie evidence of the contents and correctness thereof in all the Courts of this State.

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

Compensation. Section 20. For services performed under this Act, the County Judge shall be entitled to receive, out of the moneys provided to be paid into his hands, the sum of twenty cents per mile for all travel necessarily performed by him on such duty; for every deed executed by him, the sum of two dollars, as provided in section eight of this Act, which shall include the acknowledgment thereof; and for every certificate issued by him, the sum of fifty cents; *provided*, that nothing herein contained shall apply to or affect any town the plat of which shall have been filed six months prior to the passage of this Act.

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

CHAPTER XLIII.

[See volume of Amendments to the Codes.]

CHAPTER XLIV.

An Act directing the Controller to advertise in a newspaper published in the County of Stanislaus, of the sale of certain lands, the title to which is vested in the State of California, and to sell said lands.

[Approved January 29, 1874.]

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

Notice of sale of lands.

SECTION 1. The Controller is hereby directed to advertise in the two papers published in Stanislaus County, for a period of thirty days, notice of the sale of the lands belonging to the State of California, by virtue of a judgment of escheat, rendered in the District Court of the Thirteenth Judicial District in and for the County of Stanislaus, in the case of the People of the State of California *vs.* The estate of James M. Lewis, deceased, which notice shall contain a description of said land, and shall, at a given date, between the hours of ten o'clock A. M. and twelve M., proceed to sell, or cause to be sold, to the highest and best bidder, for cash, the whole of said lands, the proceeds of which, after defraying the expenses of sale, he shall pay into the State Treasury to the credit of the School Fund.

Title, how conveyed.

SEC. 2. The Controller shall deliver to the purchaser of said lands a certificate of sale, describing said lands by metes and bounds, and the purchaser, on delivery of said certificate of sale, together with the indorsement thereon by the State Treasurer, that the purchase money has been paid into the State Treasury, may demand of the Governor of State, and the Governor shall thereupon, under the great seal of the State, sign and set over to the said purchaser, all the right, title, and interest of the State of California to said lands.

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

CHAPTER XLV.

[See volume of Amendments to the Codes.]

CHAPTER XLVI.

An Act granting certain lands in the City of San Diego to San Diego Lodge, Number Thirty-five, of Free and Accepted Masons, for cemetery purposes.

[Approved January 29, 1874.]

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

Masonic cemetery.

SECTION 1. There is hereby granted to San Diego Lodge, Number Thirty-five, of Free and Accepted Masons, in trust for cemetery purposes only, all that certain tract of land situate and being in the City of San Diego, in the County of San Diego, in the State of California, and bounded and described as follows: Commencing at a point in the south line of Mount Hope Cemetery, in said city, distant nine hundred and ninety-two (992) feet west of the southeast corner of said cemetery, said point of commencement being the southwest corner of the lot of land heretofore granted by said city to the Independent Order of Odd Fellows; thence running west nine hundred (900) feet; thence, at right angles, north, to the south line of St. John's Avenue; thence easterly, and following the meander of said south line of said avenue, to a point in the west line of the said lot of land so granted, as aforesaid, to the said Independent Order of Odd Fellows; thence south, to the point of beginning; and containing ten acres of land, more or less, according to the map of the said Mount Hope Cemetery, filed in the office of the Board of Trustees of said city, on the fourteenth day of April, A. D. eighteen hundred and seventy-three, and being the same tract of land set apart and dedicated to and for said Lodge, in trust, for cemetery purposes, by charter ordinance number thirty-five of said city, passed and approved by said Board of Trustees on the said fourteenth day of April, A. D. eighteen hundred and seventy-three.

Use and control.

SEC. 2. The said San Diego Lodge, Number Thirty-five, of Free and Accepted Masons, shall have the free and exclusive use, control, and management of said tract of land forever, with all the powers and privileges which are conferred upon and given to cemetery corporations by Title Thirteen, sections six hundred and eight to six hundred and fourteen, inclusive, of the Civil Code of the State of California.

Sell lots.

SEC. 3. The said Lodge shall have power to sell and convey lots or plats of land within the said tract, to purchasers, and all conveyances shall be made in the name of said Lodge, and shall be executed by the Master and Secretary of said Lodge, with the seal thereof attached thereto.

Exempt from execution.

SEC. 4. The said tract of land, and all lots or plats of land within the said tract, together with the appropriate improvements thereon placed or erected, are hereby exempted from levy and forced sale, by virtue of any writ, order, judgment, execution, or decree, or by any legal process whatsoever.

SEC. 5. All Acts and parts of Acts inconsistent with the provisions of this Act, are hereby repealed, so far as they apply or refer to the said tract of land herein granted.

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

CHAPTER XLVII.

An Act to authorize the County Treasurer of San Diego County to pay off certain funded indebtedness of said county.

[Approved January 29, 1874.]

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

SECTION 1. All moneys now in the "Floating Debt Redemption Fund" and the "Funded Debt Redemption Fund," or which may come into either of said Funds, and the percentage required to be placed in either of said Funds, under and by virtue of section nine of an Act entitled an Act to provide for the government of the County of San Diego, approved March eighteenth, eighteen hundred and sixty-eight, shall be placed in the Interest Tax Fund provided for in said Act, to be paid out as in this Act provided. Interest Tax Fund.

SEC. 2. All moneys now in or which may hereafter be placed in said "Interest Tax Fund," shall be applied to the payment of the principal and interest due on all bonds outstanding and unpaid, which were issued under an Act entitled an Act to fund the debt of the County of San Diego and provide for the payment of the same, approved May fourth, eighteen hundred and fifty-five, as hereinafter provided. How applied.

SEC. 3. The County Treasurer of said county shall forthwith give notice that he will, at his office, on a certain day, apply the moneys in said Interest Tax Fund to the payment of the principal and interest due on bonds outstanding and unpaid, which were issued under said last mentioned Act. The notice shall be published in a newspaper, once a week, for two consecutive weeks, and shall specify the day and hour at which such payment will be made. The day fixed for such payment shall be the fifteenth day from the first publication of such notice, excluding the day of first publication. Notice of application.

SEC. 4. At the time fixed for payment, all parties holding bonds issued under said last mentioned Act shall present the same for payment to said County Treasurer, at his office, and all such bonds not so presented shall cease to draw any further interest. Present bonds.

SEC. 5. The County Treasurer shall forthwith ascertain the amount due on such bonds, both principal and interest, and from the moneys then in said Interest Tax Fund pay off all Pay and cancel.

Same. bonds so presented upon such payment; he shall receive from the holders of the bond or bonds so paid, and cancel the same by indorsing thereon, over his signature, the date of payment, to whom paid, and, separately, the amount of interest and principal paid thereon; *provided*, that if there shall not be in said Interest Tax Fund money sufficient to pay off all bonds so presented, then the County Treasurer shall pay the interest due on said bonds, and apply the balance remaining in said Interest Tax Fund to the payment pro rata of the principal due on said bonds; *and, provided further*, that if any holder whose pro rata shall amount to sufficient to pay off in full any bond or bonds held by him, the same shall be paid off, surrendered, and canceled, as hereinbefore provided; that upon all such bonds upon which either interest or principal shall be paid, and which shall not be fully paid off and surrendered, the County Treasurer shall indorse, over his signature, such payment, and the date thereof, and shall take from the holder thereof a receipt for such payment, which shall be his voucher therefor.

Second payment. SEC. 6. If all said bonds shall not be fully paid off and liquidated upon such first payment, whenever at any time thereafter there shall be in said Interest Tax Fund the sum of two thousand dollars, or sufficient to pay all said bonds, notice shall be given, said bonds presented, and the Treasurer shall make payment, as hereinbefore provided.

Redemption Fund. SEC. 7. After all said bonds shall be paid, discharged, and canceled, all moneys remaining or to come into the Interest Tax Fund, Floating Debt Redemption Fund, and Funded Debt Redemption Fund, or either of said Funds, shall be placed in the Redemption Fund, to be paid out as other moneys belonging to that Fund.

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

CHAPTER XLVIII.

An Act granting leave of absence to Henry M. Isaacs, County Treasurer of Inyo County.

[Approved January 30, 1874.]

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

Leave of absence. SECTION 1. Henry M. Isaacs, County Treasurer of the County of Inyo, is hereby granted leave to absent himself from this State for a period of six months, at such time as he may elect during his term of office; *provided*, that the said Henry M. Isaacs 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 Treasurer.

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

CHAPTER XLIX.

An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirtieth, eighteen hundred and sixty-eight.

[Approved January 30, 1874.]

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 Trustees of said town shall have power to make such by-laws and ordinances, not inconsistent with the Constitution and laws of the United States and of this State, as they may deem necessary, to prevent and remove nuisances; to prohibit disorderly conduct; to provide for licensing public shows, and lawful games, and bars at which spirituous, vinous, and malt liquors are sold; to construct works necessary for supplying said town with water; to provide such means as they may deem necessary to protect said town from injury by fire; to levy and collect annually a tax on all property in said town, not exceeding one per cent on the assessment valuation thereof; to impose and collect a poll tax of not exceeding one dollar per annum on every male inhabitant of said town, twenty-one years of age and upwards; to impose and collect a tax of not exceeding six dollars per annum on the owner of every dog owned and kept within the limits of said town; and to pass such other by-laws and ordinances for the regulation and police of said town, and for carrying into effect the foregoing powers, as they may deem necessary; but they shall not have power to contract any debt or debts which singly or in the aggregate shall exceed the sum of five hundred dollars, unless by the consent of a majority of the voters of said town, voting at a special election ordered for that purpose by said Trustees, and of which election notice shall be given either by notices posted in at least five public places in said town, or published in a newspaper, if there be one in such town, for at least ten days prior thereto. Trustees, powers of

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

Section 6. The compensation of each member of said Board of Trustees shall not exceed ten dollars per annum. The Clerk shall receive for his services a sum not exceeding eighty dollars per annum. The Treasurer shall receive ten dollars per annum. The Board of Trustees shall have power to prescribe the duties and fix the compensation of the Assessor and Marshal, and of such other officers as they have the power and deem it necessary to appoint. Compensation.

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

Section 7. The manner of making assessments and collecting town revenues shall be fixed by ordinance, and all the provisions of Title Nine, Part Three, of the Political Code of Assessments and revenue.

the State of California, so far as the same apply to proceedings in making assessments and collecting revenue, and are not inconsistent with the other provisions of this Act, are hereby made applicable to this Act and to proceedings to enforce the collection of the aforesaid taxes.

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

Opening streets.

Section 9. Whenever three or more property holders of said town shall petition said Board of Trustees thereto, and said Board shall deem it necessary or convenient for the public to lay out and open any new street or alley, or to construct any cistern or other improvement or apparatus as a protection from fire in said town, they shall have power to do so; and the damages and expenses incurred by the laying out and opening of such streets and alleys and the construction of such cisterns, improvements, etc., shall be assessed by said Board of Trustees upon the persons owning lots or land in the vicinity of such streets and alleys, or improvements, who, in the opinion of said Board, are benefited by such location or construction, and in proportion to the amount of such benefit, and the value of the frontage owned by them, equitably adjusted at an assessed rate per foot sufficient to cover and defray the total expense of such location or construction; and action may be brought by said town before any Justice of the Peace of Pajaro Township, said county, having an office in said town, or in any other Court of competent jurisdiction, to enforce the collection of said assessments.

Benefits adjusted.

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

Work ordered.

Section 10. The Board of Trustees may, by ordinance, establish and declare the necessity of such work, repairs, etc., as are specified in the preceding section of this Act, describing particularly in such ordinance the extent, kind, and character of the work to be done, and fixing the time within which the same shall be done.

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

Owner may do.

Section 11. Whenever such ordinance may be passed, the owner or occupant of any lot may proceed to do, or cause to be done, at his own proper cost and expense, the graveling, paving, or planking of the sidewalks in front of his own premises; *provided*, he perform such work or repairs under the direction of the Board of Trustees, and according to the plans and specifications, and within the time named in such ordinance.

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

Assessments for work.

Section 12. The Board of Trustees shall levy an assessment upon all lots or land fronting or adjoining such work to be done, and which shall not have been done by the owner thereof, under the provisions of the preceding section, sufficient in amount to defray the expenses of such work, which assessment shall be levied and collected in the same manner as other assessments herein provided for; and every such assessment, and all the assessments in this Act provided for, shall become and are hereby declared to be liens upon said lots or lands,

severally, to attach and be enforced at and from the date of the ordinance providing for the location, construction, or work, repairs, etc., to be done.

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

Section 13. The Board of Trustees shall in all cases let all work herein authorized to be done, and which shall not have been done by the owner of the lot pursuant to the provisions of the foregoing section, to the lowest bidder offering adequate security. Before giving out any contract to do such work, said Board shall cause notices to be either posted or published in a newspaper for one week, inviting sealed proposals for the work contemplated to be done. Such proposal or proposals shall be opened and examined in public session, and all contracts shall be awarded as hereinbefore named; *provided*, that the Board of Trustees have the right to reject any and all bids. Work, how let.

SEC. 9. The said Board of Trustees are empowered to light the streets of said town with gas, by stationary lamp posts, whenever it shall be deemed by them necessary and expedient so to do, by contracting therefor with such company or companies as may have already introduced gas into said town; *provided*, the price paid therefor shall in no case exceed the sum paid therefor by private parties. Street lights.

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

CHAPTER L.

An Act to make applicable to the County of Tulare an Act entitled "An Act to regulate the traveling fees of the Sheriff of the County of Kern," approved February twenty-first, eighteen hundred and seventy-two.

[Approved January 30, 1874.]

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

SECTION 1. The Act entitled "An Act to regulate the traveling fees of the Sheriff of the County of Kern," approved February twenty-first, eighteen hundred and seventy-two, is hereby made applicable to the County of Tulare. Traveling fees.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of the Act mentioned and described in section one of this Act, so far as they relate to the County of Tulare, are hereby repealed.

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

CHAPTER LI.

An Act granting leave of absence from the State, to J. B. Scott, Sheriff of Alpine County.

[Approved January 30, 1874.]

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

Leave of absence.

SECTION 1. That J. B. Scott, Sheriff of Alpine County, be and he is hereby granted leave of absence from the State for the period of four months, at such time as he may select during the year one thousand eight hundred and seventy-four; *provided*, that he first obtain the consent of the Board of Supervisors.

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

CHAPTER LII.

An Act to amend an Act entitled an Act for the relief of Morris Wolf, approved March twentieth, eighteen hundred and seventy-two.

[Approved January 30, 1874.]

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

Duplicate warrant.

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

Section 1. The Controller of State is hereby authorized to issue a duplicate soldier's bounty warrant, number six thousand eight hundred and forty-eight, for the sum of forty dollars, issued January twenty-fourth, eighteen hundred and sixty-five, in favor of Morris Wolf, in lieu of the original, which has been lost.

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

CHAPTER LIII.

An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Santa Anna River, in Los Angeles County, and to issue bonds for the payment of the same.

[Approved February 4, 1874.]

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

Supervisors to locate and build bridge.

SECTION 1. The Board of Supervisors of Los Angeles County are hereby authorized and empowered to locate and construct a good and substantial bridge, of sufficient width and strength to admit the passage of heavily freighted teams and wagons, across the Santa Anna River, in Los Angeles County, at a point to be designated by the Board of Supervisors, not to exceed two miles distant from the present stage road between Anaheim and San Diego, and upon such plan and of such material, with substantial abutments, as the said Board of Supervisors shall determine, but at an expense not to exceed twenty thousand ($20,000) dollars; *provided*, that the said bridge shall only be constructed and paid for in the manner hereinafter provided; *and, provided further*, that nothing in this Act shall authorize the said Board of Supervisors, or any of them, to construct, contract for, or be interested in anywise, in the contract for the construction of said bridge.

Plans, notice, and proposals.

SEC. 2. Before proceeding to the construction of the bridge, authorized to be constructed by this Act, the Board of Supervisors of the said county shall cause to be prepared, and shall adopt plans and specifications for its construction, and shall deposit the same with the Clerk of the said Board, for the inspection of bidders, and shall cause to be published, for at least thirty days, in some daily newspaper of general circulation in the City of San Francisco, and also in some daily newspaper published and printed in said County of Los Angeles, an advertisement inviting sealed proposals for the construction of said bridge. Said sealed proposals shall be addressed to the Clerk of the Board of Supervisors of Los Angeles County, and shall contain a bid for the construction of said bridge, according to the plans and specifications adopted by said Board, and shall state the names of the proposed sureties, and be accompanied by their written consent to become sureties in case of acceptance of the bid.

Award of contract.

SEC. 3. Within one week after the expiration of the time specified in the said advertisements for the presentation of said proposals, the said Board of Supervisors shall meet, and having declared the time for receiving bids closed, in public open all proposals that may have been received for the construction of said bridge, and shall proceed to consider the said proposals, and shall cause the same to be published for at least twenty days in some daily newspaper published in the City of Los Angeles, and shall, at the expiration of the said twenty days publication, and shall, upon the filing of the bond hereinafter

provided for, award the contract for the construction of the said bridge to the lowest responsible bidder or bidders; *provided, always*, that the said Board shall have power to reject any and all bids received; *and, provided*, that no party to whom the contract for building the said bridge may have been awarded, shall have the right to sub-contract the work of building said bridge to any other person or persons, under penalty of a forfeiture of his bonds.

Bond with sureties.

SEC. 4. The person or persons to whom the contract for the construction of said bridge may be awarded, shall file a good and sufficient bond, with two or more sureties, in double the amount of their respective bids, to be approved by the Board of Supervisors of said county, and conditioned to the effect that the obligors will well and truly, and in a workmanlike manner, cause the said bridge to be constructed and completed within six months after the bid shall have been accepted, in accordance with the plans and specifications adopted by said Board; *and, provided further*, that not more than seventy-five (75) per cent of the amount agreed upon to be paid for the building of said bridge shall be paid as the work of construction progress, and the remainder shall be paid when the work is completed and accepted by the Board of Supervisors.

Bonds and coupons.

SEC. 5. For the purpose of providing means for the construction of said bridge, the Board of Supervisors of said county are hereby authorized to be prepared suitable bonds of said county, to be denominated on their face "The Los Angeles County Bridge Bonds," of the denomination of five hundred dollars ($500) each, gold coin of the United States, bearing interest at the rate of seven (7) per cent per annum from the date of their issue, in like gold coin, payable at the office of the County Treasurer of Los Angeles County, upon the first day of January of each year, and the principal sum thereof payable at said County Treasurer's office, in the City of Los Angeles, upon the first day of January, A. D. eighteen hundred and ninety. Said bonds shall be signed by the Chairman of the Board of Supervisors, and countersigned by the County Treasurer and County Auditor, and shall have the seal of the Auditor of said county stamped thereon, and shall have coupons attached—the first for the interest from the date of their issue, for the term ending on the last day of December following, and the remainder for one year's interest each thereafter—to be consecutively numbered and attached thereto, so as to be removed without injury or mutilation to the bond, which coupons shall be signed by the County Treasurer.

Bonds' recorded.

SEC. 6. It shall be the duty of the Chairman of the Board of Supervisors, the County Auditor, and the County Treasurer of said county, each to keep a separate record of all bonds signed by them, which bonds shall remain with the County Treasurer.

How used.

SEC. 7. The bonds issued in pursuance of this Act shall be given and received exclusively in payment of the construction of the aforesaid bridge; *provided, however*, that if, in the judgment of the Board of Supervisors, it shall be deemed for the best interest of the county, they may sell any or all of said bonds, at such time or times as they may deem proper, afte

having published a notice, for thirty days, in one newspaper published in the County of Los Angeles, and one newspaper published in the City of San Francisco, inviting proposals for the purchase of the same upon a day to be named in the said published notices. The Board of Supervisors shall meet to consider said proposals, and they shall deliver the said bonds, with 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. Proposals to purchase.

SEC. 8. For the payment of the principal and interest of the bonds issued in pursuance of this Act, there shall, until the same are paid and discharged, be annually levied and collected, in the same manner as is or may be provided by law for the collection of State and county taxes, a special tax, not exceeding twelve cents on each one hundred dollars of the aforesaid value of real and personal property in said county; and the fund derived from this tax shall be set aside and applied exclusively to the payment of the interest and the final redemption of the bonds issued in pursuance of this Act, and shall be known by the name of the "Los Angeles Bridge Interest and Sinking Fund." Special tax.

SEC. 9. Whenever, on the first day of February in any year after the payment of the interest, as herein provided for, there remains in the said "Los Angeles Bridge Interest and Sinking Fund," a surplus exceeding five hundred dollars ($500), it shall be the duty of the County Treasurer of said county to advertise, for one month, in some newspaper published in said county, for sealed proposals, to be opened one week after the expiration of said publication, by the Treasurer, at his office, in the presence of the Chairman of the Board of Supervisors, and of the County Auditor of said county, for the surrender of bonds issued under this Act; which advertisement shall state the amount of money the Treasurer 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 fifteen days after acceptance; the class and form of which security may be prescribed by the County 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. Proposals to surrender.

SEC. 10. Immediately after any bonds shall have been redeemed, as herein provided, it shall be the duty of the County Auditor to take the number of the bonds so redeemed, to whom issued, and when redeemed, and to make a record of the same in his office; and for that purpose the County Treasurer shall, upon demand, exhibit said bonds to him, and shall permit him to deface the same in such a manner that neither they nor their coupons can again be put in circulation. Record of bonds redeemed.

SEC. 11. This Act shall take effect from and after its passage.

CHAPTER LIV.

An Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey.

[Approved February 4, 1874.]

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

Animals to be restrained.

SECTION 1. Any owner, or any occupant of any land or possessory claim, finding any horse, mare, colt, mule, jack, jenny, horned cattle, hogs, sheep, or goats, or any number of such animals, upon such land or possessory claim, whether such land or claim be inclosed or not, may take up and safely keep such animal or animals at the expense of the owner or owners, and shall be allowed for keeping said animal or animals the following named sums: For each horse, mare, colt, mule, jack, or jenny, the sum of twenty cents per day; for each head of horned cattle, the sum of twenty cents per day; and for each head of swine, sheep, or goats, the sum of five cents per day.

Notice given.

SEC. 2. Any person taking up animals under the provisions of this Act shall, immediately upon the taking up of such animals, notify the owner or owners of such animals, or his, her, or their agent or agents, if known to him, and living within six miles of the place where such animals were taken up, of the time and place of such taking up, together with the number, character, and description thereof; also, as nearly as he can, the marks and brands, if any, of each animal; and such owner or owners, his, her, or their agent or agents, may, at any time after the receipt of such notice, and upon proof of ownership, tender the amount of damages claimed, and demand the delivery into his, her, or their possession, of such animals; and if suit shall have been commenced, such tender may be to the Justice or Judge before whom such suit is brought, or the owner or owners may give bonds with sureties, to be approved by the Justice or Judge trying the case, for the payment of all damages and costs of suit, and may demand the release and delivery into his or their possession, of all animals held under the action, and the Judge or Justice shall order the immediate delivery of such animals; but if no owner, owners, or agents of owners appear within two days to claim said animals, or if he or they appear and fail to pay satisfactory damages, or if the owner is unknown to him or her, or lives more than six miles from the place of taking up, then if the compensation and damages claimed be less than three hundred dollars ($300), the taker up of such animals shall, within two days, file a written complaint, verified by his or her oath, with the nearest acting Justice of the Peace in the township where such animals were taken up; or if the amount of compensation and damages claimed be more than three hundred dollars, then in the District Court of said county, setting forth in said complaint the facts, nature, location, and amount of the damages claimed, and a

Tender.

Delivery.

description of all animals so taken up, the number, the marks and brands, if any, and the supposed value of each animal, or the supposed aggregate value of such animals, and the time and place of taking up. The action shall be in favor of the owner or owners, or occupants of said lands or possessory claims, and against the property in rem; and any action thus commenced, may include all the animals thus found trespassing at any one time, whether of one or more marks or brands; and no judgment shall be entered under the provisions of this Act for damages done, except upon the testimony of at least two credible witnesses, whose names shall be entered in the Justice's docket, or in the minutes of the Court in which the action is had. Complaint.

SEC. 3. Upon the filing of the complaint, a summons shall be issued, and if said action be in a Justice's Court, shall be made returnable not less than fifteen nor more than twenty days from the date of issuance, and directed to all owners and claimants of the property described, and shall contain a description of each animal, with its marks and brands, if any. The summons shall be served by posting a copy of the same at the door of the room where said Justice or District Court is held, for ten days before the return day thereof, and also at the same time by filing a copy of such summons with the Recorder of said county; but the Recorder shall not file the copy of summons until the payment of a fee of one dollar; and it shall be the duty of said Recorder, on payment of his fee of one dollar, to forthwith compare the marks and brands, if any, described in said summons, with the record of marks and brands in his office, and thereupon to notify the owner or owners of such marks and brands of the fact of the pendency of such action, and of the time and Court when and where the same is set for hearing. The certificate of the officer stating the facts of such posting and filing, or the affidavit of any person, competent to be a witness, who shall have so posted and filed, shall be conclusive evidence of a sufficient service thereof; *provided*, that in any case when any animal or animals, seized under this Act, are alleged in said complaint to be worth fifty dollars or more, it shall be the duty of the County Recorder to cause publication to be made of the fact and time of seizure, and marks and brands, with a description of the animal or animals, in a newspaper of the county, at least ten days before the sale, the newspaper in which all such notices are to be made to be designated, and the rates of publication to be fixed, by the Board of Supervisors of the county. Summons. Service. Recorder's duty.

SEC. 4. If the judgment be in favor of the plaintiff, the property may be levied upon and sold as other personal property seized on execution. The officer selling shall give a bill of sale to the purchaser, describing the animal or animals sold, and to whom, and the price paid for each, and referring to the judgment under which such sale was made. Any overplus of the proceeds of such sale, after satisfying the judgment and costs, shall be paid by the Justice or Clerk to the owner of the property, upon demand, if demanded within six months from the date of sale; and if not so demanded, the same shall, at the expiration of said time, be paid into the County Treasury, for Sale. Overplus.

the benefit of the County School Fund; and the owner may also redeem any animal or animals sold under the provisions of this Act at any time within sixty days after the sale, by producing satisfactory proof of ownership, and paying the purchaser the amount of purchase money in gold coin, with interest at the rate of two per cent per month; but if no redemption be made within sixty days such bill of sale shall be conclusive evidence of title in favor of the purchaser of the animal or animals therein described.

Fees. SEC. 5. The fees of all officers for services required under this Act shall be the same as now allowed by law for similar services in other civil actions, and shall be taxed as costs in the judgment.

Record of sales, etc. SEC. 6. The Justice and Clerk shall keep a book, which shall be open to public inspection, and shall record therein all sales made pursuant to any judgment rendered in their respective Courts under the provisions of this Act, which record shall contain a description of the animals sold, the prices paid, the name of the purchaser, the amount of fees and charges, and the amount of surplus money, if any, arising from each sale, and whether any animal or animals have been redeemed; and if such surplus money shall be received by the owner of any animal, he shall receipt for it in the margin opposite such record, and the Justice or Clerk shall, without fee, deliver such book to his successor in office, and also all surplus money in his hands arising from any sale made by authority of this Act, taking his receipt therefor.

Felony and misdemeanor. SEC. 7. Any person who shall drive stock from any lands or possessory claim other than his own, to any other lands or possessory claim, or shall take up any such animal or animals on any land or possessory claim other than his own, for the purpose of taking advantage of any of the provisions of this Act, shall be deemed guilty of a felony; and any person who shall fail or neglect to give the notice required by the second section of this Act, or shall rescue or take from the possession of the taker-up any animal or animals, without first having paid the compensation, fees, and damage claimed or awarded, and any officer violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor.

Action. SEC. 8. The owner or occupant of any land or possessory claim, whether inclosed or not, independent of the foregoing provisions of this Act, and if he fail to avail himself thereof, may maintain an action; *provided*, such action be commenced within sixty (60) days in any Court of competent jurisdiction against the owner of, or person having the control of, any of the animals named in section one, for any damage such animals may commit upon his said land or claim; and if judgment be rendered in his favor, it shall be entered for the amount of the actual damage proved.

Construction. SEC. 9. Nothing in this Act shall be so construed as to prevent the free use for grazing purposes of all unoccupied lands not taxed; *provided*, that each actual settler, who shall have a prima facie title to the land upon which he is settled, shall be protected in the possession of one hundred and sixty acres, and residence on the land shall be considered a prima facie title;

and, provided further, that said one hundred and sixty acres shall be marked and defined by visible and well defined monuments.

SEC. 10. All Acts and parts of Acts in conflict with this Act, are hereby repealed, so far as the same apply to the territory embraced in the provisions of this Act; *provided*, that this repeal does not include or affect any Act or Acts requiring railroads to be fenced, and all such Acts shall remain in force.

Where to take effect.

SEC. 11. This Act shall take effect and be in force in the Counties of Santa Barbara, Ventura, Fresno, and in all that portion of Tulare County embraced within the following boundaries, to wit: on the north by Fresno County line, on the east by the San Joaquin Valley Railroad, on the south by Cross Creek, and the west by Tulare Lake, and upon all cultivated lands, fenced or unfenced, in said Tulare County; all lands plowed and sown within twelve months last past shall be deemed cultivated lands; and in all that portion of Kern County embraced within the following boundary lines, to wit: commencing at the northeast corner of section nine, township twenty-nine south, range twenty-eight east, of Mount Diablo base and meridian, and running thence west six miles to the northwest corner of section ten, township twenty-nine south, range twenty-seven east; thence south about four and three quarter miles to the south bank of Kern River; thence down said Kern River three miles to the common corner of townships twenty-nine and thirty south, ranges twenty-six and twenty-seven east; thence in a northwesterly direction along the channel of New River about six miles to the intersection of said channel with the range line between ranges twenty-five and twenty-six east; thence south one half mile to the common corner of townships twenty-nine and thirty south, ranges twenty-five and twenty-six east; thence west seven miles to the northwest corner of section one, township thirty south, range twenty-four east; thence south on section line to the intersection of said line with Buena Vista Slough; thence along the east bank of said slough a distance of about five miles to its intersection of section line between sections eight and seventeen, in township thirty-one south, range twenty-five east; thence in a southeasterly direction, following the meander lines of the swamp land bordering upon the north of Buena Vista and Kern Lakes, and the slough connecting said lakes, to the southeast corner of section twelve, township thirty-two south, range twenty-seven east; thence east three miles, to the southeast corner of section nine, township thirty-two south, range twenty-eight east; thence north nineteen miles, to the place of beginning; from and after the twentieth day of February, A. D. eighteen hundred and seventy-four, and shall take effect and be in force in all those portions of Tulare and Kern Counties (not above described), and in the Counties of San Luis Obispo and Monterey, on the twenty-fifth day of June, A. D. eighteen hundred and seventy-four.

CHAPTER LV.

[See volume of Amendments to the Codes.]

CHAPTER LVI.

An Act to reincorporate the Town of San Buenaventura, and approving certain ordinances and proceedings of the Town Trustees.

[Approved February 4, 1874.]

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

Body corporate.

SECTION 1. The corporation or body politic and corporate now existing and known as the Town of San Buenaventura, shall remain and continue to be a body politic and corporate, in name and in fact, by the name of the Town of San Buenaventura, and by that name shall have perpetual succession, and be invested with all the rights and privileges conferred by, and be subject to all liabilities, restrictions, and provisions of the general laws of the State providing for the incorporation of cities and towns, so far as the provisions thereof may be consistent with this Act.

Boundaries.

SEC. 2. The corporate limits of said town shall be as follows: Commencing at the mouth of San Buenaventura River, at high-water mark, and running, first, east fifteen fifty chains; second, north seventy-three degrees east, twenty-two fifty chains; third, north sixty-five degrees east, seventeen fifty chains; fourth, north seventy-nine degrees east, ten chains; fifth, south seventy-three degrees east, fourteen fifty chains; sixth, north eighty chains; seventh, west eighty chains; eighth, south twenty-five and three quarter degrees west, twenty-four fifty chains; ninth, south thirty-seven degrees east, fifteen fifty chains; tenth, south six degrees east, forty-four chains; eleventh, south thirteen fifty-six chains, to the place of beginning; magnetic variation, thirteen degrees and thirty minutes east, containing one square mile, more or less, according to the map made on the twenty-sixth day of November, A. D. eighteen hundred and sixty-five, by W. H. Norway, Civil Surveyor.

Officers.

SEC. 3. The officers of the said corporation shall consist of a Board of five Trustees, a Treasurer, a Clerk, who shall be ex officio Assessor, a Marshal, who shall be ex officio Collector, an Attorney, and a Surveyor.

Election.

SEC. 4. The Trustees, the Clerk, and the Marshal, shall be elected by the qualified electors of said town, and shall hold their offices for the term of two years, and until their successors are elected and qualified.

Same.

SEC. 5. The said Trustees, Clerk, and Marshal, shall be elected on the first Monday in March, eighteen hundred and

seventy-four, and on the first Monday of March every two years thereafter.

Appointment. SEC 6. The Treasurer, Attorney, and Surveyor, shall be appointed by the Trustees, and shall hold their offices for two years, unless sooner removed for misconduct or neglect of official duty. The Treasurer, Clerk, Marshal, Attorney, and Surveyor, shall give such bonds for the faithful discharge of their duties as the Trustees shall direct.

Duty of Clerk. SEC. 7. It shall be the duty of the Clerk to keep the books, papers, and documents of the Board, belonging to the town, to attend all meetings of the Board of Trustees, and keep a record of all its proceedings, sign all warrants issued by order of said Board, and keep an accurate account, in a suitable book, of all such warrants, their number, and date; and he shall assess all taxes levied by the Board of Trustees.

Treasurer. SEC. 8. The Treasurer shall take charge of all moneys belonging to said town, pay all warrants issued by the Board of Trustees, signed by the President, and countersigned by the Clerk, and keep a correct account of all moneys received and paid out by him, and make due report thereof once a month.

Marshal. SEC. 9. The Marshal shall collect all taxes levied by the Board of Trustees, which, with all other moneys collected by him by virtue of said office, he shall pay over to the Treasurer as often as once each month, and take duplicate receipts therefor, one of which he shall deposit with the Clerk. He shall collect all license taxes that shall at any time be due the town, and receipt for the same; he shall receive the tax list from the Clerk, and, upon receipt for the same, shall proceed to collect the taxes at the same time and in the same manner as is now or may hereafter be prescribed by law for the collection of State and county taxes, the said Marshal being invested with all and the same powers to make collection of taxes, by sale and conveyance of real estate, as is or shall be hereafter conferred upon Collectors and Sheriffs for the collection of State and county taxes. He shall be a conservator of the peace, and shall have power to suppress any riot, public tumult, disturbance of the public peace, to enforce all ordinances passed by the Board of Trustees, and arrest all persons guilty of a violation of the same; and every citizen shall lend him aid, when required so to do, for the arrest of offenders and the maintenance of the public peace. He shall have charge of the town prison, and the prisoners therein, and shall see that all orders and sentences are fully executed and complied with. The Town Marshal shall also perform the duties of Street Commissioner, and shall be governed by the provisions of this Act, and such laws and regulations in reference thereto as may be adopted by the Board of Trustees.

Qualification. SEC. 10. All town officers, whether elected by the people or appointed by the Board of Trustees, shall, before entering upon the duties of their respective offices, take and subscribe the oath of office prescribed by law.

Compensation. SEC. 11. The Trustees shall receive, as full compensation for their services, the sum of one dollar per annum each; and all other officers, such compensation and fees as the Board of Trustees may direct.

Trustees' meetings.

SEC. 12. The Board of Trustees shall meet on the first Monday of every month. They shall elect one of their number President, and a majority shall constitute a quorum. The President chosen shall act as Town Recorder, and the said Recorder, as to offenses committed within the corporate limits of said town, shall have like jurisdiction as now is or may hereafter be conferred on Justices of the Peace; and shall have

Recorder's Court.

jurisdiction over all violations of a town ordinance, and may hold to bail, fine, or commit to prison any person found guilty of any violation thereof. The Recorder, when acting as such, shall receive the same fees as are now allowed by the laws of this State to Justices of the Peace.

Powers of Trustees.

SEC. 13. The Board of Trustees shall have power to make regulations for securing the health, cleanliness, and good order of the town; to provide for the prevention and extinguishment of fires; to levy taxes, not exceeding fifty cents on each one hundred dollars valuation of taxable property within the limits of the town; to fix the class and amount of all licenses; to lay out, keep open, and repair all streets, alleys, and sidewalks, and by ordinance to regulate the building of sidewalks along the public streets. They shall also 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 to 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.

Equalization.

SEC. 14. The Board of Trustees, or a committee of their number, shall constitute a Board of Equalization, and shall, as soon as the Assessor has 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 a majority shall deem just and proper.

Taxes.

SEC. 15. The Board of Trustees shall have power, and it is hereby made their duty, to provide by ordinance for the levying and collection of all town taxes, and, in so doing, they shall be governed by the general laws of the State in reference to the levying and collecting of State and county taxes, so far as the same may be applicable.

Election notice.

SEC. 16. It shall be the duty of the Board of Trustees, not less than ten days before each town election, to give public notice thereof, and also to appoint the Judges, Inspector, and Clerks therefor, and to canvass the votes when returned to them, announce the result, and direct the Clerk to issue certificates of election to those duly elected.

Debts.

SEC. 17. The Board of Trustees of said town shall have no power to borrow money, nor to contract any debts or liabilities

which shall in the aggregate exceed the sum of one thousand dollars, unless it shall first appear by the returns of the Treasurer that there is actually in the Treasury money, not otherwise appropriated, sufficient to meet and pay such liabilities.

Ordinances

SEC. 18. All ordinances passed by the Board of Trustees shall be signed by the President and Secretary, and published not less than two weeks before the same shall take effect and be enforced, by written copies thereof posted in three of the most public places in said town, or by publication thereof in some newspaper published in said town, for the same length of time.

Notices.

SEC. 19. All notices required to be published by this Act shall be published by posting copies thereof in three of the most public places in said town, or by publication in some newspaper published therein, for the length of time required, or by both, as the Trustees may direct.

Continue in office.

SEC. 20. The officers of the present town government shall continue in office under this charter until their successors are elected and qualified, with such powers and duties as are herein provided. The Board of Trustees shall meet within five days after any election as a Board of Canvassers, and canvass the returns and declare the result; and when two or more persons have an equal number of votes, the Board shall decide the election by a plurality vote thereof.

Ordinances ratified.

SEC. 21. All ordinances and proceedings approved by the Trustees of said Town of San Buenaventura, since the fifteenth day of March, A. D. eighteen hundred and sixty-six, to the first day of January, eighteen hundred and seventy-four, so far as they are consistent with this Act, and the general laws of the State, are hereby approved, ratified, and confirmed.

SEC. 22. All Acts and parts of Acts, conflicting with the provisions of this Act, are hereby repealed.

SEC. 23. This Act shall take effect immediately.

CHAPTER LVII.

An Act for the relief of W. Rowland, Sheriff of Los Angeles County.

[Approved February 4, 1874.]

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

Appropriation.

SECTION 1. The sum of fifteen hundred dollars is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to pay and reimburse W. Rowland, Sheriff of Los Angeles County, for the moneys by him expended and services rendered in the capture

of Andon Leiva, and in the pursuit and dispersion of Tiburcio Vasquez, Cliovara Chavais, Romuelo Gonzales, and others, known as the Tres Pinos murderers and highwaymen; and the Controller of State is hereby directed to draw his warrant on the State Treasurer in favor of said W. Rowland for said amount, and the State Treasurer is hereby authorized to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER LVIII.

An Act for the relief of J. H. Adams, Sheriff of the County of Santa Clara.

[Approved February 4, 1874.]

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

Appropriation.

SECTION 1. The sum of thirty-two hundred dollars is hereby appropriated out of any money in the "General Fund" of the State Treasury not otherwise appropriated, to pay and reimburse J. H. Adams, Sheriff of the County of Santa Clara, for the moneys by him expended and services rendered in the capture of Andon Leiva and Geodero Moreno, and in the pursuit and dispersing of Tiburcio Vasquez, Cleovara Chavias, Romuelo Gonzales, and others, known as the band of Tres Pinos robbers and murderers; and the Controller of State is hereby directed to draw his warrant on the State Treasurer in favor of J. H. Adams for said amount, and the State Treasurer is hereby authorized to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER LIX.

An Act to enable the Board of Supervisors of the County of Alameda to erect the county buildings of said county upon Washington and Franklin Plazas, in the City of Oakland.

[Approved February 4, 1874.]

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

Convey plazas.

SECTION 1. Whenever so directed by a resolution passed by the City Council of the City of Oakland, at a regular meeting of said Council, the President and Clerk of the said Council

shall execute, under the common seal of said city, and acknowledge grant from said city of the plazas situate in said city and known as Washington and Franklin Plazas, to the County of Alameda, for the purpose of erecting thereon a County Court House and other county buildings for said county.

SEC. 2. Such grant, when so executed and acknowledged, shall be delivered to the President of the Board of Supervisors of said county, who shall cause it to be recorded in the Recorder's office. Upon the receipt of such grant the Board of Supervisors of said county shall have power to remove the county buildings of said county, to said plazas, and to erect therein such county buildings as they may be authorized by law to construct. Record and removal.

SEC. 3. In case such plazas shall be conveyed to the County of Alameda, as hereinbefore provided, and the same or either of them shall not be occupied by the County of Alameda for the purposes aforesaid, within four years from the delivery of such grant, the City of Oakland may have and maintain an action against the County of Alameda for a reconveyance to it of the property not thus occupied. Reconvey.

SEC. 4. This Act shall take effect immediately.

CHAPTER LX.

An Act to declare Lake Earl, in Del Norte County, navigable.

[Approved February 4, 1874.]

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

SECTION 1. Lake Earl, in Del Norte County and State of California, is hereby made and declared navigable. Navigable.

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

CHAPTER LXI.

[See volume of Amendments to the Codes.]

CHAPTER LXII.

An Act to separate the office of County Recorder from the office of County Clerk in the County of Tulare.

[Approved February 4, 1874.]

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

Recorder.

SECTION 1. The office of County Recorder of the County of Tulare is hereby separated from the office of County Clerk of said county, and at the general election to be held in the year one thousand eight hundred and seventy-five, a County Recorder shall be elected to said office.

Ex officio Auditor.

SEC. 2. The said County Recorder shall be ex officio County Auditor, and shall give bonds and qualify as required by law, and shall enter on the discharge of his duties as such Recorder at the expiration of the term of office of the County Clerk elected in the year one thousand eight hundred and seventy-three. The said Recorder and ex officio Auditor shall receive as compensation for his services the same fees and compensation as heretofore provided for and received by the County Clerk for performing the same duties.

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

CHAPTER LXIII.

An Act supplementary to an Act approved March thirtieth, eighteen hundred and seventy-two, entitled an Act to provide the City of Sacramento with a better supply of water.

[Approved February 4, 1874.]

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

Certificates of indebtedness.

SECTION 1. The Board of Trustees of the City of Sacramento are hereby authorized and directed to issue and deliver to the Capital Savings Bank and to the Gold Bank of D. O. Mills & Co., in certificates of indebtedness of like form and character, mad due and payable in like time and with like rate of interest, payable, also, in like manner as provided for in section four of the Act to which this is supplementary, the sum of fifteen thousand seven hundred and fifty dollars, being the sum reserved from the aggregate amount authorized to be issued by the section of the Act aforesaid, for the purpose of paying to the said banks the money advanced by them to purchase a site and building necessary for and now used to accommodate and

operate the machinery and works authorized by the Act to which this is supplementary; said certificates to bear date as of the twelfth day of November, eighteen hundred and seventy-two, being the date when the money herein provided for was advanced as aforesaid.

Same. SEC. 2. For the purpose of liquidating a deficiency incurred by the Trustees aforesaid, in the execution of the powers and trust authorized and conferred by the Act aforesaid, in excess of the aggregate sum specified in the fourth section of said Act, amounting to sixteen thousand three hundred and seven dollars and fifty cents, the said Board of Trustees are authorized to issue certificates in the further sum of sixteen thousand three hundred and seven dollars and fifty cents, to be in like form and character in all respects as the certificates of indebtedness provided for by the section of the Act aforesaid, to bear interest from January first, eighteen hundred and seventy-four.

Same. SEC. 3. For the purpose of extending pipes for supplying water to localities not at present supplied by the city, and of taking up pipes unfit for service, and replacing the same with others, the Board of Trustees are hereby authorized to issue certificates of indebtedness, in like form and manner in all respects as those provided in the preceding sections of this Act, in a sum not to exceed ten thousand dollars.

CHAPTER LXIV.

An Act concerning conveyances in the County of Santa Barbara.

[Approved February 4, 1874.]

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

Deeds deemed valid. SECTION 1. All deeds of conveyance of lands in the Town of Santa Barbara, acknowledged and recorded by Charles E. Cook, formerly County Clerk and ex officio County Recorder of the County of Santa Barbara, in which the said Cook was the grantee, shall be deemed and held to be valid in all respects, and as duly and legally acknowledged and recorded as if the said Cook had no interest therein.

SEC. 2. Duly certified copies of the deeds mentioned in the first section of this Act, may be read in evidence, under the same circumstances and rules as are now or hereafter may be provided by law, for using copies of instruments duly executed and acknowledged.

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

CHAPTER LXV.

[See volume of Amendments to the Codes.]

CHAPTER LXVI.

An Act to provide for the construction and maintenance of free bridges in the County of Trinity, and to set apart a Fund therefor.

[Approved February 6, 1874.]

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

Bridge Fund.

SECTION 1. The Board of Supervisors of the County of Trinity are authorized and required annually to set apart all moneys collected in said county for ferry or toll bridges licenses, as a special Free Bridge Fund, and to devote and expend the same in the construction, maintenance, and repair of all necessary free bridges on the public highways of said county which, in their discretion, the public welfare demands.

Control the work.

SEC. 2. The construction and repair of all such bridges shall be under the order, direction, control, and supervision of the Board of Supervisors of said county; or, if the Board of Supervisors shall by order designate such officer and require him so to do, the County Surveyor or any Road Overseer of the county may superintend, direct, and control the work, and make and let out contracts therefor.

Notice and proposals.

SEC. 3. When the cost of construction or repair of any bridge will exceed the sum of three hundred dollars, sealed proposals for the work must be invited by publication in a newspaper printed in said county, or by written notices placed in three public places in said county. The notice must contain a description of and the point at which the work is to be done by the Board, or officer giving the notice. On the day specified therein the proposals must be opened and the contract awarded to the lowest bidder, who must enter into a written contract, and a bond, with good security, in double the cost of said work, for his compliance with the contract. The District Attorney must prepare the contract and bond free of charge. When the County Surveyor, Road Overseer, superintends the work herein named, the Board of Supervisors must allow him a per diem for the time he is actually employed, not exceeding six dollars.

Claims.

SEC. 4. All sums for construction and repairs, made under this Act, must be audited by the Board of Supervisors and paid out of the Fund hereby created, on the warrant of the Auditor, by the County Treasurer.

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

CHAPTER LXVII.

An Act to revise an Act entitled an Act to incorporate the Town of San Leandro, approved March twenty-first, eighteen hundred and seventy-two.

[Approved February 5, 1874.]

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

An Act entitled an Act to incorporate the Town of San Leandro, approved March twenty-first, eighteen hundred and seventy-two, is hereby revised so as to read as follows:

CORPORATE NAME.

Corporate name.

SECTION 1. The people residing within the boundaries of that tract of land in Eden Township, in Alameda County, described in section two of this Act, are hereby constituted a body politic and corporate, by the name of the Town of San Leandro, and by that name shall have perpetual succession; may sue and be sued in all Courts and in all actions whatsoever, 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 on the southerly bank of the San Leandro Creek, where the easterly line of lands of Michael Donovan intersects the same; thence southerly along the said line to the center of the county road, leading to Halverson's Landing; thence south twenty-eight degrees east, across lands of William Able to the lands of John B. Ward and his children; thence northeasterly and southeasterly, following the boundary lines of said Ward's lands to the eastern corner thereof; thence southeasterly, along the dividing line between the lands of Patrick Murnane and Maria Dolores Cushing, to the southerly corner of said Murnane's land; thence northeasterly, along the line of said Cushing tract to the westerly line of the Watkins street county road; thence southeasterly, along said line of said road to where the dividing line projected between the lands of James Durnan and Silas McClure intersects the same; thence following the southerly line of said Durnan's land northeasterly, and projected to the southwesterly line of lands of James Carroll; thence northwesterly along said Carroll's land to the dividing line between the lands of James Carroll and John Carroll; thence easterly along said dividing line between John and James Carroll and projected to Grand Avenue; thence northerly following Grand Avenue to Ward or Estudillo Avenue; thence at right angles to said last named avenue to the southerly bank of the San

Leandro Creek; thence following down said bank of said creek to the place of beginning.

OFFICERS AND ELECTIONS.

Officers. SEC. 3. The government of said town shall be vested in a Board of Trustees, to consist of five members; an Assessor, Clerk, Marshal, Treasurer, and Justice of the Peace.

ELECTION.

Election and returns. SEC. 4. All elections held under the provisions of this Act, shall be in accordance with the general election laws of this State. All the duties of an Election Board, which are or may be prescribed by the statutes of the State, regulating and governing elections, shall be performed by the Board of Election of said town, who shall be appointed by the Board of Trustees of said town, and have the same powers as a Board of Election under the general laws of the State When the returns shall have been completed, they shall be sealed and delivered by the Board of Election to the Town Clerk, who shall safely keep the same, not allowing any person to open said returns, and deliver them to the Board of Trustees at their meeting on the first Wednesday subsequent to the election. The Board of Trustees shall meet on the first Wednesday subsequent to the election, and duly canvass the election returns, in the manner prescribed by the general election laws of the State, declare the result, and direct the Town Clerk to issue certificates of election to the persons elected.

ELECTION OF OFFICERS.

Same. SEC. 5. Said Trustees, Assessor, Clerk, Marshal, Treasurer, and Justice of the Peace shall be elected by the qualified electors of said town, on the first Monday of May of each year, and shall enter upon their duties upon the first succeeding Monday thereafter, and they shall hold their offices for one year, and until their successors are elected and qualified.

MEETINGS OF TRUSTEES.

Meeting of Trustees. SEC. 6. The Board of Trustees shall meet on the first Monday after their election, qualify, and choose a President from their number. The time and place of holding their stated meetings shall be as provided by ordinance, and they 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 within the corporate limits of the town, and shall be public. In case the Clerk shall not be present, the President may appoint one of their number as Clerk pro tem.

Quorum. SEC. 7. 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 THE BOARD OF TRUSTEES.

Powers of Trustees.

SEC. 8. The Board of Trustees shall judge of the qualification of their own members, and of all election returns, and determine contested elections of all town officers. They may establish rules for their own proceedings, punish any member, or other person, 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.

Same.

SEC. 9. 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, and to set out and cause to be set out and cultivated, shade trees along said streets, and to regulate and direct the planting of the same. 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. 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 and less than sixty years, and no other road poll tax shall be collected within the limits of the Town of San Leandro. 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, and no other dog tax shall be collected within the limits of said town. Eighth—To provide for the draining, the establishing of grades, improvements, repairs, and the lighting of the streets, and the construction of sidewalks, drains, and sewers, and the keeping of the same in repair; to prevent 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 tar 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 animal upon any street,

Same. 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 defacing 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 an 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 firearms, pistols, or cannon, within prescribed limits; to prevent the immoderate riding or driving of any horse, or animal, on 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. 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 employments as the public good may require, and as may not be prevented by law, and fix the terms and price thereof; *provided*, that the proceeds of all licenses issued to persons doing business within the Town of San Leandro, 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 cars drawn by horses or steam thereon, and to regulate the same. Sixteenth—To erect, purchase, or lease proper buildings 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 extinguishing of fires as may be necessary. Nineteenth—To prevent horses, mules, jacks, jennets, cattle, goats, sheep, 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 damages, if any; 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 taking up, impounding, and selling, and damages, if any, 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 said 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 violation 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 power herein granted. Twenty-seventh—They shall fix, by ordinance, each year, the rate per cent 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. Same.

VIOLATION OF ORDINANCES.

SEC. 10. The Board of Trustees may, by ordinance, designate the punishment to be inflicted for the breach of their ordinances, which punishment may be fine, or imprisonment, or both, as said Board may designate. No fine exceeding one hundred dollars, nor imprisonment exceeding thirty days, for any one breach of any ordinance, shall be imposed on any one person. Any Justice of the Peace residing within the limits of said town, shall have jurisdiction to hear and try all cases for the violation of ordinances, and to render a judgment of fine, or imprisonment, or both, within the limits prescribed by the ordinance. All suits, for the violation of any ordinance, shall be in the name of the people of the State of California. Fines may be collected by execution. In case judgment directing the payment of a fine be rendered, the Justice may further direct that in case the defendant fail to pay the same, he shall be imprisoned until the same be paid, not to exceed one day for every two dollars of the fine. Persons living within the limits of the town shall be competent jurors, 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 so to do, 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 Ordinances

collected, when so required. Said Justice must also add costs of suit to the fine.

LAYING OUT AND OPENING STREETS.

Opening streets.

SEC. 11. ARTICLE ONE. Whenever a petition shall be presented to the Board of Trustees of the Town of San Leandro, signed by twenty resident owners of real estate in said town, to open any street already established and sought to be extended, or open any new street, it shall be the duty of said Board to examine into said matter, and, if in the opinion of four fifths 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, that 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.

Duty of 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 portion 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.

Notice of hearing.

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 San Leandro, of the time and place where they will hear all parties 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.

Commissioners, and duties.

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 town, not interested directly or indirectly in the proposed improvements, or in the property to be affected thereby, to assess the damages and benefits to be caused by said improvements. Within two days thereafter, said Commissioners shall give notice of time and place where they will proceed to examine the property to be affected by such improvements, 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 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 ascer- Same.
tain 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 the 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 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 witness 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 the apportionment, unless further time be granted by the Board of Trustees, they shall make a report to the said Board of all 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, Levy of tax
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 on said severable parcels of property severally, and shall not be removed until said tax is paid. Immediately after levying such a tax they shall give notice thereof by advertisement, requiring the owners of the property taxed to pay the amounts severally due from each to the Town Marshal within ten days from the first publication of said notice. At the expiration of Collection.
said ten days they shall issue to the Town Marshal a warrant, to be signed by the President and Clerk, commanding him to levy and collect all of the said tax that shall then be 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.

ARTICLE SIX. Upon receiving said warrant the Marshal Same.
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 for Sheriffs, and 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 Tender awards.
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 sums severally due 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 resolution 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 purpose whatever.

Fund. ARTICLE EIGHT. All moneys collected under this Act shall be paid into the Town Treasury as a special Fund for the purpose for which they were collected, and shall not be drawn out or used for any other purpose whatever.

Rights and pay of Commissioners. 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.

IMPROVEMENTS OF STREETS AND PUBLIC GROUNDS.

Improvement of streets. SEC. 12. The Board of Trustees of the town shall have power, and are hereby authorized, to order the whole or any portion of the streets, lanes, alleys, places, courts, and public grounds of the town, graded or regraded, curbed or recurbed, macadamized or remacadamized, paved or repaved, and to order sidewalks, crosswalks, culverts, sewers, cesspools, manholes, and hydrants constructed therein, and to order any other work done which shall be necessary to make and complete and keep the same in good repair, and to order the streets and sidewalks and public grounds kept free from grass and weeds, and to order shade trees planted and taken care of along the line of the streets and in the public grounds; and the costs of making such improvements shall be made a lien upon the lots and lands fronting upon the streets where such improvements shall be made, and contiguous thereto, as specified in the succeeding sections of this Act.

Plans and work. SEC. 13. ARTICLE ONE. The Board of Trustees may order any of the work authorized by section twelve of this Act to be done, and furnish plans and specifications for the same, after notice of their intention to do so, in the form of a resolution describing the work, and signed by the Clerk of said Board, has been posted on three town bulletin boards for at least five days, and by one insertion in some newspaper, if there be one published within the town. After the posting, and before the expiration of such notice, all owners of lands and lots, or portions of lots, fronting on said proposed improvements, who may have objections to any of the subsequent proceedings of the said Board in relation to the work mentioned in such notice of intention, may file with the said Clerk a remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object. Such remonstrance shall be passed upon by said Board, and their decision shall be final. But if such remonstrance shall represent three fourths of the frontage on the proposed improvements, and shall have been filed with the said Clerk previous to the expiration of said notice, then it shall be a bar to any further proceedings in relation to said work for a period of six months, unless the owners

Remonstrance.

as aforesaid shall sooner petition for the same to be done; *provided*, that one half or more, in width or in length, of any street lying and being between two street crossings, have been already improved, said Board may order the remainder improved, notwithstanding the objection of property owners fronting thereon.

Work and proposals.

ARTICLE TWO. When the Board of Trustees shall have ordered improvements made, as provided in the preceding Article, if they deem it best, they may set a time in which the owners or occupants of lands and lots fronting on the street where the improvements are ordered made, may make the same in front of their respective lots and premises, in accordance with the plans and specifications furnished therefor by said Board. But if, in the judgment of the Board, they shall deem it best, they shall cause notices, signed by the Clerk, to be posted forthwith on three town bulletin boards for at least five days, and also be inserted one time in some newspaper, if there be one published within the town. Said notice shall describe the improvements to be made and the time within which sealed proposals will be received by said Clerk for the making of said improvements, in accordance with the plans and specifications therefor. At the time specified in said notice, the Board of Trustees, in open session, shall open and examine all bids which shall have been received by the Clerk, and publicly declare the same, and award the work to the lowest responsible bidder; *provided*, they may reject any or all bids, as the public good may in their opinion require, and also the bid of any party who may have proved delinquent or unfaithful in any former contract with the town; and if all bids are rejected, the Clerk shall readvertise as aforesaid.

Contract.

ARTICLE THREE. When the Board of Trustees shall have awarded the making of any improvements as aforesaid, it shall be the duty of the Town Marshal to forthwith enter into a contract with the successful bidder for the making of the improvements as advertised for, and according to the plans and specifications therefor, and at the price named in the award of said Board; said contract to specify the rate per front foot and the cost of each separate street crossing, including all work, the full width of both streets, on said crossings. And all contracts made therefor must contain this condition and express notice: that the town will in no case be liable for any portion of the expense, nor for any delinquency of persons and property. Said Marshal shall require of the contractor a good and sufficient bond for the completion of the work as specified in the said contract, said bond to be approved by said Board of Trustees.

STREET ASSESSMENT.

Street assessment.

SEC. 14. ARTICLE ONE. The expense incurred for any work authorized by section thirteen 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 its frontage, at a rate per front foot sufficient to cover the total expense of the work, except as provided in the succeeding Articles of this section; and pro-

vided, also, that the Board of Trustees may, in their judgment, order a portion of the expenses paid out of the Town Treasury, and the balance assessed as aforesaid.

Crossings. ARTICLE TWO. The expense of all work done on street crossings shall be assessed upon the four quarter blocks adjoining and cornering upon said crossing, and each lot, or portion of a lot, fronting upon both such streets, shall be separately assessed in proportion to its frontage, on one or both streets, at a rate per front foot sufficient to cover the total cost of the said crossing.

Terminations. ARTICLE THREE. When a street terminates in another street, the expense of work done on one half the width of the street adjoining the termination, shall be assessed upon the two quarter blocks cornering on the same, according to the frontage of said lots on said streets, and the expense of the other half of the width of said street, upon the lot or lots fronting on the latter half of the street opposite such termination.

Assessment for work. SEC. 15. ARTICLE ONE. After the contractor of any street work has fulfilled his contract to the satisfaction of the Town Marshal and Town Engineer, or of the said Board of Trustees, on appeal, it shall be the duty of the Town Assessor to forthwith make an assessment to cover the sum due for the work performed and specified in said contract, including the expense of engineering, in conformity with the provisions of section fourteen of this Act, according to the character of the work done; or if any directions or decisions shall be given by said Board of Trustees, on appeal, then in accordance with such directions or decisions; 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 cost of engineering, if any; the rate per front foot assessed, and 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 when the said assessment shall have been completed, the said Assessor shall certify to the correctness of the same, and deliver said assessment to the Town Clerk.

Notice thereof. ARTICLE TWO. The Clerk, upon receipt of the assessment aforesaid, shall forthwith post notices on three town bulletin boards, in which he shall state on what portion of any street work has been done, to pay for which the assessment has been levied; that the assessment can be seen at his office, and that the Board of Trustees will meet on a day named (which day shall not be less than five nor more than ten days from the posting of said notices), to hear any appeal that any person directly interested in the work performed, or the assessment made, may make in writing. After examining any objections or complaints that may be brought before them on appeal in regard to the aforesaid assessment, the Board of Trustees may correct, alter, or modify such assessments in such manner as to them may seem just, and direct the Assessor to make such corrections, alterations, or modifications. All the determinations and decisions of said Board, upon notice and hearing, as afor

said, shall be final and conclusive upon all persons entitled to an appeal under the provisions of this section.

ARTICLE THREE. After the assessment shall have been approved by the Board of Trustees, as aforesaid, the Clerk shall hand the same over to the Town Marshal, so made up and approved. The Marshal, upon receipt of the said assessment, shall forthwith attach thereto a warrant, which shall be signed by the Marshal and countersigned by the President of the Board of Trustees; the said warrant to be substantially as follows: Warrant.

By virtue hereof, I, (name of Marshal), Marshal of the Town of San Leandro, County of Alameda, and State of California, by virtue of the authority vested in me as said Marshal, do authorize and empower (name of contractor), his or their agents or assigns, to demand and receive the several assessments upon the assessment hereto attached, and this shall be (his or their) warrant for the same.

(Name of Marshal),
Marshal of the Town of San Leandro.

Countersigned: (Name of President of the Board),
President of the Board of Trustees.

Said warrant and assessment shall be recorded by the Marshal. When so recorded, the several amounts assessed shall be a lien upon the lands and lots or portions of lots assessed respectively, for the period of two years from the date of recording, unless sooner discharged; and from and after the date of recording said warrant and assessment, all persons mentioned in Article I of this section shall be deemed to have notice of the contents of the record thereof. After said warrant and assessment are recorded, the same shall be delivered to the contractor, or his agent or assigns, on demand; and by virtue of said warrant, said contractor, or his agent or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contract and assessment. Lien.

ARTICLE FOUR. The contractor, or his agent or assigns, shall call upon the persons so assessed, or their agents or assigns, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, or his agent or assigns, 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 person so assessed cannot conveniently be found, or whenever the name of the owner of the lot is stated as unknown in the assessment, then the said contractor, or his agent or assigns, shall publicly demand payment on the premises assessed. The warrant and assessment shall be returned to the Marshal within thirty days after the date of the warrant, with a return indorsed thereon, signed by the contractor, or his agent or assigns, 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; whereupon the Marshal shall record the return so made in the margin of the record of the warrant and assessment, and shall sign the record. Payment. Return.

Delinquent assessments, collection of.

ARTICLE FIVE. After the expiration of thirty days from the date of the warrant and assessment aforesaid, and after the Marshal shall have recorded the return, as specified in the preceding Article, the several assessments therein remaining unpaid shall be deemed delinquent, and five per cent shall be added thereto, and the contractor, or his agent or assigns, may at any time during the continuance of the lien of said assessment, sue in his own name the owner of the lands, lots, or portions of lots assessed, and recover the amount of any assessment and percentage aforesaid, remaining due and unpaid. Such suit may be brought in any Court in said town and county having jurisdiction of the amount for which suit is brought. Said Courts are hereby clothed with jurisdiction to hear and determine such actions. The said warrant and assessment, and nonpayment, shall be prima facie evidence of such indebtedness, and the right of the plaintiff to recover in the action. If suit be commenced in a Justice's Court, the action may be brought and judgment rendered against the owner of the lands and lots, or portions of lots, liable for such assessment; or said contractor may bring an action in the District Court of said county to foreclose the lien of said assessment, and may obtain a decree for the sale of such premises, and such decree shall provide for a counsel fee of twenty-five dollars, to be paid to such contractor or his attorney, out of the proceeds of such sale, in addition to such assessments and costs. Such premises, if sold, may be redeemed as in other cases. In all suits 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 Code of Civil Procedure of this State. This Act shall be liberally construed to effect the ends of justice.

Counsel fee.

Notice to owner.

ARTICLE SIX. The Marshal of said town may require, at his option, by notice in writing, to be delivered to them personally, or posted on the premises, the owner, tenants, or occupants of lands, or lots, or portions of lots, liable to be assessed for work done under the provisions of this Act, to improve forthwith any of the work mentioned in section fourteen of this Act, in front of the property of which he is the owner, tenant, or occupant, to the center of the street, or otherwise, as the case may be, specifying in said notice what improvements or work is required. After the expiration of three days the said Marshal shall be deemed to have acquired jurisdiction to contract for the doing of the work, or making the improvements required by said notice. If such improvement be not commenced within three days after the notice given as aforesaid, and diligently prosecuted to completion, the said Marshal may enter into a contract with any suitable person applying to make said improvements, at the expense of the owner, occupant, tenant, or lessee, at a reasonable price, to be determined by said Marshal, and such owner, tenant, or occupant shall be liable to pay the same. After the certificate mentioned in the succeeding Article shall have been recorded by the Marshal, the sum contracted for shall be a lien upon the lands and lots liable therefor, the same as provided in Article Three of this section, and may be enforced in the same manner.

ARTICLE SEVEN. If the expense of the work and materials for such improvements, after the completion thereof, be not paid to the contractor, or his agent or assigns, on demand, the said contractor, or his agent or assigns, shall have the right to sue the owner, tenant, or occupant, under the provisions of this Act, for the amount contracted to be paid; and the certificate of the Marshal, 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 material, and of the right of the contractor to recover the same in such action. Right to sue.

ARTICLE EIGHT. In addition, and as cumulative to the remedies above given, the Town Trustees shall have power, by resolution or ordinance, to prescribe the penalties that shall be incurred by any owner or person liable therefor, for neglecting or refusing to make improvements when required, as provided in Article Six of this section; which fines and penalties shall be recovered by prosecution, in the name of the people of the State of California, in the Court having jurisdiction thereof; and may be applied, if deemed expedient by the said Trustees, in payment of the expenses of any such improvements, when not otherwise provided for. Cumulative remedies.

ARTICLE NINE. Any tenant, occupant, or lessee of the lands or lots liable for the costs of such improvements, may pay the amount assessed against the property of which he is the tenant, occupant, or lessee, under the provisions of this Act, or he may pay the price agreed upon to be paid, under the provisions of this section, either before or after suit brought, together with costs, to the contractor, or his agent or assigns, or may redeem the property, if sold on execution or decree, for the benefit of the owner, within the time prescribed by law, and deduct the amount so paid from the rents due, or to become due from him; and for any sum so paid, beyond the rents due from him, he shall have a lien upon, and may retain possession of, the said lands and lots, until the amount so paid and advanced be satisfied, with legal interest, from accruing rents, or by payment by the owner. Occupant may pay assessment.

ARTICLE TEN. The Marshal shall keep, in a book for that purpose, a record of all street work that shall be done, and for the recording of all street assessments as provided in this Act, and shall superintend the making of all improvements of the streets, sidewalks, and public grounds, and require all contractors to faithfully comply with the terms of their contracts before the work shall be accepted by him. He shall also see that the laws, orders, and regulations, relating to the streets, highways, and public grounds, be fully carried into execution, and that the penalties for non-compliance therewith are rigidly enforced. It is required that he shall keep himself informed of the condition of all the public streets and highways and also of all the public buildings, parks, lots, and grounds of said town, and should the Marshal fail to see the laws, orders, and regulations aforesaid carried into execution, after notice from any citizen of non-compliance therewith or violation thereof, the said Marshal and his sureties shall be liable upon his official bond to any person injured in his person Special duties of Marshal.

or property in consequence of such official neglect, and he shall also be liable to the Board of Trustees upon his official bond if he shall accept any contract work in his official capacity before the same shall have been completed in accordance with the plans and specifications for the same, in a sum sufficient to complete such work as specified.

DEBT.

No debts. SEC. 16. Neither the Board of Trustees nor any 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 and 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.

Ordinances SEC. 17. Every ordinance passed by the Board of Trustees, in order to possess legal force, shall receive a majority vote of all the members elected.

BOARD OF EQUALIZATION.

Equalization. SEC. 18. 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 meetings shall be held for such length of time as the Board of Trustees shall by ordinance fix. Said Board shall not sit as a Board of Equalization after the first Monday of October, and on that day they shall levy upon the assessed valuation of the property of said town the rate of taxation upon each one hundred dollars of valuation, which shall be entered upon their minutes. They shall then deliver to the Town Clerk the assessment roll, who shall compute and carry out the amount of tax so levied upon each parcel of property in said assessment roll contained, and shall deliver said assessment roll so made out and duly certified to, to the Town Marshal, for collection, on the first Monday of November.

OFFICIAL OATHS AND BONDS.

Qualification. SEC. 19. 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 San Leandro, 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.

VACANCIES.

Vacancies. SEC. 20. If any vacancy 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.

CLAIMS.

Claims. SEC. 21. 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.

CLERK.

Duties of Clerk. SEC. 22. 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, and 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, issue certificates of election to the persons elected, and he shall receive such compensation for his service as said Board of Trustees may by ordinance fix; and for a failure to comply, shall be liable to all such penalties as are herein set forth, and be subject to removal from office and forfeiture of his official bond as Town Clerk.

MARSHAL.

Marshal. SEC. 23. 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 and licenses 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

Marshal. 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 revenues; 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; he shall have the same power in all civil and criminal cases within the limits of said town as Constables have within the respective townships for which they are elected, and be entitled to the same fee; and for failure to comply with the duties required of him, shall be liable to all such penalties as are herein set forth, and subject to removal from office.

TREASURER.

Treasurer. SEC. 24. 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. 25. It shall be the duty of the Town Assessor, in addition to any duties required of him by the Board of Trustees, between the second Monday in May and the first Monday of 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, also, make assessment for street work, as provided in this Act; and the Assessor shall receive for his services such sum as shall be fixed by ordinance.

Not to levy. No levy of taxes shall be made upon real and personal property within the limits of the town, by the Board of Supervisors of Alameda County, for road purposes, and no taxes shall be collected by the Tax Collector of said county, on property situate within said town, for such purposes. Said Clerk, Marshal, and Assessor shall have the same power to administer and certify to an oath as has a Justice of the Peace.

IMPROVEMENTS IN FRONT OF COUNTY PROPERTY.

SEC. 26. Whenever any improvements shall be made upon the streets or sidewalks of said town, in front of any property owned by the County of Alameda, the proper proportion of cost thereof shall be paid by said county, out of the General Fund of said county. County improvements.

COLLECTION OF TAXES.

SEC. 27. Town taxes shall be collected in the same manner that State and county taxes are collected within the County of Alameda; *provided*, that the publication of the delinquent tax list shall be made in some newspaper published within said town, if there be one; if there be none, then in some newspaper published within said county; *provided*, all sales for delinquent taxes shall be made in front of the Town Hall and by the Town Marshal. Collection of taxes.

TOWN ATTORNEY.

SEC. 28. The Board of Trustees of said town may appoint a Town Attorney, to hold office during the pleasure of said Board, whose duty it shall be to prosecute all suits brought on behalf of the town, and to defend all suits brought against it, and to do such other duties as the Board of Trustees may direct, and whose compensation shall be such sum as said Board may determine. Town Attorney.

JUSTICE OF THE PEACE.

SEC. 29. The Town Justice of the Peace shall have the same jurisdiction within the limits of said town, in all civil and criminal cases, as any other Justice has within the township for which he is elected. Justice.

PAYMENTS IN COIN.

SEC. 30. 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 and silver coin of the United States. Coin.

SERVICES OF TRUSTEES.

SEC. 31. The President of the Board of Trustees shall preside at all meetings of said Board when he shall be present, and in the absence of the President the Board may appoint one of their number to act as President pro tem., and for their services said Trustees and President shall receive no compensation. President.

STYLE OF ORDINANCE.

SEC. 32. The style of the ordinance of the Town of San Leandro shall be "The Trustees of the Town of San Leandro do ordain as follows." Ordinance.

Books. SEC. 33. The Town Trustees are hereby authorized and required to procure the necessary books for the official record of the town.

SEC. 34. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 35. This Act shall take effect and be in force from and after its passage.

CHAPTER LXVIII.

An Act for the relief of Round Valley School District, Inyo County.

[Approved February 5, 1874.]

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

Appointment. SECTION 1. The State Superintendent of Public Instruction, and the School Superintendent of Inyo County, are authorized and directed to apportion to Round Valley School District, of Inyo County, the full amount of State and county school moneys which may accrue to said district for the present year, the same as if school had been legally held therein during the preceding year.

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

CHAPTER LXIX.

An Act for the protection of game in Nevada County.

[Approved February 6, 1874.]

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

Game law. SECTION 1. It shall not be lawful for any person or persons to take, kill, or destroy the male or female of any elk, deer, or antelope, in the County of Nevada, between the first day of February and the first day of August in each year.

SEC. 2. All Acts and parts of Acts, so far as the same may 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 LXX.

An Act to repeal an Act entitled "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," approved March thirty-first, one thousand eight hundred and seventy.

[Approved February 6, 1874.]

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 Counties of Mendocino, Humboldt, Klamath, and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties," approved March thirty-first, one thousand eight hundred and seventy, is hereby repealed. Repealed.

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

CHAPTER LXXI.

An Act to amend an Act entitled "An Act concerning roads and highways in the Counties of Klamath and Del Norte," approved March thirty-first, eighteen hundred and sixty-six.

[Approved February 6, 1874.]

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 to read as follows:

Section 15. The tax provided for in the fourteenth section of this Act shall be set aside and kept as a separate Fund, to be called the "General Road Fund," and shall be expended under the direction of the Board of Supervisors, for the construction of bridges, and for opening and improving roads of general interest and value to the respective counties, and for the payment of Road Overseers for their services, when the said Road Overseers fail to collect in any one year a sufficient amount of the four dollars poll tax, provided for in section four of this Act, to remunerate them for services as Road Overseers; *provided*, that all work done on bridges and roads under the provisions of this section, shall be awarded to the lowest responsible bidder, after at least thirty days notice shall have been given, calling for sealed proposals, and stating the amount and description of the work to be done, and the time allowed for its completion. Road Fund. Expenditure.

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

CHAPTER LXXII.

An Act to prevent hogs and goats running at large in the Town of Davisville, Yolo County.

[Approved February 7, 1874.]

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

Hogs and goats.

SECTION 1. From and after the passage of this Act, it shall be unlawful for hogs and goats to run at large in the Town of Davisville, Yolo County.

Who to take up.

SEC. 2. It shall be the duty of the Constables of Putah Township, Yolo County, to take up all hogs and goats found running at large within the limits of the town site of the Town of Davisville.

Sale and proceeds.

SEC. 3. The Constable shall proceed to sell all such animals taken up under the provisions of this Act, by giving at least five days public notice of such sale, by posting notices in three public places within the town site where such animals are so taken up; and all moneys arising from such sales shall, after the expenses of taking up, keeping, and selling are paid, be paid by the Constable to the owner or owners of the animal or animals, upon demand, if demanded within thirty days from the date of sale; otherwise it shall, at the expiration of said thirty days, be paid into the County Treasury of Yolo County, and placed to the credit of Yolo School District, and become a part of the Fund of said district.

Misdemeanor.

SEC. 4. Any Constable purposely refusing or neglecting to take up all hogs or goats running at large within the limits of the town site of Davisville, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars and not more than twenty-five dollars.

SEC. 5. Nothing in this Act shall be construed to prevent persons from driving such animals through any of the public thoroughfares of said town.

SEC. 6. This Act shall take effect immediately.

CHAPTER LXXIII.

An Act to provide for the payment of certain witnesses in the case of The People of the State of California vs. *Horace Smith.*

[Approved February 7, 1874.]

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

SECTION 1. Six hundred and eighty dollars and twenty-five cents ($680 25) is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the payment of T. A. Talbert, for himself and as assignee of the following named persons, witnesses in the case of The People *vs.* Horace Smith, to wit: W. P. George, James M. McDonald, D. L. McDonald, J. T. Farley, C. S. Coffin, A. P. Catlin, A. D. Patterson for self and as administrator of John Waters, Thomas H. Williams, Joseph Powell, M. D., Frank Powell, C. G. W. French, J. P. Hardy, and E. W. Hillyer as Commissioner in said case; and the Controller of State is hereby authorized and required to draw his warrant on the State Treasury, and the Treasurer is hereby authorized to pay the same. Appropriation.

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

CHAPTER LXXIV.

An Act regulating the salaries of certain officers of Mariposa County.

[Approved February 7, 1874.]

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

SECTION 1. The District Attorney shall receive a salary of ($800) eight hundred dollars per annum; the County Assessor ($1,200) twelve hundred dollars per annum; the County Judge, ($1,800) eighteen hundred dollars per annum; the School Superintendent, ($350) three hundred and fifty dollars per annum; and the Sheriff, as Jailer, ($500) five hundred dollars per annum; all of which salaries shall be paid quarterly, in warrants drawn on the County General Fund. Salaries.

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

SEC. 3. This Act shall take effect upon the expiration of the terms of office of the present incumbents.

CHAPTER LXXV.

An Act to repeal an Act entitled "An Act to provide for the protection from overflow by Putah Creek of certain lands in the Counties of Yolo and Solano," approved April first, eighteen hundred and seventy-two.

[Approved February 7, 1874.]

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 provide for the protection from overflow by Putah Creek of certain lands in the Counties of Yolo and Solano," approved April first, eighteen hundred and seventy-two, is hereby repealed.

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

CHAPTER LXXVI.

An Act to amend an Act entitled an Act for the suppression of Chinese houses of ill-fame, approved March thirty-first, eighteen hundred and sixty-six, is hereby amended to read as follows:

[Approved February 7, 1874.]

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

Houses of ill-fame.

SECTION 1. All houses of ill-fame, kept, managed, inhabited, or used by women for the purposes of common prostitution, are hereby declared to be public nuisances; and common repute shall in all such cases be received as competent evidence of the character of the house, the purposes for which it is kept or used, and the character of the women inhabiting it.

SEC. 2. This Act shall go into effect immediately.

CHAPTER LXXVII.

An Act concerning conveyances by the municipal authorities of the City of San Diego.

[Approved February 7, 1874.]

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

SECTION 1. No deed, conveyance, or grant of land in fee, made prior to the twenty-fourth day of November, A. D. eighteen hundred and seventy-one, for and on behalf of the City of San Diego, and the inhabitants thereof, for a valuable consideration, by the corporate authorities of said city, shall be invalid by reason of the want of a corporate seal; but all of said deeds, conveyances, and grants, shall have the same force, effect, and validity, as if a corporate seal of said city had been regularly provided, and properly affixed thereto by the proper corporate authorities of such city. Deeds valid.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXVIII.

An Act to amend an Act entitled an Act supplementary to an Act entitled an Act to provide for the incorporation of Colleges, approved April twentieth, eighteen hundred and fifty, approved January eighth, eighteen hundred and seventy-two.

[Approved February 7, 1874.]

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 supplementary to an Act entitled an Act to provide for the incorporation of colleges, approved April twentieth, eighteen hundred and fifty, approved January eighth, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

Section 1. Whenever any benevolent, religious, or fraternal organization or society, having a Grand Lodge or other legislative head, duly organized and existing in this State, shall found and establish a college in this State, and shall incorporate, or desire to incorporate the same under the Act to which this Act is supplementary, such organization or society shall have and may retain the right, through its Grand Lodge, or other legislative head, not only to select and name the persons who, subject to the approval of the State Board of Education, shall form such corporation, and be the first Trustees thereof, but also to prescribe the terms of office of such Trustees, and Rights of societies founding colleges.

provide for their classification, so that a portion thereof shall go out of office and their successors be elected at each annual session of such Grand Lodge or society; *provided*, however, that the terms of not more than one third of such Trustees shall expire at the same time; and also to reserve to itself the power of electing the successors of such Trustees as their terms expire. It may also provide that no person shall be a Trustee of such corporation unless he be a member of such order, organization, or society, in good standing; and also require said Board of Trustees to report annually to the Grand Lodge or society founding the same, the condition of the affairs of such corporation, and the amount and manner of its receipts and expenditures.

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

When college already founded.

Section 2. Any corporation, already formed under the Act to which this Act is supplementary, of a college, founded or established by the Grand Lodge or society of any benevolent, religious, or fraternal organization, in this State, may, by resolution of its Board of Trustees, a certified copy of which shall be filed with its original certificate of incorporation in the office of the Secretary of State, surrender to the Grand Lodge or society which founded it, the right to exercise all control over it provided by the first section of this Act; and thereafter such Grand Lodge or society shall have the right to and may exercise the same control over such corporation as if the same had been specially formed under this Act and the Act to which this is supplementary.

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

May establish homes and asylums.

Section 3. The corporation of any college established or founded by any such benevolent, religious, or fraternal organization or society, and incorporated as provided in this Act and the Act to which this is supplementary, may, in addition to holding the property necessary for its college purposes, also establish, own, and control, under the same management, a home for the maintenance and education of orphans, and an asylum for the care of the aged and indigent of the Order or society founding such institution.

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

CHAPTER LXXIX.

An Act to repeal the several special road laws in the County of Santa Clara, in the State of California.

[Approved February 7, 1874.]

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

SECTION 1. An Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, A. D. eighteen hundred and sixty-six; also an Act entitled 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-eight, approved March fourteenth, eighteen hundred and sixty-eight; also an Act entitled 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 eighteenth, eighteen hundred and seventy; and also an Act entitled an Act to amend an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six, and to repeal an Act entitled 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 fourteenth, eighteen hundred and sixty-eight, approved March twenty-third, eighteen hundred and seventy-two, are each and are hereby repealed. Repealed.

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

SEC. 3. No right acquired, or proceeding commenced, under the provisions of any of the Acts hereby repealed, shall be invalidated or in anywise affected by reason of the passage of this Act. Rights preserved.

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

CHAPTER LXXX.

An Act to amend an Act entitled an Act for the protection of fish in the waters of Butte Creek, in the County of Butte, approved February twenty-first, eighteen hundred and seventy-two.

[Approved February 9, 1874.]

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

SECTION 1. An Act for the protection of fish in the waters of Butte Creek, in the County of Butte, approved February

twenty-first, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

Unlawful to take fish.

Section 1. From and after the passage of this Act, it shall be unlawful for any person to take fish from the waters of Butte Creek, in the County of Butte, above what is commonly known as the Falls of Butte Creek, and from thence up said creek to the several sources thereof, either by the use of hooks and lines, spears, nets, or seines of any description, or by any other means used or employed for the purpose of taking fish. This Act shall remain in force until March first, eighteen hundred and seventy-seven.

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

CHAPTER LXXXI.

An Act amendatory of an Act entitled 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 twenty-sixth, eighteen hundred and seventy.

[Approved February 9, 1874.]

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:

Special tax.

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 half 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.

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

CHAPTER LXXXII.

An Act to authorize the Board of Supervisors of Humboldt County to transfer certain funds.

[Approved February 9, 1874.]

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 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 the Fund was originally created; *and, provided further*, that nothing in this Act shall in any way apply to the Fund known, or to be known, as the "Wagon Road Fund." Transfer funds.

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

CHAPTER LXXXIII.

An Act to authorize the Board of Supervisors of Del Norte County to transfer certain funds.

[Approved February 9, 1874.]

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

SECTION 1. The Board of Supervisors of Del Norte County are hereby authorized and empowered 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 the proper Fund when the money is required for the purposes for which said Fund was originally created. Transfer funds.

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

CHAPTER LXXXIV.

An Act to abolish the office of County Assessor in the County of Alameda, and to create Township Assessors therein.

[Approved February 10, 1874.]

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

Term to expire.

SECTION 1. The term of office of the County Assessor of Alameda County shall expire on the first Monday of March, eighteen hundred and seventy-four, and each township in said county shall thereafter be an assessment district.

Town Assessor.

SEC. 2. There shall be elected by the qualified electors of each township, at the general election in the year eighteen hundred and seventy-five, and at each general election thereafter, an Assessor for and in each township in said county. Such Assessors shall take their office on the first Monday of the month of March following the election.

Election and term of office.

SEC. 3. There shall be held a special election for township Assessors, as provided for in this Act, in said county, on the third Saturday of February, eighteen hundred and seventy-four, which election shall be subject to the general election law; *provided, however*, that only five days' notice of said special election shall be required, and that the copies of the Great Register used at the general election of eighteen hundred and seventy-three, shall be used in said special election. The Assessors so elected shall take their office on the first Monday of March, eighteen hundred and seventy-four, and hold the same until the first Monday of March, eighteen hundred and seventy-six, and until their successors are elected and qualified.

Qualification.

SEC. 4. The Township Assessors shall give bonds and qualify as other township officers, and each bond shall be in such sum as the Board of Supervisors of the county shall fix.

Duties.

SEC. 5. The Township Assessors, in their several townships, shall discharge all the duties, and be subject to all the liabilities, which are or may hereafter be required of County Assessors. They shall, in their respective townships, collect all poll taxes, for which they shall receive ten per cent of the amount so collected; and, as Assessors, they shall further receive six dollars each per day for each day actually employed in making the assessment, and for each day of attendance on the Board of Equalization, when their attendance is required by said Board.

Compensation.

For collecting personal property taxes, they shall receive the same compensation as is allowed by law to the Tax Collector for similar services. They shall have power to appoint a deputy, or deputies, the number of whom, and their compensation, shall be fixed by the Board of Supervisors; *provided*, such deputies shall not receive compensation to exceed five dollars per day for each day actually employed in making the assessment.

SEC. 6. All Acts in conflict herewith are hereby repealed, and this Act shall take effect immediately.

CHAPTER LXXXV.

An Act to incorporate the City of Eureka.

[Approved February 10, 1874.]

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

SECTION 1. The territory described in section two of this Act, and the inhabitants therein residing, are hereby declared to be a municipal corporation, under the provisions of the Political Code of this State, to be known in law as the "City of Eureka." Corporate name.

SEC. 2. The boundaries of the said City of Eureka shall be as follows: Commencing at a point in Humboldt Bay one hundred yards north of the corner of S and First streets, as laid down on a map of the Town of Eureka, made by James T. Ryan, in eighteen hundred and fifty, and now on file in the office of the Recorder of Humboldt County; thence southerly along said S street to Sixteenth street; thence westerly along Sixteenth street to A street; thence northerly along A street to the south side of Whipple street, as laid down on the map of the enlargement of Clark's Addition to the Town of Eureka, now on file in the office of the Recorder of said county; thence west on the south side of Whipple street to the west side of Broadway street; thence northerly along the west side of Broadway street to the south side of Cedar street; thence west to the ship channel of Humboldt Bay; thence northerly and easterly along the edge of said channel to a point where the east side of Pine street of said Clark's Addition would intersect said channel, if said Pine street were projected north; thence easterly to a point one hundred yards north of the northwest corner of A and First streets, of the Town of Eureka; thence easterly parallel with said A street to the place of beginning. Boundaries.

SEC. 3. The said City of Eureka shall succeed to all the rights, titles, interests, possessions, credits, immunities, liabilities, debts, and obligations, in law and in equity, that may pertain to the Town of Eureka. Succession.

SEC. 4. The Common Council of the City of Eureka shall consist of five members, who, with the Mayor, Marshal, Assessor, Treasurer, and Police Judge, shall be elected by the qualified electors of said city, and shall hold their offices for the term of two years from and after the second Monday in July next succeeding their election, and until their successors are elected and qualified. Elective officers.

SEC. 5. For the purpose of choosing the officers mentioned in section four of this Act, there shall be an election held on the third Monday in June, one thousand eight hundred and seventy-four, and upon the same day every two years thereafter. Election.

SEC. 6. The Common Council of said city shall not contract any debts or liabilities by borrowing money, loaning the credit of the city, or otherwise, which, singly or in the aggregate, Limited powers.

shall, at any time, exceed the sum of ten thousand dollars; and neither the Mayor nor any member of the Common Council shall be interested in any contract to which the city is a party.

Void. SEC. 7. Any contract made in violation of the provisions of the preceding section, shall be void.

Tax levy and lien. SEC. 8. The Common Council shall levy annually, on all property within the city limits, a tax not exceeding three fourths of one per centum upon the assessed value thereof. Every tax due upon personal property is a lien upon the real property of the owners thereof from and after the time the personal property is assessed, and every tax due upon real property is a lien upon the property assessed. The tax herein provided for shall be a lien upon all real property, within the limits of the city, from the date of making such levy.

Harbor-master. SEC. 9. The City Marshal, in addition to the duties prescribed by section four thousand three hundred and eighty-nine of the Political Code, shall be Harbormaster of the port of Eureka. The Mayor, in addition to his other powers, shall be ex officio Harbor Commissioner for the port of Eureka.

Ordinances SEC. 10. All valid ordinances of the Town of Eureka, in force at the date of the passage of this Act, shall continue to be in force and effect as ordinances of the City of Eureka, until the same are repealed or modified by the Common Council.

Special powers. SEC. 11. In addition to the powers prescribed by section four thousand four hundred and eight of the Political Code, the Common Council shall have power to order sidewalks to be laid down by the owners of the land in front of which said sidewalks are to run, along any street, and to prescribe the grade upon which they shall be laid, the size and quality of the materials to be used, and to order the same to be repaired from time to time. In case such owners shall fail to construct or repair the same within the time prescribed, then the Council shall cause the same to be done, and the expense thereof shall be paid by such owners; and from the time of the completion of such improvement, such expense shall constitute a lien upon the land adjoining, and along the front of which the same is laid.

Shall not. SEC. 12. The Mayor and Common Council of the City of Eureka, shall not have nor exercise the power conferred by section four thousand four hundred and nine of the Political Code.

Poll tax. SEC. 13. Each male inhabitant of the City of Eureka, over twenty-one and under sixty years of age, shall pay an annual poll tax of one dollar.

Salaries. SEC. 14. The Mayor and members of the Common Council shall each receive an annual salary of ten dollars, which shall be in full compensation for all official services rendered by them in such offices.

Repealed. SEC. 15. An Act entitled "An Act to incorporate the Town of Eureka," approved April ninth, eighteen hundred and fifty-nine, and all Acts amendatory thereof or supplementary thereto, are hereby repealed; *provided*, that this repeal shall not take effect until the second Monday in July, one thousand eight hundred and seventy-four.

SEC. 16. This Act shall take effect and be in force from and after its passage.

CHAPTER LXXXVI.

An Act to fund certain indebtedness of Sonoma County.

[Approved February 12, 1874.]

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

SECTION 1. The County of Sonoma is authorized to fund the indebtedness represented by the warrants outstanding against the Road Fund of said county, at the date of the passage of this Act, and to that end the Auditor, County Clerk, and the Chairman of the Board of Supervisors of said county, are constituted a Board, to be styled the Commissioners of the Funded Road Debt of Sonoma County. To fund indebtedness.

SEC. 2. The Commissioners shall cause to be prepared bonds, payable in United States gold coin, bearing interest at the rate of eight per cent per annum from the first day of March, eighteen hundred and seventy-four, of the denominations of fifty dollars, one hundred dollars, and five hundred dollars each, payable at the office of the Treasurer of said county, on or before the first day of March, one thousand eight hundred and eighty-four. Every bond must be signed by said Commissioners, and authenticated by the seal of the County Court of said county, and purport that the County of Sonoma owes the holder thereof the sum named in the bond, payable and bearing interest as aforesaid. Each bond shall have ten coupons attached, each coupon for the interest on the bond to which it is attached for one year. The coupons shall be numbered consecutively, attached so as to be removed without injury or mutilation to the bond, and shall each be signed by the Treasurer. When paid, or when the bonds to which they are attached are canceled, the coupons shall be canceled in the same manner as herein provided for the cancellation of the bonds. Bonds and coupons.

SEC. 3. All persons holding any of said warrants must present the same to said Commissioners, and shall receive in exchange said bonds for the full amount of principal and interest due on the first day of March, one thousand eight hundred and seventy-four. The Commissioners must give to each person a certificate for any fractional amount less than the smallest denomination of bonds; and such certificate must be received and funded in the same manner as the original warrants, when presented with other certificates or warrants in sufficient amount to make up a bond authorized by this Act. It shall be the duty of said Board to cause all such warrants for which bonds shall be issued, as herein provided, to be canceled immediately after issuing bonds therefor. Bonds for warrants.

Account. SEC. 4. The Commissioners must keep an account of the number, denomination, and amount of all bonds signed by them, and also a separate account of all such bonds, showing the number and date, and amount of said bonds, and to whom the same were issued.

Liability and pay. SEC. 5. The said Commissioners' duties under this Act shall be deemed a part of their official duties, respectively, for the performance of which they shall be responsible individually, and on their bonds respectively. They shall be allowed for their duties under this Act the sum of fifty dollars each, which, with the expense of the preparation and issue of said bonds, shall be allowed by the Board of Supervisors, and paid out of the General Fund of the county.

Notice of funding. SEC. 6. Before the first day of March, one thousand eight hundred and seventy-four, the Commissioners must cause notice to be given of their readiness to fund said indebtedness, in some newspaper published in said county, which notice must be published weekly for at least four weeks. The Commissioners must complete their labors by the first day of September, one thousand eight hundred and seventy-four, and must, within ten days thereafter, deposit with the County Auditor all their books, vouchers, et cetera, and their office as Commissioners must cease.

Road Fund Tax. SEC. 7. In addition to the tax now authorized by law in the County of Sonoma, there shall be levied and collected annually, by the proper officers, to meet the requirements of this Act, a tax not exceeding one fifth of one per cent, to be called the "Road Fund Tax." The manner of levying said tax shall be the same as that provided by law for levying and collecting other county taxes.

Interest and redemption. SEC. 8. On the first Monday of March, one thousand eight hundred and seventy-five, and annually thereafter, the interest upon said bonds shall be payable at the office of the Treasurer of said county from the moneys raised by the said "Road Fund Tax." If in any year there should be in the Treasury, belonging to said Fund, a sum equal to five hundred dollars, the Treasurer shall advertise in some weekly newspaper published in said county, for two weeks, for sealed proposals for the redemption of said bonds. The Treasurer shall open said proposals in the presence of the County Judge of that county, and must accept only of such as are lowest; but no bond shall be redeemed at a greater amount than the par value thereof. If no bids are made at or below par, the sum shall be credited pro rata upon all the bonds outstanding, and to that amount they shall not draw interest.

Cancellation. SEC. 9. Whenever the Treasurer shall pay any of said bonds, he shall cancel the same and preserve the canceled bonds, and keep a record thereof, giving the number, date, and amount of each, and from whom received, and shall write across the face of the bond, "Canceled by me," and sign his name thereto as Treasurer.

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

CHAPTER LXXXVII.

An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization.

[Approved February 12, 1874.]

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

SECTION 1. There shall be formed, out of the eastern part of Monterey County, a new county, to be called San Benito. New county.

SEC. 2. The boundaries of San Benito County shall be as follows: Commencing at a point in the center of Pajaro River, said point being the northwest corner of the Rancho las Arromitas y Agua Caliente, and being on the northern boundary line of Monterey County, and running thence in a southerly direction along the southwest boundary of said rancho to the southwest corner thereof; thence southerly in a direct line to the northwest corner of the Rancho las Vergelos; thence southerly in a direct line to the summit of the Gavilan range of mountains; and thence southeasterly along the summit of said Gavilan mountains to the Chalon Peak; thence southeasterly in a direct line to the division line of the parts of the San Lorenzo Sobrantes owned respectively by Breen and Dunn; thence along said dividing line of said rancho to the southern boundary thereof; thence due south to the San Lorenzo Creek; thence southeasterly up said San Lorenzo or Lewis Creek, and up the north fork thereof, to the summit of the divide between the waters of said Lewis Creek and San Benito Creek; thence, following said divide southerly, to the eastern boundary of Monterey County, and the summit of the Coast Range of mountains; thence northerly, following the summit of said mountains, to the southern boundary line of Santa Clara County; thence westerly, following the southern boundary line of Santa Clara County, to the place of beginning. Boundaries.

SEC. 3. The seat of justice shall be at the Town of Hollister until otherwise provided by this Act. County seat.

SEC. 4. The Governor of this State shall, when this Act takes effect, appoint some suitable person, resident of San Benito County, to act as County Judge of said county, whose term of office shall continue until the first Monday of January, one thousand eight hundred and seventy-six, and until his successor is elected and qualified, and who shall hold his office and reside at the county seat. There shall be chosen by the qualified electors thereof, at the judicial election to be holden in the year eighteen hundred and seventy-five, and every four years thereafter, a County Judge for San Benito County, whose term of office shall commence on the first Monday of January succeeding his election, and continue for the term of four years. Said County Judge of San Benito County shall receive a salary of twelve hundred dollars per annum, to be paid monthly. Said County Judge shall hold the Courts required by law to be held by County Judges. There shall be four regular terms of Judge and Court.

the County Court held in each year, said terms to commence on the first Monday in February, May, August, and November; *provided, however*, the County Judge may call and hold special terms of the Probate Court whenever public necessity may require. Said County Judge shall discharge all the duties required by law of County Judges in this State.

Election and officers.

SEC. 5. There shall be an election held in the County of San Benito within sixty days from the first meeting of the Commissioners hereinafter provided for. There shall be chosen at said election, by the qualified electors of said county, one District Attorney, one County Clerk, who shall be ex officio Auditor, Recorder, and Clerk of the Board of Supervisors, and ex officio Clerk of the County, Probate, and District Courts, one County Superintendent of Public Schools, one Sheriff, who shall be ex officio County Tax Collector, one County Assessor, one County Treasurer, one County Surveyor, one County Coroner, who shall be ex officio Public Administrator. Said county officers shall hold their respective offices until the first Monday in March, A. D. eighteen hundred and seventy-six, and until their successors are elected and qualified. There shall be chosen at the same election, by the qualified electors thereof, one Supervisor for each Supervisor District in said county, who shall hold their offices as follows: District Number One, until the first Monday in January, A. D. eighteen hundred and seventy-five; District Number Two, until the first Monday in January, A. D. eighteen hundred and seventy-six; and District Number Three, until the first Monday in January, A. D. eighteen hundred and seventy-seven. There shall be chosen at said election, by the qualified electors thereof, two Constables for each township, and one Road Overseer for each road district in said county; *provided*, that all the Justices of the Peace, elected at the judicial election held in the year A. D. eighteen hundred and seventy-three, residents of San Benito County, shall hold their offices for the time provided by law, upon having duly qualified as Justices of the Peace of San Benito County for the respective township in which they severally reside, as said townships are organized by the action of the Board of Commissioners provided for by this Act. The terms of offices of Justices of the Peace, Constables, and Road Overseers of San Benito County, shall be the same as in other counties of this State. At said election shall also be submitted to the qualified electors the permanent location of the county seat of said San Benito County, and the place receiving the highest number of votes therefor shall be declared by the Commissioners the permanent county seat of said county.

Choice of county seat.

Commissioners, and duties.

SEC. 6. The Governor shall, when this Act takes effect, appoint five persons, residents of the proposed county, who shall be and constitute a Board of Commissioners to perfect the organization of said San Benito County, a majority of whom shall constitute a quorum. Said Commissioners shall meet in the Town of Hollister, within twenty days after their appointment, and after being duly sworn to faithfully discharge their duties as prescribed by this Act, shall organize, by electing from their number a President and Clerk. They shall then divide said county into townships, define their boundaries, and

designate the names of each. They shall also divide said county by townships into three Supervisor Districts, and number the same. They shall also establish election precincts, and appoint one Inspector and two Judges of Election for each precinct in said county. They shall give thirty days notice, by proclamation in some newspaper published in the county, of the officers to be elected, the precincts established, the officers of election, and shall designate the boundaries of each district, with their names and numbers. Said Commissioners shall, on the second Monday after said election, meet at the county seat as a Board of Canvassers, and proceed to canvass the election returns. Said Commissioners, their President and Clerk, are hereby authorized and required to discharge the same duties as are now required by law of Boards of Supervisors and County Clerks, in counties in this State, so far as the same applies to holding elections, canvassing election returns, and issuing certificates of election. They shall keep a full record of all their proceedings, and file the same with the original election returns, in the County Clerk's office, as soon as he shall have been qualified, and thereafter the powers and duties of said Commissioners shall cease and determine. Same.

SEC. 7. It shall be the duty of the Board of Supervisors of San Benito County, whose election is by this Act provided for, to meet at the county seat on the first Monday of the month subsequent to their election and qualification, and elect the member from District Number One Chairman. They shall then allow such per diem and mileage to the Commissioners and officers of election as they may think proper and just, and such allowance shall be paid by a warrant drawn in favor of each by the proper officers. The Board of Supervisors shall procure and provide a suitable building or buildings, to be used as a Court House and Jail, and for the accommodation of the various county officers; and for such purposes they are hereby authorized to rent, or purchase, or construct, suitable buildings. And in case of purchase or construction, said Board are authorized to issue bonds of said county, not exceeding the sum of twenty thousand dollars, bearing ten per cent per annum interest, and payable within such times as the Board may direct, not exceeding fifteen years from the date of issue thereof; *and, provided*, that said bonds shall not be disposed of or sold on behalf of said county for a less sum than ninety cents on the par value thereof. The Board shall, in accordance with the general laws governing Boards of Supervisors, levy State and county taxes; *provided*, that for the General Fund they shall have power to levy not exceeding ninety cents on each one hundred dollars of value of taxable property in said county. They may also levy a tax not exceeding ten cents upon each one hundred dollars of value of the taxable property of said county, which, when collected, shall be set aside and known as the "Contingent Fund," and which shall be used exclusively for the payment of necessary repairs upon county buildings, for the purchase of record books, stationery, fuel, and lights for county offices; and, in case of the purchase or construction of county buildings, and the issue of Supervisors, their powers and duties.

bonds in payment therefor, then the Board of Supervisors are further authorized to make an additional levy, not exceeding twenty cents on each one hundred dollars of value of taxable property of said county, which, when collected, shall be set aside and known as the "Building Fund," and shall be used only in the redemption of bonds issued for the purpose of purchasing or constructing county buildings and paying yearly interest thereon.

Actions removed.

SEC. 8. All actions, or proceedings in the nature of actions, whether original or upon appeal, civil or criminal, which shall be pending in the District Court, County Court, or Probate County, in the County of Monterey, at the time of the organization of San Benito County, where the defendants therein reside in said San Benito County, shall be removed for trial and final determination to the proper Courts of San Benito County, on motion of any party interested; *and, provided*, that all criminal causes, where the offense was committed within the limits of San Benito County, shall, upon application of the District Attorney of San Benito County, be removed to San Benito County.

Transcription of records.

SEC. 9. The Board of Supervisors of San Benito County are hereby authorized to contract with some competent person for transcribing from the records of Monterey County such parts thereof as relate to property situated in San Benito County, and for such purpose shall provide suitable books; and said records, when so transcribed and certified, shall have the same force and effect as such original records. The person so employed shall have access to said records of Monterey County for said purpose of transcribing the same. The compensation for said services shall be fixed and allowed by the Board of Supervisors of San Benito County, and paid out of the General Fund of said county.

Judicial District.

SEC. 10. The County of San Benito shall be attached to and form a part of the Twentieth Judicial District.

Official bonds.

SEC. 11. The county officers of San Benito County shall, except as otherwise provided by this Act, be elected at the same time as county officers in other counties of this State, and shall hold their offices for the term fixed by law. They shall give bonds for the faithful discharge of their duties, to be approved by the County Judge, in the following sums: The Sheriff, in the sum of eight thousand dollars, and as ex officio County Tax Collector, in the sum of twenty-five thousand dollars; the County Clerk, in the sum of five thousand dollars, and as ex officio Recorder and Auditor, in the sum of five thousand dollars each; the County Treasurer, in the sum of thirty thousand dollars; the District Attorney, in the sum of four thousand dollars; the County Surveyor, in the sum of three thousand dollars; the Coroner and ex officio Public Administrator, in the sum of five thousand dollars; each Supervisor, in the sum of two thousand dollars; and each Justice of the Peace, Constable, and Road Overseer, in the sum of two thousand dollars. The Supervisors of San Benito County shall provide for the election of their own successors, whose term of office shall be three years.

SEC. 12. All officers provided for by this Act shall perform duties as required by the general laws of the State, unless otherwise provided by this Act Duties.

SEC. 13. The officers of San Benito County shall receive the following salaries and fees: The Treasurer shall receive, per annum, the sum of one thousand dollars; the District Attorney, the sum of twelve hundred dollars; the Superintendent of Public Schools, the sum of five hundred dollars; the Assessor, the sum of one thousand dollars per annum; and each member of the Board of Supervisors shall receive a per diem of five dollars, for each day's services as a member of the Board, and twenty-five cents per mile in going to the county seat to attend the sessions of said Board. The fees and salaries of all officers, except as herein specially named, shall be the same as now allowed said officers in Monterey County for like services. Salaries.

SEC. 14. San Benito County shall be entitled to five Notaries Public as provided for by law. Notaries.

SEC. 15. The Superintendent of Public Schools of the County of Monterey shall furnish the Superintendent of Public Schools of San Benito County with a certified copy of the last school census lists of the different school districts in the territory set apart to form San Benito County, and shall draw his warrant on the Treasurer of Monterey County in favor of the Superintendent of Schools of San Benito County, for all money that is or may be due by apportionment or otherwise to the different school districts of San Benito County, and the Auditor of Monterey County shall in like manner draw his warrant in favor of the Auditor of San Benito County for all money that is or may be due by apportionment or otherwise to the different Road District Funds in the territory set apart to form San Benito County, and said money shall be paid into the Treasury of San Benito County, and be properly credited to the respective districts in said county. School census lists and moneys.

SEC. 16. All delinquent taxes due to the County of Monterey at the time this Act takes effect, from the persons or property in San Benito County, shall be paid to and collected by the proper officers of San Benito County, and the Auditor of Monterey County shall certify such delinquent taxes and tax lists in duplicate to the Collector and Auditor respectively of San Benito County. They shall be collected by the officers of San Benito County in the same manner as delinquent taxes are collected in other counties in this State. Delinquent taxes.

SEC. 17. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 18. This Act shall take effect and be in force from and after its passage.

CHAPTER LXXXVIII.

An Act to amend an Act entitled an Act to better define the boundary line between Mariposa and Fresno Counties, approved April first, A. D. eighteen hundred and seventy-two.

[Approved February 11, 1874.]

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

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

Boundary line.

Section First. 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, and the northwest corner of section fourteen, in township six south, range twenty east, of Mount Diablo meridian; thence east to the northwest corner of section fourteen, in township six south, range twenty-one east; thence north to the northwest corner of section thirty-five, in township five south, range twenty-one east; thence east to the southwest corner of section thirty, in township five south, range twenty-two east; thence north to the southwest corner of the Mariposa Big Tree Grant; thence east along the line of said grant to the southeast corner of said grant; thence north along the line of said grant to the northeast corner of the same; thence north to the original boundary line between the counties of Mariposa and Fresno; thence along said line to the present boundary line of Tuolumne County; is hereby declared and constituted the boundary line between said counties.

SEC. 2. This Act, as amended, shall take effect and be enforced from and after its passage.

CHAPTER LXXXIX.

An Act to appropriate money to pay the claim of George A. Blanchard.

[Approved February 16, 1874.]

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 is hereby appropriated out of any money in the General Fund in the State Treasury not otherwise appropriated, to pay the claim of George A. Blanchard, for services as Clerk of the Board of Stamp Commissioners; and the Controller of State is hereby directed to draw his warrant on the Treasurer of State in favor

of George A. Blanchard for the sum of three hundred dollars, and the Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER XC.

[See volume of Amendments to the Codes.]

CHAPTER XCI.

An Act to amend an Act entitled "An Act to provide for the payment of contingent expenses, and to abolish the Hospital Fund of Alpine County," approved February twenty-seventh, eighteen hundred and sixty-six.

[Approved February 17, 1874.]

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

SECTION 1. Section one of an Act to provide for the payment of contingent expenses, and to abolish the Hospital Fund of Alpine County, approved February twenty-seventh, eighteen hundred and sixty-six, is hereby amended as follows:

The Board of Supervisors of Alpine County are hereby authorized to levy a special tax annually, not to exceed the sum of fifty cents on each one hundred dollars of taxable property in said county. Special tax.

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

CHAPTER XCII.

An Act to fix the salary of the County Judge in the Counties of San Diego and San Bernardino.

[Approved February 17, 1874.]

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

SECTION 1. The County Judge of San Diego shall receive a salary of two thousand dollars, gold coin, per annum, payable monthly out of the Salary Fund of San Diego County. Salary.

Same.

SEC. 2. The County Judge of San Bernardino County shall receive an annual salary of twelve hundred dollars, gold coin, payable monthly out of the County Treasury, out of the Salary Fund of said county.

SEC. 3. This Act shall take effect from and after the date of the expiration of the term for which each of the present incumbents was elected, and shall in nowise affect the compensation of the present County Judge of San Diego County, or of the County of San Bernardino.

CHAPTER XCIII.

An Act supplemental 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 February 17, 1874.]

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

Fees and salaries.

SECTION 1. Section thirteen 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 amended by an Act entitled "An Act to amend 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 first, eighteen hundred and seventy-two, is hereby made applicable to the County Tax Collector of the County of Santa Clara, and the County Tax Collector of said County of Santa Clara shall receive for his services the compensation, fees, and percentage allowed to Tax Collectors by said section thirteen as amended; but such percentage shall not exceed two per cent upon the property taxes collected for State and county purposes; *provided*, that this Act shall not affect the compensation now allowed by law to the Assessor of Santa Clara County for the collection of poll taxes and for the collection of personal property taxes.

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 XCIV.

An Act to amend an Act entitled an Act concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two.

[Approved February 17, 1874.]

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:

Section 3. All able-bodied male inhabitants of said county, between the ages of twenty-one and sixty years, shall pay a poll tax of two dollars annually, for the use of the Road Fund of said county; *provided*, the same be paid prior to the first Monday in July, but if said poll tax is not paid prior to said first Monday in July, it shall be three dollars. The road poll tax shall be collected by the Assessor of the county in the same manner as provided by law for the collection of other poll taxes, who shall receive as compensation therefor eight per cent of the amount collected. Poll tax.

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

Section 4. All work done on roads, and all bridges built or repaired in the County of Humboldt, shall be done under contract awarded to the lowest responsible bidder, after at least five days public notice shall have been given, by publication in some newspaper printed in the county, or by posting in three public places in the district where the work is to be performed, calling for sealed proposals, and stating the amount and description of the work to be done, or the materials to be furnished, and the time to be allowed for its completion, or a reference to specifications containing this information; *provided*, that when the cost of the work to be done, or the materials to be furnished, shall not exceed the sum of fifty dollars, the Road Overseer may cause such work to be done, or materials to be furnished, without calling for sealed proposals; *provided, further*, that the whole amount expended by any Road Overseer, not under contract, as herein provided, shall not exceed the sum of fifteen hundred dollars in any one fiscal year. Work to be done by contract.

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

Section 10. Road poll tax receipts in blank shall be delivered to the Assessor by the Auditor, signed by the Auditor and Treasurer. Poll tax receipts.

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

CHAPTER XCV.

An Act to authorize the construction of a wagon road from Cushenbury Springs, in the County of San Bernardino, to the Holcomb Valley Mines, in said county.

[Approved February 17, 1874.]

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

Wagon road franchise.

SECTION 1. George W. Perrie, Samuel H. Baird, Samuel Rodgers, Martin H. Anderson, Barnabas Carter, or their assigns, are hereby authorized to construct a wagon road, not to exceed eighty feet in width, commencing at the Cushenbury Springs, at the base of the mountains, on the edge of the Mohave Desert, thence running up Cushenbury and Jacoby Cañons in the nearest and most practicable way to the eastern end of Holcomb Valley, at the end of Jacoby Cañon, and at the summit of the mountain; and the said grantees, or their assigns, shall be authorized to collect tolls on said road for a period of twenty years from the completion of said road.

Tolls.

SEC. 2. The Supervisors of the County of San Bernardino shall, from time to time, regulate the tolls to be collected on said road.

Completion.

SEC. 3. Said road shall be surveyed and completed within eighteen months after the passage of this Act, and shall not hinder, or obstruct, nor interfere with any other traveled road in said county.

Applicable.

SEC. 4. Title Five of the Civil Code, in relation to wagon road corporations, is hereby made applicable to this Act, so far as the same does not conflict with the provisions of this Act.

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

CHAPTER XCVI.

An Act ratifying and confirming the action of the Common Council of the City of Oakland for the relief of Perry Johnson, City Marshal of said city.

[Approved February 17, 1874.]

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

Action confirmed.

SECTION 1. That the action of the Common Council of the City of Oakland, Alameda County, by resolution adopted January fifth, one thousand eight hundred and seventy-four, allowing and ordering paid Perry Johnson, City Marshal, the sum of nine hundred and twenty dollars, on account of judgments against

him, as City Marshal, for damages in opening Eighth street, in said city, under the written orders of the Council and Mayor of said city, the said city being the defendant in interest in said judgments, out of the General Fund of said city, be and the same is hereby ratified and confirmed.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCVII.

An Act supplementary to an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two.

[Approved February 17, 1874.]

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

SECTION 1. All taxes collected under the provisions of section eighty-two of an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two, to which this Act is supplemental, must be paid into the County Treasury, and must be called the Road Bond Redemption Fund. Road Bond Redemption Fund.

SEC. 2. When any bond is redeemable and presented for redemption, the Board of Supervisors must order the same redeemed, and must direct the Auditor to draw his warrant on the Treasurer for the amount due on such bond. Redemption.

SEC. 3. The Treasurer must pay such warrant out of any money in said Fund.

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

CHAPTER XCVIII.

An Act to appropriate money for the relief of General John A. Sutter.

[Approved February 17, 1874.]

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

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. Appropriation.

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 directed to pay the same.

SEC. 3. Said warrants shall not be assignable.

SEC. 4. This Act shall take effect and be in force from and after the sixth day of April, A. D. eighteen hundred and seventy-four.

CHAPTER XCIX.

An Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite Grant.

[Approved February 17, 1874.]

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

Yosemite road franchise.

SECTION 1. C. B. Cutting, D. B. Newhall, L. D. Gobin, A. Halsey, and George E. Sprague, residents of Tuolumne County, State of California, for themselves and their successors, directors of the Yosemite Turnpike Road Company, are hereby granted the right and privilege, for ten years from the first day of March, eighteen hundred and seventy-four, for the use, behoof, and benefit of the Yosemite Turnpike Road Company, and their assigns, to enter upon, and to construct and maintain a turnpike or wagon road over the Yosemite Grant, from the northerly line of said grant to the level of the Yosemite Valley; said road to commence at the easterly end of said company's road, on the northerly side of the Yosemite Grant, near Gentry's Station, in the County of Mariposa, and terminate on the level of the Yosemite Valley, near "El Capitan."

Road, how built.

SEC. 2. Said turnpike or wagon road shall be built in a good and substantial manner. The ascending and descending grades shall not exceed ten feet to the one hundred, with roadway at least fifteen feet wide in all parts of said road; but all bends and short turns shall be built with sufficient wayroom to allow two of any class of teams to pass each other without inconvenience, and without danger to life or limb.

Work, when done.

SEC. 3. The parties named in section one of this Act shall be in readiness to commence the construction of said road on or before the first day of May next ensuing; and it is further stipulated and provided that the said parties shall build, or cause to be built, on or before the first day of September next, one single wagon road track, constructed in a good and substantial manner, with suitable turnouts in plain view of each other; and it is further stipulated and provided that the parties aforesaid shall build and complete said wagon road on or before the first day of November, A. D. eighteen hundred and seventy-six, in conformity with the provisions of section two of this Act.

SEC. 4. In consideration of the construction of said road, and upon the further consideration of keeping the same in good repair, the said parties and their assigns shall have the right to erect and maintain toll gates at any point on the line of their said road outside of or at the northern boundary lines of said Yosemite Grant, and to demand, collect, and receive tolls for traveling on and over their said road, in such sums of money as they shall see fit, not to exceed the following rates, to wit: For each vehicle carrying freight drawn by one animal, fifty cents, and fifty cents additional for each additional animal; for vehicle for passengers, for each passenger, fifty cents; for horse or mule and rider, fifty cents; for loose stock, twelve and one half cents per head; for pack animals, twelve and one half cents per head; foot passengers, free. And it is further provided that the foregoing rates of toll may be collected by the said parties on completion of said single track wagon road, in conformity with the provisions and conditions of section third of this Act. Toll gates and toll.

SEC. 5. The State of California shall have the right at any time to purchase the said wagon road at its actual cost of construction, but the entire sum to be paid by the State therefor shall not exceed the sum of fifteen thousand dollars. State may purchase.

SEC. 6. The whole of the road provided for in this Act, that shall be constructed and maintained within the boundaries of said grant, shall be forever free to all persons who may travel upon or over the same within the said boundaries; and neither the said Turnpike Road Company, the State of California, nor the Commissioners of the State, or any agent or employé of any one of them, shall obstruct said road within the grant, nor collect any tolls thereon within the boundaries aforesaid. The true intent and meaning of this Act is, that said Turnpike Road Company shall be entitled to demand, collect, and receive the tolls herein mentioned, for the right and privilege of going into and out of said grant, over and upon their said road. Road, in grant, to be free. Intent.

SEC. 7. Said Yosemite Turnpike Road Company may use, without let or hindrance, such earth, stone, and gravel inside of said grant, convenient and necessary to construct their road herein provided for, as may be near or upon the line thereof; and may use such timber and trees as may be upon and within the bounds of the road, but not outside of such bounds, unless by written consent of the Commissioners in charge of said Yosemite Grant. This Act shall not be so construed as to give said company an exclusive privilege of running a road into or over said grant. May use earth, etc.

SEC. 8. In case the parties named in section one of this Act, or their successors or assigns, shall fail to comply with any of the provisions of this Act, the fact of their so failing shall work to said parties a full and complete forfeiture of any and all rights, privileges, and benefits conferred on them by the provisions of this Act; and so much of the said turnpike or wagon road, with all the improvements thereon, as may be within the bounds of the Yosemite Grant, shall become the property of the State of California. Forfeiture.

CHAPTER C.

An Act to fix the fees of the County Surveyor of Napa County.

[Approved February 17, 1874.]

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

Fees. SECTION 1. The County Surveyor of Napa County shall be entitled to collect and receive for his services, the same fees as are now allowed by law to the County Surveyors of Santa Clara, San Joaquin, Alameda, Tulare, and Kern Counties.

SEC. 2. All Acts in conflict with the provisions of this Act are hereby repealed, and this Act shall take effect immediately.

CHAPTER CI.

An Act to pay the claim of Newton Benedict.

[Approved February 17, 1874.]

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 two dollars and forty-three cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the claim of Newton Benedict, for copying indices for the Legislature for the nineteenth session.

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

CHAPTER CII.

An Act to add five additional Notaries Public in Stanislaus County.

[Approved February 17, 1874.]

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

Additional Notaries. SECTION 1. That in addition to the Notaries Public now provided for by law, the Governor shall appoint five additional Notaries Public for the County of Stanislaus.

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

CHAPTER CIII.

An Act fixing the compensation of certain officers of the County of Humboldt.

[Approved February 17, 1874.]

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

SECTION 1. The Assessor of Humboldt County shall receive a salary of fifteen hundred dollars per annum, which, together with the percentage allowed by law for the collection of poll tax, shall be in full compensation for all services rendered by said Assessor and his deputies, and no claim of any Deputy Assessor, for services rendered as such, shall ever be allowed by the Supervisors of said county. Salary and fees.

SEC. 2. The School Superintendent of said county shall receive a salary of seven hundred dollars per annum.

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

CHAPTER CIV.

An Act to fix the salaries and compensation of certain officers in Yuba County.

[Approved February 17, 1874.]

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

SECTION 1. Such salaries, compensation, and fees as hereinafter provided, shall be allowed to the officers of Yuba County, hereinafter mentioned, for their services rendered in discharging all the duties required of them by law. Fees and salary.

SEC. 2. Supervisors, for all services required of them by law, or by virtue of their office, shall receive five dollars per day, and twenty cents per mile for traveling from the place of their residence to the Court House. Supervisors.

SEC. 3. The County Recorder shall be ex officio County Auditor, and shall receive a salary of twenty-five hundred dollars per annum, payable quarterly, out of the County Treasury, for all duties required of him by law as County Recorder and ex officio County Auditor; *provided, however*, that the County Recorder may retain for his own use and benefit all the fees or compensation accruing to his office from the searching of records, making abstracts of title, and the acknowledging of all instruments of writing which he is competent to make. Recorder.

SEC. 4. The County Treasurer shall be ex officio Collector of taxes, and shall perform all the duties now prescribed by

Treasurer. law for the Collector of taxes, and shall receive a salary as Treasurer, the sum of fifteen hundred dollars, and as Collector of taxes, the sum of one thousand dollars per annum. The Treasurer shall, in addition to said salary, be allowed to retain for his own use and benefit, all sums of money allowed by the State for mileage in his settlements with the State Treasurer.

Sheriff. SEC. 5. The Sheriff shall receive, in full compensation for services for himself, deputies, Jailers, and assistants, to be paid quarterly out of the General Fund, the sum of four thousand dollars per annum, and mileage, as now provided for by law, in criminal cases only; he shall also be allowed for the boarding of prisoners a sum to be audited by the Board of Supervisors, not to exceed fifty cents per day for each person; he shall also be allowed to retain for his own use and benefit the amount allowed by the State for the conveyance of prisoners to the State Prison, and the conveyance of insane persons to the Insane Asylum.

Assessor. SEC. 6. The County Assessor shall be allowed compensation for himself and deputies, for all services required of him by law, the sum of two thousand dollars per annum, payable quarterly out of the General Fund, and, in addition thereto, shall be allowed to retain for his own use and benefit the fees provided by law for the collection of poll taxes and personal property taxes.

County Clerk. SEC. 7. The County Clerk shall receive a salary of three thousand dollars, in full compensation for services of himself and deputies as County Clerk, ex officio Clerk of the Courts of record, the Board of Supervisors, Board of Equalization, and Board of Canvassers, payable quarterly out of the General Fund.

Collect and pay to Treasurer. SEC. 8. The officers named in the preceding sections shall charge and collect the same fees as are now specified and allowed by law, and are required to pay the same into the County Treasury, on the first Monday of every quarterly meeting of the Board of Supervisors of said county, and shall on the same day present his fee book to said Board of Supervisors, with the same footed up, and the County Treasurer's receipt annexed, that the amount has been paid into the Treasury. He shall make an affidavit, in the form as follows:

Affidavit. I, ——, Sheriff, (or other officer, as the case may be,) of the County of Yuba, do solemnly swear that the entire fees, compensation, commissions, percentage, or payments, for all services by me, or any person or deputy 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 person or 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 the fees for each quarter.

SEC. 9. 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 beginning of each quarter, the same as if it had not been credited. Fees credited to be paid

SEC. 10. For a willful neglect or refusal to comply with section eight 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 imprisonment in the County Jail not to exceed one year, or both such fine and imprisonment, and shall be deprived of his office. Penalty for neglect.

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

SEC. 12. This Act shall take effect on the first Monday in March, eighteen hundred and seventy-six.

CHAPTER CV.

An Act to provide for the election of Supervisors in the County of San Bernardino.

[Approved February 17, 1874.]

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

SECTION 1. In the County of San Bernardino, Supervisors shall be elected only at general elections, and shall hold office for two years. The present Board of Supervisors shall hold office until their successors, as provided herein, are elected and qualified. Election and term of office.

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

CHAPTER CVI.

An Act to incorporate the Town of San Rafael.

[Approved February 18, 1874.]

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

SECTION 1. The inhabitants of that portion of the Township of San Rafael, in the County of Marin, within the boundaries hereinafter described, are hereby constituted a body corporate Corporate name.

and politic, under the name and style of the "Town of San Rafael;" and by that name and style they and their successors shall be known in law, have perpetual succession, and be invested with and have the power to sue and be sued in all Courts, grant, purchase, and receive property, real and personal, within such bounds, and may have a common seal.

Limits.

SEC. 2. The corporate limits of said town shall be as follows: Beginning at a point in the west line of "D" street of the Town of San Rafael, one half mile south of the north line of Fourth street of said town; thence westerly at right angles to "D" street, three quarters of a mile; thence northerly parallel with "D" street, one mile; thence easterly at right angles one and one half miles; thence southerly parallel with "D" street one mile; thence westerly at right angles three quarters of a mile, to the place of beginning.

Officers.

SEC. 3. The government of said town shall be vested in a Board of Trustees, to consist of five members, a Town Tax Collector, and a Town Assessor.

Election and terms of office.

SEC. 4. On the first Monday of April, in each and every year, an election shall be held, at which the legally qualified voters of said town shall elect the several respective officers as hereinafter provided, viz: Assessor and Collector, who shall hold their office for one year, and until their successors are duly elected and qualified. Five Trustees shall be elected at the election to be held on the first Monday of April, A. D. eighteen hundred and seventy-four, and shall classify themselves by lot, so that two of them shall hold their office for the term of one year, two shall hold their office for the term of two years; and one for the term of three years, and until their successors are duly elected and qualified. All Trustees to be elected at the election to be held on the first Monday of April, eighteen hundred and seventy-five, and each succeeding election thereafter, shall hold their offices for the term of three years, and until their successors are duly elected and qualified.

Election notice and returns.

SEC. 5. Four weeks notice of said election for Trustees, Assessor, and Collector, shall be given by the President and Clerk of the Board of Trustees, by publication in a newspaper published in the Town of San Rafael. Said notice shall designate the time and place of holding said election, and shall name 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. All returns of town elections shall be made out and signed by the officers of election, and deposited with the Town Clerk, and the persons having the plurality of the votes cast for each of the respective offices voted for, shall be declared duly elected; *provided*, that the notice of the first election for five Trustees, Assessor, and Collector, to be held under this Act, shall be given by the County Judge of Marin County. Said notice shall designate the time and place of holding said election, and shall name one Inspector and two Judges, and shall be published for the period of twenty days. The returns must be made to the County Judge, who shall canvass the same, and the persons having the plurality of the votes cast for the respective offices voted for, shall be by him

declared elected, and he shall issue to each of them a certificate of election.

To cast lots and qualify.

SEC. 6. Within five days after said election, said Trustees shall meet and determine by lot their respective terms of office, and before entering upon their duties, they, and all officers of the corporation, 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 Town Clerk.

President. Vice President, and duties.

SEC. 7. The Board of Trustees shall choose a President and Vice President from their number. It shall be the duty of the President to attend and preside over all meetings of the Board of Trustees, to exercise a general supervision over the other officers of the corporation, and to sign all warrants drawn upon the Treasurer by order of the Board of Trustees; he shall have power to enforce order and decorum at the meetings of the Board, and shall approve all bonds. The Vice President, in the absence of the President, shall perform all the duties of the President. The Board of Trustees shall appoint a Town Clerk not of their number, whose duties shall be to keep the Journal of their proceedings, and all records of the town, to keep the accounts of the town, and countersign all warrants issued in pursuance of the order of the Board, and keep a true account thereof, to attend all meetings of the Board and record its ordinances, and file all the papers and documents of the Board. The ordinances shall be numbered in the order of their passage, and suitably indexed; he shall keep the seal of the corporation, and said Clerk shall receive for his services such sum as the Board shall award him, not to exceed the sum of three hundred dollars per annum. The Town Clerk is hereby authorized to administer oaths and to certify the same.

Clerk and duties.

Canvassing returns.

SEC. 8. The Board of Trustees shall meet within five days after any charter election, and canvass the returns and declare the result.

Treasurer and Marshal, duties and compensation.

SEC. 9. The Board of Trustees shall have the power, and it shall be their duty, to appoint a Treasurer and a Marshal, and to provide for the payment of their salaries for services rendered. It shall be the duty of the Treasurer to receive all money due the town, to pay all warrants drawn by order of the Board, signed by the President and countersigned by the Clerk, and to keep an accurate account of all receipts and expenditures, and to present to the Board a full report of the financial condition of the corporation, one month before the annual election, and at such other times as the Board may require. He shall give bonds in the sum of twenty thousand dollars, conditioned for the faithful performance of his duties, and shall receive as compensation for his services an annual salary of such sum as the Board may award him, not to exceed three hundred dollars. It shall be the duty of the Town Marshal, in addition to any duties required of him by the Board of Trustees, to collect and pay over to the Treasurer

all costs and fines levied and imposed, by reason of a violation of an ordinance of the town, and for such purpose shall have the power conferred by law upon Constables; he shall arrest all persons against whom a warrant shall be directed and delivered to him, from any Justice of the Peace of the town, and may arrest without a warrant any person actually engaged in his presence in any violation of any ordinance, and for such services shall receive such fees as are allowed by law, and shall be taxed by the Justice of the Peace having jurisdiction of such violations, against the defendant. Said Marshal shall receive such compensation for such other services performed under the provisions of this Act as the Board of Trustees may award, not to exceed the sum of three hundred dollars per annum. He shall give bonds in the sum of five thousand dollars, conditioned for the faithful performance of his duties.

Assessor's duties and compensation.

SEC. 10. It shall be the duty of the Town Assessor, in addition to any duty required of him by the Board of Trustees, to make a correct list of all the taxable property within the limits of said town, with the valuation thereof, whenever said Board of Trustees shall, by ordinance, fix the time for making out and returning said list, which list, certified by him, shall, at the time fixed by ordinance as aforesaid, be by him placed in the hands of the Board of Trustees, for equalization. The mode of making out the list, and of ascertaining the value of property, shall be the same as that prescribed by law for assessing State and county taxes. The Town Assessor shall receive for his services such compensation as the Board may award him, not to exceed two hundred dollars per annum. Said Assessor shall give bonds in the sum of two thousand dollars, conditioned for the faithful performance of his duty.

Town Collector's duties and compensation.

SEC. 11. It shall be the duty of the Town Collector, in addition to the duties required of him by the Board of Trustees, to collect all licenses and taxes that shall, at any time, be due said town; to receive the tax list, and upon receipt thereof, to proceed and collect the same at the time and in the manner as by ordinance may be provided; the said Collector being hereby vested with the same power to make collections of taxes, by the sale and conveyance of real estate, as is or shall be conferred upon Collectors or Sheriffs for the collection of State and county taxes. Said Collector shall pay all taxes and licenses to the Town Treasurer monthly, taking his receipt for the same. Said Collector shall give bonds in the sum of five thousand dollars, conditioned for the faithful performance of his duty; and shall receive, as compensation for his services, an annual salary of such sum as the Board may award him, not to exceed the sum of two hundred dollars.

Quorum.

SEC. 12. 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. No compensation shall be allowed for the services of the Board of Trustees.

Powers of Trustees.

SEC. 13. The Board of Trustees shall be judges of the qualifications, and of the election returns of their own members, and determine contested elections. They may establish rules for their own proceedings, punish any member for disorderly behavior in their presence, and, with the concurrence of four of the Trustees, may expel any member from the Board. At the desire of any member of the Board, the yeas and nays shall be taken on any question pending before the Board, and entered on their journal.

Vacancies.

SEC. 14. If any vacancies shall occur in any of the offices created by this Act, except Assessor and Collector, 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.

Demands, when allowed.

SEC. 15. 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 the Board, and countersigned by the Clerk.

Election to fill vacancies.

SEC. 16. Should a vacancy occur in the office of Town Assessor or Town Collector, at any time more than three months previous to the regular charter election, the same shall be filled by special election, to be called by the Board of Trustees for that purpose.

General powers of Trustees.

SEC. 17. 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. Second—To provide such means as they may deem 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 streets and sidewalks in the town, and to set out and cause to be set out and cultivated, shade trees along said streets, and to regulate and direct the planting of the same. Fourth—To provide such means as they may deem necessary to protect the town from injuries by fire. Fifth—To levy and collect annually a road poll tax of not exceeding three dollars ($3) per annum on every male inhabitant of the age of twenty-one years and upwards. Sixth—To levy and collect annually a tax not to exceed five dollars per annum, on every dog owned within the limits of the town, and no other dog tax shall be collected within the limits of said town. Seventh—To provide for the establishing of grades, improvements, and repairs 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 business of slaughtering animals within the limits of the town, and to remove from within the limits of the town all slaughter houses and hog pens; to provide for the prevention and summary removal of all nuisances, and to provide for the prevention and forcible removal of all occupations

Same. detrimental to the public health, comfort, and safety. Eighth—To provide for the lighting of such streets as may be necessary; *provided*, that no contract for lighting any street shall be let for a longer period than two years. Ninth—To permit the laying of railroad tracks and the running of cars drawn by horses or steam thereon, and to regulate the same. Tenth—To provide for the prevention, by fine, of the running at large, in said town, of horses, mules, sheep, goats, swine, and cattle, and for the impounding the same and selling them to pay expenses and costs of such impounding, keeping, and selling. To compel the muzzling of dogs and to authorize their being killed. Eleventh—To regulate or prohibit the storage of gunpowder, hay, or other explosive or combustible material. Twelfth—To license, tax, and regulate all such business and employment as the public good may require, and that may not be prohibited by law. Thirteenth—To provide for the removal of all dirt, filth, and obstructions from the streets and sidewalks of said town, and to punish by fine, for the depositing of dirt, filth, or any obstruction in the streets, alleys, or sidewalks in said town. Fourteenth—To prevent and punish disorderly conduct in the presence of the Board of Trustees, or any disturbance of any meeting of said Board. Fifteenth—To establish sanitary measures for the health of the town, or to prevent the spread of infectious disease. Sixteenth—To borrow money on the faith and credit of the town; but no loan shall be made for a sum exceeding ten thousand dollars ($10,000), nor without the consent to such loan of the electors of the town, previously obtained, as hereinafter provided. Seventeenth—To provide for the good order of the town, and to appoint special policemen and watchmen, when deemed necessary to preserve the public peace. Eighteenth—To prevent domestic animals from being picketed or herded upon the streets, alleys, or public grounds within the limits of the town. Nineteenth—To appoint an attorney, and allow him for his services such compensation as may be fixed by ordinance of said Board. Twentieth—To levy and collect for revenue purposes of the town, taxes on all property, real and personal, in said town, made taxable by law for State purposes, not exceeding one quarter of one per cent per annum upon the assessed value of such property, which shall be known as the General Fund. Twenty-first—To levy and collect a special tax on all property, real and personal, in said town, made taxable by law, for the payment of all interest moneys on all sums borrowed by virtue and authority of and in accordance with the provisions of this Act, which shall be known as the Interest Fund. Twenty-second—To levy and collect in the year one thousand eight hundred and seventy-six, and each year thereafter, until the whole be paid, a special tax on all property, real and personal, in said town, made taxable by law, for the payment of ten per cent on all sums borrowed by authority of this Act, which shall be known as the Redemption Fund. Twenty-third—To levy and collect for street improvements, a tax not exceeding one quarter of one per cent per annum, on all taxable property of the town, which shall be known as the Street Fund Twenty-fourth—To impose and appropriate fines, penalties, and forfeitures for breach of ordi-

nances. Twenty-fifth — To purchase a tract of land for a public cemetery, and to control and regulate the same; *provided*, that said tract of land for a public cemetery shall not necessarily be within the corporate limits of the town. Twenty-sixth—To lease a building necessary for the public meetings of the Board of Trustees; *provided*, that the amount expended for leasing shall not exceed the sum of three hundred dollars ($300) in any one year. Twenty-seventh—To make assessments for grading or macadamizing streets and alleys of the town, amounting to one half of the cost of such improvement, upon the real estate situated upon either side of the portion of the street to be improved. Twenty-eighth—To pass all ordinances necessary and proper for fully carrying into effect the powers heretofore granted. Twenty-ninth—To fix, by ordinance, the time and place of holding their stated meetings; *provided*, that a meeting of the Board may be called by the President of the Board at any time; *and, provided further*, that meetings of the Board of Trustees shall be held within the corporate limits. Same.

SEC. 18. The Board of Trustees shall, by ordinance, fix the amount, and the time and manner of collecting the tax herein provided for, and the time when the same shall be deemed delinquent, and the percentage to be added to such tax on becoming delinquent, not exceeding five per cent, the length of time and the manner of publishing a list of such delinquent taxes; *provided*, the same shall not be published less than twenty days, and to fix the time and manner of selling property for unpaid taxes. All property sold for unpaid taxes shall be subject to redemption as property sold for State and county taxes. Taxes.

SEC. 19. 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 ($50.) Fines.

SEC. 20. The several Justices of the Peace within said town shall have jurisdiction: First, for an action for a fine, penalty, or forfeiture imposed for a breach of any ordinance of said town; second, of all actions, whether civil or criminal, arising in said town, and of which said Justices now have the jurisdiction. Jurisdiction of Justices.

SEC. 21. All provisions of the Penal Code and of the Code of Civil Procedure not inconsistent with this Act, shall be applicable to actions brought in said Justices' Court. Codes to apply.

SEC. 22. No fine imposed under this Act shall exceed the sum of fifty dollars ($50). Fines.

SEC. 23. Every Justice of the Peace, who shall collect any fines for breach of ordinance, shall pay over the same to the Town Treasurer, taking his receipt for the same, and such Justice of the Peace shall be liable on his official bond for all sums so collected by him. To be paid over.

SEC. 24. 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 meeting, 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 valuations in any way they or a majority of them shall deem just and Equalization.

proper; said meeting shall be held for such length of time as the Board of Trustees shall, by ordinance, fix.

Shall not.

SEC. 25. No member of the Board of Trustees shall be directly or indirectly interested in any contract or sale of anything belonging 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.

Sewers and cost.

SEC. 26. The Board of Trustees are authorized to cause to be constructed, sewers, culverts, and such other improvements as may be necessary to properly drain the town, according to plans and specifications prepared under their direction. The expense incurred in the construction of such sewers, culverts, and improvements, and the costs of surveys, plans, and specifications, shall be paid out of the General Fund of said town.

Sidewalks, when and how constructed.

SEC. 27. 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; *provided*, that no one petition for constructing a sidewalk shall include less than one or more than two blocks, 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 costs of said improvements in front of his property, and the same shall constitute a lien upon the 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 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.

Costs, how assessed and collected.

Repairs.

The said Trustees may require said sidewalks, after such improvements have been made, to be kept in good repair by the owner of said real estate, and if not repaired when ordered, the Marshal may, upon giving five days' notice to the owner, let out the making of said repairs, and collect the costs of the same in the manner as in the case of the owners failing to make or pay for the cost of 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.

Streets, how improved.

SEC. 28. 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; *provided*, that no one petition for improving a street, as aforesaid, shall include less than one or more than two blocks, 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 improvements to be made on such street, and shall order said improvements, as petitioned for, to be made in accordance with such plans and specifications; and the expense incurred for grading and improving any street, between the sidewalks, shall be paid, one half out of the Street Fund of said town, and one fourth shall be assessed to and paid by the persons owning the real estate fronting on one side of said street between said points, and one fourth shall be assessed to and paid by the persons owning the real estate fronting on the other side of said street between said points; and 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 improvements in front of his property, in accordance with the plans and specifications, and within the time mentioned in the ordinance ordering 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 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 on 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 Town Treasury.

Costs to be a lien.

Suit to recover.

Street crossings.

SEC. 29. Whenever any street to be improved, as provided in section twenty-eight of this Act, shall cross any other street, the expense of the improvement of such crossing shall be assessed by the Board of Trustees, one half thereof upon the four quarter blocks adjoining and cornering upon the crossing; and each lot, or part of a lot, in such quarter block fronting on such streets where the improvement is being, or about to be made, shall be separately assessed, according to its frontage on such streets to be improved, and one half thereof shall be paid out of the Street Fund of said town.

Streets, how opened.

SEC. 30. The Board of Trustees, whenever a petition signed by twenty-five or more freeholders of said town, praying for the laying out, widening, and establishing of any street in said town, shall have been presented to them, shall, if the laying

out, widening, and establishing shall be deemed by them a public necessity, cause a survey to be made of such proposed street. Said survey shall be reported to said Board of Trustees, and shall be filed by the Town Clerk; said survey shall be accompanied with a diagram map, showing the location of such proposed street, and the boundaries of the lands of each owner whose lands are proposed to be taken.

Proceedings to condemn land for.

SEC. 31. Upon filing of said survey and diagram, the Town Clerk shall issue notice directed generally to all persons interested, setting forth that such petition has been filed, and such survey and diagram has been made and filed; and also a statement that proceedings shall be instituted for the condemnation of such land for public purposes. Said notice shall be served by posting a copy thereof in a conspicuous place on the land of such owners, proposed to be taken. If the owners of said land shall not donate the same to the town, and if said town shall not purchase the same for public purposes, the Board of Trustees, by their duly appointed attorney, shall file in the Clerk's office of the County Court, in the County of Marin, a petition, in the name of said town, stating all the material facts in the case, and praying for the condemnation of said land for said purposes.

Commissioners.

SEC. 32. The question as to whether such laying out, widening, and establishing of such street is or is not a public necessity, shall be determined by the Court. If said Court, upon the hearing of the allegations and proofs of the said parties, shall decide that said lands are necessary for the purposes specified in the petition, then such Court shall appoint three competent and disinterested persons as Commissioners, to ascertain and assess the damages to be paid the owners of said land, in consideration of the appropriation of such land.

Their duties.

SEC. 33. The said Commissioners may issue subpœnas for witnesses, and may administer oaths. They shall proceed to view the lands described in the petition, and shall hear the allegations and proofs of said parties, and shall ascertain the value of the lands of each owner, so proposed to be taken, also the damages that such laying out and establishing would occasion to such owner; and, also, the sum which would be a just compensation for such appropriation of such lands to such public use; *provided*, that benefits and value of such street to the property of claimants shall be allowed and deducted by way of set-off. Said Commissioners shall report their proceedings in writing to said Court.

Action on report of.

SEC. 34. The said town, or any of said defendants, may, within thirty days after the filing of the report of the Commissioners, and after at least five days notice to the parties interested, move said Court, or the Judge thereof, to set aside said report and to have a new trial; and upon good cause being shown therefor, the said Court may set aside the report, and may recommit the matter to other Commissioners, who shall proceed in like manner as those first appointed.

When confirmed.

SEC. 35. If no motion to set aside said report, or for a new trial, shall be made within thirty days, said report shall be confirmed. Upon confirmation of said report, and upon the payment or tender of the compensation awarded therein, and the

costs, as provided herein, said real estate described in said report shall be and become the property of the town, for the use of the public, as such street, and shall be deemed to be appropriated to such public use. All costs shall be taxed by the Clerk of the County Court, at the rates prescribed in the fee bill of said county, and shall be paid by said town, except where a defendant shall move a new trial, and the compensation allowed by the Commissioners shall not be greater than that first allowed. In such case, such defendant shall pay the costs of such new trial and the subsequent proceedings. Costs.

SEC. 36. Upon the payment or tender of such compensation, the Court, or the Judge thereof, shall make an order 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 said Town of San Rafael, and the Clerk of said Court, on the demand of the attorney of said Board of Trustees, shall issue writ commanding the Sheriff to remove all persons and obstructions therefrom. Street, when opened.

SEC. 37. All contracts for building, repairing, or other work, or for furnishing materials for any amount exceeding two hundred dollars, which the Trustees are authorized to make for the town, shall be by them let to the lowest bidder. Before making any contract exceeding in amount the sum of two hundred dollars, for buildings, repairing, or other work, or for material furnished, the Trustees shall first advertise for sealed proposals for at least two weeks, in a newspaper published in the town, and all proposals shall be opened by the Board of Trustees in the presence of bidders, reserving to themselves the right to reject any and all bids; *provided*, that notice of the letting of contracts may be given by posting notices in four or more public places within the town. Contracts, how let.

SEC. 38. The said Town of San Rafael shall not contract any debt, except for specific purposes expressly stated in the ordinance proposing the same. Debts.

SEC. 39. Whenever it is proposed to contract a debt, the Board of Trustees must give notice of the proposition, and of the meeting at which action will be had thereon, for at least two weeks, by posting such notice in three public places in said town; and if at said meeting a remonstrance against such proposed loan is presented, signed by a majority of the freeholders of the town, such loan shall not be affected. Notice of proposition to contract debt.

SEC. 40. If no such remonstrance be presented as specified in the preceding section, the Board of Trustees shall submit a proposition for effecting such loan to the legally qualified voters of the town, at a special election to be held for that purpose; said election to be held and conducted in conformity with the ordinance calling the same. Special election as to.

SEC. 41. If the majority of votes cast at such election shall be in favor of contracting such debt, the Board of Trustees shall have power and authority to effect a loan not to exceed the sum of ten thousand dollars on the credit of said town, and to secure the payment of such loan; and said Board shall have power, and are hereby authorized and directed, to issue, Loan, when and how made.

in the name of the town, its negotiable bonds, to be made payable in not less than twelve years, bearing interest at the rate of seven per cent per annum, principal and interest to be payable in gold coin; and in effecting such loan, shall advertise their proposition for the loan in a newspaper published in said town, and in some other newspaper published in the City of San Francisco, for the period of at least thirty days, and shall therein invite proposals to be made for the loan, at the end of which time the Board of Trustees shall, in open meeting of the Board, announce the terms of all proposals offered, and may accept the highest bid therefor to any amount not exceeding ten thousand dollars, and issue and deliver the bonds therefor.

Bonds.

SEC. 42. The bonds named in the last preceding section shall be issued in the name of, and as the bonds of the Town of San Rafael, and shall need only to recite the ordinance authorizing and directing the issuance thereof. They shall be signed by the President of the Board of Trustees, and by the Town Treasurer, under the corporate seal of the town, and the coupons for interest shall be signed by the Treasurer.

Funds, how disbursed.

SEC. 43. All moneys loaned on the faith of said bonds, or received on the sale or disposal thereof, shall be paid into the Town Treasury, and shall be designated as the General Fund, and shall be disbursed under the direction of the Board of Trustees, for improvements in said town, under and pursuant to the provisions of this Act.

Bonds veritable evidence of debt.

SEC 44. The said bonds, when so issued, as hereinbefore provided for, shall impart absolute verity, and be of conclusive binding force and effect as the obligation of the said town, and shall not be open to any attack or any defense by said town for any alleged irregularity in the proceedings of the Board of Trustees in authorizing the issuance of or in the disposition of the same; and the provisions of this section shall be made the rule of pleading and evidence between the holder of any such bonds and the town and the taxable inhabitants thereof, in any action, suit, or proceedings touching the enforcement or collection thereof.

Special interest tax

SEC. 45. For the purpose of paying the interest on said bonds, the Board of Trustees shall include, in their yearly ordinance fixing the amount of taxes to be assessed and collected each year, a special tax, to pay the interest on all bonds then outstanding. The special tax thus levied shall be assessed and collected as other taxes are assessed and collected, and shall be set apart as a special Fund, to be known as the Interest Fund, and out of said Fund the coupons on said bonds shall be paid as they fall due.

Bond tax.

SEC. 46. In the year eighteen hundred and seventy-six, and each year thereafter, until the whole of said bonds are paid, the Board of Trustees shall levy, in the yearly ordinance, 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 Redemption Fund.

SEC. 47. Whenever there shall be one thousand dollars or more in said Redemption Fund, the Treasurer shall cause a

notice to be published once a week for four successive weeks in a newspaper published in said town, which notice shall state that he is prepared to redeem, on a day to be stated in said notice, 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 President of the Board of Trustees, 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 received. If no bid shall be put in at par or less, or if a sufficient amount of bonds shall not be offered to exhaust all the money 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 are numbered, and the Treasurer shall give notice in the like manner as above provided for, that such bonds have become due, and all interest thereon shall cease, from and after thirty days from the publication of such notice. Redemption of bonds.

SEC. 48 Neither the Board of Trustees nor any officer, officers, or authority, shall have power to contract any debt against said town, except as provided in the preceding sections, and no person or property in said town 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, except as provided in the preceding sections; nor shall the aggregate amount of the bonds issued by said town, or of the money borrowed by said town, ever exceed the sum of ten thousand dollars, excepting such interest as may accrue on such bonds. Limit of debt.

SEC. 49. Whenever any improvements shall be made upon the streets or sidewalks of said town in front of any property owned by the County of Marin, the proper proportion of the cost thereof shall be paid by said county out of the General Fund of said county. Improvement of county property.

SEC. 50. 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. Coin.

SEC. 51. The style of the ordinance of the Town of San Rafael shall be "The Trustees of the Town of San Rafael do ordain as follows." Ordinance.

SEC. 52. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 53. This Act shall take effect and be in force from and after its passage.

CHAPTER CVII.

An Act to create the County of Modoc, to establish the boundaries thereof, and to provide for its organization.

[Approved February 17, 1874.]

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

Modoc County

SECTION 1. There shall be formed out of the eastern part of Siskiyou County, a new county, to be called Modoc.

Boundaries

SEC. 2. The boundaries of Modoc County shall be as follows: Commencing at the northeast corner of the State of California; thence west, along the northern boundary line of said State, to the range line between ranges Nos. four (4) and five (5) east, of Mount Diablo base and meridian; thence due south, on said range line, to the southern boundary line of Siskiyou County; thence east along said southern boundary line, to the State line; and thence north to the place of beginning.

SEC. 3. The seat of justice shall be at the town of Dorrisbridge, until otherwise provided by law.

County Judge.

SEC. 4. The Governor of this State shall, when this Act takes effect, appoint some suitable person, resident of Modoc County, to act as County Judge, who shall reside at the county seat, and whose term of office shall continue until the first day of January, A. D. eighteen hundred and seventy-six, and until his successor is elected and qualified. The County Judge shall

Salary.

receive a salary of one thousand dollars per annum, to be paid quarterly, and shall hold the Courts required by law to be held by County Judges. There shall be three regular terms of the

Terms of Court.

County Court held in each year, said terms to commence on the first Monday in February, June, and October; *provided, however*, the County Judge shall call and hold special terms of the Probate Court whenever public necessity may require. Said County Judge shall discharge all the duties required by law of County Judges in this State.

Election of officers.

SEC. 5. An election shall be held in said Modoc County within sixty days from the time of the first meeting of the Commissioners in this Act provided for. At said election there shall be chosen by the qualified voters of said county one District Attorney, one County Clerk, who shall be ex officio Auditor, Recorder, and Clerk of the Board of Supervisors, Board of Equalization, and Board of Canvassers; one County Superintendent of Public Schools, one Sheriff, who shall be ex officio County Tax Collector, one County Assessor, one County Treasurer, one County Surveyor, one County Coroner, who shall be ex officio Public Administrator. Said county officers shall hold

Terms of office.

their respective offices until the first Monday of March, A. D. eighteen hundred and seventy-six, and until their successors are elected and qualified. At said election there shall be chosen one Supervisor for each Supervisor District in said county, who shall hold their offices as follows: District Number One, until the first Monday of November, A. D. eighteen hundred

and seventy-four; District Number Two, until the first Monday of November, A. D. eighteen hundred and seventy-five; and District Number Three, until the first Monday of November, A. D. eighteen hundred and seventy-six. At said election there shall be chosen two Constables and two Justices of the Peace for each township; *provided, however*, that all Constables and Justices and Road Overseers elected at the general and judicial elections held in the year A. D. eighteen hundred and seventy-three, residents of Modoc County, shall hold their offices for the time provided by law, upon having duly qualified as township officers of Modoc County for the respective townships in which they reside, as said townships are organized by the action of the Board of Commissioners, provided for by this Act. At said election the qualified electors of said county shall vote for a place for county seat, and a majority of all the votes cast shall be necessary to locate the same; and until the county seat is located, by a vote of the qualified electors, the Board of Supervisors of said Modoc County are hereby prohibited from incurring any indebtedness for the erection of county buildings in said county. For the purposes of this election the County Clerk of Siskiyou County shall furnish each election precinct established by the Board of Commissioners of Modoc County with two (2) copies of the Great Register of Siskiyou County, printed for the general election held in said county in the year eighteen hundred and seventy-three; and, if necessary, said County Clerk is hereby authorized to take said copies from the election returns now on file in his office.

County seat

SEC. 6. The Governor shall, when this Act takes effect, appoint five persons, residents of Modoc County, who shall be and constitute a Board of Commissioners, to perfect the organization of said county, a majority of whom shall constitute a quorum. Said Commissioners shall meet at the county seat, within twenty days after their appointment, and, after being duly sworn to faithfully discharge their duties, as prescribed by this Act, shall organize, by electing from their number a President and Clerk. They shall then divide said county into townships, define their boundaries, and designate the name of each. They shall also divide said county by townships into three Supervisor districts, and number the same. They shall also establish election precincts, and appoint one Inspector and two Judges of Election for each precinct in said county. They shall give thirty days notice, by proclamation in some newspaper published in Modoc County, or if there be no newspaper published in Modoc County, then said publication to be made in some newspaper published in the County of Siskiyou, of the officers to be elected, the precincts established, with their names and boundaries, the officers of election of each precinct, and the number and boundaries of each Supervisor district. Said Commissioners shall, on the second Monday after said election, meet at the county seat as a Board of Canvassers, and proceed to canvass the election returns. Said Commissioners, their President, and Clerk, are hereby authorized and required to discharge the same duties as are now required by law of Boards of Supervisors and County Clerks in the counties in this

Board of Commissioners.

Duties.

State, so far as the same apply to holding elections, canvassing election returns, and issuing certificates of election. They shall keep a full record of all their proceedings, and file the same, with the original election returns, in the County Clerk's office, as soon as he shall have been qualified, and thereupon the power and duties of said Commissioners shall cease.

Organization.

SEC. 7. It shall be the duty of the Board of Supervisors of Modoc County, whose election is provided for by this Act, to meet at the county seat on the first Monday of the month subsequent to their election, take the oath of office, and file the official bond required by the Political Code. The member of District Number One, shall be President of the Board. They shall then allow such per diem and mileage to the Commissioners and officers of election as they may think proper and just, and a warrant shall be drawn by the Auditor on the County General Fund in favor of each person to whom an allowance shall have been made, for the amount of such allowance. Said Board shall appoint two citizens, and freeholders of

Joint commission.

Modoc County, to act as joint Commissioners with an equal number to be appointed by the Board of Supervisors of Siskiyou County, to ascertain and declare the amount of the indebtedness of Modoc County to Siskiyou County. Immediately on their appointment, such Commissioners shall notify the Board of Supervisors of Siskiyou County of that fact. Upon the receipt of such information said Board shall proceed, without unnecessary delay, to appoint a like number of Commissioners, citizens and freeholders of Siskiyou County, who shall, at a time and place to be agreed upon, meet with the Commissioners of Modoc County. The Commissioners of the respective counties, after having severally taken an oath to discharge honestly and to the best of their ability their duties as Commissioners, shall organize as a Joint Commission, by the selection of one of their number as President, and one as Secretary. As soon as organized, the Joint Commission shall proceed, in the following

Debt of Modoc to Siskiyou.

manner, to determine the amount of the indebtedness of Modoc County to Siskiyou County, to wit: they shall ascertain the indebtedness of Siskiyou County at the time this Act takes effect; they shall then ascertain the total value of the assets belonging to said county; they shall then ascertain the assessed value, under the assessments of eighteen hundred and seventy-three, of the property in the territory hereby set apart to form Modoc County; then, after deducting the assets from the indebtedness, so as to ascertain the actual indebtedness, the proportion due from Modoc County to Siskiyou County shall be ascertained as follows: as the total assessed value of property in the territory taken from Siskiyou County to form Modoc County is to the total assessed value of Siskiyou County before the formation of Modoc County, so shall be the proportion of the actual indebtedness of Modoc County to Siskiyou County, and said Commissioners shall certify to their respective Boards of Supervisors such amount. The Board of

Bonds to pay same.

Supervisors of Modoc County shall then issue the bonds of said county, payable in ten years from the organization of said county, and bearing interest at the rate of ten per cent per annum, payable annually, principal and interest of said bonds to

be paid in United States gold coin to said Siskiyou County, for such sum as the Commissioners certify to be due, said bonds to be of the denomination of five hundred dollars. Said Board of Supervisors shall procure and provide a suitable place or places, to be used as a Court House and Jail until the location of the county seat is determined and a suitable building erected. They shall, when they levy State and county taxes, levy a tax of twenty cents upon each one hundred dollars of taxable property in said county, which shall be collected as other State and county taxes are collected, and shall be set apart as an Interest and Sinking Fund to liquidate the debt due from Modoc County to the County of Siskiyou. Said Interest and Sinking Fund shall be appropriated, first, to pay the interest due on the bonds, according to the tenor thereof, given by Modoc County to Siskiyou County; and, second, whenever there shall be a sufficient sum remaining, after paying interest as aforesaid, to pay off one of said bonds, the Treasurer of Modoc County shall present the same to the Treasurer of Siskiyou County, at Yreka, who, upon receipt thereof, shall surrender one of said bonds, which shall be canceled by the Treasurer of Modoc County, and filed in the Clerk's office. Said Board of Supervisors shall exercise such other powers and duties as are conferred by the general laws on Boards of Supervisors in the counties of this State.

Tax to pay bonds.

SEC. 8. All civil actions, or proceedings in the nature of actions, whether original or upon appeal, civil or criminal, which shall be pending in the District Court, County Court, or Probate Court, in the County of Siskiyou, at the time of the organization of Modoc County, in which the defendants are residents of Modoc County, shall be removed for trial and final determination to the proper Courts of Modoc County, on motion of any party interested; *provided*, that actions commenced for the collection of taxes and licenses, shall not be removed from the Courts of Siskiyou County; *provided, further*, that in all criminal cases, where the offenses were committed within the limits of Modoc County, upon the application of the District Attorney of Modoc County, said causes shall be removed to Modoc County.

Actions removed.

SEC. 9. All residents or property holders of Modoc County, upon application to the County Recorder of Siskiyou County, and upon the payment of the fees required by law, shall be entitled to receive a transcript of the record, duly attested, of any property situated in the County of Modoc and recorded in his office; and upon presentation of said transcript to the County Recorder of Modoc County, and upon the payment of the fees required by law, said Recorder shall record the same, and said record shall have the full force and effect of the original record; *provided, however*, that the Board of Supervisors of Modoc County shall, within two years, procure a suitable set of books, and make such arrangements as they may agree upon with the County Recorder of Siskiyou County, for the transcribing therein all necessary records, properly certified; said records to have the same effect and force as the original records.

Transcript of records.

SEC. 10. Modoc County shall be attached to and form a part of the Twenty-eighth Senatorial District, and, for judicial purposes, shall be attached to and form a part of the Ninth Judi-

District.

Court. cial District. The terms of the District Court shall be held in and for the County of Modoc on the second Monday of July and the third Monday of October of each year.

Election of officers. SEC. 11. The county officers of Modoc County shall, except as otherwise provided by this Act, be elected at the same time as the county officers in other counties of this State, and shall hold their offices for the term fixed by law. They shall give bonds, for the faithful discharge of their duties, in such manner and sums as required by the Political Code. The Supervisors of Modoc County shall provide for the election of their successors, whose term of office shall be three years.

Duties. SEC. 12. All officers provided for by this Act, shall perform duties as required by the general laws of the State, unless otherwise provided by this Act.

Compensation of Board. SEC. 13. The Supervisors of Modoc County shall receive for their services four dollars per day, and twenty-five cents per mile for coming to the county seat; *provided*, that but one mileage shall be charged for each term of the Board; *and, provided*, that for the year eighteen hundred and seventy-four, and any year thereafter, the per diem and mileage of any one Supervisor shall not exceed the sum of two hundred dollars.

Salaries of officers. SEC. 14. The officers of Modoc County shall receive the following salaries and fees: The Treasurer shall receive per annum the sum of six hundred dollars; the Assessor, for assessing said county, shall receive per annum the sum of six hundred dollars; the District Attorney, the sum of five hundred dollars, and the fees allowed the District Attorney of Siskiyou County; the Superintendent of Public Schools, the sum of three hundred dollars; the Sheriff and County Clerk shall receive the same fees the Sheriff and County Clerk of Siskiyou receive; *provided*, that when said fees are a charge against said Modoc County, a deduction of twenty-five per cent shall be made therefrom; *and, provided further*, that the County Clerk, as Clerk of the Board of Supervisors, Board of Equalization, and Board of Canvassers, shall receive the sum of one hundred and fifty dollars per annum, payable quarterly. The other officers of Modoc County shall receive no salaries, but the same fees allowed similar officers in Siskiyou County.

Notaries. SEC. 15. Modoc County shall be entitled to five Notaries Public, as provided for by law.

School and school moneys. SEC. 16. The Superintendent of Public Schools of Siskiyou County shall furnish the Superintendent of Public Schools of Modoc County a certified copy of the last census lists of the different school districts in the territory set apart to form Modoc County, and shall draw his warrants on the Treasurer of Siskiyou County, in favor of the Superintendent of Schools of Modoc County, for all money that is or may be due by apportionment or otherwise to the different school districts of Modoc County.

Debt. SEC. 17. No indebtedness shall be incurred by Modoc County which will in the aggregate exceed the sum of twenty thousand dollars.

SEC. 18. All Acts and parts of Acts, so far 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 CVIII.

An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as the same relates to Santa Cruz County.

[Approved February 18, 1874.]

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

SECTION 1. An Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals in certain counties of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as the same relates to Santa Cruz County, is hereby repealed. Repealed.

SEC. 2. The repeal of said Act shall not affect or impair any rights already acquired, and the Board of Supervisors shall pay or cause to be paid all liabilities accrued, and transfer any moneys remaining in the "Squirrel and Gopher Fund" to the Indigent Sick Fund of the county. Liabilities.

SEC. 3. No claim for bounty shall be allowed after the passage of this Act, unless it be shown that the cause for such claim accrued during the time the Act hereby repealed was in force; and no claim shall be allowed unless the same shall be presented before the first day of March, eighteen hundred and seventy-four. Claim for bounty.

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

CHAPTER CIX.

An Act granting leave of absence to C. Burden, Coroner and Public Administrator of Tuolumne County.

[Approved February 18, 1874.]

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

SECTION 1. C. Burden, Coroner and Public Administrator elect, of the County of Tuolumne, is hereby granted leave of absence from the State for the period of three months, at such Leave of absence.

time as he may select during his term of office; *provided*, that the said C. Burden furnishes 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 Public Administrator and Coroner.

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

CHAPTER CX.

An Act to amend an Act entitled "An Act to regulate fees of office and salaries of officers in San Bernardino County," approved March twenty-third, eighteen hundred and seventy-two.

[Approved February 18, 1874.]

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 regulate fees of office and salaries of officers in San Bernardino County," approved March twenty-third, eighteen hundred and seventy-two, is amended to read as follows:

Clerk's fees, etc. Section 10. In the County of San Bernardino, the Clerk of the Board of Supervisors, Board of Equalization, and Board of Canvassers, shall receive the sum of four dollars per diem during the time said Boards are actually in session; *provided*, that when more than one of said Boards are in session upon the same day, the said Clerk shall receive but one per diem for such day. In addition to the above per diem, 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.

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

Treasurer. Section 13. The County Treasurer of San Bernardino County shall receive an annual salary of six hundred dollars, which together with mileage and commissions received on moneys paid into the State Treasury, shall be in full compensation for all services rendered, and all other fees and percentage shall be paid into the County Treasury.

SEC. 3. Said Act is further amended by the addition of a section, to be known as section fourteen:

Fee Book. Section 14. It shall be the duty of each and every officer of San Bernardino County to keep a book, to be known as a Fee Book, in their respective offices, which shall be open to public inspection. In such book shall be kept a correct and legible record of all fees charged, for what purpose, and in what case. 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 Grand Jury shall have the same before him for examination by the Grand Jury. Any county officer failing to keep a

correct account of all fees, and percentages, and commissions, as herein provided for, shall be subject to indictment, or presentment by Grand Jury, and, upon conviction, shall be deemed guilty of a misdemeanor, punished by imprisonment in the County Jail not less than one nor more than six months, or by a fine not exceeding one thousand dollars, or by both fine and imprisonment, at the discretion of the Court.

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

SEC. 5. This Act shall take effect immediately.

CHAPTER CXI.

An Act to provide for the payment of the Architect and Superintendent of the bridge and flight of stairs over the crossing of Harrison and Second streets, in the City and County of San Francisco.

[Approved February 18, 1874.]

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

SECTION 1. Whereas, the Board of Supervisors of the City and County of San Francisco, by Resolution Number Nine Thousand Three Hundred and Twenty-five, appointed George Bordwell, Architect, to superintend the construction of the bridge and flight of stairs over the crossing of Harrison and Second streets, in the manner contemplated in the 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; and, whereas, said George Bordwell did perform said services, and the value whereof have been ascertained by the Commissioners appointed under said Act, and fixed at forty-eight hundred and eighty-five sixty-five one hundredths dollars; and, whereas, no provision was made by said Act for the payment of said services; therefore, Whereas.

SEC. 2. The Board of Supervisors of the City and County of San Francisco is hereby authorized, in their discretion, to examine and ascertain the amount due on the claim of George Bordwell, and said Board is hereby further authorized, in their discretion, to pay the amount so found to be due on said claim to George Bordwell, or his assignee, out of the General Fund of said city and county; *provided*, that no greater sum than fifteen hundred dollars shall be paid thereon, and such payment shall be in full of all demands of said George Bordwell, or his assignee, by reason of said claim, and that the action of said Board of Supervisors shall be final as to the validity of the said claim. Supervisors to pay.

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

CHAPTER CXII.

An Act to authorize the husband or wife, or next of kin of a deceased person, to collect and receive of any Savings Bank any deposit in such bank, when the same does not exceed the sum of three hundred dollars.

[Approved February 18, 1874.]

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

Collect deposit.

SECTION 1. The surviving husband or wife of any deceased person, or if no husband or wife be living, then the next of kin of such decedent may, without procuring letters of administration, collect of any savings bank any sum which said deceased may have left on a deposit in such bank at the time of his or her death; *provided*, said deposit shall not exceed the sum of three hundred dollars.

Affidavit.

SEC. 2. Any savings bank, upon receiving an affidavit stating that said depositor is dead, and that affiant is the surviving husband or wife, as the case may be, or stating that decedent left no husband or wife, and that affiant is the next of kin of said decedent and entitled to distribution, and that the whole amount that decedent left on deposit in any and all savings banks or bank of deposit in this State does not exceed the sum of three hundred dollars, may pay to said affiant any deposit of said decedent, if the same does not exceed the sum of three hundred dollars, and the receipt of such affiant shall be a sufficient acquittance therefor.

Guilty.

SEC. 3. Any person who shall make a false affidavit in regard to the matters specified in this Act, shall be deemed guilty of perjury.

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

CHAPTER CXIII.

An Act granting certain salt, marsh and tide lands of the State to the City of Oakland.

[Approved February 18, 1874.]

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

Oakland water park.

SECTION 1. The interest of the State of California in those lands situate in the City of Oakland, known and described as lots numbered one to nine, inclusive, in section thirty-six, and lots eleven to fourteen, inclusive, in section twenty-five, in township one south, range four west, Mount Diablo meridian, United States survey, as the same are laid down on the official map,

entitled "Map number three of the salt, marsh and tide lands situate in the County of Alameda," prepared by order of the Board of Tide Land Commissioners, and surveyed under the direction of G. F. Allardt, Chief Engineer of the Tide Land Survey, is hereby granted to the City of Oakland, in trust, for the use of the people thereof, and of the people of the State, as a water park.

Not to be sold.

SEC. 2. The City of Oakland shall have no power to convey, incumber, or lease any of the said lands, or grant the use of any of the same, for any purpose whatever, but shall cause the same to be kept and maintained for the purposes mentioned in the first section of this Act, and for none other. In case the said city shall attempt to convey, incumber, lease, or grant any use of any of said lands, the same shall revert to the people of the State; and the Attorney General may bring an action to enforce a reconveyance of the same to the State.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXIV.

An Act to provide for the building of a school house in the Merced School District, in the County of Merced, State of California.

[Approved February 18, 1874.]

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

Advertise for plans, etc.

SECTION 1. The Board of Trustees of Merced School District, in the County of Merced, State of California, must, as soon as is expedient after the passage of this Act, cause to be advertised in one or more newspapers published in this State, a notice, for the period of at least twenty days, that said Board will receive plans and specifications at a time and place therein mentioned, for a school house, to be built in the Town of Merced, Merced School District, in said county; the Board reserving the right to reject any and all of the plans and specifications presented by any architect for the construction of said school house. And in the event of the adoption of any plan and specification presented, said Board may allow such architect such compensation for the same as shall be reasonable.

Proposals to construct

SEC. 2. Immediately after the adoption of the plans and specifications for said school house, said Board of Trustees must cause to be advertised in one or more newspapers published in this State, a notice, for the period of at least twenty days, that said Board will receive sealed proposals and bids at a time and place therein designated, for the building of said school house, in the Town of Merced, in said district, in accordance with the plans and specifications adopted; the Board reserving the right to reject any and all of the proposals and bids for the construction of said school house which, in its judgment, may be too

Contract. high in price. And in the event of the acceptance of any of the proposals and bids of any person or persons for the building of said school house, said Board must award the contract to build said school house to such contractor, on his furnishing a good and sufficient bond in double the amount of his bid, conditioned to perform said contract in a skillful and workmanlike manner, and in strict conformity with the plan and specifications; said bond must be approved by the County Judge of said County of Merced.

Attorney. SEC. 3. The Board of Trustees may, if they deem it necessary, employ an attorney at law, whose duty it shall be to advise them upon all matters arising under this Act, and to draw up the contract for the erection of said school house, and they are hereby authorized to pay such attorney a reasonable compensation for his services.

Superintendent. SEC. 4. Immediately after awarding the contract for the building of said school house, the said Board of Trustees must appoint a skillful person to superintend the construction of said building, whose duty it shall be to see that the material used in the construction of the same is of the kind and quality contracted for; that the work thereon is done in a good, skillful, workmanlike manner; and, generally, that all the provisions of the contract relating to the erection of said building, are faithfully carried out; and the said Board is hereby authorized to pay to the said Superintendent a reasonable compensation for his services.

Where to build. SEC. 5. Said school house shall be erected on the portion of Block No. —, in the said Town of Merced, donated, or to be donated to said district for that purpose, by the Contract and Finance Company, or to be purchased by the said Board of Trustees.

Bonds. SEC. 6. The said Board of Trustees is hereby authorized to issue the bonds of said district, in a sum not to exceed twenty thousand dollars, payable in annual installments of not less than one thousand dollars on the principal on the second Monday in January of each year after the issuance thereof, until the whole of said bonds are paid. Said bonds shall bear interest from the date of their issuance, at the rate of ten per cent per annum, payable semi-annually, on the second Monday of January and July of each year after their issuance. The principal and interest of said bonds shall be payable, in gold coin, at the office of the County Treasurer of said county. Said bonds must be issued in denominations of one hundred and five hundred dollars each. They must be numbered consecutively, and signed by the Clerk of said district, by the Superintendent of Public Schools of said county, and countersigned by the County Treasurer of said county. Each of said bonds must have attached thereto coupons for the interest to accrue thereon. In the first coupon on each bond a sum must be inserted for the amount of interest to accrue on such bond from the date of issuance until the next date herein fixed for the payment of such interest. Each of the other coupons must have inserted therein a sum representing the full semi-annual interest on each bond. Said coupons must be numbered on each bond from one, consecutively, and must each be signed and countersigned in

Coupons.

the same manner as the bonds. The District Clerk, County Superintendent of Public Schools, and County Treasurer, must each keep a list of said bonds, showing the amount of bonds issued, their number, and the sum for which each bond is issued, the date of issuance, and the name of the person to whom issued; which list, during office hours, shall be open for the inspection of the public. Said bonds, from the time they are issued until paid, as herein provided, shall be a lien upon all the property in said district, as now constituted. List.

SEC. 7. During the first week in December, in each year after the issuance of said bonds, the Board of Trustees shall cause to be advertised, for the period of at least two weeks, in one or more newspapers published in the Town of Merced, a notice calling for sealed proposals from the holders of said bonds, for the surrender of such an amount of said bonds as there may be money in the Treasury to redeem. On the day specified in the notice, at twelve o'clock M., the Board of Trustees shall meet at the office of the District Clerk to consider the proposals received, and then must make an order for the redemption of the bonds offered for the least sum below their par value, to the extent of the money in the Treasury for that purpose; *provided*, no bids for more than the par value of any of said bonds shall be received under any circumstances; *provided further*, if, upon the day specified in such notice, no bid for the surrender of any bonds, or of a number insufficient to exhaust the money in the Treasury available for the redemption is received, then the said Board is hereby authorized and required to order to be paid such number of the outstanding bonds, the first on the list of the District Clerk, at their par value, as the money in the Treasury applicable thereto will redeem, and within one week thereafter they shall cause said order to be published in one or more newspapers published in the Town of Merced, for at least one week; and from the second Monday in January next after the publication of said order, the bonds so ordered to be paid shall cease to bear interest. A copy of said order, certified to by the District Clerk, must be delivered to the County Treasurer on or before the second Monday in January; and on said day the County Treasurer must set apart in the Treasury the sum mentioned in said order for the redemption of the bonds therein specified, and he must redeem such bonds if presented to him for payment within ten months from said date; and if not so presented after the expiration of said ten months, the County Treasurer must report such fact to said Board of Trustees, and said Board may thereafter use said money in the Treasury so set apart, as aforesaid, for the redemption of other bonds outstanding; and the bonds so ordered to be paid, as aforesaid, which have not been presented for payment within said ten months, at the option of said Board of Trustees, need not be paid until all other outstanding and interest-bearing bonds have been paid. All bonds and coupons redeemed shall be canceled by the County Treasurer, and disposed of by him in the same manner as he is by law required to cancel and dispose of the county warrants redeemed by him. Proposals to surrender. Redemption. Cancellation.

SEC. 8. For the purpose of obtaining funds to meet any obligation incurred under the provisions of this Act, the said Board

Sale of bonds.

of Trustees is hereby authorized to convert said bonds into money, by selling the same to the highest bidder, for cash, after advertising for at least twenty days in one or more daily newspapers published in this State, for sealed proposals to purchase said bonds. The Board, in such advertisement, must reserve the right to reject any and all bids for the purchase of said bonds which in its judgment may be too low in price; and provided that none of said bonds shall, under any circumstances, be sold at a discount of more than ten per cent. The proceeds derived from the sale of said bonds must be paid into the County Treasury, and must, by the County Treasurer, be kept in a separate Fund, to be known as the Merced School District Building Fund, and must be used exclusively in the building and furnishing of said school house, and in the purchase and in the improvement of the lots belonging to the district, and for the payment of such incidental expenses as are herein expressly authorized. The said moneys must be paid on the warrant of the County Superintendent, drawn upon the order of the Board of Trustees, in the same manner as other school moneys are required by him to be paid.

District election.

SEC. 9. Within three months after the issuance of any bonds under the provisions of this Act, and thereafter, in every second year, until all the bonds and the interest thereon are fully paid, the qualified electors of said Merced School District shall elect one District Assessor and one District Tax Collector; *provided*, that it shall be competent for said electors at such election to elect to such offices any elector of said county. The first election of said officers shall be held at such time and place as may be designated by the Board of Trustees. All subsequent elections must be held at the same time as is by law required for the election of District Trustees, and notice of such election must be given, officers to conduct the same must be appointed, and the same must be conducted in all respects as the law requires for the election of District Trustees, except in this, that the officers conducting said election must, within three days thereafter, make return thereof to said Board of Trustees, and said Board must canvass said election returns, and must issue thereupon certificates of election to the persons having received the highest number of votes cast. The term of office of the person so elected

Term of office.

at the first election, shall commence upon their reception of a certificate of election and qualifying as herein provided, and shall continue until the first Monday in May in the second year after their election, and thereafter the term of said officers shall commence on the first Monday in May after their election, and continue for two years, and until their successors are elected and qualified. The persons elected to said offices, within ten

Qualification.

days after receiving their certificates of election, must qualify by taking the oath of office and executing and filing with the District Clerk an official bond, in such a sum as may be fixed by the order of said Board of Trustees. Said bond must be executed in the same manner as other official bonds, and before filing, must be approved by the County Judge of said county; *provided*, that if either the County Assessor or the County Tax Collector, or both, are elected to the respective offices of District Assessor and Collector, no additional bond shall be required

of them, but they shall be liable on their official bonds as County Assessor or County Tax Collector, for the faithful discharge of the duties devolving upon them under the provisions of this Act.

Duty of Assessor.

SEC. 10. It shall be the duty of the District Assessor, immediately after his election as such Assessor, and thereafter on the first Monday in May in each year, during his continuance in office, to commence making an assessment of all the property in said district, both real and personal, liable to taxation. Such assessment shall be made in the same manner as the assessment for State and county purposes is required to be made by law, and said District Assessor shall, within his district, have and exercise all the powers by law conferred upon County Assessors. Said assessment, in each year, shall be finished, and the assessment roll delivered to the Board of Trustees of said district, on the first Monday in September in each year.

Equalization.

SEC. 11. The Trustees, after receiving the assessment roll from the Assessor, must give five days notice thereof, by posting notices in three public places in said district, and at such times and places as have been named in such posted notices they must sit as a Board of Equalization; their session as such must continue for at least three days, and not more than ten days. During their session they must equalize said assessment, and for that purpose they have the same powers as the County Board of Equalization, to make any change in said assessment roll. As soon as the work of equalization has been completed, the Trustees must levy a tax upon the property in said district sufficient in each year to pay all the interest accruing on all the bonds issued under the provisions of this Act during the year, and to pay at least one thousand dollars of the principal of said bonds; they also shall compute the rate to be levied, as required by section eighteen hundred and thirty-eight of the Political Code, in relation to other district taxes; and said taxes, when so levied, shall be a lien upon all the property in said district upon which they are assessed, which lien shall attach in each year on the first Monday in May, and shall continue until said taxes are fully paid, or until the property upon which the same has been assessed vests absolutely in a purchaser, under a valid sale for the satisfaction of such taxes.

Tax.

Lien.

Tax roll.

SEC. 12. Immediately after the levy of the taxes, as aforesaid, the District Clerk and the Assessor must compute and carry out on the assessment roll the amount of taxes due from each person or each parcel of property assessed in the same manner as the law requires the Auditor to do in the county assessments; and at the same time at which the law requires the county assessment roll to be delivered to the County Collector, the Clerk of the district must deliver to the District Collector the said district assessment roll, duly certified to by said Clerk, and he must take a receipt therefor from said Collector, and must charge him with the full amount of the taxes due thereon; and said District Clerk must immediately forward a copy of said receipt, certified to by him, to the County Auditor of said county.

Collection. SEC. 13. The District Collector, after receiving said assessment roll, must collect the taxes due thereon from the persons and property assessed, in the same manner and at the same time as the County Tax Collector is, by law, required to collect State and county taxes, and the taxes remaining unpaid in said district assessment roll shall, in each year, become delinquent at the same time State and county taxes become delinquent, and on said delinquent taxes the same percentage shall be allowed, and they shall be collected in the same manner as delinquent State and county taxes. For the purpose of collecting said taxes, the District Tax Collector shall have and exercise within said district the same powers that by law are conferred upon the County Tax Collector. The District Tax Collector must pay over all moneys collected by him to the County Treasurer, and must make settlement therefor with both the County Auditor and the District Clerk, at the same time and in the same manner as the County Tax Collector is required by law to do in relation to State and county taxes.

Account with Collector. SEC. 14. The County Auditor, upon receiving the copy of the receipt of the Tax Collector provided for in section twelve of this Act, must charge the District Collector with the amount of the taxes receipted for in an account to be kept by him, and thereafter he must keep said District Collector's account, and must make settlement with him in relation to said district assessment roll, in the same manner as he is required to charge the County Tax Collector, and settle with him on account of State and county taxes. And upon receiving from said Collector the Treasurer's receipt for moneys paid him on account of such taxes, the County Auditor must charge the County Treasurer with the amount specified in such receipt.

Treasurer. SEC. 15. The County Treasurer must keep all moneys paid him under the provisions of this Act in a separate Fund, to be known as the Merced School District Bond Redemption Fund, and the said moneys must be paid out by him to liquidate the interest accruing upon said bonds, upon presentation at the times herein specified of the coupons therefor, and for the redemption of bonds, upon presentation to him, of the bonds ordered to be paid, as hereinbefore provided, by the Trustees of said district; and the said Treasurer must settle with the County Auditor for the moneys received and disbursed by him under this section, in the same manner as he is required to settle for county moneys received and disbursed by him.

Salaries. SEC. 16. The District Assessor and District Tax Collector, for the services required of them under the provisions of this Act, shall each receive a salary of fifty dollars per annum, which shall be payable semi-annually, on the first Monday in May and the first Monday in November, out of the moneys received from county taxes in the Merced District School Fund. And on the first Monday in May, and on the first Monday in November, of each year, the Trustees of said Merced School District shall audit the salary then due the said Assessor and Collector, and order the same paid; and upon the filing of such order with him, the County Superintendent shall issue his warrant for the amount therein specified, in the same manner as he is required to issue other warrants; and upon presentation of

such school warrants the County Treasurer shall pay the salary of said Assessor and Collector out of the county's portion of moneys in the Merced District School Fund.

SEC. 17. No other officers, except the Assessor and Collector, charged with any duties under the provisions of this Act, shall be allowed or receive any compensation for such services. No pay.

SEC. 18. From the time of the issuance of any bonds, as hereinbefore authorized, until their payment and redemption, the boundaries of said Merced School District, as now constituted, shall not be diminished. Boundaries

SEC. 19. This Act shall take effect and be in force from and after its passage.

CHAPTER CXV.

An Act to provide for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing south of Market street.

[Approved February 20, 1874.]

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

SECTION 1. The Governor is authorized to appoint and commission one additional Notary Public for the City and County of San Francisco, who, when duly qualified under and according to the laws of the State governing Notaries Public, shall be invested with all the official powers and qualifications, and subject to all the duties and liabilities of other Notaries Public lawfully appointed, commissioned, and qualified for said city and county. Notary.

SEC. 2. Said Notary Public shall keep an office for the transaction of business, in that portion of the City and County of San Francisco south of Market street. Office.

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

CHAPTER CXVI.

An Act to legalize and confirm certain notices of tax sale, and the tax sale made in pursuance thereof.

[Approved February 21, 1874.]

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

Proceedings validated.

SECTION 1. The proceedings of Tax Collectors in the several counties and revenue districts in this State, in the year eighteen hundred and seventy-four, in advertising sales of property for delinquent taxes, to commence on the fourth Monday of February, eighteen hundred and seventy-four, are hereby confirmed and made valid, and sales made on that day, pursuant to such notices, shall not be affected by reason of said fourth Monday being a legal holiday.

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

CHAPTER CXVII.

An Act to reincorporate the City of Napa.

[Approved February 24, 1874.]

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

Corporate name.

SECTION 1. The corporation now existing and known as the Town of Napa City, shall continue and be a body politic and corporate, hereafter to be known by the name of the City of Napa, and by that name have perpetual succession, sue and defend in all Courts and places, and in all matters and proceedings, make contracts, purchase, receive, hold, sell, lease, and dispose of property, real and personal, within its corporate limits, for the use and benefit of the city, and may adopt and use a corporate seal, and alter the same at pleasure.

Boundaries

SEC. 2. The boundaries of said city shall be as follows: Commencing at the northwest corner of Spencer's Addition, on Lincoln Avenue, thence eastwardly along the center line of said avenue to Trancas street; thence southwardly along the center line of said Trancas street to its intersection with Lawrence street, in Cornwell's Addition; thence at right angles eastwardly to Napa river; thence down said river to the southeast corner of Napa Abajo; thence westwardly along the southerly line of said Napa Abajo to the southwest corner thereof; thence northerly along the westerly line of Napa Abajo to the southeast corner of Cornwell and Hartson's Addition; thence westwardly along the southerly line of said Cornwell and Hartson's Addi-

tion to the southwest corner thereof; thence northerly along the westwardly line of said Cornwell and Hartson's Addition to the northwest corner thereof; thence northerly to the southwest corner of Boggs' Addition; thence northerly along the westwardly line of Boggs' Addition to the southwest corner of Spencer's Addition; thence northerly above the west side of Madison street, of said Spencer's Addition, to the place of beginning.

Officers. SEC. 3. The corporate powers and duties of said city shall be vested in and performed by a Board of Trustees, to consist of five members, a City Treasurer, a City Assessor, a City Clerk, a City Collector, a City Marshal, and a City Attorney. The Trustees, Marshal, who shall be ex officio Assessor, Treasurer, who shall be ex officio Collector, and Clerk, shall be Elections. elected by the qualified electors of the city on the first Monday in May in each year, and shall hold their offices for the term of one year, and until their successors are chosen and qualified. Any person shall be qualified to vote for any city officer, or hold any city office, who shall be a qualified elector under the Constitution and laws of this State, and who shall have resided in the city thirty days next before the election. All elections shall be conducted by three Judges, to be appointed by the Board of Trustees, and they may appoint two Clerks of Election. Should the Judges, or any of them, fail to attend, the electors present may appoint others in their stead. Notice of all elections shall be given, by the publication in some newspaper published in the city, at least seven days before such election. All elections shall be conducted in the same form and manner and according to the laws regulating elections, and the returns shall be made by the Judges to the Board of Trustees, with a list of the persons voting at such election, and the ballots cast; and the Board shall, at their first regular meeting Canvass. after such returns, canvass the same, declare the result, and issue certificates of election to the person or persons having the highest number of votes at such canvass. The Board shall, at the request of any elector, recount the ballots and declare the result in accordance with such recount; *provided*, that at such elections no copy of the Great Register shall be necessary, but the Judges of Election may require any voter to produce a certificate of registration from the County Clerk; *and, provided*, that the election of Trustees may be contested in the County Court in the manner prescribed by Title Two, Part Three of the Code of Civil Procedure, the word city being substituted for county wherever the same is used in said Title. In case of Vacancy. a vacancy arising, from any cause, in any of the offices made elective by this Act, the Board of Trustees shall order and give notice of an election to fill such vacancy, unless the unexpired term of said office shall be less than three months, in which case the Board of Trustees shall, if necessary, fill said office by appointment.

Appoint. SEC. 4. The Board of Trustees shall appoint all other officers provided for in this Act, and may remove them at pleasure, and put others in their places.

SEC. 5. The compensation of the officers shall be as follows: Trustees and City Attorney, each, one dollar per annum; As-

Compensation. sessor, Treasurer, Marshal, City Clerk, and Collector, such sum per annum as the Trustees may determine; *provided*, that the annual compensation so allowed the said officers shall not exceed the following sums, to wit: The Treasurer, as Treasurer and ex officio Collector and Clerk, the sum of five hundred dollars; the Marshal, as Marshal and ex officio Assessor and Collector of poll and dog taxes, the sum of five hundred dollars. The Marshal and City Attorney shall, in addition to the sum allowed by the Trustees, receive such fees and commissions as may be provided for them in this Act.

Meet and organize. SEC. 6. The Board of Trustees shall assemble within ten days after receiving their certificates of election, and choose a President from their number, and shall, by ordinance, fix the times and places of holding their regular meetings, and may, at any time, be convened by the President, who shall call a meeting of the Board whenever requested in writing by two of its members.

Quorum. SEC. 7. At the meeting of the Board of Trustees, a majority shall constitute a quorum to transact 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 pre-

Powers. scribed. The Board may establish rules for their own proceedings, provide for the punishment of disorderly conduct in their presence, on the part of a member or other person; shall keep a journal of their proceedings, in which shall be entered the ayes and nays taken on every question acted upon by them, and their proceedings shall be public.

Qualify. SEC. 8. All officers of the corporation, before entering upon the duties of their office, shall take the oath prescribed in the Consttution; and the Marshal, Assessor, Treasurer, and Collector shall give bonds for the faithful performance of their duties, payable to the corporation by its corporate name, to be approved by the Board of Trustees in such penal sum as shall have been prescribed by ordinance; *provided*, that the Treasurer may give one bond only, which shall be deemed to cover all his duties as both Treasurer and Collector. If from any cause such bond shall at any time become insufficient, in the opinion of the Board, they may require of any officer such new or additional bond as they may deem necessary.

Ordinances SEC. 9. The Board of Trustees shall cause to be published in some newspaper in the city, all ordinances, which shall be certified and signed by the President and Clerk of the Board; and no ordinances shall take effect and be in force until ten days from the first publication thereof; and the President of the Board may, without any order or direction of the Board, cause any ordinance to be enforced or the violation thereof punished, by an action in the name of the corporation, as hereinafter provided, or otherwise. In case of the absence of the President at any meeting of the Board, a President pro tem. must be appointed. Should any Trustee or other officer remove from the city, or refuse or neglect to qualify within ten days after his election, or, if a bond is required of him, neglect or refuse for said time to give bond, his office shall become and be declared vacant by the Board.

SEC. 10. The Board of Trustees shall, in the months of March and September in each year, cause to be made out and published in some paper in the city, a full and correct statement, certified and signed by the President, of all moneys received, and to whom and for what purpose expended, during the six months next preceding such statement. Receipts and expenditures.

SEC. 11. The Board of Trustees are hereby authorized and empowered to enact such by-laws and ordinances, not inconsistent with the Constitution and laws of the United States, and of this State, as they may deem necessary or proper, in the exercise of the powers herein conferred upon them. The Board of Trustees shall have power: First—To manage and take care of the property and finances of the city. Second—To provide for laying out, opening, widening, extending, altering, vacating, working, grading, improving, and repairing streets, avenues, and alleys, and public parks and squares, and for preventing and removing nuisances or obstructions therein, and for acquiring or condemning lands for city purposes and highways, by purchase, or by proceedings prescribed by Title VII, Part III, of the Code of Civil Procedure; *provided*, that the Trustees shall not vacate any street, avenue, or alley, or portion thereof, without the consent of the owners of at least two thirds of the frontage on said street, avenue, or alley. Third—To establish the grade of all streets, avenues, and alleys, and to require conformity thereto. Fourth—To provide for the drainage and sewerage of the city. Fifth—To establish and regulate a Fire Department, and provide such means, measures, and material for the prevention or extinguishment of fires as they may deem necessary to protect the city from fire. Sixth—To provide the streets and city buildings with all gas and water necessary for their proper use, and to grant to any gas or water company authority to lay down pipes in the streets, avenues, and alleys of the city for the supply of gas and water for the streets and buildings, for a term not exceeding twenty-five years; but they shall reserve the right to grant similar privileges to other companies, and shall require the laying down of pipes to be under the reasonable direction of the city authorities, and to be so laid as to do no injury to the proper use of the paving, planking, or macadamizing of the streets, avenues, or alleys, nor to property situated thereon; and they shall impose such restraints and conditions upon the location and construction of gas and waterworks and pipes as shall secure the least possible public or private inconvenience, and they shall provide for the enforcement of such restrictions and conditions; they may contract with gas and water companies for supplying the streets, public buildings, and cisterns with necessary gas and water for public use; but no contract shall extend beyond the term of office of the members of the Board making such contract; *provided*, that the city shall not contract nor become liable to pay more than one half of the expenses of lighting streets, and no street, avenue, or portion thereof, shall be lit with gas until the persons petitioning for the same shall contract with the company furnishing gas to pay at least one half of the expenses of such lighting. Seventh—To license, and impose, and collect a license tax upon theaters, concerts, circuses, Powers of Board.

Same. shows, and other entertainments and exhibitions to which an admission fee is charged; also, upon bars at which spirituous or malt liquors are sold; also, upon billiard tables and bowling alleys, kept for gain or hire; and they may impose a license tax upon any and all business not prohibited by law. Eighth—To prohibit and suppress gaming and gambling houses, dance houses, fandangoes, disorderly houses, and houses of ill-fame, immoral or indecent amusements, exhibitions, or shows, nuisances of every description, and all kinds of vice and immorality, and disorderly conduct. Ninth—To levy and collect, annually, a tax on all property in the city not exceeding thirty-five cents on each one hundred dollars of the assessment valuation thereof, and to prescribe the manner of making assessments and of collecting such tax. Taxes so levied shall become a lien upon the real estate chargeable therewith, from the first Monday in March preceding the levy and until paid, and such liens shall take precedence of all mortgages and other liens, except the lien for State and county taxes. Tenth—To levy and impose assessments upon property fronting on streets, avenues, and alleys, for the purpose of paying the costs and charges of grading, improving, working, repairing, draining, and laying sewers in said streets, avenues, and alleys, or constructing sidewalks therein, and to provide for the enforcement and collection of assessments by sale of such property, if necessary; *provided*, that real property sold for delinquent taxes or assessments shall be sold to the person who will take the least portion of the property and pay the tax or assessment due thereon, and all costs and charges; and all such sales shall be subject to redemption as in other sales under execution. Eleventh—To impose and collect a poll tax not exceeding two dollars per annum on every male inhabitant of the age of twenty-one years and upwards, and to enforce the payment thereof by the sale of the property or otherwise, which said poll tax shall be collected by the City Marshal. Twelfth—To impose and collect a tax of not exceeding five dollars per annum on every dog found at large within the corporate limits of the city, which said dog tax shall be collected by the City Marshal. Thirteenth—To regulate or prevent the keeping of gunpowder and other dangerous or inflammable substances within the city. Fourteenth—To require any land or building to be cleaned at the expense of the owner or occupant, and upon his default, after notice, to cause the work to be done, and to assess the expense upon the land or building. Fifteenth—To prohibit and prevent the running at large of any or all domestic animals within the limits of the city, and to establish and maintain a Pound for such animals, and to appoint a Poundmaster, or confer the duties of Poundmaster upon the Marshal, who shall be paid out of the fines collected from the owners of animals impounded, or from the sale of such animals, and from no other source. Sixteenth—To prescribe penalties and forfeitures for the breach or non-observance of the city ordinances; but no penalty shall be imposed on any person for any one breach of any ordinance exceeding one hundred dollars. Such penalties may be recovered before any Justice of the Peace having his office within the corporate limits of

the city, by civil suits brought by the City Attorney in the name of the corporation, and against the person violating an ordinance, and execution to collect the same shall be issued as in other civil cases; and in such cases, persons living in the city, if in other respects competent and qualified, shall be competent jurors; and when judgment is rendered in any such action for the city, there shall be taxed as costs against the defendant, in addition to other costs, the sum of ten dollars, which the City Attorney shall receive as his fee. All fines so collected shall, by the officer receiving the same, be paid over to the Treasury of the city; *provided*, that under no circumstances shall the city be liable for the fees of the Attorney. Seventeenth—The Board of Trustees may provide for the punishment, by fine or imprisonment, of an act prohibited by an ordinance; in which case such act is hereby declared to be a misdemeanor, which may be prosecuted and punished in like manner as misdemeanors created by statute; *provided*, that no fine for any one offense shall exceed one hundred dollars, and no judgment of imprisonment for any one offense shall exceed fifty days. Eighteenth—And, in addition to the powers herein expressly granted, the Board of Trustees shall have power to pass such other by-laws and ordinances, for the regulation and police of the city, as they may from time to time deem necessary; *provided*, that the Board of Trustees shall, in no case, make any contract, nor shall the city be liable, nor any of its funds appropriated for supplying water for sprinkling or watering any street, avenue, or alley, or any portion thereof, except in front of property belonging to the corporation. Same.

SEC. 12. The Board of Trustees shall prescribe, by ordinance, the duties of the Marshal, Assessor, and Treasurer; *provided*, that the Treasurer, as Collector, shall collect all taxes which shall be levied by the Board of Trustees, and which shall be paid without suit. Ordain duties.

SEC. 13. Whenever any taxes levied by the Board of Trustees shall become delinquent, they may be collected by suit, in the manner following: The City Attorney shall commence civil actions in the name of the City of Napa, in a Justice's Court, or in the District Court in and for Napa County (to be determined by the amount sued for or the relief sought), to recover the unpaid taxes which may be delinquent. The complaint in all such actions may be as follows: Suit for taxes.

"STATE OF CALIFORNIA, }
County of Napa. }

"The City of Napa *vs.* A. B. and (if there be any real estate taxed) the following real estate and improvement (description of property). The City of Napa, by C. D., City Attorney, complains of A. B., and also the following real estate and improvements (description of property, if there be any), and for cause of action says, that between the first Monday of ——, A. D. —, and the —— Monday of ——, A. D. —, in the City of Napa, in the State of California, E. F., then and there being Assessor of said city, did duly assess and set down upon an assessment roll Complaint.

Same. 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 the said A. B. was then and there the owner of, and there was duly assessed to him, the above described real estate, improvements upon real estate, and certain personal property, situate in said city, and that upon such property there has been duly levied for the fiscal year ending ——, A. D. —, 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 said real estate, and —— dollars against the improvements aforesaid.

"Wherefore, the plaintiff prays judgment against the 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, including an attorney's fee, as prescribed by law.

"C. D., City Attorney of Napa."

Evidence The delinquent tax list of the original assessment roll, 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. The Code of Civil Procedure of this State, so far as the same is consistent with the provisions of this Act, is hereby made applicable to the proceedings herein authorized to collect taxes.

Suits against unknown owners. SEC. 14. If any real estate or improvements in said city, upon which taxes or assessments remain unpaid, have been assessed to unknown owners, or to a person not the owner who disclaims title or interest, the person liable to pay such taxes may be sued by a fictitious name, and service of summons in such case may, by order of the Court or Judge, be made by posting a copy of the same at the Court House door in said city. The service of summons shall be complete at the expiration of three weeks from the posting of said copy, and the service shall be treated as if made in the county. Service of summons may also be made in the same manner, by order of the Court or Judge, when the person or persons to whom such property has been assessed cannot be found within the city, and such fact shall appear by return of the officer to whom summons in such case has been given. Proof of posting may be made by the affidavit of the officer posting the summons. The sum of one dollar for posting each copy shall be allowed for such service, and shall be taxed as costs in the action. Service of summons upon the property may be made by delivering a copy to the occupant personally; or, if the premises be unoccupied, by posting a copy in some conspicuous place upon it, and such service shall be deemed completed upon such delivery and posting, and the time of pleading shall expire at the

Service of summons, etc.

end of ten days therefrom. It shall not be necessary in any action, criminal or civil, brought under the provisions of this Act, to plead at length any ordinance of the Board of Trustees, but it shall be sufficient to refer to such ordinance by its title and the date of its passage.

Deed valid.

SEC. 15. Any deed derived from the sale of such property, under judgment and execution, under the provisions of this Act, shall be equally conclusive against the true owner of such property, whether the property shall have been assessed to him or not, or the action be prosecuted against him by his own or a fictitious name.

Fees.

SEC. 16. For services in collecting taxes under this Act, the City Attorney shall receive a fee in each suit equal to ten per cent on the amount received, if paid before judgment, and if not so paid, twenty per cent on such amount; *provided*, that such fee shall in no case be less than five nor more than twenty-five dollars, and such fee shall be taxed as costs, and judgment given therefor. 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 be collected of the defendant, and in no case shall the city be liable for the services so rendered. The Board of Trustees may, however, by ordinance, prescribe any other mode of collecting delinquent taxes or assessments in addition to that prescribed by this Act, if the same be consistent with the Constitution and laws of this State.

Poll and dog tax, collection of.

SEC. 17. To enforce the collection of the poll tax and dog tax hereinbefore authorized, the Marshal may seize so much of any and every species of personal property whatever, owned or claimed by any person liable to pay any such tax, or property or money in the possession of or due from any other person, and belonging to any such person refusing or neglecting to pay such tax, as will be sufficient to pay such tax and costs—not to exceed, in each case, two dollars—and may sell the same at any time or place, upon giving verbal notice of one hour previous to such sale; and any person indebted to another liable to pay any such tax, but who has neglected or refused to pay the same, shall be liable to pay said tax for such other person, after service upon him by the Marshal of a notice in writing, stating the name or names of the person or persons so liable and owing such tax; and such debtor may deduct the amount thereof from such indebtedness. The Marshal, after having deducted the tax for which such property was sold, and the costs hereinbefore provided, shall return the surplus of the proceeds to the owner. A delivery of the possession of the property by the Marshal, to the purchaser at any such sale, shall be a sufficient title in the purchaser, without exacting a certificate of purchase thereof of the Marshal; *provided*, that the Board of Trustees may, at their discretion, provide any other legal mode of enforcing the payment of said taxes.

City not to pay.

SEC. 18. The City of Napa shall not pay for establishing the grade, grading, working, improving, or repairing streets, avenues, alleys, or constructiug sewers, sidewalks, or crossings;

but all such expenses shall be assessed upon the property fronting on such streets, avenues, and alleys, as hereinafter provided.

Street improvements.

SEC. 19. When the owners of more than one half in frontage of the property fronting on any street, avenue, or alley, or portion thereof, between the center line of two cross streets, or between the center line of a cross street and the terminus of such street, avenue, or alley, shall desire to have the grade established, or to grade, fill, plank, pave, macadamize, or gravel the same, construct sidewalks along, or sewers therein, or otherwise improve or repair the same, and shall petition the Board of Trustees, in writing, asking that the same may be done, the Board may order said work to be performed as requested, at the expense of the property fronting on said street, avenue, or alley, or portion thereof, to be assessed upon it in proportion to the number of front feet of the several lots; *provided*, that the expense of working the portion of said street, avenue, or alley, crossed by other streets, avenues, or alleys, including culverts and street crossings thereon, shall be borne by the property constituting the frontage of the quarter blocks on the two streets adjoining and cornering upon the improvement done upon ground common to both streets, and shall be assessed upon the several lots in proportion to the number of front feet in each; *provided*, that when any of the petitioners for any such improvement of any street, avenue, or alley, shall have already at their own expense, constructed the proposed improvement in front of their lots, and to the center of the street, no portion of the costs of the work to be done shall be assessed to them or on their property, but they shall be assessed with their proportionate share of the expenses of the proceedings only.

Survey and bids.

SEC. 20. Whenever a petition shall be presented to the Board, as provided for in the preceding section, they shall, if necessary, order a survey of the proposed improvement to be made by some competent person selected by them, and such person shall make and report specifications in detail of the work necessary to be done. If such report be satisfactory to the Board, they shall cause notice to be given in some newspaper published in the city, for at least two weeks, inviting sealed proposals for the construction of said work within a time specified, according to such specifications or petition, to be filed with the Clerk on or before a day mentioned in such notice. Each bid shall be accompanied by a bond, with at least two responsible sureties, in an amount to be fixed by the Board, conditioned that the bidder will enter into a contract with the Board for performance of said work, should his bid be accepted. All bids should be in such form that the sum to be paid for any portion of the work less than the whole, may be easily computed in case one or more of the owners of property should elect to do the work in front of their property, as hereinafter provided; *provided*, that where the petition is for the establishment of the grade of a street, avenue, or alley, the Board may in the first instance appoint some competent surveyor to survey and establish such grade; *and, provided further*, that when the petition shall sufficiently specify the work to be done, the Board may immediately invite bids to perform the work specified in the petition.

Notice.

SEC. 21. At the time of advertising for bids, as provided for in the preceding section, notice shall be given by the Board to all persons interested, to appear on the day fixed for opening bids, and make any objections which they may have to the proposed work, which notice shall be published in the same manner and for the same length of time as the advertisement for bids.

Work and bids.

SEC. 22. Upon the day set for opening bids, if the Board shall be satisfied that the persons petitioning are the owners of more than one half in frontage of the property fronting on the street, avenue, or alley, or portion thereof, to be worked, and the proposed work is expedient, and that there is no valid objection thereto, they may make an order that the work be done, and accept the lowest responsible bid or reject all bids, and advertise anew for bids. If from any cause the petition shall be denied, the petitioners shall pay all costs of the proceeding into the Treasury of the city, and in default of such payment, the same may be recovered by suit against the petitioners, or any of them, in the name of the city, in any Court of competent jurisdiction.

Costs on denial.

Owner may elect.

SEC. 23. When the Board shall accept any bid to do such work, any owner of the property chargeable therewith may elect to make the improvement in front of his lot, and to the center of the highway, and within five days thereafter shall file a notice with the Clerk, declaring such election and specifying the portions of the work which he will do; and he shall file at the same time a bond, with two sufficient sureties, to be approved by the Board, in a sum equal to the cost of the work to be done by him, payable to the city, conditioned that such person will, within the time fixed by the Board for the completion thereof, perform the said work, and that he will pay his just proportion of the cost of the proceeding, other than the costs of the work to be done; and the owner of any property chargeable with any portion of the cost of work done upon the ground common to two streets, as provided in section nineteen, may in the same manner elect to do such work, and shall file the notice and bond hereinbefore provided; and when two or more such persons file notice of such election, the Board shall, upon five days' notice, let the contract for such work to the property owner proposing to do the same at the lowest price.

Contract.

SEC. 24. At the end of five days from the acceptance of such bid, the Board shall enter into a contract with the successful bidder for the construction of all of said work which the property owners shall not have elected to do themselves, and they shall require of said contractor a bond to the corporation, with two sufficient sureties, to be approved by them, in a sum equal to the contract price of the work to be done, conditioned that the contractor will perform the work faithfully within a time to be named therein.

Assess costs

SEC. 25. When the Board of Trustees shall make any contract to do any such work, after advertising for bids, or when they shall have caused any grade to be established by a surveyor, or caused any work to be done which is chargeable upon the property fronting on any highway, they shall ascertain the cost of said work, and the cost of the proceeding, and shall

assess the same upon the property affected thereby, and shall direct the Assessors to make an assessment roll.

Assessor's list.

SEC. 26. The Assessor shall thereupon make out and return to the Board a full and complete list, in which shall be given a description of the several pieces of property to be charged, and the names of the owners of each lot arranged alphabetically. (If the owner be unknown, the name shall be as "unknown owner.") The number of front feet in each piece or lot, and the rate per front foot that such lot has been charged, and the full amount assessed to each separate lot, shall be carried out into a separate column, and the total shall be added up at the foot thereof. The Board may correct said assessment list in any particular before approving the same, and after approval thereof by the Board, by an order entered in their minutes, the same shall be certified to be correct by the President of the Board, and thereupon the sums so assessed shall become liens upon the respective lots.

Notice of tax.

SEC. 27. The assessment roll shall then be placed in the hands of the Treasurer, who is authorized to receive all sums so assessed. Within one week after receiving the roll, the Treasurer shall advertise notice, in some newspaper published in the city, that such assessment is due and payable, and if remaining unpaid for thirty days from the date of the first publication of notice, will become delinquent. The notice shall be published for at least eight days, and on at least two different days of publication shall state the hours during which, and the place where payment will be received by the Treasurer. When any payment shall be made, he shall write the word "Paid" against such amount. At the end of the thirtieth day he shall declare all assessments unpaid to be delinquent, by an entry in writing at the foot of the roll, signed by him, and shall return such delinquent list to the Clerk of the Board. The Board shall thereupon direct that the City Attorney proceed by action to collect such delinquent assessments, in the name of the corporation, and against the several lots or pieces of property and the owners thereof.

When delinquent.

Action for.

SEC. 28. Such action shall be brought in the District Court in and for Napa County, in the same manner and with like effect as actions for the collection of delinquent taxes, as provided for in sections thirteen, fourteen, fifteen, and sixteen, which are hereby expressly made applicable to suits for delinquent assessments; *and, provided further,* that the complaint in such actions may be as follows:

Complaint.

"State of California, County of Napa. In the District Court of the Seventh Judicial District in and for the County of Napa. The City of Napa *vs.* A. B., and the following described real estate, fronting on —— street, in the City of Napa (description of property.) The City of Napa, by C. D., City Attorney, complains of A. B. and the said real estate, defendants herein, and for cause of action says that heretofore, to wit: on the —— day of ——, A. D. ——, the said A. B. was the owner of the premises aforesaid, and on said day, E. F., being the Assessor of said city, did return to the Board of Trustees an assessment list of the lots and pieces of landing fronting on —— (here insert the

street, avenue, or alley, or portion thereof), chargeable with the costs of certain improvements (or work, as the case may be), ordered to be done by the said Board, which said assessment was —— approved by the Board, and certified to be correct by the —— President thereof; that upon the said described real estate, so owned by said A. B., there was duly charged upon said assessment for said work (or improvement), the sum of —— dollars, gold or silver coin of the United States, which was duly levied upon and became a lien upon the premises, on the —— day of ——, A. D. ——; that said sum is now due and delinquent, and a charge upon said land; wherefore, plaintiff prays judgment against the said real estate for the sum of —— dollars, and for all costs subsequent to said assessment, and costs of the suit, including an attorney's fee, as prescribed by law, and for the sale of said real estate, or so much as may be necessary to pay said judgment, and for such further relief as may be just. Same.

"C. D.,
"Attorney of Napa."

SEC. 29. All moneys collected by the Treasurer or City Attorney, on such assessment, shall be placed in the Treasury to the credit of such improvements or work, designating it by number, as "Improvement No. ——," and upon the completion and acceptance thereof, the Board shall order said money paid to the contractor, and the Chairman of the Board shall, at the same time, draw a warrant in favor of such contractor, upon such Fund, for the full amount due from the property assessed. Moneys, and how drawn.

SEC. 30. The Board of Trustees may, at any time, without petition, provide for establishing grades, and for constructing and laying down drains, sewers, and culverts, and for repairing streets, avenues, and alleys, or portions thereof, so as to render them susceptible of convenient use, and shall proceed in assessing the expenses of such work upon the property chargeable therewith, as hereinbefore provided, and in enforcing the same in the same manner as in cases of assessments made upon petition. Grades, drains, etc.

SEC. 31. All taxes, assessments, penalties, forfeitures, fines, salaries, fees, costs, and moneys herein provided to be paid, shall be payable exclusively in gold and silver coin. Coin.

SEC. 32. The revenue year shall be deemed to commence on the first Monday in March in each year, and the taxes levied by the Board of Trustees in each year upon real and personal property shall become a lien upon the real estate of the owner on said day and continue a lien thereon until paid. Lien.

SEC. 33. The revenue and income of the city of each year shall be devoted exclusively to the payment of liabilities and expenses of that year; and the Board shall not create, allow, audit, nor permit to accrue any debts or liabilities above the actual revenue for the current year, and every liability assumed, claim audited or allowed, or warrant drawn in excess of the annual income, shall be void; *provided*, that any money remaining in the Treasury, unappropriated, at the end of the year, may be applied to the expenditures of the succeeding year. No debts.

Style of ordinances.

SEC. 34. The style of all city ordinances shall be as follows: "The Board of Trustees of the City of Napa do hereby ordain as follows." All ordinances shall be signed as nearly as may be in the following form: "In Board of Trustees, finally passed, this —— day of ——, A. D. ——. Attest: A. B., Clerk, C. D., President of the Board of Trustees." And all ordinances so authenticated shall be recorded by the City Clerk in a book to be kept for that purpose.

SEC. 35. All moneys paid into the City Treasury shall be expended and paid out as hereinafter provided in this Act.

Moneys, how paid out.

SEC. 36. All taxes levied upon property or persons within the limits of the corporation for road purposes, under the road laws of the County of Napa, except such taxes as may be levied for the Contingent Road Fund and to pay off existing indebtedness, shall be paid by the Tax Collector of the county into the City Treasury at the same time as is required by law for payment of other taxes into the County Treasury, and he shall take the receipt of the City Treasurer and file the same with the County Auditor, who shall credit the Collector with the amount thereof.

Town ordinances valid.

SEC. 37. All ordinances, by-laws, acts, and orders of the Board of Trustees of the Town of Napa City, shall be valid and have the same force and effect as if done or made in the name of the City of Napa, and under this Act; and the officers of the said town shall, upon the taking effect of this Act, become and be deemed officers of the corporation hereby created, and shall thenceforth act as such and under the provisions of this Act; *provided*, that the present officers shall, until the election and qualification of their successors provided for herein, remain in office, performing the duties of their respective offices as herein prescribed, but they shall receive the same compensation as is now provided for by the Act under which they were elected or otherwise now in force.

SEC. 38. This Act to be in full force and effect from and after its passage, and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAPTER CXVIII.

An Act for the relief of B. K. Thorn, Sheriff of Calaveras County, California.

[Approved February 24, 1874.]

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

Appropriation.

SECTION 1. The sum of fourteen hundred dollars is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to pay and reimburse B. K. Thorn, Sheriff of the County of Calaveras, for the

moneys by him expended and services rendered in the capture of José B. Coyado and Andreas Molino, and in the pursuit of Paul Tibeaux Bátiste Denny, and others, known as the Coyado Band, or as said murderers, and the Controller of State is hereby directed to draw his warrant on the State Treasurer in favor of said B. K. Thorn for said amount, and the State Treasurer is hereby authorized to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXIX.

An Act granting leave of absence to D. B. Merry, County Surveyor of Nevada County.

[Approved February 24, 1874.]

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

SECTION 1. D. B. Merry, County Surveyor elect of Nevada County, is hereby granted leave of absence from the State for the period of ninety days, at such time as he may select during his term of office; *provided*, that he shall furnish a competent person to discharge the duties of his office during such absence from the State, acting under bond properly approved. Leave of absence.

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

CHAPTER CXX.

An Act to fix the salary of the Superintendent of Public Schools, in the City of Marysville.

[Approved February 24, 1874.]

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

SECTION 1. The Superintendent of Public Schools in the County of Yuba, as ex officio Superintendent of Public Schools in the City of Marysville, shall perform all the duties that are now or that may hereafter be required of him by law, and for such services he shall receive a salary of six hundred dollars per annum, to be paid in the same manner as the salaries of other city officers of said city. Salary

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 the first Monday of March, A. D. eighteen hundred and seventy-four.

CHAPTER CXXI.

An Act to prescribe the commencement of the term of Supervisors, in the County of Tuolumne.

[Approved February 24, 1874.]

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

Terms. SECTION 1. The term of office for Supervisors in the County of Tuolumne shall commence on the first Monday of March next ensuing their election.

SEC. 2. All Acts and parts of Acts conflicting with this Act are hereby repealed.

CHAPTER CXXII.

An Act to protect fish in the Counties of Plumas and Sierra.

[Approved February 24, 1874.]

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

Misdemeanor. SECTION 1. Every person who, between the fifteenth day of May and the fifteenth day of July of each year, takes or catches any trout in the Counties of Plumas or Sierra, is guilty of a misdemeanor.

Applicable. SEC. 2. The provisions of this Act shall be applicable to the whole of Independence Lake, situated in the Counties of Sierra and Nevada.

Repealed. SEC. 3. An Act entitled an Act to protect fish in the waters of Sierra and Plumas Counties, approved March thirtieth, eighteen hundred and seventy-two, is hereby repealed.

Same. SEC. 4. The provisions of section six hundred and thirty-one of the Penal Code, so far as they apply to the Counties of Plumas and Sierra, are hereby repealed.

SEC. 5. This Act shall take effect immediately.

CHAPTER CXXIII.

An Act to provide for the time of holding terms of the County Court and Probate Court, in the County of Colusa.

[Approved February 24, 1874.]

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

SECTION 1. There shall be held in the County of Colusa, terms of the County Court and Probate Court, as follows, to wit: On the first Mondays of January and April, and on the third Mondays of July and October of each year, which shall continue until the business thereof is disposed of. Terms of Court.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed, and this Act shall take effect and be in force from and after its passage.

CHAPTER CXXIV.

An Act to legalize certain bonds of the City of San Diego, and to provide for the payment of the interest thereon, and for the redemption thereof.

[Approved February 24, 1874.]

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

SECTION 1. Charter ordinance number seven, passed by the Board of Trustees of the City of San Diego, on the sixteenth day of September, A. D. eighteen hundred and seventy-two, and the election held in said city in accordance with the provisions of said ordinance, on the twenty-seventh day of September, A. D. eighteen hundred and seventy-two, are hereby legalized, ratified, confirmed, and declared valid, to all intents and purposes. Legalized.

SEC. 2. Charter ordinance number twenty-two, passed and approved by the Board of Trustees of the said City of San Diego on the third day of February, A. D. eighteen hundred and seventy-three, is hereby legalized, ratified, confirmed, and declared valid, to all intents and purposes; and all bonds already issued, or that may hereafter be issued, under and in accordance with the provisions of said ordinance number twenty-two, are hereby declared to be legal and valid obligations of and against said city, and the faith and credit of said city is hereby pledged for the prompt payment of the same annual interest of said bonds so issued, or to be issued, under the provisions of said ordinance number twenty-two, and for Same.

the redemption thereof, according to the tenor and effect of said bonds, and the coupons thereto attached.

Interest tax.

SEC. 3. For the payment of the interest of the bonds issued under the provisions of said ordinance number twenty-two, the said Board of Trustees are hereby authorized and required 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 said city sufficient to pay the interest on all bonds issued and unredeemed; and the Fund derived from this tax shall be set apart and applied exclusively to the payment of the interest on said bonds, and shall be known as the "City Bond Interest Fund."

If insufficient.

SEC. 4. If the special tax required by section three of this Act shall be insufficient to pay all the interest on said bonds in any one year, then the City Treasurer shall pay the deficiency out of the "General Fund" of said city; and he shall retain on hand sufficient of last named Fund to supply such deficiency.

Redemption tax.

SEC. 5. For the payment, on or before the expiration of the year A. D. eighteen hundred and ninety-two, of the principal of the bonds issued under the provisions of said ordinance number twenty-two, the said Board of Trustees are hereby authorized and required, in the year A. D. eighteen hundred and seventy-six, and annually thereafter until the expiration of the year A. D. eighteen hundred and ninety-two (unless the principal of the said bonds shall have been sooner paid), to levy at the same time and in the same manner as other city taxes are levied, a tax not exceeding one per cent on all the taxable property in said city; and the fund derived from this tax shall be set apart and applied exclusively to the payment of the principal of said bonds, and shall be known as the "City Bond Redemption Fund."

Redemption.

SEC. 6. On the first day of March, A. D. eighteen hundred and seventy-seven, and on every year thereafter, whenever there shall be the sum of not less than two thousand dollars in the Redemption Fund aforesaid, the City Treasurer shall advertise, for one month, in one daily newspaper printed and published in said City of San Diego, stating that he is prepared to receive sealed proposals for the surrender of a portion of said bonds issued under said ordinance number twenty-two, naming the amount of money he has on hand for the purpose of redemption; said proposals to be accompanied by the bonds, and to be opened publicly in ten days after the expiration of such publication by the City Treasurer, in the presence of the said Board of Trustees, at their office in said city; and at the time and place mentioned in said publication, the said Board of Trustees shall accept such of 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*, that in case a sufficient amount of such bonds shall not be offered, as aforesaid, to exhaust the Redemption Fund appropriated to the payment of the principal of said bonds, then it is hereby made the duty of the City Treasurer to advertise, in one daily newspaper printed and published in said city, for three months; which advertisement shall state the amount re-

maining in the said Redemption Fund appropriated for the payment of the principal of said bonds, and the number of the bonds, numbering and naming them in numerical order, which said amount remaining in 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 the said amount remaining in said Fund shall remain in the City Treasury to pay and discharge such bonds whenever presented; but such bonds shall not draw interest after such publication, as last aforesaid.

Cancellation.

SEC. 7. The City Treasurer shall cancel all coupons calling for interest on said bonds upon the payment of such interest, and shall cancel all bonds at the time of their redemption, and shall keep a full and particular account and record of all his proceedings in relation to or concerning the payment of the interest on said bonds, and the redemption thereof, and shall transmit to the said Board of Trustees an abstract of all his said proceedings, with his annual report.

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

CHAPTER CXXV.

[See volume of Amendments to the Codes.]

CHAPTER CXXVI.

An Act to provide for the payment of the outstanding indebtedness of Olmstead School District, in San Luis Obispo County.

[Approved February 25, 1874.]

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

Special school tax.

SECTION 1. The School Trustees of Olmstead School District, in the County of San Luis Obispo, are hereby authorized and directed to levy, without an election, a special tax upon all the taxable property of said school district, for the payment of the indebtedness incurred by said school district for the maintenance of schools therein in the year eighteen hundred and seventy-one and eighteen hundred and seventy-two, and yet remaining unpaid, not exceeding the sum of four hundred and twenty-five dollars, together with the costs and charges for levying and collecting such special tax, not to exceed in the aggregate the sum of fifty dollars.

How collected.

SEC. 2. Said special tax must be levied and collected in the same funds and in the same manner as other district school taxes are required by law to be collected, except that no election is required to authorize said levy.

SEC. 3. This Act takes effect immediately.

CHAPTER CXXVII.

An Act to reorganize the Board of Supervisors of Napa County, and for other purposes.

[Approved February 25, 1874.]

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

Districts.

SECTION 1. Napa County is hereby divided into four Supervisor Districts, bounded and described as follows: The Township of Napa shall be and constitute Supervisor District Number One, and shall be entitled to a representation of two members in the Board of Supervisors of said county.

Same.

SEC. 2. Yount Township shall be and constitute Supervisor District Number Two, and shall be entitled to a representation in the Board of Supervisors of one member.

Same.

SEC. 3. Hot Spring Township and Knox Township shall constitute two Supervisor districts, and shall be bounded and described as follows: The present boundaries of said townships shall be the boundaries of the Supervisor district, except the line dividing said townships north and south, and the line dividing said Supervisor districts north and south shall be the Summit ridge dividing the waters that flow into Napa Valley from those that flow into Childs' Valley, Pope Valley, and the creek known as the northwesterly tributary of Putah Creek, to the northern boundary of Napa County.

Same.

SEC. 4. The Supervisor district described in section three of this Act, which includes and embraces the northern portion of Napa Valley, shall be and constitute District Number Three.

Same.

SEC. 5. The Supervisor district described in section three of this Act, including and embracing Pope Valley and Knoxville, shall be and constitute District Number Four; and Districts Numbers Three and Four shall be entitled to a representation in the Board of Supervisors of said county of one member each.

Who to elect.

SEC. 6. The aforesaid Supervisor districts shall be entitled to elect the members of the Board of Supervisors to which they are severally entitled by law, by the qualified electors of each several district.

Compensation.

SEC. 7. The compensation of each member of the Board of Supervisors shall be four dollars per day for each day of actual service rendered; *provided*, the compensation of each member shall not exceed two hundred and fifty dollars, and his legal

mileage per annum. Each member of the Board shall be allowed mileage at the rate of twenty-five cents per mile, on going only, from his residence to the county seat, once each term. Three members present shall constitute a quorum for the transaction of business, but on all questions requiring a vote there shall be a concurrence of three members of said Board. Quorum.

SEC. 8. Within ten days after the passage of this Act, the Board of Supervisors of Napa County shall meet and provide for an election, to be held on the first Thursday in April, eighteen hundred and seventy-four, or on some other day within forty-five days of the passage of this Act, for five Supervisors, two in Supervisor District No. One, one in each of the other Supervisor districts, by the qualified electors of the respective districts; notice to be given of said election in a newspaper published in said county for at least thirty days prior to said election. The election shall be conducted in all respects, the returns canvassed, and the results declared by the Board of Supervisors, as provided by the laws regulating elections; *provided*, that section ten hundred and fifty-six of Political Code shall have no application to said election. Election. Notice.

SEC. 9. The Supervisors so elected shall qualify and enter upon the duties of their office within fifteen days after said election, and shall hold their office until their successors are elected and qualified. Qualify.

SEC. 10. At the general election in eighteen hundred and seventy-five, and every two years thereafter on the day of general election, there shall be elected one Supervisor for Supervisor District No. One, and one Supervisor from each of two other Supervisor districts, to be determined by lot by the Board of Supervisors themselves, who shall hold their office for the term of two years from the first of October succeeding their election, and until their successors are elected and qualified. When to elect.

SEC. 11. On the first Wednesday of September, eighteen hundred and seventy-six, and every two years thereafter, there shall be elected one Supervisor for Supervisor District Number One, and one Supervisor for the district for which no Supervisor was elected the year previous, who shall enter upon the discharge of their duties on the first of October succeeding their election, and shall hold their office for two years, and until their successors are elected and qualified. Same.

SEC. 12. Supervisors shall be qualified electors of their respective districts, and upon removal therefrom their offices shall become vacant. Qualification.

SEC. 13. At the first meeting of the new Board of Supervisors after the special election in eighteen hundred and seventy-four, and after the election in each year thereafter, the Board of Supervisors shall elect one of their number as Chairman of the Board. The Chairman elected in eighteen hundred and seventy-four, and in each subsequent year thereafter, shall hold his office until after the election and qualification of the Supervisors in the succeeding year. Chairman.

SEC. 14. At the first meeting of the Board of the Supervisors after the first day of October, eighteen hundred and Ascertain liabilities.

seventy-four, and at the first meeting in October in each year thereafter, after the qualification of the new members, the Board shall ascertain the amount of liabilities and indebtedness then existing against the several Funds of the county, including the several Road Districts Funds, and the amounts of the salaries of all county officers, up to the first Monday in March of the succeeding year, and shall enter the same on the minutes; and neither the Board nor any county or district officer shall create, allow, audit, nor permit to accrue any debts or liabilities in excess of the actual income of the several Funds for the current revenue year, and every liability assumed, claimed, audited, or allowed, or warrant drawn against any Fund in excess of the annual income of such Fund, shall be void.

No debts.

Continue.

SEC. 15. The present Supervisors shall continue in office until their successors, herein provided for, shall be elected and duly qualified.

Claims to be particularized.

SEC. 16. The Board of Supervisors of Napa County shall credit and allow no bill against any County or District Fund, unless the same be itemized, giving names, dates, the particular services rendered, distance traveled, character of process served, upon whom, when, and where, character of work done, number of days, price paid, and to whom, materials furnished, by whom, quantity and price paid therefor, and no claim shall be allowed by the Board of Supervisors until ten days from the time of filing of said claim with the Clerk of the Board of Supervisors.

Guilty.

SEC. 17. The members of the Board of Supervisors voting for the allowance of any claim allowed in violation of the preceding sections, shall be guilty of a misdemeanor, and the Auditor shall not draw any warrant for any claim allowed in violation of this Act.

SEC. 18. So much of all Acts and parts of Acts as conflict with the provisions of this Act are hereby repealed.

SEC. 19. This Act shall take effect from and after its passage.

CHAPTER CXXVIII.

An Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano.

[Approved February 25, 1874.]

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

To consist of.

SECTION 1. There shall be a Board of Education in and for Vallejo Township, in the County of Solano, which shall consist of a Superintendent of Public Schools, who shall be ex officio President of the Board, and four School Directors.

SEC. 2. On the third Monday in March, A. D. eighteen hundred and seventy-four, and on the same day every two years thereafter, a special election shall be held, at which the legally qualified electors of said township, residents thereof, shall elect a Superintendent of Public Schools, four School Directors, and an Assessor, who shall be ex officio Tax Collector in and for said township, who shall qualify on or before the first Monday in the April next succeeding their election, and shall hold their respective offices for the term of two years from the first Monday in the April next after their election, and until their successors are elected and qualified; *provided*, that the present Board of Education, in and for Vallejo Township, 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. Election. Term.

SEC. 3. It is hereby made the duty of the said Board of Education to designate the time and places for holding the elections mentioned in this Act, and to give at least five days notice thereof by posting notices in three of the most public places in the said township, and by advertising said notices in all the daily newspapers, and by two insertions thereof in a weekly newspaper published in said city, which notices must specify the time and places where said elections will be held, the hours during which the polls will be kept open, and the offices to be filled, and to appoint for each of the election precincts, from the electors thereof, one Inspector and two Judges, who shall constitute a Board of Election for said precincts; and if none are so appointed, or if they are not present at the time for the opening of the polls, the electors assembled may appoint them from among the qualified electors present. The said elections must be held in all respects as nearly as practicable in conformity with the general election law, except as otherwise in this Act provided. Notice and contents.

SEC. 4. In each of the election precincts of the township the polls must be opened at eight o'clock in the morning of the election and kept open until sunset; *provided*, that the said Board of Election may close the polls for one hour at any time during the day before three o'clock P. M. Polls open.

SEC. 5. Every elector of the County of Solano, who has resided in said township for thirty days next preceding the election, may vote thereat. Electors.

SEC. 6. Any person offering to vote may be challenged by any elector of the township, and the said Board of Election must thereupon administer to the person challenged an oath, in substance as follows: "You do swear that you are twenty-one years of age; that you have resided in this State six months next preceding this election, and in this township thirty days, and that you have not before voted this day." If he refuses to take the oath his vote must be rejected. Challenge and oath.

SEC. 7. A poll and tally list must be kept and returned to the said Board of Education. Lists.

SEC. 8. All returns of said elections shall be made out and signed by the officers thereof in the usual form, and be depos- Returns.

ited with the Secretary of the said Board of Education within five days after said elections.

Canvass. SEC. 9. The said Board of Education must meet at their usual place of meeting, on the first Monday after said election, to canvass the returns and declare the result thereof. The Board must declare elected the person having the highest number of votes given for each office to be filled. The Secretary of the Board must immediately make and deliver to the person so elected, certificates of election, signed by him.

Organization of Board. SEC. 10. The said Board of Education shall meet on the first Monday in the April next succeeding their election, and after qualifying by taking the oath of office prescribed by law, shall elect their Secretary, who may be a member of the Board, and shall keep a record of their proceedings, an account of the receipts and expenditures of all school moneys, shall keep his records and accounts open to the inspection of the electors of the township, and shall perform such other duties as may be required of him by the Board or the Superintendent. The Superintendent shall preside at all meetings of the Board, and may appoint any member of the Board to preside temporarily in his stead, whenever he may deem it proper to lay any information before the Board, to recommend any measure, to make any suggestion, or to address the Board upon any question which may be under consideration before it, 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 all the members elect 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 meet once a month, and as much oftener as business may require, and may be called together at any time by the Superintendent. The Board may establish rules for their own proceedings. Its sessions shall be public, and its records shall be open to public inspection. The said Board of Education shall judge of the qualifications, elections, and returns of their own members, and of the other officers elected under the provisions of this Act, and determine contested elections of all school officers in and for said township. They shall keep a journal of all their proceedings, and, at the desire of any member, shall order the yeas and nays to be taken on any question, and entered in the journal.

Superintendent to preside.

Quorum and meetings.

Sole powers of the Board. SEC. 11. The said Board of Education shall have sole power:

First—To establish and maintain public school districts, and to fix and alter the boundaries thereof.

Second—To admit non-resident children and persons over twenty one years of age to any of the departments of the public schools, upon the payment monthly, in advance, of such rates of tuition as said Board may establish, and to expend the same for educational purposes.

Third—To prohibit any child under the age of six years from attending the public schools.

Fourth—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, and to withhold, for good and suffi- Same.
cient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Fifth—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 township, the teachers thereof, and the pupils therein, and for carrying into effect the laws relating to education.

Sixth—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.

Seventh—To provide for the school department of said township fuel and lights, water, blanks, 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 other incidental expenses as may be deemed necessary by said Board.

Eighth—To receive, purchase, lease, and hold in fee in trust, for said Vallejo Township, 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 township, 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 any new school house, without the consent of four members of the Board of Education; *and, provided further*, that the proceeds of any such sale or exchange shall be exclusively applied to the purchase of another lot or lots, or the erection of a school house or school houses.

Ninth—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.

Tenth—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 acts necessary thereto.

Eleventh—To determine, annually, the amount of money required for the support of the public schools in said township for ten months, together with the cost of necessary repairs and incidental expenses, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision, the Board shall, on the first Monday in April of each year, make a careful estimate of the whole amount to be received from the State and county, and the amount required, in addition thereto, from the said township, for the above named purposes; and the amount so found to be required from the township, shall be assessed and collected in the manner hereinafter provided in this Act; *provided*, that the amount to be thus assessed for school purposes shall not exceed thirty cents on each one hundred dollars valuation upon the assessment

Same. roll, and that when collected, it shall be immediately paid into the School Fund of said township, to be drawn out only upon the order of the Board of Education.

Twelfth—To establish regulations for the just and equal disbursement of all moneys belonging to the said Public School Fund.

Thirteenth—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.

Fourteenth—To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property.

Fifteenth—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.

Vacancies. SEC. 12. In case of a vacancy in the office of Superintendent of Public Schools, 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 election held under this Act. 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 election held under this Act, and the election and qualification of his successor.

Powers. SEC. 13. The Superintendent of Public Schools, as President of the Board of Education, and the Secretary of said Board, shall have power to administer and certify oaths or affirmations concerning any demand payable out of the School Fund, or other matters relating to their official duties, or to offices, or official matters concerning said public schools.

Advertise for proposals. SEC. 14. Before giving out any contract or incurring any liability for building, repairing, or other work, or for furnishing materials, or for any expenditure herein authorized, to any amount exceeding two hundred dollars, the Board of Education shall advertise for sealed proposals for the object contemplated, for at least ten days, in a newspaper published in the said township; and all proposals offered shall be delivered to the 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 adequate security; *provided*, said Board may reject any and all bids, should they deem it for the public good so to do.

No interest in contracts SEC. 15. No School Director or Superintendent shall be interested in any contract pertaining in any manner to the school department of said township. All contracts in violation of this section are hereby declared void, and any member of the Board of Education, 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.

Duties of Superintendent. SEC. 16. It shall be the duty of the Superintendent to visit and examine each school in said township at least once a month; to observe, and cause to be observed, such general rules and regulations for the government and instruction of the schools not inconsistent with the laws of the State, as may be estab-

lished 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 township. He shall acquaint himself with all the laws, rules, and regulations governing the public schools in said township, and the judicial decisions thereon, and give his advice on subjects connected with the said schools gratuitously to officers, teachers, pupils, and their parents and guardians. 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 township during the preceding year; the number of teachers employed, and of pupils taught in each of the primary, grammar, high, and other public schools of the township; the average attendance of said pupils; the amount paid respectively for teachers, with such recommendations as he may deem proper. Same.

SEC. 17. The Superintendent of Public Schools shall be allowed as compensation for his services, to be paid out of the School Fund, a sum not exceeding six 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 four hundred dollars per annum, to be fixed by the Board of Education, and to be paid out of the School Fund. Compensation.

SEC. 18. The School Fund of said Vallejo Township 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 Education of said township 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 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. School Fund.

SEC. 19. The said School Fund shall be used and applied by said Board of Education for the following purposes: How used.

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, repair, and furnishing of school houses.

Third—For the purchase or rent of any real or personal property, purchased or leased by said Board.

Fourth—For the insurance of all school property.

Fifth—For lighting school rooms, supplying the schools with fuel, water, apparatus, blanks, blank books, maps, charts,

stationery, and necessary school appliances, together with books for indigent children.

Sixth—For supplying books, printing, and stationery 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, sewering, planking, paving, and repairing streets, and constructing and repairing sidewalks in front thereof.

Eighth—For the payment of the salaries of the Superintendent of Public Schools, and the Secretary of the Board of Education.

Claims, how certified.

SEC. 20. 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 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', Superintendents', and Secretaries' salaries shall be payable monthly.

How paid.

SEC. 21. All demands authorized by this Act, when audited and approved, and warrants issued thereon, as herein prescribed, shall be presented to the City Treasurer of the said City of Vallejo, who shall be ex officio the legal custodian of the School Fund of said township, for payments, and the said Treasurer is hereby authorized and required to pay the same from the said School Fund; *provided*, that the said Board of Education shall not have power to contract any debt or liability in any form whatever, against the said township, in contravention of this Act.

Apportionment of funds.

SEC. 22. It is hereby made the duty of the Superintendent of Public Schools for the County of Solano, whenever any moneys shall have been apportioned to the Vallejo School District, or the said township, from the County or State Funds, to notify the Secretary of the said Board of Education thereof. The said County Superintendent shall, when an apportionment has been made of any funds in the County Treasury, issue his order on the County Treasurer of said County of Solano, in favor of the City Treasurer of the said City of Vallejo. Upon presentation of said order, the said County Treasurer shall pay the sum designated in said order to the City Treasurer of said city, as the legal custodian of the School Fund of said township.

Treasurer.

SEC. 23. The Treasurer of the City of Vallejo is hereby authorized, and it shall be his duty to keep all the school money from State, county, and township, in a separate Fund, called the Vallejo School Fund, and shall pay it out only on the order of the Board of Education of said Vallejo Township. The said Treasurer of the City of Vallejo shall be responsible on his official bond for all moneys received by him belonging to the School Fund of said township, but must not charge or receive

any fees or compensation whatever for receiving, keeping, or disbursing any money belonging to said School Fund.

Special school tax.

SEC. 24. The said Board of Education are hereby authorized, and it shall be their duty to levy annually a special school tax upon all the taxable property in said township, for an amount which, together with the State and county money to be received, shall be sufficient to maintain the public schools in said township for ten months during the year; and said tax shall be levied, assessed, equalized, and collected in the manner provided in the next succeeding sections of this Act.

Assessor.

SEC. 25. The said Assessor of the said township, on receiving his certificate of election, and taking the oath of office, must forthwith assess, in the manner provided for County Assessors, all the taxable persons and property in said township, and within thirty days return his roll, footed up, to the said Board of Education.

Tax, how levied.

SEC. 26. The said Board of Education, upon receiving the roll, must deduct fifteen per cent therefrom for anticipated delinquencies, and then, by dividing the sum, which, after making a careful estimate, as provided in the eleventh subdivision of the eleventh section of this Act, they find to be required, in addition to the estimated amount of money to be received from the State and county for the support of the public schools in said township for ten months, together with the estimated cost of all necessary repairs and incidental expenses in reference thereto, and 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 one hundred dollars, in place of any portion, is hereby levied and assessed to, on, or against, the persons or property named or described in the roll, and is a lien on all such property until the tax is paid; and the tax, if not paid within the time limited by the next succeeding section for its payment, must be collected in the same manner as delinquent State and county taxes.

How collected.

SEC. 27. As soon as the rate of taxation has been determined, as provided in the preceding section, the said Board of Education must place the tax list in the hands of the said Collector, who must then proceed to collect the tax, and within sixty days, return the roll to the said Board of Education, 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 must also, at the same time, file with the said Board the receipt of the City Treasurer of the said City of Vallejo for all the moneys by him collected; and the persons and property on the roll not by the said Collector marked "Paid," are delinquent.

Maximum.

SEC. 28. The maximum rate of tax authorized to be levied by this Act, must not exceed thirty cents on each one hundred dollars, in any one year.

Equalization.

SEC. 29. The said Board of Education, upon receiving the said assessment roll from the said Assessor, must give five days notice thereof by the publication of a notice in all the daily newspapers published in said city, and sit, for at least three days, as a Board of Equalization, at such time and place as has

been named in such published notice, and they have the same powers as County Boards of Equalization to make any changes in the said assessment roll.

Appoint, when. SEC. 30. In case the said Assessor refuses or neglects to qualify on or before the first Monday in the April next succeeding his election, or having qualified, refuses or neglects to act, or in case of any vacancy from any other cause in said office, the said Board of Education must appoint some proper person to fill the place.

Compensation. SEC. 31. The compensation of the said Assessor and ex officio Tax Collector, must be fixed by the said Board of Education, and paid out of the money collected by him.

Official bond. SEC. 32. The said Assessor, as Tax Collector in and for said township, must execute an official bond, in an amount to be fixed by the said Board of Education. The said bond must be approved by the said Superintendent of Public Schools, and then filed by the Secretary of said Board, who shall be the legal custodian of all the records and papers of said Board of Education.

SEC. 33. 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 the provisions of this Act, are hereby repealed.

CHAPTER CXXIX.

An Act fixing the salary of County Clerk in the County of Shasta.

[Approved February 27, 1874.]

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

Compensation of Clerk. SECTION 1. The County Clerk of Shasta County shall receive a compensation for all services required of him by law, either in the performance of his duties as Clerk, or any of his ex officio offices, in lieu of the fees and commissions now allowed by law to said offices, the salary or annual sum of three thousand dollars, to be paid in quarterly installments of seven hundred and fifty dollars each, from the County Treasury, in the manner hereinafter provided.

Duties. SEC. 2. The County Clerk shall collect all fees allowed by law for the performance of his duties as Clerk, or any of his ex officio offices, except such fees as are chargeable to the county, and he shall keep a true and accurate account of the same, as provided in this Act. He shall procure a suitable book, which shall be known as the County Clerk's Fee Book, in which shall be entered all fees collected by him, in such a manner as will show the amount of fees received in each department of his office, and for what, when, and by whom paid. He shall, on the first Monday in May, in the year eigh-

teen hundred and seventy-four, and every three months thereafter, render to the County Treasurer, under oath, an account of the aggregate of all fees received by him during the last preceding three months, at the same time paying the same over to the Treasurer, who shall place the same to the credit of a Fund, to be designated and known as the County Clerk's Salary Fund, and shall pay the same out on all warrants drawn in favor of said Clerk for his salary.

Duty of Supervisors.

SEC. 3. It is hereby made the duty of the Board of Supervisors, at each of their regular quarterly sessions, to examine the County Clerk's fee book, and if they find it corresponds with the amount credited to the County Clerk's Salary Fund upon the Treasurer's books, then it shall be their duty to cause to be issued to the County Clerk a warrant or warrants upon said Fund for such amount, not exceeding the quarterly installments of seven hundred and fifty dollars, as may be and appear upon the books of the County Treasurer to the credit of said Salary Fund at each of the aforesaid quarterly sessions of the Board; and if, at the May term of said Board in the year one thousand eight hundred and seventy-four, and at each succeeding term thereafter, the amount appearing to the credit of said Salary Fund shall not amount to the sum of seven hundred and fifty dollars, then the Board of Supervisors shall, at the same time, cause to be issued to said Clerk an additional warrant or warrants, upon the General Fund of said county, for such residue or deficiency, and such warrants shall be paid from the General Fund of the county in the same order, and with the same interest thereon from the date of presentation, as other county indebtedness is now or may hereafter be paid; but should it appear at the end of each year, after settlement with the Clerk and payment of the residue of his annual salary, that there is still money remaining in the County Clerk's Salary Fund, the Board of Supervisors shall transfer the same to the County General Fund.

SEC. 4. All Acts or parts of Acts, so far as they 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 CXXX.

An Act to fix the salary of the Superintendent of Public Schools of Butte County.

[Approved February 27, 1874.]

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

Salary. SECTION 1. The Superintendent of Public Schools of the County of Butte shall receive an annual salary of fifteen hundred dollars, in full for all compensation.

SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect on the first day of March, A. D. eighteen hundred and seventy-four.

CHAPTER CXXXI.

An Act to repeal all special road laws in the County of Contra Costa.

[Approved February 27, 1874.]

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 provide for establishing, maintaining, and protecting public and private roads in the County of Contra Costa, approved March the twenty-third, eighteen hundred and sixty-eight; also an Act concerning roads and highways in Contra Costa County, approved March thirtieth, eighteen hundred and seventy-two, and all Acts and parts of Acts (applicable to said county) in conflict with Chapter Second of the Political Code, on Highways, are hereby repealed.

SEC. 2. This Act shall take effect on the first day of May, in the year eighteen hundred and seventy-four.

CHAPTER CXXXII.

[See volume of Amendments to the Codes.]

CHAPTER CXXXIII.

An Act to amend an Act entitled an Act to provide for the manner of auditing claims against the County of Humboldt, and to provide for the reduction of taxation therein and expenses thereof, approved April first, eighteen hundred and seventy.

[Approved February 27, 1874.]

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 provide for the manner of auditing claims against Humboldt County, and to provide for the reduction of taxation therein and expenses thereof, approved April first, eighteen hundred and seventy, is hereby amended so as to read as follows: Amended.

Section 10. The Board of Supervisors of the County of Humboldt shall not fix the rate of taxation for county purposes so as to exceed the following limits: For general county purposes, forty-five 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, thirty cents on each one hundred dollars value of property in said county; for school purposes, such taxes as are authorized by law; *provided*, the Board may, in addition to the tax above mentioned for road purposes, levy annually, for the years eighteen hundred and seventy-four and eighteen hundred and seventy-five, a special tax of five cents on each one hundred dollars value of property in the county, to be collected and set apart as a special Fund, to be appropriated, applied, and used in constructing a road from the Town of Hydesville, in said county, to what is known as Robinson's Crossing of Van Dusen Creek. Duty of Supervisors.

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

CHAPTER CXXXIV.

An Act to incorporate the City of Visalia, and provide for public schools therein.

[Approved February 27, 1874.]

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

SECTION 1. The inhabitants of the territory described in section two of this Act, are hereby declared to be a municipal corporation, under the provisions of Titles Three and Four of Corporation.

Part Four, being sections from four thousand three hundred and fifty-four to four thousand four hundred and fifty-six, inclusive, of the Political Code of the State of California, and shall be governed in all respects by said sections, except as in this Act otherwise specially provided.

Boundaries

SEC. 2. The boundaries of the City of Visalia shall be as follows: Commencing at the southwest corner of section number twenty-nine, in township number eighteen south, range number twenty-five east, Mount Diablo base and meridian; thence running south twenty chains; thence east sixty chains; thence north sixty chains; thence west twenty chains; thence north forty chains; thence west forty chains; thence south twenty chains; thence west twenty chains; thence south sixty chains; thence east twenty chains, to the place of beginning.

Officers and election.

SEC. 3. The Common Council of the said City of Visalia shall consist of five members, who, with the City Marshal, Assessor, Treasurer, and City Recorder, shall be chosen at an election to be held in said city on the first Monday of May, A. D. eighteen hundred and seventy-four, and on the first Monday of May every succeeding year thereafter, and shall hold their offices until their successors are elected and qualified.

Organization.

SEC. 4. Within ten days after the election and qualification of members of the Common Council, the City of Visalia shall elect one member as President, who shall be ex officio Mayor, and perform the duties devolved upon such office by the provisions of the Code mentioned in section one of this Act. The City Marshal shall be ex officio Tax Collector, and the Recorder shall perform the duties of Police Judge, as imposed by the hereinbefore mentioned sections of the Political Code. Each and every of the above officers shall qualify as by law or ordinance provided.

Salaries and fees.

SEC. 5. The members of the Common Council shall serve without salary; *provided*, that the President as ex officio Mayor may, in the discretion of the Common Council, be paid an annual salary not to exceed two hundred dollars. The Recorder and Marshal (ex officio Tax Collector) shall receive as compensation for their respective offices the same fees as are now received by Justices of the Peace and Constables of Tulare County for the performance of similar duties; *provided*, that the Marshal may receive such salary as the Council may, by ordinance, provide, but such salary, with the fees as Marshal and ex officio Tax Collector, shall not in any one year exceed the sum of fifteen hundred dollars. The Assessor shall receive a salary not to exceed two hundred dollars, and the Treasurer a salary not to exceed two hundred dollars per annum.

Succession.

SEC. 6. The City of Visalia shall succeed to all the rights, titles, interests, possessions, credits, immunities, liabilities, debts, and obligations, in law and in equity, that pertain to the Town of Visalia, and the school districts therein, subject only to the school law of this State, and the provisions of this Act.

Powers of Common Council.

SEC. 7. The Common Council shall have power to levy and collect taxes for municipal purposes, not to exceed one hundred cents on the one hundred dollars worth of taxable property of said City of Visalia, and thirty-five cents on the one hundred dollars worth of taxable property, for the payment of

school teachers for any one year; *provided*, that upon application, signed by three fifths of the Board of Education, the said Common Council may levy a special tax, not to exceed sixty-five cents on the one hundred dollars worth of taxable property in said city, for the special purpose of building additional school room.

Debt. SEC. 8. The public debt of the City of Visalia, for municipal purposes, shall, at no time, exceed the sum of two thousand dollars, and the debt for school purposes shall not exceed the sum of four thousand dollars, and the total debt of the City of Visalia shall not exceed the sum of six thousand dollars.

Special powers. SEC. 9. The Common Council is vested with the power to compel property owners in Visalia to pave, grade, or plank, and keep clean the public street in front of their property, at their own expense.

Terms of office. SEC. 10. The Trustees and officers of the Town of Visalia, and the School Trustees of Visalia School District, shall continue in office until the officers provided for in this Act are elected and qualified; *provided*, that the President of the existing Board of Town Trustees shall cause the notice required by section four thousand and sixty-seven of the Political Code to be published in some newspaper published in the City of Visalia, for four successive weeks prior to the first Monday in May, A. D. one thousand eight hundred and seventy-four.

Board of Education. SEC. 11. In addition to the officers enumerated in section three of this Act, there shall be chosen, at the same time and in the same manner, one City Superintendent and four Directors of Public Schools, to compose a Board of Education, in and for the City of Visalia, and who shall hold office for one year, and until their successors are elected and qualified. The said Board of Education shall have control, full and complete, of the public schools of the City of Visalia, subject to the State school laws in force.

Qualification. SEC. 12. The City Superintendent and Directors of public schools herein provided for, shall, within ten days after their election, qualify as School Trustees are now required by law to qualify, and shall elect one of their number to act as Clerk of the Board of Education, who shall perform the duties usually performed by Clerks of Boards of School Trustees, and such other duties as the Board of Education may direct.

Duty of Superintendent. SEC. 13. The City Superintendent of Public Schools shall, annually, make a written report to the Common Council, embracing all matters pertaining to the public schools, and suggestions with regard thereto. Said report shall also contain a complete statement of the amounts expended in behalf of the public schools, with an estimate of the amount which will be required from the city, in addition to the amount received from State and county taxes, to keep the public schools in operation for at least eight months of the succeeding year. The said report shall be made at or before the time for the city tax levy for school purposes, and it is made the duty of the Common Council to levy a tax sufficient to produce the amount required under such estimate; *provided*, that the amount of tax shall in no case exceed the limits hereinbefore provided.

School Fund.

SEC. 14. All moneys derived from taxes levied for school purposes shall be paid into the City Treasury, kept in a separate Fund, to be known as the "Visalia City School Fund," and paid out only upon warrants duly drawn by the City Superintendent, and signed by the Superintendent and the Clerk of the Board of Education.

Compensation.

SEC. 15. The Common Council shall have power to fix a compensation for the City Superintendent of Public Schools and Clerk of the Board of Education, at a sum not to exceed one hundred dollars each per annum, to be paid out of the City School Fund.

SEC. 16. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 17. This Act shall take effect from and after its passage.

CHAPTER CXXXV.

An Act to fix the salaries of certain officers in Mendocino County.

[Approved February 27, 1874.]

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

Compensation.

SECTION 1. Such compensation shall be allowed to the officers hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein provided.

Sheriff.

SEC. 2. The Sheriff, for all services required of him by law, or by virtue of his office, to include the pay of jailer and all deputies, the sum of six thousand dollars per annum; *provided*, that he shall be allowed one Under Sheriff, whose salary shall be fifteen hundred dollars per annum; *provided*, nothing in this Act shall be so construed as to prevent the Sheriff from receiving compensation from the State for conducting prisoners to the State Prison, as provided in section fifteen hundred and eighty-six of the Penal Code; *provided, further*, that he shall be allowed compensation for all expenses necessarily incurred in transporting insane persons to any Insane Asylum in the State.

County Clerk.

SEC. 3. The County Clerk, for all services required of him by law, or by virtue of his office, to include all services rendered ex officio as Clerk of the Board of Supervisors, or any other service required by law, or by virtue of his office, and to include the pay of deputies and clerk hire, shall receive the sum of twenty-four hundred dollars per annum; *provided*, that he shall be allowed a deputy during each meeting of the Board of Supervisors, at a salary of not to exceed five dollars per day for each day said Board shall be in session.

Recorder.

SEC. 4. The County Recorder, for all services required of him by law, or by virtue of his office, to include all deputies and clerk hire, shall receive the sum of two thousand dollars per annum.

Complete business.

SEC. 5. It shall be the duty of all officers named in this Act to complete the business of their respective offices to the expiration of their respective terms; and in case any officer, at the close of his official 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 extra pay.

SEC. 6. None of the officers mentioned in this Act shall receive any other compensation whatever for any services that now or may hereafter be required of them in the discharge of their respective offices. No office which is now, or may hereafter be created, the duties of which, in whole or in part, shall be devolved on such officers, shall entitle them to receive any extra compensation therefor, but all fees received by any of the officers herein named shall be paid into the County Treasury.

Fees.

SEC. 7. The County Clerk, as such, and as ex officio Auditor, Clerk of the Courts of record, and Clerk of the Board of Supervisors, Equalization, and Canvassers, and the County Recorder, as such, shall receive the fees allowed by law, but all such fees shall be paid into the County Treasury.

Same.

SEC. 8. The Sheriff shall receive and collect the fees and mileage allowed by law; but all such fees and mileage must be paid into the County Treasury.

Fees and fee books.

SEC. 9. The officers named in sections two, three, and four of this Act shall collect and safely keep all fees, mileage, commissions, and percentage now allowed, or that may hereafter be allowed by law for services rendered by them in their several official capacities, and upon the first day of the regular meeting of the Board of Supervisors, shall pay over the same to the County Treasurer. It shall be and is hereby made the duty of such officers who are entitled to charge and collect, or receive fees, mileage, commissions, or other compensation for official services, to keep a book or books, in which shall be entered by items, the amounts received for all official services performed by them, or any of their deputies, showing the date and nature of such services, and the amounts received therefor, which book or books shall at all office hours be open to the inspection of the Board of Supervisors or any citizens. All fees, mileage, or other compensation for official services which, under this Act, are required to be paid in to the County Treasury, shall go into the General Fund of the county.

Penalty for neglect.

SEC. 10. Any officer who shall willfully neglect or refuse to keep and exhibit such fee book, as required in the preceding section, shall be deemed guilty of a misdemeanor, and, on conviction thereof, be punished by a fine not exceeding one thousand dollars, and by sentence of removal from office, if in office at the date of sentence.

Pay and swear.

SEC. 11. The officers required by this Act to pay the fees, mileage, and other compensation collected by them into the County Treasury, shall, on the first day of the regular meeting of the Board of Supervisors, present their fee books to said Board, with the same footed up, and the County Treasurer's receipt annexed, showing that the same has been paid into the

Same. Treasury. He shall also make an affidavit in form as follows: "I, ——, Clerk (or other officer, as the case may be,) of the County of Mendocino, do solemnly swear that the entire fees, mileage, compensations, commissions, percentage, or payments, for all services by me, or any deputies or persons connected with my office for me, have been returned 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 or mileage 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 receipts and the affidavit named in this section, shall be written upon the face of the fee book, following the record of the fees for the month.

Penalty for neglect. SEC. 12. For a willful neglect or refusal to comply with section eleven of this Act, the officer or officers named shall have their accounts rejected by the Board of Supervisors, and be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one thousand dollars, or imprisoned in the County Jail not exceeding one year, or both such fine and imprisonment, and shall be deprived of his office; *provided*, that nothing in said section 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.

Credits to be entered and paid. SEC. 13. 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 services rendered in the discharge of his official duties required by law, or by virtue of his office, 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.

Salary paid. SEC. 14. Upon the officers presenting their fee books, with the receipt of the Treasurer, and making the affidavit as required in section eleven of this Act, the Board of Supervisors shall allow and order paid out of the General Fund of the county, the proportion of the salary due such officers.

SEC. 15. All Acts and parts of Acts in conflict with the provisions of this Act, are hereby repealed.

SEC. 16. This Act shall take effect and be in force on and from the first Monday in March, A. D. one thousand eight hundred and seventy-four.

CHAPTER CXXXVI.

An Act fixing the salaries of certain county officers of Inyo County.

[Approved February 27, 1874.]

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

County Judge. SECTION 1. From and after the expiration of the term for which the present incumbent of the office of County Judge of Inyo County was elected, the officer thereafter holding that position shall receive a salary of one thousand two hundred dollars per annum.

District Attorney. SEC. 2. From and after the first day of March, A. D. eighteen hundred and seventy-four, the District Attorney of said county shall receive a salary of one thousand dollars per annum.

Warrants for salary. SEC. 3. It shall be the duty of the Auditor of said county, on the first Monday of each and every month, to draw warrants upon the County Treasurer in favor of said County Judge and District Attorney, for the amounts of salary due said officers, respectively, for each month, under the provisions of this Act, and said warrants shall be paid in gold and silver coin on presentation to the County Treasurer

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

CHAPTER CXXXVII.

An Act to confer further powers upon the City Board of Examination of the City and County of San Francisco, and the Board of Education, Auditor, and Treasurer of said city and county.

[Approved February 27, 1874.]

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

Certificates without examination. SECTION 1. Certificates entitling teachers in special branches to teach in the public schools, may be issued by the City Board of Examination, without requiring applicants to pass examinations in other branches.

Salaries of special teachers. SEC. 2. The President of the Board of Education of the City and County of San Francisco, the Superintendent of Public Schools of the City and County of San Francisco, and the Auditor of the City and County of San Francisco, are hereby

authorized to sign warrants for the payment of the salaries of special teachers in the school department of San Francisco who have performed services during the month of January, A. D. eighteen hundred and seventy-four, but whose warrants have not been signed by said officers in consequence of their certificates being defective under the law; and the Treasurer of the City and County of San Francisco is hereby authorized to pay such warrants when properly approved.

SEC. 3. All Acts and parts of Acts, so far as they are in conflict with the provisons of this Act, are, for the purpose of this Act, hereby repealed.

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

CHAPTER CXXXVIII.

An Act to apply certain provisions of the Political Code to the County of Fresno.

[Approved February 27, 1874.]

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

Apply to County of Fresno.

SECTION 1. Sections twenty-seven hundred and forty-three, twenty-seven hundred and forty-four, twenty-seven hundred and forty-five, twenty-seven hundred and forty-six, twenty-seven hundred and forty-seven, twenty-seven hundred and forty-eight, twenty-seven hundred and forty-nine, twenty-seven hundred and fifty, twenty-seven hundred and fifty-one, twenty-seven hundred and fifty-two, twenty-seven hundred and fifty-three, twenty-seven hundred and fifty-four, twenty-seven hundred and fifty-five, twenty-seven hundred and fifty-six, of Volume One, Chapter Two, of Article Eight, Title Six, of the Political Code, are made applicable to the County of Fresno.

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

CHAPTER CXXXIX.

An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

[Approved February 27, 1874.]

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

SECTION 1. The Act to which this is supplemental, and of which it is amendatory, shall take effect and apply to the uncultivated lands in the following described portion of Fresno County, on the twenty-fifth day of June, A. D. eighteen hundred and seventy-four, viz: all that portion lying south of King's River and east of the railroad, and adjoining the County of Tulare; *provided*, that no actions commenced prior to the taking effect of this Act, under the Act to which this Act is supplemental, shall be in anywise affected by the passage of this Act. To apply to.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXL.

An Act to postpone the next charter election of the City of Oakland, and extend the time of officers of said city.

[Approved February 27, 1874.]

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

SECTION 1. The charter election in the City of Oakland, for the present year, shall be held on the first Monday in May, Anno Domini eighteen hundred and seventy-four, and the terms of all city officers now holding office by virtue of any previous election, are hereby extended to said date, and until their successors are qualified. Charter election.

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

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

CHAPTER CXLI.

An Act allowing the Sheriff of Shasta County compensation for the services of Under Sheriff.

[Approved February 27, 1874.]

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

Under Sheriff.

SECTION 1. The Sheriff of the County of Shasta shall be entitled to receive, in addition to the fees and compensation allowed by law, the sum of one hundred and fifty dollars per month, to be paid out of the General Fund of said county, for the services of an Under Sheriff.

Warrant for salary.

SEC. 2. It is hereby made the duty of the Board of Supervisors of Shasta County, at each of their regular quarterly sessions, to cause to be issued to the Sheriff a warrant or warrants upon the General Fund of said county, for the sum of one hundred and fifty dollars, for each and every month, for the services, as provided in section one of this Act.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXLII.

An Act concerning official bonds in Mono County.

[Approved February 27, 1874.]

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

Official bonds.

SECTION 1. The following named officers in Mono County must execute official bonds in the amounts hereinafter stated: Sheriff, five thousand dollars; Tax Collector, ten thousand dollars; Clerk, four thousand dollars; Auditor, two thousand dollars; Recorder, two thousand dollars; Treasurer, ten thousand dollars; District Attorney, two thousand dollars; Assessor, ten thousand dollars; Surveyor, one thousand dollars; Coroner, one thousand dollars; Public Administrator, two thousand dollars; School Superintendent, one thousand dollars; Supervisors, two thousand dollars each.

Excepted.

SEC. 2. The County of Mono is hereby excepted from the provisions of section four thousand one hundred and twenty-two of the Political Code.

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

CHAPTER CXLIII.

An Act to repeal an Act to provide for the maintenance of public roads and trails in the County of Sierra, approved February ninth, eighteen hundred and sixty-six.

[Approved February 27, 1874.]

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

SECTION 1. An Act to provide for the maintenance of public roads and trails in the County of Sierra, approved February ninth, eighteen hundred and sixty-six, is hereby repealed. Repealed.

SEC. 2. The Road Overseers of Sierra County shall receive the sum of four dollars per day for every day's service rendered as such officers. Compensation.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXLIV.

An Act to provide for the construction of certain wagon roads in the County of Humboldt.

[Approved February 28, 1874.]

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 Humboldt are hereby authorized to issue the bonds of said county, in such sum as may be required, for the construction of certain wagon roads hereinafter mentioned, not exceeding sixty thousand dollars, payable on the first day of January, A. D. one thousand eight hundred and ninety-four, with interest thereon at the rate of nine per cent per annum, payable annually on the first day of January; both principal and interest payable in United States gold coin only. Bonds shall be issued in denominations of five hundred dollars each, numbered consecutively, and shall be signed by the Chairman of the Board of Supervisors and countersigned by the Auditor of the county; interest coupons shall be attached signed in like manner. Supervisors to issue bonds.

SEC. 2. The bonds and coupons shall be paid at the office of the County Treasurer; and when any bonds or coupons are paid, they shall be canceled by the Treasurer and filed with the Auditor. Both Treasurer and Auditor shall keep an accurate account of the bonds and coupons so redeemed. Payment, cancellation, record.

SEC. 3. Said coupons shall bear the date of their issuance, and be numbered in the order in which they are to be paid; the first coupons shall be for interest from their date up to the first day of January next succeeding. Coupons.

Special interest tax.

SEC. 4. For the purpose of paying the interest on said bonds, the Board of Supervisors of said county shall, at the time of levying county taxes for each year, levy a special tax on all property in said county, sufficient to pay the interest for one year on all bonds then outstanding. 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.

Transfer.

SEC. 5. If the amount realized from said special Fund exceed the amount required to pay the interest due in any one year for which it has been collected, the Board of Supervisors may transfer such surplus to the County General Fund.

Road Bond Fund tax.

SEC. 6. In and for the year eighteen hundred and eighty-four, the Board of Supervisors of said county shall levy and cause to be collected a tax sufficient to pay five per cent of the whole issue of said bonds; for the year eighteen hundred and eighty-five, sufficient to pay six per cent of the whole issue; for the year eighteen hundred and eighty-six, sufficient to pay eight per cent of the whole issue; for the year eighteen hundred and eighty-seven, sufficient to pay nine per cent of the whole issue; for the year eighteen hundred and eighty-eight, sufficient to pay ten per cent of the whole issue; for the year eighteen hundred and eighty nine, sufficient to pay eleven per cent of the whole issue; for the year eighteen hundred and ninety, sufficient to pay twelve per cent of the whole issue; for the year eighteen hundred and ninety-one, sufficient to pay thirteen per cent of the whole issue; for the year eighteen hundred and ninety-two, sufficient to pay thirteen per cent of the whole issue; for the year eighteen hundred and ninety-three, sufficient to pay thirteen per cent of the whole issue. The tax thus collected shall be set apart as a special Fund, and known as the Road Redemption Bond Fund.

Notice and redemption

SEC. 7. On the first day of January, A. D. eighteen hundred and eighty-five, and every year thereafter until all of said bonds are redeemed, the County Treasurer shall give notice, by advertising in some newspaper published in the county, for three consecutive weeks, that he is prepared to redeem said bonds in such amount as there may be funds in the treasury, derived from the tax required to be levied and collected by the preceding section of this Act. The Treasurer shall specify in said notice the numbers of the bonds he is ready to redeem, in the order in which they are issued; after notice is thus given, the bonds designated shall cease to bear interest.

Sale of bonds.

SEC. 8. The Board of Supervisors of said county are, whenever it shall become necessary in order to carry out the provisions of this Act, authorized and required to sell any or all of said bonds, after having published a notice for thirty days, in one newspaper published in said county, and one published in the City of San Francisco, inviting for sealed proposals, directed to the Chairman of the Board of Supervisors, for the purchase of the same. Upon a day to be named in said notice, the Board shall meet to consider said proposals, and they shall deliver said bonds, with coupons attached, to the person or

persons bidding the highest therefor, in United States gold coin; *provided*, that said Board of Supervisors shall have power to reject any and all bids.

Wagon Road Fund, how used.

SEC. 9. All funds derived from the sale of said bonds shall be set apart as a special Fund, and be known as a Wagon Road Fund, and be, by the Board of Supervisors, appropriated, applied, and used in laying out and constructing of roads, as follows: Thirty-six thousand dollars of said Fund, provided that amount is required, shall be expended in laying out and constructing a road from a point near the northeast corner of section six, township four north, range two east, Humboldt base and meridian; thence on the nearest and most practical route to a point on the boundary line between Mendocino and Trinity Counties, where the road running northerly from Corvelo, in said Mendocino County, intersects said boundary line; twenty-four thousand dollars of said Fund, or so much thereof as is required, shall be expended in laying out and constructing a road from the Town of Ferndale, in Humboldt County, following as near as practical the telegraph line, to the boundary line between Humboldt and Mendocino Counties.

Commissioners and duties.

SEC. 10. The Board of Supervisors of the County of Humboldt shall, within thirty days after the passage of this Act, appoint three Commissioners, whose duty it shall be to locate said roads upon the routes designated in section nine of this Act; said roads shall be at least ten feet wide, at least eight feet thereof upon solid ground, and the grade or ascent and descent shall not exceed twenty-two inches to the rod. Said Commissioners shall divide the distance into sections of five miles each; each section to be designated by a stake plainly marked and numbered. Said Commissioners are authorized to employ a competent engineer, in case his services are required, and shall, within thirty days next succeeding the tenth of April, A. D. eighteen hundred and seventy-four, proceed to survey and locate said roads, and make and file with the Clerk of the Board of Supervisors reports of such surveys and locations, together with maps and field notes, and an estimate of the cost of construction of each section of the roads.

Reports and calls for proposals.

SEC. 11. Upon the filing of said reports the Clerk of the Board of Supervisors shall notify each member of the Board of the filing thereof, and on the fifth day after the filing of said report, it shall be the duty of the Board to meet at their usual place of meeting in said County of Humboldt. At such meeting they shall advertise for sealed proposals for the construction of said roads, in accordance with the provisions of this Act, the Board fixing the time within which the work shall be completed. Said advertisement shall be published for three successive weeks, and shall call for separate bids for each section of the roads, shall state the manner in which the work is to be done, the time allowed for the completion, and shall state at a date therein named, at twelve o'clock M., the Board will proceed to consider the bids. At the time named in the advertisement for opening the bids, each bidder shall furnish the Board of Supervisors with the names of the persons he can give as security for the performance of the contract, with the written consent of the persons to become such security.

Contracts. SEC. 12. All contracts for the construction of said roads shall be awarded to the lowest responsible bidder; *provided*, the Board of Supervisors shall have the power to reject any and all bids which are greatly in excess of the cost of constructing any section of said roads.

Bond and sureties. SEC. 13. Each bidder to whom a contract shall be awarded, shall execute a bond, with two good and sufficient sureties, to be approved by the Board of Supervisors, made payable to the County of Humboldt, in a penal sum equal to the amount bid, conditioned for the faithful performance of the work. But no contract shall be withheld if the bidder shall, within five days after a bond has been rejected, tender other and sufficient surety.

Acceptance and payment. SEC. 14. When any contract shall have been completed, the Commissioners shall, within twenty days after receiving notice thereof, examine the work, and if done in accordance with the contract, accept the same, and report their acceptance to the Board of Supervisors; whereupon the Board of Supervisors shall order warrants drawn on the Treasurer, payable out of the Wagon Road Fund, for all money due on said contract.

Compensation. SEC. 15. The Commissioners shall receive, as compensation for their services, the sum of four dollars per day, for the time they are actually engaged in discharging the duties imposed upon them by this Act. The engineer employed in laying out said roads, shall receive such compensation for his services as shall be agreed upon by said Commissioners.

SEC. 16. This Act shall take effect and be in force from and after its passage.

CHAPTER CXLV.

An Act to fix the salary for the County Clerk of Trinity County.

[Approved February 27, 1874.]

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

Salary. SECTION 1. The County Clerk of Trinity County, for all services rendered by him for said county as Clerk, Recorder, Clerk of the District and County Courts, Clerk of the Board of Supervisors, Board of Equalization, and Board of Canvassers, shall receive a salary of one thousand two hundred dollars per annum, which shall be in full for all such services rendered by him as aforesaid, and chargeable to said county, which salary shall be paid monthly in warrants drawn on the General Fund of the county. Nothing in this Act shall be construed as effecting in any manner the right of said Clerk to any fees allowed by law for services performed for any other than said county.

SEC. 2. This Act shall take effect and be in force from and after the first Monday in March, A. D. eighteen hundred and seventy-four.

CHAPTER CXLVI.

An Act concerning the office of Treasurer of Sierra County.

[Approved February 27, 1874.]

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

SECTION 1. At the general election held in September, eighteen hundred and seventy-five, and every two years thereafter, there shall be elected a County Treasurer for Sierra County, and the election of H. G. Weir as Treasurer of said county, at the general election held in September, A. D. eighteen hundred and seventy-three, is hereby legalized. Election. Legalized.

SEC. 2. The Treasurer of Sierra County shall receive a salary of one thousand dollars per annum, and shall also receive, for his own use and benefit, 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. Salary.

SEC. 3. An Act entitled an Act concerning the office of Treasurer of Sierra County, approved March twenty-seventh, eighteen hundred and seventy-two, is hereby repealed. Repealed.

SEC. 4. This Act shall take effect immediately.

CHAPTER CXLVII.

An Act to fix the salaries of certain officers in the County of Alameda, and for other purposes.

[Approved February 27, 1874.]

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

SECTION 1. From and after the first Monday of March, eighteen hundred and seventy-four, salaries shall be allowed and paid to the following officers of the County of Alameda, and their deputies, as in this Act provided, and not otherwise, and shall be in full compensation of all official services done or to be done by them or their deputies, and required of them in each of said offices and ex officio offices: To the County Judge, twenty-five hundred dollars per annum; to the County Auditor, twenty-five hundred dollars per annum; to the Tax Collector, thirty-five hundred dollars per annum; to the District Attorney, thirty-five hundred dollars per annum; to the County Treasurer, three thousand dollars per annum; to one Deputy County Treasurer, fifteen hundred dollars per annum; to the County Salaries and fees.

Same. Clerk, three thousand dollars per annum; to one Deputy County Clerk, fifteen hundred dollars per annum; to one Deputy County Clerk, fifteen hundred dollars per annum; to the County Recorder, three thousand dollars per annum; to one Deputy Recorder, fifteen hundred dollars per annum; to one Deputy Recorder, twelve hundred dollars per annum; to the Sheriff, four thousand five hundred dollars per annum; to one Under Sheriff, fifteen hundred dollars per annum; to one Deputy Sheriff, nine hundred dollars per annum; to one Jailer, seven hundred and eighty dollars per annum; to the County School Superintendent, eighteen hundred dollars per annum; *provided, however*, that the Sheriff shall receive, as heretofore, to his own use, the actual and necessary expenses paid by him for conveying a prisoner, when under arrest, and for delivering prisoners at the State Prison, and for delivering insane persons at the Asylum; but his fees for mileage in delivering prisoners at the State Prison, and insane persons at the Asylum, shall be by him collected from the State, and returned with his other fees, as hereinafter provided.

Warrants. SEC. 2. The County Auditor shall draw his warrant on the County Treasurer on the first Monday of each month, in favor of each of said officers and their deputies, as above set forth, for the preceding month.

Duty of officers as to fees. SEC. 3. The several officers named in this Act who are entitled to charge and collect or receive any fees, commissions, percentages, or other compensation allowed by law for services rendered 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 of each month they shall pay the total amount by them received to the Treasurer of said county. Each of said officers shall likewise keep a book or books, in which shall be entered by items the amount received by them and their deputies, showing the date and nature of such services, and the amount received therefor, which book or books shall at all office hours be open to the inspection of any person; and each of said officers shall, on the first Monday of each month, make out and file with the County Auditor a full and accurate transcript from his said book or books of the entries for the preceding month, with an affidavit attached thereto, and by them subscribed and sworn to as follows: "I (giving the name of the officer), of the County of Alameda, do swear that the foregoing is a true and correct statement of all the fees, commissions, and compensations, of whatever nature or kind, allowed by law for services rendered by me or my deputies, in my official capacity, for the month of ——, eighteen ——, and that I have paid the same to the Treasurer of Alameda County." All moneys so received by said Treasurer shall be by him set apart to a separate Fund to be known as the "Salary Fund;" and the said warrants to be drawn by said Auditor for salaries shall be drawn on said Fund, and shall be paid from the same. If, on the first Monday of January of each year, there shall be any outstanding unpaid warrants in said Salary Fund, it shall be the duty of the County Treasurer and Auditor to transfer to the Salary Fund, from the County General Fund, from any money then in said Fund, or from

the first money thereafter coming to said Fund, sufficient money to redeem such outstanding warrants; and if, on said first Monday of January, there shall be a surplus unappropriated in said Salary Fund, the same shall be transferred to the County General Fund.

Assistants and their compensation.

SEC. 4. Whenever either of said officers shall, in writing, under oath, present a petition to the Board of Supervisors, showing that additional assistance is necessary in their several officers, and for what purpose, and how long it will be needed, the said Board may, in their discretion, authorize such officer to employ such assistance for such length of time and on such terms as they shall deem necessary, and the compensation therefor shall be a charge against the county, to be paid as other charges against the county, and from the County General Fund.

Ex officio.

SEC. 5. The County Treasurer to be elected at the general election in eighteen hundred and seventy-five, and his successors in office, shall, during his term of office, be ex officio Tax Collector; and the County Clerk to be elected at the general election in eighteen hundred and seventy-five, and his successors in office, shall be ex officio County Auditor.

Subsistence of prisoners.

SEC 6. It shall be the duty of the Board of Supervisors to let by contract, to the lowest bidder offering adequate security, the feeding of the prisoners and persons confined in the County Jail, after due public notice, published for not less than ten days, in two newspapers published in said county. The contract shall be given out annually, at a fixed price per day, not exceeding fifty cents for each person confined in the Jail, and shall be accompanied by a bond, with such conditions as the Board of Supervisors shall direct. All articles of food supplied for the prisoners and persons confined in the County Jail, shall be sufficient in quantity and of a sound and wholesome quality, and subject at all times to the inspection and approval of the Sheriff, and of the President of the Board of Supervisors; all of which must be expressed in the contract to be entered into. All claims for the subsistence of prisoners shall be allowed and paid as other claims against the county. On the first Monday of each month, the Sheriff shall file with the County Auditor a sworn statement, containing the name of each person confined in the County Jail during the preceding month, and the number of days he was confined in said month.

Name and time of each.

Jurors fees.

SEC. 7. Grand and trial jurors shall receive three dollars per day for attendance on a Court of record, and twenty cents per mile for traveling from their residence to the place of trial, and in other respects shall be governed by the laws now in force.

District Attorney.

SEC. 8. In addition to his other duties, the District Attorney shall defend all suits brought against the county or township officers, in which the County of Alameda is the real party in interest.

Statement before warrant.

SEC. 9. No officer required by this Act to file a transcript or statement with the Auditor, shall receive a warrant for his salary until such statement or transcript is filed; and a failure to file such transcript or statement shall constitute a misdemeanor.

SEC. 10. All Acts and parts of Acts in conflict herewith are hereby repealed.

CHAPTER CXLVIII.

An Act amendatory of and supplemental to an Act to regulate fees of office and salaries of officers in Siskiyou County, approved March twelfth, eighteen hundred and seventy.

[Approved February 27, 1874.]

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 must charge and collect for all services performed by him, or any of his deputies or assistants, as County Clerk, or as ex officio Clerk of the Courts of record, County Auditor, County Recorder, or Clerk of the Boards of Supervisors, Equalization, and Canvassers, the fees, commissions, percentages and salaries prescribed by law; and he may appropriate and retain for his own use, from such fees, commissions, percentages, and salaries, three thousand dollars per annum, if such sum shall accrue therefrom, which shall be in full compensation for all services rendered by him and his deputies and assistants, in pursuance of law, as County Clerk, and as ex officio Clerk of the Courts of record, County Auditor, County Recorder, and Clerk of the Boards of Supervisors, Equalization, and Canvassers.

Sheriff.

SEC. 2. The Sheriff must charge and collect for all services performed by him or his Under Sheriff, or deputies, or jailers, as Sheriff, and as ex officio County Tax Collector, the fees, mileage, percentage, and commissions prescribed by law; and he may appropriate, and retain to his own use, from such fees, percentages, and commissions other than mileage, thirty-eight hundred dollars per annum, if such sum shall accrue therefrom, which, with the mileage he may collect, shall be in full compensation for all services of every kind rendered by him, the Under Sheriff, his deputies, assistants, jailers, and jail guards, in pursuance of law as Sheriff and ex officio County Tax Collector.

Fee books and affidavit of contents.

SEC. 3. The County Clerk and Sheriff each must keep a fee book, in which he must enter a detailed statement of all fees, commissions, percentages, and salaries, other than mileage, earned and collected or charged by him, or any of his deputies or assistants, giving the date at which each fee or other compensation was collected or charged, the name of the person who paid, or owes it, and the nature of the service for which it was collected, or is due. Each of them must present his fee book properly footed up, with his affidavit attached, stating that said book contains a full and true list of all fees, commissions, percentages, and salaries, other than mileage, earned, collected, or charged by him, or his deputies or assistants, with

the dates thereof, the names of the persons who paid or owe the same, and the nature of the service for which fees or other compensation was received, or is due, to the Board of Supervisors, at their regular meetings, on the first Mondays of May, August, November, and February. The Board must open a fee and salary account with each of them, and must at each regular meeting of the Board charge each with the fees, commissions, percentages, and salaries, other than mileage, he has earned and received or charged since the date of his report, made at the last preceding regular meeting of the Board.

Yearly accounting.

SEC. 4. The County Clerk and Sheriff, each, must, on the first Monday of March of each year, make a sworn statement of all fees or other compensation, except mileage, which he has earned and received or charged, since the first Monday of the last preceding March, for services rendered by him, and his deputies and assistants, in any of the official capacities in which, in pursuance of the provisions of the Act of which this Act is amendatory and supplemental, he has acted. And if such fees and other compensation are in excess of the amount he is authorized by section two of this Act to appropriate and retain to his own use, he must pay over the surplus to the County Treasurer, who must receipt therefor, and place the same in the County General Fund. His statement, with the receipt of the Treasurer for the money he has paid into the Treasury, if any, attached, he must present to the Board of Supervisors at their meeting then being held, or, if the Board be not in session, at their first meeting thereafter. If the Board, on examining the statement, find it to be correct, and that all moneys due from the person making it to the County Treasury for fees or other compensations collected, or earned and charged by him, have been paid, it must give to him a receipt, discharging him from all liability for fees or other compensation, which he may have earned, and collected or charged, during the year covered by the statement. If, however, the Board find that he still retains any money due the county for fees, or other compensation collected by him, it must direct the District Attorney to commence proceedings against him, to compel him to pay the same into the Treasury.

Sworn statement.

SEC. 5. The Sheriff must make to the Board of Supervisors, at each of their regular meetings, a sworn statement of the mileage earned, and collected or charged by him and his deputies since his last statement. The statement must give the case in which each service was rendered, and the name of the person from whom each charge for mileage was collected or is due.

Warrant refused, when.

SEC. 6. The Board of Supervisors must refuse to order any warrant to be drawn in favor of any person for any money due him, who refuses or neglects to make any report which he is required by this Act to make.

Salary and expenses.

SEC. 7. After the first Monday of March, eighteen hundred and seventy-six, the School Superintendent must receive a salary of seven hundred dollars per annum, payable quarterly, out of the County General Fund. The Board of Supervisors must allow him, in addition to his salary, all necessary traveling expenses, and a sum for postage and expressage equal to fifty cents for each school district in the county.

SEC. 8. All Acts and parts of Acts which conflict with this Act are hereby repealed, so far as they conflict.

SEC. 9. This Act is in force on and after the first Monday of March, eighteen hundred and seventy-four.

CHAPTER CXLIX.

An Act to repeal an Act entitled an Act to make an Act herein named applicable to the County of San Bernardino.

[Approved February 28, 1874.]

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 make an Act herein named applicable to the County of San Bernardino, approved March twenty-third, eighteen hundred and seventy-two, is hereby repealed; *provided*, that on the petition of a majority of the real estate taxpayers of any township in said county, whose names appear on the last year's assessment roll, the Board of Supervisors shall, at the next regular meeting of said Board, after receipt of said petition, declare said township to be under the provisions of the Act entitled an Act to make an Act herein named applicable to the County of San Bernardino, approved March twenty-third, eighteen hundred and seventy-two.

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

CHAPTER CL.

[See volume of Amendments to the Codes.]

CHAPTER CLI.

[See volume of Amendments to the Codes.]

CHAPTER CLII.

An Act to establish the boundaries of the City of Sacramento.

[Approved February 28, 1874.]

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

SECTION 1. The boundaries of the City of Sacramento are hereby established, as follows: Beginning at the junction of the center of the channel of the American River with the center of the channel of the Sacramento River, as it existed on the twenty-sixth day of May, A. D. eighteen hundred and fifty-one, and running thence down the center of the channel of the Sacramento River to a point opposite the south line of "Y" street, as laid down on the official map or plan of the City of Sacramento, on file in the office of the County Recorder of the County of Sacramento; thence easterly on a straight line and along the south line of "Y" street to the east line of Thirty-first street, as laid down on said map; thence northerly along the east line of Thirty-first street to the north line of "A" street (if produced) to Thirty-first street; thence westerly along the north line of "A" street to the east line of Twenty-second street; thence along the east line of Twenty-second street to the north line of "B" street north; and thence westerly along the north line of "B" street north to the center of the bed or channel of the American River, as it existed on the twenty-sixth day of May, A. D. eighteen hundred and fifty-one; and thence down the center of the channel of the said American River, as it existed on the twenty-sixth day of May, A. D. eighteen hundred and fifty-one, to the place of beginning. Boundaries

SEC. 2. All that territory lying between the east line of Thirty-first street, on the east, and the east line of Twenty-second street, on the west, and the American River on the north, and the north line of said "A" street, on the south; and also all of that territory bounded on the north and west by the American River (as it existed on the twenty-sixth day of May, A. D. eighteen hundred and fifty-one), and on the south by the north line of "B" street north, and on the east by the east line of Twenty-second street, heretofore embraced within the corporate limits of the City of Sacramento, shall hereafter constitute and be a portion of American Township, in Sacramento County. American Township.

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

CHAPTER CLIII.

An Act entitled an Act to authorize the closing of certain streets in the City and County of San Francisco.

[Approved February 28, 1874.]

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

Agricultural and Mechanical Fair Ground.

SECTION 1. J. R. Dickey, H. R. Covey, R. F. Morrow, T. J. Edmonson, Samuel L. Theller, Milton S. Latham, O. F. Willey, C. W. Kellogg, R. W. Graves, Edward Norton, Charles E. Elliott, George F. Sharp, H. Clay, Henry K. Mitchell, J. T. Haviland, A. O. Weske, Charles Main, E. L. Sullivan, A. P. Hotaling, P. H. Canavan, G. D. Morse, E. E. Eyre, Charles F. Reed, E. J. Weeks, J. C. Bateman, R. L. Ogden, Horace K. Hill, James Freeborn, Henry Norton, C. L. Low, Peter Taylor, George A. Johnson (San Diego), A. W. Sisson, A. J. Bryant, A. M. Gilman, William H. L Barnes, O. F. Giffin, Harry Tichnor, L. J. Rose (Los Angeles), W. E. Bridge, and their associates and assigns, are hereby authorized and empowered to inclose completely the tract of land hereinafter described, for the term of ten years, from the first day of June, eighteen hundred and seventy-four, for the purpose of an Agricultural and Mechanical Fair Ground, and for a race track, the same being situated within the City and County of San Francisco, to wit: that portion lying within First Avenue on the east, Fifth Avenue on the west, Fulton street on the south, and a line drawn south sixty-nine degrees forty-five minutes west, from the northeast corner of Sixth Avenue and A street on the north, excepting block three hundred and eighty-one; and to erect, construct, and maintain a fence or fences across the following streets, viz: Second Avenue, between Fulton street and Point Lobos Road; Third Avenue, between Fulton street and Point Lobos Road; Fourth Avenue, between Fulton street and Point Lobos Road; C street, between First and Fifth Avenues; B street, between First and Fifth Avenues; A street, between First and Fifth Avenues; *provided*, at the termination of said ten years, or at any time prior thereto, in case the said property is not used for the purposes herein indicated, the parties mentioned in section one, or their assigns, shall surrender to said City and County of San Francisco the possession of all the streets and avenues named herein, and remove all obstructions therefrom; *provided, further*, that in the event that any person or persons now litigating for the fee or possession of any lot or parcel of land located within the line of said race track, hereafter obtains a final judgment or decree in his or their favor, then the said streets shall be reopened within ninety days thereafter, at the option of such person or persons so obtaining such final judgment or decree; *provided, further*, that the said Covey and his associates shall, on or before the first day of November, eighteen hundred and seventy-four, have built, erected, and

Description

Surrender possession, when.

Streets reopened, when.

completed the said race track, together with the buildings and fences necessary and appurtenant thereto; and if the said track, buildings, and fences, are not completed by the date last aforesaid, then all privileges and rights, of all and every kind and nature, granted to the said Covey and his associates by virtue of this Act, shall forever cease and determine. Track, etc., when completed.

SEC. 2. The said Fair grounds and race course shall be ornamented by the planting of trees and ornamental shrubbery in all those portions not in actual use for buildings and race track, to conform, as far as possible, to the general ornamentation of the Park adjoining said Fair grounds, and at the expense of the association named herein. Ornamentation.

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

CHAPTER CLIV.

An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two.

[Approved February 28, 1874.]

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 City Council shall have power and authority to make and pass all by-laws, ordinances, orders, and resolutions, not repugnant to the Constitution of the United States, or the State of California, or the provisions of this charter, necessary for the municipal government and management of the affairs of the City of Stockton, 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 theaters, melodeons, balls, concerts, dances, and all theatrical, melodeon, circus, or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also, all shows, billiard tables, bowling alleys, exhibitions, or amusements; to fix and collect a license tax on and to regulate all taverns, hotels, restaurants, saloons, bar-rooms, banks, 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 the city, or who shall have an agency therein; to license and regulate auctioneers; to license, regulate, tax, prohibit, or suppress all tippling houses, dram shops, saloons, bars, bar-rooms, raffles, hawkers', peddlers', pawnbrokers', refreshment or coffee stands, booths, or sheds; to Powers of Common Council.

Same. 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 license and tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to 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; and 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 affixed by law for State and 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, ales, and beer, in less quantities than one quart, or to be drank on 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 City Council, and as they may deem the interests and good order of the city may require; also, to prevent and restrain any riot, or riotous assemblage, disturbance of the peace, 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 and fees 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 and all domestic animals within the city limits, or any part thereof, and to regulate or prevent the keeping of such animals within any part of the city; to control and regulate the slaughter-houses, tanneries, forges, and offensive trades, and to 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 or sloughs, alleys, back yards, public grounds of said city, or elsewhere therein; to establish, alter, and repair city prisons, and to provide for the regulation of the same, and for the safekeeping of persons committed thereto; 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 fix and regulate the speed at which railroad cars may run within the city limits, or any portion thereof; to provide for and regulate the commons of the city; to regulate and prohibit fast-driving or riding in any portion of the city; to regulate or prohibit the loading or storage of gunpowder, and other combustible materials, in the city, or transporting the

same through its streets or over its waters; to have, purchase, hold, use, and enjoy property of every name or kind whatsoever, and the same to sell, lease, transfer, mortgage, convey, contract, or improve; to build, erect, or construct houses, buildings, or structures of any kind, needful for the use or purposes of said city, for public use or utility to the city; to establish, continue, regulate, and maintain a Fire Department for said city; to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue, disband, or disorganize said Fire Department, and to create, organize, establish, and maintain a Paid Fire Department for said city; to institute and perfect any and all measures, means, or material for the prevention or extinguishment of fires; to establish fire limits, and the same to alter at pleasure; to regulate or prevent the erection of wooden or other buildings of combustible materials; to regulate the construction of buildings, sheds, awnings, signs, or any structures of a dangerous or unsafe character; to adopt, enter into, and carry out means for securing a supply of water for the use of said city or its inhabitants; to prevent the overflow of the city or to secure its drainage; to provide for the numbering of houses; to establish a Board of Health; to prevent the introduction and spread of disease; to establish a City Infirmary, and provide for the indigent sick, and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments, and prohibit them within the city limits; 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 regulation of berths, landing, stationing, and removing of steamboats, sail vessels, rafts, barges, and all other watercraft; to fix the rate of speed at which steamboats may run along the waterfront of the city; to build bridges; to provide for the removal of obstructions to the navigation of any channel or watercourse; to clear out and excavate sloughs; to license steamers, boats, and vessels used in any watercourse 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 determine and impose fines, forfeitures, and penalties that shall be incurred for the breach or violation of any city ordinance, 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 offense, the amount of five hundred dollars, or three months imprisonment, or both; and every violation of any lawful order, regulation, or ordinance of the City Council of the City of Stockton, is hereby declared a misdemeanor, or public offense, 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 their compensation, and to provide for the regulation and government of the same; to provide for conducting

Same.

Same. elections, and establishing election precincts when necessary; to examine either in open session or by committee, the accounts or doings of all officers, or other persons having the care, management, or disposition of moneys, property, or business of the city; to make all appropriations, contracts, or agreements for the use or benefit of the city, and in the city's name to provide for the opening, laying out, altering, constructing, extending, repairing, grading, paving, graveling, or otherwise improving of public streets, sloughs, waterways, sewers, drains, avenues, and bridges, and for the construction, regulation, and repair of sidewalks, and other street improvements, 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, and to provide for the forced sale thereof, for such purposes; to establish a uniform grade for streets, sidewalks, and squares, and to enforce the observance thereof; to fill up or close any waterway, drain, or sewer, or any watercourse in said city, where not declared by law to be navigable; to provide for all public buildings, parks, or squares, necessary or proper for the use of the city; to permit the use of the streets for railroad or other purposes; to order paid any final judgment against said city, but none of its lands, or property of any kind or nature, taxes, revenues, franchises, or rights or interests shall be attached, levied upon, or sold in or under any process whatsoever; to regulate the sale of coal and wood in said city, and may appoint a Measurer of Wood and Weigher of Coal for the city, and define his duties, and prescribe his time of office, and the fees he shall receive for his services; *provided*, that such fees shall in all cases be paid by the parties requiring such services.

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

Streets, how laid out and improved. Section 26. Whenever it shall be deemed expedient by the City Council to lay out, open, or construct any street, avenue, alley, ditches, waterways, drains, sewers, or embankments, or to lay out or open any sloughs or watercourses leading through said city; or to alter, excavate, fill up, widen, straighten, deepen, or otherwise improve any street, slough, avenue, alley, ditches, waterways, drains, or sewers, or other work of a like character; to enter upon or do, or to pave or repave, grade or regrade to the official grade of the city; macadamize, plank or replank, gravel or regravel, or otherwise improve any street or streets, avenue or levee, or any portion of any street, avenue, or levee in said city; or to grade or regrade any sidewalk, or to construct sewers, culverts, or curbing in said streets, avenues, and levees, the City Council shall signify its intention to order such contemplated work, and fix a time for the hearing of such proposition. All parties in interest shall be notified of

Notice. the time and place of such hearing, either by personal notice, or by advertisement, for ten days, in some newspaper published in said city, and may appear and be heard thereon. The decision of the Council upon any remonstrance, or objections to any proposed work, shall be final and conclusive upon all persons. Said Council shall, before ordering said work, cause a

survey thereof, and an estimate of the amount of material required to complete the same, to be made by the City or County Surveyor, or some other competent person, and filed with the City Clerk; *provided*, that in the matter of ordering or building sidewalks, the City Council may, from time to time, adopt and file with the City Clerk general plans and specifications, prescribing the grade and width thereof, or any particular street or streets, avenue or avenues, and the class, character, and dimensions of material to be used in the construction thereof, together with such further directions or regulations relative thereto as said Council may prescribe; and, upon such adoption and filing, no survey or estimate thereof shall be required. All work embraced within the provisions of this section shall be let out as in the next section provided. When the Council orders any work in this section named, after notice of intention given as aforesaid, it shall be deemed to have acquired jurisdiction over the same, and retains control thereof, and may at any time within two years from the date of the order, take any and all steps necessary to secure the construction of the improvement or performance of the work so ordered. Survey and estimate. Jurisdiction.

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

Section 28. The expense or cost of any work or improvement upon the streets or sloughs, and of any work or improvement mentioned in section twenty-six of this Act, shall be assessed upon the lots and lands fronting thereon, except as hereinafter 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 expense of the work to the center of the street on which it fronts. The expense of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also all necessary street crossings or crossways, shall be paid by the City of Stockton. In all the streets constituting the waterfront of said city, or bounded on the one side by the property thereof, the expense of work done on that portion of said streets from the center line thereof to the said waterfront, 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. When any work or improvement mentioned in section twenty-six of this Act is done, or made on one side of the center line of said streets, avenues, levees, and sloughs, 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 Act. Expense, how assessed.

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

Section 38. The annual expenses of the City of Stockton shall not exceed the sum of sixty thousand dollars; *provided, however*, the moneys authorized to be raised and expended for the payment of the old city debt, so called, and for school purposes in said city, as provided to be raised by the provisions of this charter, shall not be considered a portion of said annual expense. If at any time after the sum of sixty thousand dol- Annual expenses.

Question of additional expenditures.

lars shall have been expended in any year, it shall appear that the interests of said city demand an expenditure of an additional sum, the City Council shall make a report of the same, which shall be published for at least three 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 City 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 elections 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 City 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 expenditures; *provided*, that the special tax thus to be levied shall for no one year be more than one per cent of the valuation of 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, form, 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.

Special taxes, how levied.

A lien.

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

Void appropriations, and who liable therefor.

Section 39. Every appropriation or payment of money which may hereafter be made or ordered by the City Council, in excess of said sum of sixty thousand dollars, unless it shall be authorized by a vote of the electors of said city, as provided for in section thirty-eight 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 received by such party or parties, and the members of the City 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 have contracted, or by the city, if payment has been actually made; *provided*, that the expenditures of the present Council for the year ending in May, eighteen hundred and seventy-four, are hereby limited within the provisions of section thirty-eight and section thirty-nine of said Act, to the sum of fifty thousand dollars for such year, which sum of fifty thousand dollars said Council may lawfully expend.

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

Police Judge.

Section 59. At the first meeting of the City Council, after this Act takes effect, and thereafter, at its first meeting in January of each year, said Council shall appoint a Police Judge in and for said city, who shall be a qualified elector of said city, and who shall hold his office for one year, and until his successor is appointed and qualified; *provided*, that the Police Judge first elected under the provisions hereof, shall only hold his office until the first meeting of said City Council in January, eighteen hundred and seventy-five, and until the election and qualification of his successor.

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

Jurisdiction of Police Court.

Section 60. The Police Court of the City of Stockton shall have jurisdiction of the following public offenses, 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 willful 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. Fifth—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, sidewalks, and public squares, and for the opening or laying out of the same, when the amount of said tax or assessment sought to be collected against the person, firm, or corporation assessed is less than three hundred dollars; *provided*, no lien upon the property, taxed or assessed for the nonpayment of the taxes or assessment, is sought to be foreclosed by said suit. Sixth—Of an action for the collection of money due the City of Stockton, or from the city to any person, firm, or corporation, when the amount sought to be collected is less than three hundred dollars. Seventh—Of an action for the breach or violation 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. Eighth—Of an action 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. Ninth—Of an action for the collection of any license required by any ordinance of said city. Tenth—The Police Court shall have exclusive jurisdiction of all proceedings mentioned in this section; and no Justice of the Peace in said city shall have power to try and decide any cases of the classes mentioned in said section; *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

Same. City 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.

SEC. 8. Section sixty-one of said Act is hereby amended to read as follows:

Powers of Police Judge. Section 61. 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.

SEC. 9. Section sixty-four of said Act is hereby amended so as to read as follows:

Service and return of process. Section 64. All processes or warrants issued by the Police Judge in civil or criminal proceedings, of which said Court has jurisdiction, shall be served, executed, and returned by the Chief of Police, or any policeman of said city, or (if specially so ordered by the Police Judge) by any Sheriff or Constable of said city or county; and it is hereby made the duty of the officers named in this section, to serve, execute, and return, without charging or receiving any fee or compensation therefor, except as in this Act provided, any subpœna, warrant, jury, order, or any other process or order, issued out of said Court and returnable thereto.

SEC. 10. Section sixty-five of said Act is hereby amended so as to read as follows:

City Attorney. Section 65. The City Attorney of said city shall prosecute all cases for the violation of any lawful order, regulation, or ordinance of the City Council, and shall prosecute, conduct, and control all proceedings of a criminal nature, in the Police Court, or an appeal therefrom.

SEC. 11. Section sixty-six of said Act is hereby amended so as to read as follows:

Section 66. The Police Judge, Chief of Police, and any policeman or other officer, duly authorized to appear in the said Police Court, shall, for performing services therein, receive such fees in any action, as may be by the City Council prescribed, not exceeding the amount allowed for similar services in other Courts of the County of San Joaquin; *provided*, that no fees or costs whatever, for services performed by any officer in the Police Court, or by the Judge thereof, shall be allowed or paid by the City of Stockton, or the County of San Joaquin; *provided, further*, that the City Council may, in its discretion, require all such fees and costs to be paid into the City Treasury, for the use and benefit of said city, or any of its Funds. Fees and costs.

SEC. 12. Section sixty-seven of said Act is hereby amended so as to read as follows:

Section 67. 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 offense triable therein, the said Court may sentence the offender to be imprisoned in the City Jail, if there be one established by the City Council, if not, then until said Council shall designate and establish a City Jail or prison, may sentence offenders to be imprisoned in the County Jail; and, in addition to imprisonment, may sentence offenders 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 time 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 defendant shall be imprisoned and required to labor for the benefit of the city, as before provided, at the rate of two dollars per day, till such fine is satisfied. Offenders required to labor under the direction of the Chief of Police shall, until the establishment of a City Jail, be returned to the County Jail at the end of each day's labor during their term of imprisonment, until a City Jail shall be by the City Council established; it is hereby made the duty of the officer having 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, or whom the Police Judge may order brought forth for trial, and the keeper of the jail shall in no way be responsible for the safekeeping of such prisoners while so under the charge of the Chief of Police. Fine and imprisonment.

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

Section 70. The City Council may, in their discretion, in addition to the fees authorized by this Act, allow to the Police Judge a yearly salary, which shall not exceed the sum of one thousand dollars. Salary.

SEC. 14. Section seventy-one of said Act is hereby amended so as to read as follows:

Powers and duties of Police.

Section 71. The Chief of Police or any policeman of the City of Stockton is hereby authorized and empowered to serve, execute, and return any and all warrants of arrest, and all processes directed to him by the Police Judge of said city, and to arrest all persons accused or guilty of the violation of any city ordinance, or of any public offense, and to do and perform all acts and duties which in criminal cases any Constable of San Joaquin County may lawfully do, and receive like fees for such services; *provided*, the City Council may, in their discretion, deduct the amount so received for fees from the monthly salary of such officers, or order the same paid into the City Treasury for the use and benefit of the city, as received by said officers respectively; *provided*, that nothing in this Act shall be construed as authorizing or entitling such officers to charge or receive from the City of Stockton, or the County of San Joaquin, any fees or costs in any case whatever, nor shall said city or county be liable to pay any fees or costs to such officers for any services they may render in any action or proceeding, either civil or criminal.

Chief of Police.

The Chief of Police shall attend the session of the Police Court when required, supervise and direct the police force of the city, and perform such other duties as may be required by the City Council appertaining to the government of the city, or the management of its affairs, not specially devolved upon some other officer named in this Act; and the Chief of Police or any policeman, at his discretion, shall serve all notices by this Act provided to be served in which the city is in any way interested, and the return of the officer serving shall be evidence of the facts in such return stated, but none of such officers shall serve or execute any civil process, except as provided in this Act.

Justices of the Peace.

SEC. 15. 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 Act was not in force; and nothing in this Act shall be construed as in any way affecting any action at law now pending against said city, or in which it is interested, nor shall the validity or enforcement of any rights, claims, or demands, acquired by said City of Stockton, or against it, or by or against any person, firm, or corporation; under the Act so amended, or laws, or ordinances made thereunder be, in any manner or degree, impaired or affected by the provisions of this Act; and the Police Judge elected under the provisions of this Act, shall be held and taken to be the successor of the present incumbent of said office, and shall have power to conduct, try, and fully determine all matters, cases, and proceedings, and to enforce all judgments pending or unsatisfied in said Court at the time of his qualification hereunder.

SEC. 16. This Act shall take effect immediately.

CHAPTER CLV.

An Act to reorganize the Supervisoral Districts of the County of Monterey.

[Approved February 28, 1874.]

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

Supervisor Districts and representation.

SECTION 1. The Supervisors of Districts Numbers One, Two, and Three, of the County of Monterey, are hereby authorized and required to redistrict the territory of the present County of Monterey into four Supervisoral Districts, at a session to be called by the Clerk of said Board, within five days after the passage of this Act. The said Supervisoral Districts shall be respectively numbered One, Two, Three, and Four, and the said county shall be represented by one Supervisor for each of said districts, and one Supervisor at large, who shall be Chairman of the Board.

Vacancies.

SEC. 2. Any vacancy or vacancies that may occur, by the formation of any new district or districts, or by changes in the boundaries of any existing district or districts, shall be filled by appointment of the County Judge of said county, until the next general election, to be held on the third day of September, eighteen hundred and seventy-four. The Supervisor at large shall also be appointed by said County Judge; *provided*, that nothing in this Act shall be so construed as to terminate the terms of office of the present Supervisors of said county, until the completion of the terms for which they were respectively elected.

Code to govern.

SEC. 3. In all respects, except as provided in this Act, the Board of Supervisors of the said County of Monterey, so reorganized, shall be governed by the provisions of the Political Code of the State of California.

Confirmed.

SEC. 4. All acts of the said Supervisors since the passage of an Act creating the County of San Benito, are hereby ratified and confirmed, and they are hereby authorized and empowered to act as the Board of Supervisors for the said County of Monterey, and for their respective districts, until the Board of Supervisors herein provided for shall qualify as such Supervisors.

Session.

SEC. 5. The Board of Supervisors so to be formed shall qualify and hold a session of said Board on the second Monday immediately succeeding said appointment.

Repealed.

SEC. 6. An Act entitled an Act to redistrict the County of Monterey, and to provide for the election of Supervisors, approved March thirtieth, eighteen hundred and sixty-eight, is hereby repealed.

Fees, etc.

SEC. 7. The said Board of Supervisors shall receive for their services the fees prescribed in an Act of the Legislature of said State of California, 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.

SEC. 8. This Act shall take effect immediately.

CHAPTER CLVI.

An Act to regulate the fees of office, and to fix the compensation of the county officers in the County of Sacramento.

[Approved February 28, 1874.]

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

Compensation.

SECTION 1. Fees payable in United States gold and silver coin, shall be charged and collected by the county officers of Sacramento County, hereinafter named, as in this Act provided; and such officers shall receive for their services in the discharge of the duties imposed on them by law, such compensation, and none other, as is in this Act provided.

FEES OF SHERIFF.

Fees of Sheriff.

SEC. 2. The Sheriff shall collect, in advance, for official services rendered by him, the following fees, viz.:

First—For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar.

Second—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.

Third—For serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, three dollars.

Fourth—For taking bond or undertaking in any case in which he is authorized to take the same, one dollar.

Fifth—For copy of any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents.

Sixth—For serving every notice, rule, or order, one dollar.

Seventh—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.

Eighth—For serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, three dollars.

Ninth—For holding each inquest, or trial of right of property, to include all service in the matter, except mileage, three dollars.

Tenth—For traveling, 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 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 are 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 point to complete such service; for each mile necessarily traveled, in going only, thirty cents. Same.

Eleventh—For commissions for receiving and paying over money on execution, or other process, when land or personal property has been levied on and sold, on the first one thousand dollars, three per cent, and on all sums above that amount, two per cent.

Twelfth—For commissions for receiving and paying over money without levy, or where the lands or goods levied on shall not be sold, on the first one thousand dollars, one and a half per cent, and one per cent on all over that sum.

Thirteenth—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.

Fourteenth—For drawing and executing a Sheriff's deed, to include the acknowledgment, three dollars and fifty cents, to be paid by the grantee.

Fifteenth—For executing a certificate of sale, exclusive of the filing and recording of the same, one dollar.

Sixteenth—For all civil services arising in Justices' Court, the same fees as are allowed to Constables for like services.

Seventeenth—For his trouble and expense in taking, keeping, preserving, and removing property under attachment or execution, or other process, such sum as the Court shall allow, by an order which shall be entered on its minutes; *provided*, that no more than three dollars per diem shall be allowed for a keeper; and for conveying a prisoner, when under arrest, the necessary expenses incurred in transportation to be audited and allowed by the Board of Supervisors, and the sums so allowed to him in this subdivision of this section of this Act, shall be retained by him for his own exclusive use.

Eighteenth—For feeding and clothing prisoners confined in the County Jail, such sum as may be audited and allowed by the Board of Supervisors.

FEES OF CLERK OF THE DISTRICT COURT.

SEC. 3. At the commencement of each suit the Clerk shall demand and receive from the plaintiff the sum of ten dollars, to cover costs to the time of judgment; and from the defendant, at the time of his appearance in the action, three dollars, to cover costs for the same time. If, in the progress of the action, said sums shall appear to the Court to be insufficient to cover the costs therein, the Court shall make an order, which shall be entered in its minutes, requiring the Clerk to demand and Clerk of District Court.

Same. collect from either party, such further sum as the Court may deem necessary to cover costs to the time of judgment, including the entry thereof, which sum shall be specified in said order; and 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.

First—He 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 action, and of the trial and subsequent proceedings, for the first folio, fifty cents; for each subsequent folio, twenty-five cents.

Second—For issuing every writ or process under seal, fifty cents, except the writ of habeas corpus.

Third—For issuing each subpœna for one or more witnesses, fifty cents.

Fourth—For filing each paper, twenty five cents.

Fifth—For entering every motion and order, rule, default, discontinuance, dismissal, or nonsuit, fifty cents.

Sixth—For entering every cause on the calendar, and making a copy thereof for the Bar, for each term of the Court, fifty cents.

Seventh—For calling and swearing every jury on *voire dire*, fifty cents.

Eighth—For calling and swearing every jury to try the cause, fifty cents.

Ninth—For receiving and entering each verdict of a jury, fifty cents.

Tenth—For entering every final judgment, for the first folio, one dollar; for each subsequent folio, twenty-five cents.

Eleventh—For making up and filing judgment roll, fifty cents.

Twelfth—For each entry of judgment upon judgment docket, twenty-five cents.

Thirteenth—For each entry of satisfaction or credit on judgment docket, fifty cents.

Fourteenth—For administering every oath or affirmation, twenty-five cents.

Fifteenth—For certifying the same, twenty-five cents.

Sixteenth—For copy of any proceeding, record, or paper, per folio, twenty-five cents.

Seventeenth—For every certificate under seal, fifty cents.

Eighteenth—For issuing every commission to take testimony, one dollar.

Nineteenth—For writing down testimony of witnesses during trial, for each folio, to be paid by the party requiring the same, twenty-five cents.

Twentieth—For issuing every execution, or other final process under seal, fifty cents.

Twenty-first—For copy of every decree or order of sale, of mortgaged premises, for each folio, twenty-five cents.

Twenty-second—For receiving and filing every remittitur from the Supreme Court, and accompanying papers, one dollar.

Twenty-third—For taking and approving each undertaking or bond, fifty cents.

Twenty-fourth—For taking justification thereto, fifty cents.

Twenty-fifth—For taking testimony on justification to bond or undertaking, for each folio, twenty-five cents. Same.

Twenty-sixth—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.

Twenty-seventh—For indexing every suit in the general index of the Court, as required by law, for each name, twenty cents.

Twenty-eighth—For each certificate of declaration to become a citizen of the United States, two dollars; for his service in admitting each person as a citizen of the United States, including the certificate of such admission, three dollars.

Twenty-ninth—For filing and entering papers on transfer of cases from other Courts, three dollars.

Thirtieth—For transmission of files, or transfer of cases to other Courts, including certificate of order of transfer, two dollars.

Thirty-first—For searching records of files of each year, except for suitors or their attorneys, fifty cents.

FEES OF CLERK OF COUNTY COURT.

SEC. 4. For filing all papers on appeal from Justices' Courts, for each case, one dollar and fifty cents; for all other services, the same fees as are allowed the Clerk of the District Court for like services. Clerk County Court.

FEES OF CLERK OF PROBATE COURT.

SEC. 5. For issuing letters testamentary, or of administration, or of guardianship, fifty cents. Clerk Probate Court.

First—For writing and posting each notice required, twenty-five cents.

Second—For each notice for publication, in addition to the cost of publication, twenty-five cents.

Third—For recording wills or other papers required to be recorded, for each folio, twenty cents.

Fourth—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 appears that the whole estate is not of the value of one thousand dollars, no further Clerk's fees shall be charged.

FEES OF COUNTY CLERK.

SEC. 6. For issuing each marriage license, two dollars.

First—For recording all papers required by law to be recorded, for each folio, twenty cents; for indexing same, twenty cents. County Clerk.

Second—For filing all papers required to be kept by him, twenty-five cents.

Third—For indexing same, for each name indexed, twenty cents.

Fourth—For all services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services.

FEES OF COUNTY RECORDER.

Recorder.

SEC. 7. For recording every instrument, paper, or notice, for each folio, fifteen cents; except marriage licenses, for which he shall receive no fee.

First—For indexing every instrument, paper, or notice, twenty-five cents for each name indexed.

Second—For copy of any record or paper, per folio, fifteen cents.

Third—For filing every instrument for record, and making the necessary entries thereon, twenty cents.

Fourth—For each certificate under seal, fifty cents.

Fifth—For every discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing and indexing same, fifty cents.

Sixth—For searching records or files in his office, for each year, when required, fifty cents.

Seventh—For abstract of title, for each conveyance or incumbrance certified, fifty cents.

Eighth—For recording every map or plat, for each cause, ten cents.

Ninth—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.

Tenth—For taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents.

Eleventh—For recording transcript, and for all other services on estray cases, one dollar.

Twelfth—For recording each mark or brand, seventy-five cents.

Thirteenth—For administering oath or affirmation, twenty-five cents.

Fourteenth—For certifying same, twenty-five cents.

Fifteenth—For filing, indexing, and keeping each paper not by law required to be recorded, fifty cents.

Sixteenth—For all other services, not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services.

Compensation. Sheriff.

SEC. 8. The Sheriff, County Clerk, and County Recorder shall each receive compensation for their services, as follows: The Sheriff shall receive an annual compensation of thirteen thousand four hundred dollars in United States gold coin, payable monthly, in equal monthly installments, as hereinafter provided; which sum shall be in full payment for any and all services and duties appertaining to his office and performed by him, and by his Under Sheriff, deputies, jailers, clerks, and employés, and for any and all other expenses incurred by him in the administration of his office, except as specified in subdivisions seventeen and eighteen of section two of this Act; and he shall keep and employ a sufficient number of deputies and jailers for the faithful performance of the duties of his

office. The County Clerk shall receive for his services as such Clerk, and as Clerk of the District Court, County Court, Probate Court, and Clerk of the Board of Supervisors, and as Clerk of said Board in all matters appertaining to swamp and overflowed lands, and for all other duties devolved upon him by law, an annual compensation of eight thousand five hundred dollars in United States gold coin, payable monthly, in equal monthly payments, as hereinafter provided; which sum shall be in full payment for any and all services and duties appertaining to his office, and performed by him, and his deputies and employés; and he shall keep a deputy in the County Court and in the District Court, and he shall also employ and keep such additional deputies as may be required for the faithful and punctual discharge of the duties affixed to his office by law, and he shall be Clerk of the Board of Supervisors, and also the Clerk of said Board in the transaction of all business relating to swamp and overflowed lands. The County Recorder shall receive for his services an annual compensation of thirty-six hundred dollars in United States gold coin, payable monthly, in equal monthly payments, as hereinafter provided; which sum shall be in full payment for all services and duties appertaining to his office, and performed by him and his deputies; and he shall appoint and employ such deputies as may be necessary for the faithful and punctual discharge of the duties by law affixed to his office. The Sheriff, County Clerk, and County Recorder shall each keep in his office a fee book, which shall at all times, during office hours, be open to public inspection, and which shall be the property of the county, in which fee book he shall enter separately each item of fees required by law to be charged and collected by him, under the provisions of this Act. At the close of each month each of said officers shall make out and certify, under oath, a statement of the gross amount of fees charged and collected by him during the current month, under the provisions of this Act; which statement shall be in duplicate, and one of which he shall, at the close of each month, file in the office of the Board of Supervisors, and one in the office of the County Auditor; and it is hereby made the duty of the President of the Board of Supervisors, and of the County Auditor, so soon as said statements are so filed, to examine the same and also the fee books of said officers, with a view to ascertain that the same are properly kept, and that said statements are true and correct. Upon filing said statement, and it being ascertained that the same is true and correct as herein provided, if it shall appear therefrom that the officer filing the same has collected an amount of fees during the month in excess of the amount of his monthly compensation, as allowed by this Act, the Board of Supervisors shall make an order that such excess be paid by him into the County Treasury, under the direction of the Auditor, as in other cases; which order shall specify the amount so in excess and to be paid by such officer into the County Treasury, and shall be entered in the minutes of the Board; and thereupon such officer shall forthwith pay the sum specified in such order

County Clerk.

Recorder.

Fee books and oath to entries.

Examination of same.

Order for excess.

Payment of deficiency.

into the County Treasury, and shall take his receipt therefor, and shall file said receipt in his office; but if it shall appear that the amount so collected, as hereinbefore specified, is insufficient to meet the said monthly compensation of such officer, then the Board of Supervisors shall audit and allow such sum as, added to the amount of fees so collected by him, will make up the full amount of said monthly compensation; which sum shall be a charge against the county, and shall be audited, allowed, and paid in the same manner as other claims against the county. All books, blanks, and stationery for the use of the officers named in this Act, except Coroner, Public Administrator, and County Surveyor, shall be furnished to such officers and paid for by the county.

TAX COLLECTOR.

Tax Collector.

SEC. 9. The Tax Collector of said county is allowed one per cent on all State and county taxes collected by him, and ten per cent on all licenses so collected, which said percentage shall be retained by him out of the moneys so collected as aforesaid. For the collection of all delinquent taxes he shall be entitled to retain ten per cent on all moneys collected, after the first advertisement of the delinquent list, as required by law.

COUNTY TREASURER.

Treasurer; salary of, how paid.

SEC. 10. The County Treasurer of said county shall receive a salary of three thousand dollars per annum, in United States gold coin, payable quarterly, as follows: If the compensation allowed him by the State be insufficient to meet said quarterly payment of said salary, he shall be paid out of the County Treasury of said county such sum as may be necessary to meet such deficiency; but if such compensation so allowed him by the State shall in any one quarter of a year during his term of office amount to more than two hundred and fifty dollars per month, he shall pay such surplus into the General Fund of said County Treasury. Upon making each payment as such County Treasurer into the State Treasury, he shall file with the County Auditor and Clerk of the Board of Supervisors a statement, under oath, of all sums allowed to him, and to any and all other county officers of said county, by the State. Any and all compensation allowed to such other officers of the county by the State shall be paid by said Treasurer, upon receiving the same, into the General Fund of said County Treasury, to be disbursed according to law for the use and benefit of said county.

COUNTY AUDITOR.

Auditor.

SEC. 11. The County Auditor of said county shall receive the sum of twenty-seven hundred dollars per annum, in United States gold coin, in full compensation for his services, to be paid out of the County Treasury monthly, in equal monthly payments. And any and all compensation allowed by the State for his services, or any and all fees or perquisites

received by him from any source as such Auditor, shall be paid by him into the County Treasury and placed in the General Fund thereof. The provisions of section eight of this Act, concerning the fee books, monthly statement of fees, and filing the same with the Board of Supervisors, and the mode and manner of payment of deficiency of fees to meet monthly compensation of officers and disposition of overplus of fees above such amount of monthly compensation, are hereby made applicable to the County Auditor.

COUNTY ASSESSOR.

Assessor. SEC. 12. The Assessor of said county shall be ex officio Collector of all poll taxes, except road poll taxes, and shall receive compensation as follows: He shall receive a salary of two thousand dollars per annum, in United States gold coin, as Assessor, payable monthly out of the County Treasury, in equal monthly payments, to be audited, allowed, and paid as other demands against the county. For collecting poll taxes, he shall be allowed to retain fifteen per cent on the amount collected. He shall be allowed an office deputy during six months of the year, who shall receive a salary of nine hundred dollars, in United States gold coin, payable monthly, in equal monthly payments, which shall be audited, allowed, and paid out of the County Treasury in the same manner as other claims against the county. The Board of Supervisors of said county shall designate what other number of Deputy Assessors, not exceeding twelve, may be appointed, and they shall each receive a sum not to exceed five dollars per day, in United States gold coin, for each and every day they are actually and necessarily engaged in and attend to the duties of their office, and they shall be paid monthly out of the County Treasury; *provided*, however, that but one Deputy Assessor shall be allowed or paid by the county for any service rendered between the first Monday of July and the first of March, in any year.

DISTRICT ATTORNEY.

District Attorney. SEC. 13. The District Attorney of said county shall receive a salary of four thousand two hundred dollars, in United States gold coin, per annum, payable monthly, in equal monthly payments, out of the County Treasury, which shall be audited, allowed, and paid in the same manner as other demands against the county. Said sum shall be in full payment for all services and duties appertaining to his office, and for all deputies and clerical assistance he may employ therein.

COUNTY SCHOOL SUPERINTENDENT.

School Superintendent. SEC. 14. The County School Superintendent shall receive a salary of sixteen hundred dollars per annum, payable monthly, in equal monthly payments, in United States gold coin; which sum shall be in full payment for all his official services, and out of which he shall defray his traveling expenses, and all ex-

penses incurred by him for postage stamps used in his official business.

CORONER, SURVEYOR, AND PUBLIC ADMINISTRATOR.

Fees. SEC. 15. The County Coroner, Surveyor, and Public Administrator shall each receive the fees now allowed them by law.

Post-mortems. SEC. 16. Whenever it shall become necessary for the Coroner to hold a post-mortem examination, he shall procure the services of the County Physician for that purpose; and said County Physician shall attend when so required by the Coroner, and shall perform such service without charge.

Misdemeanor. SEC. 17. Any county officer who shall fail or neglect to perform any of the duties required of him by this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be thereby removed from office.

Repealed. SEC. 18. 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, and an Act entitled an Act to fix the compensation of the District Attorney of the County of Sacramento, approved April first, one thousand eight hundred and seventy-two, and an Act entitled an Act in relation to the Political Code, approved March twenty-eighth, one thousand eight hundred and seventy-two, so far as it relates to the County of Sacramento, and all Acts and parts of Acts in conflict with the provisions of this Act, so far as they apply to the County of Sacramento, are hereby repealed.

SEC. 19. This Act shall take effect and be in force from and after its passage.

CHAPTER CLVII.

An Act to fix the salary of the Superintendent of Public Schools of Marin County.

[Approved February 28, 1874.]

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

Salary. SECTION 1. The Superintendent of Public Schools in Marin County shall receive one thousand dollars per annum, in full for all compensation, to be paid out of the General Fund quarterly.

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

SEC. 3. This Act shall take effect on the first Monday in March, A. D. eighteen hundred and seventy-four.

CHAPTER CLVIII.

An Act to establish a public road along the boundary line between the Counties of Yolo and Colusa.

[Approved February 28, 1874.]

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

SECTION 1. There is hereby created a public road along the boundary line between the Counties of Yolo and Colusa, commencing at a point on the Sacramento River where the north line of Yolo County and the south line of Colusa County commence, and running west along said boundary line to the south-east corner of section thirty-six, in township number thirteen north, of range three west. Public road.

SEC. 2. The width of said road shall be eighty feet, and the expense of opening and maintaining said road shall be equally borne by the Counties of Yolo and Colusa. Width and expense.

SEC. 3. The Supervisors of Yolo County, and the Supervisors of Colusa County, are hereby directed and empowered to take all necessary measures to carry this Act into effect. Empowered.

SEC. 4. The road declared a public highway by this Act, shall be governed by the road laws in force in the Counties of Yolo and Colusa. Governed.

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

CHAPTER CLIX.

[See volume of Amendments to the Codes.]

CHAPTER CLX.

An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Chico, Butte County, California, approved January eighth, eighteen hundred and seventy-two.

[Approved February 28, 1874.]

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:

Boundaries

Section 2. The boundaries of the Town of Chico shall be according to the map thereof filed in the County Recorder's office of Butte County on the twenty-sixth day of August, one thousand eight hundred and sixty-seven, as follows: Commencing at the westerly end of First or Front street, at a point where Oak street intersects it, following said Front street to its intersection with Sierra Avenue; thence along said avenue to Orient street; thence along Orient street in a southerly direction to the center of Little Chico Creek, at a point opposite the easterly termination of Humboldt Avenue; thence along the center of Little Chico Creek, westerly along Oak street to the place of beginning.

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

Election notice.

Section 5. Two weeks notice of such election for Trustees shall be given by the President and Secretary of the Board of Trustees, by publication in such newspapers printed in the Town of Chico as the Board may direct. Such notice shall designate the time and place of holding such election, and shall name one Inspector and two Judges of such election; *provided*, that if at any time the President and Secretary fail to give such notice the electors of said town may meet on the morning of election day at the Town Hall, in said town, and appoint one Inspector and two Judges of such election, and the same shall be valid and binding as if notice had been published.

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

Powers of Board of Trustees.

Section 10. 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, and to pass all by-laws and ordinances necessary and proper, properly carrying into effect the powers in this Act given them Second—To levy and collect annually a tax not to exceed one per cent on the assessment valuation of all property, both real and personal, owned within said town. Third—To impose and collect a road poll tax, not exceeding two dollars per annum, on each male inhabitant of said town of the age of twenty-one years and upwards, and no other road poll tax shall be collected within the limits of said Town of Chico. Fourth—To impose and collect a tax of not to exceed two dollars per annum, on every dog owned within the limits of said town, and no other dog tax shall be collected in said Town of Chico. Fifth—To establish and alter fire limits; to erect, purchase, or lease proper buildings for a fire department; to purchase, hold, and maintain one or more fire engines, and such apparatus and implements for the prevention and extinguishment of fires as may be necessary, and to establish, regulate, and control a fire department in said town. Sixth—To regulate the storage of gunpowder, tar, pitch, rosin, and other extremely explosive or combustible materials; to regulate the erections of steam boilers and engines, and to prohibit the erection thereof in places deemed dangerous to the inhabitants of said town. Seventh—To determine what are nuisances; to prevent, remove, or abate the same at the expense of the party causing such nuisance; to control and regulate soap and glue works, slaughter houses, tanneries, and other

offensive trades, and to provide for their exclusion or removal from the town limits, or any part thereof. Eighth—To prevent any or all domestic animals from running at large within the limits of said town, either all or a portion of the time; to prevent the leaving of animals in any street or alley without securely fastening the same; to prohibit the fastening to or otherwise destroying or injuring any fence, gate, building, lamp post, hydrant, tree, or case around a tree, in said town, and to regulate and prohibit fast driving in any portion of the town. Ninth—To provide for the regulation and prevention of contagious diseases; to provide and enforce regulations for the protection of health and cleanliness; to control and regulate interments, and to provide for the prevention and summary removal of all filth and garbage. Tenth—To establish a Pound and a Poundkeeper, and prescribe his duties and fees; to provide for a public sale by the Poundkeeper of such animals as shall be impounded; to provide when and what animals shall be impounded; to provide for the repayment to the owner, within a limited time, of the money arising at sale of impounded animals, less such costs as the Board may provide. Eleventh—To permit the laying of railroad tracks, and the running of cars, drawn by horse or steam, thereon, making such prohibitions and restrictions as the safety of the town may demand, and to fix and regulate the rate of speed at which cars drawn either by horse or steam may be run within the town limits. Twelfth—To prevent the discharge of pistols, firearms, or cannons, within prescribed limits. Thirteenth—To establish, alter, and repair town prisons, regulate the same; provide for the care, feeding, and clothing of town prisoners; to provide for the formation of a chain gang for persons convicted of crimes and misdemeanors, and their proper employment for the benefit of the town, and to provide for the arrest and compulsory working of vagrants. Fourteenth—To establish and regulate markets and market places. Fifteenth—To prohibit, and regulate, and suppress, or to fix, in their discretion, and collect a license tax on all dance houses, fandango houses, cock fights, bull fights, dog fights, and all exhibitions and amusements which are against good morals and public decency, and to prohibit and suppress all houses of ill-fame or prostitution. Sixteenth—To fix and collect a license tax on all shows, theatrical and circus performances, and all other performances where an admission fee is charged, or which may be held in a place where wines or liquors may be sold to the participators, and on all billiard tables and bowling alleys, and to regulate and restrain the same. Seventeenth — To license, regulate, and fix the rate of license tax upon all kinds of business, employment, occupations, or trades of a lawful nature carried on within the town limits. The amount of license tax upon everything which the Board of Trustees are by this Act authorized to license, shall be fixed at the discretion of the Board of Trustees, and as they may deem the interests and good order of the town may require. Eighteenth—To purchase or lease such real or personal property, and to erect such buildings as may be necessary for town offices and a town prison, or for the interest of said town, to sell, convey,

Same.

Same. and mortgage the same when deemed necessary by said Board. Nineteenth—To construct and keep in repair pumps, aqueducts, reservoirs, or other works necessary for supplying the town with water; to provide for the establishment, regulation, and maintenance of waterworks; and to grant permission to lay water pipes in the streets of said town, with such restrictions and prohibitions as the interest of the town may demand. Twentieth—To provide for and regulate the lighting of the streets of said town. Twenty-first—To lay out and open streets and alleys; to declare any streets now open, or which may be hereafter opened, public streets; to determine the width and grade of all streets, alleys, and sidewalks in said town; to regulate and direct the planting of shade trees on the streets of said town, and to provide for draining the same. Twenty-second—To provide for the improvement and repair of streets, and the construction, improvement, and repair of sidewalks, in the manner in this Act hereinafter provided. Twenty third—To provide when and at what places on the streets of said town crossings may be made; to remove the same, and to regulate and prescribe the manner of construction thereof, and of what material the same shall be made. Twenty-fourth—To provide for inclosing, improving, and regulating all public grounds at the expense of the town. Twenty-fifth—To provide for the good order of the town, and appoint special policemen when deemed necessary. Twenty-sixth—To provide for the numbering of all buildings facing on the streets of said town. Twenty-seventh—To order paid any final judgment against said town; but none of its lands, or property of any kind or nature, taxes, revenues, franchises, rights, or interests shall be attached, levied upon, or sold in or under any process whatever.

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

Equalization. Section 11. The 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 County Boards of Supervisors in similar proceedings. All taxes levied under the provisions of this Act are 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 sale for such taxes.

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

No debts. Section 12. The Board of Trustees shall have no power to create any indebtedness exceeding three thousand dollars, in the aggregate, upon the credit of the town. Warrants shall not be drawn upon the Town Treasurer unless there be sufficient money to meet the same after paying the current expenses of the town and all demands legally due. The Board of Trus-

Question of special tax. tees shall have the further power, when they may deem essential the expenditure of a larger sum of money than is specified in this section as the limit of their power to contract indebtedness on the credit of the town, to make suggestions as to the sum needed, the purposes of its use, and appoint the time and place of holding an election in conformity with the provisions

of this Act, governing other elections at which the qualified electors of the town may vote for or against a special tax for the purposes designated. The ballots to be used at such elections shall have printed on them: For the Special Tax—"Yes;" or, For the Special Tax—"No."

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

Collection of taxes.

Section 14. The Board of Trustees shall by ordinance fix the time and manner of collecting all taxes hereinbefore provided for, and the time and manner of selling property for such taxes when unpaid; all property sold for such unpaid taxes shall be subject to redemption upon the same conditions as property sold for State and county taxes.

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

Ordinances

Section 15. All ordinances passed by the Board of Trustees shall be signed by the President and Secretary, and published in such newspaper, printed in the Town of Chico, as the Board may direct.

Streets, laying out, etc.

SEC. 8. The Board of Trustees shall have power, upon the petition by the owners of a majority of the real estate fronting on both sides of any projected street or alley, or upon a street or alley already established and sought to be extended, or upon any street or alley already established and sought to be altered, to lay out, to extend, or to alter such street or alley, if they deem it necessary for the public good. Whenever the Board orders such streets or alleys to be laid out, extended, or altered, and it becomes necessary to take private property for the purpose of laying out, extending, or altering the same, and the Board of Trustees cannot agree with the owner thereof as to the price to be paid, they may direct proceedings to be taken under Title Seven, Part Three, of the Code of Civil Procedure, to procure the same.

Improvement of streets.

SEC. 9. 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 agents, shall petition the Board of Trustees to order such street to be graded, macadamized, provided with sewers, or otherwise improved between such points, then it shall be the duty of the Board of Trustees to determine, and draw up, or cause to be drawn up, plans and specifications of the character of and the improvements to be made on such street, and shall order such improvements as petitioned for to be made in accordance with such plans and specifications, and may make an assessment of the cost thereof to each of the persons owning the real estate fronting on such street, between said points, at such rate per front foot as may be necessary to furnish the cost of such work, and such assessment shall constitute a lien on such real estate until the same is paid. All work done under the provisions of this section to be let by contract to the lowest bidder.

SEC. 10. If, at any time, the owners of a majority of the real estate fronting on one side of any street shall petition the

Construction of sidewalks, etc.

Board of Trustees to order to be constructed, altered, or to be repaired, a sidewalk along such side of said street, between two 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, and shall order such improvement to be made, as petitioned for, in accordance with said plans and specifications, and shall make an assessment of the cost thereof to each of the persons owning the real estate fronting on that side of the street, between the given points, each of said persons to pay the cost of the improvement in front of his own property, and the same shall constitute a lien on 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 specifications, and within the time mentioned in the order requiring such improvement to be made; but, if not so made, then the Board of Trustees shall have jurisdiction to order it done, and the cost thereof shall remain assessed to and be a lien on the land as aforesaid.

Constructing culverts, etc.

SEC. 11. Whenever, in the opinion of the Board of Trustees, it shall become necessary to construct or repair a culvert or sidewalk at the intersection of two streets, they shall have power to order the Marshal to construct the same. When such culvert or sidewalk shall run parallel with a street, the cost of the same shall be assessed by the Board of Trustees to the two quarter blocks adjacent thereto, on the same side of the street, and each lot or part of lot on such quarter block shall be assessed separately in proportion to its amount of frontage on the street to which said sidewalk or culvert is parallel. The said assessment shall be a lien on such property, and so continue until paid or satisfied; *provided*, said Board of Trustees may assess less than the entire cost of such improvement on such two quarter blocks, and may pay the balance, or may pay the entire cost of such work out of the Town Treasury.

Street crossings.

SEC. 12. Whenever any street to be improved, as provided in section nine of this Act, shall cross any other street, the expense of the improvement on such crossing shall be assessed by the Board of Trustees, on the four quarter blocks adjoining and cornering on such crossing, and each lot or part of 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 sought to be improved or being improved, and such assessment shall constitute a lien on such real estate until paid or satisfied; *provided*, that the Board of Trustees may assess less than the entire cost of such improvement on such four quarter blocks, and may pay the balance, or may pay the entire cost of said improvement, out of the Town Treasury.

Repairing sidewalks, etc.

SEC. 13. When any street, sidewalk, or gutter, or any portion of the same, becomes out of repair, dangerous, or in a condition to cause great public inconvenience, and shall be so determined by the Board of Trustees, the Marshal shall, by notice in writing, to be delivered personally to the owners, occupants, or tenants of any real estate (or, if unoccupied, by posting the same on the premises,) in front of which such

repairs or improvements are required to be made, requiring them to make such improvements or repairs forthwith, particularly specifying in such notice what improvements or repairs are required to be made; *provided*, no one shall be required to make any such repairs or improvements further from such real estate than the middle of the street. If such improvements or repairs are not commenced within three days after notice given as aforesaid, and diligently prosecuted to completion, the Town Marshal shall be deemed to have acquired jurisdiction to contract for the doing of the work or improvements required by such notice, and may pay for doing the same, such price as may be reasonable and just, and such owner shall be liable to pay the same; and all sums of money contracted to be paid for such work 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 remain a lien on the same until paid or satisfied. Upon the completion of such repairs or improvements, the Marshal shall give notice to the owners, occupants, or tenants of such real estate (or, if unoccupied, by posting on the premises), of the amount of the cost of the same, and requiring the same to be paid within twenty days, to the Collector of the town, and shall immediately thereafter give the said Collector a written statement, containing a description of the work done, the date of the order directing it, the amount of the cost thereof, the description of the land to be charged with the said cost, the name of the owner, if known, and the date and manner of service of said last mentioned notice. If the amount named in such notice is not paid to said Collector within twenty days after the delivery or posting of such notice, he shall declare the same delinquent, by an entry on said statement, and add five per cent to the amount. He shall then proceed to collect the amount so delinquent, from the sale of the property, in the manner in section fourteen of this Act provided, being for that purpose vested with all powers therein given him.

Lien for cost.

When delinquent.

SEC. 14. When any work to be done under the provisions of sections nine, ten, eleven, and twelve of this Act, shall have been ordered by the Board of Trustees, they shall direct the Assessor of the town to make a full and complete list of the property to be charged with the expense thereof, and, when known, the names of the owners of each lot or part of a lot set opposite the same, specifying the number of front feet in each lot so charged, and the rate per front foot that each lot has been assessed, and shall carry out the full amount to be charged against each separate lot or parcel of land into a separate column, and the total shall be added up at the foot thereof. Such list shall be completed and delivered to said Board within ten days, unless the Board shall, by order, grant further time. When the said list shall have been approved by the Board, they shall cause the same to be delivered to the Collector of the town. When the work so ordered shall have been completed and accepted by said Board of Trustees, they shall direct the said Collector to proceed and collect the several amounts so assessed. The Collector shall thereupon give notice to parties interested, by two weeks publication in some newspaper printed in said town, stating that the said assessment is due,

Duties of Assessor.

Collection of assessments.

and requiring the same to be paid within thirty days from the first publication of such notice, and when any payment is made he shall write the word "Paid" against such amount, and shall also write the word "Paid" against each amount. When persons have made the improvements required by section ten of this Act, themselves, upon the completion of the thirty days, he shall declare the assessments unpaid to be delinquent, by an entry in writing at the foot of the roll, and then shall add five per cent to each sum so delinquent. He shall then proceed, after having given notice, as required by law in the collection of State and county taxes upon real property, to collect the various amounts so delinquent, including the percentage aforesaid, the costs of advertising, and such other costs as are allowed by law in the collection of State and county taxes, from the sale of the property, or so much thereof as may be necessary, which sales he is hereby authorized to make. In all things concerning such sales, the execution of certificates and deeds, the said Collector shall be governed by, and as nearly as practicable conform to the same rules and directions as are contained in the laws now in force, or which may be from time in the County of Butte, providing for the sale of real property for the collection of delinquent State and county taxes; the same powers being hereby conferred on said Collector as are or may be given to Tax Collectors of said county, in cases of sale of real property for the collection of delinquent State and county taxes.

Delinquent, how collected.

Powers, how exercised.

SEC. 15. The Board of Trustees may exercise and carry into effect all powers conferred on them by sections eight to fourteen inclusive, of this Act, by motions, resolutions, or orders, spread on the minutes of the proceedings of said Board.

Transactions to be published.

SEC. 16. It shall be the duty of the Board of Trustees to publish in a newspaper printed in the town, at the expiration of each month of the year, a full and detailed statement of the transactions of the Board, and of the finances of the city, and in every such statement the different sources of the town revenue, and the amount received from each, the several appropriations made by the Trustees, the objects for which the same were made, and the amount of money expended under each, the moneys borrowed on the faith and credit of the city, the authority under which each loan was made, and the terms on which it was obtained; all of which shall be clearly and particularly set forth in such statement.

SEC. 17. This Act shall take effect and be in force from and after its passage.

CHAPTER CLXI.

An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March second, eighteen hundred and seventy-two.

[Approved February 28, 1874.]

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

SECTION 1. Section ten of an Act to provide for the government of the County of San Diego, approved March second, eighteen hundred and seventy-two, is amended to read as follows:

Section 10. It shall be the duty of said Funding Commissioners to cause to be prepared bonds of said county, in not less than the sum of one hundred dollars nor more more than five hundred dollars each, bearing interest at the rate of seven per cent per annum from the date of their issue; said bonds shall bear the date of their issuance, and shall be made payable at the office of said Treasurer, on the first day of January, A. D. one thousand eight hundred and eighty two. The interest accruing on said bonds shall be due and payable on the first day of January, A. D. one thousand eight hundred and seventy-three, after which time the interest shall be due and payable on the first day of July and January of each year, until said bonds shall be paid. The interest on said bonds shall be made payable at the said Treasurer's office. Said bonds shall be signed by the Chairman of the Board of Supervisors, the Auditor and Treasurer of San Diego County, and shall bear the county seal. Whenever, on the first Monday of January in each year, there shall remain in the Interest Fund, after payment of all the interest then due, and provision has been made for the interest to become due in July of such year, the sum of five hundred dollars or more, the Board of Supervisors shall advertise in some newspaper printed and published in said county, for the period of three weeks, for sealed proposals for the surrender and redemption of said bonds, and one week from the expiration of the time, the said Board shall open any and all sealed proposals which may have been received, and shall pay the bonds offered at the lowest price, as far as the money in the Interest Fund will extend; *provided*, that no bids shall be entertained for more than the par value of said bonds; should no proposals at par value or less be received, then the money in said Interest Fund shall be used for the redemption of said bonds according to the number of issue, and it shall be the duty of the County Treasurer, upon authority of the Board of Supervisors, to advertise, in some newspaper in San Diego County, for the period of twenty days the number, date, and amount of the bond or bonds proposed to be redeemed, and from and after the date of the last publication of such notice, the bonds to be redeemed shall cease to bear interest. If any of such bonds are not presented for redemption within three months from the date

County Bonds.

Redemption of bonds.

of such notice, the County Treasurer shall apply the money to the redemption of the bonds next in order of the number of their issue; and when said bonds are paid, they shall be canceled and returned to the County Auditor in the same manner as are redeemed county warrants, the interest coupons not then due to be attached to each bond.

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

Special tax.

Section 15. The Board of Supervisors are hereby authorized and required, on the first Monday of April in each year, to levy an annual tax, not to exceed the sum of two dollars upon every one hundred dollars valuation of real and personal property within the county, which shall be collected in the manner prescribed by law, and, when paid into the County Treasury, shall be distributed into Funds, as follows: Five per cent into a Hospital Fund, to be applied to the payment of the expenses of the County Hospital; ten per cent into a School Fund; ten per cent into a Road Fund; twenty-five per cent into a County Contingent Fund; thirteen per cent into an Interest Fund, to be used in payment of the interest (on the) on the bonds which may be issued under this Act; nine per cent into an Interest and Building Fund, to be used in payment of principal and interest of the bonds issued pursuant to an Act entitled an Act to authorize the issue of bonds by the County of San Diego, to erect county buildings, approved March twenty-ninth, A. D. one thousand eight hundred and seventy, as in said Act provided, and to be in lieu of the tax authorized to be levied by that Act; eighteen per cent into a Salary Fund, to be used in payment of salaries of county officers, as hereinafter provided; and ten per cent into a Redemption Fund, to be used in the redemption of warrants drawn, or to be drawn, upon the Contingent Fund, from the twenty-fifth day of April, A. D. eighteen hundred and sixty-eight, up to and including the first day of August, eighteen hundred and seventy-two, and of the county bonds issued on or before July second, eighteen hundred and fifty-five, in the manner in this Act provided; *provided*, that all moneys now in the Floating Debt Redemption Fund, and the Funded Debt Redemption Fund, or which may come into either of said Funds, shall be placed in said Redemption Fund, to be paid out as in this Act provided; *and, provided further*, that the several Funds in this section created shall be used only in the manner herein provided, except for the payment of the interest on the bonds issued, for the erection of county buildings, pursuant to said Act of March twenty-ninth, eighteen hundred and seventy, as in that Act provided; *and, provided further*, that the annual taxes for the year eighteen hundred and seventy-four may be levied by the Board of Supervisors, at any regular or special meeting, during the month of April, in said year. Any violation of the provisions of this section shall be deemed a misdemeanor, and punished accordingly.

How distributed.

Funds transferred

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

Moneys, when paid.

Section 39. All moneys derived from any source for which a Fund is not specially provided in this Act, shall be paid into the Contingent Fund of the county, except the moneys derived

from the sale of licenses, which shall be paid into the County Hospital Fund.

SEC. 4. Section forty-one of said Act is amended to read as follows:

Section 41. The Board of Supervisors shall not be authorized to levy any other or greater taxes for county purposes that are specially provided to be levied in this Act. At any regular meeting said Board of Supervisors are authorized to transfer the surplus in any of the different Funds created by this or any other Act, to any Fund or Funds in which there shall be a deficiency, but nothing in this section shall interfere with or prevent the levy by said Board of Supervisors of the road poll tax now prescribed by law to be levied. Powers limited.

SEC. 5. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

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

CHAPTER CLXII.

An Act to provide for the protection of lands from overflow in the County of Yuba.

[Approved March 2, 1874.]

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

SECTION 1. Whenever the owners of three fourths of the total amount of acres of any specified body of lands in Yuba County, susceptible of being protected from overflow, shall desire to erect the same into a district for canal and levee purposes, they may present to the Board of Supervisors of said county, at a regular meeting of said Board, a petition, setting forth that they desire to adopt measures to protect said body of lands from overflow, the description of the lands by legal subdivisions, if possible, the number of acres in the whole district, the number of acres in each tract, with the names of the owners thereof; which petition must have been published at least once a week for three successive weeks next preceding the hearing of the same, in some newspaper published in said county, and an affidavit of such publication must be filed with said petition. Petition for reclamation district.

SEC. 2. If, upon the hearing of the petition aforesaid, it shall appear to the satisfaction of the Board of Supervisors that the statements contained therein are correct, that no land has been improperly included or excluded, that it is the desire of the owners of three fourths of the total amount of acres in said described territory, and that it is just and proper, they shall declare said territory a district for said purposes, and shall thereupon note their approval on the petition, which approval must be signed by the President and attested by the Clerk. Approval.

The petition must then be recorded by the County Recorder, in a book kept for that purpose.

Officers appointed.

SEC. 3. The Board of Supervisors shall then appoint, from among the freeholders of said district, three suitable persons, whose duty it shall be, within twenty days thereafter, to call a special election in said district for the election of three Directors, one Assessor, and one Tax Collector, whose term of office, each, shall be two years, and until their successors are elected and qualified; such election to be called by posting (at least five days previous to the day of election) notices in three of the most public places in said district, naming the time and place of holding the same. Said election shall, in all respects, as nearly as practicable, be conducted in conformity with the general election laws of the State. The officers of such election, after counting the votes, shall make and deliver certificates of election to the persons elected, who, before entering on the discharge of their duties, shall take the oath of office. The Directors so elected shall meet within ten days after their election and appoint one of their number Clerk, and shall, every two years thereafter, or whenever a vacancy occurs, call an election of the qualified electors of the district, in the manner and for the election of the several officers in this section named.

Election of officers.

Organization.

Powers.

SEC. 4. The Assessor and Tax Collector for districts erected under this Act, shall have, while in the discharge of their duties, all the powers and authority given by law to County Assessors and Tax Collectors, and shall give bonds for the faithful discharge of their duties, as the Board of Directors of said district may require.

Assessment roll.

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 Number One," Two, or Three, as the case may be.

Equalization.

SEC. 6. As soon as the assessment roll shall have been completed, as above set forth, 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 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 assessments thereon; *provided*, that said equalization shall be completed within five days.

SEC. 7. The Board of Directors, while sitting as a Board of Equalization, shall have power to determine all complaints and objections to valuations 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 Clerks shall note all altercations in valuation or 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 Collector 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 first Monday of January next succeeding, the same shall become delinquent, and shall be collected under the same laws, rules, and regulations, as apply to delinquent State and county taxes; the said Collector being hereby invested with all and the same powers to make collection of taxes by sale and conveyance of real estate, as is or shall hereafter be conferred upon Collectors for the collection of 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 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.

Assessment and collection of taxes.

Special Fund.

Annual special tax.

SEC. 8. The Board of Directors may contract, agree for, purchase, or acquire by condemnation, the right of way for canals, levees, embankments, or other works necessary for protection, and may take material for the construction, maintenance, and repair thereof, from lands outside of as well as within the limits of the district. The condemnation of property herein provided for, must conform to and be in accordance with the provisions of Title Seven, of Part Three, of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose.

Right of way, etc.

SEC. 9. The Board of Directors shall meet annually, on the third Monday of April, and shall have power to levy a tax sufficient for levee purposes, which shall not exceed the sum of four per cent upon all 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 Board of Directors in the County Clerk's office.

Annual meeting, etc.

SEC. 10. As soon as the Board of Directors have finally adopted a plan of reclamation 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

Work; plans for and how let.

Same. Yuba, 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 the most advantageous, or they may reject any or all bids, and readvertise for proposals as before. If there should be two or more equal bids for the same section, and one of the bidders be the owners of the land on which said work is to be done, then the preference shall be given to such owner.

Bond with sureties. SEC. 11. 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 district, for double the amount of the contract price, conditioned for the faithful performance of said contract.

Acceptance and payment. SEC. 12. 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 Yuba 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, levees, or other works of protection, in said district.

Completion of work. SEC. 13. 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 the 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 payments; 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 registration, as

Registration and payment of warrants.

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.

Redemption. SEC. 14. 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.

Engineer. SEC. 15. Whenever the services of an engineer shall be required for the locating or measuring any works to be constructed by virtue of this Act, or for the enlarging, strengthening, or repairing of such works, the Board of Directors may employ a suitable person to perform such services at such price as may be agreed upon. The Assessor and Collector shall be 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 the discharge of their duties. The County Treasurer shall receive one per cent on all moneys disbursed by him. The Board of Directors shall be allowed a sum to be agreed upon by themselves, and 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 twelve of this Act.

Compensations.

Quorum, records, etc. SEC. 16. A majority of the Board of Directors shall constitute a quorum for the transaction of all business imposed upon them by this Act. The Secretary of the Board 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, and papers, and deliver the same to his successor in office.

Superintendent. SEC. 17. The Board of Directors shall have a general supervision of all works, repairs, and improvements, but may appoint some suitable person to superintend the same at such time as they may direct, and at such compensation as they may deem just.

Owners may reclaim. SEC. 18. Whenever any district is entirely owned by parties who desire to protect the same from overflow without the intervention of a Board of Directors, they may present the petition provided for in section one of this Act, and must state therein that they intend to undertake such works of protection on their own responsibility. If the petition is approved, the owners of the lands have all the rights, immunities, and privileges herein granted to Boards of Directors, and in all proceedings the names of the owners of said lands may be used instead of the Board of Directors in this Act provided for.

Powers of.

SEC. 19. This Act shall take effect from and after its passage.

CHAPTER CLXIII.

An Act to fix the fees of the County Surveyor of Sonoma County.

[Approved March 3, 1874.]

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

Fees.

SECTION 1. The County Surveyor of Sonoma County shall be entitled to collect and receive the same fees for his services as are now allowed by law to the County Surveyors of Santa Clara, San Joaquin, Alameda, Tulare, Kern, and Napa Counties.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they conflict, and this Act shall take effect and be in force from and after its passage.

CHAPTER CLXIV.

An Act to prevent stallions from running at large in Mono County.

[Approved March 3, 1874.]

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

Stallions.

SECTION 1. The provisions of "An Act to prevent stallions from running at large in the County of Sacramento," approved March twenty-eighth, eighteen hundred and fifty-nine, are hereby extended to and made applicable to the County of Mono.

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

CHAPTER CLXV.

[See volume of Amendments to the Codes.]

CHAPTER CLXVI.

An Act to authorize Isaac E. Davis and Henry Cowell and others to lay down and maintain water pipes in the Town of Santa Cruz.

[Approved March 3, 1874.]

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

Water franchise.

SECTION 1. Isaac E. Davis and Henry Cowell, and their associates and assigns, are hereby authorized to lay down and maintain water pipes in any of the streets, ways, or alleys of the Town of Santa Cruz, for the purpose of furnishing fresh water for the use and supply of the inhabitants of said town.

Streets to be put in good repair

SEC. 2. The streets, ways, or alleys of said town in which said water pipes may be laid, shall be put in the same good order and condition by the said Davis and Cowell, and their associates or assigns, as the same were before said pipes were laid down, at their cost, and under the supervision of the Road-master of Santa Cruz Road District.

No monopoly.

SEC. 3. Nothing in this Act shall be construed so as to interfere with the laying down and maintaining of water pipes, and supplying water to the inhabitants of said town by other persons.

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

CHAPTER CLXVII.

An Act in relation to jurors in Courts of Justices of the Peace, in the County of Humboldt.

[Approved March 3, 1874.]

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

Cause of challenge.

SECTION 1. In the trial of any civil action in the Court of a Justice of the Peace, in the County of Humboldt, it shall be a good cause of challenge to any individual juror that he has served as a trial juror in a civil action in said Court, in the same township, twice at any time within one year next preceding.

SEC. 2. Jurors in said Courts shall receive, as compensation for their services, the sum of two dollars per day.

CHAPTER CLXVIII.

An Act to regulate the fees of the County Recorder of Santa Clara County.

[Approved March 3, 1874.]

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

Recorder's fees.

SECTION 1. The following fees are allowed to the County Recorder of Santa Clara County, for the services rendered in discharging the duties imposed on him by law, as herein provided; and such officer may lawfully charge, demand, and receive the same to his own use and benefit, in gold and silver coin of the United States: For recording every instrument, paper, or notice, or for copy of same, for each folio, fifteen cents; for certificate of record, to be indorsed upon each instrument filed or recorded, twenty-five cents; for indexing each name, each time the same is indexed, fifteen cents; for affixing his seal to certificates and licenses, each, fifty cents; for every entry of discharge of mortgage, or other lien upon the margin of record, attesting the same and making the usual entries therein, fifty cents; for examining the records and files in his office, each name examined, when required, twenty-five cents for each year; for abstract of title, when required, for each incumbrance or instrument, fifty cents; for recording each plat or map, each course, ten cents; figures and lettering, per folio, twenty-five cents; for each creek, river, road, hill, mountain, monument, or landmark, each, twenty-five cents; for taking acknowledgments, including seal, for first signature, fifty cents—for each additional signature, twenty-five cents; for recording marriage license and certificate, to be paid by the County Clerk, one dollar; for recording transcript in estray cases, in addition to the fees herein prescribed, the sum of fifty cents for each brand set forth in the notice; for filing each paper, not required by law 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.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXIX.

An Act providing for the keeping of more complete records in the County of Santa Clara, and prescribing the duties of certain officers in relation thereto.

[Approved March 3, 1874.]

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

Office books of Sheriff.

SECTION 1. The Sheriff of the County of Santa Clara shall keep in his office two books, in index form, one labeled "Civil Suits—Plaintiff," each page divided into fourteen columns, respectively headed, "When received," "Plaintiff," "Defendant," "Nature of action," "When summons served," "On whom served," "Nature of service," "Description of property levied upon," "Description of property sold," "When sold," "To whom sold," "Amount," "When redeemed," and "Remarks." The other labeled "Civil Suits—Defendant," each page of which shall be divided into fourteen columns, respectively headed, "When received," "Defendant," "Plaintiff," "Nature of action," "When summons served," "On whom served," "Nature of service," "Description of property levied upon," "Description of property sold," "When sold," "To whom sold," "Amount," "When redeemed," and "Remarks." He shall, Entries. without delay, enter in said books the names of all parties to civil suits set forth in the process or notice received by him, and the transactions had therein, under their proper headings. Such books shall be books of record, and shall be open to the public for inspection. He shall be entitled, for making such entries, Fees. to charge the same fees as the County Recorder, for similar work. When his term of office is over, the Sheriff shall deliver the books herein provided for, to the Recorder, who shall file them in his office; and when further entries are necessary to be made in the suits set forth in said books prior to filing the same in the Recorder's office, such entries shall be made by the ex-Sheriff, or his successor, in the presence of the Recorder.

Recorder's additional books.

SEC. 2. The Recorder of the County of Santa Clara, in addition to the books of record and indexes prescribed by law to be kept by him, shall also keep a book of "Wills, and Orders admitting same to Probate," a "Map Book," and index to same; two indexes, one to be known as the "General Index—Grantor," each page of which shall be divided into seven columns, respectively headed, "When recorded," "Grantor or defendant," "Grantee or plaintiff," "Instrument," "Where recorded," "To whom delivered," and "When delivered." The other shall be known as "General Index—Grantee," each page of which shall be divided into seven columns, and headed respectively, "When recorded," "Grantee or plaintiff," "Grantor or defendant," "Instrument," "Where recorded," "To whom delivered," and "When delivered." The Recorder shall index each instrument in the General Indexes immediately upon receiving the same for record.

Shall index.

SEC. 3. Upon an order from the Board of Supervisors, the Recorder shall index, in the proper indexes provided by law, all instruments heretofore recorded in his office not so indexed, and shall, upon the order of said Board, record the maps on file in his office, and now unrecorded.

Record and certify maps.

SEC. 4. The Recorder shall certify to the correctness of the record of each and every of said unrecorded maps mentioned in section three, when recorded according to the provisions of this Act.

Evidence.

SEC. 5. The record of the unrecorded maps, when recorded as required by this Act, shall be taken and received in all Courts and tribunals of this State as primary evidence of its contents, and the record of said maps, as recorded, shall have the same force and effect, as evidence, as the original maps from which the record is made.

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

CHAPTER CLXX.

An Act to legalize the debt contracted for building a school house in Martinez School District, and to provide for the payment of the same.

[Approved March 3, 1874.]

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

Legal debt.

SECTION 1. The debt of four thousand and five hundred dollars incurred in building the school house in Martinez School District, in Contra Costa County, and represented by certain notes given by the Trustees and several citizens of the said district for the amount above named, made payable in annual installments, with interest, is hereby declared a legal debt and liability of the said school district, to be discharged by money derived from taxation of the property in the same.

Tax to pay.

SEC. 2. The Trustees of the Martinez School District are authorized and required to levy annually, and cause to be collected, as in this Act provided, such tax upon the property of the said district subject to taxation as will be sufficient to meet the payments of principal and interest on the debt referred to in section one of this Act as stipulated in the notes therein referred to.

Election of Assessor and Collector.

SEC. 3. At the annual election for Trustee or Trustees of the said Martinez School District, as provided by law, for the year eighteen hundred and seventy-four, and every two years thereafter, there shall be elected an Assessor and also a Collector of school district taxes for said district, who shall hold office for the term of two years, and each shall give bond to the district in the sum of five hundred dollars, for the faithful performance of the duties of his office. Such Assessor shall make all assessments in his district for the purposes specified

in this Act, and all assessments for school purposes which shall be levied by authority of the said district during the term of his office, and the Collector so elected shall collect all taxes levied by authority of this Act, and also all other taxes levied for school purposes, by authority of said district, during the term of his office. Duties.

SEC. 4. Between the first Monday of September and the first Monday of October, in each year, until the indebtedness named in the first section in this Act shall have been paid, the Assessor of said district shall make an assessment of all the persons and property in Martinez School District, in the same manner as County Assessors are required by law to make assessments for State and county purposes, and shall return his assessment roll to the Board of Trustees of the district on the first Monday of October in each year. Assessment

SEC. 5. Upon receiving such assessment roll the Board of Trustees shall forthwith give notice thereof, by posting notices in three of the most public places in the district. The assessment roll shall at all times be open for inspection to all persons, at a place in the district which shall be designated in the notice, and the Trustees shall hear and determine all complaints, which shall be made in writing, by any taxpayer in the district, and may, if it shall appear to the Board just, reduce the valuation of the assessment of any such taxpayer, upon complaint, and equalize the assessment, as State and county taxes are equalized, at any time prior to the third Monday of October in each year. Equalization.

SEC. 6. On the first Tuesday after the third Monday in October, in each year, after the assessments have been equalized, the Board of Trustees shall add together and ascertain the gross valuation of the property in the district as returned by the Assessor and equalized, as provided in this Act, and shall deduct from the gross amount fifteen per cent thereof for anticipated delinquencies and costs of assessing and collecting, and shall on the balance ascertain the rate per cent thereon required to produce a sum sufficient to pay the installments of principal and interest which will have become due on the promissory notes and indebtedness named in the first section in this Act, during the year succeeding such assessments; and the rate per cent so ascertained shall be certified by the Trustees at the foot of said assessment roll, omitting fractions in fixing the rate per cent, and adopting the full number of cents which would include the fraction; and the rate per cent so ascertained and certified shall be and is hereby levied upon and against all the persons and property in said school district and described in said assessment roll as a tax for the purposes named in this Act, and shall be a lien on the property in said district until such tax is paid. Levy of tax.

SEC. 7. The assessment roll, certified, as provided in the preceding section, shall be delivered on Tuesday next after the third Monday of October, in each year, to the Collector of said district, who shall immediately proceed to collect the tax levied and assessed, and shall pay the tax collected into the County Treasury within five days after he shall have received it; *pro-* Collection.

vided, that the whole sum collected shall be paid into the County Treasury on or prior to the twenty-fifth day after the assessment roll shall have been delivered to the Collector, as herein provided.

Delinquent.

SEC. 8. On the twenty-fifth day after receiving the assessment roll, the Collector shall return the roll to the Board of Trustees, with the names of the delinquents, and also the amount of taxes collected, with the names of the persons who have paid, and the Collector shall, in the presence of the Board of Trustees, write in the assessment roll the word "Delinquent" opposite the name of each person named in the assessment roll who shall not have made payment, which shall be the delinquent list, and he shall, then and there, make a full return and settlement with the Trustees, and render a full account, under oath, of all taxes collected by him, and shall produce and file with the Board of Trustees the Treasurer's receipts for the money by him paid into the County Treasury.

Collection of delinquent taxes.

SEC. 9. Upon the settlement being made by the Tax Collector with the Trustees, as provided in the preceding section, the Trustees shall make an order directing that the Tax Collector proceed to collect the taxes returned delinquent, with five per cent additional thereon, and shall deliver the assessment roll to the Collector, who shall immediately proceed to collect the delinquent taxes, and shall, if the delinquent tax be upon personal property, proceed to enforce the collection thereof by seizure and sale of any personal property owned by the delinquent, and the provisions of sections thirty-seven hundred and ninety-one, thirty-seven hundred and ninety-two, thirty-seven hundred and ninety-three, thirty-seven hundred and ninety-four, thirty-seven hundred and ninety-five, and thirty-seven hundred and ninety-six of the Political Code of this State, shall apply to such seizure and sale; and if the delinquent tax be upon real estate the Collector shall, within one week after receiving the delinquent list, cause the same to be published once a week for two weeks, in some newspaper published in said district, together with a notice that, unless the taxes delinquent, together with the costs and percentage, are paid, the real property upon which such taxes are assessed will be sold, at public auction, at a time and place designated in the notice, which shall be at least twenty days, and not exceeding twenty-five days, after the first publication of said delinquent list and notice; and upon making such sale, the Collector shall conduct the same, and issue a certificate of sale, and execute a deed to the purchaser (if the property be not redeemed), as provided for the sales of property for delinquent taxes in the Political Code of this State, and the provisions of the Political Code from sections thirty-seven hundred and seventy-one to sections thirty-seven hundred and eighty-eight, including those sections, shall apply to such sales.

Building Fund.

SEC. 10. The County Treasurer shall place the money collected and paid into the Treasury as provided in this Act, to the credit of the Martinez School District Building Fund, and shall pay the same out only on the order of the Board of Trustees of said district for the payment of the indebtedness specified in the first section of this Act; and if any balance shall remain in

the Treasury after the indebtedness named in this Act shall have been paid, it shall be applied to repairs on the building, or improving the grounds, and drawn on the order of the Trustees for such purpose.

Compensation.

SEC. 11. The Assessor and Collector shall receive such compensation as shall be allowed by the Board of Trustees for their services under this Act; *provided*, that not more than fifty dollars shall be paid to the Assessor, and not exceeding fifty dollars to the Collector, for any one year's services; *and, provided further*, that the same person may hold the office of Assessor and Collector, and five per cent shall be added to and collected from all delinquents, and the same fees and cost allowed for collecting delinquent State and county taxes shall be allowed and collected on delinquent taxes levied as provided in this Act, the percentage to be paid into the County Treasury.

Tax and election legalized.

SEC. 12. The tax levied and assessed in said district, under and in pursuance of an election held in said district on the first day of November, eighteen hundred and seventy-three, authorizing the collection of a tax, is legalized and confirmed, and the Assessor and Collector elected at such election shall hold office and discharge the duties thereof until the election and qualification of an Assessor and Collector under this Act, and the said Collector shall collect the tax levied in the manner prescribed in this Act.

SEC. 13. This Act shall take effect immediately.

CHAPTER CLXXI.

An Act granting additional powers to the Loan Commissioners, constituted by an Act approved April second, eighteen hundred and seventy.

[Approved March 3, 1874.]

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

Loan Commissioners to dispose of bonds.

SECTION 1. Loan Commissioners, constituted by an Act entitled 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 second, A. D. eighteen hundred and seventy, are hereby empowered and authorized to dispose of such bonds as are to be issued under authority of the above named Act, and which are not exchanged for other bonds, or purchased for the benefit of the School and University Funds, in any manner they may deem to the best interest of the State; *provided*, that no bonds shall be sold for a less amount than ninety-five cents on the dollar, par value.

SEC. 2. The sum of five hundred dollars is hereby appropriated out of the General Fund for the payment of expenses incurred and to be incurred by the Loan Commissioners in preparing and issuing the bonds.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXXII.

An Act to fix the salary and bond of the Treasurer of Fresno and Kern Counties.

[Approved March 3, 1874.]

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

Salaries.

SECTION 1. The salaries of the Treasurers of Fresno and Kern Counties are hereby fixed at the sum of fifteen hundred dollars per annum, payable monthly out of the Treasuries of the respective counties, on warrants of the County Auditors.

Official bonds.

SEC. 2. The bonds of the Treasuries of Kern and Fresno Counties shall be fixed from time to time by the Boards of Supervisors of respective counties, in such sums as they shall deem necessary; *provided*, said bonds shall not at any time be fixed at a less sum than ($60,000) sixty thousand dollars.

SEC. 3. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed, so far as they apply to the Counties of Fresno and Kern.

SEC. 4. This Act shall take effect immediately.

CHAPTER CLXXIII.

An Act to regulate the traveling fees of the Sheriffs of the Counties of Inyo and Alpine, and of the Constables within said counties.

[Approved March 3, 1874.]

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

Traveling fees of Sheriff.

SECTION 1. In the Counties of Inyo and Alpine the Sheriff shall receive for traveling the fees hereinafter specified: For traveling (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, motion, 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 restitution, to hold an inquest on trial of rights of property, or in executing a writ of habeas corpus, for each mile necessarily traveled, in going only, forty cents; *provided*, that if any two or more papers 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 every mile necessarily traveled, 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, forty cents; *provided*, that in serving a subpœna or venire, when two or more witnesses or jurors reside in the same direction, but one mileage shall be charged.

Traveling fees of Constables.

SEC. 2. In said Counties of Inyo and Alpine the traveling fees of Constables (to be computed in all cases from the Justice's office) shall be forty cents per mile for each mile necessarily traveled, in going only, in serving or executing any summons, writ, warrant, or other paper issued out of a Justice's Court, either in a civil or criminal action or proceeding; *provided*, that if any two or more papers required to be served in the same suit, sent at the same time, and in the same direction, one mileage only shall be charged to the most distant points to complete such service; *and provided*, that in serving a subpœna or venire, when two or more witnesses or jurors reside in the same direction, but one mileage shall be charged.

SEC. 3. All Acts and parts of Acts, so far as they relate to Inyo and Alpine Counties, in conflict with 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 CLXXIV.

An Act to amend an Act entitled an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, one thousand eight hundred and seventy-two.

[Approved March 3, 1874.]

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

SECTION 1. Section fourteen of an Act entitled an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, one thousand eight hundred and seventy-two, is hereby amended so as to read as follows:

Commissioners' list, contents, etc.

Section Fourteen. The Commissioners shall meet, in pursuance of such notice, and shall continue in session for not more than thirty days, and within ten days thereafter they shall prepare a list, to be entitled Assessment List of Reclamation District No. —— (designating its proper number), which shall contain a description of each forty-acre tract or lot in said district, as known by the United States' system of survey, the number of acres in each tract or lot, the names of the owners thereof, if known, or if not, then stating them as unknown, and the amount, in United States gold coin, to be charged on each of said forty-acre tracts or lots, which amount shall be ascertained by apportioning the whole cost of the work of reclamation, according to the bene-

fits which each of said tracts or lots has received or may receive from such work. The said list shall be signed by the Commissioners and filed in the office of the County Clerk. In case the district be situated in more than one county, separate lists shall be made of the tracts or lots situated in each of said counties, designating on the list the county for which it is made, and be filed in the office of the County Clerk of the respective counties. On the filing of said lists, the County Judge shall make an order fixing a day for the hearing of objections thereto, which shall not be less than thirty days from the date of the filing of said lists in the County Clerk's office, and the Clerk shall publish said order in a newspaper published or of general circulation in the county, for three weeks preceding the day of hearing. At such hearing, upon good cause shown, the said Judge may alter any or all of the assessments charged on the lands in said lists, and his decision shall be final. The County Clerk shall enter on the list any alterations so made by the order of the County Judge, and shall thereupon deliver the same to the County Auditor, who shall make a copy of said lists as revised by the County Judge, and transmit the same to the Reclamation Fund Commissioners.

Notice of hearing.

Alterations.

What lands included.

And be it further enacted, that no lands shall be included without the consent of the owner, in any reclamation district, or subject to the conditions of this Act, except lands that are actually bona fide swamp and overflowed and unfit for cultivation without such reclamation, as was contemplated by and expressed in the Act of Congress of twenty-eighth of September, eighteen hundred and fifty, granting swamp and overflowed lands to the several States. *And be it further enacted*, that after the final location of the levees in any district, the Assessment Commissioners, appointed in accordance with section eleven of the Act to which this is amendatory and supplemental, shall meet and correct the assessment list, and they shall strike from the assessment lists all tracts or lots, or parts of tracts or lots of land that are outside of said levees. Also, all lands in said district which have been patented by the United States to homestead and preëmption settlers, and which have never been and are not now subject to overflow, and are in no way benefited by any reclamation, as proposed in said district. And the tracts, or parts of tracts, or lots, so stricken from said lists, shall be in nowise responsible for the costs of reclamation of the said district. Nor shall any proceeding to collect or enforce the collection of any assessment or charge thereon be valid or effective, for any purpose whatever. Nor shall any officer be empowered, in any manner, to enforce the collection of any charges or assessments thereon, and should any officer proceed to enforce, in any manner, any of the provisions of this Act, as to the lands situated outside of said levees, his or their acts shall be wholly void, and shall not create any cloud on the title to the said lands outside of said levee. But said lands may be included in other reclamation or levee districts, the same as if they had not been included in the one from which they were stricken; *provided, however*, that nothing in this Act contained, shall be

Corrections.

deemed to exclude from its operation land derived from the Mexican Government, if actually swamp and overflowed land.

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

CHAPTER CLXXV.

An Act to authorize the Board of Supervisors of Merced County to sell and convey the Court House block and buildings thereon, in the Town of Snelling.

[Approved March 3, 1874.]

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 hereby authorized and empowered to sell and convey the Court House block, and all improvements thereon, in the Town of Snelling, in said county, said sale to be made at such time and for such sum as the Supervisors may determine for the best interests of the county. May sell.

SEC. 2. The sale of said property shall be for cash, and the amount received therefor shall be paid into the General Fund of the county, and disbursed by the Treasurer as other General Fund of the county. For cash.

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

CHAPTER CLXXVI.

An Act concerning the quarterly meetings of the Board of Supervisors of Nevada County.

[Approved March 3, 1874.]

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

SECTION 1. The quarterly meetings, or regular sessions, of the Board of Supervisors of the County of Nevada, shall commence on the first Mondays of January, April, July, and October of each year. Quarterly meetings.

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 and be in force from and after its passage.

CHAPTER CLXXVII.

An Act to authorize the Mountain View Cemetery Association to issue bonds.

[Approved March 3, 1874.]

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

Issue bonds

SECTION 1. The Mountain View Cemetery Association of the County of Alameda, a corporation, is hereby authorized to issue bonds to the amount of thirteen thousand dollars, in sums of five hundred dollars each, payable in gold coin of the United States, in ten years (unless sooner redeemed as herein provided), with interest thereon payable quarterly in like gold coin at the rate of twelve per cent per annum; each of said bonds to be signed by the President and Treasurer of said association, and sealed with the corporate seal thereof; that coupons for the said interest, payable as aforesaid, be attached to each of said bonds, so that they can be removed without injury to said bonds, and signed by the President and Treasurer; that said bonds shall be numbered from one to twenty-six, both inclusive, and shall state a place in the City of Oakland where principal and interest shall be payable.

Proposals to purchase.

SEC. 2. That the Secretary of said association shall advertise for the period of ten days, in two daily newspapers, one published in the City of Oakland and one in the City and County of San Francisco, for sealed proposals for the purchase of said bonds. Said notice shall embody a brief description of said bonds and interest, and of the funds from which they are payable, and describe the manner in which bids therefor, or for any number less than the whole, shall be made, shall name the time and place in the City of Oakland at which said bids shall be opened; at the time and place named in said notice said bids shall be opened in the presence of the President (or Vice President), Treasurer, and Secretary of said association, and of any bidders who may choose to attend, and the bonds shall be awarded to the highest bidder or bidders therefor; *provided*, that said association may, without notice, sell any or all of said bonds at the par value thereof; *and, provided also*, that said association may refuse any and all bids made at a less rate than ninety-seven and one half per cent on the par value of said bonds, and in such case readvertise for bids.

Award.

Security for bonds.

SEC. 3. That said bonds and interest shall be secured by and payable out of thirty per cent of the proceeds of sale of lots in the cemetery of said association; that from and after the passage of this Act, said association shall set apart and reserve out of the proceeds of sale of each lot thereafter sold in said cemetery, thirty per cent as and for a fund for the payment of said bonds and interest, and said fund shall not be used for any other purpose; that whenever, after the payment of all interest at any time due on said bonds, there shall remain in the hands of said association, of the proceeds of said thirty per cent of sales,

a sufficient sum to pay one or more of said bonds, it shall be the duty of the Treasurer of said association to advertise for one week in two daily newspapers, one published in said City of Oakland and one in said City and County of San Francisco, for tenders to be handed to said Treasurer, at a day, hour, and place in said City of Oakland to be specified, naming the smallest sum for which holders of such bonds will deliver up and cancel the number thereof required. Said advertisement shall state the amount of money in the hands of said Treasurer for the purpose of said redemption; and said association shall accept the lowest proposals, at rates not exceeding par value, and pay and redeem bonds thereunder, to the extent of said funds on hand for that purpose; *provided, however*, that if a sufficient amount of bonds shall not be offered as aforesaid to exhaust the said amount in hand, it is hereby made the duty of said Treasurer to advertise in two daily newspapers published as aforesaid, for one week, stating the amount of money so in hand, and the number of bonds, numbering them in the order of their issuance, from "one," inclusive, upwards, which such fund is set apart to pay and discharge; and if said bond or bonds are not presented to said Treasurer for payment within thirty days after the expiration of said one week's notice, said fund shall remain in the hands of said Treasurer for the payment and discharge of said bonds so specified; but they shall draw no interest after the expiration of said thirty days; *provided*, that said association may, at any time, pay any bond or bonds, in their order, out of said funds, at their par value, without notice.

Redemption.

Notice, etc.

SEC. 4. All coupons and bonds redeemed shall be canceled by the President and Treasurer at the time of their redemption, and, together with copies of all notices published and all bids for bonds or redemption received, shall be filed with the Treasurer among documents belonging to his office.

Canceled, and filed.

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

CHAPTER CLXXVIII.

[See volume of Amendments to the Codes.]

CHAPTER CLXXIX.

An Act to incorporate Salinas City.

[Approved March 4, 1874.]

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

CORPORATION.

Corporate name.

SECTION 1. The corporation, or body politic and corporate, now existing and known as inhabitants of the Town of Salinas City, shall remain and continue to be a body politic and corporate, in name and in fact, by the name of Salinas City, and by that name shall have perpetual succession, may sue and defend in all Courts and other public bodies, and in all matters and proceedings whatever, and may have and may use a common seal and the same may alter at pleasure, and may purchase, receive, hold, and enjoy real estate and personal property, and sell, convey, and dispose of the same for the common benefit.

BOUNDARIES.

Boundaries.

SEC. 2. The boundaries of Salinas City shall be as follows: Commencing at a point north nine and one half degrees, west sixty-nine chains and twenty-eight links, from the middle point of the intersection of Main and Gabilan streets, of Salinas City, magnetic variation being sixteen degrees east; thence running north eighty and one half degrees, east sixty-nine chains and twenty-eight links, to station at northeastern corner of city limits; thence running south nine and one half degrees, east one hundred and thirty-eight chains and fifty-six links, to station at southeastern corner of city limits; thence running south eighty and one half degrees, west one hundred and thirty-eight chains and fifty-six links, to station at southwestern corner of city limits; thence running north nine and one half degrees, west one hundred and thirty-eight chains and fifty-six links, to station at northwestern corner of city limits; thence running north eighty and one half degrees, east sixty-nine chains and twenty-eight links, to place of beginning.

OFFICERS.

Officers.

SEC. 3. The government of said city shall be vested in a Mayor, a Common Council, to consist of six members, a City Treasurer, a City Assessor, and a City Marshal, who shall be Street Commissioner, City Collector, and Poundkeeper, who shall hold their respective offices for the term of one year from the first Monday in April in each year, and until their successors are elected and qualified.

ANNUAL ELECTIONS.

SEC. 4. An election shall be held in said city for the election of the officers mentioned in the last preceding section. The first election shall be held on the first Monday in March, A. D. eighteen hundred and seventy-five, and an election annually thereafter on the same day. All male citizens residing within the corporate limits of Salinas City, and who have resided therein thirty days before the day of said election, and who are entitled to vote for members of the Legislature, shall be entitled to vote at all elections for officers of said city; *provided*, that the officers of the present Town Government of inhabitants of the Town of Salinas City shall be continued in office, under this charter, with such powers and duties as are herein prescribed, until their successors are elected and qualified. The President of the Board of Trustees, acting as and performing the duties of Mayor, and the other members of the Board of Trustees acting as and performing the duties of the Common Council, the Treasurer acting as and performing the duties of City Treasurer, the Assessor acting as and performing the duties of City Assessor, and the Marshal acting as and performing the duties of City Marshal; and all and each of said officers are hereby declared to be the officers of Salinas City, in name and in fact, and shall sign themselves as such; and two other Councilmen shall be appointed, as in case of vacancy, as in this Act provided for filling vacancies.

Annual election.

Continued in office.

TIME AND PLACE OF HOLDING ELECTIONS.

SEC. 5. It shall be the duty of the Mayor and Common Council to call all city elections, to designate the time and place of holding 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 close at sundown of the same day. In case any officers so designated shall fail to attend, 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 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 officers 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.

Elections, time of holding, officers, etc.

RETURNS OF ELECTIONS.

SEC. 6. The Mayor and Common Council shall meet within five days after any election, and canvass the returns, and de-

Canvass returns, etc.

clare the result; and when two persons or more, for any office, have an equal and the 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 bond required, for the period of ten days after written notice of their election, the office shall be deemed vacant, and shall be filled, as herein provided, by the incoming Mayor and Common Council.

VACANCIES.

Vacancies.

SEC. 7. If, at any time, either or any of the officers created by this Act (members of the Board of Education excepted), shall, by sickness, absence, or otherwise, neglect, refuse, or be unable to perform the duties of his office for a period of two consecutive months, his office shall be deemed vacant, and shall be so declared by the Common Council. If any such vacancies shall occur in any of the offices created by this Act, the same shall be filled by the Mayor and Common Council until the next regular election.

REGULAR MEETINGS OF COMMON COUNCIL.

Meetings of Common Council.

SEC. 8. The Mayor and Common Council shall hold their regular meetings on the first Monday of each month, and the Mayor, by giving notice to each member of the Common Council, may call meetings whenever he may deem it necessary. A majority of all the members shall be a quorum, and a less number may adjourn from time to time, and 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 that 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 votes of a majority of all the Councilmen, and the approval of the Mayor; or if the Mayor fail or refuse to approve the same within ten days after its passage, to render such order or ordinance valid, it must receive the votes of five of the Councilmen; and any order or ordinance contained or recorded in the record book or books of the Common Council, shall be primary evidence of the same; and all ordinances passed by the Mayor and Common Council, or Common Council, shall be published in some newspaper, if any, published in Salinas City, or may be published in pamphlet or book form, and the same, when so published, shall be prima facie evidence of the contents of said ordinance or ordinances.

Ordinances, records, and publication of.

POWERS AND DUTIES OF THE 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 record of its own 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; to license all and every kind of lawful business transacted or carried on in said city; to fix the rates of license tax upon all such business, at their discretion, as they may deem the interest and good order of the city may require; to purchase, 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 make provisions for lighting the city; to lay out, alter, open, vacate, improve, cleanse, and repair the streets and sidewalks; to repair all property of the city; to create and establish a city police, to prescribe their duties and compensation, and to provide for the regulation and government of the said police; to regulate for the protection of health, cleanliness, ornament, peace and 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 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 of or violation of any city ordinance may fix the penalty by fine or imprisonment, or both; but no such fine shall exceed one hundred dollars, or such imprisonment be for a time exceeding thirty days for any one offense, or may provide for sentence to labor on the streets or public property of the city; to levy and collect taxes annually upon all the taxable property within the corporate limits of the city, which, for city purposes, as apportioned to the General Fund, shall not exceed one half of one per cent upon the assessed value thereof, and for school purposes shall not exceed one half of one per cent upon the assessed value thereof; to provide for the purchase of lands for cemeteries or burial grounds, and to provide for the government, care, and regulation of the same, and for the sale and disposal of burial lots therein; to provide for the numbering of houses and places of business; to establish a public Pound, and prescribe the duties and compensation of the Poundkeeper, and to prevent, regulate, or license the running at large of any or all domestic animals; to examine, either in open session or by committee, the books, papers, vouchers, and reports or statements of the several city officers, and to allow and order paid from the General Fund, their several salaries, except as herein otherwise provided; 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; and any violation of any lawful order, regulation of the Mayor and Common Coun-

Powers and duties of Common Council.

cil of Salinas City, is hereby declared to be a misdemeanor or public offense, and all prosecutions for the same may be in name of the people of the State of California.

CLAIMS FILED AND ALLOWED.

Claims, how presented and allowed.

SEC. 10. Every claim and demand that shall arise against Salinas City (except bonds, coupons for interest or claims against the School Fund), shall be itemized and filed with the City Clerk and presented to the Common Council, and if found correct, shall be allowed and ordered paid, by a majority vote of all the Councilmen, and when so allowed, shall be presented to the Mayor for approval, and he shall indorse his approval upon such claim or demand, and if he fail to or refuse to approve such allowance within ten days, the said claim or demand, in order to render the same payable, must be allowed and ordered paid by the votes of five of the Councilmen. Upon the allowance of any claim or demand, as in this section provided, the Mayor shall draw his warrants (countersigned by the City Clerk) upon the City 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.

CITY DEBT.

City debt.

SEC. 11. The Common Council 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 the Common Council, exceed the sum of two thousand five hundred dollars over and above the amount in the Treasury; *provided*, that upon the levying of any tax the Common Council may, in addition to the above, contract debts and liabilities equal in the aggregate to one half of the amount of said tax.

COLLECTION OF TAXES.

Assessment and collection of taxes.

SEC. 12. The Common Council shall have power, and it is hereby made their duty, to provide by ordinance for the assessing, levying, and collecting of city taxes, and in so doing they shall be governed by the State laws in reference to the assessing, 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 of all taxes assessed or levied by them or under their authority for city or school purposes, that now have or may hereafter become delinquent by seizure and sale by the City Collector of property to pay the same, and in like manner as is provided by the State laws in reference to collecting State and county taxes when delinquent, so far as applicable; and all sales and conveyances, and deeds 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 and county purposes; and every tax levied upon personal

property by said Common Council, under the provisions of this Act, is a lien upon the real property of the owner thereof from and after the time the personal property is assessed; every tax levied upon real property is a lien upon the property assessed; and every tax levied upon improvements upon real estate assessed to others than the owners of the real estate, is a lien upon the improvements; which several liens upon real estate and improvements attach as of the first Monday in April in each year; and any lien attached by the provisions of this Act 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 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 and county 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. Lien.

EFFECT OF TAXES.

SEC. 13. Every tax levied under this Act shall have the effect of a judgment against the person, and every lien created by the last preceding section shall have the force and effect of an execution duly levied against all property of the delinquent; and the judgment shall not be satisfied, nor the lien removed, until the taxes are paid, or the property sold for the payment thereof. Effect of taxes.

TAX DEEDS.

SEC. 14. All deeds or conveyances of property made under this Act, for the collection of delinquent taxes, must state the name of the party assessed, if the name be known, a description of the property sold, the amount paid therefor, that it was sold for the payment of taxes, the amount of the tax, the amount of the assessment and the year in which it was made, the name of the purchaser, and that he is entitled to said deed or conveyance, and that the property was sold on a certain day; and said deed or conveyance must be signed by the City Collector; and any such deed or conveyance, duly acknowledged or proved, shall be (except as against actual fraud), conclusive evidence of the regularity of all other proceedings, from the assessment by the Assessor, inclusive, up to the execution of the deed or conveyance, and shall be prima facie evidence in any Court, that: Tax deeds.

First—The property was assessed, as required by law. Evidence that.

Second—The property was equalized, as required by law.

Third—The taxes were levied in accordance with law.

Fourth—The taxes were not paid.

Fifth—At the proper time and place the property was sold as prescribed by law, and by the proper officer.

Sixth—The property was not redeemed.

Seventh—The person who executed the deed or conveyance was the proper officer.

Eighth—Where real estate was sold to pay taxes on personal property that said real estate belonged to the person liable to pay the tax.

SCHOOL BUILDING FUND.

School Building Fund.

SEC. 15. The Common Council may raise annually, by taxation upon the real and personal property within Salinas City, not exempt from taxation, as estimated in the assessment roll, such tax, not to exceed one fourth of one per cent on the assessed value of the property, as shall be necessary for building school houses and buying lands on which to locate the same; and the Fund so raised shall in no way be diverted or turned to any other Fund, or used for any other purpose; *provided*, that said tax shall be in addition to the amount determined and reported by the Board of Education, and required to be levied by the provisions of this Act.

RATES OF TAXATION.

Rate of taxation.

SEC. 16. The Common Council must, at the regular meeting in July in each year, fix the rate of taxes, designating the number of cents on each one hundred dollars of property levied for each Fund.

KIND OF CURRENCY.

Currency.

SEC. 17. Every tax assessed and levied under this Act shall be paid in the same kind of currency as is prescribed for State and county taxes.

Special powers of Council.

SEC. 18. The Common Council are hereby authorized and empowered to establish an official grade or grades, and to order the whole or any portion of any street or streets, lane or lanes, alleys, sidewalks, parks, courts, or squares, graded or regraded (to the official grade established, or the official grade or grades to be established by them), paved, graveled, planked, or macadamized, and have the same repaired, to improve and beautify the public squares and parks, and to order any other work done which shall be necessary to make and complete the whole, or any part of said street or streets, sidewalks, lane or lanes, alleys, parks and squares, as in their opinion the public good may require.

Improvement of streets.

SEC. 19. If, at any time, the owners of not more than one half of the real estate fronting on any street, counting from one cross street to any other cross street, within the corporate limits of Salinas City, shall petition the Mayor and Common Council of said city for the grading, graveling, macadamizing, paving, planking, curbing, or repairing of such street, or the sidewalks along the same, or both, or if no such petition shall be presented, and the Mayor and Common Council shall deem it to be for the best interests of the city that such improvement be made, they shall cause notice to be given by publication, for at least two weeks, in some weekly newspaper published in said city, of the street thus to be improved, and also the character and extent of such improvement; and unless, within ten days from the completion of said publication, written objections to said improvement, signed by the owners of three

fourths of the property fronting on said proposed improvement, shall be filed with the City Clerk, they shall cause an immediate survey of any such proposed work or improvements to be made by the City Surveyor, 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 street, all lots on the corners of blocks to include the sidewalks of 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, and he shall present the same, together with the plans and specifications for the proposed work or improvements, to the Mayor and Common Council, for approval. Same.

APPROVAL OF SURVEY.

SEC. 20. If the Mayor and Common Council approve the survey, diagram, and specifications of the surveyor provided for in the last preceding section, the same shall be placed on file in the office of the Street Commissioner, and the Mayor and Common Council shall order said improvements to be made as petitioned for or resolved upon, designating in said order at what time said improvements shall be completed, and providing therein that the Street Commissioner shall immediately let out to the lowest responsible bidder or bidders, after giving such notice as the Mayor and Common Council may direct, by contract in writing, the doing of all of said work or improvements so ordered. Said contract shall provide that said work and improvements shall be made in accordance with the diagram, survey, and specifications in reference thereto, and that the same shall be completed within the time fixed by the Mayor and Common Council for the completion of said work and improvements, and shall particularly state the amount to be paid for such improvements; and all such contractors shall, at the time of the execution of the contract, also execute a bond to the satisfaction of the Mayor and Common Council, with two or more suitable sureties, in such sum as the Mayor and Common Council may deem adequate, conditioned for the faithful performance of the contract, and made payable to Salinas City; and the said 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 (and any person suffering damages by reason of the breach of said contract may sue on such bond in his own name); *provided*, that not less than the whole of said work or improvements required to be done on any street from one cross street to another cross street shall be let to any one contractor, or in any single contract; *and, provided further*, that no contract for doing any of said work or improvements shall go into effect until approved by the Mayor and Common Council of said city; and the Mayor and Common Council shall have power to reject any or all contracts Work, when and how let. Bond and sureties.

so made as aforesaid by the Street Commissioner, as in their discretion the public good may require, and to direct the Street Commissioner to readvertise for proposals to do said work or improvements.

APPROVAL OF CONTRACT.

Assessment of costs of work.

SEC. 21. Upon the approval of the contract or contracts for the doing of said work or improvements, as provided for in the preceding section, it is hereby made the duty of the City Assessor of said city, within ten days thereafter, to make an assessment of the costs of making such improvements as apportioned to each of the owners of the real estate fronting on the portion of said street so ordered to be improved, in the same ratio or proportion which the frontage of the real estate of each of said owners bears to the total cost of the said improvements so petitioned for and let as aforesaid; and if the owners of any of the real estate fronting on said portion of said street are unknown to said Assessor, he shall assess the proportionate cost of said improvements to the "unknown owners" of such real estate; and any mistake in the name of the owner or owners of any real estate shall not render said assessment invalid, and he shall present the said assessment to the Mayor and Common Council for approval; and when said assessment shall have been approved by the Mayor and Common Council, the City Clerk shall attach his certificate of approval thereto, and shall place said assessment in the hands of the City Collector, and the said City Collector shall proceed to collect the same in such manner and within such time as the Mayor and Common Council shall by ordinance direct. At the expiration of the time fixed by the Mayor and Common Council for the collection of said assessment by the City Collector, he shall return the same to the City Clerk, and the taxes then not paid shall be deemed delinquent, and the said Clerk shall, within ten days, make out and deliver to the City Attorney (or such other attorney as the Mayor and Common Council may designate) a certified list of the persons and property, and the amounts remaining delinquent upon such assessment, and the said Attorney shall immediately commence suit or suits for the collection of the same; and the proceedings for the collection of said assessment so remaining delinquent shall be by suit in rem against the property chargeable with such assessment, and the said assessment shall be a lien upon and against the property assessed, which shall attach at the time said improvements are ordered to be made, and shall not be satisfied or removed until the said taxes or assessments are all paid or the property has absolutely vested in a purchaser under a sale for taxes; and said taxes or assessment shall be collected in the same kind of currency as prescribed in reference to State and county taxes. The delinquent list provided for in this section, certified by the City Clerk, 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 or assessments due and unpaid, and that all forms of law in relation to the assessment and levy of such taxes have been complied with. Any judgment rendered in such action shall include,

Collection of assessments.

Suit to recover.

Evidence.

in addition to the costs of said suit, ten per cent upon the amount of said assessment.

Watering street.

SEC. 22. Whenever the owners of three fifths of the frontage on any public street within this city, comprised within two or more cross streets, shall, by petition in writing, request the Mayor and Common Council to direct, by ordinance, that such public street between the points designated be watered and sprinkled, the Mayor and Common Council may, by ordinance, direct that such street be so sprinkled and watered.

Applicable

SEC. 23. Upon the passage of said ordinance, mentioned in the last preceding section, the Street Commissioner shall thereupon proceed in the manner prescribed in section twenty of this Act, relating to street improvements, and the provisions of sections twenty and twenty-one of this Act, so far as applicable hereto, are incorporated into and made a part of this section.

PAID BY CITY.

Paid by city.

SEC. 24. The cost of the survey, specifications or diagram, map or maps of any of the works or improvements herein mentioned, together with all culverts and improvements of the roadway of all street crossings, shall be paid by the city.

REPAIRING SIDEWALKS, ETC.

Repaving sidewalks, etc.

SEC. 25. When any street or portions of any street, or the sidewalks of any portion thereof, becomes in a condition to be dangerous, or in a condition to cause great public inconvenience, and shall be so determined by the Mayor and Common Council, the Street Commissioner shall give notice, in writing, signed by him, and delivered personally, or posted on the premises, to the owners, tenants, or occupants upon any real estate in front of which such repairs or improvements are required to be made, requiring 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 required to be made, and are not commenced within three days after notice given as aforesaid, and diligently prosecuted to completion without unnecessary delay, the 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 improvements or repairs at the expense of the owners of such real estate, at such price as he may deem necessary, reasonable, and just, and such owners shall be liable to pay the same; and such sum or sums of money contracted to be paid for such 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 owners, or by tax levied and collected as provided in section twenty of this Act.

PETITION.

Survey of new street.

SEC. 26. The Mayor and Common Council of Salinas City shall, upon the presentation of a petition for the opening of any new street, or for the extending or widening of any street in said city (which petition shall be signed by thirty or more persons owning real estate within Salinas City), if deemed by said Mayor and Common Council a necessity, by ordinance direct the City Surveyor, or if none, some competent surveyor, to make an accurate survey of any such proposed street or streets, and return the survey and location to the Mayor and Common Council, at its next regular meeting, or at such time as the Mayor and Common Council shall, by ordinance or resolution, direct; and, for the purpose of making such survey, the surveyor shall have the right to enter upon any and all lands, and such entry shall constitute no cause of action against the city in favor of said owners of the land, except from injuries resulting from negligence, wantonness, or malice.

CONDEMNING LANDS TO PUBLIC USE.

Notice of application

SEC. 27. If the Mayor and Common Council approve the survey and location provided for in the preceding section, the City Clerk shall give notice, by publication in some newspaper published in Salinas City, if any, directed generally to all persons concerned, setting forth that such petition has been filed, and that the survey and location of such proposed street or streets has been made and approved, and that unless the owners of all lands included within the lines of said street as proposed to be opened, widened, or extended, shall, within two months, make, execute, and deliver to Salinas City, a deed or deeds of sale of said lands, for a price to be agreed upon, and paid by the city by contract, by and between the said owner or owners of said lands and the Mayor and Common Council of Salinas City, the same will be condemned for public use, as hereinafter provided, and the expiration of said two months, without the making, executing, and delivering of said deed or deeds, shall be conclusive evidence of a failure to agree, and of the right of the Mayor and Common Council of Salinas City to institute proceedings to condemn said property, as herein provided.

Property taken, how.

SEC. 28. Whenever it may become necessary for the city to take private property for the purpose of laying out or altering or opening streets or alleys, and the Common Council cannot agree with the owners thereof as to the price to be paid, the Common Council may direct proceedings to be taken, under Title VII, Part III, of the Code of Civil Procedure, to procure the same.

SEC. 29. If, at any time, a street is opened, widened, or extended, as in this Act provided, said street shall thereafter remain a public street of said city.

SEWERAGE.

Sewerage.

SEC. 30. In order to provide for the necessary and proper drainage and sewerage of Salinas City, the Mayor and Common Council of said city are hereby authorized and empowered to procure the right of way for a main sewer or drain from any of the lakes or sloughs, either in or out of and near said city, and in or to the north, northeast, or east of said city, to such point in said city as they may deem proper; and the said Mayor and Common Council are hereby authorized and empowered to construct and maintain a main sewer or drain through, in, or upon the lands and route procured by them, and to provide and cause the drainage and flow of the sewerage of said city to be conducted and carried through said sewer or drain, and discharge at such point as said Mayor and Common Council may procure for the same; and said Mayor and Common Council of said city are hereby authorized and empowered to procure the right of way for any main sewer or drain out of said city, and over lands to the west, southwest, or northwest of said city, and for said purpose may purchase and pay for said rights of way, and receive a deed or deeds for the same; and said Mayor and Common Council, for the more effectual sewerage and drainage of said city, are hereby authorized and empowered to use all or any streets or alleys of said city, and any or all lanes or roads of Monterey County; *provided*, that if the Mayor and Common Council cannot procure the rights of way as provided aforesaid, the same shall be obtained in the same manner as is provided for obtaining lands for opening streets, in sections twenty-seven and twenty-eight of this Act; *and, further provided*, that the Mayor and Common Council shall have the power to condemn land for sewerage purposes, outside of the city limits, in the same manner as is prescribed for condemning land within said city.

BOARD OF EQUALIZATION.

Equalization.

SEC. 31. 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 City 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 City Assessor, and shall have power to modify and change such valuation in any manner 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. The Mayor and members of the Common Council shall receive no compensation for their services, neither shall they or any of them, or any officer of the City Government be interested, directly or indirectly, during their time of office, in any contract pertaining to any of the departments of the city; and all contracts in violation of this provision shall be void.

APPOINTED OFFICERS.

Appointed officers.

SEC. 32. The Mayor and Common Council shall appoint a City Clerk, and when in their opinion the public good requires, shall appoint a City Attorney, a City Surveyor, and such policemen as they may deem necessary; the duties and compensation of each of said officers to be prescribed by the Mayor and Common Council.

DUTY OF MAYOR.

Duties of Mayor.

SEC. 33. The executive power of the corporation shall 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 them for violation or neglect of duty, and certify the same to the Common Council, and may suspend the functions 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 City Treasurer; 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 condition and situation of the city in relation to its government, finances, and improvements, and such recommendations in reference thereto as he may deem expedient.

VACANCIES IN THE OFFICE OF MAYOR.

Vacancies in office of Mayor.

SEC. 34. 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 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.

Fees.

SEC. 35. The Mayor shall receive no salary, but he shall be entitled to collect and receive, for the execution of any deeds or contract, or lease for any real estate belonging to the city, the sum of three dollars, to be collected from the parties receiving the same.

POLICE DEPARTMENT.

City Marshal and Police.

SEC. 36. The Police Department of said city shall be under the direction of the City Marshal, and for the suppression of any riots, public tumults, disturbances 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 the State; and his lawful orders shall be promptly executed by deputies, police officers, watchmen, and Constables in said city, and every citizen shall aid him when required for the arrest of offenders and the maintenance of public order. He shall be and is hereby authorized to execute and return all process issued and directed to him by any legal authority, to enforce all ordinances passed by the Common Council, and arrest all persons charged with a violation of the same; to prosecute before some competent tribunal for all breaches or violations of city ordinances. He shall also have 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. 37. The City Marshal shall also perform the duties of Street Commissioner, City Collector, and Poundkeeper, 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; and the City Marshal shall give bond for the faithful performance of his duties, in a sum not less than one thousand dollars, and in such further sum as the Mayor and Common Council may prescribe. Extra duties.

SALARY OF CITY MARSHAL.

SEC. 38. The City Marshal shall receive for his services as City Marshal, City Collector, and Street Commissioner, such sum as may be prescribed by the Mayor and Common Council, to be paid monthly out of the General Fund; *provided*, that such salary shall not exceed the sum of one hundred dollars per month; *and further provided*, that he shall receive such compensation in fees, in addition thereto, for services as Poundkeeper, as the Mayor and Common Council shall fix by ordinance. He may, with the consent of the Common Council, appoint one or more deputies, whose only compensation will be such as may be allowed and fixed by the Mayor and Common Council. The City Marshal, his deputies, and the policemen of said city, shall charge, collect, and be entitled to receive, while in the discharge of their official duties, the same costs or fees as are allowed to Sheriffs and Constables for like services; and all such costs and fees received by them, or either of them, shall be paid into the City Treasury as dues to the city, and shall be by the City Treasurer placed to the credit of the General Fund of said city; *provided*, that all fees and costs collected by them in any criminal case other than those arising under the provisions of this Act, or of any ordinance of Salinas City, shall be retained by them, or either of them. Salary and fees.

DUTY OF MARSHAL.

SEC. 39. It shall be the duty of the City Marshal, Deputy Marshal, and policemen of said city, to execute all process

General duties.

issued by any Justice of the Peace of Alisal Township, officiating as Police Judge, or otherwise, or from other legal authority, commanding his services as such officer; and the City Marshal shall, by himself or deputy, 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, 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.

BOND OF ASSESSOR.

Assessor's duties and bond.

SEC. 40. The City Assessor, before entering upon the duties of his office, shall give a bond in the sum of one thousand dollars, or such greater sum as may be fixed by the Mayor and Common Council, conditioned for the faithful discharge of the duties of his office, and it shall be the duty of the City Assessor, in each year, between the first Monday in April and the first Monday in June, to ascertain the names of all taxable inhabitants, and to make out a true list of all taxable property within the corporate limits of Salinas City, and assess the same, 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, assessing and ascertaining the value of property, shall be the same as prescribed by law for assessing State and county taxes. The Assessor shall have the right to appoint deputies, and, in the exercise of his duties, to administer oaths and take affidavits.

DUTY OF CITY CLERK.

Duty of Clerk.

SEC. 41. It shall be the duty of the City Clerk 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 Collector, 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 certificates issued by him, and the amount of money received by the Collector therefor. He shall apportion the taxes upon the assessment, and make out and deliver to the City Collector a tax list, in the same form as prescribed by law to be made by the County Auditor, for State and county taxes, 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 prescribed by this Act, or as by ordinance or otherwise may be required of him by the Common Council. 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. He shall separately charge the City Treasurer and Tax Collector for all moneys coming into their hands,

and also credit them with all moneys paid out by them, and make settlements with them, as herein provided. He shall, at the end of each fiscal year, make a full 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 of the Common Council, and the objects for which they are made, and the amount of money expended under each, the evidences of indebtedness issued, and what portion thereof remains outstanding, with the rates and amount of interest due thereon. He may, in the exercise of his duties, administer oaths or affirmations. He may, with the concurrence of the Mayor and Common Council, appoint one or more deputies; but the city shall not be liable for the pay of such deputies. Same.

SALARY OF CITY ASSESSOR.

SEC. 42. The City Assessor shall receive such compensation for his services as may be allowed by the Mayor and Common Council; *provided*, that such compensation shall not exceed five dollars per day for each day of actual service. Assessor's salary.

SALARY OF CITY CLERK.

SEC. 43. For his services, the City Clerk shall receive such compensation as may be allowed by the Mayor and Common Council; *provided*, that he shall not be allowed more than one hundred dollars per month; *and, further provided*, that he shall be entitled, in addition to said sum, to receive and collect for drawing and making out any deed for real estate sold by the city, the sum of two dollars, and for any transcript of the records, or copies of papers in his office, such fees per folio, and for certificates, as is by law allowed to the County Recorder of Monterey County for like services. Clerk's salary.

BOND OF CITY COLLECTOR—DUTIES.

SEC. 44. The City Collector shall, before entering upon the duties of his office, give such bond as may be required by the Mayor and Common Council. It shall be the duty of the City Collector 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 in the same manner as is prescribed by law for the collection of State and county taxes, the said Collector being hereby vested with the same powers to make collection as is or shall hereafter be conferred upon Collectors for the collection of State and county taxes; and it shall be his duty to collect, in the same manner and with the same authority, any tax list or assessment placed in his hands, without unnecessary delay, and to place all taxes, licenses, and other moneys collected by him belonging to the city, in the hands of the City Treasurer, taking his duplicate receipt therefor, one of which he shall file in the office of the City Clerk; and on the first Monday in each month, Collector, duties and bond.

Statement. or as much oftener as the Mayor and Common Council may, by ordinance, direct, he must settle with the City Clerk for all moneys collected for the city, and pay the same to the City Treasurer, and, on the same day, must file in the office of the City Clerk a statement under oath, showing:

First—An account of all his transactions and receipts since his last settlement.

Second—That all moneys collected by him as City Collector have been paid into the City Treasury.

TREASURER.

Treasurer's duties. SEC. 45. It shall be the duty of the City Treasurer to receive and safely keep all moneys which shall come into his hands as City Treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the City Clerk; he shall pay out the moneys on warrants signed by the Mayor, and countersigned by the City Clerk, and not otherwise; *provided*, that he shall pay all warrants drawn upon the School Funds of said city when signed by the Clerk of the Board of Education, and countersigned by the President of said Board; he shall make a quarterly settlement with the City Clerk; he shall receive for Fees. his compensation one per cent on all moneys received and paid out by him as City Treasurer; *provided*, that he shall receive no compensation for receiving and disbursing school funds of any kind; he shall credit himself with his salary for the last preceding quarter upon each settlement with the City Clerk; upon each quarterly settlement he shall file a statement of his account with the City Clerk, and file a statement with the City Superintendent of the amount of money to the credit of each of the Funds for the support of the schools of said city.

OFFICIAL OATHS AND BOND.

Official oaths and bonds. SEC. 46. All city officers, whether elected by the people or appointed by the Mayor and Common Council, shall, before entering upon the duties of their offices, take and subscribe the oath of office prescribed by law, and all of such officers, other than the members of the Common Council and the Board of Education, shall each, before entering upon the duties of his office, give bond, with sureties to be approved by the Common Council, payable to Salinas City, 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 Salinas City. Should the bond of any officer become insufficient, he shall give such additional security as the Mayor and Common Council may require, and upon his failure to do so, at the time required, or within five days thereafter, his office shall be declared vacant, and may be filled as herein provided. The official bond of every officer named in this Act, except the bond of the City Clerk, shall be filed in the office of the City Clerk; the official bond of the City Clerk shall be filed with the Mayor of Salinas City.

POLICE JUSTICE.

Police Justice.

SEC. 47. Justices of the Peace of the township, including Salinas City, having their offices within the corporate limits of Salinas City, are hereby declared competent to discharge all the duties of Police Justice for Salinas City; and for all services and proceedings before a Justice of the Peace in a criminal proceeding, or action arising under the provisions of this Act, or of any ordinance which is now or may hereafter be in force in said city, he shall be entitled to receive from Salinas City the sum of two dollars, payable out of the General Fund; and all fines imposed by said Justices of the Peace for any breaches of the peace, within the corporate limits of Salinas City, or for any violations of the city ordinance, shall be paid in to the City Treasury, and placed to the credit of the General Fund; *provided*, that no demand shall be allowed, or warrant drawn, in favor of any Justice of the Peace, who shall fail, for the space of one month, to pay into the City Treasury the fines collected in criminal cases, where the crime shall have been committed within the corporate limits of Salinas City, when such crime by law is punishable by fine, and if said fine would have, under the provisions of this Act, been justly due and applicable to the General Fund of said city.

MAYOR TO HOLD POLICE COURT.

Mayor's Court.

SEC. 48. If at any time the said Justices of the Peace, having their offices within the corporate limits of Salinas City, 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 all violations of city ordinances, and shall be entitled to collect and retain the same fees in all cases, as by law and the provisions of this Act, would be paid to such Justices.

BOARD OF EDUCATION.

Board of Education.

SEC. 49. The Board of Education of Salinas City shall consist of three Trustees elected from each of the school districts which now or may hereafter exist in said city. And on the last Saturday in April, A. D. eighteen hundred and seventy-four, between the hours of two o'clock P. M. and six o'clock P. M., and yearly thereafter, there shall be elected in each of the school districts of said city, at the public school house of each district, by the legal and qualified voters therein, one School Trustee, to fill such vacancy as may occur by the expiration of the term of any one of the three Trustees elected under and by virtue of the general school law of the State of California; *provided*, that whenever new school districts may be made within the corporate limits of said city, the Trustees of any such district shall be elected, and their term of office deter-

Election.

Notices. mined as therein prescribed; *and, further provided,* that the Board of Education or Trustees now acting, shall continue to act as the Board of Education until their successors are elected and qualified as herein prescribed. Written or printed notices of the election of Trustees shall be posted on three of the most public places in each of the school districts, for at least five days previous to such elections, by the Clerk of the Board of Education. It shall be the duty of the Board of Education to
Officers. appoint one Inspector and two Judges of such election in each of the school districts, causing written notices of such appointments to be given to such appointees. If said appointees, or any of them, fail to attend, then it shall be the duty of the electors assembled to elect such others as may be required to fill any and all vacancies. Two Clerks shall also be appointed by the officers thus elected or appointed, and all of said officers of election shall take the oath of office prescribed by law for Inspectors and Judges of State and county elections. The election shall be conducted in the same manner as provided by the general school law of the State of California, for the election of School Trustees; and returns thereof shall be made to
Returns. the Board of Education, within five days after the election, who shall, at their first meeting thereafter, and previous to the first day of June, canvass said returns, and declare the results.
Certificates It shall be the duty of the President of the Board to issue certificates of election, to be countersigned by the Clerk of the Board of Education, and administer the oath of office to the Trustees elected. The Board of Education, constituted as afore-
Duties of Board. said, shall exercise a general supervision and control of the public schools of Salinas City, and shall meet on the first Thursday of each and every month, and as much oftener as business pertaining to the schools may require, and may be called together at any time by the President. At the first regular monthly meeting of the Board of Education in July of each and every year, and after the newly elected Trustees have been sworn in, and at any other meeting where, from any cause, it becomes necessary, they shall elect a President from their own body, who shall preside at all meetings of the Board, and shall be entitled to a vote, and if absent, one of their number shall be chosen to preside in his stead. A majority of their members 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 own proceedings; *provided,* that they do not conflict with the provisions of this Act. Its sessions shall be public, and its records shall be open to public inspection.

POWERS OF THE BOARD.

Powers of Board. SEC. 50. 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.

Second—To employ and dismiss the City Superintendent, teachers, janitors, and school census marshals, and to fix, alter, allow, and order paid their salaries or compensation, which for any teacher shall not exceed the sum of fifteen hundred dollars

per annum, or for any Superintendent shall not exceed four hun- Same.
dred dollars per annum; *provided*, that the term of employment of the Superintendent and teachers shall expire on or before the last day of June of each and every year; 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 law, for the government and progress of public schools of said city, the pupils therein, and the teachers thereof, and for carrying into effect the laws relative to education.

Fourth—To provide for the school department of said city fuel, light, water, blanks, blank books, printing, and stationery, and such other articles, materials, or supplies as may be necessary and appropriate for use in schools, or in the office of the Superintendent, and to incur such incidental expenses as may be necessary for the support and maintenance of said schools.

Fifth—To alter, repair, rent, and provide school houses, and to furnish them with proper school furniture, apparatus, and school appliances, and to insure any and all school property.

Sixth—To lease for a term not to exceed one year, any unoccupied property of the school department not required for school purposes.

Seventh—To determine annually the amount of taxation, not to exceed twenty-five cents on each one hundred dollars valuation upon the assessment roll, to be raised by tax upon the real and personal property of the city not exempt from taxation, for the establishment and support of the free public schools therein, and for carrying into effect all the provisions of law relative to public schools; and the amount so determined by said Board of Education shall be reported to the Common Council of said city on or before the third Monday in April in each year; and the said Common Council are hereby authorized and required to levy and cause to be collected, at the same time and in the same manner of levying and collecting other city taxes, the amount of taxation so determined and reported to them by the Board of Education as a school tax upon all the taxable property of said city.

Eighth—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 the sole judge.

Ninth—To order paid monthly, from the School Fund of said city, the salary of the City Superintendent.

Tenth—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 of Education may establish.

Eleventh—To prohibit any child under six years of age from attending public school, and generally to do and perform such other acts as may be necessary and proper to carry into effect

the powers of said Board granted by this Act, and by ordinance of the Common Council of Salinas City.

CLERK OF BOARD OF EDUCATION.

Clerk of Board.

SEC. 51. The City Superintendent of Schools shall be ex officio Clerk of the Board of Education, and 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.

REPORT OF TRUSTEES.

Annual report.

SEC. 52. At the last session of the Board of each school term of the year, before proceeding to other business, each Trustee shall be called upon to report the condition of the schools in his district, and the circumstances and wants of the inhabitants thereof in respect to education, and to suggest any defect he may have noted, and any improvement he would recommend in school regulation.

PROPOSALS FOR CONTRACTS.

Proposals and contracts.

SEC. 53. Before giving out any contract or incurring any liabilities other than for the salaries and for expenditures herein authorized, to any amount exceeding one hundred dollars, the Board of Education shall cause notices to be published for at least five days, inviting sealed proposals for the objects contemplated. All proposals offered shall be delivered to the Clerk of the Board of Education, and said Board shall, in open session, open and examine and publicly declare the same, and award the contract to the lowest responsible bidder; *provided*, that said Board may reject any and all bids, should they deem it for the public good so to do; *and, further provided*, that no such contract shall be finally let until the consent of three of the members of the Common Council shall have been obtained.

Not to be interested.

SEC. 54. No School Trustee or Superintendent shall be interested in any contract pertaining in any manner to the school department of said city; and all contracts in violation of this section are declared void.

Teachers.

SEC. 55. No teacher shall be employed in any of the public schools of the city without having a certificate issued under the provisions of the General School Law of the State of California, and shall have given evidence of good moral character, ability, and fitness to teach; nor shall any person be employed as City Superintendent unless, at the time of such employment, he shall be possessed of the proper educational qualifications to discharge the duties of said office as required by this Act, and the General School Law of the State of California.

SUPERINTENDENT'S REPORT.

Superintendent's report.

SEC. 56. The City Superintendent shall report to the Board of Education annually, and at such other times as they may require, on matters pertaining to the progress of the schools,

their condition at the time of making such report, the condition of the houses, lots, and furniture, the number of teachers employed, and pupils taught in each of the schools, and the cost per pupil, including all ordinary expenses, the amount of the several expenditures for school purposes during the year, with such recommendations as he may deem proper; and he shall file with the City Clerk a true and correct copy of such annual report.

DUTY OF SUPERINTENDENT.

SEC. 57. It shall be the duty of the Superintendent to visit and examine each school at least once in 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 of Education; to 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 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 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, and shall do and perform such other duties as may be required of him by the Board of Education. Duties.

VACANCIES.

SEC. 58. Any vacancy in the office of School Trustee shall be filled by appointment by the Board of Education, and such appointee shall hold office until the election next ensuing and the election and qualification of his successor in office; but no such appointment shall be valid unless the appointee be, at the time of appointment, an elector in the district wherein the vacancy occurred. Vacancies in Board.

SCHOOL FUND, HOW CONSTITUTED.

SEC. 59. The School Fund of Salinas City shall consist of all moneys received from the State School Fund, and all moneys received from the County School Fund, and all moneys levied and collected for school purposes within said city; all moneys from the rent, sale, or exchange of any school property, and of such other moneys as may, from any source whatever, be paid into said School Fund. The School Fund shall be kept separate and distinct from all other moneys, and shall be used for school purposes only, under the provisions of this Act. No fees or commissions shall be allowed or paid for receiving and disbursing any school moneys, and if at the expiration of the fiscal year any surplus remains in the School Fund, such surplus moneys shall be carried forward to the School Fund of the next fiscal year, and shall not, for any purpose whatever, be diverted or withdrawn from said Fund, except under the provisions of this Act. School Fund.

SCHOOL FUND, HOW APPLIED.

How applied.

SEC. 60. The School Fund shall be used and appropriated by the Board of Education for the following purposes:

First—For the payment of the salaries of teachers, janitors, school census marshals, and other persons who may be employed by said Board.

Second—For the alteration and repair, rent, and furnishing of school houses.

Third—For the insurance of school property.

Fourth—For supplying the school with lights, fuel, water, apparatus, blanks, blank books, necessary school appliances, together with books for indigent children.

Fifth—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.

Sixth—For the purchase of lots for school purposes; for the erection of school buildings; for the discharge of all legal incumbrances which may exist on school property, and for grading, fencing, and improving school lots.

SEC. 61. All claims payable out of the School Fund shall be itemized and filed with the Clerk of said Board of Education, and, after they have been approved by a majority of all the members of said Board, shall be signed by the President of said Board, whose signature indorsed on each claim shall be a certificate of its approval by the Board. It shall be the duty of the Clerk of said Board to issue warrants for the amount of said allowed and certified claims in favor of the claimant; which warrant shall be countersigned by the President of said Board. All demands for teachers' salaries shall be paid monthly.

SEC. 62. Demands on the School Fund may be audited and approved in the prescribed manner, although there shall not be at that time money in the Treasury for the payment of the same; *provided*, that no demand on said Fund shall be paid out of or become a charge against the School Fund of any subsequent year; *and*, *further provided*, that the entire expenditure of the school department for all purposes shall not in any fiscal year exceed the revenues for school purposes for the same year.

DEMANDS PAID.

Demands, how paid.

SEC. 63. All demands authorized by this Act, when audited and approved, and warrants issued thereon, as herein prescribed, shall be presented to the Treasurer for payment, and said City Treasurer is hereby authorized and required to pay the same from the School Fund of the city; *provided*, that said Board of Education shall not have any power to contract any debt or liability in any form whatever against said city in contravention of the provisions of this Act.

SCHOOL LOTS.

SEC. 64. All lots known as school lots, within the corporate limits of Salinas City, and all lots heretofore belonging to

Salinas City School District, are hereby fully vested in the Mayor and Common Council of Salinas City, in trust, for the use and benefit of the public schools of Salinas City; and the Mayor and Common Council are hereby authorized to sell, transfer, or exchange the same for other lots and lands, if, in their opinion, the interests of the public schools will be best secured by so doing; and no moneys received from such sale or exchange shall be diverted from the School Fund of said city. School lots.

SCHOOL FUND.

SEC. 65. The School Superintendent of Monterey County, as soon as he shall make an apportionment of any School Fund or moneys to the several districts of said county, shall immediately draw his warrant upon the County Treasurer of said county, in favor of the City Treasurer of Salinas City, for the amount of money said city is entitled to, and place said warrant in the hands of the City Treasurer, taking his duplicate receipt therefor, one of which he shall file with the City Clerk; and, upon presentation, the Treasurer of Monterey County shall pay said warrant, which shall be indorsed by the City Treasurer. The City Treasurer shall immediately place the moneys so received to the credit of the several Funds of the city, as provided in this Act. School moneys.

SCHOOL MONEYS.

SEC. 66. The City Treasurer, upon the receipt of any school moneys, shall apportion the same in the following manner: How apportioned.

First—All moneys received from the "State School Fund" shall be placed to the credit of the "State School Fund."

Second—All moneys received from the "County School Fund" shall be placed to the credit of the "County School Fund."

Third—All moneys received from the city, for school purposes, shall be placed to the credit of the "City School Fund."

STATE SCHOOL FUND.

SEC. 67. The State School Fund shall be used for no other purpose than the payment of teachers. Used.

WARRANTS—HOW DRAWN.

SEC. 68. Every warrant drawn by the Board of Education, against the School Funds of Salinas City, shall state the Fund against which it is drawn, and the nature of the claim of the drawee. Drawn.

NEW ROAD DISTRICT.

SEC. 69. From and after the passage of this Act, Salinas City, to the extent of its corporate limits in the County of Monterey, shall constitute one separate district for road purposes, to be known as the Road District of Salinas City. Road district.

DISPOSITION OF ROAD FUND.

Road Fund, how expended.

SEC. 70. All taxes, general and special, to be levied and collected for road purposes, under the laws of this State, or that may be hereafter in force therein, shall constitute the Road Fund of the Road District of Salinas City, and shall be laid out and expended by and under the direction and within the discretion of the Mayor and Common Council of said city, in the construction and repair of bridges and culverts, and the improvements and repair of roads and streets within said district.

Special tax.

SEC. 71. From and after the date of the passage of this Act, it shall be the duty of the officers of and within said county, charged with the assessment of property, and collections of all taxes, general and special, for road purposes, within said Salinas City, to keep a separate and distinct list or assessment of all property within the limits of said Road District of Salinas City, and a separate account of all taxes, general and special, collected therein for road purposes, and the same shall be paid over to the County Treasurer of said county, and by him kept separate, as the Road Fund of the Road District of Salinas City; *provided*, that the City Marshal of Salinas City shall be Road Overseer of the Road District of Salinas City, for the collection of road poll taxes, and shall collect the amount levied by the Board of Supervisors of Monterey County, for road poll taxes, in money only, and shall pay over all moneys so collected to the City Treasurer, and take his duplicate receipt therefor, one of which he shall deposit with the City Clerk; and any receipt of the City Treasurer for said poll taxes shall be a sufficient voucher to the City Marshal for settlement with the Board of Supervisors of said county; and for such services as Road Overseer, the City Marshal shall receive no pay or compensation from the Board of Supervisors, but shall be allowed such compensation only as shall be fixed by the Mayor and Common Council.

PAYMENT OF WARRANTS.

Warrants on Fund.

SEC. 72. It shall be the duty of the County Auditor of said county, upon the receipt of the order of the Common Council of Salinas City, signed by the Mayor and certified by the City Clerk of said city, to draw his warrant upon the County Treasurer of said county, in favor of the City Treasurer of said city, for any sum not to exceed the amount in said Fund belonging to said Road District of Salinas City, which the said Common Council may order paid; and it shall be the duty of said County Treasurer to pay out of said Fund the amount of said warrant upon presentation.

Moneys to credit of.

SEC. 73. It shall be the duty of the City Treasurer, upon receipt of any moneys accruing to the Road District of Salinas City, under the provisions of this Act, to place the same to the credit of the Road Fund of said city, and to pay it out upon the presentation of a warrant or warrants, drawn upon said Fund, and signed by the Mayor, and countersigned by the City Clerk of said city.

NOT TO APPLY.

SEC. 74. Sections sixty-nine, seventy, seventy-one, seventy-two, and seventy-three of this Act shall not be construed to apply to any tax levied by the Common Council of Salinas City for road or any other purposes. Not to apply.

ACTS APPLYING.

SEC. 75. The provisions of the Political Code of the State of California, relating to providing revenue for the support of said State, and all Acts amendatory of or supplemental thereto, and all provisions and Acts made applicable thereto, in so far as the same pertains to the raising of revenue by ad valorem taxation, and so far as said Acts are not inconsistent with the provision of this Act, are hereby made applicable to any and all proceedings for raising revenues by ad valorem taxation, for city purposes, as provided in this Act; *provided*, that the Common Council shall have power to shorten the time for the collection of any taxes, and to restrict by ordinance the operation of any of the provisions of the Code, or Acts concerning revenue, mentioned in this section, as it may seem proper to them. Apply.

COMPENSATION FIXED BY THE COUNCIL.

SEC. 76. The Common Council shall have power to fix the amount and mode of paying the compensation of all officers performing services for the city in collecting delinquent taxes. Compensation.

STYLE OF ORDINANCES.

SEC. 77. The style or enacting clause of all ordinances of Salinas City shall be: "Be it ordained by the Mayor and Common Council of Salinas City, as follows;" and all recorded ordinances or orders shall be attested by the City Clerk, and also approved and signed by the Mayor, or upon failure of the Mayor to approve, shall be approved and signed by five Councilmen. Style of ordinances.

FISCAL YEAR.

SEC. 78. The fiscal year, in and for Salinas City, shall commence on the first day of April of each year and end on the thirty-first day of March thereafter. Fiscal year

CORPORATION ACT REPEALED.

SEC. 79. An Act to provide for the incorporation of towns, approved April nineteenth, eighteen hundred and fifty-six, and all Acts amendatory of and supplemental thereto, are hereby, in their operation and effect as to and upon Salinas City, declared to be inoperative and void; *provided*, that the ordinances and proceedings of the Board of Trustees of the inhabitants of the Town of Salinas City, so far as the same is not in conflict with the provisions of this charter, shall in nowise be affected Inoperative, what; and unaffected, what.

Same. by such repeal; *and, further provided*, that the validity of any and all rights and titles, claims, or demands, acquired by said "inhabitants of the Town of Salinas City," or against it, by any person or firm under said Act, or laws made thereunder, shall not be impaired or affected by the provisions of this Act; *and, further provided*, that all acts and deeds and contracts of said Board of Trustees of "inhabitants of the Town of Salinas City," are hereby made valid and legal, from and after the passage or making of the same, and each of them, subject to be changed, altered, and repealed by the Mayor and Common Council of Salinas City, reserving to all persons their vested rights; and for all acts or things done or performed, or omitted to be done or performed, by said Board of Trustees of "inhabitants of the Town of Salinas City," or any of them, in their or his official capacity, no suit can be maintained, or right of action exist, unless such act or thing done or performed, or omitted to be done or performed, shall have operated to the injury of the person commencing the suit or action; *and, further provided*, that the levy and assessment of taxes on the property of "inhabitants of the Town of Salinas City," for the year eighteen hundred and seventy-three and eighteen hundred and seventy-four, are hereby made valid and binding, and the collection of said taxes shall be controlled and collected in accordance with the provisions of this Act, and said assessment, levy, and collection shall have the same force and effect as if assessed, levied, and collected under and by the provisions of this charter; *and, further provided*, that the Common Council of Salinas City shall have power to assess, and levy, and collect taxes for the fiscal year of eighteen hundred and seventy-four and eighteen hundred and seventy-five, under the provisions of this charter, as though no tax had ever been levied, assessed, or collected in said city.

Salaries. SEC. 80. The Mayor and Common Council shall have the power to fix the compensation of all city officers and employés not specifically provided for in this Act.

ACTS REPEALED.

Repealed. SEC. 81. All Acts and parts of Acts inconsistent with the provisions of this Act, are hereby repealed; *provided*, that such repeal shall not affect the validity of any debt due, contract entered into, or thing done, under any former Act.

TAKE EFFECT.

SEC. 82. This Act shall take effect and be in force from and after its passage.

CHAPTER CLXXX.

An Act to provide for the collection of certain unpaid taxes in Fresno County.

[Approved March 4, 1874.]

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

SECTION 1. Whereas, in the year eighteen hundred and seventy-two, one hundred and seventeen thousand seven hundred and forty-nine acres of land situated in the County of Fresno, belonging to Henry Miller and Charles Lux, were, by an imperfect description thereof, assessed to them, and said assessment was equalized by the Board of Supervisors of said county at the sum of two hundred and ninety-four thousand three hundred and seventy dollars and fifty-three cents; and whereas, the State and county taxes due upon said lands were not paid, and could not be collected, by reason of the aforesaid imperfect description in the assessment and equalization of said lands; therefore, it is hereby made lawful for, and it shall be the duty of the Assessor of said county, within twenty days after the passage of this Act, to make a correct description of all said property, and assess the same at the valuation made, as aforesaid, by the said Board of Supervisors, and thereupon deliver the said assessment to the Auditor of the county. Whereas. Assessor to assess.

SEC. 2. The County Auditor shall, within ten days thereafter, compute and enter upon said assessment the sum to be paid on said property, according to the rate of taxes fixed for the year eighteen hundred and seventy-two, for State and county purposes, and deliver a duplicate thereof to the Tax Collector of said county. Auditor to compute tax.

SEC. 3. The Tax Collector shall, within five days after the receipt of said duplicate assessment, notify, in writing, said Henry Miller and Charles Lux, or either of them, that said taxes will become delinquent at the expiration of thirty days from and after the date of said notice. The Tax Collector shall add to said taxes ten per cent per annum from the first day of January, eighteen hundred and seventy-three, up to the day of the payment of said tax; *provided*, the same is paid on or prior to the expiration of said thirty days; and in case said tax is so paid in United States gold coin, as aforesaid, the said Tax Collector shall execute and deliver a receipt in full for all taxes due on the lands owned by said Henry Miller and Charles Lux, in said county, up to January first, eighteen hundred and seventy-three, and the same shall be a full discharge of all penalties for delinquency up to said date. Collector to notify and collect.

SEC. 4. In case said tax is not paid at or within the time as provided in section three of this Act, the Tax Collector shall not proceed to sell said lands in the manner provided in the case of other delinquent taxes, but he shall return a statement thereof to the Auditor of said county, and said Auditor shall, within five days thereafter, return a duplicate of said statement Delinquent taxes, how collected.

Same. to the District Attorney of said county; and it shall be the duty of said District Attorney to bring an action in the District Court of the judicial district in which said lands are situated, in any county of said district, to recover said taxes, which are hereby declared to be a lien upon said lands from and after the first Monday in March, eighteen hundred and seventy-four, and to foreclose said lien. It shall be the duty of said District Attorney to prosecute said action diligently, and without unreasonable delay, to judgment, and to a decree of foreclosure and sale. Said action must be in the name of the "People of the State of California," as plaintiffs, against said lands, and all owners thereof, known or unknown, as defendants; and the summons and complaint therein may be served by publication, in the manner provided by law in civil actions against non-residents of the State, except that it shall not be necessary to obtain an order for publication from the District Judge, nor to send a copy of the complaint or summons to the defendants, nor to file a copy of the publication with the Secretary of State, nor to make such publication for more than once a week successively for four weeks. The defendants in said action shall be required by the summons therein to answer the same in twenty days after the expiration of said publication, and for not answering within such time their defaults shall be entered. By such publication the said Court shall acquire jurisdiction of the persons of all the owners of, and of all persons having interest in said lands; and the judgment, order, or decree made in said action, shall have the same force and effect in law and in equity as if every owner of any interest in said lands had personally appeared in said action.

Additional percentages and costs. SEC. 5. In case of failure to pay said taxes, as provided in section three of this Act, in addition to the amount of said taxes and the percentage due thereon, as provided by law, fifty per centum thereof shall be recovered, and be included in any judgment rendered in said action, one half of which shall be paid to the District Attorney, in full satisfaction for his services, and the remainder thereof shall be paid into the County Treasury, for the use of the county; and, in addition to the foregoing, the costs of said publication, and the fees of the Clerk of said Court, and all other necessary disbursements, shall be taxed as costs in said action, and be recovered with and included in said judgment

Order of sale. SEC. 6. The order of sale in the action herein provided shall direct the Sheriff of the county to sell a sufficient quantity of said lands, in separate parcels, of not less than one hundred and sixty acres in each parcel, to satisfy said judgment and costs; and the Sheriff shall give notice of and conduct said sale, in all other respects, in the manner provided in the Code of Civil Procedure in civil cases. The Sheriff shall sell no greater number of said parcels of land than is necessary to satisfy the said judgment and order of sale; and in case there shall remain in his hands a surplus from the proceeds of the sale of said parcels, after discharging the whole of said judgment, and costs and accruing costs, the same shall be paid over by him to the Clerk of the Court in which said judgment was rendered, to the credit of the owners of said land, and said owners shall be

entitled, on application to the Court therefor, to receive the same. The owners of said lands, or their assigns, shall be entitled to redeem the property sold as aforesaid within the same time and in the same manner as redemption is provided for in sales of real estate upon execution in civil cases in the Code of Civil Procedure, except that said redemption can only be had upon payment to the purchaser of the amount of their purchases, with eighteen per centum in addition thereto. Redemption.

SEC. 7. This Act shall take effect immediately.

CHAPTER CLXXXI.

An Act in relation to the Industrial School Department of the City and County of San Francisco.

[Approved March 4, 1874.]

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

SECTION 1. All Acts and parts of Acts, relating to the Industrial School Department of the City and County of San Francisco, which were in force on the thirty-first day of December, eighteen hundred and seventy-two, are hereby declared to be and the same are in full force. In force.

SEC. 2. Any person duly convicted of a crime and duly committed to the Industrial School of said city and county, shall there remain until he arrives at the age of twenty-one years, unless sooner discharged according to law, or unless a shorter term shall be prescribed in the order of commitment. To remain.

SEC. 3. If any person who has been duly convicted of a crime, and is called for sentence, shall state to the Court or Judge that he is under the age of eighteen years, and shall thereupon be committed to said Industrial School, such statement shall be recited in the order of commitment, and shall, as against such person, be conclusive as to his age in all questions relating to his connection with said school. Statement of age to be conclusive.

SEC. 4. If any person committed to said Industrial School, upon conviction of a crime, shall escape therefrom, and be thereafter arrested, he shall be brought before the Court or Judge by whom he was so committed, and the said Court or Judge may recommit him to said school, or may punish him by fine or imprisonment, or both, as might have been originally done upon such conviction; but this section shall not apply in case of conviction of a crime committed prior to the passage of this Act. Punishment for escape.

SEC. 5. It shall be the duty of every Sheriff and police officer, to arrest any person who has been committed to said Industrial School upon conviction of a crime, and has escaped therefrom, and to bring him before the Court or Judge by whom Arrest of escapes.

he was so committed, that he may be dealt with as provided in the next preceding section.

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

CHAPTER CLXXXII.

An Act to authorize the Board of Supervisors of the City and County of San Francisco to sell and convey a certain piece of land comprising old Cemetery Avenue and the triangular plaza, reserved by the Outside Land Committee, up to Central Avenue, and for other purposes.

[Approved March 4, 1874.]

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

Appraise and sell.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized to appraise, or cause to be appraised, the triangle bounded by the south line of Sutter street, the east line of Cemetery Avenue, the north line of Post street, and the east line of old Cemetery Avenue, and the south line of Post street, and the east line of Cemetery Avenue, and the north line of Geary street, and the east line of old Cemetery Avenue, and to sell the same at said appraisement, to the person or persons who now own the land fronting on old Cemetery Avenue.

Who to convey.

SEC. 2. The said Board of Supervisors shall authorize the Mayor of the said City and County of San Francisco to convey to such person or persons (as are mentioned in section one) so much of the land contained in section one as fronts the premises of such person or persons; or the said Board of Supervisors may authorize a conveyance by the said Mayor of the whole of said premises, to any one or more of such persons entitled thereto, for himself and them, and in trust for others lawfully entitled by virtue hereof. The said Mayor shall thereupon deed the property in conformity with the order of said Board, and the deed of the said Mayor shall be conclusive evidence of the right to convey, and its conformity with the order of said Board.

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

CHAPTER CLXXXIII.

An Act to legalize the appointment of Commissioners for Swamp Land Districts Numbers Fifty and Fifty-four, in Sacramento County, and to validate certain acts of said Commissioners.

[Approved March 4, 1874.]

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

Legally appointed.

SECTION 1. The action of the Board of Supervisors of Sacramento County on the third day of July, eighteen hundred and seventy-two, in appointing Commissioners for Swamp Land Districts Numbers Fifty and Fifty-four, is hereby legalized, and the Commissioners then appointed shall in all proceedings thereafter had be deemed to have been legally appointed Commissioners from the third day of July, eighteen hundred and seventy-two, capable of doing and performing all acts by law authorized to be done by Swamp Land Commissioners.

Assessment, what not invalid for.

SEC. 2. No assessment made by the Board of Commissioners of either Swamp Land District Number Fifty or Swamp Land District Number Fifty-four, shall be deemed invalid for want of a proper description of the land, if such description contain the name of the owner or occupant of the land, or one who had lately been the owner of the land, the number of the swamp land survey or surveys in which the same was situate, and an estimate or statement of the number of acres contained, or supposed to be contained, therein.

Suits.

SEC. 3. All suits brought or prosecuted for the collection of assessments in said swamp land districts shall be brought or prosecuted in the name of the people of the State of California, by the District Attorney of Sacramento County.

Shall not affect.

SEC. 4. The act of any owner or number of owners of land in Swamp Land Districts Numbers Fifty or Fifty-four, in filing their assent that their land shall come under the provisions of an Act entitled "An Act to provide funds for the further reclamation of Swamp Land Districts Numbers Fifty and Fifty-four, in Sacramento County," shall not affect the validity of any assessment made by the Commissioners of either Swamp Land District Number Fifty or Fifty-four, but the acts of said Commissioners, subsequent to their appointment, shall be deemed and held to have been done under the provisions of the Act approved March twenty-eighth, eighteen hundred and sixty-eight, and entitled "An Act to provide for the management and sale of the lands belonging to the State," until the Political Code took effect, and thereafter under the provisions of said Code as far as applicable; and no act of said Commissioners shall be invalidated or held to be illegal by reason of anything contained in the Act entitled "An Act to provide funds for the further reclamation of Swamp Land Districts Numbers Fifty and Fifty-

four, in Sacramento County," approved April first, eighteen hundred and seventy-two.

Repealed. SEC. 5. An Act entitled "An Act to provide funds for the further reclamation of Swamp Land Districts Numbers Fifty and Fifty-four, in Sacramento County," approved April first, A. D. eighteen hundred and seventy-two, is hereby repealed.

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

CHAPTER CLXXXIV.

An Act to provide for the establishment of a public library in the City of Los Angeles.

[Approved March 4, 1874.]

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

Lot and building. SECTION 1. The Mayor and Common Council of the City of Los Angeles are hereby authorized to provide, by ordinance, for the establishment of a public library in the City of Los Angeles, and also for the purchase of a suitable lot, and to erect thereon a library building, or to provide for the purchase of a lot and building, as may be deemed most advisable by the Board of Regents, hereinafter provided for; said lot and building together, not to cost more than fifteen thousand dollars, the title to which shall be vested in said city.

Board of Regents. SEC. 2. There shall be elected, from the citizens of the City of Los Angeles, by the Common Council, by and with the approval of the Mayor, as soon after the passage of the ordinance as practicable, nine Regents, who, together with the Mayor and Treasurer, who shall ex officio be Regents, shall constitute the Board of Regents of the public library. The Mayor shall be ex officio President of the said Board of Regents. The nine Regents elected shall be classified by lot into three classes, one of which shall hold their offices for one year, another for two years, and the third for three years, and until their successors shall be elected and qualified. After the first election three Regents shall be elected annually, prior to the expiration of the term of the outgoing Regents, who shall hold their offices for the term of three years, and until their successors are elected and qualified. Elections shall also be held, when necessary to fill vacancies; the Regent elected to hold for the unexpired term.

Special powers of Board. SEC. 3. The government, management, and administration of the library, and of its property and funds, shall be vested in the Board of Regents; and said Board shall also have power to select the site, to determine the plan, and to contract for and superintend the building of the library building and the furnishing thereof; also, to draw warrants upon the Library Building Fund, hereinafter provided for, in payment of the pur-

chase of said lot and the erection and furnishing of said building.

General powers.

SEC. 4. Said Board shall have power to pass such by-laws as may be necessary for the government of the library and the administration of its business. It shall also have power to employ a Librarian, and such assistants and other employés as may be necessary, and to prescribe their duties and compensation, and, by a vote of two thirds of the Board, to remove them; also, to establish a monthly rate, not to exceed fifty cents, to be paid by all persons to whom may be given the privilege of taking books from the library, to purchase books, periodicals, papers, pictures, and all other things necessary and proper for a library and reading room, and to receive loans and donations of the same; also, to purchase the necessary furniture for the library and reading rooms. The said Board shall make an annual report to the Common Council of its proceedings, and the state of the library and library funds.

City bonds to be issued.

SEC. 5. To provide the funds for the erection or purchase of the library building, and the purchase of the lot, the Mayor and Common Council are authorized to issue bonds of the city, of the denominations of fifty dollars, one hundred dollars, and five hundred dollars, bearing interest at eight per cent per annum, for a sum, in all, not exceeding fifteen thousand dollars; which bonds shall be made payable at the office of the Treasurer of the City of Los Angeles, on the first day of January, eighteen hundred and ninety-five; and the interest thereon shall be made payable annually, upon presentation of the coupons to the Treasurer. Said bonds shall be signed by the Mayor and President of the Common Council, and shall have the corporate seal impressed upon them, and the coupons shall be signed by the Treasurer. A register of the bonds issued, showing the number and amount of each bond, shall be kept by the Clerk.

Proceeds of sale of bonds, how used.

SEC. 6. The Mayor and Common Council shall, by ordinance, provide for the sale of said bonds, and the proceeds shall be paid into the Treasury and be set apart for the exclusive purpose of purchasing a library building and lot, or of purchasing a lot and erecting a suitable library building thereon, and furnishing said library building, and shall be designated as the "Library Building Fund," and shall be drawn out only upon warrants of the Board of Regents.

Special tax.

SEC. 7. For the payment of the principal and interest of said bonds, and for the current expenses of the library, it shall be the duty of the Common Council of said city to cause to be levied and collected, annually, a tax not exceeding ten cents on each hundred dollars of the real and personal property in said city, of which an amount at least sufficient to pay the interest and five per cent of the principal of said bonds shall be set aside in the Treasury, and known as the "Interest and Sinking Fund of the Library Bonds." Whenever, after paying the interest for any year, there may be five hundred dollars or more in said Fund, the Treasurer shall advertise for four weeks in a newspaper published in said city, for sealed proposals for the surrender of said bonds, to be opened by the Treasurer in the presence of the Common Council, in open session thereof, one week after the publication is concluded; said advertisement

Surrender of bonds.

shall state the amount of money on hand for the purpose of redemption, and shall require all proposals to be accompanied with good security that the same shall be carried out within ten days after their acceptance—the class and form of said security to be prescribed by ordinance. When said proposals are opened, the Common Council shall accept the lowest, at rates not exceeding par value, as far as the cash on hand will go. Said bonds, when redeemed, shall be defaced by the Mayor, in the presence of the Common Council, and a record thereof made by the Clerk.

Library Fund.

SEC. 8. The balance of the tax levied for library purposes, after the payment of the amounts aforesaid into the "Interest and Sinking Fund of the Library Bonds," shall be set aside in the Treasury for library purposes, and shall be known as the "Library Fund." Said Fund shall be drawn only upon the warrants of the Board of Regents.

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

CHAPTER CLXXXV.

An Act to amend section two of an Act entitled 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 twenty-fifth, eighteen hundred and seventy.

[Approved March 4, 1874.]

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

Tax.

SECTION 1. Section two of said Act is hereby amended so as to make the tax not less than twenty-five cents.

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

CHAPTER CLXXXVI.

An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Stanislaus.

[Approved March 4, 1874.]

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

Offices separated.

SECTION 1. The office of County Recorder of the County of Stanislaus is hereby separated from the office of County Clerk of said county, and at the next general election to be held in September, Anno Domini one thousand eight hundred and seventy-five, a County Recorder must be elected to said office.

Recorder's salary and bonds.

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 receive a salary of two thousand four hundred dollars per annum, which shall be in full of all compensation for all services rendered by him, his deputies or assistants, as County Recorder and County Auditor.

County Clerk's salary and bonds.

SEC. 3. The County Clerk shall receive a salary of two thousand dollars per annum, which shall be in full of all compensation for all services rendered by him, his deputies, or assistants, as County Clerk, Clerk of the Courts of record, and Clerk of the Board of Supervisors.

Salary of Sheriff.

SEC. 4. The Sheriff shall receive a salary of four thousand dollars per annum, which shall be in full of all compensation for all services rendered by him, his deputies or assistants, as Sheriff, Jailer, and Tax Collector.

Treasurer.

SEC. 5. The County Treasurer shall receive a salary of one thousand eight hundred dollars per annum, which shall be in full of all compensation for all services rendered by him, his deputies or assistants, as County Treasurer.

Assessor.

SEC. 6. The County Assessor shall receive a salary of one thousand two hundred dollars per annum, which shall be in full of all compensation for all services rendered by him as County Assessor, collector of poll taxes, and collector of taxes on personal property; *provided*, that the Board of Supervisors may appoint Deputy County Assessor, as now allowed by law.

Superintendent.

SEC. 7. The County Superintendent of Public Schools shall receive a salary of one thousand dollars per annum, which shall be in full of all compensation for all services rendered by him, his deputies or assistants, as County Superintendent of Public Schools.

Judge.

SEC. 8. The County Judge shall receive a salary of fifteen hundred dollars per annum, which shall be in full of all compensation for all services rendered by him as County Judge and Judge of Probate Court.

District Attorney.

SEC. 9. The District Attorney shall receive a salary of twelve hundred dollars per annum, which shall be in full of all compensation for all services rendered by him, his deputies or assistants, as District Attorney.

Pay over fees.

SEC. 10. The officers named in this Act who are entitled to charge, collect, or receive any fees, commissions, percentage, or other compensation of whatever kind or nature heretofore allowed by law, or which may hereafter be allowed by law, for services rendered by them or their deputies in their several official capacities, or for the performance of duties appertaining to said offices, must collect and safely keep the same, and on the first Monday in each month must pay the total amount by them received into the County Treasury.

Fee book.

SEC. 11. The officers named in this Act must each keep a book, in which shall be entered, by items, the amount received for all official services performed by them or their deputies, showing the date and nature of such services, and the amount received therefor, which book shall be the property of the county, and shall be open during office hours to public inspection; and each of said officers must, on the first Monday in each month, make out, and file with the County Auditor, a full and accurate transcript from his said book, of the entries for the preceding month, with an affidavit attached thereto, and by them subscribed and sworn to as follows: "I, ——, of the County of Stanislaus, do swear that the foregoing is a true and correct statement of all the fees, commissions, and compensations, of whatever nature or kind, allowed by law for services rendered by me or my deputies, in my official capacity, for the month of ——, one thousand eight hundred ——, and that I have paid the same to the County Treasurer."

Transcript under oath.

Fund.

SEC. 12. All moneys paid into the County Treasury, under the provisions of this Act, must be placed in the County General Fund.

Salaries, how paid.

SEC. 13. The salaries mentioned in this Act shall be paid monthly by the County Treasurer, upon the warrant of the County Auditor, who is hereby directed to audit the salaries herein provided for; and said salaries shall be paid out of the County General Fund.

Fees in advance.

SEC. 14. The fees receivable by the several officers named in this Act must be paid in advance, and it is hereby made the duty of the said officers to collect fees in advance, and any officer named in this Act who shall credit any person for fees, percentage, or commissions for any services rendered in the discharge of his official duties, shall do so at his own risk, and the same shall be entered in the fee book and paid over on the first Monday of each month, the same as if it had not been credited.

Keep mileage.

SEC. 15. The Sheriff shall be allowed to keep for his own use the mileage allowed by law, and the County Treasurer shall be allowed to keep for his own use the mileage allowed him in his settlements with the State.

Penalty for neglect.

SEC. 16. For any willful neglect or refusal to comply with any of the provisions of this Act, by any officer or officers herein named, he or they shall 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 exceeding one year, or both such fine and imprisonment, and shall be deprived of his office; *provided*, that nothing herein shall be held to release any officer named in this Act from giv-

ing any bond required by law, or from any civil responsibility arising from his official duties.

SEC. 17. The Board of Supervisors are hereby prohibited to allow any additional compensation to the several officers named in this Act, for services rendered by them in their several official capacities, or for the performance of duties appertaining to said offices. Prohibited.

SEC. 18. All Acts or parts of Acts, so far as the same are in conflict with this Act, are hereby repealed.

SEC. 19. This Act shall take effect and be in force on and from the first Monday in March, Anno Domini one thousand eight hundred and seventy-six.

CHAPTER CLXXXVII.

An Act to legalize certain warrants drawn on the Treasury of Napa County, and to pay certain claims against said county.

[Approved March 5, 1874.]

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

SECTION 1. Warrants numbered respectively: Seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-seven, and twenty-eight, bearing date April first, eighteen hundred and seventy-three, drawn of the General Road Fund of Napa County, are hereby legalized, confirmed, and made valid, and the Treasurer of said county is hereby authorized and directed to pay the same in the order of their registration. Legalized.

SEC. 2. The Board of Supervisors of Napa County are hereby authorized and directed to allow and order paid, out of the General County Fund of Napa County, the claim of the Napa Gaslight Company, in the sum of eight hundred and ninety-seven dollars, for gas heretofore furnished Napa City by said company, and the Auditor of said county must draw his warrant on the Treasurer of said county for the amount so allowed, and the Treasurer must pay the same according to law. Allow and pay.

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

CHAPTER CLXXXVIII.

An Act to amend an Act entitled an Act to incorporate the Town of Union, approved February second, eighteen hundred and fifty-eight.

[Approved March 6, 1874.]

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 incorporate the Town of Union, approved February second, eighteen hundred and fifty-eight, is hereby amended so as to read as follows:

Corporation and powers.

Section 1. The tract of land situated in the County of Humboldt, described as the north half and the southeast quarter of the northeast quarter of section thirty-two, and the southwest quarter of the southwest quarter of section twenty-eight, and the southeast quarter of section twenty-nine, all in township six north, range one east, of Humboldt meridian, and the inhabitants residing therein, shall be a corporation, under the name of the Town of Arcata, and they and their successors may sue and be sued in all actions and proceedings, purchase, hold, and receive property, and sell and otherwise dispose of the same for the common benefit, may provide for the regulation and preservation of all commons and burial grounds belonging to the town, and may have a common seal, and alter the same at pleasure.

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

CHAPTER CLXXXIX.

An Act to provide for the indexing of certain records of Nevada County.

[Approved March 6, 1874.]

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

Shall index.

SECTION 1. In the County of Nevada, the County Recorder is authorized and required to index all Sheriffs', Constables', administrators', or executors' deeds, with the name of the judgment debtor or deceased person as grantor.

Compensation.

SEC. 2. The Recorder aforesaid shall index all such deeds heretofore recorded in said county; and his compensation therefor shall be ten cents for each deed, to be paid out of the General Fund of the county; *provided*, he shall receive no compensation for the indexing of such deeds filed after the passage of this Act.

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

CHAPTER CXC.

An Act to provide for the payment of certain indebtedness against the State.

[Approved March 6, 1874.]

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

SECTION 1. There is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, the sum of forty thousand four hundred and eighty-nine dollars and eighty seven cents, for the payment of certain claims for printing, paper, and official advertising, which have already been audited and allowed by the State Board of Examiners during the twenty-fifth fiscal year. Appropriation.

SEC. 2. The State Controller must draw his warrant:

In favor of D. W. Gelwicks, for the sum of seven hundred and ninety, seventy-eight one hundredths dollars.

James Anthony and Co., for the sum of three hundred and twelve dollars and twenty-five cents.

In favor of the San Francisco *Bulletin*, for the sum of one hundred and nineteen dollars.

In favor of M. Byerly, for the sum of sixteen dollars.

In favor of the Santa Cruz *Sentinel*, for the sum of twenty-three dollars and fifty cents.

In favor of the Placer *Argus*, for the sum of five dollars.

In favor of the *Appeal* Association, for the sum of six dollars.

In favor of the administrator or executor of T. A. Springer, for the sum of thirty-nine thousand two hundred and seventeen dollars and thirty-four cents.

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

CHAPTER CXCI.

An Act to provide for the payment of the debt incurred in building a school house for the Oro Fino School District, in Siskiyou County.

[Approved March 6, 1874.]

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

Tax to pay school house debt.

SECTION 1. The Board of Trustees of Oro Fino School District are authorized to levy a tax on the property in said district, in each of the years eighteen hundred and seventy-four and eighteen hundred and seventy-five, of not more than sixty cents on every one hundred dollars of value, for the purpose of paying the debt incurred in building a school house for the district.

How levied.

SEC. 2. The tax herein authorized to be levied must be assessed and collected according to the provisions of law for assessing and collecting district taxes.

How used.

SEC. 3. The proceeds of the tax herein provided for must be applied: First—To the payment of the cost of its collection. Second—To the payment of the debt incurred in building a school house for the district. Third—If any surplus remains after paying such debt, to the support of the school of the district.

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

CHAPTER CXCII.

An Act to authorize and empower the Auditor of El Dorado County to allow certain claims against the county.

[Approved March 6, 1874.]

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

Audit and allow.

SECTION 1. The County Auditor of El Dorado County is hereby authorized and directed to audit and allow all claims presented to said officer for salaries of the Sheriff, ex officio Treasurer, County Clerk, ex officio Auditor and Recorder, District Attorney, and Superintendent of Public Instruction, of said county, that may be due such officers, from the first day of October, A. D. eighteen hundred and seventy-three, to the first day of March, A. D. eighteen hundred and seventy-four, in accordance with the laws regulating the compensation of said officers, and to draw his warrants for the same; *provided*, that said officers shall first file with the County Auditor the Treasurer's receipt for all fees received by them in

Proviso.

accordance with section thirty-one of the Act approved March the fifth, eighteen hundred and seventy, 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."

To pay.

SEC. 2. The Treasurer of said county is hereby authorized to pay all warrants, drawn in accordance with section one of this Act, provided there be sufficient money in the Salary Fund of said county to pay the same.

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

CHAPTER CXCIII.

An Act to provide for the location, construction, and maintenance of public roads in the County of Tulare.

[Approved March 6, 1874.]

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

Public highways.

SECTION 1. All roads in the County of Tulare which have been located as public highways, by order of the Board of Supervisors or Township Trustees, and all roads in public use which have been recorded in the county or township records as public highways, or which may be recorded by authority of the Board of Supervisors, as hereinafter provided, are hereby declared public highways. All roads in the County of Tulare, now in public use, which do not come within the provisions of this Act, are hereby declared vacated; *provided*, that no toll road shall be established on any road vacated by virtue of the foregoing provisions of this section, upon which there shall have been expended any money or labor belonging to the Road Fund or tax of said county, except it be with the full knowledge and consent of the Board of Supervisors of said county.

Road Commissioner.

SEC. 2. It shall be the duty of the Board of Supervisors of Tulare County, at their first regular meeting after the passage of this Act, to appoint a Road Commissioner for said county, who shall be a qualified voter therein and a householder, and who shall hold his office until the next general election for county officers of said county, and until his successor has been elected and qualified. He shall, within ten days after notice of his appointment as such Road Commissioner by the Board of Supervisors, duly qualify and enter upon the discharge of his duties as Road Commissioner, as hereinafter provided. At all general elections for county officers held in Tulare County, after the passage of this Act, a Road Commissioner shall be elected, to hold office for two years, or until his successor is elected and qualified, commencing at the same time with the terms of office of the County Clerk and County Treasurer. To be eligible to the office, said Road Commissioner must be a qualified elector and householder in the County of Tulare.

Returns and canvass.

SEC. 3. At all elections held under the provisions of this Act, returns must be made to the County Clerk, at the same time and in the same manner as other election returns are made, and the Board of Supervisors shall, at their regular meeting for the opening of election returns and counting of votes for county and township officers, canvass the votes for the office of Road Commissioner, and the person receiving the highest number of votes for that office shall be declared elected, and the County Clerk shall immediately thereupon transmit to the person so elected a certificate of his election.

Qualification.

Such person shall, within ten days thereafter, qualify, by filing with the Clerk of the Board of Supervisors a bond in such sum, not less than five thousand dollars, as shall be deemed sufficient by the Board of Supervisors, and by taking and subscribing, before the Clerk of the Board of Supervisors, to an oath, to faithfully and impartially discharge the duties pertaining to the office of Road Commissioner. The said bond shall be made payable to the people of the State of California, and approved by the County Judge, before the said Road Commissioner enters upon the duties of his office.

Road sections.

SEC. 4. It shall be the duty of the Road Commissioner, within fifteen days after the commencement of his term of office, and every two years thereafter, if he shall deem it necessary, lay off and divide the roads in the county by townships, and sections, and number and describe the same in a book to be called the "Road Book of Tulare County." He shall specify therein what he deems necessary for the improvement and keeping in good repair the public roads and highways, when the Commissioner shall have laid off the roads as aforesaid. He shall submit his report to the Board of Supervisors at their first regular meeting thereafter, and the Board of Supervisors shall have power to modify or amend the Commissioner's report. The written assent to the original or modified or amended report of the said Commissioner shall be his warrant for and guide in the performance of his duties, and he

Sale of sections.

shall, within five days thereafter, give at least one week's public notice in some newspaper published at the county seat, designating therein that on a certain day, to be stated in said notice and to be within thirty days from the date of the first publication, he will offer at public sale, in front of the County Court House, each section and subdivision of the public roads of said county to the lowest bidder or bidders, reserving to himself the right to reject any or all bids. At the time and place above specified, it shall be the duty of the said Road Commissioner to attend and sell out at public sale, for the term of two years, each section or subdivision of the public roads lying in Tulare County, to the lowest bidder, but the Commissioner shall have

If not sold.

the power to refuse such bid if he shall deem it too high. If any section or sections of said roads shall remain unsold on account of no bid having been made for the same, it shall be lawful for said Commissioner to thereafter let out such section or sections at private contract; *provided*, that the said Commissioner shall not be interested directly or indirectly in taking or keeping in repair any section or sections of said roads thus let out; *and, provided also*, that not more than the yearly propor-

tion of such purchase or contract shall be paid in any one year; *it is further provided*, that no Commissioner shall sell by public or private contract any section or sections of public highways for a term extending beyond the expiration of his term of office held by election or appointment.

Contractor's bond.

SEC. 5. When the price to be paid for any section or sections of the public highways is more than two hundred dollars per year, and in all other cases where he shall deem it for the public interest, the Commissioner shall exact from the purchaser or contractor a bond, in an amount double that named in the bid or contract, with two sureties, to be accepted by the Board of Supervisors; said bond to be conditioned for the faithful performance of the contract. The said bond shall be filed with the Clerk of the Board of Supervisors, who shall be furnished with and shall keep on file all agreements or contracts of any and all purchasers or contractors, made under bond or otherwise, and the Clerk shall furnish, if desired, such contractor or purchaser with a written copy thereof.

Name and amount.

SEC. 6. Any person or persons purchasing or contracting, under this Act, shall write his or their names respectively in the Commissioner's book, opposite the section or sections contracted for, and also the amount of the contract or purchase price.

Contractor's duties, and remedies for neglect.

SEC. 7. It shall be the duty of contractors or purchasers as aforesaid, to keep their respective sections in good and substantial repair during the term contracted for. Should any neglect or refuse so to do, upon complaint being made to the Commissioner, it shall be his duty to examine the section or sections complained of as soon as practicable, and if he deem the complaints well founded, to notify the parties complained of to make the necessary improvements or repairs, according to the terms of the contract, within ten days thereafter; and if he or they shall continue to neglect or refuse to comply with said notice until the expiration of ten days thereafter, the Commissioner shall cause the said section or sections to be improved or repaired according to the terms of the contract, and the cost of such improvement or repairs shall be recoverable by the Commissioner from the contractor or sureties, in the same manner as other debts are recoverable by law, together with costs of suits.

Transfer and release

SEC. 8. No contract made under the provisions of this Act shall be transferred to a third party without due notice to and the consent of the Road Commissioner. When no bond has been exacted and when a bond has been executed for faithful performance of a contract to keep the public road in repair, the consent of the Board of Supervisors shall also be necessary to release the principal and his sureties, and the Board may require bonds to be given by the third party, as hereinbefore provided for the contractor in the first instance. In case of the death of any contractor, or his removal to a locality or township in or out of the county, remote from the portion of public road contracted for, to be improved or repaired, without disposal of his contract, it shall be the duty of the Commissioner to sell the unexpired term of such purchase or contract, as hereinbefore provided.

Duties. SEC. 9. The Road Commissioner shall take general charge and supervision of all roads in said county, and lay out new and vacate or alter existing roads, if he shall deem it necessary; but in no case shall these powers be exercised except upon Petition. petition in writing, setting forth the necessity for a new road, or the reason for a change or vacation of an old one, signed by at least twelve inhabitants and road taxpayers of the township in which such road is located.

Opening and vacating roads. SEC. 10. It shall be the duty of the Commissioner, if he deem it for the public interest, upon petition of twelve resident taxpayers praying for the opening of a new road, or the alteration or vacation of an old one, or, upon petition signed by one or more persons, praying for a private road or lane from the public road to the rancho or house of the petitioner, to proceed to new grade, survey, and lay out the proposed new road, or make the necessary change in the old ones, marking either upon the ground and noting on the map or draft the new route, and if it passes through private lands, the names of the owners of such lands. He shall in no case locate a public road with a grade above eighteen inches to the sixteen and one half feet, linear measurement. It shall be the duty of the Commissioner Releases. to procure written releases from the owners of lands through which the new road may pass, of all claims for damages which may arise from the opening of the same; and if he fail to procure such releases, he shall appoint three Viewers (the County Viewers, and duties. Surveyor to be one), who shall view and locate said road, and appraise all legitimate damages arising from such location or change. Upon return of the report of the Viewers upon location and damages, the Commissioner shall, if satisfied with the same, submit the claim for damages, if any, to the Board of Supervisors, for their approval or rejection. If the Board Proceedings on approval. approve the same, the Road Commissioner shall immediately declare said road a public highway, and shall divide such road newly made, changed, or altered, as the case may be, into sections, and record the same as hereinbefore provided, and shall have the same sold, contracted, or made, as provided in section four of this Act. In case of the vacation of a road, in whole or in part, the Viewers, appointed and acting as hereinbefore provided, shall view, survey, and report the same to the Commissioner, who, if he deem it proper, and with the sanction of the Board of Supervisors, shall declare such road vacated, and it shall thereupon cease to be a part of the public highway. In this instance, all contracts to repair said road, wholly or in part, shall be annulled by the Road Commissioner, who shall proceed to a settlement with the purchaser or contractor for the amount due upon his contract to the date of its being annulled.

Compensation. SEC. 11. The Viewers or Commission performing service under the provisions of this Act, shall receive as compensation four dollars per day, and actual expenses in going to and from where the contemplated road is situated, and during the time so employed, to be paid out of the County Road Fund; *provided*, that all damages and expenses accruing from the location of any private road or lane, shall be paid by the party petitioning for the same. The Road Commissioner, before acting

upon a petition for a private road or lane, may require from the petitioners such bond as he may deem sufficient, to be held as security for the payment of damages and expenses arising from the location of such road or lane. Liabilities upon such bonds shall be collected as provided by law in similar cases. Indemnity bond.

SEC. 12. The Commissioner shall inspect the roads once every three months, and if he deem the work performed sufficient and according to contract, he shall, if required by the contractor, draw an order on the County Treasurer on the County Road Fund, subject to the approval of the Board of Supervisors, in favor of the said contractor or contractors, for the amount of said work; *provided*, that the contractor or contractors, if dissatisfied with the Commissioner's decision, may apply to a Justice of the Peace, in the said township, or the adjoining one, who, together with the contractors, shall appoint three competent and disinterested persons, not citizens of the township where the work has been performed, to inspect the work, and report to the said Justice whether the said work has been performed according to contract, or otherwise, and their decision shall be final and conclusive. Inspection and pay.

SEC. 13. The Road Commissioner shall embody in his quarterly report, hereinafter provided for, a statement of the condition of all toll roads and toll bridges in the county. When any toll bridge or toll road shall be reported in an unsafe condition, the Commissioner shall appoint a commission of three competent and disinterested persons to make an examination of the condition of such road or bridge, and such commission shall report within three days. In case the commission report the said bridge or road unsafe, the Road Commissioner shall thereupon suspend the collection of tolls thereon, and give the public warning of the danger by posting notices, in large letters, in a conspicuous place, at each end of such road or bridge, and such other places as he may deem proper. If, after such notice, the said toll road or bridge be not immediately repaired, in a manner satisfactory to the Commissioner, he shall procure from the Board of Supervisors an order suspending the franchise or privileges held by the owners of the said road or bridge from the Board of Supervisors, or the State, until the same shall be rendered safe for travel. The Commissioner shall, without delay, serve such order of the Board of Supervisors upon the owner, agent, or keeper of such toll bridge or road; and any person who, after being thus notified, shall neglect to make the necessary repairs, or shall collect, or authorize another to collect, toll upon such road or bridge, until the same shall be safe for travel, shall be deemed guilty of a misdemeanor, and proceeded against under the law governing prosecutions for misdemeanor. Toll roads and bridges. Proceedings when reported unsafe.

SEC. 14. Any bridge or section of the public highway, the cost of which, for building and repairs, shall exceed the sum of three hundred dollars, shall be exempt from sale, provided for in the preceding sections of this Act; *provided*, that the keeping in repair of said bridge may be included in any contract or purchase of any public road adjacent. All contracts for the construction or repairing of any bridge involving a sum exceeding three hundred dollars, shall be let by the Board of Contracts over $300, how let.

Supervisors to the lowest responsible bidder, after notice inviting sealed proposals for such work has been published in some newspaper in the county at least two weeks prior to such letting.

Public property.

SEC. 15. The Road Commissioner shall be the custodian of all public property now belonging to, or which may be hereafter purchased or donated for the use of the public roads of Tulare County, and shall be held responsible for its loss. He shall deliver the same to his successor in office on demand, and take from him a receipt for the same, specifying each article.

Accounts and settlement.

SEC. 16. The Road Commissioner shall keep a detailed and specific account of all sums due or claimed to be due to contractors or purchasers of sections of public roads; and of all orders drawn by him upon the County Road Fund in favor of contractors or purchasers; and of all sums expended by him in improving or repairing public roads sectioned and sold, where the contractors or purchasers have neglected or refused to perform their contracts; and he shall report the same under oath, together with all the transactions of his office, in a quarterly report to the Board of Supervisors. Upon receiving such report, the Board of Supervisors shall make a settlement with the Commissioner, allowing him, for each day of service actually and necessarily performed, the sum of five dollars, together with the sum of ten cents per mile each way for each mile necessarily traveled from the county seat in the inspection of public roads, as provided for in this Act.

Road poll tax.

SEC. 17. Every male resident of Tulare County upwards of twenty-one and under fifty years of age, when the same is demanded, shall pay to the County Assessor or his deputy, in United States gold or silver coin, an annual road tax of two dollars, and such person is entitled to receive, and it is made his duty to demand from the Assessor or his deputy, a printed road tax receipt, signed by the Auditor and countersigned by the Assessor or his deputy, in return for all taxes paid. Any person, when called upon by the Assessor or his deputy, who shall refuse or neglect to pay the said road tax, shall be considered a delinquent, and proceeded against as such, and the Assessor or his deputy shall proceed to collect from him the delinquent tax, in gold or silver coin of the United States, as hereinafter provided.

Enforced collection of poll tax.

SEC. 18. Moneys, credits, and effects of the delinquent, in the hands of third parties, may be attached by the Assessor or his deputy, by delivering to such third party a written order or garnishment, requiring him to pay to the Assessor or his deputy the amount of tax due by such delinquent. If the third party thus served shall pay the amount demanded, he shall be entitled to a road tax receipt therefor made to the delinquent, to which shall be appended a receipt, written by and over the signature of the Assessor or his deputy, for the allowable costs and charges, to wit: three dollars, and this receipt shall be a legal offset to any claim of the delinquent against the party garnished, to the amount specified in the receipt. If the person upon whom the garnishment is served, neglects or refuses to pay the sum demanded, within five days from the serving of notice, the Assessor or deputy

shall apply to a Justice of the Peace of his township, for an order requiring such person to appear before him forthwith, on a day certain, to answer, under oath, concerning any moneys, credits, or effects in his hands, belonging to the delinquent. If it shall appear, to the satisfaction of the Justice, that such party has moneys, credits, or effects of the delinquent in his hands, he shall enter judgment against the party thus examined, for the sum of five dollars and costs, two dollars of which shall be paid to the Assessor or deputy, as the road tax of the delinquent taxpayer, and three dollars to the Assessor or deputy, for his services. Upon receiving the said sum of five dollars, the Assessor or deputy shall execute a road tax receipt, made to the name of the delinquent for the sum of two dollars, signed by the Auditor and countersigned by himself, and to which shall be appended a receipt for the remainder, signed by himself. The judgment rendered against the person served with garnishment, shall be collected in the same manner as other judgments in Justices' Courts, and shall be a legal offset against the delinquent in favor of the judgment debtor. Garnishment. Receipts.

SEC. 19. The Clerk of the Board of Supervisors shall cause proper blank road tax receipts to be printed, in book form, with marginal notes and figures which shall, in proper form, declare that the amount of two dollars in gold or silver coin of the United States has been received from the person (writing his name) to whom the receipt is given; said receipts, before being issued, shall be signed by the Auditor of the county, in writing, and upon delivery to the taxpayer shall be signed by the Assessor or his deputy. Said road tax receipts shall be uniform in appearance, but the style thereof shall be changed annually. No other receipts shall be used by the Assessor or his deputy in the collection of road taxes and the said receipts only in the manner herein prescribed. Blank road tax receipts

SEC. 20. The Auditor shall issue annually to the Assessor, upon his assuming the duties of his office, as many road tax receipts as he may require, taking his receipt for the same, and the receipts so delivered shall be accounted as so much money paid the Assessor, counting each receipt at two dollars coin. The Assessor shall settle with the Auditor at such times as the law now provides for the settlement of poll tax receipts, and all blank road tax receipts returned by him to the Auditor shall be deducted from the amount issued him as aforesaid. All moneys collected by the Assessor as road tax shall be paid monthly into the County Treasury for the benefit of the Road Fund, and he shall take the County Treasurer's receipt therefor, which he shall present to the County Auditor in his settlement with that official, and the Auditor shall credit the Assessor with the sums of money so paid into the Treasury and receipted for by the County Treasurer. The Assessor shall be liable upon his official bond for a failure, by himself or deputies, to assess and collect said road tax from each and every person liable to pay the same, when such tax may and can be collected in the manner hereinbefore provided, for the full amount of said tax and costs of suit, and he may be proceeded against in Issue and account of same. Liable.

the manner and form now provided by the Act for the collection of moneys due the county by the delinquency of the Collector.

Survey of public highways.

SEC. 21. The Board of Supervisors shall cause a survey to be made of all roads in Tulare County which have been declared public highways, and which have not been surveyed heretofore; and also of such roads as have been surveyed where the field notes of the survey have been lost, with such alterations from previous surveys as the Road Commissioner may suggest and advise for the shortening of distances and lessening of grades upon the said roads. The Board of Supervisors shall cause a map to be made, upon which the surveys of all the public roads in the county shall be delineated, and shall cause the field notes of such surveys to be compiled and published in pamphlet form. Of the said map and field notes, there shall be furnished one copy for the use of the Board of Supervisors, one copy for the County Surveyor, and one copy for the Road Commissioner, and such maps and field notes shall be open for inspection, at reasonable hours, upon request by any inhabitant of Tulare County. When any public road connects with a toll road on a line and direction parallel with the same, the County Surveyor, in connection with the owner or agent of the said toll road, shall establish the point at which such roads connect at each end of the toll road, accurately marking and defining the boundaries of the same, and transcribing them in his field notes.

Work and compensation.

SEC. 22. The Board of Supervisors shall authorize the County Surveyor to begin and complete, at the earliest possible day, the survey of all roads embraced within the provisions of this Act, and prepare the field notes, as hereinbefore provided; and the County Surveyor shall receive, as compensation for each day's service actually and necessarily performed while engaged in such duty, the sum of ten dollars; and for each assistant similarly employed, the sum of four dollars per day; *provided*, that if the County Surveyor shall refuse to perform the said labor for the per diem specified above, then the Board of Supervisors may select some other competent surveyor to make such surveys. All contracts let or sold, for the payment of which orders may be drawn upon the Road Fund of the county, either by the Board of Supervisors or the Road Commissioner, shall be let or sold on what have been declared public highways by the Board of Supervisors.

May use dirt, gravel, etc.

SEC. 23. The Road Commissioner, or any contractor for the building or improvement of the public roads, shall have the power to make use of any dirt, gravel, timber, from adjacent unimproved lands, which may be necessary for such building or improvement. The Board of Supervisors may allow such damages, if any, as they may deem just, to the owners or claimants of such lands; *provided*, that the members of said Board shall be liable, jointly and severally, to pay damages to the county at the suit of any citizen and taxpayer, if it shall be made to appear that they have allowed extraordinary damages to such property owners.

Obstructing highways.

SEC. 24. Any person willfully obstructing a public highway, or any street, or lane, by felling any tree across the same, or

by placing any other obstruction therein, or by excavating or digging therein, or who shall destroy a ford or crossing of any creek, gulch, river, or stream, by digging away the banks, or by damming, deepening, or widening the same, or who shall injure or destroy any gutter, sewer, or culvert, constructed for the purpose of carrying water from a public road, he or they shall be liable to prosecution before a Justice of the Peace in the township where the offense is committed, upon complaint of the Road Commissioner, or any citizen of the township; if convicted, he shall be fined not less than twenty dollars nor more than fifty dollars for each offense, and shall forfeit five dollars for each day he shall suffer the obstructions to remain after being ordered by the Road Commissioner, or Justice of the Peace before whom he or they have been prosecuted, to remove the same; *provided*, that if any person shall wish to dig or construct any ditch across a public highway, street, or lane, for the purpose of conveying water for mining, mechanical, agricultural, or other necessary or useful purposes, he shall be permitted to do so, conditioned upon the owner or owners of such ditch constructing and keeping in good repair, at his or their own expense, good and substantial bridges or crossings over such ditch. If the owner or owners of any such ditch shall fail or neglect to construct and keep in good repair such bridge or bridges, he or they shall be liable to prosecution and fine, as hereinbefore provided in this section.

Penalty.

Exception.

SEC. 25. If any person shall willfully destroy or injure any bridge, plank road, or causeway, remove or cause to be removed any plank or timber thereof, or cut down or injure any shade tree, planted or growing in highway, street, or lane, or damage such highway, street, or lane by digging in it, shall be liable to prosecution before a Justice of the Peace of the township where the offense is committed, upon complaint of any citizen, and upon conviction shall be fined not less than five nor more than one hundred dollars for each offense.

Injuries.

SEC. 26. All fines collected under the provisions of this Act shall be paid into the County Treasury for the benefit of the County Road Fund of Tulare County.

Road Fund

SEC. 27. Suit may be brought against the Road Commissioner and his sureties, either by a citizen of the county or by the Board of Supervisors, for neglecting or willfully refusing to perform his duties under this Act, or for malfeasance in office. Such suit may be brought before any Justice of the Peace, or the County Judge of Tulare County, and judgment for damages may be awarded against said Commissioner in favor of the county, which may be collected in such manner as now provided by law in similar cases, and the Board of Supervisors may, for cause, suspend or remove such Commissioner.

Suits.

SEC. 28. Whenever a vacancy occurs in the office of Road Commissioner by removal for cause shown, by removal from the county, resignation, or death of the Road Commissioner, the Board of Supervisors shall appoint another person to act as Commissioner, who shall qualify in the manner hereinbefore provided, and who shall hold office until the next general election, and until his successor is elected, or appointed, and qualified.

Vacancy.

Road tax. SEC. 29. The Board of Supervisors shall have power to levy a property tax, not to exceed thirty cents on each one hundred dollars of real and personal property in the county, for road purposes, to be levied and collected in the same [manner] as other property taxes are levied and collected. The tax thus levied and collected shall be paid into the County Treasury for the benefit of the public roads of the county, and shall become a part of the County Road Fund, to be expended by the Road Commissioner and Board of Supervisors in the manner prescribed by this Act.

Disbursements. SEC. 30. All moneys disbursed by the County Treasurer from the County Road Fund, shall be paid out on orders drawn on said Fund, either by the Road Commissioner, with the approval of the Board of Supervisors, or by the Board of Supervisors sitting as an Auditing Board, in the manner now provided by law.

Records. SEC. 31. All maps and field notes compiled or made as directed by this Act, shall be deemed and considered public records, and the originals and certified copies thereof shall be prima facie evidence in the Courts of this State of the correctness thereof.

Free pass. SEC. 32. The Road Commissioner shall be and is hereby authorized, entitled, and privileged to pass free of toll with his animal and vehicle over any and all toll roads, turnpikes, ferries, or bridges in said county, when in the performance of his official duties.

Unexpired term. SEC. 33. The County Surveyor may, by appointment of the Board of Supervisors, hold the office of Road Commissioner for an unexpired term, or until a general election, at which a Road Commissioner is elected.

Repealed. SEC. 34. An Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six, and all Acts and parts of Acts amendatory of or supplemental thereto in so far as they apply to Tulare County, and all Acts and parts of Acts in conflict with the provisions of this Act, are hereby repealed; *provided*, that this Act shall not be construed to repeal an Act incorporating the City of Visalia.

SEC. 35. This Act shall take effect from and after its passage.

CHAPTER CXCIV.

An Act to amend an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two.

[Approved March 6, 1874.]

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:

Section 3. Each Commissioner, in his district, in September, eighteen hundred and seventy-five, and every two years thereafter, shall lay off and divide the public roads by sections, which he shall number in a book, to be called a road book. He shall distinctly specify therein what he shall deem necessary for the improvement and keeping in good repair the said public roads and highways; and when the Commissioner shall have so laid off the roads, as aforesaid, he shall submit his report to the Board of Supervisors, on the first day of their regular meeting in October, a majority of whom shall have power to amend or modify the same, and who shall give their written assent to the report so amended or modified, which shall be the warrant of the Road Commissioner, and his guide in the performance of his duties; and the Road Commissioner shall, within five days thereafter, give public notice, for at least one week, in one of the daily newspapers of the county, published at the county seat, designating the time and place for the inhabitants of the county to meet in their respective townships, at the principal town in the township designated by the Commissioner in the public notice aforesaid, at which time and place it shall be the duty of said Commissioner to attend and sell out at public sale, for the term of two years, each section or subdivision of said public road lying within said township, to the lowest bidder; but the Commissioner shall have power to refuse such bid, if he shall deem the same too high; and if any section shall remain unsold on account of no bid having been made for the same, it shall be lawful for the said Commissioner thereafter to let out such section or sections at private contract; *provided*, that the Commissioner shall not be directly or indirectly interested in taking or keeping in repair any section or sections so let out, as aforesaid; *and, provided also*, that not more than the yearly proportion of such purchase or contract shall be paid in any one year; *and be it further provided*, that no Commissioner shall sell, by public or private contract, any section or sections of the public highways for a longer term than two years.

Duties of Road District Commissioners.

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 and be in force from and after its passage.

CHAPTER CXCV.

An Act to provide funds for the Town of San Luis Obispo.

[Approved March 6, 1874.]

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

Issue and sell bonds.

SECTION 1. The Board of Trustees of the Town of San Luis Obispo are hereby empowered and authorized to issue and sell bonds of the Town of San Luis Obispo to an amount not exceeding ten thousand dollars, payable in gold coin of the United States, at the office of the Town Treasurer, in the Town of San Luis Obispo, on or before the first day of January, eighteen hundred and eighty-nine, bearing interest not to exceed the rate of eight per cent per annum, and payable annually on the first day of January in each year, in the gold coin of the United States, at the office of the Town Treasurer in said town.

Sum and attestation.

SEC. 2. Said bonds shall be in sums of one hundred dollars each, and shall be signed by the President of the Board of Trustees and Treasurer of said town, and shall have the seal of said town affixed thereto, attested by the Clerk of the Board of Trustees of said town. Coupons for the interest shall be attached to each bond, signed by the Treasurer of said town.

Order for sale.

SEC. 3. Before the sale of said bonds, the Board of Trustees shall, at a regular meeting of the Board, cause to be entered upon the records of said Board an order directing the sale of a special amount of said bonds, and the day and hour of such sale, and shall cause an order of such sale to be inserted in a newspaper printed and published in said town, and in any other newspaper, if they shall deem the same expedient and proper, for at least twenty days, and a notice that sealed proposals will be received by the said Board for the purchase of said bonds.

Sale.

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 any and all bids; *provided*, that no sale shall be made for a less rate than ninety per cent of the par value of said bonds.

Record.

SEC. 4. The amount of bonds sold, their number and date, shall be entered upon the records of said Board in a book kept for that purpose.

Proceeds.

SEC. 5. The proceeds of said bonds shall be paid in to the Town Treasury of said town to the account of such Funds as the Board of Trustees shall direct, and shall be used and expended: First, in payment of the floating indebtedness of said town; second, in paying the costs of construction of bridges across the creeks within said town; third, in opening and improving the streets of said town; and, fourth, in supplying the said town with water by constructing waterworks.

SEC. 6. For the payment within fifteen years of the principal and interest of the bonds issued under this Act, the Board

of Trustees of said town is hereby authorized, and it shall be their duty, to levy annually, at the same time and in the same manner as other town taxes are levied, a tax on all the taxable property in said town, and to fix the rate of per cent of such tax over and above the amount provided by the Acts incorporating said town, sufficient to pay the interest on all bonds sold and unredeemed as herein provided, not exceeding one per cent; 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 in the year eighteen hundred and seventy-nine, and annually thereafter, in addition to the tax for payment of the interest as aforesaid, a tax not exceeding one fourth of one per cent on each one hundred dollars shall be levied as aforesaid, to create a Fund for the final redemption of the said principal of said bonds, at the time when they shall become due; and the faith and credit of the said town is hereby pledged for the prompt payment of the bonds issued by the said town 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.

Interest tax.

Redemption Fund.

SEC. 7. On the first Monday in January, A. D. eighteen hundred and eighty, and in each year thereafter, whenever there remains in the Sinking Fund aforesaid the sum of five hundred dollars more than will pay the interest then due, the Town Treasurer shall advertise, for four weeks, in a newspaper printed and published in said town, for sealed proposals, to be opened ten days after the last of said publications, by the Town Treasurer, in presence of the President of the Board of Trustees of said town, for the surrender of bonds issued under this Act; which advertisement shall state the amount of money he has on hand for the purposes 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*, that 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 Town Treasurer to advertise, in a newspaper within the Town of San Luis Obispo, for two 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 said advertisement, shall not be presented for payment and cancellation within ten days after the expiration of publication of such notice, then said Fund shall remain in the Treasury to discharge said bonds whenever presented; but such bonds shall not draw interest after the expiration of said ten days after publication of notice as last aforesaid.

Proposals for surrender.

Payment and discharge.

SEC. 8 The Town Treasurer shall keep a full and particular account and record of his proceedings under this Act, and of the bonds issued, sold, surrendered, and redeemed; and he shall transmit to the Board of Trustees an annual report, showing all his proceedings under this Act.

Records and report.

Interest, how paid.

SEC. 9. It shall be the duty of the Town Treasurer to pay the interest on said bonds, when the same falls due, out of money in the Sinking Fund appropriated to the payment of the interest thereon; and if the said Interest Fund is not sufficient, to pay the same out of the General Fund.

Provide bonds.

SEC. 10. Immediately after the passage of this Act, the Town Treasurer shall provide suitable bonds under this Act, under the direction of the Board of Trustees, at the expense of said town.

SEC. 11. This Act shall take effect and be in full force on and after its passage.

CHAPTER CXCVI.

[See volume of Amendments to the Codes.]

CHAPTER CXCVII.

An Act making an appropriation for the payment of certain claims in favor of John A. Breuner.

[Approved March 7, 1874.]

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

Appropriation.

SECTION 1. The sum of six thousand three hundred and forty-eight dollars is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, for the purpose of paying the bill of John A. Breuner, for building a cabinet for the use of the State Library; and the sum of two hundred and fifty-four dollars is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, for the purpose of paying the bill of John A. Breuner for use and repair of furniture for the Legislature of the nineteenth session. And the Controller of State is hereby directed to draw his warrant for the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXCVIII.

An Act to prevent the sale of intoxicating beverages on election days.

[Approved March 7, 1874.]

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

SECTION 1. It shall not be lawful for any person or persons keeping a public house, saloon, or drinking place, either licensed or unlicensed, to sell, give away, or furnish spirituous or malt liquors, wine, or any other intoxicating beverages, on any part of any day set apart, or to be set apart, for any general or special election by the citizens in any election district or precinct in any of the counties of the State where an election is in progress, during the hours when by law, in said district or precinct, the election polls are required to be kept open. Election day liquor law.

SEC. 2. Any person or persons violating the provisions of this Act shall be deemed guilty of a misdemeanor.

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

CHAPTER CXCIX.

An Act in relation to the care of orphan and abandoned children.

[Approved March 7, 1874.]

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 officers or managers of each and every orphan asylum in this State, to publish, on the first of January, April, July, and October, in each year, in some newspaper of general circulation published in the county where such asylum shall be situated, a notice, giving the name, age, and sex of each child received into such orphan asylum as an orphan since the last quarterly publication, together with such other information as would be likely to lead to the identification of such child by its relations or friends. Such notice must be published for at least four weeks, if in a weekly, and for at least ten days, if in a daily newspaper. Notice for identification.

SEC. 2. Any parent who shall knowingly and willfully abandon, or who, having the ability so to do, shall fail, neglect, or refuse to maintain his or her minor child under the age of fourteen years, shall be deemed guilty of a misdemeanor, and may be prosecuted and punished therefor, and shall forfeit the guardianship of such child. Any person who shall falsely, Penalty for abandonment.

False representation.

knowing the same to be false, represent to any manager, officer, or agent of any orphan asylum or charitable association for the care of orphans, that any child for whose admission into such asylum application is made, is an orphan, shall be deemed guilty of a misdemeanor, and punished accordingly.

What constitutes abandonment.

SEC. 3. Any parent or guardian who shall knowingly permit his or her child or ward to remain for the space of one year in any orphan asylum in this State, wherein such child shall be supported by charity, and who, during such period, shall fail or neglect to give notice in writing to the managers or officers of such asylum that he or she is such parent or guardian, shall be deemed to have abandoned, and shall forever forfeit all right to the guardianship, care, custody, and control of such child.

Guardianship.

SEC. 4. The officers or managers of the orphan asylum having any such abandoned child in its care, shall have the preferred right to the guardianship of such child, and upon application to the Courts in the manner prescribed by law, shall be duly appointed such guardians, and shall have letters of guardianship.

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

CHAPTER CC.

An Act for the relief of A. A. Bennett, architect of the State Armory and Governor's Mansion.

[Approved March 7, 1874.]

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

To draw warrant.

SECTION 1. The Controller of State is hereby authorized and directed to draw his warrant upon the State Treasury for the sum of two hundred dollars, in favor of A. A. Bennett, or his assigns, being the amount of principal and interest due him for services rendered the State of California as architect of the State Armory and Governor's Mansion, at Sacramento City, prior to the month of January, in the year eighteen hundred and seventy-two.

Appropriation.

SEC. 2. The sum of two hundred dollars of any money in the General Fund of the State Treasury not otherwise appropriated, is hereby appropriated and set apart to pay the warrant directed to be drawn by the preceding section; and the State Treasury is hereby directed and required to pay the same on the presentation of the Controller's warrant therefor.

Exempted.

SEC. 3. This Act is hereby expressly exempted from any and all of the provisions of Article Eighteen, Chapter Three, Title One of Part Three of the Political Code of this State, so far as the same requires claims to be audited by or examined and recommended for payment by the Board of Examiners, and shall take effect and be in force from and after its passage.

CHAPTER CCI.

[See volume of Amendments to the Codes.]

CHAPTER CCII.

[See volume of Amendments to the Codes.]

CHAPTER CCIII.

An Act to change the road law of Kern County.

[Approved March 7, 1874.]

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

SECTION 1. Section fifteen of an Act entitled "An Act to create the County of Kern, to define its boundaries, and to provide for its organization," approved April second, eighteen hundred and sixty-six, be and the same is hereby repealed. Repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCIV.

An Act to provide for the issuance of the bonds of the County of Marin, for the payment of the outstanding indebtedness of said county for road and bridge purposes.

[Approved March 7, 1874.]

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

SECTION 1. The Board of Supervisors of Marin County are hereby authorized and directed to issue, within sixty (60) days after this Act takes effect, the bonds of said county, to the amount of thirty (30) thousand dollars, payable on the first day of January, A. D. eighteen hundred and ninety-four, with interest at the rate of seven (7) 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 Bonds, issue of.

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 said county. Interest coupons shall be attached, signed in like manner.

Payment and cancellation.

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 shall be canceled by the Treasurer in the same manner that county warrants are canceled by him, and shall be deposited by him with the Auditor on making his monthly settlement with the Auditor, which he is hereby required to make on the first Monday of every month, and the Auditor shall give him a receipt therefor.

Date.

SEC. 3. Said bonds shall bear the date of their issuance, and the first coupon shall be for interest from such date up to the first day of January next succeeding.

Interest tax.

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 and Bridge Bond Interest Fund;" and out of said Funds the coupons on said bonds shall be paid as they fall due.

If insufficient.

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 said deficiency out of the General County Road Fund. 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 County Road Fund.

Redemption Fund.

SEC. 6. In and for the year eighteen hundred and eighty-four, 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 and Bridge Bond Redemption Fund."

Proposals to surrender.

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 newspaper published in said county, and 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 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

If no bids.

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 said notice.

Sale. 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.

Notice. 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, except as hereinafter provided, and for not less than ninety per cent of their nominal value.

Bids to purchase. SEC. 10. Bids for the purchase of said bonds shall be made in writing and inclosed in a sealed envelope, 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, in United States gold coin, or in warrants on the Road and Bridge Fund of said county, ten per cent 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 shall receive from the bidder the amount bid, and shall deliver to him or them the bonds purchased. If no bidder attend on the day fixed for the sale of said bonds, or if, from any cause, the sale of said bonds shall not be made on said day, then the Board of Supervisors of said county may again advertise for bids, in the manner and for the time above provided, and shall award said bonds in all respects as hereinbefore provided; *provided*, that the Board of Supervisors shall have the power to reject any and all bids.

Warrants for bonds. SEC. 11. All accounts heretofore allowed and ordered paid by the Board of Supervisors of Marin County, out of the Road and Bridge Fund of said county, are hereby legalized, and all warrants drawn on the Road and Bridge Fund of Marin County prior to the issuance of said bonds, shall be received at par in payment of bids for the purchase of said bonds; but warrants drawn on the Fund of any particular road district, shall not be so received. When said warrants are offered in payment for any of said bonds, said bond or bonds shall not be delivered to the purchaser until the interest on such warrants has been computed, and the amount of principal and interest written on the face of each warrant by the Auditor, who, for that purpose, shall attend where the sale of such bonds is made, and take down a list of the warrants to be surrendered, and data to make the calculation of interest.

Proceeds. SEC. 12. All moneys and warrants derived from the sale of said bonds, shall be immediately paid in to the County Treasury of said Marin County, and the County Treasurer shall give

duplicate receipts therefor, one of which receipts he shall deliver to the Chairman of the Board of Supervisors, and the other of which he shall file with the County Auditor, who shall charge the Treasurer with the amount thereof.

Cancellation of warrants.

SEC. 13. All warrants so received shall be canceled by the Treasurer in the same manner as if he had redeemed them in cash, and shall be deposited by him with the Auditor on making his monthly settlement with the Auditor, in the same manner as other county warrants.

Accounts.

SEC. 14. 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.

Moneys, how used.

SEC. 15. All moneys derived from the sale of said bonds shall be set apart as a Special Road and Bridge Fund, and shall be applied and expended in the payment and redemption of warrants which were drawn on the Road and Bridge Fund of said county prior to the issuance of said bonds, and to the payment of the expenses incurred in issuing said bonds.

Notice of payment.

SEC. 16. As soon as said moneys have been paid in to the County Treasury, the County Treasurer shall give notice, as provided by law, of his readiness to pay the Road and Bridge Fund Warrants mentioned in the preceding section, and which have not been surrendered; and from and after the first publication of said notice, such warrants shall cease to draw interest.

Surplus.

SEC. 17. If the amount of moneys derived from the sale of said bonds is in excess of the warrants on the Road and Bridge Fund mentioned in section fifteen of this Act, the surplus shall be paid into the General County Road Fund; and if there is a deficiency, such deficiency shall be made up by paying the remaining outstanding Road and Bridge Warrants, in the order of their presentation, out of the General County Road Fund.

SEC. 18. This Act shall take effect from and after its passage.

CHAPTER CCV.

An Act to prevent hogs, horned cattle, goats, and horses from running at large in the Town of Martinez, Contra Costa County.

[Approved March 7, 1874.]

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

Unlawful for hogs, etc.

SECTION 1. It shall be unlawful for hogs, horned cattle, goats, or horses, or any number of those animals, to run at large upon the streets or uninclosed lands, in that part of the Town of Martinez, Contra Costa County, within the following general boundaries: Beginning at a point where the fence

Where.

dividing the lands of E. Lazar and L. I. and C. Fish touches the Straits of Carquinez; thence southerly along said fence,

and continuing the same course to the line of the homestead tract of H. Bush; thence westerly along the north line of Bush's homestead tract to the Arroyo del Hambre; thence southerly along said Arroyo to the center of "G" street; thence westerly along "G" street to the western boundary line of the town, as officially surveyed; thence northwardly following the west boundary of the town plat to the Straits of Carquinez; thence eastwardly along the shore of the Straits of Carquinez to the place of beginning.

Constables to take up.

SEC. 2. It shall be the duty of any Constable residing in the Town of Martinez, to take up any of the animals named in the first section of this Act, which may be found running at large upon any of the public streets, or upon any of the open and unineclosed lands embraced within that part of said town described in the first section of this Act, and safely keep such animal or animals, until said animal or animals shall be claimed by the owner, or sold by the Constable, as provided in this Act.

Notice, etc.

SEC. 3. Whenever any of the animals named in this Act, shall be taken up by the Constable as herein provided, it shall be the duty of the Constable to give notice immediately to the owner of such animal or animals, if known, and if unknown, to post notices in three public places in said town, therein describing such animal or animals by color, marks, brands, and ear marks, if any, and other suitable descriptions, and also stating the place where said animal or animals are kept by him; also, that unless the owner shall call for and pay the costs and take charge of such animal or animals, he will sell the same to the highest bidder, for cash, at some place in said town, which shall be designated in said notice, and at a time not less than seven nor more than twelve days after the time when such notices are posted; and if said animal or animals shall not be called for within two days from the time they are taken up, and if the owner be unknown or not notified within two days, the Constable shall also cause a copy of such notice to be published one time before the day of sale, in a newspaper published in said town.

Sale.

SEC. 4. At the time and place specified in said notices, or at such time as the sale shall have been adjourned to (which can only be done at the time and place of sale as designated in the notice, and shall not be more than seven days, and notice of such adjournment shall be attached to the original posted notices), the Constable shall offer said animal or animals for sale, and sell the same at public auction to the highest bidder for cash; *provided*, that the Constable shall offer said animals for sale, and sell them separately, one by one, and shall deliver to the purchaser a bill of sale of the animal sold to him, specifying the price bid and paid, and shall deliver the animal so sold to the purchaser, and after the costs of taking up, keeping, and selling are paid, the Constable making the sale shall pay the balance of the proceeds of sale to the owner or owners of the animal or animals, upon demand, if demanded within sixty days after the sale; otherwise the said money shall, on the sixty-first day after the sale, be paid into the County Treasury of Contra Costa County, and placed to the credit of

Martinez School District, and become a part of the funds of said district.

Pay for keeping, etc.

SEC. 5. The Constable shall be allowed, for taking up and keeping horses, seventy-five cents per day for each horse taken up by him; for each head of horned cattle, seventy-five cents per day; for each head of goats or hogs taken up by him, forty cents per day; and he shall also be entitled to fifty cents for posting notices of sale for each animal, and for making sale and executing bill of sale, one dollar for each horse or head of horned cattle sold, and twenty-five cents for each head of goats or hogs sold by him; also, the amount which shall necessarily be paid by him for publication of notices, as provided in this Act; *provided*, that if the owner of such animal or animals be known, he shall be notified by the Constable of such taking up on the same day, either by personal notice, or leaving a copy at his place of residence, with some person; and the Constable shall be entitled to pay for keeping said animal or animals for one day only, unless the owner refuses or neglects to apply for and pay expenses, and receive such animal or animals, on the same day that he shall receive notice, if he receives notice on the day the animals were taken up.

Provided.

Penalty for neglect to take up.

SEC. 6. Any Constable of said town refusing and neglecting to take up any of the animals named in the first section of this Act, which shall be found running at large upon any of the public streets of said town, or upon any of the open uninclosed lands in that part of said town in this Act described, after having been requested to do so by any citizen of the said town, shall be deemed guilty of a misdemeanor, and, upon conviction, may be fined in a sum not less than five nor more than ten dollars, together with costs; the amount of such fine to be paid into the County Treasury, and placed to the credit of Martinez School Fund.

SEC. 7. Nothing in this Act shall be construed to prevent persons from driving any of the animals named in the first section of this Act, through any of the public thoroughfares of said town.

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

CHAPTER CCVI.

An Act concerning the terms of office and the time of meeting of the Supervisors of Yolo County.

[Approved March 7, 1874.]

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

Terms.

SECTION 1. Each member of the Board of Supervisors of said county shall hold office from and after the second Monday in October next succeeding his election.

SEC. 2. The regular meetings of said Board shall be held on the second Monday of each month. Meetings.

SEC. 3. All Acts and parts of Acts conflicting with the provisions of this Act, shall be considered inapplicable to the County of Yolo. Inapplicable.

SEC. 4. This Act shall take effect and be in force from and after the first day of April, A. D. eighteen hundred and seventy-four.

CHAPTER CCVII.

An Act to provide for the improvement of the roadway leading to the Sacramento City Cemetery.

[Approved March 7, 1874.]

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

SECTION 1. It is hereby made the duty of the Trustees of the City of Sacramento to submit to a vote of the citizens of said city, at the next city election to be held in March, eighteen hundred and seventy-four, a proposition for the improvement of Tenth street in said city, or so much of said street as is embraced between the south line of R street and the south line of Y street, the said portion of said Tenth street being the direct line of communication with the City Cemetery. Vote on improving Tenth street.

SEC. 2. The ballots to be used at the said city election shall have printed on them, in addition to all other necessary words and names, the words "Improvement of Tenth street, yes, no," so that all voters in favor of the improvement may vote "Yes," and all voters opposed to the improvement may vote "No." Ballots.

SEC. 3. If a majority of the citizens who vote shall vote "Yes," then it shall be the duty of the Board of Trustees of Sacramento to levy a tax of two cents on each one hundred dollars of taxable property within the limits of said city, for the purpose of making the said improvement, and keeping the same in repair. Tax.

SEC. 4. The said improvement shall consist of the construction of a sidewalk, and of a permanent and proper grade along that portion of said street indicated in section one of this Act, and of macadamizing or graveling the same with a good quality of stone or gravel, such as is generally used for such purpose, properly prepared, and evenly spread on the surface of said street, to a sufficient depth to make a good, smooth, and permanent roadway. Improvements.

SEC. 5. All the work and materials necessary to be employed in said improvement shall be procured under contract with responsible parties, who must give bonds for the faithful performance of the work according to properly drawn specifica- Contracts for materials.

tions, to be furnished by the City Surveyor and Superintendent of Streets, and the progress and completion of said improvement shall be under the control and supervision of the Superintendent of Streets, and all payments shall be made on his order, to be given only when certain specified portions of the work is completed.

Duties. SEC. 6. If the citizens vote in favor of the improvement, it shall be the duty of the Board of Trustees to take the necessary action to have the said improvement commenced at as early a day as possible, and continued to its final completion, and the tax levied for said improvement shall be set apart and used for that purpose only.

SEC. 7. The tax herein provided for may be levied with the street repair tax, but shall be appropriated exclusively to the purpose designated in this Act.

SEC. 8. This Act shall take effect immediately.

CHAPTER CCVIII.

An Act to repeal an Act entitled "An Act concerning roads and highways in the Counties of Plumas and Lassen."

[Approved March 7, 1874.]

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

Repealed. SECTION 1. An Act entitled an Act concerning roads and highways in the Counties of Plumas and Lassen, approved February third, A. D. eighteen hundred and seventy-two, is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCIX.

An Act supplementary to "An Act to establish a Paid Fire Department in the City of Sacramento, approved April first, eighteen hundred and seventy-two."

[Approved March 7, 1874.]

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

Sell at auction. SECTION 1. The Trustees of the City of Sacramento are hereby authorized and required to sell at public auction, all the right, title, and interest of said city in the lot and building on

Eighth street, between J and K streets, formerly occupied by Protection Engine Company Number Two, and Hook and Ladder Company Number Two, of the Volunteer Fire Department, said building, in accordance with the provisions of the Act to which this is supplementary, having been selected by the Exempt Fireman's Association for its own use and benefit.

SEC. 2. Said sale shall be made before the first of July, eighteen hundred and seventy-four, and shall be advertised in one or more daily newspapers published in the City of Sacramento, for a period of not less than two weeks prior to said sale. Said Trustees shall give a full and complete deed of conveyance to the highest bidder for said property, on the payment of the full amount of the purchase money thereof. The entire cost of said sale, including advertising, shall be paid out of the money realized therefrom, and the balance thereof shall be paid into the Fire Department Fund. When. Conveyance.

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

CHAPTER CCX.

An Act concerning public roads and highways in the County of Monterey.

[Approved March 7, 1874.]

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

SECTION 1. An Act entitled "An Act concerning public roads and highways in the County of Monterey," approved March twenty-fourth, eighteen hundred and sixty-eight, is hereby repealed. Repealed.

SEC. 2. The provisions of the Codes in respect to roads and highways, in all its parts, are made applicable to Monterey County.

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

CHAPTER CCXI.

An Act declaring Alameda Creek, in the County of Alameda, a navigable stream, and providing for the removal of obstructions therefrom.

[Approved March 7, 1874.]

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

Navigable. SECTION 1. Alameda Creek, from its mouth on the Bay of San Francisco to the northwesterly line of Mrs. E. T. Randall's place, is hereby declared a navigable stream.

Removal of obstructions. SEC. 2. Whenever it shall be satisfactorily shown by petition, or otherwise, to the Board of Supervisors of Alameda County, that by reason of obstructions in the channel or bed, said creek is liable to overflow its banks and damage the land on either side thereof, it shall be their duty to cause said obstructions to be forthwith removed.

How done. SEC. 3. The removal of said obstructions may be done under the supervision of the Road Commissioner of the township where said creek is situated, or by a Board of Commissioners appointed by said Board of Supervisors. Said Commissioner or Commissioners are duly authorized to remove said obstructions in any manner that may best accomplish the purpose; *provided*, that in no event shall the growing timber on either bank of said creek be injured or destroyed in the prosecution of said work.

Expenses. SEC. 4. All expense, of whatever nature or kind, necessarily incurred in carrying out the provisions of this Act, shall be defrayed by the parties petitioning therefor. The Board of Supervisors may, if they deem it necessary, require of the petitioners a good and sufficient bond for the faithful performance of the work, as well as for the payment of the cost thereof. In no event shall the cost be a charge upon the County Treasury.

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

CHAPTER CCXII.

An Act to authorize the City of Sacramento to raise and pay to the former owners of land sold to the State of California to enlarge the Capitol grounds, the balance of the purchase price of said lands.

[Approved March 7, 1874.]

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

Special tax for Capitol Park.

SECTION 1. For the purpose of creating a fund, to the amount of twenty-nine thousand eight hundred and eighty-three dollars and seventy cents, to be paid to the former owners of real estate in the City of Sacramento, who deeded and made good their title to the State of California for land to enlarge the State Capitol Park, under the provisions of an Act entitled "An Act to provide additional grounds for the State Capitol Building, in the City of Sacramento," approved April first, eighteen hundred and seventy-two, the Board of Trustees of the City of Sacramento are hereby authorized and required to levy a special tax for the fiscal year eighteen hundred and seventy-three-four, of twenty cents on each one hundred dollars worth of taxable property, which said tax shall be levied, assessed, and collected in the same manner as other city taxes are levied, assessed, and collected.

How levied and disbursed.

SEC. 2. The special tax, herein provided for, may be levied with the bond redemption tax, but shall be disbursed in strict accordance with the provisions of section one of this Act.

Claims, how presented.

SEC. 3. All persons who deeded lands to the State, under the provisions of said Act of April first, eighteen hundred and seventy-two, and whose titles have been approved by the Attorney General, and who have received only a portion of the purchase price thereof from the fund provided by the State for the payment of the purchase price of said lands, shall present their claims for the balance due to Henry Miller, who shall report the same to the Board of Trustees, and, upon the same being approved by them, the Auditor of the city shall draw his warrant on the City Treasury, payable out of the "State Capitol Park Fund," for the respective amounts due each individual; *provided*, the whole amount shall not exceed twenty-nine thousand eight hundred and eighty-three dollars and seventy cents.

Deficiency and excess.

SEC. 4. If the twenty per cent tax provided for in this Act should not produce twenty-nine thousand eight hundred and eighty-three dollars and seventy cents by the first day of June, A. D. eighteen hundred and seventy-four, then the deficiency shall be drawn from the General Fund of the city, and placed in said "State Capitol Park Fund." If the said twenty per cent shall produce more than twenty-nine thousand eight hundred and eighty-three dollars and seventy cents, then the excess shall be transferred by the Treasurer to the General Fund of the city.

Vote on question.

SEC. 5. The provisions of this Act shall not take effect, or have any force whatever, unless a majority of the qualified

electors of the City of Sacramento voting thereon, at the election for City Trustees, to be held in said city in the year eighteen hundred and seventy-four, shall vote in favor of levying said tax.

SEC. 6. On the day provided by law for the election of City Trustees for the City of Sacramento, in the year eighteen hundred and seventy-four, the electors of the city shall vote: "State Capitol Grounds Fund Tax—Yes;" or, "State Capitol Grounds Fund Tax—No;" and if a majority voting on said question shall vote "Yes," then the provisions of sections one, two, three, and four of this Act shall be in full force and effect; but if a majority of those voting on said proposition vote "No," then no further proceedings shall be had under this Act.

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

CHAPTER CCXIII.

An Act to protect agriculture in the County of Butte.

[Approved March 10, 1874.]

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

Animal trespassing

SECTION 1. Any owner or occupant of cultivated land, whether it is inclosed or uninclosed, finding any animal or animals thereon, to the injury of such cultivation, may take up and keep, and must properly keep and care for the same, until claimed and paid for by the claimant, or the same is or are disposed of in accordance with the provisions of this Act.

Notice when owners known.

SEC. 2. If the owner or owners of such trespassing animal or animals is or are known to the person or persons taking them up, he or they must give immediate notice of such trespass and taking up to the owner or owners of such trespassing animals, in writing, serving the same personally, or by depositing the same, post paid, in the Post Office, directed to the owner or owners, at the Post Office nearest to the place of his or their residence.

When unknown.

SEC. 3. When the owner or owners of such stock is or are unknown, written notices containing a full description of the same, with marks and brands, and stating the cause and time of such taking up, must be posted in three of the most public places in the township.

Fees and charges.

SEC. 4. The fees and charges for taking up, keeping, and advertising, and of giving notice to owner or owners, shall be the same as are allowed by law to Sheriffs or Constables for similar services.

Arbitration of damages.

SEC. 5. If the owner or owners cannot agree with the person or persons taking up, as to the amount of fees, charges, and damages, each party may choose one disinterested person, and they two may choose a third, to serve as arbitrators, to deter-

mine the amount. The award shall be in writing, signed by the arbitrators, or a majority of them, and delivered to the party in whose favor the award may be made, who shall file the same either with the Clerk of the District Court of the county, or in the office of a Justice of the Peace of the township, according as the amount awarded shall be within the respective jurisdictions, and the award shall be entered by the Clerk in the Judgment Book, or by the Justice of the Peace in his docket, and shall thereupon have the effect of a judgment.

Lien.

SEC. 6. Any judgment which may be entered under the provisions of this Act shall be a lien upon the animal or animals taken up, and they may be sold in satisfaction of the judgment.

Action for damages.

SEC. 7. At the expiration of ten days, if no owner has been found, or no settlement obtained, action may be commenced by the person or persons taking up, as in other civil cases, against the owner or owners, if known, or against the animal or animals taken up, or against both, to recover the damages by such trespass, and costs of taking up, keeping, and advertising.

When owner may demand.

SEC. 8. Any owner or owners of stock taken up under the provisions of this Act, may, at any time previous to the sale, demand and shall be entitled to the possession of such stock, or any portion thereof, upon making satisfactory proof of ownership, and paying the charges, or his or her proportion of the charges, fees, and damages; and after the sale, may, at any time within six months, redeem said animal or animals, by producing satisfactory proof of his or her right thereto, and paying the purchaser the purchase money, with interest at the rate of one per cent per month, together with reasonable compensation for the keeping of said animal or animals.

Record and contents.

SEC. 9. A Justice of the Peace, before whom any judgment may be entered under the provisions of this Act, shall keep a book, which shall be open to public inspection as similar public books are kept, and shall make a record therein of all sales made under this Act, a description of the animal or animals sold, the price received, the name of the purchaser, the amount of fees and charges, and the amount of surplus money, if any, arising from such sale; and when such surplus is paid to the owner, he shall receipt on the margin opposite the record; and the Justice shall, without charge, give the book over to his successor in office, and also any surplus money in his hands, arising from any sale under this Act, and take receipt for same; and any money remaining in the hands of any Justice for six months, unclaimed, from sales under this Act, shall be paid over to the County Treasurer for the use and benefit of the School Fund of the county, the Justice of the Peace taking therefor the receipt of the County Treasurer, which he shall file in the office of the County Auditor.

Surplus moneys.

Misdemeanor.

SEC. 10. Any owner or occupant of a tract of land or possessory claim, which may lie in a district to which this Act applies, who shall drive or cause to be driven any animal or animals upon his land or possessory claim, with the intent to avail himself of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in the sum of not more than two hundred dollars and not less than one hundred dollars.

Same.

SEC. 11. Any person or persons leading off or driving away any animal or animals taken up under this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, be fined in the sum of not less than fifty dollars; and all surplus moneys arising under this and the next preceding section shall go to the County School Fund, in the same manner and way as directed in section nine (9) of this Act.

To apply where.

SEC. 12. This Act shall apply to all that portion of Butte County bounded as follows: On the east by the California and Oregon Railroad; on the north and west by Butte Creek and the boundary line between the Counties of Butte and Colusa; and on the south by the boundary line between Butte and Sutter Counties.

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

CHAPTER CCXIV.

An Act to promote irrigation in the County of Los Angeles.

[Approved March 10, 1874.]

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

Superintendent of Irrigation.

SECTION 1. The office of Superintendent of Irrigation for the County of Los Angeles is hereby created. A Superintendent of Irrigation to fill such office shall be chosen in the manner hereinafter specified, and his duties shall consist:

Duties.

First—In promoting an efficient, and as nearly as possible, a uniform system of irrigation throughout the county;

Second—He shall superintend, advise, and direct the Water Commissioners hereinafter provided for, of each and every irrigation district in said county;

Third—He shall visit the different parts of the county, whenever he may deem it advisable, for the purpose of inspecting and initiating works of irrigation of any kind or description, and shall take all needful steps to improve the same;

Fourth—He shall make an annual report to the Board of Supervisors of said county, which shall contain a full and complete statement of his acts and doings, in his official capacity, during the preceding year; the manner in which the system herein provided for has operated; and shall suggest and recommend such improvements as he shall deem necessary to perfect such system;

Fifth—He shall be paid a salary, to be fixed as hereinafter provided, in the same manner and out of the same fund as the District Attorney;

Sixth—Before entering upon the duties of his office, he shall take and subscribe to the usual official oath, and file an undertaking, with sureties, to be approved by the Board of Supervisors of said county.

Appointment.

SEC. 2. The Board of Supervisors shall, in the first instance, appoint said Superintendent of Irrigation, who shall remain in office until the first Monday of March, eighteen hundred and seventy-six. At the general election in the year eighteen hundred and seventy-five, there shall be elected a County Superintendent of Irrigation, who, after being duly qualified as herein provided, shall enter upon the discharge of his official duties on the first Monday of March, Anno Domini eighteen hundred and seventy-six. The term of office for the Superintendent so elected shall be two years, or until his successor shall be duly elected and qualified.

Election.

Action on petition.

SEC. 3. When a majority of the property owners, or their legal agents, residing in a section which is or may be made an irrigation district, shall, by petition, request said Superintendent to create an irrigation district of the lands of the locality in which they reside, the Superintendent shall, as soon as his official duties will permit, visit the locality, and thoroughly examine as to the feasibility of the undertaking; the quantity of water available; the possibility of increasing the supply, if necessary, and the practicability of constructing the required dams, ditches, flumes, reservoirs, or other irrigation works required to render the said water supply available for irrigation purposes. If he shall decide that such works as may be needed can be profitably constructed, he shall order a preliminary survey to be made at the expense of the applicants for the proposed new district, by a competent engineer, to ascertain the cost and practicability of said work. If, after the report of the engineer has been made, he shall deem the construction of said works feasible and advisable, he shall order the engineer to ascertain, by actual survey, the exterior boundaries of the lands which can be irrigated by said water supply. All the lands within such exterior boundaries susceptible of irrigation, and so far as the water at command will supply, shall constitute said district. The Superintendent shall thereupon notify the Board of Supervisors, who shall order an election, as hereinafter provided, by the qualified electors of said district, who will, on the day appointed, proceed to elect three Water Commissioners, and upon the same ballot vote "Yes" or "No," upon the question "Shall a tax be levied to pay for the proposed irrigation works?" If a majority of the ballots cast are in favor of said tax, it shall be levied. If a majority of the said ballots are against the tax, it shall not be levied. It shall be the duty of the Water Commissioners of the district, as soon as practicable, to meet and levy the tax provided in this section.

Lands.

Tax election.

Extension of boundaries.

SEC. 4. When a majority of the property owners, or their legal representatives, residing in a section which is not included in any irrigation district, shall, by petition, request said Superintendent to extend the boundaries of any irrigation district so as to include the lands of the locality in which they may reside, the Superintendent shall proceed in the same manner as in the formation of new districts, as provided in section three of this Act.

Water Commissioners.

SEC. 5. On the day of the general election, there shall be held an election in each water district, at which three Water Commissioners shall be chosen by the qualified electors of the district, who shall hold office for one year.

Vacancy.

Second—At the same election, whenever the office of County Superintendent is vacant, or is about to become vacant, said qualified electors will also elect a County Superintendent, who will hold his office for two years, unless he is elected to fill an unexpired term, in which case he will hold office for the remainder of such term, and until his successor is duly elected and qualified.

Notice of election.

SEC. 6. It shall be the duty of the Board of Supervisors to issue a proclamation when ordering an election, specifying the object for which such an election is to be held, at least thirty days before the appointed day of election, and have the same published, at least once each week, for four successive weeks, in some paper published in the county, having the largest circulation in the section or district where such election is to be held.

Qualified electors.

SEC. 7. No person shall be considered a qualified elector at any water district election, except the owner or legal representative of property paying a tax, or which is liable to be taxed for irrigation purposes in the district.

Election and returns

Second—It shall be the duty of the Judges and Inspectors of Elections to prepare a separate ballot box, in which the ballots of said qualified electors shall be deposited. After the closing of the polls, the ballots shall be counted as usual, and all of the ballots and one tally list shall be securely sealed and promptly forwarded to the County Clerk, the other tally list to be kept for at least six months by the Judge of Election.

Contested election.

Third—In case of a contested election, all proceedings must be conducted in accordance with the State laws governing contested elections in other cases.

Canvass.

Fourth—The County Clerk shall deliver the said ballots and tally lists to the Board of Supervisors, as provided by law for other election returns. The said Board shall proceed to examine the ballots and tally lists, and if it appear that the election has been legally conducted, the Board of Supervisors shall issue certificates of election to the party receiving the greatest number of votes.

Vacancy.

Fifth—Should a vacancy occur in the Board of District Water Commissioners, it shall be the duty of the County Superintendent to appoint some suitable person, legally qualified, to fill such vacancy; and such appointee shall hold office until the next general election, and until his successor in office has been duly elected and qualified in accordance with the provisions of this Act.

Qualification.

Sixth—The Water Commissioners, when elected as hereinbefore provided, shall, before entering upon the duties of their office, and within ten days after receiving official notice of their election, each take and subscribe to the usual official oath, and file an official bond in the sum of two thousand dollars, with sureties to be approved by the Board of Supervisors. Said Water Commissioners shall, subject to the approval of the County Superintendent, have the exclusive control of all waters

of every kind and description, used for irrigation purposes, in the district for which they have been elected.

Seventh—The Water Commissioners shall receive the same compensation and mileage as the County Supervisors, and shall have full power to appoint or discharge an Overseer and his assistants, and to fix the amount of their compensation, and to pay the same. Compensation.

Eighth—The Water Commissioners shall fix the price at which water shall be sold, charging therefor a sum sufficient to pay the district proportion of the salaries of the County Superintendent and District Attorney; the mileage of the Superintendent when attending to the necessary and especial business of the said district; the salary and mileage of the said Commissioners and their necessary employés; ordinary repairs, and all other current and incidental expenses of the water district. Price of water.

Ninth—Said Commissioners shall so conduct their business as to make the sale of water for irrigation purposes, and rent of the same for a water power, produce a sum sufficient to accomplish the objects hereinbefore specified, and no more, in each district. Sum to be realized.

Tenth—In the preliminary location of the main ditches, great care must be taken to bring out the water at the greatest elevation possible, or advisable, consistent with reasonable cost, to the end that the water may irrigate the greatest possible extent of country, and that the water used upon the lower levels may be previously utilized as a water power, thus diminishing the cost of the water to the farmer. Choice of location.

Eleventh—When from any cause extraordinary repairs are required, said Water Commissioners, with the approval of the Superintendent, shall have authority to levy a tax, sufficient to pay for such repairs, upon the lands. The Board of Water Commissioners shall in all cases decide what are irrigable lands, and no property except lands subject to irrigation shall be taxed for irrigation purposes. Repair tax.

Twelfth—When any work, intended to increase the existing water supply or improve existing facilities for irrigation, is proposed, the Water Commissioners shall ascertain as nearly as practicable, the probable cost of the work, and if the Superintendent approve the same, he shall notify the Board of Supervisors, who shall order an election as hereinbefore provided; and if at such election it shall appear that a majority of the votes are in favor of such improvement, then the Commissioners will be authorized to do the proposed work and levy a tax to pay for the same; but, on the contrary, if a majority of the votes cast are opposed, then the said work shall not be performed, nor shall a tax be levied therefor. Elections on special improvements.

SEC. 8. The District Overseers herein provided for, before entering upon the duties of their office, shall each take the usual official oath, and give bonds for the faithful discharge of the duties of his office, in the sum of one thousand dollars ($1,000), his sureties to be approved by the Board of District Water Commissioners. Qualification of Overseer.

Second—He shall obey all orders of the District Board of Water Commissioners, by whom he is appointed. He shall have control and direction, under the Commissioners, of all Duties.

subordinate employés, and the power to suspend them from duty, reporting the same to the Water Commissioners for final action.

Same. *Third*—He shall supervise the distribution of water to parties presenting orders from the Commissioners, in the quantity paid for, each in his turn, according to the number upon their tickets: the first on the list to be first served, and so on in rotation, until all are served.

Election. *Fourth*—As soon as practicable after the passage of this Act, it shall be the duty of the Board of Supervisors to order a special election in each water district, for the purpose of electing a District Overseer for each district, who shall be ex officio Assessor and Tax Collector for his water district.

Powers. *Fifth*—The Overseer shall have power to arrest any and all persons for unlawful interference with ditches, dams, reservoirs, or other irrigating works.

Deposit moneys. *Sixth*—He shall deposit all moneys received from taxes, water sales, and all other sources, with the Treasurer of said district.

Organization. SEC. 9. The Boards of Water Commissioners, provided for in this Act, shall, at their first meeting, choose one of their number for President, another as Auditor, and another as Treasurer.

Treasurer. *Second*—The Treasurer shall safely keep all moneys received by him, from whatever source, to be paid out only upon drafts signed by the President of the Board of Water Commissioners for the district, and countersigned by the Auditor. All sums above five hundred dollars shall be deposited with the County Treasurer for safekeeping. The County Treasurer shall keep the moneys so deposited in special and separate Funds, known and designated as "Water District Fund No. ——," the number of the Fund to correspond with the number of the district to whose credit the moneys are deposited, to be paid out only upon drafts duly signed by the President of the District Board of Water Commissioners, countersigned by the Secretary, and approved by the County Superintendent.

Secretary. *Third*—The Board of Water Commissioners may appoint, as Secretary, a member of the said Board, whose duty it shall be to attend all meetings thereof, and keep an accurate record of all proceedings, in durable form, and to whom they are authorized to pay a suitable salary. The said Boards of Water Commissioners shall meet regularly one day every two weeks, or oftener, in their discretion, to receive applications from parties desiring to purchase water for the ensuing two weeks. All parties applying for water, must pay to the Treasurer the price of the quantity of water apportioned, at which time the Secretary shall enter, in a book kept for that purpose, each in turn, according to priority of application, the names of the applicants, and shall furnish to each a card or water ticket, which shall be numbered and dated.

Meetings and applications for water.

Powers. *Fourth*—The Boards of Water Commissioners, with the approval of the County Superintendent, may acquire, by purchase or otherwise, any lands, ditches, dams, water, and water rights which it may be found necessary to acquire for the

proper and effective construction and management of the works of irrigation.

Fifth—In case such dams, lands, ditches, water rights, and water cannot be acquired by voluntary sale upon the part of owners, then said Board shall have power to proceed to condemn the same for the use of the district, in the manner prescribed by Title VII of the Code of Civil Procedure; *provided*, that in said condemnation no one shall be deprived of water sufficient to irrigate the amount of land heretofore under irrigation and actual cultivation, but no apportionment shall exceed such amount, except in equal ratio with all other lands in the district not before irrigated, but the cultivation of which is desired. Same.

Sixth—The Treasurer of the Board shall give the usual notice of the time when taxes already due will become delinquent, and shall be ready to receive said taxes, at his office, in some convenient place, for six hours per day, during the last six days before the said taxes become delinquent, to give all persons opportunity to pay; after which time, all delinquents shall be proceeded against according to the tax law of the State of California. Tax notice.

SEC. 10. The District Attorney of the said county shall be the legal adviser of both the County Superintendent and the several Boards of Water Commissioners. He shall prosecute all suits in which they are plaintiffs, and defend all suits in which they are defendants; and for his services in this capacity, he shall receive a salary out of the District Water Funds, each district paying an amount proportionate to its assessed valuation. District Attorney.

The Supervisors of the county are hereby empowered to fix the amount of the said salary; the same being proportioned to the amount of labor performed. Salary.

Second—Should there, at any time, be a scarcity of water, then in that case the water shall be apportioned to each person in proportion to the amount of water which has heretofore been used, owned, or acquired by him under the laws of the State of California, reference being had to the date of acquirement, and no more water shall be apportioned than shall be necessary, without waste, to irrigate the actual amount of land under cultivation, or bearing crops to be benefited by such apportionment; but at no time shall there be apportioned to persons having previously acquired rights any more water than they were entitled to previous to this enactment, until all irrigations in said district have been supplied under the apportionment; and then the surplus water, if any, shall be distributed among irrigators in proportion to the number of acres under cultivation. Scarcity of water.

Third—The water for the several ditches in the various districts shall be measured and divided by means of boxes at least five feet long and four feet wide; the lower end of which shall be closed, except as hereinafter provided, and the upper end shall be without obstruction to the flow of water. At the depth of six inches from the top of the lower end of each box, there shall be an opening extending entirely across the bottom of the box, and of a depth sufficient to permit of the unob- Water, how measured.

structed passage of the water. In measuring the water, the Overseer shall fill the box so as to maintain, as nearly as may be, a constant head of six inches above said opening, so that the division of the water into irrigating heads may be as nearly equal as practicable, where the same is taken from the main ditch.

What and how used.

Fourth—All waters from rains, rivers, or streams, which can be applied to irrigation purposes, are hereby declared the property of the people, to be held for their use, and so utilized as to confer the greatest possible good upon the greatest number. When springs rise upon the lands of private owners, the waters thereof must be used without waste, and when not used for irrigation, domestic purposes, or for watering stock, must be permitted to flow, without hindrance, in their natural channels, or collected in reservoirs for future use; not, however, to the detriment of those who have taken up and are now using such waters for irrigation purposes.

Artesian wells.

SEC. 11. The owners of artesian wells in Los Angeles County, when the water therefrom is not used for irrigation, are hereby required to diminish the flow of the same, by capping the wells or otherwise, only permitting a flow of water sufficient for domestic purposes, and for watering stock. If, when notified by the County Superintendent to check and regulate the flow from any wells, as contemplated by this Act, any well owner, or his lessee, agent, or representative, having charge of the same, shall refuse or neglect to do so, the County Superintendent shall direct the District Attorney to bring suit against such person or persons, and when convicted, they shall pay a fine of fifty dollars ($50) for each offense.

Misdemeanor.

SEC. 12. The cutting or willful damage of ditches or other irrigation works, or the unauthorized taking of water from any ditch, dam, or reservoir, holding or carrying water for irrigation purposes, or the drainage of cesspools or other filth into any irrigating ditch, or the obstruction of the flow of water in any irrigating ditch, is hereby declared a misdemeanor, punishable by a fine of not less than fifty nor more than one thousand dollars, or by imprisonment in the County Jail not less than five nor more than thirty days, or by both fine and imprisonment, at the discretion of the Court.

Exempted.

SEC. 13. Nothing contained in this Act shall be construed as applying to the City of Los Angeles, or to the waters of the Los Angeles River, which are hereby specially exempted from its operation.

SEC. 14. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed, so far as relates to the County of Los Angeles.

SEC. 15. This Act shall be in force and take effect from and after the date of its passage.

CHAPTER CCXV.

An Act to prevent hogs and goats running at large in the Town of Fiddletown, Amador County.

[Approved March 10, 1874.]

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

SECTION 1. It shall be unlawful for hogs or goats to run at large in the Town of Fiddletown, Amador County. Hogs, etc.

SEC. 2. It shall be the duty of the Constables of Township Number Six, Amador County, to take up all hogs and goats found running at large within the limits of the town site of the Town of Fiddletown. Who to take up.

SEC. 3. The Constables shall proceed to sell all such animals taken up under the provisions of this Act, by giving at least five days' public notice of such sale, by posting notices in three public places within the town site where such animals are so taken up; and all moneys arising from such sale shall, after the expenses of taking up, keeping, and selling are paid, be paid by the Constable to the owner or owners of the animal or animals, upon demand, if demanded within thirty days from the date of sale; otherwise it shall, at the expiration of the said thirty days, be paid into the County Treasury of Amador County, and placed to the credit of Fiddletown School District, and become a part of the Fund of said district. Notice and sale.

SEC. 4. Any Constable purposely refusing or neglecting to take up all hogs or goats running at large within the limits of the town site of Fiddletown, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars and not more than twenty-five dollars. Misdemeanor.

SEC. 5. Nothing in this Act shall be construed to prevent persons from driving such animals through any of the public thoroughfares of said town.

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

CHAPTER CCXVI.

An Act to allow the San Diego and Arizona Mining Company to change its principal place of business from San Diego to the City and County of St. Louis, in the State of Missouri.

[Approved March 10, 1874.]

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

Remove principal place of business.

SECTION 1. The San Diego and Arizona Mining Company is hereby empowered to change its principal place of business from San Diego to the City and County of St. Louis, in the State of Missouri. Before such removal is made, the consent, in writing, of the holders of two thirds of the capital stock must be obtained, and filed in the office of the company. When such consent is obtained, notice of the intended removal must be published for thirty days in some newspaper published in the City of San Diego, giving the name of the county where said company is situated, and the place to which it is intended to remove it; *provided*, that within thirty days after the passage of this Act, the said company shall designate some person residing in the County of San Diego 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.

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

CHAPTER CCXVII.

An Act to authorize the Controller of State to issue duplicate warrants to J. T. Bailey.

[Approved March 10, 1874.]

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

Duplicate warrants.

SECTION 1. The Controller of State is hereby directed to draw a duplicate of warrants No. Three Hundred and Seventy-three, dated July nineteenth, eighteen hundred and sixty-five, for the sum of thirty-two dollars, No. Six Thousand Two Hundred and Forty-five, dated October twenty-third, eighteen

hundred and sixty-six, for the sum of two hundred and eighty dollars, payable out of the Swamp Land Fund of Swamp Land District No. Thirty-eight, and deliver said duplicate warrants to J. T. Bailey, the owner of the original warrants, alleged to have been lost or destroyed.

Indemnity bond.

SEC. 2. Before receiving said duplicate warrants, said J. T. Bailey 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 five hundred dollars.

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

CHAPTER CCXVIII.

An Act to abate the squirrel nuisance in certain counties of the State of California.

[Approved March 10, 1874.]

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

Nuisance.

SECTION 1. Squirrels infesting lands in the Counties of Contra Costa and Alameda are hereby declared a public nuisance.

Who to abate.

SEC. 2. It shall be the duty of every person owning, claiming, or occupying land situate in the said counties, to keep the land so owned, claimed, or occupied, clear of squirrels; and any failure in said duty shall be deemed a sufficient cause for the public, through its authorized agents, to enter upon such land and abate the nuisance by destroying the squirrels thereon; and such owner or claimant, together with the lands owned, claimed, or occupied, are hereby declared to be liable for all costs and expenses incurred for destroying the squirrels thereon as in this Act provided; and all costs and expense incurred as in this Act provided, are hereby declared a lien upon and against all the lands so owned, claimed, or occupied, upon which said expenses are incurred; and such lien shall not be removed until payment or sale has been made to satisfy such costs and expense.

Squirrel districts and Inspector.

SEC. 3. The Board of Supervisors shall create squirrel inspection districts, composed of one or more school districts, and shall appoint one suitable person in each of the said districts to the office of Squirrel District Inspector. Said Board shall be governed, as far as practicable in their judgment for the best interest of the district in making such appointments, by the recommendation of the land owners, claimants, and occupants of land in such district. The appointee shall qualify with the usual oath of office, and such bond as the Board of Supervisors may require, and hold office during the pleasure of the said Board of Supervisors. The Board of Supervisors shall

promptly fill any vacancy that may occur, from any cause, in the said office, and the said Inspectors shall be held responsible to the owner or occupant for any unreasonable or unnecessary damage that may occur in entry upon lands for the purpose of destroying squirrels.

Compensation.

SEC. 4. Each of the said Inspectors shall be entitled to compensation at a rate not exceeding three dollars per day for actual service, to be paid as hereinafter provided.

Information.

SEC. 5. Each Squirrel District Inspector provided for by this Act, shall, upon request, and without charge, give needful information in the use of poison or implements for the destruction of squirrels, to land owners, claimants, and occupants of lands in his district.

When to destroy.

SEC. 6. On the first Monday of October in each year, the land owners, claimants, and occupants of land in each Squirrel Inspection District provided for by this Act, shall commence destroying the squirrels on all their lands infested by squirrels, and shall faithfully and continuously prosecute such work until the squirrels are all destroyed.

Proceedings on neglect or refusal.

SEC. 7. When there has been refusal or neglect for two weeks, by any land owner, claimant, or occupant of land in any Squirrel Inspection District provided for by this Act, to comply with the provisions of the last preceding section of this Act, the Inspector of such district shall employ men and means sufficient, and proceed at once to destroy all the squirrels upon such neglected lands, and shall cause to be filed a notice of such intention in the Recorder's office of the county, designating the name of the delinquent owner, if known, and the land, by name or other description sufficient for its identification; shall serve notice in writing to occupant of such land of having filed such notice of intention, and shall keep an exact account of all expenses, including his own per diem, incurred upon such neglected lands as owned, claimed, or occupied, separately and together, with the description of the land as above provided, file the same with the County Recorder, on or before the next succeeding first day of April; *provided*, that the owner, claimant, or occupant may present himself to the said Inspector at any time before the filing of such account, and settle the same by paying all actual expenses. The said Inspector, in such case, will omit the filing, and pay himself and employés for the work done on the land and so settled for. Immediately after the filing of the aforesaid accounts and description of land, the County Recorder shall add ten per cent to such accounts, and proceed immediately to record the same in a book to be kept by him for that purpose. The said record shall be deemed to impart constructive notice of the aforesaid lien to all persons, and shall be deemed to relate to the time of filing the notice of intention, as herein provided.

On public lands.

SEC. 8. On the first Monday of October in each year, the Inspectors shall each employ all needful help and means, and proceed to destroy all the squirrels upon unoccupied public lands in his district, and shall keep an exact account of the expense incurred upon such land, and file the same with the County Recorder, on or before the next succeeding first day of April.

Special duties.

SEC. 9. During the months of January, February, and March of each year, the Inspector shall, when he has reason to believe there are squirrels in any part of his district, inspect any tracts he has reason to believe to be infested, and if the squirrels are found upon private lands owned, claimed, or occupied, and no sufficient or adequate means, in his judgment, are being used to destroy the same, he shall employ all necessary help and means and proceed at once to destroy all the squirrels therein, in like manner as provided for destroying squirrels upon neglected lands in section seven of this Act; and he shall keep and file exact accounts and descriptions as provided for in said section. If the squirrels are upon public lands unoccupied, he shall proceed in like manner, and file his account as provided for in section eight of this Act.

Penalty for neglect.

SEC. 10. Each and every person owning, claiming, or occupying lands in any Squirrel Inspection District, who refuses or neglects to comply with the requirements of this Act, is hereby held liable for and declared to be indebted to the county in which such land is situated, to the amount of the actual expenses incurred by the Inspector in destroying the squirrels upon such land, as shown by the account of such Inspector filed with the County Recorder, where payment may be made to said Recorder any time within ninety days after the filing of such account, together with the accrued fees. When payment is made to the Recorder aforesaid, he shall give his receipt for the same, and enter note of the same in the margin of the record of the satisfaction of the lien, which shall release and discharge the lien upon such land. The said Recorder shall be entitled to one half of the aforesaid ten per cent on all collections so made; and the Supervisors shall make a reasonable allowance to the Recorder for recording the accounts chargeable against public lands.

Suit to recover.

SEC. 11. When the account of any Inspector has been on file with the County Recorder ninety days, unpaid, the said Recorder shall pass the account over to the District Attorney, and the District Attorney shall add fifteen per cent to the account for attorney's fees, and then he shall bring suit in the name of the people of the State of California in the proper Court, to recover the amount of the account and percentage. He may bring as many actions, either to foreclose the lien or against the persons liable in the premises, as may be necessary to enforce the claim. Service of summons in all suits of foreclosure under the provisions of this Act, shall be made by publication for the period of two months in such newspaper of the judicial district as may be ordered by the Judge of the Court in which suit is to be brought, the said order for publication to be indorsed by the Judge upon the complaint prior to the filing of the same; and the service shall, in all cases, be deemed complete at the expiration of ten days after the before designated term of publication has been completed.

Proceedings in sale.

SEC. 12. The proceedings in sale and redemption of property to satisfy liens under the provisions of this Act, shall be prescribed in sections three thousand seven hundred and seventy-six, three thousand seven hundred and seventy-seven, three thousand seven hundred and seventy-eight, three thousand

seven hundred and seventy-nine, three thousand seven hundred and eighty, three thousand seven hundred and eighty-one, three thousand seven hundred and eighty-two, three thousand seven hundred and eighty-three, three thousand seven hundred and eighty-four, three thousand seven hundred and eighty-five, and three thousand seven hundred and eighty-six of the Political Code, for the collection of delinquent taxes, so far as the provisions of said sections are applicable, and not in conflict with the provisions of this Act.

Defendant's answer.

SEC. 13. The defendant in answer to suit may plead: First—That he did not claim, own, or occupy the land on which the squirrels were destroyed. Second—That the squirrels were not destroyed.

Owner's duties.

SEC. 14. It is hereby required of any land owner, claimant, or occupant of land upon which the aforesaid Inspector has commenced destroying squirrels, to assist such Inspector when it is convenient; and when such owner, claimant, or occupant is destroying squirrels or rendering assistance, he shall be deemed to be in the employ of the said Inspector; and it is further required of such land owner, claimant, or occupant, when he knows of live squirrels upon his lands so owned, claimed, or occupied, prior to the aforesaid first day of April, to notify the said Inspector of such fact.

Squirrel tax.

SEC. 15. The Board of Supervisors of the Counties of Contra Costa and Alameda, at the time of levying other county taxes, shall levy a tax sufficient for the requirements of this Act; *provided*, that in Contra Costa such tax shall not exceed forty cents on each one hundred dollars worth of taxable property in the county, and in the County of Alameda such tax shall not exceed ten cents on each one hundred dollars worth of taxable property in the county; which tax shall be assessed and collected as other county taxes, and paid into the County Treasury, to the credit of the Squirrel Nuisance Abatement Fund, which is herein provided.

Squirrel Fund.

SEC. 16. The County Recorder and District Attorney shall each pay over all the money received by either of them, in accordance with the provisions of this Act, to the County Treasurer, to the credit of the Squirrel Nuisance Abatement Fund, except such as is provided for their fees.

Compensation.

SEC. 17. All employés of the Inspector, provided for by this Act, shall be entitled to compensation, which shall not exceed two dollars per day for actual service, and, when not paid by the Inspector, to be paid as hereinafter provided.

Expenses.

SEC. 18. All expenses incurred in carrying out the provisions of this Act, when not settled for by land owners, claimants, or occupants, shall be paid from the Squirrel Nuisance Abatement Fund provided by this Act. Warrants drawing ten per cent per annum interest shall be issued by order of the Board of Supervisors on all approved claims thereon, payable by the Treasurer from the said Fund.

Account under oath.

SEC. 19. Each Squirrel District Inspector shall render an account, under oath, to the Board of Supervisors, for all the money he receives of land owners, claimants, and occupants, by and on account of the provisions of this Act, and he shall

present all claims for himself and employés, verified, to the Board of Supervisors.

SEC. 20. The owner of any land, or any party claiming an interest in or lien thereon, in the aforesaid counties, shall have the right to enter upon the same, for the purpose of destroying squirrels, in case the lessee or other occupant shall neglect to destroy them. And parties so entering shall be responsible for any unreasonable or unnecessary damages to the premises or crops from such entry; and no entry on lands, for the real or nominal purpose of destroying squirrels thereon, shall be deemed or held to establish or give color of claim to the property, except as herein provided, nor is any authority herein given of entry upon lands for other purposes than inspection and destruction of squirrels, as is in this Act provided. In case of leased lands.

SEC. 21. This Act shall take effect and be in force from and after the first day of June, in the year one thousand eight hundred and seventy-four.

CHAPTER CCXIX.

An Act to amend an Act supplementary to an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, approved March thirtieth, eighteen hundred and seventy-two.

[Approved March 10, 1874.]

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

SECTION 1. Section two of an Act supplementary to an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, approved March thirtieth, eighteen hundred and seventy-two, is hereby amended to read as follows:

Section 2. The license tax imposed by this Act shall be paid quarterly, in advance, and shall be collected by the Secretary of the Exempt Firemen's Association of the City of Sacramento, who shall give a receipt for the same, signed by the President and Secretary of the said association; and all such licenses now due and unpaid shall be collected in full to the first day of January, eighteen hundred and seventy-four, and quarterly thereafter, and shall be appropriated in the manner prescribed in section seventy-five of the Act of April twenty-fifth, eighteen hundred and sixty-three; *provided, however*, that after March thirty-first, eighteen hundred and seventy-five, said license shall be collected by the Collector of the City of Sacramento, under the same general regulations, restrictions, and authority which govern the collection of other city licenses. The City Collector shall pay to the City Treasurer all licenses thus collected, and the same shall be accredited to the Fire Department Fund. License, collection, etc.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed. This Act shall take effect from and after its passage.

CHAPTER CCXX.

An Act to authorize the Board of Supervisors of Inyo County to levy a special tax, for the purpose of paying E. Chaquette for building bridges for said county.

[Approved March 10, 1874.]

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

Tax to pay bridge debt

SECTION 1. The Board of Supervisors of the County of Inyo are hereby authorized, and it shall be their duty, to levy a special tax of fifteen cents on each one hundred dollars taxable property in said county, for the purpose of paying E. Chaquette the balance due to him from Inyo County, for building bridges in said county. Said taxes shall be collected at the same time and in the same manner as other taxes are collected for said county and State purposes.

Amount.

SEC. 2. When the amount of money collected under and by virtue of this Act shall amount to the sum of five thousand three hundred dollars, together with interest, no more taxes shall be collected for said purpose; but if, in any one year, an amount shall be collected exceeding the amount herein authorized to be raised, the amount of such excess shall be placed to the credit of the Fund of said county provided for the redemption of outstanding warrants.

Warrant.

SEC. 3. The Board of Supervisors of said Inyo County are hereby authorized, and it shall be the duty of said Board, at its first regular meeting after the passage of this Act, to require the Auditor of said county to draw a warrant or warrants on the Treasurer of said county, payable out of the taxes collected under this Act, in favor of said E Chaquette, for the sum of five thousand three hundred dollars, with interest at the rate of seven per cent per annum, from the date of said warrants.

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

CHAPTER CCXXI.

[See volume of Amendments to the Codes.]

CHAPTER CCXXII.

An Act for the protection of settlers on public lands claimed by the State.

[Approved March 10, 1874.]

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, no claim shall be made by the State to any land as swamp or overflowed, nor shall the same be segregated by authority of the State, for which preëmption or homestead patents have been issued by the United States, or upon which there are settlers, occupying the land in good faith, who have filed their preëmption or homestead declaratory statement; nor shall the Register of the State Land Office receive any application for swamp or overflowed land, unless the application be accompanied by a certificate from the Register of the United States Land Office for the district in which the land is situated, that there is no preëmption or homestead filing upon the land sought to be purchased. No claim against bona fide settlers.

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

CHAPTER CCXXIII.

[See volume of Amendments to the Codes.]

CHAPTER CCXXIV.

An Act to provide for the appointment of an additional Notary Public for the County of Los Angeles.

[Approved March 10, 1874.]

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

SECTION 1. For the County of Los Angeles an additional Notary Public shall be appointed by the Governor, to reside at Anaheim, who shall hold office for the term of two years, and until his successor is appointed and qualified. Additional Notary.

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

CHAPTER CCXXV.

An Act to amend an Act entitled an Act to reincorporate the Town of San Luis Obispo, approved March fourth, eighteen hundred and seventy-two.

[Approved March 10, 1874.]

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

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

Corporate name.

Section 1. The corporation and body politic and corporate, now existing and known as the Town of San Luis Obispo, shall remain and continue to be a body politic and corporate in name and in fact, by the name of the Town of San Luis Obispo, and by that name shall have perpetual succession, may sue and be sued, and defend in all Courts and places, and in all matters and proceedings whatsoever, and may have and use a common seal, and the same alter at pleasure, and may purchase, receive, accept, hold, and enjoy real and personal property, and sell and dispose of the same for the common benefit. The boundaries of the Town of San Luis Obispo shall be as follows:

Boundaries.

Beginning at a point on the line between townships thirty and thirty-one south, range twelve east, Mount Diablo meridian, said point being east twenty chains distant from the corner to sections one and two and thirty-five and thirty-six, and running thence north one hundred and forty chains; thence west one hundred and forty chains; thence south one hundred and twenty chains to the northeasterly boundary line of the Rancho Laguna; thence following said boundary line of the Rancho Laguna southeasterly to its intersection with the aforesaid line between townships thirty and thirty-one south, range twelve east, and thence following said township line east to the point of beginning.

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

CHAPTER CCXXVI.

An Act supplemental to an Act to reorganize the Board of Supervisors of Napa County, and for other purposes, approved February twenty-fifth, A. D. eighteen hundred and seventy-four.

[Approved March 10, 1874.]

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

SECTION 1. Robert Brownlee, Fred. W. Ellis, and Joseph Mecklenburg shall continue to act as members of the Board of Supervisors of Napa County, until the end of the terms for which they were respectively elected; *provided*, that the death, resignation, or removal from office of said Brownlee, Ellis, and Mecklenburg, or either of them, shall create no vacancy in said Board, but shall end the term for which such member was elected. To continue.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXXVII.

An Act to quiet title to certain lands in Napa and Solano Counties.

[Approved March 10, 1874.]

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

SECTION 1. In all cases in which purchases have been made and patents issued by the United States for lands embraced within any sixteenth or thirty sixth section, on what is known as the Suscol Rancho, in the Counties of Napa and Solano, such patents shall be deemed and held to convey the legal title to the land so patented, notwithstanding any adverse claim of this State thereto; and the State of California hereby relinquishes to the purchasers named in such patents, or their heirs or assigns, all its right, title, and interest in and to the lands in such patents described; *provided*, that this section shall only apply to and affect those lands on said Suscol Rancho for which the State has heretofore received, or may hereafter receive, other lands in lieu or indemnity for the supposed loss. State quitclaims. Certain lands.

SEC. 2. This Act shall not affect or impair any vested right acquired by any one to whom a certificate of purchase or patent has been issued by the proper officers of this State, in pursuance of any of its laws. Rights unimpaired.

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

CHAPTER CCXXVIII.

An Act to incorporate the City of Santa Barbara.

[Approved March 10, 1874.]

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

Corporation.

SECTION 1. The territory described in the second section of this Act, and the inhabitants thereof, are hereby declared to be a municipal corporation, under the Political Code of this State.

Boundaries.

SEC. 2. The boundaries of the said city shall be as follows: Commencing at the southwest intersection of Robbins and Mission streets; thence running northeast on the westerly line of Mission street to the northern boundary of the pueblo lands of Santa Barbara, as established by the final survey and patent of said lands by the Government of the United States; thence easterly on the said boundary line to a point opposite the easterly line of Salinas street; thence southeast along the course of Salinas street to the intersection of Salinas and Carpenteria streets; thence along the easterly line of Salinas street to a point in the Santa Barbara Channel, one half mile distant from the shore; thence westerly, parallel with and one half mile distant from the shore, to a point opposite the southwest line of Robbins street; thence northwest, following the direction of the southwest line of Robbins street, to the place of beginning.

Officers.

SEC. 3. The Common Council of the said city shall consist of five members, who, with the Mayor, Marshal, Assessor, Tax Collector, and Police Judge, shall be chosen at an election to be held in said city on the first Monday of April, A. D. eighteen hundred and seventy-four, and on the first Monday in April every succeeding year thereafter, and shall hold their office until their successors are elected and qualified. The Mayor shall be the President of the Council, and shall have the casting vote in case of tie; and neither Mayor nor Councilmen shall receive any compensation for their services. The Marshal, Assessor, Tax Collector, and Police Judge must be elected by the qualified voters of said city at large.

Sell and convey lands.

SEC. 4. The Mayor and Common Council of the said city are hereby authorized and empowered to sell and convey any of the lands which belong to the said city, as successor of the Pueblo of Santa Barbara; *provided*, that such lands shall be appraised by five disinterested freeholders, residents and qualified voters of said city, who may be selected and remunerated in the manner to be prescribed by ordinance, and shall be required to take and subscribe an oath or affirmation before the Police Judge of said city, or some other competent officer authorized to administer oaths, that they will faithfully and impartially discharge the duties required of them according to the best of their judgment and ability, and will make true report in writing of their action in the matter to the Mayor and the Council. And the land so appraised shall not be sold for less than such appraised value.

SEC. 5. The City of Santa Barbara shall succeed to all the rights, titles, interests, possessions, credits, immunities, liabilities, debts, and obligations, in law and equity, that may pertain to the Town of Santa Barbara at the time this Act shall take effect. Shall succeed.

SEC. 6. Until the said city shall pass other ordinances, the ordinances heretofore passed, pursuant to law, by the Trustees of the Town of Santa Barbara, shall be legal, effectual, and operative, and the same shall be enforced by the city officers until others in their stead shall be passed and published; *provided*, that no ordinance approving, confirming, or ratifying any resurvey of the City or Town of Santa Barbara, is included in this provision. Ordinances in force.

SEC. 7. The said City of Santa Barbara is hereby authorized to borrow the sum of twenty thousand dollars, in gold coin, upon the faith and credit of the city, in order to provide means for the prevention and extinguishment of fires, and towards the maintenance of a fire department in said city; to erect a city hall and jail; to improve its parks and plazas; to purchase or lease the necessary grounds for engine houses; to make provision for the health and police of said city, and for such other incidental purposes as the administration of the city government may require. Powers.

SEC. 8. To secure such loan of money, the said city is hereby authorized to cause to be issued the bonds of the said city, to the amount of twenty thousand dollars, gold coin of the United States, in sums of one thousand dollars each, with interest coupons attached, payable, in like gold coin, at the rate of eight per cent per annum, the principal sum of twenty thousand dollars to be paid in twenty years, and the interest to be payable annually, and thereby to pledge the faith of the said city for the payment of the same. Such bonds and interest coupons shall be executed in the name of the City of Santa Barbara, and shall be signed by the Mayor of said city and by the City Clerk, and each of the said bonds shall have affixed thereto the corporate seal of the said city, and shall be numbered consecutively from number one to number twenty, and shall be registered in the office of the City Treasurer, and shall be countersigned by him. Bonds.

SEC. 9. The Mayor of said city is hereby authorized to negotiate the said loan, on the faith of the said bonds, as the Common Council shall by ordinance direct, but in no event shall any of said bonds be sold at a less rate than ninety per cent of their par value. Sale.

SEC. 10. To provide for the payment of the said bonds and the interest thereon, and the current expenses of the said city, an annual tax shall be assessed, and levied and collected, not exceeding one per cent; and one third of the money resulting from the said tax shall be devoted to the payment of the annual interest of the said bonds, and constitute a sinking fund for their redemption. Interest tax.

SEC. 11. Neither the Mayor nor any member of the Common Council shall receive any salary or other compensation for his official services as such Mayor or member of said Common Council. No salary

Repealed. SEC. 12. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

First election and canvass. SEC. 13. This Act shall take effect and be in force on the first Monday of April, A. D. eighteen hundred and seventy-four; but the County Judge of the County of Santa Barbara shall give notice of the first election for the elective officers of the said city, and canvass the vote thereat, and declare the result thereof, in the same manner as if this Act took effect immediately.

CHAPTER CCXXIX.

[See volume of Amendments to the Codes.]

CHAPTER CCXXX.

An Act for the relief of Center School District, County of Solano.

[Approved March 11, 1874.]

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

Order for amount of note. SECTION 1. The Trustees of Center School District, Solano County, shall draw their orders upon the County Superintendent of Schools of Solano County, in favor of Jerome Banks, for the amounts said district is indebted to said Jerome Banks upon a certain promissory note given by the Trustees of said district to said Jerome Banks, for his services as teacher in said district during the year eighteen hundred and seventy-one, said note bearing date February twenty-eighth, eighteen hundred and seventy-two, and given for four hundred and seventy-two dollars and eighty cents ($472 80), with interest thereon at one and one half per cent per month.

Warrants for amounts. SEC. 2. The County Superintendent of said Solano County shall, upon the presentation of said orders, register the said orders, and shall draw his warrants upon the County Treasurer for the amounts thereof, whenever there is funds to the credit of said district sufficient to pay one or more of said orders, until all of said orders are paid.

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

CHAPTER CCXXXI.

An Act concerning certain public reservations of the City and County of San Francisco.

[Approved March 11, 1874.]

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

Mountain Lake Park.

SECTION 1. So much of the land situated around the sheet of water known as "Mountain Lake," marked "Park" on the official map of the outside lands of the City and County of San Francisco, as lies within the official survey of the lands confirmed by Acts of Congress and the decisions of the Federal Courts confirming said lands to said city and county, shall be hereafter known as "Mountain Lake Park." Also, that strip of land bounded west by the Pacific Ocean, referred to in the first section of an Act of the Legislature of this State, approved March twenty-seventh, eighteen hundred and sixty-eight, entitled "An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco," which is particularly described in the ninth section of the order confirmed by said last mentioned Act, and which, on said official map, is designated as "Great Highway," shall be hereafter known and designated by such name. All the provisions of an Act entitled "An Act to provide for the improvement of public parks in the City of San Francisco," approved April fourth, eighteen hundred and seventy, and also all the provisions of an Act amendatory of and supplemental to the same, approved March thirtieth, eighteen hundred and seventy two, so far as the same may be applicable, shall apply to all and singular the lands in this section described, and also to the lands referred to in section two of this Act.

Great Highway.

Lands for reservoir.

SEC. 2. The Park Commissioners, appointed or elected, or to be appointed or elected, under and by virtue of said Acts of April fourth, eighteen hundred and seventy, and March thirtieth, eighteen hundred and seventy-two, are hereby authorized to purchase, or if unable to purchase at what they may deem a reasonable price, to condemn and appropriate to the public use, lands suitable for a reservoir for irrigation, connected with the improvements upon said park.

Powers and privileges.

SEC. 3. For the purpose of condemning and appropriating land for a reservoir, the said Park Commissioners shall have and enjoy all powers and privileges that are by law accorded to water companies in general, or to any particular water company or companies, and shall exercise that power in the manner and form now provided, or hereafter to be provided in cases of condemnation and appropriation of land by such water companies. In like manner the said Commissioners may proceed to obtain all necessary rights of way for flumes, pipes, and other contrivances for conveying water to and from said reservoir. And all rights and privileges which are now or hereafter may be granted by the State, or by said city and county, to any

water company, to use the public streets or highways for laying pipes, erecting gates, hydrants, and other appliances needful for the conveyance and control of water, are hereby granted to the said Park Commissioners, but subject to the same conditions, regulations, and restrictions.

Park bonds

SEC. 4. The Mayor, Auditor, and Treasurer of the City and County of San Francisco, are hereby authorized and directed, upon any requisition which the said Park Commissioners may make, to issue park bonds of the denomination of one thousand dollars, not to exceed in the aggregate the sum of two hundred and fifty thousand dollars. Said bonds shall be signed by the Mayor, Auditor, and Treasurer of the said city and county, and shall be payable in thirty years from the first day of April, eighteen hundred and seventy-four, bearing interest at the rate of six per cent per annum; the principal and interest payable at the said city and county The interest shall be payable semi-annually, viz: on the first of October and April of each year. The coupons attached to said bonds shall be signed by the said Treasurer.

Payment.

SEC. 5. The principal and interest of the said bonds shall be payable in gold coin of the United States of America. 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 said principal and interest in said gold coin.

Security.

SEC. 6. All and singular the parks, avenue, highway, and reservoir, described or referred to in said Acts of April fourth, eighteen hundred and seventy, and March thirtieth, eighteen hundred and seventy-two, and in this Act, are hereby pledged, and shall be deemed mortgaged as security for the redemption of said bonds, and of all bonds hitherto created and issued by said Commissioners.

Disposition of bonds.

SEC. 7. As soon as said bonds are prepared, the Treasurer of said city and county may, and if requested by said Park Commissioners, shall sell, from time to time, so many thereof as the said Commissioners direct, 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; but said bonds shall not be sold or disposed at less than ninety per cent of their par value, and the proceeds thereof shall be immediately placed in the Treasury of said city and county, and credited to the Park Improvement Fund; *provided*, the Mayor, Auditor, and Treasurer may reject any and all bids for said bonds.

Interest tax.

SEC. 8. The Board of Supervisors of the City and County of San Francisco are hereby authorized and required to levy upon all taxable property within said city and county, a special tax, for the purpose of meeting said interest, and of providing for the gradual or ultimate redemption of said bonds. Said tax shall be levied annually, and shall be assessed and collected in the same manner and at the same time as other city taxes. All moneys received from this tax shall be placed to the credit of the Park Interest and Sinking Fund.

SEC. 9. Whenever after A. D. eighteen hundred and eighty-four, there shall be in the Park Interest and Sinking Fund a balance of at least ten thousand dollars over and above what may be necessary for the payment of said interest, said Treasurer shall endeavor to redeem outstanding bonds, by advertising for proposals. Said Treasurer, Mayor, and Auditor shall meet and consider all proposals, and they, or a majority of them, shall accept or reject; but no proposal shall be accepted for a higher rate than par. Whenever any proposal shall be accepted, the usual notice and demand shall be given and made; the amount due on the proposal so accepted shall be audited and paid, and the redeemed bonds with their coupons canceled. Should no proposal be accepted or made, the amount of said balance shall, according as said Mayor, Auditor, and Treasurer, or a majority of them, shall deem best, be paid over to the Park Improvement Fund, or invested in securities of the said city and county, of this State, or of the United States. Redemption of investment

SEC. 10. The Park Commissioners are hereby prohibited from contracting any debt or debts, liability or liabilities, which, together with existing liabilities, shall exceed the amount of money that may be realized from the sale of the bonds provided for in this Act. Any violation of this provision shall be a misdemeanor, and shall be punished as provided by law; and all contracts made or debts contracted in violation of this section, shall be void. Liabilities.

SEC. 11. This Act shall take effect immediately.

CHAPTER CCXXXII.

An Act to provide for the construction of a common wagon road from Healdsburg, in Mendocino Township, in Sonoma County, to Pine Flat, in said county.

[Approved March 11, 1874.]

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

SECTION 1. For the purpose of constructing a common wagon road, free to the use of every one, from Healdsburg to Pine Flat, in Sonoma County, the Board of Supervisors of said county are hereby invested with all the powers and charged with all the duties conferred and imposed upon them by the Act entitled "An Act concerning roads and highways in Sonoma County," approved March twenty-third, eighteen hundred and seventy-two, and particularly by section eighty-two (82) of said Act, authorizing the construction of macadamized or plank roads. Road bonds.

SEC. 2. In addition to the regularly established road districts of said county now in existence, Mendocino Township, and all that portion of Washington Township lying east of and includ- Special road district.

ing the Healdsburg and Geyser Springs Toll Road of said Sonoma County, is created a special road district, for the purposes of this Act, to be known and designated as the "Healdsburg and Pine Flat Road District."

Special tax election.

SEC. 3. In lieu of acting on the petitions provided for in section eighty-two (82) of the Act of eighteen hundred and seventy-two, hereinbefore mentioned, the Board of Supervisors of said county may order a special election to be held in said township, at which there shall be submitted the question of whether the taxpayers of said township will tax themselves for the purpose of constructing said common wagon road. If at said election a majority of the voters who are liable under the Act hereinbefore mentioned to road taxes shall vote "Healdsburg and Pine Flat Road Tax, Yes," the Board of Supervisors shall levy the tax proposed at the first meeting of the Board held after said election, and cause the said tax to be assessed and collected, as hereinafter provided, and paid into the County Treasury, to and for the use of the said road district by this Act created, and shall levy such tax from year to year, as may be necessary to pay the contract price for the construction of said road, and to pay off any and all bonds which said Board may cause to be issued for that purpose, together with the fixed interest thereon.

Assessor and Collector.

SEC. 4. At the election to impose the tax by the preceding section provided for, there shall be elected some qualified citizen of the said road district as special Assessor to make the assessment for the purposes of this Act, and some qualified citizen of said road district to collect the same; they shall each take the oath of office, and give such official bond as the Board of Supervisors of Sonoma County may require, for the faithful performance of their duties, who shall hold office for the term of four years, unless the indebtedness created for the purposes of this Act shall be sooner paid, in which case their offices shall cease.

Tickets; returns; canvass.

SEC. 5. Those only who are qualified to vote for or against the tax shall have a vote for such Assessor and Collector. Any form of ticket to be used at said election may be adopted by the Board of Supervisors as they shall deem proper, the form to be designated in the order providing for calling the election, the returns to be made, the election officers appointed, the votes canvassed, and the result declared by the Board of Supervisors as provided for general elections in the Political Code.

Notice.

SEC. 6. The Board of Supervisors shall, as soon as may be after the passage of this Act, call the election hereinbefore provided for, by proclamation, and publish the same at least ten days before the day fixed for said election, by posters, at the various election precincts in said township.

Expenditure.

SEC. 7. The Board of Supervisors shall exercise a sound discretion in providing for the expenditure of the Road Fund hereby created, in and about the construction of said road, and shall cause the same to be constructed by contract, or otherwise, for the entire road or in sections, require bonds from contractors, or others, for the faithful performance of the work, and shall, in person or by agent, review the work and be satis-

fied of its being properly performed, before making payment for the construction of the road.

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

CHAPTER CCXXXIII.

An Act to repeal an Act entitled "An Act to encourage the destruction of squirrels, gophers, and other wild animals in the Counties of Santa Clara, Monterey, and San Joaquin, and create a bounty therefor," approved March twenty-sixth, eighteen hundred and seventy, so far as the same relates to Santa Clara County.

[Approved March 11, 1874.]

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

SECTION 1. An Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals in the Counties of Santa Clara, Monterey, and San Joaquin, and create a bounty therefor, approved March twenty-sixth, eighteen hundred and seventy, so far as the same relates to the Counties of Santa Clara, Monterey, and San Joaquin, is hereby repealed. Repealed.

SEC. 2. The repeal of said Act shall not affect the collection of the delinquent taxes now levied and due in the County of Santa Clara by authority of said Act, but said taxes shall be collected, and the payment thereof enforced, the same as if said Act were not repealed. Not to affect.

SEC. 3. All rights and claims now accrued under said Act in said Counties of Santa Clara, Monterey, and San Joaquin, are hereby expressly preserved; but all such claims shall be presented to the Board of Supervisors of said counties on or before the first day of June, eighteen hundred and seventy-four; and if not so presented within said time, they shall be from thenceforth barred; and if there is not sufficient money in the County Fund of said counties to pay said claims, they shall be paid out of the General Fund of said counties. Claims preserved.

SEC. 4. All moneys remaining in the Bounty Fund of said Counties of Santa Clara, Monterey, and San Joaquin, after the payment of the claims provided for by the last preceding section, shall be transferred by the Treasurer of said counties to the General Fund thereof. Remaining moneys.

SEC. 5. This Act shall take effect immediately.

CHAPTER CCXXXIV.

An Act ratifying and confirming action of the City Council of the City of Oakland for the relief of W. W. Foote.

[Approved March 11, 1874.]

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

Confirmed. SECTION 1. That the action of the City Council of the City of Oakland, Alameda County, by resolution adopted May nineteenth, eighteen hundred and seventy-three, allowing and ordering paid to W. W. Foote five hundred dollars, on account of legal services rendered in the matter of the removal of the county seat from San Leandro, in said county, to the City of Oakland, out of the General Fund of said city, be and the same is hereby ratified and confirmed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXXXV.

An Act to repeal an Act entitled an Act concerning roads and highways in the County of Sutter, approved March twenty-ninth, eighteen hundred and seventy.

[Approved March 11, 1874.]

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

Repealed. SECTION 1. An Act entitled an Act concerning roads and highways in the County of Sutter, approved March twenty-ninth, eighteen hundred and seventy, and all Acts amendatory of and supplemental thereto, are hereby repealed.

SEC. 2. This Act shall take effect and be in force from and after the first day of May next ensuing.

CHAPTER CCXXXVI.

An Act in relation to public schools in Marin County.

[Approved March 11, 1874.]

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

SECTION 1. The School Superintendent of Marin County shall, immediately after this Act takes effect, and on the first Monday in March each and every year thereafter, make a fair estimate of the amount of money required for the purpose of maintaining a public school, including the costs of repairs and other necessary expenses, in the school district known as Dixie School District, in said county, for the ten months thence next ensuing. He shall deduct said sum, when ascertained, from the total amount of school moneys to the credit of said Dixie District, in the County Treasury; he shall thereupon distribute the surplus thus ascertained among the other school districts in said county, except said Dixie District, in the same manner as other school moneys are distributed. Estimate amounts for schools.

SEC. 2. Immediately after making such distribution, he shall notify the County Treasurer thereof, and of the deduction made from said Dixie District, and the County Treasurer shall make the proper entries accordingly in his books. Book entries.

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

CHAPTER CCXXXVII.

An Act authorizing the Board of Supervisors of Mariposa County to allow compensation to Manuel De Silva and brother, for maintaining a ferry.

[Approved March 11, 1874.]

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

SECTION 1. The Board of Supervisors of Mariposa County are hereby authorized and empowered, to allow and order annually such compensation as to said Board shall appear just and expedient, to Manuel De Silva and brother, their successors and assigns, for keeping and maintaining a ferry at Split Rock, in said county, for each year during which they shall keep and maintain said ferry, under a license issued to them by order of said Board; such compensation being in addition to the tolls which they are or may be duly authorized to collect. Compensation.

SEC. 2. Upon any allowance being made and ordered, in pursuance of section one of this Act, and upon the order of said Board, the Auditor of said county shall draw and deliver Warrant therefor.

to said Manuel De Silva and brother, or their successors or assigns, his warrant, drawn upon the Treasurer of said county, in their favor, and payable out of the Road Fund of said county, for the sum so allowed.

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

CHAPTER CCXXXVIII.

An Act to legalize the act of the Board of Trustees of Susanville School District, in borrowing money, and to provide for the payment of same.

[Approved March 11, 1874.]

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

Legalized. SECTION 1. The act of the Board of Trustees of Susanville School District, in the County of Lassen, in borrowing the sum of nineteen hundred and fifty dollars, for the purpose of completing the school house in said district, is hereby legalized and declared valid, and the amount of said sum remaining unpaid, together with the interest thereon, is a valid and binding claim against said school district.

Special tax. SEC. 2. An ad valorem tax of seventy cents on each one hundred dollars value of taxable property of said school district, is hereby levied each year until said sum is paid, not exceeding five years, for the purpose of paying the amount so borrowed, and the interest thereon.

Assessor and Collector. SEC. 3. The property in said district shall be assessed and the taxes collected by an Assessor and Collector elected by the electors of said district, on the first Saturday in June of each year.

Call. SEC. 4. The election must be called as provided in section eighteen hundred and thirty-one of the Political Code.

Notices. SEC. 5. The notices must specify the time and place of holding the election, and the purpose for which it is held.

Code to apply. SEC. 6. The property in said district must be assessed as provided in section eighteen hundred and thirty-seven of the Political Code; the assessment must be equalized as provided in section eighteen hundred and forty of said Code; and the taxes collected and the roll returned by the Collector, as provided in section eighteen hundred and forty-one of said Code.

Delinquent taxes. SEC. 7. Within ten days after the return of the roll of the Collector, the Trustees must make out a list of all persons and property delinquent, and deliver the same to the Collector, who must proceed to collect the delinquent taxes and costs of collection, in the manner provided for the collection of State and county delinquent taxes; and all the taxes not collected by the Collector shall be added to the assessment roll for the succeeding year, unless stricken off by the Board of Trustees.

SEC. 8. In case of a vacancy in the office of Assessor or Collector, from any of the causes mentioned in section eighteen hundred and forty-two of the Political Code, the Board of Trustees must [must] call another election to fill such vacancy. Vacancies.

SEC. 9. The compensation of Assessor and Collector must be fixed by the Board of Trustees, and paid out of the money collected. Compensation.

SEC. 10. The same person may be elected both Assessor and Collector. Both.

SEC. 11. The Collector must execute an official bond in an amount to be fixed by the Board of Trustees. Bond.

SEC. 12. This Act takes effect immediately.

CHAPTER CCXXXIX.

An Act granting to the Sierra Iron Company the right to construct a road in Sierra and Plumas Counties.

[Approved March 11, 1874.]

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

SECTION 1. The right of eminent domain may be exercised by the Sierra Iron Company, a corporation under the laws of the State of California, for the construction of a wooden railroad from their mine in Sierra County, through Mohawk Valley, Sierra Valley, and Beckwith Pass, to the line between the State of California and State of Nevada. Eminent domain.

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

CHAPTER CCXL.

An Act to confer further powers and privileges on the Trustees of the Los Nitos Collegiate Institute.

[Approved March 11, 1874.]

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

SECTION 1. The Trustees of the Los Nitos Collegiate Institute, an organization under the laws of the State of California, are hereby authorized to receive and hold in trust for such organization, any gift or donation of land, or acquire land by purchase; *provided*, that the amount of land shall not exceed one hundred acres, and no part thereof shall be situated within the limits of any incorporated city or town. May receive and hold.

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

CHAPTER CCXLI.

An Act to repeal all special road laws in the County of Fresno.

[Approved March 11, 1874.]

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

Repealed. SECTION 1. An Act entitled "An Act concerning roads and highways," approved April twenty-fifth, eighteen hundred and sixty-three, and an Act entitled "An Act concerning roads and highways in the County of Fresno, and to repeal a certain Act in relation thereto," approved March thirtieth, eighteen hundred and seventy-two, and all special road laws, so far as the same apply to the County of Fresno, are hereby repealed.

SEC. 2. The provisions of the Political Code applying to roads and highways, are hereby made applicable to the County of Fresno.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCXLII.

An Act amendatory of and supplementary to an Act entitled "An Act concerning the compensation of certain county officers in the County of Los Angeles," approved February twenty-sixth, eighteen hundred and seventy-two.

[Approved March 11, 1874.]

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:

Assessor's salary. Section Five. The County Assessor of Los Angeles shall receive a salary of two thousand five hundred dollars per annum, payable in gold coin, one half on the first Monday in June, and the remainder on the first Monday in December in each year.

Deputies. SEC. 2. He shall appoint as many field deputies as in the judgment of the Board of Supervisors will enable him to complete the assessment within the time prescribed by law, who shall receive the compensation allowed by section three thousand eight hundred and ninety-five of the Political Code. Said salaries shall be audited and paid out of the Salary Fund of the county.

In full. SEC. 3. The above compensation to be in full for all office work required of said Assessor, and in lieu of all other fees.

SEC. 4. - All Acts and parts of Acts in conflict with this Act, so far as the same are in conflict, are hereby repealed.

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

CHAPTER CCXLIII.

An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Yolo.

[Approved March 11, 1874.]

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

SECTION 1. Any owner or occupant of any land or possessory claim, finding any horse, mare, mule, jack, jenny, sheep, goat, hog, or horned cattle, or any number of such animals, doing or having done damage on such land or possessory claim, whether the said land or claim be inclosed by a lawful fence or not so inclosed, may take up, and, at the expense of the owner, safely keep such animal or animals for ten days, and shall be allowed for keeping said animal or animals, the following named sums: For each horse, mare, mule, jack, jenny, or horned cattle, the sum of twenty-five cents per day; and for each goat or hog the sum of ten cents a day; and for each sheep five cents per day; *provided*, that no charge to exceed ten dollars per day shall be demanded on any number of sheep or goats. Animals, and who may take up.

SEC. 2. When the owner or owners of animals taken up are known, and said owner or owners reside in or near the township, they shall be personally notified, or a written notice, directed to them and left at their usual place of residence; but if at a great distance from the place of taking up, the notice of such detention, and the reason therefor, shall be served by depositing the same, postage paid, in the nearest Post Office, directed to the owner at a Post Office near to his or their residence. When the owner or owners are not known to the person taking up the animals, written notices, containing a description of the animals, their marks and brands, as nearly as can reasonably be ascertained, and stating the cause of detention, shall be posted for ten days, conspicuously, in three public places in the township, and a copy delivered to a Justice of the Peace of said township; and if there be no Justice in said township, then with the nearest Justice in an adjoining township. Notice when owner known. When not known.

SEC. 3. At the expiration of ten days, if the animal or animals have not been applied for, or if they have, and the parties do not agree on the amount of damages and compensation, the taker up, when the damages and compensation claimed for keeping and taking up shall be less than three hundred dollars, shall file a written complaint, verified by his oath, with a Jus- Complaint and contents.

tice of the Peace of the township where the trespass was committed, or the township where the owner of the animal or animals reside, setting forth the nature and location of the alleged damages, the amount he claims against said animal or animals, and that he has actually sustained the damages claimed; and if there be no Justice in said township, then he shall file said complaint with a Justice of the Peace of the nearest township.

Action, against whom.

SEC. 4. When the owner is known, the action shall be against such owner or owners, and the summons shall be served and returned as in other actions. When the owner or owners are not known, the action shall be against the property in rem, and the summons shall be directed to unknown owner or owners of said animal or animals, describing them therein; and any actions thus commenced may include all the animals found doing damage, whether of one or more marks and brands,

Service of summons.

and shall be served by posting a copy of the same in three public places in the township, one of which shall be on the outside of the door of the Justice's office, and shall be returnable in not less than ten days from its date, and shall be posted up at least eight days before the trial; and no judgment shall be entered up under the provisions of this Act by default, but the damage done shall be proved by the testimony of one or more creditable witnesses. If judgment be in favor of the

Sale.

plaintiff, the property may be levied upon and sold as other personal property seized on execution. If the judgment be for the defendant, the plaintiff shall pay such costs and damages as may be awarded by the Court. The officer selling property under this Act shall give a bill of sale to the purchaser, describing the animal or animals sold, the price paid therefor, and stating that it or they were sold by authority of this Act. Any

Overplus.

overplus of the proceeds of such sale, after satisfying the judgment and costs, shall be paid by the Justice to the owner or owners of the animals sold, if demanded within three months from the date of sale; otherwise, it shall be at the expiration of three months paid into the County Treasury, and shall be paid to the owner of the animals sold by the County Treasurer, on the certificate of the Justice of the Peace that he has made the proper proof of ownership thereof.

When owner may demand.

SEC. 5. Any owner or owners of animals seized under the provisions of this Act, may, at any time previous to the sale, demand, and shall be entitled to the possession of such animal or animals, or so many as he may claim, upon making satisfactory proof of ownership before the Justice of the Peace, and paying his proportion of the damages, charges, and fees; and after the sale may, at any time within three months, redeem said animal or animals, by making proof of ownership, and paying the purchaser the amount of purchase money, with ten per cent added thereto, and expense of keeping, at the rate of two dollars per month a head.

Justice's record.

SEC. 6. The Justice of the Peace shall make a record in his docket of all animals sold under the provisions of this Act, which shall be open to inspection, which record shall contain the description of the animals, their marks and brands, the name of the purchaser, his usual place of residence, the amount

of purchase money, damages, fees, and charges, and the surplus money, if any, arising from each sale; and if such surplus money shall be received by the owner, he shall receipt for it on the margin of the docket.

Fees. SEC. 7. The fees of Justice and Constable for services under this Act, shall be the same as allowed for similar services in other civil actions.

Construction. SEC. 8. Nothing in this Act shall be so construed as to prohibit persons from driving through uncultivated land not fenced, and who may be required to pass from one section to another, from watering said stock at natural watering places on their journey.

Misdemeanor. SEC. 9. Any person who shall drive stock from outside lands upon his own lands or possessory claim, for the purpose of taking advantage of any provisions of this Act, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished accordingly.

SEC. 10. All Acts and parts of Acts conflicting with the provisions of this Act, are hereby repealed.

SEC. 11. This Act shall apply only to Yolo County.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXLIV.

[See volume of Amendments to the Codes.]

CHAPTER CCXLV.

An Act relating to conveyances of real estate.

[Approved March 11, 1874.]

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

Set forth name. SECTION 1. Any person in whom the title of real estate is vested, who shall afterwards, from any cause, have his or her name changed, shall, in any conveyances of said real estate so held, set forth the name in which he or she derived title to said real estate.

Index of grantors. SEC. 2. All conveyances of real estate, except patents issued by the State as a party made by any public officer pursuant to any law of this State, shall, when recorded by the County Recorder, be by him alphabetically indexed in the "Index of Grantors," both in the name of the officer making such sale, and in the name of the person owning the property so sold.

Title name. SEC. 3. It is hereby made the duty of all County Recorders to alphabetically index, in the "Index of Grantors," both in the name by which title was acquired, and also by which the same was conveyed, all conveyances referred to in section one of this Act.

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

CHAPTER CCXLVI.

[See volume of Amendments to the Codes.]

CHAPTER CCXLVII.

An Act to change the name of a town in Siskiyou County.

[Approved March 13, 1874.]

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

Name changed. SECTION 1. The name of the Town of "Rough and Ready," in Scott's Valley, Siskiyou County, California, shall hereafter be known as "Etna."

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

CHAPTER CCXLVIII.

An Act relating to license fees in the County of Sierra.

[Approved March 13, 1874.]

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

May appropriate. SECTION 1. The fee of one dollar, for each license collected in Sierra County, under section three thousand three hundred and sixty-four of the Political Code, by J. Cambell, Collector of said county, prior to the first Monday of March, eighteen hundred and seventy-four, may be appropriated by the said J. Cambell to his own use and benefit.

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

CHAPTER CCXLIX.

An Act to protect the groves of big trees in the Counties of Fresno, Tulare, and Kern.

[Approved March 13, 1874.]

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

SECTION 1. Any person or persons who shall willfully cut down or strip of its bark, any tree "over sixteen feet in diameter," in the grove of big trees situated in the Counties of Fresno, Tulare, or Kern, or shall destroy any of said trees by fire, shall be guilty of a misdemeanor, and shall, on conviction thereof before any Justice of the Peace in said counties, be fined not less than ($50) fifty dollars nor more than ($300) three hundred dollars, or imprisoment in the County Jail not less than (25) twenty-five days nor more than (150) one hundred and fifty days, or both fine and imprisonment, as the Court may determine. Misdemeanor.

SEC. 2. Upon the arrest and conviction of any person or persons guilty of any of the acts before mentioned, the party informing shall be entitled to one half of the fines collected. One half.

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

CHAPTER CCL.

An Act reorganizing the Board of Supervisors in the County of Placer, and providing for the election of the same.

[Approved March 13, 1874.]

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

SECTION 1. The Board of Supervisors of Placer County shall be composed of three members, and each revenue district in Placer County, as now defined and bounded, shall constitute a Supervisor District. Members.

SEC. 2. At the general election to be held in the year eighteen hundred and seventy-five, there shall be elected three Supervisors, one in each district, one of whom shall hold his term of office for two years, and the others for four years, and they shall take their seats on the first Monday in February, A. D. eighteen hundred and seventy-six. Terms.

SEC. 3. The members shall, at their first meeting after said first Monday in February, eighteen hundred and seventy-six, determine, by lot, which one of their number shall serve for two years, and such member shall be Chairman during his term By lot.

Chairman. of office. At the expiration of his term of office, the Supervisor holding the oldest commission shall be Chairman of the Board, and where two commissions expire at the same time, the Board must elect a Chairman from those holding the oldest commissions.

Election and term. SEC. 4. Each Supervisor district shall elect one Supervisor at the general election immediately preceding the first Monday in February on which the term for which the incumbent from that district was elected shall expire, and the Supervisor so elected shall hold his office for four years, or until his successor is elected and qualified.

Vacancies. SEC. 5. Whenever a vacancy occurs in the Board of Supervisors, from a failure to elect, or otherwise, the County Judge must fill the vacancy by appointing some qualified elector of the district in which the vacancy occurs, and such appointee shall hold his office until the first Monday in February succeeding the next general election.

Present terms. SEC. 6. The members of the present Board of Supervisors shall hold their office until the first Monday in February, A. D. eighteen hundred and seventy-six, or until their successors are elected and qualified.

SEC. 7. All Acts and parts of Acts conflicting with this Act, so far as the same relate to the County of Placer, are hereby repealed.

CHAPTER CCLI.

An Act to amend an Act entitled "An Act concerning the compensation of certain county officers in the County of Los Angeles," approved February twenty-sixth, eighteen hundred and seventy-two.

[Approved March 13, 1874.]

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

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

Salary. Section 4. The Superintendent of Public Schools of the County of Los Angeles shall receive a salary of one hundred and twenty-five dollars per month, payable monthly, in United States gold coin, the said Superintendent to pay his own expenses.

Duty. SEC. 2. It shall be the duty of the Superintendent of Public Schools of the County of Los Angeles to visit each school in the county at least once every three months.

SEC. 3. All Acts and parts of Acts in conflict with this Act, so far as the same are in conflict, are hereby repealed.

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

CHAPTER CCLII.

An Act to fix the salaries of the County Judges of Fresno, Tulare, and Kern Counties.

[Approved March 13, 1874.]

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

SECTION 1. The County Judges of the Counties of Fresno, Tulare, and Kern shall each receive a salary of eighteen hundred dollars per annum, in gold coin of the United States, payable monthly out of the County Treasury of their respective counties. Salary.

SEC. 2. This Act shall take effect after the expiration of the term for which the present incumbents were elected. When.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, in so far as they concern the counties named in this Act.

CHAPTER CCLIII.

An Act to authorize the transfer and loan of certain funds in Lake County.

[Approved March 13, 1874.]

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

SECTION 1. The Board of Supervisors of Lake County are hereby authorized and empowered, if they deem it for the best interests of Lake County, and not otherwise, to order the transfer of all the money in the Swamp Land Fund of said county to the General Road Fund of said county, which said transfer of the said Swamp Land Fund to the General Road Fund of said county, should said Supervisors order the same to be transferred, shall be and the same is hereby declared to be a loan by the said Swamp Land Fund of said county to the General Road Fund of said county. May transfer funds.

SEC. 2. It shall be the duty of the Board of Supervisors of said county, and they are hereby authorized and empowered, on petition for that purpose of any number of persons representing a majority of all the swamp land in said county, or upon their own motion, should they deem it necessary, to levy, at the same time that State and county taxes are levied, a sum sufficient upon the taxable property of said county to repay to said Swamp Land Fund any amount or amounts that may become due said Fund by virtue of the provisions of this Act, May levy tax.

which said tax shall be assessed and collected as State and county taxes are assessed and collected, and when so collected shall be paid into the Swamp Land Fund of said county.

SEC. 3. This Act shall take effect from the date of its passage.

CHAPTER CCLIV.

An Act to unite Putah School District, in the County of Solano, and Yolo School District, in the County of Yolo.

[Approved March 13, 1874.]

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

Joined. SECTION 1. Putah School District, in the County of Solano, with its present boundaries, as established by the Board of Supervisors of said County of Solano, is hereby joined to Yolo School District, in the County of Yolo, in order to form one common school district, to be known as Yolo School District.

Appoint Trustees. SEC. 2. Within thirty days after the passage of this Act, on the recommendation of the School Superintendents of the Counties of Yolo and Solano, the Boards of Supervisors of the respective counties shall appoint three School Trustees, two from Yolo and one from Solano, to discharge the duties of School Trustees in said district until the next annual election for School Trustees, at which time there shall be elected two Trustees from the County of Yolo, to hold office for one and three years, respectively, and one from the County of Solano, to hold office for two years.

Draw warrants. SEC. 3. The Superintendents of the Counties of Yolo and Solano shall draw their warrants in favor of said Yolo School District, upon the presentation of any and all properly drawn orders, duly signed by the Trustees of said district, whenever there shall be sufficient money to the credit of said district to satisfy said orders; and this section shall be so construed as to include all money that now remains in the Treasury to the credit of Yolo or Putah School District.

Number of children. SEC. 4. The Census Marshal of Yolo School District shall certify to the School Superintendents of Yolo and Solano Counties the number of census children residing in each of said counties, belonging to such united district, together with such other statistics as now are or hereafter may be by law required.

Apportionment. Upon the receipt of the same, the Superintendents of said counties shall, at the same time and in the same manner that funds are apportioned to the other school districts of said counties, apportion said Yolo School District the amount pro rata as to other districts; the funds shall be subject to the order of the Trustees of said district, in the same manner as though they were all in the same county.

SEC. 5. A certificate granted to any teacher by the County Board of Examination of either Yolo or Solano County, shall have full force and effect in the proposed new district. Certificates.

SEC. 6. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

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

CHAPTER CCLV.

An Act for the incorporation of the Town of Wheatland, Yuba County.

[Approved March 13, 1874.]

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

SECTION 1. The people of the Town of Wheatland shall be a body politic and corporate, under the style of the Trustees of the Town of Wheatland, and by that name they shall have succession; may complain and defend in all Courts, and in all actions and proceedings; purchase, receive, and hold property, and sell or otherwise dispose of the same for their common benefit. Corporate name.

SEC. 2. The boundaries of the Town of Wheatland shall be as follows, viz: Continue the west line of the town plat of the Town of Wheatland, as now on record in the Recorder's office of the County of Yuba, north, true to its bearings, three hundred feet from the northwest corner of the town plat; thence at a right angle east, and parallel with the northern line or boundary of the town, to a point where a line continued north from the east side of C street, and true to the bearing of C street, will intersect said line; thence south along the line continued from said C street to where it intersects the north boundary of the original town plat; thence along said north line to the northeast corner; thence north along the east line of lands belonging to C. K. Dam, three hundred feet from said northeast corner; thence at a right angle east to where such line will intersect the west line of lands owned by J. A. Tozer; thence south along said west line, and parallel with the east line of the original town plat, to a point where a line continued on the south side of Main street will intersect such line; thence west on said line, continued on south side of Main street, to where it intersects the east line of the original town plot; thence south along said east line to the southeast corner of the town plot; thence west on said south line to the west side of B street; thence, on the same bearing of said C street, south to the center of the first slough at the south side of the town; thence down the center of said slough to a point where the west line of the original town plot, continued south, would Boundaries.

intersect the said line in center of said slough; thence north on said west line to the place of beginning.

Officers. SEC. 3. The corporate powers and duties of the Town of Wheatland shall be vested in a Board of Trustees, to consist of five members, who shall be elected by the qualified electors of the town, on the first Monday of April of each year, and shall hold their offices for the term of one year, and until their successors are chosen and qualified; *provided, however*, that all officers elected at the first election held under this Act, shall hold their offices until the first Monday of May, eighteen hundred and seventy-five, and until their successors are elected and qualified. The Trustees shall receive a compensation for their services of one dollar, each, per annum.

Compensation.

Organization. SEC. 4. The Board of Trustees shall assemble within ten days after their election, and choose a President and Clerk from their number; they shall, by ordinance, fix the times and places of holding their stated meetings, and may be convened by the President at any time.

Quorum. SEC. 5. At all meetings of the Board, a majority of the Trustees shall constitute a quorum to do business, and 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.

Powers. SEC. 6. The Board of Trustees shall judge of the elections, returns, and qualifications 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 person for disorderly behavior in their presence, and, with the concurrence of four of the Trustees, expel any member, but not a second time for the same cause; they shall keep a journal of their proceedings, and at the desire of any member, shall cause the yeas and nays to be taken on any question, and entered on the journal; and their proceedings shall be public.

Vacancies. SEC. 7. In case of vacancy in the Board of Trustees by resignation, or otherwise, the remaining Trustees shall have power and be required to fill such vacancy at their next regular meeting.

General Powers. SEC. 8. The Board of Trustees shall have power to make such by-laws or ordinances, not inconsistent with the Constitution and laws of the United States and of this State, as they may deem necessary, to prevent and remove nuisances; to prohibit disorderly conduct; to provide for licensing shows, lawful games, and bars at which spirituous liquors are sold; *provided*, said bar license shall not exceed two thirds of the county license; to construct pumps, aqueducts, reservoirs, or other works necessary for duly supplying the town with water; to keep in repair public wells; to lay out, alter, keep open, and repair the streets, alleys, and sidewalks of the town; to provide such means as they may deem necessary, with the exception as hereinafter provided, to protect the town from injuries by fire; to levy and collect annually a tax on all property in the town, not exceeding one per centum on the assessment valuation thereof; to levy and collect a poll tax of not exceeding two dol-

lars per annum, on every male inhabitant of twenty-one years of age, and upwards; to impose and collect a tax on dogs, not exceeding four dollars per annum, on every dog found running at large within the corporate limits of the town; to provide for the impounding of cattle, horses, swine, sheep, and goats; and to pass such other by-laws and ordinances for the regulation and police of said town as they may deem necessary.

Equalization.

SEC. 9. The time and manner of making assessments and collecting revenue shall be fixed by ordinance. Said Board of Trustees shall, when a tax is levied under this Act, and an assessment made, sit as a Board of Equalization, for not less than two days, notice of which sitting shall be given by publication, or by posting, in three public places in said town, for at least three days next preceding the time fixed, that such assessment roll is open for inspection; they may increase or diminish the assessment of particular persons or property, or add any property that may have been omitted, as may be just and equitable; and any Justice of the Peace of East Bear River Township, who may be designated by said Board of Trustees, shall have jurisdiction of any and all suits which may be brought before him to enforce the collection of said taxes; 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 laws of this State; and the provisions of an Act to provide revenue for the support of the Government of this State, now in force, so far as the same applies to proceedings at law to enforce the collection of delinquent taxes, and not inconsistent with the provisions of this Act, are made applicable to this Act, and to proceedings to enforce the collection of all taxes levied under this Act.

Suits to collect taxes.

Fines and penalties.

SEC. 10. The Board of Trustees may impose fines for the breach of their ordinances, not exceeding the sum of one hundred dollars for any one breach of any ordinance, which fine may be recovered before any Justice of the Peace, by suit, in the name of the inhabitants of the Town of Wheatland, and collected by execution. They may also impose penalties of imprisonment, for the breach of their ordinances, not exceeding ten days for any one offense, in the discretion of the Justice of the Peace by whom the punishment is assessed. All fines collected in pursuance of this Act, shall, by the officer collecting the same, be paid over to the Treasury of the town.

Officers, and compensation.

SEC. 11. There shall also be chosen in the Town of Wheatland, at each annual election, a Treasurer, Assessor, and a Marshal, who shall be the collector of all the taxes levied by the Board of Trustees. The Treasurer shall receive for his compensation one dollar annually. The Marshal shall be paid for making arrests, serving processes, and attending trial, the same as Constables are paid for like services, and for such other services as involve upon him by the provisions of this Act, or the Trustees may prescribe by ordinance. Said Trustees shall fix the compensation. The Board of Trustees shall have power to establish such other offices as they may deem necessary to

be filled, in such manner as they may designate. They shall prescribe the duties, and fix the compensation, except as herein provided, of all town officers, and shall fill, by appointment, all offices becoming vacant by resignation, or otherwise, till the next annual election.

Qualified. SEC. 12. Any person shall be qualified to hold any town office, or vote for any town officer, who shall be a qualified elector under the Constitution and laws of this State, and who shall have resided in the town thirty days next preceding the election.

Oath and bond. SEC. 13. All officers of the town, before entering upon the duties of their office, shall take the oath prescribed by the Constitution; and the Treasurer, Marshal, and Assessor give bonds for the faithful performance of the duties of their office, payable to the inhabitants of the Town of Wheatland, to be approved by the Board of Trustees, in such penalties as the Board by ordinance may prescribe. If, from any cause, such bond shall have become insufficient, in the opinion of the Board, they may require of any such officer such additional bond as they may deem necessary.

Statements. SEC. 14. The President of the Board of Trustees shall, on the first days of July and January, of each year, make out a full and correct statement of all moneys received and expended during the six months next preceding, and shall cause such statement, within ten days thereafter, to be published in some newspaper published in said town, if there be one, and if not, then to be posted in three public places in the town. For any neglect to comply with the provisions of this section, he shall forfeit the sum of two hundred dollars, to be recovered with costs in any Court of competent jurisdiction, to the use of the town.

Ordinances to be published. SEC. 15. The Board of Trustees shall cause all by-laws and ordinances of the town to be published in some newspaper published in the town, if there be one, and if not, then posted in three public places in the town, for at least two weeks before the said by-laws and ordinances shall be carried into effect.

Vacancies. SEC. 16. Should any of the Trustees, or any other town officer, remove from the town, absent himself therefrom, for more than thirty days, without leave of the Board, or neglect to qualify within ten days after his election, or if bond is required of him, neglect for the said time to give said bond, his office shall be thereby vacated.

Election notice. SEC. 17. W. W. Holland, M. Samuels, H. C. Nichmyer, J. F. Baum, H. Losche, or any three of them, are authorized and required to give not less than ten days public notice of an election to be held the day this charter becomes a law, or as soon thereafter as possible, in the year one thousand eight hundred and seventy-four, for the election of the town officers provided for in this Act. They shall also appoint three Judges to act at the said election; the said Judges shall give certificates of election to the five persons having the highest number of votes for Trustees. The new Board of Trustees, when organized, shall examine the returns and grant certificates to the persons having the highest number of votes for other town officers.

SEC. 18. If at any time the owners or agents of more than one half in frontage of lots and lands fronting on any street or proposed street, between two given points, or between two cross streets, on such street or streets, 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. 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 served as in other civil cases. The cost of survey and estimate of such proposed improvements shall be paid by the said town.

Improvement of streets.

Lien.

Suit.

SEC. 19. The Board of Trustees of the Town of Wheatland shall not contract any liabilities, either by borrowing money, loaning the credit of the town, or contracting debts which, singly or in the aggregate, shall exceed the sum of fifteen hundred dollars.

Limit of debts.

SEC. 20. The Board of Trustees shall not create any debt, or borrow money, on behalf of the town, after the year eighteen hundred and seventy-four, and at least one third part of the principal of all indebtedness, together with all interest due, shall be paid every year, until the entire debt is discharged.

Discharge of debts.

SEC. 21. This Act shall take effect and be in force thirty days after its passage.

CHAPTER CCLVI.

[See volume of Amendments to the Codes.]

CHAPTER CCLVII.

An Act to make women eligible to educational offices.

[Approved March 12, 1874.]

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

Eligible.

SECTION 1. Women, over the age of twenty-one years, who are citizens of the United States and of this State, shall be eligible to all educational offices within the State, except those from which they are excluded by the Constitution.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed. This Act shall take effect from and after its passage.

CHAPTER CCLVIII.

An Act concerning the selection and sale of University lands.

[Approved March 13, 1874.]

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

Land contests, how determined

SECTION 1. In all cases when a contest shall arise between two or more persons concerning the right of such persons to purchase any portion of the one hundred and fifty thousand acres of land granted to the State for the use of an Agricultural College, if either party shall demand a trial in the Courts of the State, the Land Agent of the University, as the agent of the State, shall make an order referring said contest to the District Court of the county in which the land involved is situated, and shall enter said order in the proper record book of his office; *provided*, that the party making such demand shall prosecute his contest to judgment within six months from the date of such demand, unless for cause satisfactory to the Court. Either party may bring an action in the District Court of the county in which the land in question is situated, to determine such conflict, and the proffer of a certified copy of the entry, made by the said agent, shall give the said District Court full and complete jurisdiction to hear and determine

said conflict; and upon the filing with the said agent of a copy of the final judgment of said Court, he shall issue the certificate of purchase or other evidence of title, in accordance with said final judgment.

Affidavit of purchaser.

SEC. 2. Whenever any resident of this State desires to purchase any part of the one hundred and fifty thousand acres of land granted to the State for the use of an Agricultural College, 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 State, of lawful age, that he or she desires to purchase said land, giving a description thereof by legal subdivisions, and that there are no improvements of any kind on said land other than those of the applicant; or if there be improvements other than his own, then he or she shall state that such improvements are the property of (giving his or her name), and have been upon the land for three months or over, and that the township has been sectionized and the plats of survey filed in the Land Office of the district in which the land is located, for three months or over, which application shall be forwarded to the said Land Agent of the University.

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

CHAPTER CCLIX.

An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

[Approved March 13, 1874.]

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

Fire limits.

SECTION 1. In addition to the powers and duties of the Board of Trustees of said city, they shall have power to establish, by ordinance, fire limits, and enforce the same.

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

CHAPTER CCLX.

An Act for the repeal of the special road law of Calaveras County.

[Approved March 13, 1874.]

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

Applicable.

SECTION 1. An Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Calaveras, approved February twenty-eighth, eighteen hundred and seventy-two, is hereby repealed, and the provisions of the Code in relation to public roads are hereby made applicable to Calaveras County.

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

CHAPTER CLXI.

An Act to authorize the payment of a debt on Washington School District, in Cloverdale Township, in Sonoma County.

[Approved March 13, 1874.]

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

Tax to pay debts.

SECTION 1. The Trustees of Washington School District, in Cloverdale Township, are hereby directed to levy a tax on all the property of the district, of such number of cents on each one hundred dollars taxable property, as will raise an amount sufficient to pay off the outstanding indebtedness of said district.

SEC. 2. Within sixty days after the passage of this Act, the Trustees of said district must order an election for an Assessor and Collector, for the purposes of this Act, who must qualify according to law.

Law.

SEC. 3. The Assessor and Collector, in assessing and collecting the tax herein provided for, must be governed by the law governing County Assessors and County Collectors.

Moneys, how used.

SEC. 4. The Collector must pay over all the money to be collected under the provisions of this Act, to the Trustees of the district, who must pay all of said indebtedness, and expenses of assessing and collecting the tax herein provided for. If any money remain after paying said indebtedness and expenses, the Trustees must pay the balance into the District Fund of the district.

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

CHAPTER CCLXII.

An Act to repeal all special road laws in Mendocino County.

[Approved March 13, 1874.]

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

SECTION 1. All special road laws applying to or affecting Mendocino County, are hereby repealed. Repealed.

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

CHAPTER CCLXIII.

[See volume of Amendments to the Codes.]

CHAPTER CCLXIV.

An Act to amend an Act entitled "An Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same, and other tide lands belonging to the State of California, to said City and County of San Francisco, for commercial purposes, and other matters [relating] thereto," approved March thirtieth, eighteen hundred and seventy-two.

[Approved March 11, 1874.]

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

SECTION 1. Section one of the Act entitled "An Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same, and other tide lands belonging to the State of California, to said City and County of San Francisco, for commercial purposes, and other matters relating thereto," approved March thirty, eighteen hundred and seventy-two, is hereby amended to read as follows: Amended.

Section 1. All streets and alleys in the City and County of San Francisco which lie within the exterior boundaries of certain salt marsh and tide lands, donated by the State to the Southern Pacific Railroad Company and the Western Pacific Railroad Company for terminal purposes, 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, eighteen hundred and sixty-eight, and also Vacated and granted.

Same. all streets and alleys within the exterior boundaries of lands lying within the boundaries of said lands, not donated to said railroad companies, but reserved for market places, and known as Produce Exchange and Market Place, are hereby vacated, and the lands covered by said streets and alleys, and said market places, together with the lands heretofore set apart by the Board of Tide Land Commissioners for basins, and known as China and Central Basins, are hereby granted to the City and County of San Francisco, with full power to regulate and manage the same, by ordinance or otherwise; *provided*, that said city and county shall have no power to donate, sell, or in any manner to alienate said lands, or any part thereof, otherwise than by lease for a period not to exceed five years.

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

CHAPTER CCLXV.

An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two.

[Approved March 13, 1874.]

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:

Officers. Section 3. The government of said city shall be vested in a Board of Trustees, to consist of seven members; a City Marshal, who shall be ex officio Tax Collector; City Assessor; City Clerk, who shall be ex officio City Auditor; City Treasurer; City Attorney. The officers of said city, and their duties, shall be such as provided in this Act, and none other.

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

Qualification and bonds. Section 16. The Marshal, Treasurer, Assessor, Clerk, and all other city officers, before entering upon the duties of their office, shall take the oath of office 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 Vallejo, in such penalty as may be prescribed by ordinance, conditions for the faithful performance of the duties of their offices as required by law. Should the bond of any city officer become insufficient (either in amount or otherwise), he shall be required to give such additional security, within ten days, as the Board of Trustees may require. Upon his failure to do so, within the time fixed, his office shall be declared vacant, and a new election be ordered, or the vacancy filled by appointment as herein provided.

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

Section 48. The Justices of the Peace of Vallejo Township, residing within the corporate limits of the City of Vallejo, are hereby authorized and required to take cognizance of all cases arising under the ordinance of said city for violations thereof. All fines imposed by them, and collected, for violation of city ordinance, shall be paid into the City Treasury for the use and benefit of the city. They shall receive such compensation therefor as may be allowed by the Board of Trustees, not to exceed the amount allowed them by law in criminal cases arising under the Penal Code, which compensation shall be paid out of the City Treasury. To take cognizance.

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

Section 49. The City Marshal, in addition to the duties required by the Board of Trustees, must perform all the duties of Collector of city taxes, licenses, assessments, and road poll tax. For the purpose of collecting all taxes and assessments, the City Marshal is hereby invested with all the powers conferred by law on the Collectors of State and county taxes. He must arrest all persons guilty of violating any city ordinance and take them before the proper magistrate for trial. The road poll tax ordered to be collected within the limits of said city, shall be collected by the City Marshal and paid into the City Treasury, to be expended within said limits for street purposes. For the purpose of collecting said road poll tax, the City Marshal is hereby invested with all the powers now conferred by law upon the County Assessor for the collection of poll taxes. All remedies provided by law for the collection of State and county taxes, and State poll taxes, shall apply to and be in force for the collection of said city taxes and road poll taxes. City Marshal.

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

Section 53. The Assessor, in addition to the duties prescribed by the Board of Trustees, must make out, between the first Monday in March and the first Monday in July in each year, a correct list of all the taxable property within the city limits, with the valuation therefor, which list, certified by him, must be returned to the Board of Trustees. The mode of making out the lists and of ascertaining the value of property, and of collecting all taxes and licenses, shall be the same as is prescribed by law for assessing and collecting State and county taxes. The City Auditor shall perform the same duties, in relation to the assessment and collection of city taxes, as are imposed by law on the County Auditor in relation to the assessment and collection of county taxes. Assessor. Auditor.

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

CHAPTER CCLXVI.

An Act concerning lawful and partition fences in Modoc County.

[Approved March 13, 1874.]

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

Materials. SECTION 1. Lawful fences may be constructed in any mode, and of any materials adopted by good farmers.

Lawful fences. Stone. SEC. 2. Lawful fences are described as follows:

First—If made of stone, four feet high, three feet base, and one foot thick on the top, and well laid.

Worm. *Second*—If it be worm fence, the rails should be well laid, and at least five feet high.

Posts and boards. *Third*—If made of posts and boards, the posts must be set well in the ground not less than eighteen inches, and not wider apart than eight feet. If intended to turn all stock, it shall be at least five boards high, or four boards high, with a ditch and embankment equal to one board; the boards to be six inches wide and one inch thick, the top board to be four and one half feet from the ground, the spaces well divided, and the boards securely nailed to the posts. If intended as a lawful fence to turn only neat cattle, horses, and mules, a three-board fence shall be deemed sufficient, the bottom board to be two feet from the ground.

Picket, etc. *Fourth*—If made of pickets, posts, and rails, or posts and poles, and a ditch or ditches, the fence must be equally strong and secure as a fence made as described in the last subdivision.

Wire. *Fifth*—If made of wire, post and poles, ditch, pickets, hedge, brush, or of any other materials, or any combination of such fences or materials, the fence, to be lawful, must be equal in strength and capacity to turn stock as the fence described in the third subdivision of this section.

Posts. SEC. 3. All posts used in such fences shall be at least twelve inches in circumference, set at least eighteen inches in the ground, and must be replaced when and as often as the fence shall become decayed.

Line fence. SEC. 4. Each coterminous land owner shall construct and keep in repair a just proportion of the line fence between their respective tracts of land, unless the owner of one or both of said tracts shall choose to allow his land to lie uninclosed.

Pay half. SEC. 5. When one of such adjoining proprietors shall have allowed his land to lie uninclosed, and afterwards shall inclose it, he shall owe and be indebted to such adjoining owner one half the value of any division fence owned by the other used by him in forming such inclosure, and each shall thereafter keep one half of such fence in repair.

Viewers and award. SEC. 6. If adjoining proprietors are unable or unwilling to agree, or do not agree as to the proportion or particular part of a division fence to be made, maintained, or kept in repair by each respectively, either party may apply, on five days notice, to a Justice of the Peace of the township, if there be none, if

not, then to the County Judge of the county in which the land is situate, for the appointment of three Viewers, who shall have power to examine witnesses on oath, and to view the premises and determine:

First—If the fence is owned by one proprietor, how much the other shall pay as his proportion of the value.

Second—Which part of such fence thereafter shall be built or kept in repair by each.

Determination conclusive.

The determination of the Viewers shall be conclusive as to such matters; and if any part of such decision consists in fixing the value of a fence, for which one party is to pay the other his just proportion of its value, and such amount so fixed shall remain unpaid for thirty days after notice of such award, suit may be brought in any Court having jurisdiction, to recover the same, and the award shall be conclusive evidence that such sum is due as stated in such award.

How rendered.

SEC. 7. The decision of the Viewers shall be rendered in writing, and shall contain a statement of the matters submitted to them, and their decision thereon. A duplicate of such decision shall be given to each party, and a triplicate thereof filed with the County Clerk.

Fee.

SEC. 8. The fee for each Viewer shall be three dollars, one half to be paid by each proprietor.

How enforced.

SEC. 9. If either party refuses or neglects to abide by and conform to the decision of such Viewers, such decision may be enforced by action of the proper Court.

Construction of division fence.

SEC. 10. If one or two or more owners of adjoining land inclosed by a common fence desires to inclose his land separately, he may give notice to the owner of such adjoining land so inclosed, stating therein the line or lines upon which he desires a division fence to be constructed. He shall herein offer to build one half of such fence, and he shall require such adjoining proprietor to select which half of such line fence he will construct. If the party on whom such notice is severed fails to select the half of such line upon which he will build such fence, and within thirty days to notify the other party thereof in writing, or, if he make such selection and fails to construct such fence within nine months from the time he is served with notice, the other party may construct the entire fence, and the party failing to give notice selecting the part he will construct, or failing to construct the same, shall owe and be indebted to the party constructing the fence one half the cost of such fence, and the same shall bear interest at one per cent per month until paid.

Liability for neglect.

SEC. 11. If any person liable to contribute to the erection or reparation of a division fence, shall neglect or refuse to make and maintain his part or proportion of such fence, or shall permit the same to be out of repair, he shall not maintain any action for damages incurred by reason of such failure or neglect to build and keep such fence in repair; but he shall be liable to pay to any party injured, all such damages as shall accrue to others by or in consequence of such failure or neglect.

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

SEC. 13. This Act shall take effect and be in force, in the County of Modoc, from and after its passage.

CHAPTER CCLXVII.

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

[Approved March 16, 1874.]

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

Special taxes.

SECTION 1. The Board of Supervisors of Mariposa County are hereby authorized and empowered to levy a tax, not exceeding eighty-six cents on each one hundred dollars of taxable property in said county, for a Sinking and Interest Fund, and redemption of outstanding warrants on the General Fund. Also, a tax not exceeding one dollar on each one hundred dollars of taxable property in said county, for the General Fund, for the payment of salaries and current expenses. Also, a tax not exceeding thirty cents on each one hundred dollars of taxable property in said county, for a School Fund. Also, a tax not exceeding twenty cents on each one hundred dollars of taxable property in said county, for a Hospital Fund. Also, a tax not exceeding ten cents on each one hundred dollars of taxable property in said county, for a Road Fund.

Warrants and payment.

SEC. 2. From and after the passage of this Act, the County Auditor shall draw his warrants upon the respective Funds of the county for current expenses, as they may become due and payable; and upon presentation to the County Treasurer for payment, if there be no money in the Treasury credited to such Fund, he shall indorse upon such warrant, "Not paid for want of funds," together with date of presentation—the same to be paid in the order of date of presentation, without interest.

Tax for outstanding warrant.

SEC. 3. The County Treasurer is hereby directed, under the provision of section one of this Act, levying a tax to pay outstanding warrants on General Fund, to pay the same in the order in which they were originally issued.

Notice.

SEC. 4. The County Treasurer is hereby directed to give proper notice of the time, date, and place when and where such warrants will be paid, and the number thereof, in rotation.

SEC. 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

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

CHAPTER CCLXVIII.

An Act concerning the execution of final process in certain cases.

[Approved March 16, 1874.]

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

SECTION 1. In all cases where new counties have been or may hereafter be erected, and executions, orders of sale upon foreclosures of mortgages, or other process affecting specific real estate, have been or may hereafter be adjudged by the final judgment or decree of a Court of competent jurisdiction, to be executed by the Sheriff of the county in which such real estate was originally situated, such process may be executed by the Sheriff of the new county in which such real estate is found to be situated, with the like effect as if he were the Sheriff of the county designated in the judgment, decree, or order of sale, to execute the same. Service of final process in new counties.

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

CHAPTER CCLXIX.

An Act to amend an Act entitled "An Act to create the County of Ventura, to establish the boundaries thereof, and to provide for its organization."

[Approved March 16, 1874.]

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

SECTION 1. That section four of an Act entitled "An Act to create the County of Ventura, to establish the boundaries thereof, and to provide for its organization," shall read as follows:

Section 4. The Governor of this State shall, when this Act takes effect, appoint some suitable person, resident of Ventura County, to act as County Judge of said county, whose term of office shall continue until the first day of January, eighteen hundred and seventy-four, and until his successor is elected and qualified, and who shall hold his office and reside at the county seat. There shall be chosen by the qualified electors thereof, at the judicial election to be holden in the year eighteen hundred and seventy-three, and every four years thereafter, a County Judge for Ventura County, whose term of office shall commence on the first Monday of January succeeding his election, and continue for the term of four years. Said County Judge of Ventura County shall receive a salary of one thousand dollars County Judge. Salary.

per annum, to be paid quarterly. Said County Judge shall hold the Courts required by law to be held by County Judges. There shall be three regular terms of the County Court held in each year, said terms to commence on the first Monday in February, July, and October; *provided, however*, the County Judge may call and hold special terms of the Probate Court whenever public necessity may require. Said County Judge shall dischargeed all the duties required by law by County Judges in this State.

Courts.

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

CHAPTER CCLXX.

An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof.

[Approved March 16, 1874.]

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

Senatorial Districts. First.

SECTION 1. The Counties of San Diego and San Bernardino shall be the First Senatorial District, and shall elect one Senator; and each of said counties shall elect one member of the Assembly.

Second.

SEC. 2. The County of Los Angeles shall be the Second Senatorial District, and shall elect one Senator and two members of the Assembly.

Third.

SEC. 3. The Counties of Ventura, Santa Barbara, and San Luis Obispo, shall be the Third Senatorial District, and shall elect one Senator; Ventura and Santa Barbara, jointly, shall elect one member of the Assembly, and San Luis Obispo shall elect one member of the Assembly.

Fourth.

SEC. 4. The Counties of Tulare, Inyo, Fresno, Mono, and Kern, shall be the Fourth Senatorial District, and shall elect one Senator; Fresno shall elect one member of the Assembly, Tulare and Kern shall elect jointly one member of the Assembly, and Mono and Inyo shall elect jointly one member of the Assembly.

Fifth.

SEC. 5. The Counties of Mariposa, Merced, and Stanislaus, shall be the Fifth Senatorial District, and shall elect one Senator; Mariposa and Merced shall jointly elect one member of the Assembly, and Stanislaus shall elect one member of the Assembly.

Sixth.

SEC. 6. The Counties of Santa Cruz, Monterey, and San Benito, shall be the Sixth Senatorial District, and shall elect jointly one Senator; and each of said counties shall elect one member of the Assembly.

Seventh.

SEC. 7. The County of Santa Clara shall be the Seventh Senatorial District, and shall elect two Senators and three members of the Assembly.

SEC. 8. The City and County of San Francisco, and the County of San Mateo, shall be the Eighth Senatorial District, and shall elect one Senator; the County of San Mateo shall elect one member of the Assembly. Eighth.

SEC. 9. That portion of the City and County of San Francisco, bounded and described as follows, to wit: commencing at a point where the southerly line of United States military reservation, known as the "Presidio Reservation," intersects with the waters of the Pacific Ocean; thence meandering along the waters of said ocean and the waters of the Bay of San Francisco, northerly, easterly, and southerly, to the point where Washington street intersects with said bay; thence westerly, along said Washington street, to its intersection with First Avenue; thence northerly, along said avenue, to its intersection with the southerly boundary line of the said "Presidio Reservation;" thence westerly, and along the southerly boundary line of said "Presidio Reservation" to its intersection with the Pacific Ocean and the point of beginning; shall be the Ninth Senatorial District, and shall elect two Senators and four members of the Assembly. Ninth.

SEC. 10. That portion of the City and County of San Francisco, bounded and described as follows, to wit: commencing at a point where the southerly boundary line of the "Presidio Reservation" intersects with the waters of the Pacific Ocean, thence easterly, and along the southerly boundary line of said "Presidio Reservation," to the point where First Avenue intersects with said boundary line; thence southerly, along said First Avenue, to the point where Washington street intersects with said First Avenue; thence easterly, along said Washington street, to its intersection with the waters of the Bay of San Francisco; thence southerly, along the line of said bay, to the point of intersection of Market street with said bay; thence westerly, along said Market street, to the point where Geary street intersects with said Market street; thence westerly, along said Geary street, to where it connects with the Point Lobos Toll Road; thence along said Point Lobos Toll Road, and said toll road produced, in a direct line to the Pacific Ocean; thence northerly, along said ocean, to the point of beginning; shall be the Tenth Senatorial District, and shall elect two Senators and four members of the Assembly. Tenth.

SEC. 11. That portion of the City and County of San Francisco, bounded and described as follows, to wit: commencing at a point on the line of Market street where Fourth street intersects with said Market street; thence easterly and along said Market street to the waters of the Bay of San Francisco; thence southerly and southwesterly along the line of the waters of said bay, to a point where Fourth street intersects with said bay; thence northerly along the line of said Fourth street to the point of beginning; shall be the Eleventh Senatorial District, and shall elect two Senators and four members of the Assembly. Eleventh.

SEC. 12. That portion of the City and County of San Francisco, bounded and described as follows, to wit: commencing at the intersection of Larkin and Geary streets, and running thence easterly along said Geary street to its intersection with Twelfth.

Market street; thence southwesterly along the line of said Market street to the point of intersection of Fourth street with said Market street; thence southerly along said Fourth street to the point of its intersection with Channel street; thence southwesterly along said Channel street to the point of its intersection with Eighth street; thence northerly along said Eighth street to the point of its intersection with Market street; thence southwesterly along said Market street to the point of the intersection of Larkin street with said Market street; thence northerly along said Larkin street to the point of beginning; shall be the Twelfth Senatorial District, and shall elect two Senators and four members of the Assembly.

Thirteenth. SEC. 13. That part of the City and County of San Francisco, bounded and described as follows, to wit: commencing at a point where the Point Lobos Toll Road produced in a direct line westerly, intersects with the waters of the Pacific Ocean, and running thence easterly along said Point Lobos Toll Road to the point of its connection with Geary street; thence along said Geary street easterly to its intersection with Larkin street; thence southerly along said Larkin street to the point of its intersection with Market street; thence northeasterly along said Market street to the point where Eighth street intersects with said Market street; thence southeasterly along said Eighth street to its intersection with Channel street; thence northeasterly along said Channel street to the point of its intersection with Fourth street; thence southeasterly along said Fourth street to the point of its intersection with the Bay of San Francisco; thence southerly along the line of the waters of said bay to the point of intersection of the boundary line between the City and County of San Francisco and the County of San Mateo with the waters of said bay; thence westerly along said boundary line to the point of its intersection with the Pacific Ocean; thence northerly along the line of said ocean to the point of beginning; shall be the Thirteenth Senatorial District, and shall elect two Senators and four members of the Assembly.

Fourteenth SEC. 14. The County of Alameda shall be the Fourteenth Senatorial District, and shall have two Senators and three members of the Assembly.

Fifteenth. SEC. 15. The Counties of Contra Costa and Marin shall be the Fifteenth Senatorial District, and shall elect one Senator, and each of said counties shall elect one member of the Assembly.

Sixteenth. SEC. 16. The Counties of San Joaquin and Amador shall be the Sixteenth Senatorial District; San Joaquin shall elect one Senator, and, jointly with Amador, shall elect one Senator; San Joaquin shall elect three members of the Assembly, and Amador shall elect two members of the Assembly.

Sevnteenth SEC. 17. The Counties of Tuolumne and Calaveras shall be the Seventeenth Senatorial District, and shall elect one Senator, and each of said counties shall elect one member of the Assembly.

Eighteenth SEC. 18. The County of Sacramento shall be the Eighteenth Senatorial District, and shall elect two Senators and three members of the Assembly.

Nineteenth. SEC. 19. The Counties of Solano and Yolo shall be the Nineteenth Senatorial District; Solano shall elect one Senator and two members of the Assembly; Yolo shall elect one member of the Assembly, and, jointly with Solano, shall elect one Senator.

Twentieth. SEC. 20. The Counties of Napa, Lake, and Sonoma shall constitute the Twentieth Senatorial District, and shall elect one Senator; and Napa and Lake Counties shall each elect one member of the Assembly.

Twenty-first. SEC. 21. The County of Sonoma shall be the Twenty-first Senatorial District, and shall elect one Senator and three members of the Assembly.

Twenty-second. SEC. 22. The County of Placer shall be the Twenty-second Senatorial District, and shall elect one Senator and one member of the Assembly.

Twenty-third. SEC. 23. The Counties of El Dorado and Alpine shall be the Twenty-third Senatorial District, and shall elect one Senator; the County of El Dorado shall elect one member of the Assembly; and the Counties of El Dorado and Alpine shall, jointly, elect one member of the Assembly.

Twenty-fourth. SEC. 24. The Counties of Nevada and Sierra shall be the Twenty-fourth Senatorial District; Nevada shall elect one Senator and three members of the Assembly; Sierra shall elect one member of the Assembly and one Senator, jointly, with Nevada.

Twenty-fifth. SEC. 25. The Counties of Yuba and Sutter shall be the Twenty-fifth Senatorial District, and shall elect one Senator; Yuba shall elect two members of the Assembly, and Sutter shall elect one member of the Assembly.

Twenty-sixth. SEC. 26. The Counties of Butte, Plumas, and Lassen shall be the Twenty-sixth Senatorial District, and shall elect one Senator; Butte shall elect two members of the Assembly, and Plumas and Lassen shall, jointly, elect one member of the Assembly.

Twenty-seventh. SEC. 27. The Counties of Mendocino, Humboldt, Klamath, and Del Norte shall be the Twenty-seventh Senatorial District, and shall elect one Senator; Humboldt and Mendocino shall each elect one member of the Assembly, and Klamath and Del Norte shall, jointly, elect one member of the Assembly.

Twenty-eighth. SEC. 28. The Counties of Siskiyou, Modoc, Trinity, and Shasta shall be the Twenty-eighth Senatorial District, and shall elect, jointly, one Senator; Siskiyou and Modoc shall elect, jointly, one member of the Assembly; Trinity and Shasta shall elect, jointly, one member of the Assembly.

Twenty-ninth. SEC. 29. The Counties of Colusa and Tehama shall be the Twenty-ninth Senatorial District, and shall elect one Senator and one member of the Assembly.

Of elections. SEC. 30. At the general election to be held in the year eighteen hundred and seventy-five, and every four years thereafter, there shall be elected in the First, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Fourteenth, Fifteenth, Sixteenth, Eighteenth, Nineteenth, Twentieth, Twenty-seventh, and Twenty-ninth Districts, one Senator each, and in the Twelve and Thirteen Districts, two Senators each.

Same. SEC. 31. At the general election to be held in the year eighteen hundred and seventy-seven, and every four years thereafter, there shall be elected in the Second, Third, Fourth, Seventh, Ninth, Tenth, Eleventh, Fourteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twenty-first, Twenty-second, Twenty-third, Twenty-fifth, Twenty-sixth, and Twenty-eighth Districts, one Senator each, and in the Twenty-fourth District, two Senators.

Same. SEC. 32. At the general election to be held in the year eighteen hundred and seventy-five, and every two years thereafter, members of the Assembly shall be elected in the several districts and counties of the State as is provided in this Act.

SEC. 33. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAPTER CCLXXI.

An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railroad Company, and repealing Ordinance Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three.

[Approved March 16, 1874.]

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

Preamble. SECTION 1. Whereas, the Board of Trustees of the City of San Diego passed an ordinance, approved by the President of the Board on the twentieth day of June, eighteen hundred and seventy-three, which ordinance is in the words and figures following, to wit: Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five. The Board of Trustees of the City of San Diego do ordain as follows: Section One. The Texas and Pacific Railway Company shall have, and are hereby granted a right of way for its railroad track and tracks, swith and swithes, and for all other proper railroad uses, over, across, and along the public avenues, streets, alleys, highways, parks, and plazas in the City of San Diego; and over, across, and through any and all the lands belonging to said city, on the route located by said company, and described as follows: Commencing at a point on the line of the lands of the Texas and Pacific Railway Company, adjoining Mannasse and Schiller's addition to said city; running thence through the southwest part of block thirty-eight and across the southwest part of block thirty-nine, in said Mannasse and Schiller's addition, being a strip of land eighty feet wide, bounded as follows: on the northeast by the alley in said

blocks; on the south by the said lands of the said railway company; on the west by Cleveland's addition to the City of San Diego; on the southwest by a strip of land sixty feet wide, off of lots one, two, three, four, five, six, seven, and part of eight, in block thirty-eight, and lots twenty-four, twenty-three, twenty, twenty-one, nineteen, eighteen, and part of seventeen, in block thirty-nine, in Mannasse and Schiller's said addition; thence commencing on the west line of Mannasse and Schiller's said addition, at a point in the south half of said block thirty-nine, running through the said southwest half of fractional block forty, being a strip of land seventy-five feet wide, southwest of the alley in said blocks, according to the recorded map of Mannasse and Schiller's said addition, and to Cleveland's map of record, to the line of ordinary high tide on the Bay of San Diego, on the west side of Cleveland's said addition; thence in a northwesterly direction over, through, upon, and along the overflowed tide and submerged lands of the Bay of San Diego to and through lots H, I, J, K, A, B, C, and D, in block twelve, of the submerged lands in New San Diego, according to the map of A. B. Gray and T. D. Johns; thence across Union street to and through Front street and lots G, H, I, B, C, D, E, and F, in tide land block fourteen, in said New San Diego; thence across State street to and through lots A, L, K, and J, in submerged block fifteen; thence across Pacific street to and through lots E and F, in block twenty-three, in said New San Diego; thence across Columbia street to and through lots G, H, I, J, K, A, B, C, and D, in block twenty-two; thence across India street, through and across lot L, in block twenty-one; thence across Commercial street to and through lots G, H, C, D, E, and F, in block thirty; thence across Arctic street, through and across lots L, K, J, I, A, and B, in block thirty-one; thence across Fourth street, through and across lots F, E, D, and C, in block thirty-six; thence across and along California street; thence through lots I, J, K, and L, in block thirty-five; thence across and along California and Fifth streets, across lots G, H, I, J, K, and L, in block forty-seven; thence across Sixth street, through lots G, H, I, J, K, and L, in block fifty; thence across Spring Avenue; thence across the lots and blocks owned by David L. Gardiner and John R. Bleeker, one hundred varas wide by two hundred varas long, known as the Gardiner and Bleeker tract, in the wedge or reservation; thence in a northerly direction, across the west side of the wedge or reservation, in the City of San Diego; thence across, through, and over blocks one hundred and eighty-one, one hundred and eighty-two, one hundred and seventy-one, one hundred and seventy-two, one hundred and sixty-nine, one hundred and seventy, one hundred and sixty, one hundred and sixty-one, one hundred and fifty-eight, one hundred and fifty-nine, one hundred and forty-eight, one hundred and forty-nine, one hundred and forty-six, one hundred and forty-seven, one hundred and thirty-six, one hundred and thirty-seven, one hundred and thirty-four, one hundred and thirty-five, one hundred and twenty-five, one hundred and twenty-four, one hundred and fourteen, one hundred and thirteen, one hundred and three,

Same.

Same. ninety-three, ninety-two; the unnumbered block between block eighty and the Bay of San Diego, block seventy-nine; the unnumbered block between block seventy-nine and said bay; block sixty-eight, the unnumbered block between block sixty-eight and said bay; the unnumbered block between block sixty-seven and said bay; the unnumbered block between block fifty-eight and said bay; the unnumbered block between block fifty-seven and said bay; blocks forty-eight, forty-seven, thirty-eight, and thirty-seven; the unnumbered block between block forty-seven and said bay; blocks thirty-six, twenty-six, twenty-two, eleven, and six, in Middletown, in said city, as surveyed by James Pascoe, in the year eighteen hundred and seventy; thence northerly through pueblo lots three hundred and twenty-six, three hundred and twenty-seven, three hundred and twenty-eight, three hundred and twenty-nine, three hundred and thirty, three hundred and thirty-one, three hundred and eighteen, three hundred and thirty-two, three hundred and seventeen, three hundred and thirty-three, three hundred and sixteen, three hundred and thirty-four, three hundred and thirty-five, three hundred and thirty-six, three hundred and thirty-seven, the southwest corner of block ninety-four (otherwise block three hundred and forty) in Old San Diego; thence northerly through pueblo lots three hundred and ten, two hundred and seventy seven, two hundred and seventy-eight, two hundred and seventy-five, two hundred and seventy-four, two hundred and sixty, two hundred and sixty-one, two hundred and sixty-two, two hundred and fifty-seven, two hundred and fifty-six, two hundred and fifty-five, eleven hundred and ninety two, eleven hundred and ninety-three, and twelve hundred and eight, in the City of San Diego. A more particular description and delineation of which right of way hereby granted appears on the map and survey of the same, marked "Exhibit Map B, located line of the Texas and Pacific Railway, through part of the Pueblo of San Diego," furnished by the Texas and Pacific Railway Company, and filed in the office of the Clerk of the Board of Trustees of said city, June sixteenth, eighteen hundred and seventy-three, to which map and survey reference is hereby made; said strip of land for right of way being one hundred feet in width the entire line above described, except in Mannasse and Schiller's said addition, and Cleveland's said addition, as heretofore set forth; *provided,* and said right of way is granted upon the express condition that said railway company shall construct its railroad and operate the same in said city, in accordance with the laws now in force, or that may hereafter be enacted with reference thereto.

Same. SEC. 2. Ordinance Number Twenty-five, passed and approved February fifth, eighteen hundred and seventy-three, granting to the Texas and Pacific Railroad Company a right of way through a certain portion of the City of San Diego, is hereby repealed. Passed and approved June twentieth, eighteen hundred and seventy-three. D. W. Briant, President. E. G. Haight, Clerk (Seal). Be it, therefore, enacted, that the before recited ordinance be and the same is hereby ratified and confirmed, so far as the same purports to convey to said railway company the title of said City of San Diego. Section Two. The State of

Ratified.

California, upon the express condition hereinafter recited, grants to said Texas and Pacific Railway Company the right of way over the lands described in said ordinance, set forth in section one, for the uses and purposes set forth in said ordidance; *provided*, that the said Texas and Pacific Railway Company shall so construct its railroad track or tracks, swith and swithes, over, across, through, and along the said tide and submerged lots and lands in the said Bay of San Diego, in such manner as will not obstruct the tide waters of said Bay of San Diego from fully flowing under said railroad track and tracks, swith and swithes, to high-water mark; and no part of said tide and submerged lots and lands over and across which the right of way is herein granted, shall be filled in with any material, except such abutments, pins, and piles as shall be necessary to sustain said railway track and tracks, swith and swithes, and said tide and submerged lots and lands over and across which the right of way is herein granted; and said railroad track and tracks shall be subject to be crossed, without compensation, by such streets, docks, and wharves as shall be established or authorized by law; *provided further*, that any structure, piers, abutments, or piles constructed or erected on said lands for the purposes of said railway company, shall be erected and constructed with three openings, such as shall be necessary for the free passage of lumber rafts under such tracks; said openings shall be equidistant from each other, and from the points where said right of way enters upon said tide and submerged lands.

Right of way.

Proviso.

Further proviso.

SEC. 3. If, at any time after the erection of any structure, abutments, piers, and piles upon said lands by said railway company, it should appear to the Governor of the State that any serious damage or injury is being caused or will result to the Bay of San Diego from such structure, abutments, piers, or piles, he shall notify said railway company thereof, and thereupon said railway company shall remove such structure, abutments, piers, or piles; and in case said railway company shall fail, for the period of six months after such notice, to remove such structure, abutments, piers, or piles, then the Governor shall appoint a Board of three competent engineers, who shall, under the direction of the Governor, proceed to examine said structures, piers, and piles, and report to the Governor what changes or removals are necessary for the protection of said Bay of San Diego; and if it appear to the Governor from said report, that any serious damage or injury is being caused or will result to said bay, from any such structure, pier, or piles, then the Governor shall cause the same to be removed at the expense of said company.

When Governor may cause works to be removed.

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

CHAPTER CCLXXII.

An Act to provide for the payment of the expenses of carrying on the county government of the County of Inyo.

[Approved March 16, 1874.]

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

Expense tax.

SECTION 1. The Board of Supervisors of the County of Inyo, in addition to other taxes which they may levy under authority of law, shall, in the year one thousand eight hundred and seventy-four, and annually thereafter, at the same time that they levy taxes for other purposes, levy a special tax of not more than one dollar and ten cents on the one hundred dollars, on the taxable property of Inyo County. Said tax shall be collected in gold coin of the United States in like manner as other taxes, and the money derived from said special tax shall be paid into the County Treasury, and shall go towards constituting a Fund to be known as the "Expense Fund," for the purpose of paying the general expenses of the County of Inyo.

License money.

SEC. 2. After the first day of May, one thousand eight hundred and seventy-four, all moneys that shall be collected for licenses within the County of Inyo shall be paid into the County Treasury, and placed to the credit of said "Expense Fund."

Salaries and fees.

SEC. 3. The salaries of the County Judge, District Attorney, and County Treasurer of said Inyo County shall, after the first day of May, one thousand eight hundred and seventy-four, be paid by warrants drawn by the County Auditor on the County Treasurer, payable out of said "Expense Fund;" and after the said first day of May, one thousand eight hundred and seventy-four, the salaries of the Supervisors, County Assessor and his deputies, County Auditor, Clerk of the Board of Supervisors, the salary allowed the Sheriff for a Jailer, the fees and mileage of jurors and witnesses, the fees of county and township officers for all services which are a legal charge against the county, and all such other bills as may be allowed by the Board of Supervisors under authority of law, and which, without this Act, would be properly payable out of the County General Fund, shall be paid by warrants, drawn by the County Auditor by order of the Board of Supervisors, on the County Treasurer, payable out of said "Expense Fund."

How paid.

SEC. 4. The County Treasurer shall, upon presentation of said warrants, pay the same, if there be sufficient money in said Fund. If there is not sufficient money in said Fund to pay any warrant on presentation, the County Treasurer shall register said warrant, and indorse on said warrant the date of presentation, and that the same is not paid for want of funds, and subscribe the same, and thereafter said warrant shall be paid when there is money in the Fund, according to its order of registration, priority in payment being given to the warrants first registered, as in case of warrants drawn on other Funds, and said warrant shall, from said time of presentation and registration,

bear interest at the rate of seven per cent per annum, until said County Treasurer shall give the usual notice of funds on hand to pay the same.

Tax for Contingent Fund.

SEC. 5. After the year one thousand eight hundred and seventy-four, no tax for a "Contingent Fund" shall be levied in the County of Inyo. After the first day of May, one thousand eight hundred and seventy-four, no more warrants on the "Contingent Fund" shall be drawn; and as soon as all warrants which have been drawn, or shall be drawn on said Fund prior to May first, one thousand eight hundred and seventy-four, shall be paid, all moneys which may remain in said Fund, or which may afterward be paid into said Fund, shall be placed to the credit of the "Expense Fund" of said county, and said "Contingent Fund" shall cease to exist.

Tax for Building Fund.

SEC. 6. After the year one thousand eight hundred and seventy-four, no tax for a "Building Fund" shall be levied in the County of Inyo. As soon as all warrants which have been drawn on said Fund shall be paid, all moneys which may remain in said Fund, or which may afterwards be paid into said Fund, shall be placed to the credit of the "Expense Fund," and said "Building Fund" shall cease to exist.

Funds to Expense Fund.

SEC. 7. All moneys that may remain in the "Mono Debt Fund," after paying the outstanding indebtedness of said Fund, and all moneys that may afterwards be paid into said Fund, shall be placed to the credit of the "Expense Fund."

Warrants.

SEC. 8. After the first day of May, one thousand eight hundred and seventy-four, no more warrants shall be drawn upon the County General Fund of Inyo County; and as soon as all warrants that have been drawn, or that shall be drawn on said Fund prior to the said first day of May, one thousand eight hundred and seventy-four, shall be paid, all moneys which may remain in said Fund, or which may afterwards be paid into said Fund, shall be placed to the credit of the "Expense Fund."

SEC. 9. All Acts and parts of Acts, so far as they relate to Inyo County, in conflict with the provisions of this Act, are hereby repealed.

SEC. 10. This Act shall take effect and be in force from and after the first day of May, one thousand eight hundred and seventy-four.

CHAPTER CCLXXIII.

An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

[Approved March 16, 1874.]

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

Assessment of migratory stock.

SECTION 1. Whenever the Assessor assesses any live stock, he must demand of the person who gives him a list thereof a statement under oath, showing: first, whether such stock, or any part thereof, will, during the year for which such assessment is being made, be moved to another county for pasturage, and if such removal is to be made; second, the county to which such stock will be taken; and third, the number, kind, and value thereof; *provided*, that should such person, at the time of assessment, not have determined to remove such stock, and afterwards should make such removal, it shall be lawful for him to make the statement to the Assessor of the county from which such stock was removed, as in this section provided, through the United States mail.

Duty of Assessor.

SEC. 2. The Assessor must fully note on his assessment roll, immediately below the description of the property listed to such person: first, the number and kind of stock to be removed; second, the name of the county to which such stock is to be removed; and third, the assessed value of such stock; and within ten days after making the assessment, he must transmit, by mail, to the County Treasurer of the county to which such stock is to be taken, a copy of the statement provided for in section one of this Act; and the Treasurer must enter the same in a book to be kept by him for that purpose, which book shall be known as the assessment roll of migratory stock, and shall be open for inspection.

Collector's account.

SEC. 3. The Collector must keep a separate account of all taxes collected upon the property mentioned in this Act, which account must include the names of the persons, description of the property, and the counties to which such stock has been driven, and at the time of his settlement, file such account with the Treasurer of his county; and the Treasurer must enter the same in a book to be kept by him for that purpose.

Treasurer's duty.

SEC. 4. The Treasurer receiving moneys so collected, must set apart one half of the sum collected for county purposes, for the use, respectively, of the different counties to which the stock has been sent for pasturage.

Demand.

SEC. 5. On the first Monday of February in each year, the Treasurer of each county to which any list provided for in section one has been sent, must make out a demand against the county from which the list came, for one half of the tax assessed for county purposes, against the property on said list, and must transmit the same to the County Treasurer of the county from which the list came, who must pay over to the Treasurer making the demand, all moneys received in the County Treasury, to

the use of the county from which the demand came, and which had not been before paid over, accompanied with a duplicate of the statement filed by the Tax Collector.

How made.

SEC. 6. The demand and payment provided for in the preceding section may be made through any regularly organized express company.

Mark "paid."

SEC. 7. The Treasurer receiving money and statement, as provided in the preceding section, must pay the same into the County Treasury, and must mark the word "Paid" on the assessment roll opposite the name and description of property corresponding with the name and description of property included in such statement.

Examinations by Assessor.

SEC. 8. The Assessor must make examinations of the property listed in said roll, and must ascertain whether any live stock not on such roll has been sent or brought into his county for pasturage, and if he finds any such, must assess it at its full cash value; and in that case the fact that the same property has been assessed in another county for the same year, and that the taxes have been paid in such county, shall be no defense to any proceeding to recover the taxes assessed in the county in which such stock is found, unless it be proved that such person has complied with the provisions of section one of this Act, and that the Assessor has failed to make return thereof.

Penalty for failure to make statements.

SEC. 9. Any person who drives, or causes to be driven, any live stock to another county for pasturage, and fails to make the statement provided for in section one, or who willfully fails to include in such statement the full number or value of stock so sent or driven, shall be liable to a penalty of five hundred dollars, to be recovered in the District Court of the county to which said stock is sent or driven; and such suit must be instituted by the District Attorney of said county in the name of the people of the State of California, upon the information of any responsible person, and one half of the penalty recovered must be paid to the person on whose information the suit was instituted.

Misdemeanor.

SEC. 10. Any officer who shall fail, neglect, or refuse to perform the duties required of him by this Act, shall be guilty of a misdemeanor, and, upon conviction, shall be fined a sum of not less than fifty nor more than five hundred dollars.

Print and transmit.

SEC. 11. The State Board of Equalization must, immediately after the passage of this Act, have it printed, and transmit twenty copies thereof to each Assessor in the State.

SEC. 12. This Act shall take effect from and after its passage.

CHAPTER CCLXXIV.

An Act to amend an Act entitled "An Act to reincorporate the Town of Santa Rosa."

[Approved March 16, 1874.]

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

SECTION 1. The tenth section of an Act entitled "An Act to reincorporate the Town of Santa Rosa," approved March twenty-eighth, eighteen hundred and seventy-two, is amended to read as follows:

General powers of Board of Trustees.

Section 10. The Board of Trustees shall have power to, and it is hereby made their duty, to make such ordinances, not inconsistent with the laws and Constitution of the United States and of this State, as they may deem necessary for the purposes following: To prevent and remove nuisances within the limits of said city; to regulate and prohibit the storage of gunpowder, hay, and all other combustible materials; to prohibit disorderly conduct; to license the sale of all or any kind of goods, wares, and merchandise; to license and regulate auctioneers, taverns, bar rooms, theatricals, circuses, and all shows, concerts, and places of amusement; to license and regulate tippling houses and dram shops, hawkers, peddlers, and pawnbrokers; to license omnibuses and hacks; to impose a penalty upon any one, who, without a license, carries on, or attempts to carry on, any business requiring a license; to regulate and prohibit dance houses, houses of ill-fame, and disorderly houses of all kinds; to prevent and punish disorderly conduct in the presence of the Board of Trustees, and disturbances of a meeting thereof; to fix the time and places of the meetings of the Board of Trustees; to establish rules for the proceedings of the Board; to require bonds of all city officers except the Trustees (no Trustee to be directly or indirectly interested in any contract made by them, or in any pay for work done under their direction or supervision), and to fix the amount and penalties thereof, and the number and qualifications of the sureties thereon, and the condition of said bonds; to lay out, alter, and establish all streets, alleys, sidewalks, crossings, and public grounds of the city, and to establish grades of the same; to lay out, locate, and establish sewers and drains in said city; to provide for the prevention, by fine and imprisonment, of running at large in said city of horses, swine, mules, sheep, goats, and cattle, and for the impounding the same, and selling them to pay expenses and costs of such impounding, keeping, and selling, and paying such fines; to compel the muzzling and killing of dogs, and to authorize their being killed when the owners thereof neglect to pay the taxes thereon; to establish and regulate markets; to prohibit slaughter houses within said city, and the slaughtering of cattle, swine, sheep, and goats, in said city; to establish a police department, and regulate the proceedings and conduct of the same; to provide for and es-

tablish a chain gang, and to regulate the proceedings and conduct of the same; to provide for and establish a fire department, and to regulate the proceedings and conduct of the same; to establish public reservoirs and works for supplying the city with water; to provide modes and manner of lighting streets and public grounds; to establish the manner of appropriating fines, penalties, and forfeitures, for breaches and violations of ordinances and non-compliance therewith; to ordain, establish, and impose fines, penalties, and forfeitures, for the breach or violation of any ordinance, or for non-compliance therewith; *provided*, that no ordinance shall fix the fine for one offense above three hundred dollars, or the imprisonment for one offense more than one hundred and fifty days; *and provided*, that such ordinance may provide an alternative, judgment may be rendered imposing a fine, and on failure to pay the same, imprisoning the person one day for each two dollars of such fine; to provide for the removal of dirt, filth, and obstructions from the streets, alleys, sidewalks, and public squares of said city, and to punish for the depositing of stone, dirt, filth, and obstructions in the streets, alleys, sidewalks, and public squares of said city; to provide for the forcible abating and removal of nuisances; to prevent and punish the depositing of dead animals and filth in said city, or in Santa Rosa Creek, and to establish sanitary regulations for the health of the city, or to prevent the spread of infectious diseases. The said Board of Trustees shall be the general agents of said city for the management of the affairs thereof, and shall have the general supervision of the same, and control thereof, and by orders entered on their minutes shall have power to make contracts, to levy a tax annually for general purposes on all property in the city subject to taxation, not exceeding one per cent of the assessed value thereof, and to order the same collected; to order the collection of a street tax, annually, of two dollars on each male person over the age of twenty-one and under the age of sixty years, residing in said city; to levy and order collected a tax, not to exceed five dollars, on each and every dog owned or kept within the city limits; and the Board of Trustees may, by order entered on their minutes, and by notice of ten days previously given, in the same manner as notices of city elections are required to be given, submit at any election the question of levying such other tax as may be required, specifying the rate, and the manner of voting; to expend the amount collected of the tax; to construct public reservoirs and other works necessary to supply the city with water, and keep the same in repair; to construct and keep in repair public cisterns and wells; to purchase and repair fire engines, hose, and other apparatus necessary or needed in the fire department; to build or rent buildings for the use of said city, and for the use of the fire and police departments thereof; to open, repair, and construct streets, alleys, crossings, sidewalks, and public grounds, and to grade the same; to furnish lights for the streets, alleys, and public grounds; to approve all bonds of city officers; to appoint policemen and watchmen, and to discharge the same; to establish and regulate a city prison; to control, pay out, and expend the funds of said city, and to do any and all acts necessary to the

Same.

proper performance of their duties under the charter of said city. They shall receive four dollars per day while sitting as a Board of Equalization, but shall receive no other compensation.

SEC. 2. The twenty-sixth section of the said Act is amended to read as follows:

Notice of proceedings.

Section 26. Upon filing of said survey and diagram, the City Clerk shall issue notice, directed generally to all persons interested, setting forth that such petition has been filed, and such survey and diagram has been made and filed, and also a statement that proceedings shall instituted for the condemnation of such land for public purposes. Said notice shall be served on each of the owners of said land by the City Marshal, by giving such owner a copy thereof, or by posting a copy thereof in a conspicuous place on the land of such owner proposed to be taken. If the owner of said land shall not donate the same to the city for said purposes, and if said city shall not purchase the same for said purposes, the City Attorney shall file in the Clerk's Office of the District Court, in the County of Sonoma, a complaint, in which the said city shall be the plaintiff, and the owners or claimants of the said land defendants, stating all the material facts in the case, and praying for the condemnation of said land for said purposes. Any proceedings for the condemnation of land pending in the County Court when this Act takes effect, shall be transferred to the District Court.

SEC. 3. The twenty-seventh (27) section of said Act is amended to read as follows:

Who may appear.

Section 27. The persons in the occupation of said lands or of any part thereof, and persons having or claiming any right, title, interest, or estate in or to said lands, or in or to any part thereof, whether named in the complaint or not, may appear and may be heard in the same manner as if they had been named in the complaint. All persons having or claiming any interest in said lands, or in any part thereof, shall answer, stating specifically their interest therein.

SEC. 4. The twenty-eighth section of the said Act is amended to read as follows:

Code to apply.

Section 28. The provisions of the Code of Civil Procedure shall be applicable to all proceedings under this charter, except as otherwise provided herein.

SEC. 5. This Act shall take effect immediately.

CHAPTER CCLXXV.

An Act to amend an Act entitled "An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two," approved March thirtieth, eighteen hundred and seventy-two.

[Approved March 16, 1874.]

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. On the third Monday in March, A. D. eighteen hundred and seventy-four, and every two years thereafter, a charter election shall be held, at which the legally qualified electors of said city shall elect seven Trustees, a City Treasurer, City Assessor, City Marshal, who shall be ex officio Tax Collector, who shall hold their offices for the term of two years, and until their successors are duly elected and qualified. The Board of Trustees shall appoint all other offices provided for in this Act, and shall fix the compensation to be allowed all officers, other than Trustees, for their services. Charter election.

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

CHAPTER CCLXXVI.

[See volume of Amendments to the Codes.]

CHAPTER CCLXXVII.

[See volume of Amendments to the Codes.]

CHAPTER CCLXXVIII.

An Act to regulate the fees of Tax Collector, in and for Plumas County.

[Approved March 16, 1874.]

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

Compensation. SECTION 1. The Tax Collector in and for Plumas County shall receive ten per cent upon the amount collected by him for business licenses, and that he receive no other compensation for the collection of said licenses.

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

CHAPTER CCLXXIX.

An Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma.

[Approved March 16, 1874.]

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

Compensation allowed. SECTION 1. Such salaries, compensation, and fees must 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.

Supervisors. SEC. 2. Supervisors, for all services required of them by law, or by virtue of their office, must be allowed eight dollars per diem, and twenty cents per mile in traveling to and from the place of their residence to the Court House; *provided*, that only one mileage must be allowed at each term; *and, provided further*, that no Supervisor must 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; *provided*, that in no case must the per diem of the Supervisors exceed five hundred dollars, each, in one year. The Supervisors must hold regular meetings quarterly, and special meetings may be held whenever a majority of the Board deem it for the best interests of the county; they must 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. No debt or liability must be created by the Board of Supervisors on any of the funds of the county in excess of ten per cent of the anticipated receipt from taxes for

the following year, and such liability must be paid out of the first money paid into said funds.

Assessor. SEC. 3. Assessment of property in the county must be made by the County Assessor, who must, for all services rendered by himself, receive a salary of twelve hundred dollars per annum, and fifteen per cent on all poll taxes collected by him, 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 must 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 of March next succeeding his election, and until his successor is elected and qualified. The Assessor shall be allowed not to exceed six Deputy Assessors, who must each be paid by the county at the rate of five dollars per day, for the time actually employed during the time allowed by law for the assessment of taxes; *provided*, that no deputy must receive in the aggregate more than three hundred dollars in one year. The said salaries must be paid out of the County Salary Fund.

County Clerk. SEC. 4. The County Clerk must receive, for all services required of him as County Clerk, Clerk of the District Court, County Court, Probate Court, Clerk of Board of Supervisors, Board of Equalization, and Board of Canvassers, a salary of twenty-five hundred dollars per annum, in full for all services required of him as aforesaid. He must be allowed two Deputy County Clerks, at a salary of twelve and nine hundred dollars per annum respectively. The County Clerk of said county must collect and safely keep all fees or 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 quarter must pay the same over to the County Treasurer of said county, and must, at the times herein provided for the paying over to the said Treasurer, make out and file with the said Treasurer a full and accurate statement, under oath, of all fees or compensation, of whatever nature, received by him within the preceding three months. It must be the duty of the County Treasurer to receive and receipt for all moneys paid over to him under the provisions of this Act.

Treasurer. SEC. 5. The County Treasurer must receive a salary of twenty-five hundred dollars per annum in full for all services as Treasurer.

Recorder. SEC. 6. The County Recorder, to include services performed as Auditor, must receive a salary of twenty-five hundred dollars per annum. He must be allowed two deputies, at a salary of twelve and nine hundred dollars per annum respectively.

Sheriff. SEC. 7. The Sheriff must receive, to include services as Tax Collector, an annual salary of four thousand dollars. He must be allowed one Under Sheriff, whose salary must be fifteen hundred dollars per annum; also three deputies, who must receive a salary of one hundred dollars each per month. The Sheriff must take charge of the County Jail and safely keep all prisoners; but must receive no extra compensation therefor, except for boarding prisoners, for which he may be paid such sum as

the Board of Supervisors may allow, not exceeding sixty cents per day. For taking prisoners to the State Prison, or insane persons to the State Asylum, he must only be allowed the necessary expenses incurred by him in the discharge of said duties. No deputy shall be eligible to the office of Constable during the term of his appointment to the office of Deputy Sheriff; *and, provided*, that the Sheriff shall divide equally among his deputies two hundred and fifty dollars of his salary.

Accounts. SEC. 8. The Sheriff and County Recorder, acting as ex officio Auditor, must keep an account of all fees collected by them in their official capacities, and must pay the same over to the County Treasurer, under oath, as provided in section four of this Act.

Fee book. SEC. 9. The Sheriff must 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 must 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 must 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 each day for inspection, between the hours of nine o'clock A. M. and four o'clock P. M., Sundays excepted, and must be by the Sheriff turned over to his successor in office.

District Attorney. SEC. 10. The District Attorney must receive for all services required of him by law, or by virtue of his office, a salary of eighteen hundred dollars per annum, and the following fees: For each conviction for felony, when the punishment is death, twenty-five dollars; for each conviction for other felony, eighteen dollars; for each conviction of misdemeanor, twelve dollars, which must be assessed against the person convicted, and if the same cannot be collected from him, then it must be considered a county charge, and be audited by the Board of Supervisors; for all collection of bonds, or forfeited recognizances, eight per centum; for every conviction under the Act to prohibit gambling, and the Act to prohibit lotteries, raffles, 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 collection of delinquent taxes, a compensation equivalent to 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 must 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 should the amount of fees, commissions, and percentage received in any one year, added to the salary allowed by law to the District Attorney, exceed the sum of three thousand five hundred dollars, then any excess above that sum must be paid by him in the County Treasury.

SEC. 11. The County Judge must receive, for all services required of him, an annual salary of three thousand dollars, after the expiration of the term of the present incumbent. County Judge.

SEC. 12. The School Superintendent must receive a salary of sixteen hundred dollars per annum. Superintendent.

SEC. 13. It must be the duty of every officer in this Act named, authorized to receive any fees for official services of himself or deputies, and required to pay the same over to the County Treasurer, to keep a fee book, in which he shall enter an exact and full account in detail of all fees, commissions, or compensation of whatever nature or kind, by him or his deputies earned, collected, or chargeable, with the date, name of the payer, and the nature of the service in each case. If any person 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 three months, or within five days thereafter, the officers herein named who are required to keep a fee book, must file with the County Auditor a statement, under oath, of the amount of fees charged therein during the preceding three months, ending on the last day of the month. The County Auditor must, on the first Monday of each quarter, or within ten days thereafter, make an abstract of the statements filed in his office for each officer, and forward the same to the Secretary of State, which must be sworn to. Any officer required to keep a fee book, as in this section provided, who shall refuse or willfully neglect to keep such book, or to file sworn statements, must be deemed guilty of a misdemeanor, and, on conviction, must be punished by a fine not exceeding five hundred dollars, and removal from office, if in office at time of sentence. Duties of officers to fees.

SEC. 14. The officers named in this Act who are required to pay the fees collected by them into the County Treasury must, on the first Monday of each quarter, 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 must, also, make an affidavit in the form as follows: "I, ——— ———, Sheriff (or other officer, as the case may be), of the County of Sonoma, 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 must be written upon the face of the fee book, following the record of the fees for the quarter. Affidavit to amount.

Table of fees. SEC. 15. Every officer herein specified must prepare and post up in his office, in some conspicuous place, a plain table of his fees, for the inspection of all persons. This must be done within twenty days after he has entered upon the discharge of the duties of his office.

In advance SEC. 16. The officers named in this Act must demand and receive all legal fees in advance for services to be rendered in their official capacities.

Publication. SEC 17. When, by law, any publication is required to be made by an officer, of any suit, process, notice, order, or other paper, the costs must be tendered the officer by the party requiring the publication, before said officer must be compelled to make the same.

Uncollected fees. SEC. 18. All officers named in this Act must collect the same fees and commissions as is now provided by law, and pay the same over to the County Treasurer, as is provided by this Act. Any fees or commissions chargeable by any officer named in this Act, and not collected by said officer, must be charged to the officer, and deducted from his salary.

Salary Fund. SEC. 19. All fees and commissions collected under the provisions of this Act, must be kept in a separate Fund, to be known as the County Salary Fund, and all salaries provided for in this Act must be paid quarterly, out of the County Salary Fund; *provided*, that in case such Fund is not sufficient to pay the salaries provided for, then the Board of Supervisors must pay the same out of the County General Fund.

Repealed. SEC. 20. The Act known as "An Act to regulate fees of office and salaries of certain officers," approved March fifth, eighteen hundred and seventy, is hereby repealed, so far as said Act conflicts with this Act.

Code repealed. SEC. 21. The provisions of sections four thousand and six, forty-one hundred and six, and forty-one hundred and seven of the Political Code, so far as the same conflicts with the provisions of this Act, are hereby repealed, and the officers as heretofore consolidated by the Board of Supervisors, are hereby continued; and the officers holding such offices shall only receive the compensation allowed in this Act.

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

CHAPTER CCLXXX.

An Act supplementary to and amendatory of an Act entitled "An Act concerning common schools in the City of Placerville," approved April first, eighteen hundred and sixty-four, to provide ways and means for building, furnishing, and repairing school houses in said city, and for other purposes.

[Approved March 16, 1874.]

Preamble. Whereas, on the second day of April, eighteen hundred and seventy-three, the Board of Education of said city, at a regular

meeting of said Board, resolved to submit to the legal electors of said city the proposition to levy and collect a tax of two thousand dollars for the purpose of building a school house in said city; and whereas, upon notice by publication, an election for the purpose aforesaid, was held in said city on the twenty-ninth day of April, eighteen hundred and seventy-three, and the votes cast thereat were duly returned to and canvassed by said Board; and whereas, a majority of all the votes cast at said election were in favor of said tax and for John R. Patten as Assessor and Collector thereof; and whereas, said Patten duly qualified as such Assessor, but failed to qualify as such Collector; and whereas, a portion of said tax is now due and delinquent; and whereas, said school house has been built, completed, and accepted, and a mortgage thereon for the sum of one thousand dollars, remaining due and unpaid, under the contract for the material and construction thereof, has been made and executed by said Board of Education; and whereas, a lot of land situate in said city, and designated on the official map of said city as Lot No. One, Block No. Thirty-three, has been purchased by said Board for the benefit of said schools; and whereas, the provisions of said Act, and of the general laws relating to the matters aforesaid, and to the acts, powers, and duties of said Board, in the premises, are conflicting and insufficient for the objects desired; therefore:

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:

Section 5. The Board of Education of said city shall have power, and is hereby empowered and authorized: Board of Education.

First—To purchase, receive, hold, and manage real estate and personal property, in trust for the use and benefit of the public schools of the City of Placerville. Powers of.

Second—To construct, enlarge, improve, repair, convey, mortgage, and provide school houses, and also such grounds, inclosures, and roads, as shall be necessary and proper for the protection or enjoyment of said school houses, or the convenience of said schools.

Third—To subdivide the corporate limits of said city, for the purpose of apportioning the number and attendance of scholars therein among the several schools thereof; to fix and regulate the admission and attendance of scholars in said schools; to fix the terms on which non-resident applicants may be admitted into said schools, and to enforce said terms by the collection of the fees prescribed, and to expend the same for educational purposes.

Fourth—To elect, suspend, and dismiss teachers, and to fix their salaries and compensation for such terms as said Board, or a majority thereof, shall deem expedient, not exceeding six months for any one term, and to prescribe the time and duration of all vacations.

Fifth—To audit, allow, and draw their warrant for the pay-

Same. ment of all proper and equitable claims against the Public School Fund.

Sixth—To divide and grade the schools of said city, and to determine what text books shall be used in each grade and class thereof; *provided only*, that no changes shall be made in the text books adopted for said grades, respectively, by the State Board of Education.

Seventh—To prescribe and enforce all necessary and proper rules and regulations for the good government, improvement, and progress of public schools within said city, and for carrying into effect the rules of discipline prescribed by themselves, the teachers of said schools, or the laws of said State; and to suspend or expel any scholar or scholars for a willful disregard or violation thereof.

Eighth—To appoint a School Census Marshal for said city, and to fix his compensation for services rendered.

Ninth—When directed or empowered by the qualified electors of said city, at an election held therein, as hereinafter prescribed, to build any additional school house or school houses.

Tenth—To exclude from said schools all scholars and applicants for admission therein under six years of age.

Eleventh—To have and exercise all other powers necessary and proper to accomplish the ends and objects of the powers aforesaid, or any of them.

Code added. SEC. 2. The provisions of Article Nineteen, Chapter Three, Title Three, of the Political Code, and also such provisions of the revenue and other laws relating to the levy, assessment, and collection of taxes as are made a part of said Article Nineteen, or as shall be necessary to the full effect, operation, and enforcement thereof, are hereby declared to be and are additional and subsidiary provisions of said Act as hereby amended; and the levy, assessment, and collection by advertisement and sale, or otherwise, of the tax aforesaid, and all agreements, contracts, conveyances, mortgages, purchases of real estate, resolutions, and Acts of said Board of Education, under color or by virtue of office, whether mentioned in the foregoing preamble or not, Legalized. are hereby expressly legalized, confirmed, and made binding and effectual for the objects and according to the terms and intent thereof.

School district. SEC. 3. Said city, within the corporate limits thereof, shall be and constitute one school district, to be styled and designated the Placerville School District; and by that name it may sue and be sued, and shall be held, deemed, and adjudged to be, in law and equity, the proper party in interest, and alone competent and liable as such upon all causes of action heretofore accrued or hereafter accruing, touching all and singular the matters and transactions aforesaid, and the actions of said Board of Education on behalf of said schools; and all the agreements, contracts, conveyances, mortgages, purchases of real estate, resolutions, and Acts of said Board of Education, their predecessors and successors in office, shall be held, deemed, and adjudged, in law and equity, to be in the name of and in trust for said district.

Qualify and collect. SEC. 4. At any time within one month from and after the passage of this Act, the said John R. Patten may qualify,

according to law, as Collector of said tax now due and delinquent, and may proceed to collect the same at any time within six months thereafter; and any tax hereafter levied and assessed in said district, for building or other purposes as aforesaid, may be collected by the Collector thereof as provided by law, at any time within two years after such tax or any part thereof shall have become due and delinquent.

Election notice.

SEC. 5. The Board of Education, by its Chairman, shall, at least two weeks prior to any election of School Directors and City Superintendent of Public Schools, as provided in the Act hereby amended, by notice in one or more newspaper, published in said city, designate the polling places for said election, and to what extent the paper, type, printing, and forms of ballots prescribed by the Political Code, may be dispensed with at such election; and only qualified electors residing in said city and within the ward wherein such electors shall offer to vote, shall be permitted to vote at such election, or any election in said district for any of the purposes aforesaid.

Returns and canvass.

SEC. 6. The returns of all such elections shall be made to said Board of Education, and immediately thereafter canvassed by said Board, and said Board shall thereupon declare the result, and within ten days thereafter shall issue certificates of election to the persons entitled thereto.

Board of Examiners

SEC. 7. The Chairman of said Board of Education, said City Superintendent of Public Schools, and the School Superintendent of El Dorado County, or in the absence of the last named officer, the acting teacher of the Grammar School of said city, shall constitute a City Board of Examination in and for said district, and may issue temporary certificates to teachers, corresponding to the second and third grades of certificates granted by the Board of Examination, and such temporary certificates shall render the holders thereof eligible as teachers of the Primary and Intermediate Schools of said district during the time for which they shall have been issued, not exceeding one term.

SEC. 8. This Act shall affect only the Placerville School District, and shall take effect immediately.

CHAPTER CCLXXXI.

An Act for the relief of Andrew Wasson, Sheriff of Monterey County.

[Approved March 16, 1874.]

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

Appropriation.

SECTION 1. The sum of thirteen hundred and ninety-two dollars is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to pay

and reimburse Andrew Wasson, Sheriff of Monterey County, for moneys by him laid out and expended in following and attempting to arrest Tiburcio Vasquez and his band of bandits, after the commission of the Tres Pinos murder; and the Controller of State is hereby directed to draw his warrant on the State Treasurer in favor of said Andrew Wasson for said amount, and the State Treasurer shall pay the same upon presentation of said warrant.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCLXXXII.

An Act amendatory of and supplemental to an Act entitled an Act to provide for the better maintenance of the indigent sick of Siskiyou County, approved April twenty-second, eighteen hundred and sixty-one.

[Approved March 16, 1874.]

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 provide for the better maintenance of the indigent sick of Siskiyou County, approved April twenty-second, eighteen hundred and sixty-one, is amended so as to read as follows:

Hospital Fund.

Section Three. Said taxes, when collected, shall constitute the Hospital Fund of the county, and shall be apportioned, under the direction of the Board of Supervisors, to the care and maintenance of the indigent sick of the county.

Transfer of funds to.

SEC. 2. The County Auditor, as soon as practicable after the passage of this Act, must draw his warrant on the funds of the three hospital districts of the county, for such sums as may be in said Funds respectively, in favor of the Hospital Fund of the county, and present the same to the County Treasurer, who must thereon forthwith transfer the sums in the Funds of the three hospital districts to the Hospital Fund of the county.

Debts.

SEC. 3. All indebtedness against any of the hospital districts of the county, at the time of the passage of this Act, shall become and be a valid indebtedness against the Hospital Fund of the county, and shall be paid out of said Fund in like manner as other demands against the Fund.

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

SEC. 5. This Act shall take effect immediately on its passage.

CHAPTER CCLXXXIII.

An Act to repeal section one of an Act supplementary to and amendatory of an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-six, eighteen hundred and sixty-six, approved March the twenty-eight, eighteen hundred and sixty-eight, approved April first, eighteen hundred and seventy-two.

[Approved March 16, 1874.]

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

SECTION 1. Section one of said supplementary and amendatory Act is hereby repealed, and section one of the Act approved March twenty-sixth, eighteen hundred and sixty-six, referred to in the title of this Act, is hereby revived and reënacted, so far as to apply to Alabama, Lee, Cosumnes, Granite, Natoma, and Dry Creek Townships, in the County of Sacramento. Repealed. Reënacted to apply.

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

CHAPTER CCLXXXIV.

[See volume of Amendments to the Codes.]

CHAPTER CCLXXXV.

An Act legalizing and confirming the boundaries of the school districts in the City of San Diego.

[Approved March 16, 1874.]

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

SECTION 1. The boundaries of San Diego School District, New San Diego School District, and East San Diego School District, in the City of San Diego, as defined and established by the Board of Supervisors of the County of San Diego, on the eighth day of October, A. D. eighteen hundred and seventy-two, are hereby legalized and confirmed. Boundaries confirmed.

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

CHAPTER CCLXXXVI.

An Act to regulate the salaries and fix the compensation of certain officers in the County of Napa.

[Approved March 16, 1874.]

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

Compensations allowed.

SECTION 1. Such salaries and fees shall be allowed and paid to the following officers of the County of Napa as in this Act provided, and not otherwise, and shall be in full compensation for all official services required of them by law.

Sheriff.

SEC. 2. The Sheriff of Napa County shall receive such fees for his services as are now allowed by law. As Tax Collector, he shall receive a salary of five hundred dollars per annum, in addition to all the compensations allowed by law for the collection of licenses.

County Clerk.

SEC. 3. The County Clerk, as County Clerk and ex officio County Recorder and Auditor, shall receive a salary of four thousand dollars per annum.

Treasurer.

SEC. 4. The County Treasurer, after the first Monday in March, eighteen hundred and seventy-six, shall be ex officio Tax Collector of Napa County, and shall receive a salary of two thousand dollars per annum as compensation for all services rendered by him as Treasurer and Tax Collector; *provided*, that the Sheriff shall, after the first Monday in March, eighteen hundred and seventy-six, be the Collector of all licenses, and shall retain for himself such compensation therefor as may be allowed by law.

District Attorney.

SEC. 5. The salary of the District Attorney of this county shall be one thousand dollars per annum, in addition to the fees and percentage allowed by law.

County Judge.

SEC. 6. The County Judge shall receive a salary of eighteen hundred dollars per annum, from and after the first day of January, eighteen hundred and seventy-six.

Superintendent.

SEC. 7. The Superintendent of Schools for this county shall receive an annual salary of six hundred dollars.

Assessor.

SEC. 8. The County Assessor shall receive an annual salary of eighteen hundred dollars, in addition to the compensation allowed him by law for the collection of State poll tax.

Principal and deputy

SEC. 9. In all cases where salaries are provided in this Act for county officers, it shall be construed to include the compensation not only of the principal, but of all his deputies.

Fees to be paid over.

SEC. 10. The County Clerk, County Recorder and Auditor, and Tax Collector of Napa County shall collect and safely keep all fees and percentages, of whatever nature, allowed them for services rendered by them respectively, in their 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, to be placed in the County Treasury to the credit of the General Fund, and shall, at the time of such payment, make out and file with said Treasurer a full and accurate statement, under

oath, of all fees and percentages chargeable or receivable, as aforesaid, in their several respective official capacities, for the preceding month.

Salaries, how paid.

SEC. 11. The salaries of the several county officers herein prescribed for shall be paid in monthly installments, and shall be audited by the County Auditor, who shall draw his warrant for the same on the Treasurer, on the last judicial day of each and every month.

Fee book.

SEC. 12. All of the county officers who are hereby required to pay in to the County Treasurer fees or percentages, shall keep a fee book, in which shall be entered all of the fees or percentages chargeable or receivable by them respectively, and the same shall be at all times open for public inspection.

SEC. 13. So much of all Acts or parts of Acts as are in conflict with this Act are hereby repealed.

SEC. 14. This Act shall take effect on the first Monday in March, eighteen hundred and seventy-six.

CHAPTER CCLXXXVII.

An Act to protect the County Treasuries of certain counties.

[Approved March 16, 1874.]

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

Assessors to pay deputies.

SECTION 1. If the Assessor of Siskiyou, Calaveras, Amador, or Alpine County appoints any deputies by virtue of authority derived from the State Board of Equalization, acting in pursuance of powers conferred on them by section three thousand seven hundred and four of the Political Code, or by virtue of authority derived from the Board of Supervisors of his county, acting in pursuance of powers conferred on them by section three thousand eight hundred and ninety-four of the Political Code, the compensation of such deputies must be paid by the Assessor.

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

CHAPTER CCLXXXVIII.

An Act to establish and maintain a training ship, or ships, in the City and County of San Francisco.

[Approved March 16, 1874.]

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

San Francisco training ship.

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized to procure a ship, or ships, of suitable size and tonnage, with all the necessary tackle, furniture, and equipments, on board of which to instruct boys in seamanship and mechanical trades, to be called a training ship, or ships; said ship, or ships, shall be anchored in the Bay of San Francisco, within the corporate limits of said city and county, except during such time as it may be employed in cruising for the instruction of the pupils on board; and to supply said ship, or ships, with all the stock, materials, implements, and machines necessary to operate efficiently the trades and business which shall be taught on board of said ship or ships; and the said Board is hereby authorized to apply to the United States Government for the use of vessels and supplies for the purposes above mentioned, and to accept therefrom any vessel or vessels, together with their necessary tackle, furniture, and equipments, which the said Government may assign to the said city and county, to be used for the purposes contemplated by this Act, and to accept the services of any officers or men which said Government may detail to service on board of any such vessel or vessels, and upon such terms and conditions, consistent with the provisions of this Act, as the said Government may prescribe.

Rules and regulations

SEC. 2. Said Board shall adopt rules and regulations for the instruction and government of the boys placed on board of said ship or ships, appoint all necessary instructors and employés required to perform the various duties designated by said Board, fix their compensation, and require the Principal or Superintendent to furnish to said Board quarterly reports of the number of pupils, their character, deportment, and progress, and such other matters as said Board shall require.

Removal and sentence of boys thereto.

SEC. 3. Said Board is hereby authorized to remove from the Industrial School in said city and county, from time to time, those boys whom they may select, and place them on the training ship or ships, and to remove from the training ship or ships, to the Industrial School, such boys as they may designate; and any Court which has heretofore sentenced any boy to confinement in the Industrial School, is hereby given authority, upon application of the same Board, to so modify its judgment as to change the place of confinement of such boy from such school to the training ship; and such Courts shall hereafter at all times have power, upon the application of said Board, to so modify its judgment of confinement in the Industrial School,

as to change the place thereof to the training ship, or from the training ship to the Industrial School.

Who to be sent.

SEC. 4. The Municipal Criminal Court of San Francisco, and the Police Court of the City and County of San Francisco, are hereby authorized to sentence any male person, under eighteen years of age, who shall be convicted of any misdemeanor, to serve his term of imprisonment on board of said training ship or ships.

Transfers therefrom.

SEC. 5. Said Board is hereby authorized and empowered to transfer from said training ship, any boy therein, to any naval vessel or merchant ship of the United States, to service thereon during the remainder of his term of sentence, or for such shorter time as the said Board shall, in its discretion, deem proper. And the Court which sentenced said boy shall, upon application of said Board, have power to so modify its judgment as to enable said Board to execute the provisions of this section.

Penalty for aiding escapes.

SEC. 6. Any person who shall aid any boy in escaping or deserting from said training ship or ships, shall be guilty of a misdemeanor, and be punished by fine not exceeding one thousand dollars, or imprisoned in the County Jail for a term not exceeding one year, or by both such fine and imprisonment.

Provision for expenses.

SEC. 7. The Board of Supervisors of said city and county is hereby authorized and required to direct to be paid out of the General Fund of said city and county the amount of money necessary to carry out fully all the provisions of this Act, not exceeding twenty-five thousand dollars per annum; and the Auditor of said city and county is hereby required to audit all claims passed by said Board in pursuance of the provisions of this Act; and the Treasurer of said city and county is hereby directed to pay the same.

When Act to take effect.

SEC. 8. This Act shall not be in force or take effect until and unless the Government of the United States shall furnish to the said City and County of San Francisco a suitable vessel fully equipped for the purpose indicated in this Act.

SEC. 9. All Acts and parts of Acts, so far as the same may be inconsistent with the provisions of this Act, are hereby repealed.

CHAPTER CCLXXXIX.

An Act to reincorporate the City of San José.

[Approved March 17, 1874.]

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

Corporate name.

SECTION 1. The corporation or body politic and corporate now existing and known as the City of San José, shall remain and continue to be a body politic and corporate, in name and in fact, by the name of the City of San José, and by that name shall 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 estate and personal property, and sell, convey, and dispose of the same for the common benefit. The boundaries of the City of San José shall be as follows: Beginning on the center line of Second street, at a point one mile and a half southeasterly from its intersection with the center line of San Fernando street, thence running in a straight line parallel with San Fernando street to the center of the Coyote Creek; thence down, following the center of said creek, to its intersection with a line drawn through the center of Rosa street; thence along said line through the center of Rosa street, in a straight course, to a point forty rods southwesterly from the west bank of the River Guadalupe; thence in a straight line to a point in the center line of San Fernando street produced forty rods southwesterly from the said west bank of the River Guadalupe; thence in a straight line, parallel with Second street, to a point that a line drawn from it to the place of beginning will be parallel with San Fernando street; thence along said line to the place of beginning. Also, the jurisdiction of said city shall extend to and embrace all that certain plat or parcel of land as now inclosed for a public cemetery, and known and designated as Oak Hill Cemetery.

Boundaries.

Officers and compensation.

SEC. 2. The government of said city shall be vested in a Mayor, a Common Council, to consist of eight members, a City Treasurer, who shall be City Collector, a City Assessor, who shall be City Clerk, a Commissioner of Streets, and a Chief of Police, and such policemen as the Mayor and Common Council may appoint. 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 absolutely void.

Charter election and terms of office.

SEC. 3. On the second Monday in April, in each and every succeeding 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 shall be elected at the charter election to be held on the second Monday in April, A. D. eighteen hundred and seventy-four, and on each alternate year thereafter, who shall hold his office for two years, and until his successor shall be duly elected and qualified; a City Assessor, who shall be City Clerk, shall be elected at the charter election to be held on the second Monday in April, A. D. eighteen hundred and seventy-five, and on each alternate year thereafter, who shall hold his office for two years, and until his successor shall be duly elected and qualified; a City Treasurer, who shall be City Collector, shall be elected at the charter election to be held on the second Monday in April, A. D. eighteen hundred and seventy-four, and on each alternate year thereafter, who shall hold his office for two years, and until his successor be duly elected and qualified; a

Chief of Police shall be elected at the charter election to be held on the second Monday in April, A. D. eighteen hundred and seventy-four, and on each alternate year thereafter, who shall hold his office for two years, and until his successor be duly elected and qualified, unless removed as hereinafter provided; a Commissioner of Streets shall be elected at the charter election to be held on the second Monday in April, A. D. eighteen hundred and seventy-four, and on each alternate year thereafter, who shall hold his office for two years, and until his successor be duly elected and qualified, unless removed as hereinafter provided; four Councilmen shall be elected annually, one from each ward, at the charter election to be held on the second Monday in April, who shall be electors of the wards in which they are chosen, and who shall hold their offices for two years, and until their successors are duly elected and qualified; *provided*, that at the charter election to be held on the second Monday in April, A. D. eighteen hundred and seventy-four, there shall be elected five Councilmen, two of whom shall be elected from the First Ward, and shall hold their offices, one for one year, and one for two years, from date of election, to be determined by lot. The officers of the present city government shall continue in office under this charter, with such powers and duties as are herein prescribed, until their successors are elected and qualified; and nothing herein contained shall be construed to release any person heretofore holding office in said city from any personal liabilities which they may have incurred by any of their official acts. Four School Trustees (one from each ward) shall be elected annually, at the charter election to be held on the second Monday in April, who shall be electors of the wards in which they are chosen, and who shall hold office for two years, and until their successors are duly elected and qualified. The four School Trustees, who shall be so elected at the charter election to be held on the second Monday in April, A. D. eighteen hundred and seventy-four, together with the four members of the present Board of Education, whose terms extend over the year of eighteen hundred and seventy-four, shall constitute the Board of Education of the City of San José until July, eighteen hundred and seventy-five, when the terms of the said four holdover members shall expire, and thereafter said Board of Education shall consist of eight members, to be elected as hereinbefore provided. The School Trustees to be elected as hereinbefore provided, shall hold office for two years, or until their successors are duly elected and qualified. Same.

SEC. 4. The city shall be divided into four wards, bounded as follows: That portion of the city bounded on the northwest by the northern boundary line of said city; on the northeast by the center line of First street; on the southeast by the center line of Santa Clara street and the continuation of said center line of Santa Clara street, along the center line of the Alameda road to the western boundary of said city; and on the southwest by the southwestern boundary, shall be and constitute the First Ward. That portion of the city bounded on the northwest by the northern boundary line of said city; on the east by the center line of the Coyote River; on the southeast by the center line of Santa Clara street; and on the southwest Wards.

by the center line of First street, shall be and constitute the Second Ward. That portion of the city bounded on the northwest by the center line of Santa Clara street; on the east and northeast by the center line of the Coyote River; on the southeast by the southeastern boundary line of said city; and on the southwest by the center line of First street, shall be and constitute the Third Ward. That portion of the city bounded on the northwest by the center line of Santa Clara street, and the continuation of said Santa Clara street, along the center line of the Alameda road; on the northeast by the center line of First street; on the southeast by the southeastern boundary line of said city; and on the southwest by the southwestern boundary line of said city, shall be and constitute the Fourth Ward.

Elections and officers of.

SEC. 5. It shall be the duty of the Mayor and Common Council to call all city elections, to designate the time and place of holding the same, giving at least ten days notice thereof; and for each ward they shall appoint one Inspector and two Judges of Election, residents of their respective wards, 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, as far as practicable, to elections under this charter. The polls for all elections shall be opened at nine o'clock A. M., and shall not be closed until sundown 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 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 be an elector for State and county officers, and shall actually have resided within the ward in which he claims his vote, thirty days next preceding such election.

Returns.

Canvass.

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 bond required for the period of ten days after their election, the office shall be vacant, and shall be filled as hereinafter provided.

Council meetings.

SEC. 7. The Mayor and Common Council shall hold their regular meetings on the first Monday in each month. A majority of all the members elected shall be a quorum, and 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 regular or adjourned or called meetings of the Common Council, if six members are present, they may choose one of their own number to preside 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 Mayor and Common Council, in order to have legal force, must receive not less than five votes and the approval of the Mayor, or if he fail or refuse to approve the same within ten days after its passage, to render such order or ordinance valid it must receive the votes of six of the Councilmen. Ordinances

SEC. 8. If at any time either or any of the officers created in this Act (members of the Board of Education excepted) shall, from sickness, absence, or from any other cause, neglect or refuse to perform the duties of his office for a period of three consecutive months, his office shall be declared vacant by the Common Council. Any vacancy occurring in any of the offices created by this Act shall be filled by the Mayor and Common Council until the next regular election, when the vacancy shall be filled by the qualified electors of said city; but the person thus elected shall hold office only for the balance of such unexpired term. Vacancies.

SEC. 9. The Common Council may adopt rules for its proceedings, shall judge of the qualifications of its 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 three fourths vote. It shall have power to remove, for good and sufficient cause, and after notice to the party accused, by a three fourths vote, with the Mayor's approval, any and all city officers, whether elected or appointed (members of the Board of Education excepted), and to fill any vacancy so caused; 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 the public squares; to construct public buildings, and other structures, by contract to the lowest responsible bidder, in such manner as may to the said Common Council seem best; 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 such business; to purchase, 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 aqueducts; to supply the city with water; to lay out, alter, open, vacate, improve, cleanse, water, and repair streets and sidewalks; to construct sewers and drains; to improve the rivers and streams flowing through the city or in the vicinity thereof, in order to facilitate the drainage thereof; and to protect the city from overflow, to cause obstructions to be removed from the channels, to raise embankments, and to widen, straighten, and deepen said channel; to repair any property of the city; to create and establish a city police; to prescribe their duties and compensation, and to provide for the regulation and government of the said police; to regulate for the protection of health, cleanliness, ornament, peace, and good order of the city; to define, prevent, Powers and duties of Common Council.

Same. 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 streets or works of the city; to prohibit and suppress gambling houses and houses of ill-fame, all indecent and immoral amusements and exhibitions; to regulate the location of slaughter houses, markets, and houses for the storage of gunpowder and other combustible and explosive substances; to prohibit the establishment and maintenance of such slaughter houses, or the storage of gunpowder and other combustible or explosive substances, within the limits of the city; to purchase, sell, exchange, and improve school lots, and to purchase and construct school houses; 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, but no such fine shall exceed one hundred dollars, or such imprisonment for a term exceeding thirty days, for any offense, or may provide for sentence to labor on the streets or public property of the city within the city; 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 the State or of the United States; and any violation of any lawful order, regulation, or ordinance of the Mayor and Common Council of the City of San José, is hereby declared a misdemeanor, and all prosecutions for the same may be in the name of the people of the State of California.

Debts. SEC. 10. The Common Council shall not create, audit, or allow, or permit to accrue, any debt or liability above the actual revenue or available means in the Treasury that may be legally apportioned and appropriated for such purpose; nor shall any warrant be drawn, or evidences of indebtedness be issued, unless there shall be sufficient money in the Treasury, legally applicable, to meet the same, except as hereinafter provided.

Claims, allowance, and payment. SEC. 11. Every claim and demand that shall arise against the City of San José (except bonds, coupons for interest or claims payable from the School Fund), shall be filed with the City Clerk, and presented to the Common Council, and, if found correct, shall be allowed and ordered paid by a majority vote of the Councilmen elected; and when so allowed, shall be presented to the Mayor for approval, and if he approve such allowance, he shall indorse his approval upon such claim or demand, and if he fail or refuse to approve such allowance within ten days, the said claim or demand, in order to render the same payable, must be allowed and ordered paid by the votes of six Councilmen. Upon the allowance of any claim or demand, as in this section provided, the Mayor shall draw his warrant (countersigned by the City Clerk), upon the City 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; *provided, however*, that if said public moneys shall be in the hands of any special depositary, as hereinafter provided,

the order shall be drawn upon such depositary as hereinafter required.

Special duties and expenditures.

SEC. 12. At each regular meeting of the Common Council, they shall inquire into the condition of the streets, sewers, bridges, schools, school houses, and fire department, and all other property of the city, and whenever the owners of a major part of the taxable property of the city, according to its valuation upon the last preceding assessment roll, shall make written application to the Mayor and Common Council for an expenditure of not exceeding ten thousand dollars, for any purpose authorized by this Act, in excess of the revenue of the city, for such purpose in the then fiscal year, the Mayor and Common Council shall have the power, after having caused such application to be spread upon their minutes, to incur such expenditure, although in excess of the revenue of the city for the then current fiscal year; and shall provide for the payment of the same, as directed in said application, by the levy of a special tax for the same or the succeeding fiscal year; *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. All special taxes ordered to be levied and collected shall be so levied and collected in the manner, form, and ways prescribed for the levying and collecting of the general taxes of said city.

Collection of 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, as far as applicable; 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 and county 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 renewed until the taxes are all paid or the property has absolutely vested in a purchaser under a sale for taxes.

Annual taxes.

SEC. 14. The Common Council shall levy, annually, a tax upon the real and personal property within the city. Such levy shall be estimated upon the assessment roll of the preceding year, and shall be for the following purposes, and none other: for the support and maintenance of the public schools of the city, a tax not exceeding thirty cents on each one hundred dollars; for the support of the fire department of the city, a tax not exceeding twenty cents on each one hundred dollars; for the purpose of sewerage and drainage of said city, a tax not exceeding ten cents on each one hundred dollars; and for the General Fund, a tax not exceeding thirty-five cents on each

one hundred dollars. All licenses, taxes, unless otherwise ordered by the Common Council, shall be apportioned to the General Fund, and all taxes and licenses herein authorized to be collected, shall be collected in the same currency as may be prescribed in reference to State and county taxes.

Equalization.

SEC. 15. 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.

Improvement of streets, etc.

SEC. 16. The Common Council are hereby authorized and empowered to order the whole or any portion of any street or streets, lane or lanes, sidewalks, alleys, courts or squares, graded, or regraded to the official grade, paved, graveled, or macadamized, and have the same repaired, or 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 said streets, sidewalks, lanes, alleys, and squares, as in their opinion the public good and convenience require.

When and how made.

SEC. 17. If, at any time, the owners of three fifths or more of the real estate fronting on any street, counting from one cross street to any other cross street, within the corporate limits of the City of San José, shall petition the Mayor and Common Council of said city for the sewering, grading, graveling, macadamizing, paving, planking, curbing, or repairing of such street, or the sidewalks along the same, or both, or if no such petition shall be presented, and the Mayor and Common Council shall deem it to be for the best interests of the city that such improvement be made, they shall cause notice to be given by publication, for at least ten days, in some daily newspaper published in said city, of the street thus to be improved, and also the character and extent of such improvement; and unless within ten days from the completion of said publication, written objections to said improvement, signed by the owners of four fifths of the property fronting on said proposed improvement, shall be filed with the City Clerk, they shall cause an immediate survey of any such proposed work or improvements to be made by the City Surveyor, 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 street, all lots on the corners of blocks to include the sidewalks of 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, and he shall present the same, together with the plans and specifications for the proposed work or improvements, to the Mayor and Common Council, for approval.

Order and contracts thereto.

SEC. 18. If the Mayor and Common Council approve the survey, diagram, and specifications of the surveyor provided for in the preceding section, the same shall be placed on file in the office of the Commissioner of Streets, and the Mayor and Common Council shall order said improvements to be made as petitioned for or resolved upon, designating in said order at what time said improvements shall be completed, and providing therein that the Commissioner of Streets shall immediately let out to the lowest responsible bidder or bidders, after giving such notice as the Mayor and Common Council may direct, by contract, in writing, the doing of all the said work or improvements so ordered. Said contract shall provide that said work and improvements shall be made in accordance with the diagram, survey, and specifications in reference thereto, and that the same shall be completed within the time fixed by the Mayor and Common Council for the completion of said work and improvements, and shall particularly state the amount to be paid for such improvements; and all such contractors shall, at the time of the execution of the contract, also execute a bond, to the satisfaction of the Mayor and Common Council, with two or more sureties, in such sum as the Mayor and Common Council may deem adequate, conditioned for the faithful performance of the contract, and made payable to the City of San José; and the said 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 (and any person suffering damages by reason of the breach of said contract, may sue on such bond in his own name); *provided*, that not less than the whole of said work or improvements required to be done on any street from one cross street to another cross street, shall be let to any one contractor, or in any single contract; *and, provided further*, that no contract for the doing of any of said work or improvements shall take effect until approved by the Mayor and Common Council of said city; and the Mayor and Common Council shall have the power to reject any and all contracts so made as aforesaid, by the Street Commissioner, as in their discretion the public good may require, and to direct the Commissioner of Streets to readvertise for proposals to do said work or improvements.

Assessment of costs.

SEC. 19. Upon the approval of the contract or contracts for the doing of said work and improvements, as provided for in the preceding section, it is hereby made the duty of the City Assessor of said city, within ten days thereafter, to make an assessment of the costs of making such improvements as apportioned to each of the owners of the real estate fronting on the portion of said street so ordered to be improved, in the same ratio or proportion which the frontage of the real estate of each of said owners bears to the total cost of the said improvements so petitioned for and let as aforesaid; *providing*, that the expenses of work done on main street crossings shall be assessed upon the four quarter blocks adjoining and cornering on the crossings. Where a street terminates at right angles in another main street, the expense of the work done on one half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and

cornering on the same, according to the frontage of such lots on said main streets, and the expense of the other half of the width of the said street, upon the lots fronting on the latter half of the street opposite such termination; and if the owners of any of the real estate fronting on said portion of said street are unknown to said Assessor, he shall assess the proportionate cost of said improvements to "unknown owners," and he shall present the said assessment to the Mayor and Common Council for approval; and when said assessment shall have been approved by the Mayor and Common Council, the City Clerk shall attach his certificate of approval thereto, and shall place said assessment in the hands of the City Collector, and the said Collection. Collector shall proceed to collect the same in such manner and within such time as the Mayor and Common Council shall, by ordinance, direct. At the expiration of the time fixed by the Mayor and Common Council for the collection of said assessment by the City Collector, he shall return the same to the City Clerk, and the said Clerk shall, within ten days, make out and deliver to the City Attorney (or such other attorney as the Mayor and Common Council may designate), a certified list of the persons and property, and the amounts remaining delinSuits therefor. quent upon such assessment, and the said attorney shall immediately commence suit or suits for the collection of the same, and the proceedings for the collection of said assessment so remaining delinquent, shall be by suit in rem against the property chargeable with such assessment; and the said assessment shall be a lien upon and against the property assessed, which shall attach at the time said improvements are ordered to be made, and shall not be satisfied or removed until the said taxes or assessments are all paid, or the property has absolutely vested in a purchaser, under a sale for taxes or assessments; and said taxes or assessments shall be collected in the same kind of currency as Evidence. prescribed in reference to State and county taxes. The delinquent list provided for in this section, certified by the City Clerk, showing unpaid taxes or assessments 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 or assessments due and unpaid, and that all forms of law in relation to the assessment and levy of such taxes or assessments have been complied with. Any judgment rendered in such action shall include, in addition to the costs of said suit, ten per cent upon the amount of said assessment.

Cost of survey. SEC. 20. The cost of the survey, specifications, maps, or diagram of any of the work or improvements hereinbefore mentioned, together with all culverts, shall be paid by the city.

Repairs. SEC. 21. When any street, or portions of any street, which has not been accepted by the city, or the sidewalks, or any portion thereof, becomes in a condition to be dangerous, or in a condition to cause great public inconvenience, and shall be so determined by the Mayor and Common Council, the Commissioner of Streets shall, by notice in writing, to be delivered to Notice to make. them personally, or posted on the premises of the owners, occupants, or tenants of 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 Commissioner of Streets may enter into a contract with any competent person to make the required improvements or repairs at the expense of the owner of the real estate, at such price as he may deem reasonable and just, and such owners shall be liable to pay the same; and the 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 and enforced in the same manner as provided in section nineteen of this Act. Proceedings if not made.

SEC. 22. Whenever any street shall be improved under contract, in accordance with the provisions of the charter, it shall be the duty of the Commissioner of Streets, the City Engineer, and the Chairman of the Street Committee, to examine said work while in progress, and carefully inspect the same when completed, and upon the completion of said work, the Commissioner, and said Engineer, and said Chairman of the Street Committee, shall file, in writing, with the City Clerk, their acceptance or rejection of said work, and if accepted, the Mayor and Common Council shall, at the next regular meeting after said acceptance, draw a warrant upon the General Fund in favor of the contractor for the amount due upon such contract; but no warrant shall be drawn or liability created until such written acceptance is duly filed. Acceptance and payment.

SEC. 23. When any street or portion of a street, not less in extent than from one cross street to the next cross street, is now or shall hereafter be constructed, repaired, and fully improved, to the satisfaction of the Mayor and Common Council of the City of San José, under such regulations as they may adopt, the Mayor and Common Council may, by ordinance, accept the same, and thereafter the roadway of said portion of such street so accepted shall be kept open and in repair by said city, and the expense thereof shall be paid from the General Fund; *provided*, that nothing in this section shall be so construed as to relieve the owners of the property fronting on the portion of the street so accepted, from keeping in good order and repair the sidewalks, curbs, and gutters along the same. The City Clerk shall keep in his office a register of all streets or portions thereof, accepted under this section, the same to be indexed so that reference may be easily had thereto. When city to keep street open and in repair.

SEC. 24. If, at any time, the owners of three fifths or more of the real estate fronting on any street, counting from one cross street to any other cross street within the corporate limits of the City of San José, shall petition the Mayor and Common Council of said city for the sprinkling and watering of such street between the points designated, the Mayor and Common Council may, by ordinance, direct that said street be so sprinkled and watered, and the Commissioner of Streets shall thereupon proceed to advertise for proposals to perform said work in such manner as is in said ordinance provided, and let a contract, subject to the approval of the Mayor and Common Council, to Sprinkling streets.

the lowest responsible bidder, to water and sprinkle such street between the points designated, at such times and to such extent as in said ordinance provided, and said Commissioner of Streets shall assess upon the property fronting on the streets, or portions of streets thus watered or sprinkled, in proportion to its frontage on such streets or portions of streets, the costs of such watering and sprinkling, as provided in the contract; and said Commissioner of Streets, or his deputy, shall, each week, collect from such property holders such sums thus assessed, and in the event of the refusal or neglect of such property holders to pay said sums, when so demanded, said Commissioner of Streets shall commence an action in the name of the City of San José, in any Court of competent jurisdiction, and shall, in addition to such assessment sued for, and the costs of suit, recover ten dollars counsel fees in each case; and from the sums thus collected and recovered, shall pay to the party watering said streets the compensation prescribed in said contract.

Costs.

Cemetery Superintendent.

SEC. 25. The Mayor and Common Council shall have power, and it is hereby made their duty, to appoint some suitable and competent person or persons as Superintendent and Sexton of Oak Hill Cemetery, and of such other cemeteries as may at any time hereafter be established for the purposes of the city, who may be removed by the Mayor and Common Council at will; such Superintendents or Sextons shall have power to make arrests of persons who may trespass upon the cemetery grounds, or be found guilty of violating any of the laws or rules for the protection and government of said cemeteries, as prescribed by ordinance or resolution of the Mayor and Common Council. The Mayor and Common Council shall have power to make all needful laws and regulations for the government of said cemeteries; they shall, in such laws, particularly set forth the duties of the Superintendents and Sextons, and provide for their compensation.

Powers.

City Attorney and Engineer.

SEC. 26. The Mayor and Common Council, when in their opinion the public good so requires, shall appoint a City Attorney and also a City Surveyor and Engineer, each of whom may be removed at the pleasure of the Mayor and Common Council, the duties and compensation of each of said officers to be prescribed by the Mayor and Common Council.

Opening streets.

SEC. 27. The Mayor and Common Council of the City of San José shall, upon the presentation of a petition for the opening of any new street, or for the extending or widening of any street in said city (which petition shall have been signed by the owners of two thirds of the frontage on said street therein proposed to be opened, widened, or extended), or whenever said Mayor and Common Council shall deem such opening or improving of any street a public necessity, direct, by ordinance, the City Surveyor to make an accurate survey of any such proposed street or streets, 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; and for the purpose of making such survey, 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.

SEC. 28. If the Mayor and Common Council approve the survey provided for in the preceding section, the City Clerk shall give notice by publication in some daily newspaper published in the City of San José, for the period of ten days, directed generally to all persons interested, setting forth that the survey of such proposed street or streets, and such order approving such survey, have been made, and that, unless the owners of all lands included within the lines of said street, as proposed to be opened, widened, or extended, shall within thirty days after the first publication of said notice, make, execute, and deliver to the City of San José a deed or deeds of donation of such lands, proceedings will be instituted for the condemnation of the same. Notice.

SEC. 29. If, at the expiration of said thirty days, any one or more of the owners or claimants of any lands within the line of the streets so proposed to be opened, widened, or extended, shall have neglected or refused to make, execute, and deliver deeds of donation therefor, proceedings shall be instituted in the name of the City of San José against such person or persons, under the provisions of Part Three, Title Seven of the Code of Civil Procedure, for the purpose of condemning such lands to the use of the city as a public street; *provided*, that the benefits resulting to the land remaining may be offset against the value of the land actually taken, as also against any damages resulting to such adjacent land from such improvement. Proceedings to condemn lands.

SEC. 30. In order to provide for the necessary and proper drainage and sewerage of the City of San José, the Mayor and Common Council of said city are hereby authorized to procure the right of way, by purchase or condemnation, for such main and lateral sewers or drains as they may deem proper for the sewerage and drainage of said city. Such rights of way may be thus secured through lands within the corporate limits, and, also, when required, through lands adjacent to and without said city. Sewerage.

SEC. 31. The Mayor and Common Council of the City of San José shall, upon presentation of a petition signed by the owners of two thirds part of the frontage on any river or stream flowing through said city, asking for the widening, straightening, or deepening of said stream, or whenever said Mayor and Common Council shall deem the widening, straightening, or deepening of said stream a public necessity, direct, by ordinance, a survey of said stream within such time as shall be directed by said ordinance (or, at their option, may use any survey or surveys, map or maps, report or reports, already made), and said survey shall be accompanied with a report and diagram map, showing the location of said stream, and the proposed alterations thereof; and whenever, in the opinion of said Common Council, the public exigency requires, such improvement may be made upon such streams at any place without the corporate limits of the city. Stream improvements

SEC. 32. If the Mayor and Common Council approve the survey provided for in the preceding section, it is hereby made the duty of the City Clerk to cause notice to be published for the period of ten days, in some daily newspaper published in said city, a notice directed generally to all persons interested, setting forth that said survey, and the order approving the Notice.

same, have been made, and that unless the owners of all lands included within the lines of said survey shall, within thirty days after the first publication of said notice, make, execute, and deliver a deed or deeds of donation to the City of San José of the lands included in such survey, and required for such work of improvement, proceedings will be instituted for the condemnation of the same.

Proceedings to condemn lands.

SEC. 33. If, at the expiration of said thirty days, any one or more of the owners or claimants of any lands within the lines of the said survey shall have neglected or refused to make, execute, and deliver deeds of donation therefor, proceedings shall be instituted in the name of the City of San José against such person or persons, under the provisions of Part Three, Title Seven, of the Code of Civil Procedure, for the purpose of condemning such lands as a public necessity; *provided*, that the benefits resulting to the land remaining, may be offset against the value of the land actually taken, as also against any damages resulting to such adjacent land from such improvement.

River Improvement Fund.

SEC. 34. It shall be the duty of the Mayor and Common Council to levy and cause to be collected each year, at the time and in the manner other city taxes are levied and collected, a special tax, not exceeding ten cents on each one hundred dollars, upon all the real and personal property within said city subject to taxation, the fund thus created to be known as the River Improvement Fund, to be applied to the improvement of such streams, and to no other purpose.

Mayor, powers and duties.

SEC. 35. The executive power of the corporation shall 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 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 the 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 in office of Mayor.

SEC. 36. 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 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.

Mayor's salary.

SEC. 37. The Mayor shall receive as a salary the sum of six hundred dollars per annum, the same to be paid quarterly from the General Fund of said city.

Chief of Police.

SEC. 38. The department of police of said city shall be under the direction of the Chief of Police, 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 enforce 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; he 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.

Duties of Street Commissioner.

SEC. 39. It shall be the duty of the Commissioner of Streets to make regular and frequent inspection of all the traveled streets within the City of San José. Under the direction of the Mayor and Common Council he shall remove obstructions therefrom, repair bridges and culverts, and make such other needful repairs as such streets may, from time to time, require. He shall also supervise and inspect all work that may be directed by the Common Council in opening, grading, graveling, and improving the public streets within said city; give or cause to be given all necessary notices to property holders, or others, as to any contemplated opening or improvement of streets; he shall also have general supervision and charge of all public squares and parks within said city; he shall see that all dead animals and offensive substances are promptly removed from such streets or squares; that the sewers and gutters are in proper order and condition; he shall direct as to the extent and manner in which streets may be excavated for the laying of gas, water, and other pipes, and shall direct the way in which such excavation shall be made, or the earth replaced therein; and he shall generally do and perform all acts and duties, with reference to the public streets and squares of the city, that may be directed by ordinance or resolution of the Mayor and Common Council.

Salaries of Chief of Police and Street Commissioner.

SEC. 40. The Chief of Police and the Street Commissioner shall each receive, as compensation for their services, the sum of one hundred and twenty-five dollars per month. Such compensation shall be paid monthly, by warrant on the General

Fund. Neither the Chief of Police nor the Commissioner of Streets shall receive any perquisites or compensation for any services performed, other than the monthly salary as fixed.

Fees of police to be paid over.

The Chief of Police and policemen of said city shall charge, collect, and be entitled to receive, in the discharge of their official duties, the same costs or fees which are by law allowed to Sheriffs and Constables for like services, and such costs or fees so received by any of them, shall, by the party receiving the same, within twenty-four hours after the receipt thereof, be paid into the City Treasury, and shall, by the Treasurer of the city, be placed to the credit of the General Fund of said city.

Duties of police.

SEC. 41. It shall be the duty of the Chief of Police and policemen of said city to execute all process issued by any Justice of the Peace of San José Township, officiating as Police Judge or otherwise, or from other legal authority commanding his services as such officer; and the Chief of Police shall attend upon the Court officiating as a Police Court, and be in attendance at all meetings of the Common Council, and 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, and shall be entitled to receive pay from the city not exceeding the compensation of a regular policeman.

Bond of Assessor and Clerk.

SEC. 42. The City Assessor and Clerk, before entering upon the duties of his office, shall give a bond in the sum of five thousand dollars, or such greater sum as the Mayor and Common Council may by ordinance direct, conditioned for the faithful discharge of the duties of his office.

Clerk's duties.

It shall be his duty, as City Clerk, 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 Collector, 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 certificates issued by him, and the amount of money received by the Collector therefor. He shall countersign all warrants issued by order of the Mayor and Common Council, and signed by the Mayor. He shall notify, in writing, all persons who may be by the Common Council, sitting as a Board of Canvassers, declared to be officers elect. The City Clerk must keep separately, in large, well bound, uniform, and suitable books, an ordinance record, in which shall be entered in a good, round, legible hand, all ordinances passed by the Common Council and approved by the Mayor of the City of San José, and said record shall be signed by the Mayor, and countersigned by the City Clerk of said city; a file book, which shall be an alphabetical index, wherein there shall be entered, in chronological order, all bills, communications, and all other original documents filed with said Clerk for presentation to the Mayor and Common Council of said city, and all action had thereon; an improvement assessment record, in which shall be copied all improvement assessment rolls, and such record certified by the said City Clerk; a street and river improvement and sewerage reg-

ister, in which shall be entered under the proper heads a memorandum of each and every action had, referring to the book and page of record in all matters of street and river improvement and sewerage. It shall be his duty, as City Assessor, in each year, between the first day of May and the first day of August, to 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 City Collector 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 do and perform all such other duties as may be prescribed by this Act, or as by ordinance or otherwise may be required of him by the Common Council. 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. Such quarterly report, duly verified by his oath, shall be published once in such daily newspaper published in the City of San José, as the Mayor and Common Council shall direct; and with such publication, and in connection therewith, there shall be republished his report made for the next preceding quarter. At the end of the fiscal year he shall 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 the amount of cash on hand. He shall have the power to administer oaths and affirmations. He may, with the concurrence of the Mayor and Common Council, appoint one or more deputies, one of which deputies, during the period of assessment, as laid down in this Chapter, may be appointed for two months at a salary of one hundred dollars per month, which shall be paid out of the General Fund.

Same.

Deputies.

SEC. 43. For his services as such Assessor and City Clerk, he shall receive a salary of one thousand nine hundred and twenty ($1,920) dollars per annum, payable monthly as follows: one hundred and sixty dollars ($160) per month for the first quarter; two hundred dollars ($200) per month for the second quarter; one hundred and sixty dollars ($160) per month for the third quarter, and one hundred and twenty dollars ($120) per month for the fourth quarter of the fiscal year; he shall also be entitled to collect and receive for drawing and making out any deed for real estate sold by the city (other than burial lots) the sum of three dollars, and for any transcript of the records, or copies of papers in his office, such fees per folio, and for certificates, as are by law allowed to the County Recorder of Santa Clara County for like services; *provided*, no charge

Salary, and how paid.

shall be made for any copies, transcriptions, or certificates required or demanded by said city.

Treasurer and Collector; duties.

SEC. 44. It shall be the duty of the City Treasurer and Collector 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 the receipt thereof, to proceed to collect the same at the time and in the same manner as prescribed by the law for the collection of State and county taxes, the said Collector and Treasurer being hereby vested with all and the same powers to make collection of taxes as is or shall hereafter be conferred upon Collectors for the collection of State and county taxes; and it shall be his duty to collect in the same manner, and with the same authority, any tax list or assessment placed in his hands, without any unnecessary delay, and to place all taxes, license, and other moneys collected by him, belonging to the city, in the City Treasury, and on the first Monday of each and every month, or as often as the Mayor and Common Council may by ordinance direct, file with the City Clerk his affidavit, stating the amount of money collected by him, belonging to the city, for the preceding month, or for such other period of time as may have been prescribed; the sources from which the same has been received; and said affidavit shall be subscribed and sworn to. It shall be the duty of said City Collector and Treasurer to receive and safely keep all moneys that shall come into his hands, belonging to said City of San José, for all of which he shall give duplicate receipts, one of which shall be filed with the City Clerk. He shall, each day, deposit all moneys by him, as such Treasurer, before that time collected or received, in such bank, in the City of San José, as the Mayor and Common Council may, by resolution, direct, and shall countersign all warrants issued by order of the Mayor and Common Council, and signed by the Mayor and countersigned by the City Clerk. He shall perform such other duties as may be, by ordinance, required of him by said Mayor and Common Council, and, for his compensation as such Treasurer and Collector, he shall receive a salary of one hundred dollars per month, payable monthly; *provided*, that this clause shall not affect the Treasurer elected under former charter. The City Collector and Treasurer shall make quarterly settlements with the City Clerk, and shall file with said Clerk a statement, under oath, of the same; and in said statement he shall set forth the entire amount of moneys by him received during the preceding quarter and placed with the bank depositary, and also the gross amount of all warrants drawn during said quarter against said public fund.

Proposals for deposits

SEC. 45. It shall be the duty of the City Clerk, upon the first Tuesday in May of each year, to cause notice to be given by public advertisement, for one week, in some daily newspaper published in the City of San José, that sealed proposals will be received from any bank of deposit in the City of San José, as to the terms and conditions upon which they will receive and disburse the public moneys of said city. Such proposals will be received up to twelve o'clock M. of the second Tuesday in said month of May. The proposals to be made shall specify the rate of interest per month that will be allowed upon such

deposits of public moneys, and shall further provide that said banking house will at any time, upon warrants properly drawn and presented, pay out and disburse, on demand, all the moneys of said city then on deposit in said bank, if required to pay such warrant. Such sealed proposals shall be publicly opened by the Clerk, in the presence of the Mayor and Common Council. The bank offering the highest rate of interest shall be appointed the depositary of such public moneys. Such depositary thus selected shall give a bond, with two or more sureties, in the sum of one hundred thousand dollars, or such further sum as the Mayor and Common Council may require, conditioned for the faithful keeping and proper disbursement of all such moneys; said bond to be approved by the Mayor and Common Council. Upon the approval of such bond, the Mayor and Common Council shall, by resolution, direct the City Treasurer to deposit each day with the bank thus selected, all public moneys by him collected or received. For each deposit, the Treasurer shall take the receipt of the bank, and from and after the deposit of such money in said bank, the Treasurer and his bondsmen shall no longer be liable therefor.

Additional security.

SEC. 46. At any time, the Mayor and Common Council may, by resolution, direct such bank of deposit to give additional or other security for the charge and disbursement of said moneys, and until such other security is given and approved, may direct the Treasurer to retain such moneys in his own possession.

Qualification.

SEC. 47. All city officers, whether elected by the people or appointed by the Mayor and Common Council, shall, before entering upon the duties of their office, take and subscribe the oath of office prescribed by law. All of such officers, other than the Mayor, members of the Common Council, and of the Board of Education, shall each, before entering upon the duties of his office, give a bond with sureties to be approved by the Mayor and Common Council, payable to the City of San José, 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 San José. Should the bond of any officer become insufficient, he shall give such additional security as the Mayor and Common Council may require, and upon his failure to do so at the time required, or within five days thereafter, 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 City Assessor and Clerk, shall be filed in the office of the City Clerk. The official bond of the City Assessor and Clerk shall be filed with the Mayor of the City of San José.

Police Justice and compensation.

SEC. 48. Justices of the Peace of San José Township are hereby declared competent to discharge all the duties of Police Justice for the City of San José; and for all services and proceedings before a Justice of the Peace, in a criminal proceeding or action arising under the provisions of this Act, or of any ordinance which may now or hereafter be in force in said city, he shall have and be entitled to receive from the City of San José the sum of one dollar and fifty cents, payable out of the General Fund; and all fines imposed by such Justices for any

breach of peace within the corporate limits of the City of San José, or for any violation of the city ordinances, shall be paid into the City Treasury, and placed to the credit of the General Fund; and it is hereby expressly provided that no demand shall be allowed, or warrant drawn in favor of any Justice of the Peace who shall fail to pay into the City Treasury the fines collected in criminal cases, where the crime shall have been committed within the corporate limits of the City of San José, when such crime by law is punishable by fine, and which fine, if paid, would have, under the provisions of this Act, been justly due and applicable to the General Fund of the city.

When Mayor to hold Court.

SEC. 49. If, at any time, the Justices of the Peace of San José 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 all violations of city ordinances, and shall be entitled to collect and retain the same fees in all cases as by law and the provisions of this Act shall be paid to such Justices.

Organization of School Boards.

SEC. 50. On the first Tuesday in July after the declaration of election of the School Trustees, said Trustees shall meet in some suitable place in the City of San José and take the oath of office as such Trustees. They shall then organize as a Board of Education, by electing a President from their own body. It shall be the duty of the President to preside over the meetings of the Board, and to call special meetings; he shall be entitled to a vote, and in his absence any member of the Board may be chosen to preside in his place. A majority of the Board shall constitute a quorum for the transaction of business, but any smaller number may adjourn from time to time. The Board may enact rules for the conduct of its own proceedings. Its sessions shall be public, and its records open to public inspection.

School statement.

SEC. 51. The Board of Education shall cause the Clerk to prepare and submit each quarter, to said Board, a tabular statement, in writing, of the condition of the several schools of the city, by name. Such statement shall contain the several items of expenditure incurred during the preceding quarter, for each such school, and the entire money disbursements upon the same. Such report shall be in duplicate, and one copy thereof shall be by said Clerk forthwith transmitted to the Clerk of the Common Council.

Powers of Board of Education.

SEC. 52. 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.

Second—To employ and dismiss the City Superintendent, teachers, janitors, and school census marshals, and to fix, alter, allow, and order paid their salaries or compensation, which, for any Superintendent or teacher, shall not exceed the sum of fifteen hundred dollars per annum; *provided*, that the term of employment of the Superintendent and teachers shall expire on or before the last day of June of each and every year, 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. Same.

Third—To make, establish, and enforce all necessary and proper rules and regulations, not contrary to law, for the government and management of the public schools within the said city, and for carrying into effect laws relating to education; also, to establish and regulate the grade of schools, and to determine what text books, prescribed by the State Board of Education, shall be employed, and the course of study and mode of instruction to be pursued in said schools.

Fourth—To provide for the school department of said city, fuel, light, water, blanks, blank books, printing, stationery, and school books, and such other articles, materials, or supplies as may be necessary and appropriate for use in schools, or in the office of the Superintendent; and to incur such incidental expenses and repairs as may be necessary for the support and maintenance of said schools.

Fifth—To order paid monthly from the School Fund of said city, the salary of the City School Superintendent.

Sixth—To prohibit any child under six years of age from attending public school; and generally to do and perform such other acts as may be necessary and proper to carry into effect the powers of said Board granted by this Act and by ordinance of the Common Council of the City of San José. For any services performed by the members of said Board, no compensation shall be allowed by the city.

Seventh—To determine annually the amount of taxation, not exceeding thirty cents on each one hundred dollars valuation, upon the assessment roll, to be raised by the tax upon the property in said city subject to taxation, for the establishment and support of the free public schools in said city, and the erection and furnishing of school houses. They shall also have power to determine the location of new school houses.

Superintendent. SEC. 53 There shall be a City Superintendent of Public Schools, who shall be ex officio Clerk of the Board of Education, and 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. It shall be his duty, as said Clerk, to keep a fair and impartial record of all proceedings had, and all orders made by the Board, or under the direction of the President.

Trustees' reports. SEC. 54. At the last session of the Board in each school term of the year, before proceeding to other business, each Trustee shall be called on to report the condition of the school or schools in his ward, and the circumstances and wants of the inhabitants thereof, in respect to education, and to suggest any defect he may have noted, and improvement he would recommend in school regulations.

Contracts. SEC. 55. No School Trustee or Superintendent shall be interested in any contract pertaining in any manner to the school department of said city, and all contracts in violation of this section are declared void, and any Trustee or Superintendent violating, or aiding in the violation of the provisions of this section, shall be deemed guilty of a misdemeanor.

Qualifications of teachers.

SEC. 56. No teacher shall be employed in any of the public schools of the city without having a certificate, issued under the provisions of the general school law of the State of California, and shall have given evidence of good moral character, ability, and fitness to teach, nor shall any person be employed as City Superintendent, unless at the time of such employment he shall be possessed of the proper educational qualifications to discharge the duties of said office, as required by this Act and the said State school law.

Superintendent's duties.

SEC. 57. The City Superintendent shall report to the Board of Education annually, and at such other times as they may require, upon 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 houses, lots, and furniture; the number of teachers employed and pupils taught in each of the primary, intermediate, grammar, and high schools, and the cost per pupil, including all ordinary expenses; the amount of the several expenditures for school purposes during the year, with such recommendations as he may deem proper; and he shall file with the City Clerk a true and correct copy of such annual report.

Same.

SEC. 58. It shall be the duty of the Superintendent to visit and examine each school, with such frequency as the Board of Education may direct; to cause to be observed such general rules for the regulation, government, and instruction of the schools 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, and shall do and perform such other duties as may be required of him by the Board of Education.

Vacancies.

SEC 59. Any vacancy in the office of School Trustee shall be filled by appointment by the Board of Education, and such appointees shall hold office respectively until the election next ensuing, and the election and qualification of their successors in office; but no such appointment shall be valid unless the appointee be at the time of appointment an elector in the ward wherein the vacancy occurred.

School Fund.

SEC 60. The school funds of the City of San José 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 levied and collected for school purposes within said city, and of such other moneys as may from any source whatever be paid into said School Fund. The said School 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 keeping or disbursing any school moneys, and if at the expiration of the fiscal year any surplus remains

in the School Fund, such surplus moneys 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.

SEC. 61. The School Fund shall be used and appropriated by the Board of Education for the following purposes, to wit: How used.

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 making all necessary repairs, and supplying the schools with lights, fuel, water, apparatus, blanks, blank books, and necessary school appliances, together with books for indigent children.

Third—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, and insurance of school houses.

SEC. 62. All claims incurred by the Board of Education, payable out of the School Fund, excepting the coupons for interest and school bonds, which may hereafter be issued according to the provisions of this Act, shall be filed with the Clerk of the Board, and after they have been approved by a majority of all the members elect of said Board, they shall be signed by the President of the Board of Education, whose signature, indorsed on each claim, shall be a certificate of its approval by the Board. It shall then be the duty of the Clerk of said Board to issue warrants for the amount of said allowed and certified claims, in favor of the claimant, which warrant shall be countersigned by said President. All demands for teachers' salaries shall be paid monthly. Claims.

SEC. 63. Demands on the School Fund may be audited and approved in the usual manner, although there shall not at the time be money in the Treasury for the payment of the same; *provided*, that no demand on said Fund shall be paid out of, or become a charge against, the School Fund of any subsequent year; *and, further provided*, that the entire expenditures of the school department, for all purposes, shall not in any fiscal year exceed the revenue for school purposes for the same year. Same.

SEC. 64. All demands authorized by this Act, when audited and approved, and warrants issued thereon, as herein prescribed, 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, or if the funds of the city shall be in the hands of a bank depositary, as hereinbefore provided for, said warrant thus drawn, signed, and countersigned by the City Treasurer, shall be paid by said bank depositary; *provided*, the said Board of Education shall not have any power to contract any debt or liability, in any form whatsoever, against said city, in contravention of this Act. Payment.

SEC. 65. All lots known as school lots, and all lots and lands, either within or without the corporate limits of the City of San José, dedicated and belonging to said city, not heretofore disposed of by ordinance, or sold, and, by deed, transferred to School lots.

Same. individual purchasers, either by the Common Council, or by those acting as Commissioners of the Funded Debt of said city, are hereby fully vested in the Mayor and Common Council of said city, in trust, for the use and benefit of the public schools of the City of San José; and the Mayor and Common Council are hereby authorized to sell, transfer, or exchange the same for other lots and lands, if, in their opinion, the interest of the public schools will be best secured by so doing, and no money received from such sales shall not be diverted from the School Fund of said city; *provided*, that nothing in this section, or in this Act, shall be so construed as to give the Mayor and Common Council power to sell, transfer, or dispose of any of the streets or public squares of said city, except that portion of San José street and Market Square not included in the present map of Market Square, as approved by the Mayor and Common Council, which portion of San José street and Market Square may be sold by the Mayor and Common Council, and the proceeds of such sale shall be appropriated for the purpose of improving and adorning said Market Square; and nothing herein contained, under any of the provisions of this Act, shall be so construed as to transfer the jurisdiction from or deprive the Mayor and Common Council of the right of exercising the jurisdiction and control of all the public lands dedicated and belonging to the City of San José, within or without the corporate limits thereof, or from suing in any and all Courts of competent jurisdiction for the possession or the fee simple of any such lands; and any and all actions now pending, or hereafter to be commenced, either in reference to the school lands of said city, or for any other lands or property, shall be in the name and style of the Mayor and Common Council of the City of San José.

Moneys, how used. SEC. 66. All moneys belonging to the City of San José, and now constituting part of the School Lot Fund, so called, are hereby transferred to the General Fund of said city, and the Mayor and Common Council are authorized and directed to employ such money in the erection of such school house or houses as may be hereafter required in said city, and for no other purpose whatever.

Public park. SEC. 67. All that certain tract or parcel of land situate and lying in the County of Santa Clara, and State of California, and being a portion of the pueblo lands of the City of San José, and commonly known as the "City Reservation," and containing four hundred acres and fifty-five hundredths of an acre of land, as surveyed by J. J. Bowen, County Surveyor of Santa Clara County, March twenty-eighth and twenty-ninth, eighteen hundred and sixty-seven, is hereby declared a public park; and the Mayor and Common Council of said city are hereby authorized and empowered to pass such ordinances as may be necessary for the preservation of such reservation or park for public use; but said Mayor and Common Council shall have no power to sell, or dispose of, or alienate the said park or reservation; *provided, however*, that said Mayor and Common Council, with the advice and written consent of the Board of Commissioners of the Santa Clara Avenue, may lease the same for a term not exceeding ten years, upon such terms and con-

ditions as they may deem proper; but such lease shall not authorize or permit any use or disposition of said park or reservation as to prevent the free use thereof, during the existence of such lease, by the people of said city as a public park.

Additional powers.

SEC. 68. In addition to the powers hereinbefore granted, the Mayor and Common Council of the City of San José shall have power to purchase lands for cemeteries or burial grounds, and to provide for the government, care, and regulation of the same, and for the sale and disposal of burial lots therein; to provide for the numbering of houses and places of business; to establish a public Pound, appoint a Poundkeeper and prescribe his duties and compensation, and to prevent, regulate, or license the running at large of any or all domestic animals; to examine, either in open session or by committee, the books, papers, vouchers, and reports, or statements, of the several city officers, and to allow and order paid, from the General Fund, their several salaries, except as herein otherwise provided.

Ordinances

SEC. 69. The style or enacting clause of all ordinances of the City of San José shall be: "Be it ordained by the Mayor and Common Council of the City of San José, as follows."

Fiscal year.

SEC. 70. The fiscal year, in and for the City of San José, shall commence on the first day of April of each year, and end on the thirty-first day of March thereafter.

Repealed.

SEC. 71. An Act entitled "An Act to reincorporate the City of San José," approved March thirteenth, A. D. eighteen hundred and seventy-two, and all Acts and portions of Acts of the Legislature of the State of California, which conflict in any manner with this Act, or any portion thereof, are hereby repealed; *provided*, that the ordinances and proceedings of the Mayor and Common Council of the City of San José, and of the authorities of said city, shall in nowise be affected by such repeal; *and, provided further*, that the validity of any and all rights, titles, claims, or demands, acquired by said City of San José or against it, by or against any person or firm under said Act, or laws made thereunder, shall not be impaired or affected by the provisions of this Act; *provided*, that this Act shall not be so construed as to repeal, or in any manner affect or impair, an Act entitled "An Act to provide for the opening and improving of Santa Clara Avenue, in the County of Santa Clara," approved March fifteenth, A. D. eighteen hundred and seventy-two.

SEC. 72 This Act shall take effect and be in force from and after its passage.

CHAPTER CCXC.

An Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof.

[Approved March 18, 1874.]

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

Ex officio. SECTION 1. The County Clerk shall be ex officio Clerk of the District, County, and Probate Courts, of the Boards of Supervisors, Equalization, and Canvassers, Auditor, County Sealer of Weights and Measures and Clerk of the Board of Swamp Land Commissioners. The County Treasurer shall be ex officio Tax Collector.

Salary of County Judge. SEC. 2. The salary of the County Judge shall be one thousand eight hundred dollars per annum, and he shall receive no other or further fees or emoluments for any services rendered as County Judge or ex officio Judge of the Probate Court.

Sheriff. SEC. 3. The salary of the Sheriff shall be five thousand dollars per annum. In addition to this salary he may retain for his own use the mileage received by him in civil actions, and the provisions of this Act relative to keeping an account of and paying over his fees, shall have no application to the sums received by him for mileage in civil actions. The above allowances of salary and mileage in civil actions shall constitute the entire compensation of the Sheriff, including the services of all his deputies or Jailers.

County Clerk. SEC. 4. The salary of the County Clerk shall be five thousand dollars per annum, which shall be the only compensation received by him for any services by him or any of his deputies as such County Clerk, or as ex officio Clerk of the District, County, and Probate Courts, of the Boards of Supervisors, Equalization, Canvassers, and Swamp Land Commissioners, Auditor, and County Sealer of Weights and Measures.

Treasurer. SEC. 5. The salary of the County Treasurer shall be twenty-seven hundred dollars per annum, which shall be the only compensation received by him, or any of his deputies, for any services rendered as such Treasurer, or as ex officio Tax Collector, except the mileage allowed him by the State for traveling to the Capital to make his settlements.

District Attorney. SEC. 6. The salary of the District Attorney shall be one thousand dollars per annum, and in addition thereto he shall receive fees as follows: For each conviction on a charge of felony, when the penalty is death, fifty dollars; for each conviction on a charge of felony, when the penalty is other than death, twenty-five dollars; for each conviction of a misdemeanor in the County Court, except as hereinafter provided, fifteen dollars, to be assessed as costs against the party convicted, and if the same cannot be collected from him, then it shall become a county charge, and shall be audited by the Board of Supervisors, and payable out of the County Salary Fund; for every conviction under the Act to prohibit gaming,

fifty dollars, to be collected and paid out of the fine or fines imposed upon the party convicted, but in case of failure to so collect the same, to become a charge against the county, and must be audited by the Board of Supervisors and payable out of the County Salary Fund; for every conviction of an offense before a Justice of the Peace, fifteen dollars, to be assessed as costs against the party convicted; *provided*, that in the absence of the District Attorney, any Justice of the Peace before whom any criminal charge is pending may appoint some suitable and competent attorney at law to prosecute such charge, who shall, in case of conviction, receive the same fees as herein provided for the District Attorney in such cases, to be assessed as costs against the party convicted, and execution may issue for said amounts in favor of the District Attorney, or such attorney appointed by a Justice of the Peace, for any such fees provided by this Act, to be assessed against the party convicted, as upon a judgment; *provided further*, that in no case shall any fee of the District Attorney, or of any attorney appointed by a Justice of the Peace, for any conviction of an offense tried before a Justice of the Peace, become a charge against the county.

Assessor.

SEC. 7. The salary of the Assessor shall be eighteen hundred dollars per annum; and he shall be allowed, in addition thereto, as compensation of deputies, the sum of six hundred dollars per annum; and, in addition thereto, he shall be entitled to the following fees: for collecting poll taxes, ten per cent upon the amount collected; for collecting all taxes upon personal property, collected by him, for the first ten thousand dollars collected he shall receive six per cent upon the amount collected; for the second ten thousand dollars collected he shall receive four per cent upon the amount collected; and upon all sums collected, over twenty thousand dollars, he shall receive two per cent of the amount collected; and he shall receive no other or further compensation, for any services rendered by him or any of his deputies, as such Assessor, or as collector of poll taxes and personal property taxes.

School Superintendent.

SEC. 8. The salary of the School Superintendent shall be one thousand dollars per annum, and he shall receive no other or further compensation for any services as such School Superintendent.

Fees. County Clerk.

SEC. 9. The County Clerk, the County Clerk as ex officio Clerk of the District, County, and Probate Courts, and the Recorder, shall each charge and collect from the parties for whom the services are performed, such fees as are provided in section four of an Act of the Legislature of the State of California, entitled "An Act to regulate fees of office and salaries of certain officers, and to repeal certain Acts in relation thereto," approved March fifth, eighteen hundred and seventy. The County Clerk, as ex officio Clerk of the Board of Supervisors, shall charge and collect, from parties for whom services are performed, such fees as are provided in section fourteen of said Act above mentioned. The County Clerk, as ex officio County Sealer of Weights and Measures, shall charge and collect, from the parties for whom services are performed, such fees as are provided in section five hundred and sixty-seven of the Political Code of California. The Sheriff shall charge and collect,

Sheriff. from all parties for whom services are by him rendered, such fees as are provided for in section nine of said Act above mentioned; *provided*, that the fees of the Recorder, for recording official bonds, shall be chargeable to and collected from the officers whose bonds are recorded, and in no case shall they become a charge against the county; *provided further*, that in cases where, by the provisions of said Act above mentioned, any fees of the County Clerk, or of the County Clerk in any ex officio capacity, or of the Sheriff, are a charge against the county, no fees shall be charged or collected.

Fee books. SEC. 10. It shall be the duty of every officer in this Act named, authorized by law to receive any fees for official services of himself or his deputies, to keep a fee book, in which he shall enter an exact and full account in detail of all fees, commissions, or compensation of whatever nature or kind, by him or his deputies earned, collected, or chargeable, with the date, name of payee, and the nature of the service in each case; *provided*, that the Clerk of the District, County, and Probate Courts shall enter all fees received or chargeable in any and all actions or proceedings pending in said Courts in the Registers of Actions, required by law to be kept, and he may, at the end of each month, enter in his fee book the name of each and every action or proceeding in each of said Courts pending, in which fees have been collected, or have been chargeable during said month, with the gross amount received or chargeable in each and every of said actions and proceedings respectively, during said month, and such entries shall be deemed in lieu of the detailed statement of the fees in such actions and proceedings; *provided, further*, if any person 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 option. At the close of every six months, commencing from the beginning of their terms of office, or within five days thereafter, the officers herein named who are required to keep a fee book, except such as are required by this Act to pay over all fees collected to the County Treasurer, shall file with the County Auditor a statement, under oath, of the amount of fees and commissions charged therein during the preceding six months. Any such officer who shall refuse, or willfully neglect to keep such fees, or to make and file such sworn statement, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not less than twenty-five dollars nor more than five hundred dollars, or by removal from office, or both such fine and removal from office.

Penalty for neglect.

Statement and oath. SEC. 11. The County Clerk, and the County Clerk as ex officio Clerk of the District, County, and Probate Courts, of the Board of Supervisors, and County Sealer of Weights and Measures, and the Sheriff, shall, on the first Monday of each month, file with the Auditor a statement, under oath, of the fees charged during the preceding month, and shall, at the same time, present to the Auditor his fee book, with the amounts therein charged for the preceding month footed up, with his affidavit indorsed upon the face of said book in words and figures as follows: "I, —— ——— (giving name and official description), do solemnly swear that the entire fees, commis-

sions, percentages, or payments for all services by me, or any deputy or person connected with my office for me, performed during the month commencing ——, and ending ——, has been entered, in detail, in this fee book of my office and added up, and that the amount thereof, to wit: the sum of $—— — is the full amount received or charged for or during said month, and that neither myself, nor, to my knowledge, any deputy for me, has rendered any service, for which fees are chargeable and payable, which is not entered in this fee book and added up, to make the said sum of $—— —, which said sum is the true and full amount of such fees. —— ——, signed and sworn to." If said statement and affidavit is in due form, and the fee book has been kept, as required by section nine of this Act, the Auditor must certify the said amount to the County Treasurer, as provided in section four thousand two hundred and seventeen of the Political Code of California. The said officers shall thereupon pay over to the County Treasurer the said amount of fees so collected or charged, who shall give to such officer a receipt therefor, which shall be filed with the Auditor, and shall indorse his receipt for such moneys on the face of the fee book. All moneys so paid over by the officers mentioned in this section, shall be apportioned to the County Salary Fund. Pay over.

SEC. 12. All fees or commissions allowed to or received by the Auditor, Assessor, Collector, or Treasurer, from the State, for assessing, collecting, keeping, and paying over any of the revenues of the State, or for any service whatever, in connection with such revenue, shall be paid by the officer receiving, or to whom such fees or commissions are allowed, into the County Treasury, and shall be apportioned to the County Salary Fund. Same.

SEC. 13. Each member of the Board of Supervisors shall receive the sum of six dollars per day for each day necessarily employed about the business of said Board, and shall in addition thereto be allowed a mileage of twenty cents per mile for traveling to and from their residence to 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 during any one regular or special term of said Board, said per diem and mileage to be payable out of the County Salary Fund. Compensation of Board of Supervisors.

SEC. 14. The Board of Supervisors shall, at the time of making up the annual levy of taxes for the fiscal year of eighteen hundred and seventy-five–six, and annually thereafter, at the time of making up their annual levy of taxes, include therein an amount sufficient to cover all estimated deficiencies in the County Salary Fund, which said amount when collected shall be apportioned to the County Salary Fund; *provided*, that said amount so levied shall not in any year exceed the sum of twenty cents on each one hundred dollars of the taxable property of the county. Deficiency tax.

SEC. 15. It shall be the duty of the Auditor, except as hereinafter provided, on the first Monday of each and every month, to issue to each and every officer provided for in this Act, and entitled to receive a salary out of the County Treasury, a warrant, payable out of the County Salary Fund, for the amount of his salary for the preceding month; *provided*, that no warrant shall be issued in favor of any officer who is required by Salary warrant.

this Act to collect and pay over to the County Treasurer any fees as commissions until such officer shall have made and filed the statement as required by section ten of this Act, and shall have kept his fee book as required by section nine of this Act, and indorsed thereon his affidavit, as required by section ten of this Act, and shall have paid over to the County Treasurer the amount of his fees as required by section ten of this Act, and filed with the Auditor the Treasurer's receipt for the same; *provided further*, that the Auditor shall, subject to the provisions of the preceding proviso, issue warrants to the Assessor for his salary, as follows: on the first Monday of April, for the sum of two hundred dollars, and the further sum of two hundred dollars for services of deputies; on the first Monday of May, the sum of two hundred dollars, and the further sum of two hundred dollars for services of deputies; on the completion of his annual assessment roll, and the acceptance thereof by the Board of Supervisors, the sum of eleven hundred dollars, and the further sum of two hundred dollars for services of his deputies; upon the completion of the equalization of the assessment roll by the Board of Equalization, the sum of two hundred dollars, and upon his making his final settlement, as required by section three thousand eight hundred and fifty-four of the Political Code, and filing his roll as provided in sections three thousand eight hundred and fifty-seven, and three thousand eight hundred and fifty-eight of the Political Code, the sum of one hundred dollars.

Assessor's salary, how paid.

Deposits for fees; Sheriff.

SEC. 16. The Sheriff shall, before performing any service for which he is required by this Act to charge and collect any fees, shall demand and collect from the party requiring such service the amount of fees he is required to charge and collect; and in case the exact amount of said fees cannot be ascertained before the performance of the service, he shall demand and receive from such party such reasonable amount, as a deposit, as in his judgment shall be sufficient to cover the amount of said fees.

Clerk of Court.

SEC. 17. The Clerk of the District and County Courts, on the commencement of any civil action or proceeding in either of said Courts, shall demand from the party commencing such action or proceeding a deposit of the sum of fifteen dollars, to cover estimated fees in such action or proceeding, and shall demand a further and additional deposit of ten dollars whenever the amount of the deposit of such party shall be exhausted. Before filing any papers or doing any service whatever for the defendant or any intervenor in and about any such civil action or proceeding in the District and County Courts, the Clerk shall demand a deposit of five dollars, and shall require an additional deposit of five dollars as often as the said deposit shall be exhausted. The Clerk of the Probate Court shall, at the commencement of proceedings to settle any estate of a deceased person, demand a deposit of twenty dollars, and upon the exhaustion thereof, an additional deposit of ten dollars, and an additional deposit of ten dollars as often as the deposit shall be exhausted. At the commencement of proceedings for the guardianship of any person, he shall demand a deposit of ten dollars, and an additional deposit of five dollars as often as the same shall be exhausted. On the commencement of any con-

test of any matter in the Probate Court, the Clerk shall demand of the party making such contest a deposit of five dollars, and shall demand an additional deposit of five dollars whenever such deposit shall be exhausted; *provided*, that the filing of the papers in any such action or proceeding in any of such Courts, on the transfer of such action or proceeding from any other Court or county, shall be deemed, for the purposes of this section, the commencement of such action in said Court.

Fees before service.

SEC. 18. No officer who is required by this Act to collect any fees for any of their official acts, and to pay the same over to the County Treasurer, shall be required to perform any service for which he is so required by this Act to charge and collect any fees, unless such fees be fully paid in advance by or on behalf of the party requiring such service, unless a deposit has been made as required by section sixteen of this Act, and such deposit be not exhausted; and any such officer, required by this Act to charge and collect any fees for official services, and to pay over the amount thereof to the County Treasurer, who shall perform any official service for which he is required by the provisions of this Act to charge and collect any fee or fees, and to pay over the amount thereof to the Treasurer, and shall not charge and collect in advance, or at the time of performing such service, the full amount he is required by this Act to so charge and collect, except in cases where a deposit has been made as required by section sixteen of this Act, and the same shall not have been exhausted, shall be guilty of a misdemeanor.

SEC. 19. The officers not enumerated in this Act shall receive the same fees and emoluments as is now provided by law.

To take effect, when.

SEC. 20. This Act shall take effect and be in force from and after the first Monday of March, A. D. eighteen hundred and seventy-six, except section fourteen, which shall take effect and be in force from and after the first Monday of July, A. D. eighteen hundred and seventy-five, and section two, which shall take effect and be in force from and after the first Monday in January, A. D. eighteen hundred and seventy-six.

CHAPTER CCXCI.

An Act to authorize the Board of Supervisors of Mendocino County to issue bonds for the construction of wagon roads in said county.

[Approved March 18, 1874.]

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

Road bonds.

SECTION 1. The Board of Supervisors of Mendocino County are hereby authorized to issue the bonds of said county to the

amount of thirteen thousand dollars, payable on the first day of January, A. D. eighteen hundred and ninety-four, with interest at the rate of eight per cent per annum, payable annually, on the first day of January, 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 each, and shall be signed by the Chairman of the Board of Supervisors, and countersigned by the Auditor of the county. Interest coupons shall be attached, signed in like manner.

When 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 canceled by the Treasurer and filed with the Auditor. Both Treasurer and Auditor shall keep an accurate account of the coupons redeemed.

Date and interest.

SEC. 3. Said coupons shall bear the date of their issuance, and the first coupons shall be for the interest from such date up to the first day of January next succeeding.

Interest tax.

SEC. 4. For the purpose of paying the interest on said bonds, the Board of 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 for one year on all bonds then outstanding. 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 Number Two," and out of said Fund the coupons on said bonds shall be paid as they fall due.

Surplus.

SEC 5. If the amount realized from said special Fund exceed the amount required to pay the coupons on the first day of any January, the Board of Supervisors may transfer such surplus to the County General Fund.

Redemption tax.

SEC. 6. In and for the year eighteen hundred and eighty-four, 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 Bond Redemption Fund No. Two."

Notice and redemption

SEC. 7. Whenever there shall be five hundred dollars, or more, in said last named Fund, the Treasurer shall cause notice to be published once a week, for three successive weeks, in some newspaper published in said county, which notice shall state that he is prepared to redeem, on a day to be named therein, bonds to the amount of the money then in said 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 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 then 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 are numbered, and the Treasurer shall give notice, in like manner

as above; *provided*, that such bonds have become due; and all interest thereon shall cease from and after thirty days from the first publication of such notice.

Bonds, how used.

SEC. 8. Said bonds shall be treated by the Board of Supervisors as so much money at their par value, and shall be by said Board appropriated, applied, and used in laying out and constructing roads in Mendocino County, as follows: ten thousand dollars of said bonds shall be used in the construction of a road from Boonville, in Anderson Valley, to the Town of Point Arena; and three thousand dollars shall be used in the construction of a road from a point in Summit Valley, to be designated by the Board of Supervisors, to a point on the line between Mendocino and Trinity Counties, where the new road leading from Hydesville, in Humboldt County, will enter said Mendocino County

Sections, and award of contracts

SEC. 9. The Board of Supervisors shall divide each of said roads into sections of such lengths as they may deem proper, and shall give notice in some newspaper, published in the county, for a period of three weeks, that the construction of said roads will be let by sections, and, on the day mentioned in said notice, shall open the bids and award the contracts to the lowest responsible bidder or bidders; no bonds shall be paid for the construction of either of these roads until the contract shall have been completed; *provided, however*, that the Board of Supervisors may receive and pay for certain portions of the work, as in their judgment they may deem necessary, and which they may find done in accordance with the contract, but in all cases shall reserve ten per cent of the money due for such portions until the full completion of the contract.

When work to be relet.

SEC. 10. Whenever any contractor shall refuse, neglect, or become unable to comply with the provisions of his contract, the Board of Supervisors, upon proof being made of the same, may discharge such contractor and relet the work to other bidders; but shall pay the contractor so discharged, for all work he may have finished, in full accordance with the contract.

Special meetings.

SEC. 11. The Board of Supervisors may hold special meetings whenever they may deem it necessary, for the purpose of carrying out the provisions of this Act.

When to let certain contract.

SEC. 12. No contract shall be let on the road from Summit Valley to the county line until it is definitely known at what point the Humboldt Road will strike the county line, and any contract let on said road must be made to connect with said Humboldt Road.

Amount of bonds, when increased, and how applied.

SEC. 13. Should it be made known to the Board of Supervisors of Mendocino County, at any time before the commencement of work on the road leading from Summit Valley to the line of Trinity County, as provided in section eight of this Act, that the people of Humboldt County have determined to build their road so as to enter Mendocino County by way of Ten Mile Valley, instead of by way of Summit Valley, then the Board of Supervisors are authorized to issue bonds to the amount of fifteen thousand dollars, instead of thirteen thousand dollars, as provided in section one of this Act. Five thousand dollars of said bonds shall be applied to the construction of a

Same. wagon road from Ten Mile Valley to a point on the line of Humboldt County, where the road leading from Hydesville, in said Humboldt County, shall enter Mendocino County, and that part of section eight of this Act providing for the expending of three thousand dollars on the road leading from Summit Valley to the line of Trinity County, shall be void and of no effect; *provided*, that nothing in this section shall change the manner of issuing the bonds mentioned in this Act, but said bonds shall bear the same rates of interest, and conform in all other respects to the bonds mentioned in the other sections of this Act.

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

CHAPTER CCXCII.

An Act supplementary to an Act entitled an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February twelfth, eighteen hundred and seventy-four.

[Approved March 18, 1874.]

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

Appointment of Commissioners.

SECTION 1. It shall be the duty of the Board of Supervisors of San Benito County, at its first regular meeting after said county shall have been organized, and they are hereby authorized to appoint two citizens, who are taxpayers, residents of San Benito County, to act as a Board of Commissioners, whose duty it shall be to meet a like number of Commissioners, appointed by the Board of Supervisors of Monterey County, who are hereby authorized to so appoint in like manner as said Board of Supervisors of San Benito County, at a time and place by them agreed upon. Such Commissioners shall then organize by appointing from their number a President and Secretary, and shall immediately proceed to determine the indebtedness, if any, of Monterey County, at the time the Act of which this is supplementary took effect; said indebtedness shall be such as has been ascertained and established. After ascertaining the said indebtedness, not including the indebtedness of the several road and school districts in Monterey County, they shall add to said indebtedness ascertained, the indebtedness of the several road and school districts in the territory from which San Benito County shall be formed. They shall then ascertain the total market value of all the assets belonging to Monterey County; they shall then, also, ascertain the assessed value, under the assessment of the year eighteen hundred and seventy-three, of the property in the territory hereby set apart to form San Benito County; then, after deducting the total value of assets from said amount of said indebtedness, so as to ascertain the actual indebtedness, if any, the proportion due from the County of San Benito shall be

Organization and duties of Board.

ascertained as follows: as the total assessed value of property in the territory taken from Monterey County to form San Benito County, is to the total assessed value of said Monterey County, so shall be the proportion of the actual indebtedness of San Benito County to Monterey County; but if said Commissioners ascertain that the assets belonging to Monterey County exceeds the said ascertained indebtedness, as herein named, then they shall ascertain, in the same manner as herein named, the proportion thereof belonging to San Benito County, and when so ascertained, said Commissioners shall certify to their respective Boards of Supervisors the amount of said excess of debt or value. If a majority of said Board cannot agree upon any of the matters herein submitted to them, they may call to their assistance some disinterested citizen and resident of an adjoining county, and his decision on such question of disagreement shall be the judgment of said Board. If said indebtedness exceeds the said value as herein named, then the Board of Supervisors of San Benito County shall cause to be issued the bonds of San Benito County, payable in eight years from date of issue to the County of Monterey, for such sum as shall be so certified by said Board of Commissioners; and if said assets exceeds said debt, then the Board of Supervisors of Monterey County shall cause to be issued the bonds of Monterey County, payable in eight years from date of issue, to the County of San Benito, for such sum as shall be so certified by said Board of Commissioners to be due. In either case, the bonds so issued shall bear seven per cent per annum interest, and said Board, so issuing said bonds, shall levy annually and cause to be collected, as other State and county taxes are collected, a tax of not less than five nor more than ten cents on the one hundred dollars of value of the taxable property in the county which, when so collected, shall be set aside and appropriated to the payment of the said bonds so issued, and shall be paid thereon whenever the amount of five hundred dollars shall have been received and said bonds presented for payment.

Settlement of indebtedness.

Tax to pay.

SEC. 2. Said Commissioners shall receive such compensation as may be allowed them, payable by the Board of Supervisors of the county respectively appointing them; *provided*, that if the fifth person, as herein named, be called to decide as herein provided, his services shall be paid by the two counties jointly.

No compensation.

SEC. 3. The terms of the District Court, in and for San Benito County, shall be held on the first Mondays of April, August, and December; and the County Courts, first Mondays of February and May, third Monday of August, and first Monday of November of each year.

Terms of District Court.

SEC. 4. The terms of the Probate Court, in and for San Benito County, shall be held on the first Monday of every month.

Probate Court.

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

CHAPTER CCXCIII.

An Act to authorize the transfer of certain promissory notes belonging to the estate of Sumner B. Hinds, deceased, from this State, to the Territory of Washington.

[Approved March 18, 1874.]

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

Petition. SECTION 1. If at any time an administrator of the estate of Sumner B. Hinds, deceased, residing in the Territory of Washington, and duly appointed and qualified under the laws thereof, shall present to the Probate Court of the City and County of San Francisco, in this State, his petition, showing his appointment and qualification as such administrator, and that he has given a sufficient bond; that the administrator of the estate of said deceased, appointed by said Probate Court, has in his possession certain promissory notes belonging to said estate which are secured by a mortgage of real estate situate in said Territory; that in order to obtain payment of said notes a foreclosure of said mortgage, or other proceeding against said real estate, will be necessary; that due notice to the creditors of said deceased to present their claims, has been given by the administrators so appointed by said Court, and that more than ten months have elapsed since the first publication thereof; that all claims against said deceased or his estate are paid, or that all persons holding such claims consent to the granting of the prayer of said petition for an order of said Court directing the transfer of said notes to the said administrator, residing in said Territory; that all the heirs of said deceased who are the only persons interested in his estate reside in said Territory, and that their interests require that the said transfer Hearing. should be made: the said Court shall, thereupon, fix a day for the hearing of said petition, and shall direct the Clerk to give notice thereof by publication for four successive weeks, in a newspaper to be designated by the Court, and shall appoint an attorney to represent said heirs on said hearing.

Transfer, when made SEC. 2. Upon the day fixed for said hearing, or to which it may be continued, after proof of the publication of said notice, the Court shall carefully inquire into the matters alleged in said petition, and if all the allegations thereof shall be found to be true, may make the order of transfer referred to in the preceding section.

Discharged SEC. 3. Upon complying with said order of transfer, the administrator appointed by said Court shall be discharged from all liability on account of all of said notes by him transferred in accordance therewith; and if thereafter no property of said deceased shall remain in his possession, and no legal objection shall appear, he shall be fully and finally discharged from his trust as such administrator, as upon due close of administration.

SEC. 4. Before the making of said order of transfer, the accounts of said administrator, appointed by said Court, shall be settled, and he shall be allowed such proportion of the commissions to which he would be entitled upon a full administration as to the Court shall seem just; and he shall not be required to transfer any of said notes till the balance, if any found in his favor, shall be paid. Commissions.

CHAPTER CCXCIV.

An Act concerning road poll tax for Tehama County.

[Approved March 18, 1874.]

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

SECTION 1. The Assessor of Tehama County is hereby authorized and required to collect all road poll tax in said county, and pay the same to the County Treasurer, in the same manner as other taxes collected by him, for which he shall receive fifteen per cent of the amount collected. Assessor to collect.

SEC. 2. Any person liable to pay road poll tax, who shall neglect or refuse to pay the same within three days after demand has been made by the Assessor therefor, shall be considered a delinquent, and the said Assessor shall proceed, forthwith, to levy and sell, at public vendue, to the highest bidder, after giving public notice, as required by law on sales under execution, the property of such delinquent, or so much thereof as shall be necessary to satify such delinquent's road poll tax, together with costs of such levy and sale. Levy and sale for delinquent.

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

CHAPTER CCXCV.

An Act for the relief of W. T. Williams, late District Attorney of Santa Barbara County.

[Approved March 18, 1874.]

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

SECTION 1. The Board of Supervisors of Santa Barbara County are hereby authorized and directed to audit the claims of W. T. Williams, late District Attorney of said county, for office rent, and other incidental expenses, incurred by him for the use of said county during the time he was District Attorney Audit and pay claim.

of said county, and to allow so much of said claim as may be just and equitable, not to exceed the sum of five hundred dollars; the amount allowed to be paid out of the General Fund of said county in the same manner that other claims against the county are paid.

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

CHAPTER CCXCVI.

An Act authorizing the Board of Supervisors of the City and County of San Francisco to examine and pay certain claims.

[Approved March 18, 1874.]

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

To examine and allow.

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized, in their discretion, to examine and ascertain what amount, if any, is due from the City and County of San Francisco to certain sub-contractors, who furnished materials to and performed labor for the contract, or in the construction of the new City and County Hospital, in and for the City and County of San Francisco; and the said Board of Supervisors are hereby further authorized, in their discretion, to pay to the claimants, or their assigns, the amount of money so found to be due from the City and County of San Francisco to said claimants, or any of them, out of the General Fund of said city and county; *provided*, that the amount which the said Board of Supervisors shall be authorized to expend, under the provisions of this Act, shall not exceed the sum of fourteen thousand and five hundred dollars.

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

CHAPTER CCXCVII.

An Act to amend an Act entitled an Act to reorganize the Supervisor Districts of the County of Monterey.

[Approved March 18, 1874.]

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

SECTION 1. Section second of an Act entitled "An Act to reorganize the Supervisoral Districts of the County of Mon-

terey," approved February twenty-eighth, A. D. eighteen hundred and seventy-four, is hereby amended as follows:

Section Second. A general election shall be held in the County of Monterey, by the qualified electors thereof, on Wednesday, the sixth of May, eighteen hundred and seventy-four, for the purpose of electing a Supervisor at large for said county; and, in Supervisor District No. Four, an election shall be held on the same day for the purpose of electing a Supervisor for said district. The Supervisors of Districts No. One, Two, and Three, shall meet at the Clerk's office of said Board on the first Monday following said election, and canvass the returns thereof, and the Supervisors so elected shall enter upon the duties of their office immediately on taking the oath of office, and filing bonds according to law, and shall hold office until the first Monday in March, A. D. eighteen hundred and seventy-six. General election.

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

CHAPTER CCXCVIII.

An Act to fix the compensation of certain officers in the County of Marin.

[Approved March 18, 1874.]

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

SECTION 1. The following shall be the annual compensation of certain officers of the County of Marin: County Judge, eighteen hundred dollars, payable quarterly; County Treasurer, eighteen hundred dollars, payable quarterly; District Attorney, one thousand dollars, payable quarterly. Salaries; County Judge; Treasurer; District Attorney.

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 and be in force from and after the first Monday in January, A. D. eighteen hundred and seventy-six, so far as it relates to County Judge, and be in force from and after the first Monday in March, A. D. eighteen hundred and seventy-six, as to the other officers therein named. Takes effect, when.

CHAPTER CCXCIX.

An Act to restrict sheep from being herded or running at large in certain portions of Lake County.

[Approved March 18, 1874.]

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

Unlawful to have sheep on others' lands.

SECTION 1. It shall not be lawful for any person or persons, owning or having charge of any sheep within that portion of Lake County lying north of a line commencing at a point on the line between the Counties of Lake and Mendocino, due north of Goodin's Point, on the western shore of Clear Lake, and running due east to the Colusa County line, to herd the same, or permit them to be herded, or to roam at large of their own accord, on the lands or possessory claims of other than the lands or possessory claims of the owners of such sheep.

Penalty.

SEC. 2. The owner or owners, or agents of such owners of sheep, violating the provisions of section one of this Act, on complaint of the party or parties injured, and on conviction thereof, before any Justice of the Peace for the township where either of the interested parties may reside, shall be liable to a fine of not less than twenty dollars nor more than fifty dollars, and shall be liable to pay to the party or parties injured in a further sum of not less than fifteen dollars, in the nature of damages, for each day such violation of said section shall be permitted to continue.

SEC. 3. This Act shall take effect on and after the fifteenth day of May, eighteen hundred and seventy-four.

CHAPTER CCC.

An Act to permit the voters of every township or incorporated city in this State, to vote on the question of granting licenses to sell intoxicating liquors.

[Approved March 18, 1874.]

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

License election proclamation, when made.

SECTION 1. From and after the passage of this Act, whenever one fourth the number of legal voters of any township, incorporated city, or town, shall petition the Board of Supervisors of such county, or the county wherein such township, incorporated city, or town is situated, to call a special election, to vote upon the question of "Liquor License," or "No Liquor License," the Board of Supervisors of the county receiving said petition, shall, within one month after said petition is filed with

the Clerk of said Board, make proclamation for the holding of said election in the township, incorporated city, or town, as may be asked for in such petition.

How published.

SEC. 2. The Board of Supervisors shall, by such proclamation, require an election to be held within such township, incorporated city, or town, as the case may be, on a day to be designated by such Board, and within thirty days from and after the day of issuance of said proclamation. Such proclamation shall be published in a newspaper printed in the township, city, or town, in which said election is to be held, if there be one published therein, otherwise in a newspaper to be designated by such Board of Supervisors. Such a proclamation shall be published once a week for at least three weeks, previous to said election.

How election conducted.

SEC. 3. Said election shall be conducted and governed by the General Election Laws of this State, so far as the same are applicable thereto, *provided*, that copies of the Great Register need not be used, and section one thousand and fifty-six of the Political Code shall not apply to or affect such elections.

Effect of majority against license.

SEC. 4. The tickets voted at such election shall contain the words, "For License," or "Against License." If the majority of the votes cast at such election "For License" or "Against License," shall contain the words "Against License," then it shall not be lawful for any Court, Board, or officer to issue any license for the sale of any spirituous, vinuous, malt, or other intoxicating liquors in said township, city, or town, wherein said election may have been held, at any time after the determination of the result of said election; *provided*, that nothing contained in the provisions of this Act shall prevent the issuing of licenses to druggists for the sale of liquors for medicinal and manufacturing purposes.

Canvass.

SEC. 5. The Board of Supervisors shall meet as a Board within ten days after any such election, for the purpose of canvassing the returns and determining the result.

Unlawful to sell liquor if.

SEC. 6. If at any such election the majority of votes cast "For License" and "Against License," shall be "Against License," then from and after the result of said election shall have been determined by the Board of Supervisors, it shall be unlawful for any person to sell or dispose of any spirituous, vinuous, malt, or other intoxicating liquors in such township, incorporated city, or town, in less quantities than five gallons, at any time thereafter, until at an election, as above provided, a majority shall vote in favor of such license.

How often.

SEC. 7. No election shall be held under this Act oftener than once in two years.

Misdemeanor.

SEC. 8. Any person who shall sell or give, or offer to sell or give, any spirituous, vinuous, malt, or other intoxicating liquors, within any township, incorporated city, or town, contrary to the provisions of this Act, shall be guilty of a misdemeanor, and for every such offense shall pay a fine not exceeding twenty-five dollars for the first offense, and not less than fifty or more than one hundred dollars for each subsequent offense, and be imprisoned in the County Jail until such fines shall be paid, not to exceed one day for every one dollar of the fine.

Fines. SEC. 9. All fines collected under this Act shall be paid into the County School Fund of the county wherein collected.

Duty. SEC. 10. It shall be the duty of the County Judge to call the attention of every Grand Jury to the provisions of this Act.

SEC. 11. This Act shall take effect immediately.

CHAPTER CCCI.

An Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara.

[Approved March 18, 1874.]

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

Bonds. SECTION 1. The Board of Supervisors of each of the Counties of San Luis Obispo and Santa Barbara, are empowered and required to issue, as soon as practicable after the passage of this Act, bonds to the amount of twenty thousand dollars for each of said counties, bearing interest at the rate of ten per cent per annum, and in sums not less than five hundred and not more than one thousand dollars each. Said bonds shall be signed by the Chairman of the Board of Supervisors, and countersigned by the Auditor and Treasurer of said counties, respectively.

Same. SEC. 2. The said bonds shall be due and payable in the gold coin of the United States of America, at the office of the Treasurer of the county, ten years after the date of their issuance, and said Board has the power to redeem said bonds in the manner and at the times 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 counties, respectively.

Coupons. SEC. 3. Coupons for the interest must be attached to each bond, and shall be signed in the manner as the bonds are required to be signed. Said coupons shall be for the semi-annual interest on the bond to which they are attached, such coupon bearing the number of its bond and the date when it will be due, and the amount to be paid. When any interest shall be paid upon a bond, the coupon for the interest paid shall be detached and delivered to the Treasurer, who must cancel the same and deliver it to the Auditor, to be filed in his office, taking his receipt therefor.

Date. SEC. 4. Said bonds shall bear the dates 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.

Interest tax. SEC. 5. For the purpose of paying the interest on the said bonds, the Board of Supervisors of said counties, respectively, must, at the time of levying the county taxes each year, levy

a special tax on all the taxable property of the county, which shall, in their judgment, be sufficient to pay the interest on all bonds then outstanding, as the same may fall due. Such tax shall be levied, assessed, and collected, as other county taxes, and shall be by the Treasurer set apart as a special Fund, to be known as the "Interest Road Bond Fund," and the Treasurer must pay the said coupons out of said Fund as they may fall due. If such taxes shall not at any time produce a sufficient amount to pay all the interest due in any one year, the Treasurer must transfer from the General Fund of the county such amount as may be necessary to make up the deficiency.

Redemption tax.

SEC. 6. 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 must levy and cause to be collected a tax sufficient to pay ten per cent of the whole issue of said bonds. All taxes collected under the provisions of this section shall be collected as other county taxes, and paid into the County Treasury, and must be by the Treasurer set apart as a special Fund, to be known as the "Redemption Road Bond Fund."

Redemption.

SEC. 7. Whenever there shall be one thousand dollars or over in said Redemption Fund, the Treasurer must cause notice to be published for once a week for four successive weeks, in some newspaper published in the county, that he is prepared to receive bonds to a certain specified amount; and on the day named in the notice the Treasurer must, in the presence of the Auditor, publicly open and examine all proposals for the surrender of bonds, and must proceed to redeem such bonds as may be offered at the lowest rates; *provided*, that no bid above par value shall be accepted, and the bonds must in all cases accompany the bid. If no bid is put in at par or less than par value, or if sufficient amount of bonds are not offered to absorb all the money in the said Redemption Fund, then the bonds become due and payable in the numerical order in which they were issued, and the Treasurer must give notice, in the manner above provided, that certain bonds, describing them, are due and payable, and the interest thereon ceases from and after the date of said notice.

Sale of bonds.

SEC. 8. The Board of Supervisors must sell said bonds, after having published a notice for thirty days in a newspaper published in the county, and in some daily newspaper published in the City and County of San Francisco, inviting proposals for the purchase of the same. Upon the day named in such notice the Board must meet, to open and consider said proposals, and they must deliver said bonds, with the coupons attached, to the person or persons bidding and paying the highest price therefor, in the gold coin or the gold notes of the United States, as such bidder may prefer. The Board has the power to reject any or all bids, and no bond must be sold for less than ninety cents on the dollar par value; and the Board may sell said bonds, or any part thereof, at a rate not less than ninety-six cents on the dollar par value, without giving any notice, and at private sale.

Moneys, how used.

SEC. 9. The money derived from the sale of said bonds to said counties, respectively, shall be used and disposed of as herein directed, and in no other manner:

First—The money derived to Santa Barbara County shall be and constitute a Special Road Fund, and shall be expended in the manner as the Supervisors of that county may deem best for the improvement of the main roads and thoroughfares of the county.

Second—Of the money derived to San Luis Obispo County, the Treasurer thereof shall set apart twelve thousand dollars, which shall be known as the "Cuesta Road Fund," and the same shall be used and expended by and under the direction of the County Surveyor of said county in laying out, building, and constructing a good wagon road, by the grade known as the Harris Grade, over the Cuesta or Sierra of Santa Margarita, so called, leaving the present public road at or near the farm of Juan Noe, on the south side of said mountain, and coming into the same at or near the Cervantes place, on the north side of said mountain. The Fund, so set apart, must be paid over to said County Surveyor, in such sums as may be required in the construction of said road; and the Auditor must draw his warrants on said Fund, as the funds are needed by said Surveyor; and said Surveyor must immediately commence, and must diligently prosecute, the work on said road to completion, within as short a time as practicable after the passage of this Act. And in order that no delay may occur in the prosecution of the work on said road, the County Treasurer of said county must immediately, upon the passage of this Act, transfer one half of the General Road Fund of said county, remaining in the Treasury, over to said "Cuesta Road Fund," and pay the same out to said Surveyor in the manner hereinbefore provided. The amount so transferred shall be returned to said General Road Fund, whenever sufficient funds are paid into said "Cuesta Road Fund" from the sale of bonds, as aforesaid. The County Surveyor shall make monthly reports to the Board of Supervisors, showing a detailed statement, accompanied by vouchers, of the moneys expended by him in constructing said road, and he shall be paid for his services performed, under this Act, such compensation as may be fixed by the Board of Supervisors, payable out of said Fund.

Third—The remainder of the money derived to San Luis Obispo, under the provisions of this Act, shall be exclusively used and appropriated, by the Board of Supervisors of said county, in improving, in such manner as they may deem best, the main road from San Simeon Bay to the Paso de Robles Hot Springs, and the main road from the Town of San Luis Obispo to the Bay of San Luis Obispo.

Treasurer's per cent.

SEC. 10. The Treasurer of each of said counties shall only be entitled to retain one and one half of one per cent of the amount of money actually disbursed by him, under the provisions of this Act, as his commissions.

SEC. 11. This Act shall take effect immediately.

CHAPTER CCCII.

An Act to amend an Act entitled an Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two, approved February twenty-eighth, eighteen hundred and seventy-four.

[Approved March 18, 1874.]

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

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

Section 8. Section sixty-one of said Act is hereby amended so as to read as follows: Section Sixty-one. 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 cases 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 powers and jurisdiction 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 Court. 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. Police Judge.

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

Section 13. Section seventy of said Act is hereby amended so as to read as follows: Section Seventy. The City Council of the City of Stockton shall allow to the Police Judge an annual salary which shall not exceed the sum of fifteen hundred dollars; and to the Chief of Police and the several policemen of said city, each a salary which shall be fixed by said Council from time to time, and may be changed by the Council. The salaries of the Police Judge, Chief of Police, and policemen shall be paid from time to time as the Council may determine; but neither the Police Judge, Chief of Police, nor any policeman shall be allowed to retain to his own use, as a fee or compensation, or otherwise, for services rendered by them, or either of them, any fee or fees of any kind; but all fees collected by them, or either of them, under any law, ordinance, or regulation, shall be paid into the City Treasury in such manner and at such times as the Council may direct. Salary.

SEC. 3. Nothing in this Act, nor in the Act of which this Act is amendatory, nor in any other law, or Act, or regulation, or ordinance of the Common Council of said City of Stockton, Fire department

Same. shall be construed to authorize the said Council to disband or disorganize the fire department of said city, and create, establish, and maintain a paid fire department therein, without first submitting the proposition of establishing a paid fire department for said city to the legal voters thereof, at an annual city election, for decision; and not after such election, unless at such election a majority of all the votes cast on said proposition are in favor thereof. Such election, when had, shall be conducted in the same manner as general city elections. In the event that at any time hereafter the fire department of said city, as now organized, shall be disorganized or disbanded, and a paid fire department established in its stead, then every person who shall have been an active fireman for the space of two years next before the date of such disbanding and establishing, shall be entitled to and shall receive an exempt fireman's certificate; and such certificate shall entitle the person to whom it is issued to all benefits and immunities accorded by the general laws, and any special law of this State in regard to exempt firemen.

SEC. 4. Section ten of said Act is hereby amended as follows:

City and District Attorneys. Section 10. Section sixty-five of said Act is hereby amended so as to read as follows: Section Sixty-five. The City Attorney of said city shall prosecute all cases for the violation of any lawful order, regulation, or ordinance of the City Council, and shall prosecute, conduct, and control all proceedings in cases mentioned in section seven of said Act, both in the Police Court and on appeal therefrom to the County Court; but the District Attorney shall attend and conduct all proceedings of the nature of a preliminary examination before said Police Court in cases of felony.

SEC. 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 6. This Act shall take effect from and after its approval.

CHAPTER CCCIII.

An Act for the relief of Adolphe E. Servatius.

[Approved March 18, 1874.]

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

May grant and convey SECTION 1. That Adolphe E. Servatius be and he is hereby authorized to deed, convey, grant, mortgage, lease, or otherwise dispose of that certain piece or lot of land situate in the City and County of San Francisco, State of California, bounded and described as follows, to wit: Beginning at a point on the northwesterly line of Mission street, distant three hundred and twelve feet northeasterly from the northerly corner of Mission and Second streets; running thence northeasterly along said

line of Mission street forty-eight feet; thence at right angles northwesterly one hundred feet; thence southwesterly, parallel with Mission street, forty-eight feet; and thence southeasterly one hundred feet, to the point of beginning. And that such grant, conveyance, lease, mortgage, or other incumbrance shall pass not only all the remaining interest, if any he hath, of the said Adolphe E. Servatius in and to any of the said premises, and their appurtenances, but also all the right, title, and interest which, by the terms of certain conveyance made by the late Joseph L. Folsom to Mary A. Cany, dated March twenty-fourth, eighteen hundred and fifty-four (recorded Liber One, page two hundred and forty-two, of wife's separate property, in Recorder's office of said city and county), might hereafter vest in the children of said Aldolphe E. Servatius hereafter to be born, in the event that the said Adolphe E. Servatius shall not survive his mother, the said Mary A. Cany, and shall leave issue surviving him at his death; it being the object and intention of this Act to authorize, permit, and enable the said Adolphe E. Servatius to dispose of the said premises or lot of land freed from and unincumbered by the limitations in favor of his unborn issue, contained in said conveyance from the said Joseph L. Folsom to the said Mary A. Cany. Same.

CHAPTER CCCIV.

[See volume of Amendments to the Codes.]

CHAPTER CCCV.

[See volume of Amendments to the Codes.]

CHAPTER CCCVI.

[See volume of Amendments to the Codes.]

CHAPTER CCCVII.

An Act for the relief of George W. Branch.

[Approved March 18, 1874.]

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 fourteen and seventy-five one hundredths dollars is hereby appropriated out of any money in the General Fund, and the Controller of State is required to draw his warrant for said amount in favor of said George W. Branch, Auditor of the County of Stanislaus, or his order; said sum being State portion of taxes erroneously paid by the said George W. Branch on the —— day of ——, A. D. eighteen hundred and seventy-three.

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

CHAPTER CCCVIII.

An Act providing for the repayment of moneys erroneously paid into the State Treasury by the Treasurer of Sonoma County.

[Approved March 18, 1874.]

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

Controller to draw warrant.

SECTION 1. The Controller must draw his warrant on the State Treasurer in favor of G. L. Pauli, Treasurer of Sonoma County, for eleven hundred and thirty-one dollars and fifty cents, the same having been collected as tax on promissory notes secured by mortgage, in Sonoma County, in the years eighteen hundred and seventy and eighteen hundred and seventy-one, and by Act of the Legislature, approved March thirtieth, eighteen hundred and seventy-two, remitted to the county, but by error of the County Treasurer, paid into the State Treasury at his semi-annual settlement, made July twenty-third, eighteen hundred and seventy-two; and the State Treasurer must pay said warrant.

Proceeds.

SEC. 2. The Treasurer of Sonoma County must pay the eleven hundred and thirty-one dollars and fifty cents he is allowed by this Act to collect from the State Treasury, into the County General Fund.

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

CHAPTER CCCIX.

An Act to fix the compensation of the Assessor of San Diego County, and for other purposes.

[Approved March 18, 1874.]

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

SECTION 1. The Assessor of San Diego County shall receive an annual salary of fifteen hundred dollars per annum, and may appoint such deputies and employ such assistance as the Board of Supervisors may deem necessary to perform the duties of his office. The deputies so employed shall receive such compensation, not to exceed five dollars per day, as the Board of Supervisors in their discretion may allow. Assessor's salary.

SEC. 2. While engaged in making the annual assessment, the Assessor shall be ex officio Collector of poll taxes, and shall receive as compensation for the collection of said taxes the same fees or percentages as are allowed by law to the Sheriff for the same service. Poll tax, fees.

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

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

CHAPTER CCCX.

An Act in relation to the Board of Supervisors of Amador County.

[Approved March 18, 1874.]

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

SECTION 1. The County of Amador, for all purposes, is hereby classified as a county of the third class. Third class.

SEC. 2. This Act shall be in force from and after its passage, but shall have the same force and effect, and receive the same construction as it would have had or received if it had been passed and approved March thirteenth, eighteen hundred and seventy-two. Effect and construction.

CHAPTER CCCXI.

An Act to repeal certain Acts in relation to roads in Amador County; also, an Act relative to the treatment and care of the indigent sick of said county.

[Approved March 18, 1874.]

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

Repealed.

SECTION 1. An Act entitled an Act in relation to public roads in the County of Amador, and to the Road Fund of said county, approved March thirteenth, eighteen hundred and sixty-two, and an Act entitled an Act to amend an Act in relation to public roads in the County of Amador, and to Road Fund of said county, approved March thirteenth, eighteen hundred and sixty-two, approved April seventeenth, eighteen hundred and sixty-three, and an Act relative to the treatment and care of the indigent sick of the County of Amador, approved March third, eighteen hundred and sixty-six, are hereby repealed.

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

CHAPTER CCCXII.

An Act to grant the right to construct a wagon road in San Diego County.

[Approved March 18, 1874.]

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

Road franchise.

SECTION 1. J. B. Herbert, his associates and assigns, are hereby authorized to construct and keep in repair a good wagon road from near the mouth of the San Jacinto Cañon, crossing the San Jacinto Mountains, into the valley known as the Charlie Thomas Valley, in San Diego County; to have and enjoy all the rights, privileges, and immunities thereto appertaining, and shall have the right of way, the right to collect tolls thereon, which are hereby granted to him, his associates and assigns, for the term of twenty-five years; and the State enters into these covenants and makes these grants and guarantees these rights and privileges, upon express condition that he and his associates shall incorporate themselves under the general corporation laws of the State; and upon further condition, that within one year from the passage of this Act, said grantee, his associates and assigns, shall commence and within four years complete said road.

SEC. 2. The said grantee, his associates and assigns, shall have the right to enter upon and occupy private lands necessary to the (the) location of said road, and to take and use any timber, rock, earth, or other material necessary to the construction thereof, as provided by the Act of May twelfth, eighteen hundred and fifty-three, authorizing the formation of corporations for the construction of plank or turnpike roads. Rights.

SEC. 3. Said grantee, his associates and assigns, shall have the right to construct said road within five miles on either side of the trail running from the San Jacinto Valley to the Charlie Thomas Valley; and no other road shall be constructed within said limits during the continuance of this franchise, unless public convenience require it. Same.

SEC. 4. Said road shall be constructed of sufficient width to admit of the passage of the largest sized teams, and shall be at all seasons in condition for travel. Width.

SEC. 5. Said grantee, his associates and assigns, upon completion of said road, shall report to the Board of Supervisors of San Diego County, at a regular meeting, or at a special meeting to be called for that purpose, the number and location of gates erected thereon, and the amount of money expended in the location and construction of said road, verified by the oath of the Secretary or Treasurer; and thereupon said Board of Supervisors shall, from time to time, establish the rate of toll to be collected upon said road, and they may establish different rates of toll for different portions of the year; *provided*, such rates shall not be so reduced as to produce an income of less than twelve per cent per annum upon the cost of constructing said road, over and above the expense of collection and keeping said road in repair; and the said Board of Supervisors shall have power to examine the books and papers of said company, and take testimony, as in civil actions, for the purpose of ascertaining the cost of constructing and keeping said road in repair. Report and contents.

SEC. 6. Said grantee, his associates and assigns, shall have the right to continue said road, by the most direct and practicable route, to San Gorgonia Pass, at any time within four years from the passage of this Act, and all the rights and privileges herein granted, shall attach to such further addition of the aforesaid road. Further right.

SEC. 7. This Act shall take effect on and after its passage.

CHAPTER CCCXIII.

An Act in relation to the revenue of the County of Amador.

[Approved March 18, 1874.]

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

County tax. SECTION 1. The Board of Supervisors of the County of Amador may, at their meeting on the first Monday of October in each year, levy upon each one hundred dollars of taxable property in said county, a tax, not to exceed: First—For a General Redemption Fund, seventy cents. Second—For a Current Expense Fund, seventy-five cents. Third—For a Hospital Redemption Fund, twenty-five cents. Fourth—For a Hospital Current Expense Fund, twenty cents.

Applied, how. SEC. 2. The proceeds of the tax so levied shall be applied only: First—Of that levied for a General Redemption Fund, to the payment of warrants drawn against the General Fund of said county prior to October, eighteen hundred and seventy. Second—Of that levied for a Current Expense Fund, to the payment of the current expenses of the county. Third—Of that levied for the Hospital Redemption Fund, to the payment of warrants drawn against the Hospital Fund of said county prior to the first Monday in May, eighteen hundred and seventy-two; and, Fourth—Of that levied for the Hospital Current Expense Fund, to the payment of the current expenses of the hospital of said county.

Restriction SEC. 3. The Board of Supervisors shall not (except for road, school, or State purposes) levy any tax not provided for in this Act.

Same. SEC. 4. None of the moneys accruing from any tax levied under the provisions of this Act shall be applied to any purpose not expressly authorized by section two hereof.

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

CHAPTER CCCXIV.

An Act to provide for the election of a District Assessor and a District Collector for Ukiah School District, in the County of Mendocino.

[Approved March 18, 1874.]

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

Election. SECTION 1. On the last Saturday in April, eighteen hundred and seventy-four, at the same time and in the same manner that School Trustees are elected, there shall be elected by the quali-

fied voters of said Ukiah School District, a District Assessor and a District Collector for said district, who shall hold office until the objects of this Act are fully accomplished.

Duty of Assessor.

SEC. 2. It shall be the duty of the Assessor elected under the provisions of this Act, to assess the taxable property of said Ukiah School District, between the first Monday in May and the first Monday in July, eighteen hundred and seventy-four, and make out and file with the Clerk of the Board of Supervisors of said county, within said time, a certified copy of his assessment.

District Tax.

SEC. 3. The Supervisors of said county shall, at the same time and in the same manner that county and State taxes are levied, levy upon the said assessment of said district a tax sufficient to pay the remaining indebtedness owing from said Ukiah School District for the Ukiah Institute, and the expenses of assessing said district and collecting the said district taxes.

SEC. 4. The assessment provided for under this Act shall be equalized at the same time and in the same manner and by the same Board by which State and county taxes for said county are equalized.

Collection.

SEC. 5. The taxes provided for in this Act shall be collected by the said District Collector, at the time and in the same manner as county taxes are collected; and in order to make the assessment and collection provided for herein, the said District Assessor and Collector are hereby invested with all the powers, and are subject to the same penalties, as the Assessor and Collector of said county, so far as said powers may be exercised within said school district.

Bonds and compensation.

SEC. 6. The Supervisors of said county shall fix the amount of bonds to be given by said Assessor and Collector, and shall fix their compensation, which shall not exceed the rate of compensation allowed Deputy Assessors and the Tax Collector of said county.

Money, how used.

SEC. 7. The money collected under the provisions of this Act shall be paid into the Ukiah School District Fund, and paid out upon the order of the Trustees of said district.

Notice.

SEC. 8. The Trustees of said district shall give ten days notice of said election, by posting a notice thereof on the district school house of said district.

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

CHAPTER CCCXV.

An Act to amend an Act entitled "An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of county officers in the County of Stanislaus," approved March fourth, eighteen hundred and seventy four.

[Approved March 18, 1874.]

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

SECTION 1. Section nineteen of an Act entitled "An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of county officers in the County of Stanislaus," is hereby amended so as to read as follows:

To take effect when

Section 19. This Act shall take effect and be in force, so far as the same applies to the salaries and fees of the county officers therein named, on March first, eighteen hundred and seventy-six.

CHAPTER CCCXVI.

An Act to amend an Act entitled "An Act to incorporate the Town of Alameda," approved March seven, eighteen hundred and seventy-two.

[Approved March 18, 1874.]

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 to read as follows:

Officers, duties, compensation.

Section Two. The government of said town shall be vested in a Board of five Trustees, an Assessor, who shall act also as Superintendent of Streets, and a Treasurer, who shall also act as Tax Collector of said town. The Justices of the Peace and Constables elected in and for said township, from time to time, shall perform their respective duties in said town, and shall respectively give effect to all ordinances that may be enacted by the said Board of Trustees, in pursuance of the power given to said Board by this Act. And said Constables, or such other officers, not exceeding three, as said Board of Trustees may appoint, shall perform all police duty in said town, and shall receive such compensation as may be allowed by said Board, not exceeding fifty dollars per month for each officer. Special officers may be from time to time appointed by said Board, but the entire sum to be expended for police service shall not exceed one hundred and fifty dollars per month.

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

Section Five. The Board of Trustees shall have power:

First—To declare any streets now open, or such as may be hereafter opened by any owner of land within said town, to be public streets. Powers of Board of Trustees.

Second—To establish the grade of said streets; to provide for the improvement or repair of the same, and for the erection of sidewalks in the manner hereinafter provided, and to provide for watering such streets as shall have been graded, macadamized, or improved.

Third—To provide for the prevention and summary removal of all nuisances, and all occupations detrimental to the public health, comfort, or safety; to suppress all occupations, houses, places, and exhibitions which are against good morals or contrary to public order and decency; to prevent the appearance of any person on any highway or public place in said town in a state of intoxication; to prevent the discharge of firearms, pistols, or cannon, on any wharves or streets of said town, or on private property therein, without the consent of the owner thereof; and to prevent any noise, disorder, or tumult to the disturbance of the public peace; to punish the violation of all ordinances passed by said Board pursuant to the provisions of this section, by a fine not exceeding two hundred dollars, or by imprisonment in the jail of the County of Alameda not exceeding three months.

Fourth—To levy and collect annually a tax not to exceed sixty cents on each one hundred dollars of the assessment valuation of all property, both real and personal, within said town, which said tax shall be divided as follows: for the General Fund, not exceeding twenty-five cents on each one hundred dollars; for the Street Sprinkling Fund, not exceeding ten cents on each one hundred dollars; for the School Fund, not exceeding twenty-five cents on each one hundred dollars. Each of said Funds shall be kept separate from any other. All fines collected in said town shall be paid into the School Fund.

Fifth—To impose and collect a poll tax not exceeding two dollars per annum, on each male inhabitant between the ages of twenty-one and sixty, which shall be paid into the School Fund of said town; and no other poll tax shall be collected within said Town of Alameda.

Sixth—To license, tax, and regulate all lawful trades and occupations; but no license shall be collected from any resident of said town except by its authority and for its use.

Seventh—To establish a public Pound, and appoint a Poundkeeper and prescribe his duties, and to provide for the proper care and disposition of all animals impounded; *provided*, that the Poundkeeper shall receive for his services and care of animals only such fees as by ordinance he may be allowed to collect from the owners or proceeds of said animals.

Eighth—To pass all ordinances necessary to carry into effect the powers herein granted, but it shall require the affirmative vote of Town Trustees for the passage of any ordinance, or

for the passage of any order or resolution directing the payment of money, and in every case the ayes and nays shall be entered on the minutes of said Board. The style of such ordinances shall be: "The Trustees of the Town of Alameda do ordain as follows." To elect a Clerk of said Board, who shall perform such duties as may be by them required, and to pay him out of the General Fund for his services to said Board, and as Clerk of the Board of Education a compensation not to exceed fifty dollars per month.

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

Improvement of streets.

Section 6. If at any time the owners of one half in frontage of any land in said town fronting upon any street, between two given points on said street, shall petition the Board of Trustees to order the street between said points to be graded, macadamized, or otherwise improved, or for the construction of sidewalks thereon, it shall be the duty of said Board to order the said work to be done in the manner petitioned for, and the cost thereof, including expenses of survey and advertising, shall be assessed upon the property fronting upon both sides of the street, between the points to be so improved, half way to its intersection with the next parallel street. The said Board shall, by ordinance, designate the street on which the work is to be done, and the points of the commencement and termination of such work, the character thereof, and the material to be employed in its performance, and shall thereupon advertise, for a period not less than twenty days, for proposals for doing such work and furnishing such material. The contract shall be awarded to the lowest responsible bidder; but the Board may, in its discretion, reject all bids, and advertise for further proposals, until a satisfactory bid is obtained. A good and sufficient bond shall in all cases be required from contractors, for the faithful performance of the work. Whenever any street, to be improved as above provided, shall cross any other street, the expense of improving such crossing shall be assessed pro rata on all the property within the area of the improvement. When the whole cost of the work shall have been ascertained, the said Board shall direct the Assessor to make a diagram of the property to be charged with the expense thereof, showing the number of front feet on the improved street, and the number of front feet on such portions of the cross streets as are included therein, and when said diagram shall have been approved by said Board, the Clerk shall certify the fact and date thereon. The Assessor shall then assess the whole cost of the work pro rata on each front foot, and shall, within twenty days, or within such further time as the Board may grant, make and return to said Board, and attached to said diagram, an assessment roll, showing, in different columns:

Assessment roll to contain.

First—The names of the owners of each lot of land, ranged alphabetically, where the same are known, and if not known, the word "unknown" shall be written in place of the name;

Second—A brief description of the property to be charged, either by its official designation on the map of said town, or by metes and bounds;

Third—The number of front feet in said lot to be charged;

Fourth—The rate of assessment per foot;

Fifth—The full amount for which said lot is assessed. The total amount of the assessment shall be added up at the foot of said last mentioned column. When the work so ordered shall have been completed and accepted by said Board, they shall direct their Clerk to deliver the assessment roll to the Treasurer, and said Treasurer shall thereupon give notice, by advertisement for a period of two weeks, requiring payment to be made to him within thirty days from the date of first publication of said notice; and when any payment is made, he shall write the word "paid," and the date, against such amount. On the expiration of the thirty days, all assessments then unpaid shall become delinquent, and the Treasurer shall add five per cent thereto, and shall certify the facts at the foot of said roll. The said five per cent, when collected, shall be paid into the General Fund of the town. The said Treasurer shall then proceed to advertise and collect the various sums delinquent, including the cost of advertising, which shall not exceed one dollar for each lot or parcel of land, from the sale of the property, in the same manner as is or may be by law provided for the collection of State and county taxes in the County of Alameda, the same powers being hereby conferred upon said Treasurer as is or may be given to the Tax Collector for said county; *provided*, that all sales provided by this Act to be made for any purpose, by said Treasurer, shall be held in front of his office in said town, and all advertisements shall be made in a newspaper published in said town, if there be one so published, and if not, then in such paper published in the City and County of San Francisco as said Board shall designate, and by posting notices in three public places in said town. All property sold shall be subject to redemption, in the same manner as in sales for delinquent State and county taxes in said county, and the Treasurer may collect for each certificate fifty cents, and for each deed one dollar; but when more than one lot assessed to the same delinquent is sold to the same purchaser, then only one certificate or deed shall be made therefor. All fees collected by said Treasurer shall be paid in the General Fund of said town.

Notice to pay.

Delinquent

Collection of.

Redemption.

SEC. 4. The said Board of Trustees shall have further power to construct sidewalks on any street in said town, either on one side of said street, or on both sides, as is hereinafter provided. Said Board shall, by resolution, declare its intention to construct a sidewalk on a street, giving its name, and shall designate the point of commencement and termination thereof, the manner in which said work is to be done, and the material to be used. Such resolution shall be advertised once a week for three weeks; and if at the next regular meeting of said Board after the time for advertising shall have expired, one half of the owners of the property intended to be charged with the cost of such sidewalk shall, in writing, protest against the same, then all proceedings connected therewith shall be discontinued, and no other or further proceedings for the same purpose shall be taken for one year, excepting on petition of said property owners, as provided in section three of this Act; but if the requisite protest is not made, then the Board shall order said work to be

Further powers.

done, and all proceedings in connection therewith and in assessing and collecting for the cost thereof, shall be had and taken as is provided in section three of this Act.

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

Equalization. Section 9. The Board of Trustees shall meet on the third Monday in August as a Board of Equalization, and shall continue their sessions from time to time, not exceeding twenty days, as they may deem necessary. They shall hear and determine all complaints respecting the valuation of property, and may change or modify the same, as a majority of the whole Board shall deem just and proper; but in no case shall the assessment of any property in said town exceed the value assessed by the township or County Assessor, nor shall it be more than its actual cash value.

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

Compensation. Section 12. The Trustees of said town shall receive no compensation for their services. The Treasurer, for all services that may be required of him, including his duties as Tax Collector, and the Assessor, for all services required of him, including the duties of Superintendent of Streets, shall each receive such compensation as may be fixed by the Board of Trustees; *provided*, that allowed to the Treasurer shall not exceed six hundred dollars per annum, and that to the Assessor, shall not exceed five hundred dollars per annum.

SEC. 7. Section eighteen of said Act is hereby repealed.

Not to be interested in contracts. SEC. 8. No Trustee or officer of the Town of Alameda shall, by himself, agent, or partner, be directly or indirectly interested in any contract made by or with the said town, or in any purchase or expenditure made by or for the said town; nor shall any such Trustee or officer, by himself, agent, or partner, act as the attorney, agent, or adviser of any contractor for street or other work with said town, or receive from said contractor any fee, reward, or gift; and any violation of the provisions of this section is hereby declared to be a misdemeanor, and on conviction thereof in a Court of competent jurisdiction, the offender shall be punished by a fine not less than two hundred and fifty dollars nor more than one thousand dollars, and by imprisonment in the jail of the county not less than six months nor more than two years, and shall be also liable in a civil action to any person who may be pecuniarily aggrieved by the malfeasance aforesaid; and the Board of Trustees shall declare the office of such offender to be forfeited, and shall fill the vacancy in the manner provided in section four of the Act to which this Act is amendatory, as in the case of death or resignation.

Penalty.

Attorney. SEC. 9. The Board of Trustees of said town shall have authority to employ an attorney and to fix his compensation, not exceeding three hundred dollars per annum.

SEC. 10. This Act shall take effect immediately.

CHAPTER CCCXVII.

[See volume of Amendments to the Codes.]

CHAPTER CCCXVIII.

[See volume of Amendments to the Codes.]

CHAPTER CCCXIX.

An Act regulating township officers in Tuolumne County.

[Approved March 18, 1874.]

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

SECTION 1. On and after January first, in the year one thousand eight hundred and seventy six, there shall be but one Justice of the Peace and one Constable for each township in the County of Tuolumne; and at the time provided by law for electing Justices of the Peace and Constables, there shall hereafter be but one Justice of the Peace and one Constable elected in and for each township in said Tuolumne County. One Justice and one Constable.

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

CHAPTER CCCXX.

An Act concerning roads and highways in the County of Santa Clara.

[Approved March 18, 1874.]

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

SECTION 1. Highways are roads, streets, alleys, and bridges, laid out or erected by the public; or, if laid out, opened, or erected by others, deeded, dedicated, or abandoned to the public. Highways.

SEC. 2. Whenever any corporation owning a toll bridge, or a turnpike, plank, or common wagon road, is dissolved, or dis- What becomes.

continues the road or bridge, or has expired by limitation, each bridge or road becomes a highway.

Ceases. SEC. 3. A road not worked or used for a period of five years ceases to be a highway for any purpose whatever.

Road record. SEC. 4. The Clerk of the Board of Supervisors must keep a book, in which he shall record separately, and properly index, all proceedings of the Board relative to the public roads in his county; and he shall keep a separate book, in which he shall record a description of all road districts in his county; a general description of its roads, highways, contracts, and all other matters pertaining thereto (provided the Board of Supervisors shall not have power, under this Act, to name or alter the name of any street or highway in any incorporated city or town in said county), which book the Clerk of said Board shall properly index. The Board of Supervisors shall give each highway and public road an appropriate name, which name may be changed by the Board whenever the same may be deem necessary, and each road shall be entered and indexed in the proper book, by the Clerk of the Board, of its name.

Easement. SEC. 5. By taking or accepting land for a highway the public acquire only the right of way and the incidents necessary to enjoying and maintaining the same.

Application and notice. SEC. 6. 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 at least four notices in public or conspicuous places along the line of the road or highway proposed to be located, altered, or vacated, one of which shall be posted at each termini, and one such notice at the door of the Court House in which the Board of Supervisors of the county hold their meetings, and at least twenty days previous to the time of making such application, which application shall be made only at a regular meeting of the Board of Supervisors, and in such notice shall set forth, with reasonable certainty, the place of beginning, the terminis, and a general description of the proposed route, and the time at which the application will be made.

Petition and proceedings thereon. SEC. 7. Upon the day mentioned in the notice of intention above named, the person or persons giving the notice, or some one in their behalf, shall complete the proposed application by petition to the Board of Supervisors, which petition shall be signed by at least five citizens and taxpayers of the county residing in the locality of such road, and shall set forth the same matters as the notice, and shall ask for the appointment of Viewers to view such proposed location, vacation, or alteration, and the final confirmation and establishment thereof. The joining of any person in such petition shall be a waiver of all right to damages of every kind and nature arising from the location, alteration, or vacation asked for. Proof shall be made to the Board of Supervisors, by the affidavit of some competent person or persons, of the posting of the notices of intention, and, also, that all persons owning or claiming land on the proposed route or routes have been notified of said proposed application at least ten days previous to the day specified in the notice for making such application. 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 by affidavit. If the owner of any land over which any road proposed to be located, altered, or vacated runs, does not reside thereon, and is not personally notified, as above directed, the person or persons notifying shall cause such notice to be served on such non-resident by publication thereof, once a week for at least two consecutive weeks, in a newspaper published in the county.

Undertaking for costs

SEC. 8. Upon filing the petition specified in the foregoing section, the petitioners, or some one in their behalf, shall enter into an undertaking, with at least two sufficient sureties, in such sum as the Board of Supervisors may determine, conditioned that the persons making such application will pay into the County Treasury the amount of all costs and expenses accruing on account of or in consequence of such application. In case the prayer of the petitioners shall not be granted, and the location, alteration, or vacation finally confirmed or established, and should such application fail, and the applicants therefor fail or neglect to pay such costs and expenses into the County Treasury according to such undertaking, within three months after the Board of Supervisors have taken final action on any such application, then the Board of Supervisors shall cause such undertaking to be delivered to the District Attorney of the county, whose duty it shall be to proceed forthwith to collect all sums due from the makers of the undertaking.

Application for damages.

SEC. 9. Any person or persons owning or claiming land, through or upon which it is proposed to locate and establish a public highway, or is affected by the alteration or vacation of any highway, and desiring to apply for damages in consequence of such proposed action, shall make application in writing to the Board of Supervisors, on the day on which the application for such location, alteration, or vacation shall be made according to notice, wherein they shall set forth the particular road or roads referred to, the amount and general character of the land affected, and any other circumstance having relation to the subject of damages. The legal guardians of minors, idiots, and insane persons are authorized and required to take all of the measures in the premises which may be necessary to protect the rights of such idiots, minors, and insane persons. All persons who fail or neglect to make such application for damages, within the time and in the manner herein specified, shall be deemed to have waived all claim and right to damages in the premises, and as dedicating their lands affected to public use as a highway, and they shall be forever barred from bringing or maintaining any action for damages in any and all Courts of this State, or of the United States.

Road Viewers and their duties.

SEC. 10. Upon filing the undertaking herein provided for, and proof of the giving the notices required in this Act, and at the time specified in the notice for hearing said application, the Board of Supervisors shall appoint as Road Viewers three citizens of the county, as follows: one from their own number, one a practical surveyor, and one disinterested person from the body of the county; and shall place in the hands of such Road Viewers the petition for the road which they are to view, and all applications for damages in the premises. Upon a day named

Same. by the Supervisors, or within five days thereof, and after taking severally an oath to perform faithfully the duties devolving upon them as 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 interests. If, in the opinion of the Viewers, the prayer of the petitioners is reasonable, and the location, alteration, or vacation is necessary, they shall take to their assistance two chainmen and a marker, who shall be sworn by the Road Viewers, or some one of them, to faithfully discharge their duties as chainmen and marker, and shall proceed to survey the proposed location or alteration, and shall distinctly mark the commencement, the courses, distances, and termination of said route. The Road Viewers shall have power and authority to made a departure from the line of road as prayed for in the petition, whenever, in their judgment, it would be to the public interest so to do, from any cause whatever. The Surveyor shall make a plat and field notes of said survey or surveys, when more than one route is surveyed, which shall be filed as a part of the report of said Road Viewers. On or before the first day of the regular meeting of the Board of Supervisors next after that at which such Road Viewers were appointed, or on or before such day as the Board of Supervisors may name, the Viewers shall file with the Clerk of the Board of Supervisors a report of their proceedings, in which they shall set forth: First, who of them were present at the view; second, that they were sworn; third, whether such location, alteration, or vacation, is or is not advisable, or whether any departure from the line as proposed by the petitioners is necessary, and the reasons that render such departure necessary, if they conclude to recommend any departure; fourth, a plat and field notes of the survey or surveys, if two be made, which shall indicate the lines of inclosures and occupations cut or touched by the projected road, or alteration of road; not more than one survey and plat shall be made, unless the Viewers shall deem a departure from the line prayed for to be necessary; fifth, the expenses of the view and survey; sixth, the amount of damages 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, which said damages the said Viewers are hereby authorized and directed to assess and determine; seventh, the width of the road, which shall not exceed seventy feet, nor be less than forty feet; eighth, said Viewers, in making their report of damages, shall take into consideration the benefits arising from every road to the parties to whom they allow damages, and they shall report as to what the benefits consist of.

Consideration of all matters. SEC. 11. Upon the first day of the regular meeting of the Board of Supervisors next after that at which the Road Viewers were appointed, or upon such day as the Board of Supervisors may have named, as provided in this Act, the Board of Supervisors shall consider all matters touching the petition for the location, alteration, or vacation of any road, and all subsequent proceedings had thereon in connection with the report of Viewers on file, and such evidence as the

parties interested may introduce touching the same; and if, in their opinion, the public good and convenience require that the proposed location, alteration, or vacation, either as petitioned for or as recommended by the Viewers, should be established, they shall confirm the report thereon, in whole or in part, as they may deem advisable, and shall establish said location, alteration, or vacation, or so much thereof as they may deem advisable, as a public highway; and said Board of Supervisors shall thereupon order the damages, as finally assessed and fixed by them, and the costs which have accrued, to be paid out of the proper Road Fund, and shall order a warrant or warrants to be drawn accordingly; the Board of Supervisors are authorized and empowered to pay the same out of the General Fund, by a special order made for that purpose; or they may make the establishment of any location, alteration, or vacation conditional upon the payment by the petitioners of any or all costs, damages, and expenses of the opening, altering, or vacating of any road. Same.

SEC. 12. The Board of Supervisors, upon making each and every order establishing the location, alteration, or vacation of any road or highway, shall order the amount of damages sustained by each and every person owning or claiming lands, or any improvements thereon and affected thereby, as finally fixed and assessed by them, to be set apart in the Treasury, and out of the proper Fund, to be paid to the proper owner or claimant, if known, and to be kept for the owner if unknown, and to be paid to him or her upon showing or establishing their right or title to such lands or improvements. From the time of making said order said lands shall be taken for public use. Order for damages.

SEC. 13. If in the opinion of the Board of Supervisors, after the hearing as herein provided for, the proposed location, alteration, or vacation is not necessary for the public good, or is not of sufficient importance to warrant the action asked for, they shall dismiss the proceedings in the premises, and direct the District Attorney to collect the expenses which may have accrued in the progress of the proceedings had in the premises, by action on the undertaking provided for in this Act, if not paid by the petitioners as herein provided. Expenses on denial.

SEC. 14. Upon the final establishment of the location or alteration of any road, as provided for in this Act, the Clerk of the Board of Supervisors shall, within ten days thereafter, notify the Roadmaster or Roadmasters of the district or districts within which such road is situated, of the establishment or alteration thereof, and furnish him or them with a specific description thereof, and it shall be the duty of such Roadmaster or Roadmasters to open such road within thirty days from the receipt of such notice, unless there were at the time of such location or alteration growing crops upon the ground affected by such road, in which case it shall be the duty of such Roadmaster or Roadmasters to open such road within thirty days after the harvesting of such crops. Opening road.

SEC. 15. Any person or persons desiring to establish a road for private convenience and not for the benefit of the traveling

Private road.

public generally, may do so by consent of the parties owning the lands affected thereby; such consent, together with a specific description of such road and the conditions in reference to gates, inclosures, and other matters agreed upon between the parties, shall be filed with the Clerk of the Board of Supervisors. Upon filing such consent and specific description, such road shall be recorded by name in the road record of the county, and shall become to all intents and purposes a road for the use of the parties, and all persons having occasion to use the same for ingress or egress, and regress to and from the points on the line thereof. The party or parties for whose benefit such roads are established shall keep them in repair at their own expense. Whenever any person or persons wishing to establish a private road, and from any cause is unable to obtain the consent of the parties owning the lands affected thereby, the same measures shall be taken and the same law shall apply thereto as in the establishment of public roads, except that only one petitioner shall be necessary. No Viewers need be appointed; and in the assessment of damages made by the Board of Supervisors, which they are hereby authorized to make, shall contemplate the erection of good and sufficient gates, or such other means of protection as the petitioner or petitioners may propose to erect; and the final establishment of such road shall be conditional upon the erection and keeping in repair all such gates and safeguards provided for, and the payment of all such costs as may have accrued, or such damages as may be assessed. Every order establishing a private road shall specify the width thereof, which shall not exceed thirty feet.

Action for damages.

SEC. 16. Any person or persons claiming damages on account of the location, alteration, or vacation of any road, under the provisions of this Act, who may be dissatified with the award of damages made by the Board of Supervisors, and who cannot agree with the Board of Supervisors as to the amount of damages sustained, and shall refuse to receive the same, shall, within twenty days from the time of final hearing, commence an action against the county by name, for such damages, in a Court of competent jurisdiction, which action shall be conducted in like manner as other actions in civil cases in the Courts of justice of this State, except as hereinafter provided; and all actions not commenced in the time above limited shall be forever void. The complaint shall be in writing, and the summons, with a copy of the complaint, shall be served on the Clerk of the Board of Supervisors; such Clerk shall notify, in writing, the President of the Board of Supervisors and 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 and defend all actions, commenced under this Act, against the county for damages. The plaintiff, at the time of filing his complaint, shall file an undertaking in the sum of three hundred dollars, with two or more sufficient sureties, who shall be residents and freeholders or householders of the county, and shall make affidavit on such undertaking that they are each worth, over and above their debts and liabilities and property exempt from execution, double the amount specified in such undertaking, which undertaking

shall be conditioned that the plaintiff will pay all costs awarded against him, not exceeding the amount mentioned therein.

Costs.

SEC. 17. If any plaintiff in such action shall fail to recover a greater amount of damages than was awarded by the Board of Supervisors, or than agreed to be allowed by them, all costs in the case shall be taxed against such plaintiff and in favor of the county; and if such costs are not paid within thirty days after the entry of the judgment, it shall be the duty of the District Attorney to bring suit on the undertaking to recover the same, unless, within thirty days, an appeal be taken and the execution of the judgment stayed by a proper undertaking, as in other civil cases.

Suit before Justice, when.

SEC. 18. When the action provided for in this Act can be brought in Justice's Court, it shall be brought in some Justice's Court of the township in which the county seat is located; and if there be no Justice in such township qualified to act in the case, the action shall be transferred to the nearest Justice in an adjoining township. The county shall have ten days to answer after service of summons and copy of complaint; in all cases of application for damages or action for the same under the provisions of this Act, the claimant shall be deemed the plaintiff, and the county the defendant.

Proceedings to open road.

SEC. 19. Whenever any person or persons may propose to open a public road through his, her, or their lands, such person or persons may petition the Board of Supervisors of the county, said petition to give the commencement and terminus of such proposed road, with a general description and width thereof, to declare such road a public highway; and said Board may, if they deem said road necessary, enter in their book of record an order declaring said petition granted, and such road established as a public highway; such petitioners shall proceed, at their own expense, unless the Board of Supervisors order the expense paid from the County Road Fund, to fence out such road within thirty days, unless the Board grant a longer time; and such road from the time fixed for opening it, shall be considered to be dedicated to the public for use as a public highway. The guardian of any idiot, minor, or insane person is hereby empowered to petition for his ward under this section; and all such petitions shall have the same force and effect as petitions of other persons not under disability.

Compensation for services.

SEC. 20. Any person performing labor or service under the provisions of this Act in reference to the view, location, alteration, or survey of roads, shall receive as compensation the following per diem, to wit: Surveyor, twelve dollars; Viewers, other than surveyor, three dollars; chainmen and markers, two dollars; 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 proper County Road Fund, as said Board may direct, under the provisions of this Act. The County Surveyor shall be, in virtue of his office, appointed as Road Viewer in every case, unless, in the opinion of the Board of Supervisors, he is not competent to act by reason of interest, or the state of his work be such that he cannot attend to the view at the time the same may be required to be made and reported, in which event some other competent surveyor shall be appointed.

Road districts.

SEC. 21. For all purposes of this Act, the townships as now established shall be road districts; such road districts to bear the same name as the said townships, and the said road districts shall be changed only as the townships are, so that for all time the several road districts shall correspond with the several townships. At the election of Roadmasters herein provided for, the citizens of each road district shall elect some citizen resident within such district as Roadmaster thereof.

Deputy Roadmasters.

SEC. 22. Whenever any road district is too large, in the judgment of the Board of Supervisors, to be well managed by one person as Roadmaster, the Roadmaster of such district may, with the advice and consent of the Board of Supervisors, appoint a deputy to reside in and have the supervision and control of such portion of the district as agreed upon by the Roadmaster and said Board, who shall have like power in the part of the district assigned him as the Roadmaster has in his part, and shall take oath and give bond in like manner as the Roadmaster, using the name of deputy therein.

Poll tax, levy and collection of.

SEC. 23. At the session of the Board of Supervisors for levying State, county, and other taxes, said Board shall levy upon each able-bodied man, except Indians, between the age of twenty-one and fifty-five years, a road poll tax of two dollars, and upon all taxable property in the county a tax for road purposes of not more than forty cents upon each one hundred dollars, which sum shall be assessed and collected as other county taxes, except as otherwise provided in this Act; said levy may be made at either a regular or special meeting of the Board of Supervisors, as the case may require. All able-bodied men, except Indians, who have resided three months in the State, and ten days in the road district, shall pay the road poll tax herein provided for; and all moneys received or collected for such taxes or assessments shall constitute the Road Fund. The Assessor or Assessors in the County of Santa Clara shall prepare in his or their tax lists or assessment roll a separate column, headed Road Poll, in which he shall place against the name of every person liable to pay road poll tax the figure one. The Assessor shall be entitled to have, retain, and receive ten per cent on the amount of poll taxes by him collected, as compensation for collecting the same. All taxes and assessments provided for in this Act shall be collected by the Assessor and Tax Collector of the county in the same manner as State and county taxes, and placed in the County Treasury to the credit of the road districts from which the same is collected, and shall be known as the District Road Fund; and all such moneys shall be used in the district credited therewith respectively, subject to the control of the Board of Supervisors and the provisions of the next section of this Act. The Assessor or Assessors of the County of Santa Clara are hereby authorized and directed to designate upon his or their assessment roll the township and road district in which the property in said county is situated, and also in what township and road district the persons liable to pay a road poll tax by the provisions of this Act may reside at the time of making such assessment, either original or supplemental. The road poll taxes provided for in this section may be levied by the Board of Supervisors at any time by a

two thirds vote, the intention being to give said Board of Supervisors the power to levy the road poll tax at an earlier date than the property tax, if in their judgment it may be necessary so to do.

General Road Fund

SEC. 24. From the road taxes collected from all sources, the Board of Supervisors may annually set apart a sum not exceeding twenty per cent from the amount collected in each road district for general county road purposes, which shall be known as the General Road Fund, from which they may direct such amounts to be paid as may be found necessary for such general road purposes, in which the inhabitants of all the road districts are more or less interested. The object of such special appropriation of said General Fund must be specified in the order made therefor.

Roadmaster, election and qualification.

SEC. 25. At each general election the qualified electors in each road district shall elect some citizen of said district as Roadmaster thereof, for the term of two years from the time of his election and qualification; the Clerk of the Board of Supervisors shall notify each person so elected of his election, and he shall thereupon, or within fifteen days thereafter, qualify, by filing a bond with the Clerk of the Board of Supervisors, in the sum of one thousand dollars, with two sureties, to be approved by the County Judge, and by taking and subscribing an oath, before some person authorized to administer the same, that he will faithfully and impartially perform the duties imposed upon him by law as Roadmaster. The Board of Supervisors shall have the general supervision of all the public roads in the county, and the members of said Board shall have special supervision of the public roads in their respective Supervisor Districts, and the Board of Supervisors shall have power, on cause shown at any regular meeting, by the residents of any road district, in writing, to remove the Roadmaster of such district from office, and the Board of Supervisors shall have power to fill all vacancies in the office of Roadmaster by appointment, and the person or persons so appointed shall qualify within five days after such appointment, in like manner as those elected, and shall hold office until his or their successor shall be elected and qualified at the next general election, or he be removed by the Board, as herein provided.

Penalty for obstructing

SEC. 26. Any person or persons, body politic or corporate, who shall obstruct, injure, or damage any public highway either by placing obstruction therein, or by digging in, deepening, or deviating the waters of any stream; or by placing any obstruction in any ditch or stream within or along any public highway; or by placing or constructing any obstruction, ditch, or embankment upon their own or other lands, so as to make or cause any water to flow upon or impair any public highway, or in any other manner injure or obstruct any public highway, shall be guilty of a misdemeanor, and shall be liable to prosecution before any Justice of the Peace in said county, and, upon conviction of the violation of any of the provisions of this section, shall be punished by a fine not less than ten nor more than fifty dollars, to be collected as other fines; and any such person shall be further liable, at the suit of the Roadmaster of the district, in the sum of five dollars for each and every day such

obstruction is allowed to remain, after being notified to remove or remedy the same, by the Roadmaster of the district, or any member of the Board of Supervisors. It shall be the duty of the Roadmaster of any district wherein such obstruction, injury, or damage exists, to make a complaint against the person or persons so obstructing or injuring any public highway in his district, before any Justice of the Peace of the county.

Duty of Road-masters.

SEC. 27. The Roadmasters shall have each the care and general supervision of the public roads within his district, and it shall be his duty to maintain and keep them in good repair, and to erect, under the supervision of the Board of Supervisors, such necessary bridges and culverts as the means at his command will permit, and he shall also, at the discretion of the Supervisors, cause suitable guideboards to be erected at the intersection of important roads. He shall oversee and direct the labor performed upon the roads in his district, and see that teams, plows, scrapers, and other proper implements are furnished for the road service.

Powers.

SEC. 28. When any bridge or culvert shall be broken or injured, so as to be impassable or dangerous, or when any road shall from any cause be impassable, or when a new road is required to be opened, the Roadmaster of the district may call out a sufficient number of persons living in the vicinity to repair such bridge or culvert or open such road, and for any service so done, shall issue to the party or parties his certificate, as hereinafter provided, for labor on highways. Upon the completion of any road service required of any person, unless such service can be paid in cash with money in the hands of the Roadmaster supervising the same, such Roadmaster shall make out and deliver to such person a certificate, by him signed, for the labor, at the rate of two dollars per day, for not less than ten hours, together with such sums as may be justly due for the use of teams and utensils employed, which certificate shall specify the amount and character of the labor, and the teams and utensils used, and the time. All claims for services done, teams or materials furnished, and certified to by the Roadmasters, shall be audited by the Board of Supervisors, and upon approval, in whole or in part, they shall order a warrant for the amount of each claim, as approved, to be drawn upon the proper Road Fund or Funds. Roadmasters are hereby authorized to take, for the use of the road service, any timber, earth, gravel, rock, or other material growing or being on any uninclosed and uncultivated lands in the vicinity of a public road, except trees planted or preserved as shade or ornamental trees, and, upon application of the owner thereof, they shall make such allowance therefor as may be just, and shall give such owner a certificate for the amount due for such property; and upon the presentation of such certificate, and the approval of the Board of Supervisors, such Board shall order a warrant to be drawn for the amount approved, payable out of the proper Road Fund or Funds.

Contracts, how made.

SEC. 29. The Board of Supervisors or Roadmaster, with the consent of said Board, may make contracts for the purchase of lumber or other materials for building bridges or culverts, for grading roads, or any other necessary work upon the highways

within his district; but no such contract shall be made when the amount to be expended will probably exceed one hundred dollars, without first giving at least ten days notice of the proposed letting of such contract, by publication in some newspaper published in the county, which notice shall specify the services or amount of material required, when and where proposals will be received and opened, and where specifications, if any, may be found and examined; also stating what particulars must enter with the proposals, and the character and time of the payments proposed to be made; except, however, in case of great emergency, by the unanimous consent of the whole Board (or so many of them as may be in the county at the time), the Board may proceed at once to replace or repair any and all structures of whatsoever nature, without notice. Upon the day set forth in any such notice for opening proposals, all the proposals filed, in reference to the matter of such notice, shall be opened by the Board of Supervisors or their Clerk, in connection with the Roadmaster of the district within which the proposed improvements are located, and the proposals of the lowest responsible bidder shall be received; *provided, however*, the Board of Supervisors may refuse all the proposals, if they deem such action advisable. Same.

SEC. 30. All payments for the fulfillment of any contract, for the purposes heretofore specified, shall be made by warrants, drawn on the proper Road Fund, by order of the Board of Supervisors. In case of the construction or repair of a bridge crossing a stream which is the boundary of two counties, the Roadmasters and Supervisors of the several districts and counties connected by said bridge, shall have and exercise a joint duty and authority over the erection and repair of said bridge, and the expense thereof shall be equally divided between said counties, upon agreement entered into between them. Payment. Bridge over boundary stream.

SEC. 31. On or before the first Monday in August in each year, each Roadmaster shall prepare a full statement of the labor performed in his district, tools, teams, implements, or materials hired or purchased, the amount of money paid out, to whom, and for what paid; also, the amount certified to for labor done, or for tools, teams, implements, or materials furnished, and to whom such certificates have been issued; also, the number of days service by him actually and necessarily performed in the discharge of his official duty, all of which particulars shall be verified by his oath. The Roadmasters shall be allowed for all services performed in discharge of their duties, such per diem as the Board of Supervisors may deem just, not to exceed three dollars; and each Roadmaster shall have charge of and be held responsible for all tools and implements purchased for or belonging to his district; and his statement shall embrace an inventory of the same, a duplicate of which, together with all such tools, utensils, and other property, he shall deliver to his successor, or to some person designated by the Supervisors to receive them. Road-master's statement.

SEC. 32. It shall be the duty of the Auditor, in preparing the duplicate assessment lists provided for by law, to provide a Assessment lists.

separate column, in which shall be carried out the road tax of each person, including his road poll tax.

Road tax, how much.

SEC. 33. It shall be the duty of each Tax Collector and Treasurer to keep their books in such a manner as to show how much road tax has been received, how much paid out, and how much in each and every separate Road Fund is on hand; and the Treasurer shall pay all road moneys out upon warrants drawn upon the proper Road Fund, by order of the Board of Supervisors, and in no other manner. All road taxes now levied or due under any other law shall be collected and disposed of under the provisions of this Act.

Injuring bridge, tree, etc.

SEC. 34. Any person or persons who shall willfully injure or destroy any bridge, or other portion of a public highway, or who shall cut down or injure any living tree, planted or preserved as a shade or ornamental tree, either in or upon the border of any public road, shall be guilty of malicious mischief, and, upon conviction therefor before any Justice of the Peace, shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the County Jail for not more than thirty days, or by both fine and imprisonment; and it shall be the duty of the Roadmaster, in any district, to prosecute any person so offending in his road district. All fines collected under the provisions of this Act shall be paid into the County Treasury, and become a part of the general County Road Fund.

Notices on bridge.

SEC. 35. The Board of Supervisors are hereby authorized, if they deem proper, to cause a board or boards to be erected on any bridge in their county, requiring all persons driving teams to turn to the right, warning all persons against riding or driving faster than a walk, and limiting the number of cattle, horses, hogs, or sheep that may at any one time be driven across said bridge, and giving notice of the amount of fine to be recovered for each offense; and said fine, with costs of suit, may be recovered by the District Attorney in any Court of competent jurisdiction in the county. One half of the fine shall be paid to the person giving notice of the offense, the balance paid into the County Treasury, to the credit of the General Road Fund.

Fencing out road.

SEC. 36. In all cases when a new road is to be opened, and the same runs, in whole or in part, through lands that, by reason of their situation, will render it very difficult or costly to fence out such road, the Board of Supervisors may, at their discretion, permit the parties affected thereby to maintain gates at the several cross and line fences, so as to avoid the necessity of fencing out such road. In such cases the Board shall make an order in that behalf, descriptive of the part or parts of such road affected by the order and the gate or gates to be erected, and the condition or conditions imposed.

Shall not pasture.

SEC. 37. No stock of any kind whatever shall be allowed to pasture upon any public highway, and it shall be the duty of all Roadmasters and Deputy Roadmasters, within their respective districts, to take up all animals found pasturing upon the public highways, and to deal with said animals as provided in an Act entitled an Act to amend an Act concerning estrays and animals found running at large in the County of Santa Clara, passed April twenty-seventh, eighteen hundred and sixty-three,

approved March twenty-seventh, eighteen hundred and seventy-two; and said Roadmasters are hereby empowered and directed to proceed under said Act against all animals found running or trespassing on the public highways.

Moneys turned over to city.

SEC. 38. The Board of Supervisors are hereby authorized and directed, by proper order in that behalf, to turn over to the corporate authorities of any incorporated town or city in the county sixty per cent of all the road taxes collected within the corporate limits of such town or city. All moneys so turned over shall be used by the corporate authorities of such town or city exclusively in the improvements of the highways therein. The Board of Supervisors shall fix the amount of money to be turned over under this section by proper order, and shall order the proper warrants drawn therefor in favor of the proper authorities of such town or city.

SEC. 39. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as the County of Santa Clara is concerned.

SEC. 40. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXXI.

An Act for the protection of the property at East Park, in Sacramento County.

[Approved March 18, 1874.]

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

Unlawful at East Park.

SECTION 1. It shall be unlawful, upon the grounds known as East Park, situated in the County of Sacramento, for any person to discharge any gun or pistol or firearm of any description, or to permit any dog or dogs of any description to run at large upon said grounds, or to pluck, gather, remove, injure, mutilate, or destroy any flower, shrub, plant, ornamental or shade tree, or to kill, wound, or entrap any bird, or to destroy any bird's nest or remove any eggs or young birds therefrom, or to take, kill, or destroy any fish within the limits of said grounds, or to tease or worry the animals kept on the grounds for the entertainment of visitors, or to drive any carriage, buggy, hack, or wagon upon or through any of the walks or avenues except those laid out expressly for that purpose, or to drive at a greater rate of speed than five miles per hour upon any of the carriageways, excepting upon the outer avenues.

Misdemeanor.

SEC. 2. Any person violating any of the provisions of section one of this Act shall be deemed guilty of a misdemeanor.

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

CHAPTER CCCXXII.

An Act relating to the Supervisors of San Joaquin County.

[Approved March 18, 1874.]

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

Board of Supervisors

SECTION 1. The Board of Supervisors for San Joaquin County shall consist of five members—two for the City of Stockton, and three for the county outside of the City of Stockton; and it shall be the duty of said Board to redistrict the county into five separate Supervisor Districts; and no person shall hereafter be elected Supervisor for any district of which he is not a resident and elector.

SEC. 2. This Act shall take effect and be in force on and after the first Monday of October, in the year eighteen hundred and seventy-five, and no provision in this Act shall be construed to affect the term of any member of the present Board.

CHAPTER CCCXXIII.

An Act to authorize the Board of Trustees of Redwood City to extend and open Stambaugh street, in said town, from the intersection of said street with the west side of Maple street to its intersection with Main street, and to condemn private property for the roadway of said street.

[Approved March 18, 1874.]

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

Extension of Stambaugh street.

SECTION 1. The Board of Trustees of the Town of Redwood City, San Mateo County, are hereby authorized and required to cause Stambaugh street, in said town, to be extended and opened from its present terminus, at the west line of Maple street, to the east line of Main street, in said town, with the following lines and boundaries, or such other lines and boundaries as the aforesaid Board of Trustees may deem best, viz: beginning at the intersection of the northerly line of Stambaugh street with the westerly line of Maple street; thence westerly along the northerly line of Stambaugh street, extended, until it intersects the south line of lot number thirty-three, on Main street, extended easterly; thence along said last named line to the east line of Main street; thence south along the east line of Main street a distance equal to the present width of Stambaugh street; thence easterly along a line parallel with said south line of said lot number thirty-three, continuing, in a

straight line, to the intersection of said straight line with the south line of Stambaugh street, extended westerly; and thence easterly, along said last named line, to the westerly line of Maple street. And, whenever said extension of Stambaugh street may pass over the private lands of any person, it shall be the duty of said Board of Trustees to proceed as herein directed for the condemnation of said land so included within the limits of said extension of said Stambaugh street.

Petition.

SEC. 2. The Board of Trustees of said Town of Redwood City shall, within twenty days after the going into effect of this Act, cause to be filed in the office of the Clerk of the County Court of the County of San Mateo, a petition, on behalf of said town, setting forth, by metes and bounds, or by some accurate designation, the tracts of lands which must be condemned in opening said street, as herein provided, together with the names of the persons owning said lands, and those in possession thereof, so far as said names can be ascertained.

Survey of lands.

SEC. 3. For the purpose of obtaining the description required in section two of this Act, said Board of Trustees may employ any competent surveyor to survey said lands, and such surveyor shall have power to enter, at any time, upon said lands for the purposes of said survey; and he shall, as soon as practicable after his appointment, make said survey, and file in the office of said Board a map thereof, showing, separately, each lot or parcel of land required for said streetway, the amount thereof, and the owner and the occupant thereof, if known to him.

Defendants.

SEC. 4. All occupants of, and all persons having any right, title, or interest in said lands, whether named in said petition or not, shall be defendants thereto.

Time for hearing.

SEC. 5. Said Court, or the Judge thereof, may perform all acts required herein either in term time or in vacation. Immediately upon the filing of the petition named in section two of this Act, said Court, or the Judge thereof, shall appoint a time, not more than twenty days from the time of making said order, for the hearing of said petition.

Notice of hearing.

SEC. 6. Said Board of Trustees shall cause all occupants and owners aforesaid to be personally notified of the pendency of said petition, and the time set for the hearing of the same, at least five days before the time set for said hearing; *provided*, that if such personal service cannot be made in said town, said Board may either cause said service to be made if possible, or cause said notice to be published in any newspaper published in said county for two successive weeks.

Appointment of Commissioners.

SEC. 7. Said defendants may appear at the time for the hearing of said petition, and upon satisfactory proof being made that said defendants have been duly notified, as herein prescribed, and upon the hearing of any allegations and proof which they or said Trustees may present, if said Court or Judge shall be satisfied that said lands, or any part thereof, are necessary for the opening of said street, then such Court or Judge shall appoint three 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 lands, for and in consideration of the appropriation of such land to

the public for a public highway. If any vacancy occur among said Commissioners by any means, or any one or more of them cannot be appointed at said time, or any one refuses to act, one or more other persons may be appointed by said Court or Judge thereof to act as such Commissioners.

Meeting and qualification.

SEC. 8. Said Court or Judge shall appoint a time, not more than five days from the time of making the appointment, and place, for the first meeting of said Commissioners, and a time, not more than five days from said first meeting, for the filing of their report on said assessment of compensation; *provided*, that the time for making said report may be extended if they shall not then have said report prepared. A majority of said Commissioners shall be sufficient to render any acts valid which are herein required. They shall meet at the time and place as ordered; shall be duly sworn to honestly, faithfully, and impartially perform all the duties imposed upon them in this Act; may issue subpœnas for witnesses, and administer oaths; may adjourn from time to time, and from place to place; shall proceed to view said tracts of land, hear the allegations and proofs of said owners, and ascertain and assess said compensation, in United States gold coin, to be paid to said person or persons; and in ascertaining and assessing said compensation, they shall only take into consideration the actual cash value of said land to be taken, 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, and the damage to each owner caused by the removal of improvements, as herein provided for; and shall, on or before the time ordered, file in the said Clerk's office a full report of all their proceedings.

Rehearing.

SEC. 9. The said Board of Trustees, or any of said defendants, if dissatisfied with said report, may, within ten days after the time for filing said report, and after five days notice to the parties interested, move to set aside said report, and to have a new hearing, examination, and report, 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 three other Commissioners, who shall be ordered to proceed as hereinbefore directed; but such matter shall not be more than twice recommitted to Commissioners.

Confirmation of report.

SEC. 10. Upon the expiration of ten days after the filing of said report, or the last report, if more than one, 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 said report, so far as confirmed, or if more than one, each of said reports, and certify the same thereon.

Proceedings thereupon.

SEC. 11. Upon the confirmation of the report of said Commissioners, the said Board of Trustees shall pass an order directing the Treasurer of said town to pay to the persons named in said decree of confirmation as entitled to said compensation, the amount of said compensation so decreed to be paid for said tracts of land, out of the moneys first received by him under and by virtue of the special assessment herein provided for and

directed to be made; and upon the payment of said orders, or in case the parties entitled to payment do not apply for and receive said payment, then in ten days after said money shall have been paid into the Treasury, subject to said orders, said lands, and all right, title, and interest therein, shall be and become the property of said town, and said lands shall be deemed to have been acquired for and appropriated and dedicated to public use as a public highway or street of said town, to form a part of and be known as Stambaugh street. Each person from whom said lands are thus acquired shall be entitled to all improvements upon each particular tract of land aforesaid; *provided*, said person remove said improvements within ten days after said payment is ready to be made; otherwise, at any time after said ten days last mentioned have elapsed, said Board of Trustees are empowered to remove said improvements, and make such disposal of them as may seem proper; and in either case, said person or persons shall not receive any compensation for said improvements. Same.

SEC. 12. The district to be affected by the extension of Stambaugh street, as herein provided for, the lands within which are to be deemed benefited thereby, shall be, for the purposes of this Act, the following, to wit: every lot, piece, or parcel of land fronting on said Stambaugh street, from its proposed connection with said Main street to the easterly charter line of said town; upon every street that crosses said Stambaugh street within said distance; every lot, piece, or parcel of land fronting on said cross street, for a distance back from said Stambaugh street one hundred and fifty feet; *provided*, that if any such cross street does not extend beyond said Stambaugh street one hundred and fifty feet in either direction, then the land fronting on said cross street to be considered benefited as aforesaid only so far as said cross street extends; *and, provided*, that if any such cross street is occupied as a lot for which any party may have a deed, and is not opened as a street, then such lot is to be considered as benefited as aforesaid; and the lots adjoining which border on said Stambaugh street, are to be considered as benefited to the extent of their frontage on said Stambaugh street, and not as to what would be their frontage on said cross street, if it were opened; *and, provided*, that if any portion of said Stambaugh street within said distance is not opened, lands that front upon the line of said Stambaugh street as projected and as it would run if opened through said distance, shall be regarded as benefited as aforesaid. What lands benefited.

SEC. 13. It shall be the duty of said Commissioners, within five days after the confirmation of their said report, as provided in section ten of this Act, to proceed to assess the lands named in section twelve hereof; they shall proceed to view the lands and premises named in section twelve hereof; they may examine under oath, which any one of them is hereby authorized to administer for such purposes, any witnesses which any party interested may produce before them, and all other witnesses they may deem necessary, for the purpose of acquainting themselves with the true amount of benefits which result to any of the lands named in said section twelve in consequence of the opening of said Stambaugh street, as herein provided; they Assessment of benefits.

Same. shall assess against said last named lands all the expenses of opening said street that are hereinafter declared to be assessable against them, except such an amount thereof as said town shall pay in proportion to the actual benefits received as aforesaid; they shall make a complete list, in convenient form, of all of said benefited lands, showing the number and block of each lot, piece, or parcel of said lands, if numbered and designated by block, and if not, then giving it any description that will intelligibly designate it, the street upon which it fronts, the extent of frontage and depth, said depth to be one hundred feet, if not otherwise stated; the name of owner, if known, and if not, then stating that it belongs to "unknown owners," and the amount assessed against each lot, piece, or parcel; the amount of said assessment shall be computed in United States gold coin; they shall make a statement of the total cost and expense of the opening of said street, which costs and expenses are hereby declared to be the cost of the survey provided for in section three of this Act; such an amount for Commissioners' fees as said Board of Trustees may allow, the amount to be paid for all lands that may be declared necessary to take, as hereinbefore provided, and the expense, if any, of removing by said Trustees improvements from any of said last named lands, as hereinbefore provided for; and if such expense of removal has not then been incurred, they shall estimate it as near as may be. In case the three Commissioners do not agree on any matter required in this section, a majority shall decide such matter, and a majority shall be sufficient to make valid a report of all matters required in this section; and said Commissioners shall, within twenty days from the date of the confirmation of their said former report, make and file with said Trustees a full and complete report of all their proceedings as required in this section.

Committee of confirmation. SEC. 14. It shall be the duty of the President of said Board of Trustees, at a meeting hereby required to be held for that purpose on the Monday next following the filing of said last mentioned report, to appoint a committee of three of said Board, to whom said report shall be referred, which said committee shall hear any objections to the confirmation of said report, first giving notice of a time and place when and where such objections may be heard, by posting notices in three different places on lands assessed in said report, for the space of five days prior to said time, and such hearing may be adjourned from time to time, not exceeding three days in all; said committee shall then recommend to said Trustees the confirmation of said report, or the rejection thereof, within ten days of their appointment, and said Board of Trustees 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 may seem best; and if the matter is referred back, upon the filing of their report thereafter, the same proceedings shall be had as herein provided for the first report last above mentioned; and thereupon said Board of Trustees shall confirm said report either as made or with such changes as they may deem just, and said confirmation shall be final.

SEC. 15. Upon the confirmation of said report by said Board of Trustees as last aforesaid, the amount assessed against each lot, piece, or parcel of land therein described, being among and of the lands mentioned in section twelve of this Act, shall immediately become a lien upon the respective lots, pieces, or parcels upon which the same shall have been assessed; and said Board shall thereupon cause an assessment roll to be made in the form used for assessment rolls in and for said town; but in such assessment roll thus to be made from said report so confirmed, shall be set down in separate columns: First, the names of the owners of the lands benefited, when the same are known, and if not known, that fact to be stated; second, the description of the tract, lot, or parcel of land in respect to which such owner is to be assessed; third, the amount, in United States gold coin, which has been assessed against such described tract, lot, or parcel of land; to which said assessment roll the President of said Board of Trustees shall annex his warrant or certificate, and he shall then cause the same to be delivered to the Marshal of said town, who shall proceed to collect the said assessment in the same manner that the Tax Collector of said San Mateo County collects State and county taxes under the law therefor, except that the said Board of Trustees shall have power to fix the time for delinquency, to be reckoned from the date of the delivery of said assessment roll to said Marshal, which time shall not be more than thirty days from the date of said delivery, and shall also post notices of the time when such assessments become delinquent in three places on said benefited lands, and shall fix the number of publications of said delinquent assessments; *provided*, that in case any delinquent lands are advertised for sale or sold, all the expenses thereof must be borne by such lands, to be collected with the assessment.

Assessment roll.

Contents.

Collection.

SEC. 16. The Marshal of said town shall, at the end of every ten days after the receipt by him of said assessment roll, pay over to the Treasurer of said town the amount of money collected by him during the preceding ten days upon said assessment; and as soon as a sufficient sum has been received by said Treasurer, he shall pay out of said funds the orders directed to be made in section eleven of this Act, in the order of presentation for payment, or, if said orders are not presented for payment, hold said moneys for such payment as in said section provided; after the ten days therein named said funds to be subject to the action of the said Board of Trustees.

Funds collected.

SEC. 17. If any person, under this Act, is allowed a compensation for land to be taken, and also assessed for benefits to lands, then if said compensation is greater than said assessment, said Marshal must inform said Treasurer of the amount of said assessment, and said Treasurer shall pay to such person only the difference; and if said assessment is greater than said compensation, then said person must pay to said Treasurer the difference; in either case the proper parties passing receipts, to make the record of accounts appear balanced.

Offset accounts.

SEC. 18. The said Board of Town Trustees are hereby authorized and required to pay out of the treasury of said town one fourth of the entire cost of opening said street, as enumer-

Town to pay one fourth.

ated in section thirteen of this Act, and to levy and collect, with the general town taxes of the fiscal year eighteen hundred and seventy-four–five, sufficient funds to pay the same; and they are hereby empowered, if, in their discretion, they may desire so to do, to borrow sufficient money, not to exceed eight hundred dollars, in order to anticipate said levy and collection, and to make said payment within the time named in this Act.

SEC. 19. This Act shall take effect on the eighteenth day of May, in the year one thousand eight hundred and seventy-four.

CHAPTER CCCXXIV.

An Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta.

[Approved March 18, 1874.]

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

Teachers without certificates.

SECTION 1. The Board of Examination of the public schools of either of the Counties of Trinity or Shasta are hereby authorized to employ any person to teach, in any of the school districts in said counties, not having the legal certificate, whenever a majority of the parents or guardians of children attending such school shall so petition.

Rights.

SEC. 2. Such person, when employed, and the school under him or her, shall be entitled to all the rights and privileges of schools wherein the teachers hold first or second grade certificates.

SEC. 3. This Act shall take effect and be in force, in the counties named, immediately.

CHAPTER CCCXXV.

An Act to transfer certain funds in the County of Kern.

[Approved March 18, 1874.]

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

Transfer funds.

SECTION 1. The Board of Supervisors of Kern County is hereby authorized and required to order the Treasurer of said county to transfer the entire amount of moneys in the Swamp Land Fund of said county, at the date of the passage of this Act, to the General Fund of the same.

SEC. 2. The transfer required by section one shall be regarded as a loan made by said Swamp Land Fund to the General Fund, to be repaid as hereinafter provided. Said transfer a loan.

SEC. 3. Said Board of Supervisors shall each year, when they levy taxes for State and county purposes, make an investigation with regard to the condition of the swamp land districts of the county, and if any money is then required in the Swamp Land Fund, or if during the fiscal year for which taxes are about to be levied any money will be required for the use of said Swamp Land Fund, under the laws of this State, the Board shall estimate the amount of money thus to be required, and levy a special tax, to be called the Swamp Land Tax, in addition to the other taxes, which levy shall be sufficient to raise the amount of money thus required, but must not exceed the sum transferred under section one; and said special tax shall be collected in the same manner as other State and county taxes, and when collected shall be placed in said Swamp Land Fund in payment, in part or in whole, of said loan. Swamp land tax.

SEC. 4. Said levy of said special tax may be made as often as required until said loan is repaid; and if at any time there shall be realized from the same more money than is required to repay said loan, the surplus shall be paid into the General Fund, and no further levy shall be made. When levied.

SEC. 5. If at any time money shall be required under the laws of this State for the use of said Swamp Land Fund, and there is no money in the same, and, at the time it is thus required, there is money in the General Fund, and the General Fund is indebted to the Swamp Land Fund for said loan, the Supervisors shall transfer the same to the Swamp Land Fund, toward the payment of said loan. Transfer back.

SEC. 6. If said loan is not all repaid to the Swamp Land Fund within ten years from the passage of this Act, it shall be the duty of the Board of Supervisors of Kern County, at the time they levy the taxes for State and county purposes for the next ensuing fiscal year, to levy a tax sufficient to pay the same, which tax shall be levied, assessed, and collected as other taxes are, and paid into the said Swamp Land Fund; and any person interested in the Swamp Land Fund in said county may bring an action to enforce said levy. Tax to pay.

SEC. 7. When said loan is repaid this Act shall cease to have any further force and effect.

CHAPTER CCCXXVI.

An Act to extend the provisions of an Act entitled "An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Santa Barbara, Ventura, San Luis Obispo, and Monterey," approved February fourth, A. D. eighteen hundred and seventy-four.

[Approved March 18, 1874.]

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

To apply. SECTION 1. The provisions of an Act entitled "An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey," approved February fourth, eighteen hundred and seventy-four, are hereby made applicable to the County of San Benito, in as far as the same applies to the County of Monterey.

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

CHAPTER CCCXXVII.

An Act to authorize the removal of the bodies of certain deceased persons from the lands of Juan B. Castro, of Monterey County, for burial in the public burying grounds.

[Approved March 18, 1874.]

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

Removal of deceased persons. SECTION 1. It shall be lawful for the relatives or friends of all deceased persons now buried on the lands of Juan B. Castro, of Monterey County, on or before the first day of May, A. D. eighteen hundred and seventy-four, to remove the same for the purpose of burial in the public burying grounds; *provided*, that such removal and burial shall be at the expense of the persons removing the same.

If not removed. SEC. 2. In case of failure or refusal by the friends or relatives of such deceased persons, after ten days notice so to do, then it shall be lawful for the said Juan B. Castro, if he so desire, to remove, or cause to be removed, the body or bodies of all such deceased persons as shall not have been removed prior to the first day of May, eighteen hundred and seventy-four, and cause the same to be buried in the public burying ground; *provided, however*, that the said Juan B. Castro shall not be compelled to remove any of such bodies or deceased persons at his own expense.

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

CHAPTER CCCXXVIII.

An Act to extend the time for selling property for the delinquent taxes of eighteen hundred and seventy-three–seventy-four, in the County of Alpine.

[Approved March 18, 1874.]

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

SECTION 1. The time within which the Sheriff of Alpine County may sell property for delinquent taxes for the year eighteen hundred and seventy-three–seventy-four, is hereby extended to the first day of July, one thousand eight hundred and seventy-four. Time extended.

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

CHAPTER CCCXXIX.

An Act authorizing the transcribing of certain records in the County of Sacramento.

[Approved March 18, 1874.]

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

SECTION 1. The County Recorder of the County of Sacramento is hereby authorized and required to transcribe into such books as are prescribed by law, and copy the following original books of record now existing in his office and in (in) his custody, to wit: Book A of Deeds, Book B of Deeds, Book A of Powers of Attorney, Book A of Attachments, Index of Attachments, Index A of Notices of Lis Pendens, Book A of Judgments, and Book D of Mortgages. To transcribe records.

SEC. 2. The transcript hereby authorized to be made shall contain in each book the whole of the corresponding records of said county appropriate to the 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, with his official seal affixed, to the effect that he has compared such copy with the original, and that the same is a complete and correct transcript therefrom, and of the Transcript and certificates.

whole of the original records of said county appropriate to the said book.

Legal records.

SEC. 3. Immediately upon the affixing of the certificate 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 which the same are respectively appropriated; and the said Recorder shall thereafter employ and use the same as such legal books of record.

Same as originals.

SEC. 4. 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 records, and legally certified copies thereof and therefrom shall be received and read in evidence in all Courts, in the same manner and with like effect as copies of the original records.

Preserve originals.

SEC. 5. 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.

To furnish books.

SEC. 6. The Board of Supervisors of the County of Sacramento shall furnish all the necessary books and indices to the same, mentioned in or required under the provisions of section one of this Act.

Compensation.

SEC. 7. The County Recorder shall receive for his services under this Act, including the certificate to the correctness of the said transcript, the following, for his own use and benefit, compensation, to wit: for each folio written, fifteen cents; and for indexing each name, ten cents.

How claim paid.

SEC. 8. All claims for services performed under and by virtue of this Act shall be examined by the Finance Committee of the Board of Supervisors of Sacramento County, and shall be by said committee allowed at the rates specified in section seven of this Act, and shall be payable out of and deducted from the fees of his office by the Recorder, upon the certificate of said committee, for the amounts specified therein, and shall not be a charge against the county.

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

CHAPTER CCCXXX.

[See volume of Amendments to the Codes.]

CHAPTER CCCXXXI.

An Act in relation to the assessment and collection of taxes upon personal property in the City and County of San Francisco.

[Approved March 18, 1874.]

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

Exempted.

SECTION 1. The City and County of San Francisco is hereby exempted from the provisions of the Political Code relating to the assessment and equalization of personal property for taxation, and the collection of taxes thereon, but only in so far as to give force and effect to the provisions of this Act hereinafter contained.

Assessment

SEC. 2. The Assessor of said city and county must complete the assessment of personal property on or before the first Monday of June in each year, and enter the same in a separate assessment book, to be known as "The Assessment Book of Personal Property." As soon as completed, the said assessment book must be delivered to the Clerk of the Board of Supervisors, who must immediately give notice thereof, and of the time the Board will meet to equalize said assessment, by publication in some daily newspaper printed in said city and county; and in the meantime, until the Board meets to equalize said assessments, the assessment book must remain in his office, for the inspection of all persons interested.

Notice of equalization.

Equalization.

SEC. 3. The Board of Supervisors shall meet on the second Monday in June, and must examine and equalize said assessment, in the same manner as required by the Political Code, and must complete the equalization of said assessment on or before the fourth Monday in June; and the Clerk of the Board must record, in a book to be kept for that purpose, all changes, corrections, and orders made by the Board, and, during its session, must enter, in said assessment book, all changes and corrections made by the Board, and must deliver the said assessment book, so corrected, to the Auditor of said city and county, on the fourth Monday of June, with an affidavit, in substance the same as that required by section three thousand six hundred and eighty-two of the Political Code.

Levy of tax.

Collector's copy and affidavit.

SEC. 4. The Board of Supervisors must, on the fourth Monday of June, fix the rate of city and county taxes for the current fiscal year, and the Auditor must, on or before the second Monday of July, prepare and deliver to the Tax Collector a copy of said corrected assessment book, to be styled "Duplicate Assessment Book of Personal Property," in which shall be computed and entered, in separate money columns, the respective sums, in dollars and cents, rejecting the fractions of a cent, to be paid as a tax on the property therein enumerated, and to which must be attached his affidavit, subscribed and sworn to as follows: "I, ———, Auditor of the City and County of San Francisco, do swear that I received the assessment book of the personal property of the City and County of San Francisco,

from the Clerk of the Board of Supervisors, with his affidavit thereto affixed, and that I have corrected it and made it conform to the requirements of the Board of Supervisors; that I have reckoned the respective sums due as taxes, and have added up the columns of valuations and taxes, as required by law, and that the copy to which this affidavit is attached is a true, full, and correct copy thereof." Said duplicate assessment book must contain columns for entry, as hereinafter provided, for the State tax, upon the property therein assessed.

Delivery.

SEC. 5. The said duplicate assessment book must thereupon be delivered to the Tax Collector; and all the acts required by the Political Code to be performed by the Auditor and Tax Collector in relation to the duplicate assessment book and the taxes therein mentioned, must be performed by said officers, in relation to the assessment book herein provided, so far as the same can be made applicable.

Notice.

SEC. 6. The Tax Collector, immediately upon receiving said assessment roll, must publish in one or more of the daily newspapers of said city and county, that the taxes therein mentioned are due and payable at the office of the Tax Collector of said city and county, and will become delinquent on the first Monday of August, and that unless paid on or before the last mentioned date five per cent will be added to the amount thereof. The Tax Collector may, at any time after said taxes become delinquent, collect the same by seizure and sale of any personal property owned by the delinquent, and in proceedings for that purpose must be governed by sections from three thousand seven hundred and ninety one to three thousand seven hundred and ninety-six, inclusive, of the Political Code.

How and when collected.

Levy of State and county tax.

SEC. 7. On the Wednesday following the fourth Monday of September the Tax Collector must return the said duplicate assessment roll to the Auditor, who must, at the time provided in the Political Code for computing and entering the State and county taxes, add to or deduct from the valuation of the property enumerated in said assessment book, any percentum which may have been required by the State Board of Equalization, and compute the State taxes to be paid on said personal property, and enter the same, with all delinquent taxes which may appear in said book, in the proper columns. After completing such computations and entries, the Auditor must annex his affidavit to said book, stating that he has truly and correctly made all reductions and additions required by the State Board of Equalization, and computed, entered, and added all the State taxes, and all the delinquent city and county taxes, and the percentum due on the property therein enumerated, and return the same to the Tax Collector at the time when the duplicate assessment book of taxes upon real estate is required by law to be delivered.

How collected.

SEC. 8. The Tax Collector must collect said State taxes, and said delinquent city and county taxes and percentum, at the time and in the same manner as he is by law required to collect other State and county taxes.

SEC. 9. The Assessor may, at any time prior to the fourth Monday in October in each year, specially assess any property

which may have been omitted and which shall not be entered upon the regular assessment roll; and, if he makes any such special assessment, he shall forthwith deliver a copy thereof to the Tax Collector, and the original to the Auditor, who shall charge the Tax Collector with the amount of taxes due thereon; and all such special assessments shall be as valid and shall have the same force and effect as regular assessments. Omitted assessments.

SEC. 10. All the provisions of the Political Code and other laws relating to State and county revenue, except where they are in conflict with, are made part of this Act.

SEC. 11. This Act shall take effect immediately.

CHAPTER CCCXXXII.

An Act to prescribe the duties and provide the salary of certain offices of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto.

[Approved March 18, 1874.]

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

SECTION 1. The Treasurer of San Mateo County shall, without additional compensation, be Collector and Receiver of Taxes until the same becomes delinquent, immediately after which time the delinquent list shall be transferred to the Sheriff for collection, as provided for by law. Collector.

SEC. 2. Between the first and thirty-first day of December, in each year, the Treasurer shall set apart one day, to be named by him, to receive taxes, of which due notice shall be given at each of the following places, viz: School House Station, San Mateo, Spanishtown, and Pescadero; and during all other days from the time taxes become due and payable, until the same become delinquent, he shall be in his office at the county seat to receive the same. When to receive taxes.

SEC. 3. The Board of Supervisors of said county are hereby authorized and directed, within twenty days after the passage of this Act, to appoint an Auditor for said county, who shall receive a salary of one thousand dollars per annum, to be paid monthly, out of the County Treasury, and who shall hold office until the next general election, and until his successor is elected and qualified. Auditor appointed.

SEC. 4. At the next general election for county officers in said county, and every two years thereafter, an Auditor shall be elected, who shall enter upon the duties of said office on the first Monday in March following such election, and shall hold office for two years. Auditor elected.

SEC. 5. All demands for fixed salaries, payable out of the County Treasury, shall be audited by the County Auditor, who shall issue his warrant on the Treasurer for the proper amount Payment of salaries and demands.

Same. thereof. All other demands, payable out of the County Treasury, except for moneys payable out of the Common School Fund, or for moneys due for principal or interest upon bonds of the county lawfully issued, shall be first presented in the manner prescribed by law to the Board of Supervisors, and if allowed by said Board, in whole or in part, the amount allowed shall be certified to by the Chairman and Clerk of the Board, and the demand, with their certificate thereon, shall be returned to the claimant, who may present the same to the County Auditor, and if audited and allowed by him, he shall file the same in his office, with his action indorsed thereon, and issue his warrant therefor. Demands payable out of the Common School Fund shall first be approved and certified by the proper officers provided by law, and then presented to the County Auditor, and if found correct and authorized by law, he shall audit, allow, certify, and file the same, and issue his warrant therefor. All warrants issued by the Auditor shall be consecutively numbered from the beginning to the end of the fiscal year, shall bear date of the day of their issuance, and specify out of what Fund they are payable. No money shall be paid out of the County Treasury for any purpose except for the principal and interest of bonds of the county lawfully issued, unless the warrant of the Auditor is duly presented, indorsed, and filed therefor.

Auditor and bond. SEC. 6. The Auditor shall hold no other county office, and shall give bonds, in the sum of three thousand dollars, for the faithful performance of his duties, and shall be held liable on his bond for the amount of any and all demands audited by him against the county which are not a legal charge against the same.

Clerk and salary. SEC. 7. The County Clerk of said county shall be ex officio County Recorder, Clerk of the District Court, County Court, Probate Court, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization, and shall receive for his services, including the salary of such deputy or deputies as he may choose to appoint, the sum of four thousand three hundred dollars per annum, to be paid monthly, out of the County Treasury, as hereinafter provided.

Sheriff and salary. SEC. 8. The Sheriff of said county shall be ex officio Collector of delinquent taxes and licenses, and receive for all services performed by him, or his deputy or deputies, as such Sheriff and ex officio Collector of delinquent taxes and licenses, in addition to the mileage allowed by law, and such reasonable charge for feeding prisoners as the Board of Supervisors may allow, the sum of four thousand three hundred dollars per annum, to be paid monthly, out of the County Treasury.

To collect fees. SEC. 9. The Sheriff and County Clerk, and ex officio County Recorder of said county, and their deputies, shall continue to charge and collect such allowance, charges, fees, and percentage as are allowed by law for services performed by them as Sheriffs, ex officio Collectors of delinquent taxes and licenses, and as County Clerk and ex officio County Recorder, Clerk of the District Court, County Court, Probate Court, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization,

and shall pay all such moneys into the County Treasury, as provided in the next section.

Pay over.

SEC. 10. On the first Monday of each month the said Sheriff and County Clerk, and ex officio County Recorder, shall pay over to the County Treasurer all allowance, charges, fees, and percentages collected by them, or their deputies, except for mileage, during the preceding month, taking his receipt in duplicate therefor, the original of which shall be immediately filed with the Auditor.

Recorder's oath.

SEC. 11. On presenting the Treasurer's receipt to the Auditor, the County Clerk and ex officio County Recorder shall take and subscribe to the following oath: "I, (with name), County Clerk and ex officio County Recorder of San Mateo County, do solemnly swear that the receipt of the Treasurer, this day presented to the Auditor, covers the whole amount of money received by me or my deputy (or deputies), as County Clerk, ex officio County Recorder, Clerk of the District Court, County Court, Probate Court, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization, during the month of (insert month)"; and the Sheriff shall take and subscribe to the following oath: "I (with name), Sheriff of San Mateo County, do solemnly swear that the receipt of the Treasurer, this day presented to the Auditor, covers the whole amount of money received for all allowances, fees, percentages, and charges, of every kind, made and collected by myself or deputy (or deputies), for all services performed as Sheriff and ex officio Collector of delinquent taxes and licenses, for the month of (insert month); and that the said amount was all the money received by me or my deputy (or deputies), in, through, or by virtue of my office of Sheriff, ex officio Collector of delinquent taxes and licenses, except for mileage allowed by law, and the allowances made by the Board of Supervisors for feeding prisoners.

Sheriff's oath.

Warrant for salary.

SEC. 12. On receiving the receipt of the Treasurer, and the oath prescribed in the preceding section, the Auditor shall draw his warrant on the Treasurer, in favor of the Sheriff, in the sum of three hundred and seventy-five dollars, and in favor of the County Clerk and ex officio County Recorder, in the sum of three hundred and seventy-five dollars, for their monthly salaries.

Penalty for using fees.

SEC. 13. If the said County Clerk and ex officio County Recorder, by himself or deputy or deputies, as County Clerk, ex officio County Recorder, Clerk of the District Court, County Court, Probate Court, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization, or, if the said Sheriff, by himself or deputy, or deputies as Sheriff and ex officio Collector of delinquent taxes and licenses, shall either of them demand, accept, or receive to their own use any other or further sum for any official service than is herein allowed, they or either of them shall forfeit their office, and, moreover, shall be subject to a penalty of one thousand dollars for each and every such offense, for which they shall be liable on their bond. Upon the petition of ten citizens, residents, taxpayers, of the

county, the Board of Supervisors of the county shall immediately institute suit to recover the penalty herein provided.

Salary of County Judge.

SEC. 14. The salary of the County Judge of San Mateo County shall be two thousand dollars per annum, payable monthly, out of the County Treasury.

Publications.

SEC. 15. All legal notices, documents, orders, and papers which are by law required to be published in a newspaper, and the delinquent tax lists of said county, may be published in any newspaper having more than five hundred subscribers in the county, whether the same be published in the county or in San Francisco; and it shall be the duty of the Board of Supervisors and of the Courts of said county to direct that all such publications be made in such newspaper having the required circulation as shall offer the lowest rates; *provided*, that in all matters pertaining to roads, highways, and bridges, the Board of Supervisors may, in lieu of publication in a newspaper, post such notices, for a period of not less than ten days, in three conspicuous places in the county or district, as they may deem necessary.

Contracts and payments.

SEC. 16. All contracts for road work and bridges shall be let to the lowest responsible bidder, under stipulations, which shall be written out and clearly set forth the work to be done; and in no case shall more than two thirds of the contract price be paid thereon until the Road Overseer shall have certified, in writing, that the work is completed in accordance with the stipulations of the contract under which the same was let.

Penalty for false certificate.

SEC. 17. In case any Road Overseer shall give a false certificate as to the completion of any work done under contract, he shall be liable personally, and on his bond, in the amount which would be required to complete the road or bridge in accordance with the stipulations of the contract under which the same was let.

Jurors' fees.

SEC. 18. In no case shall the county be liable for the fees or mileage of jurors specially ordered or summoned for the trial of a civil suit or proceeding, but in all such cases the party demanding the jury shall, at the time of procuring the order and before the order is made, deposit with the Clerk of the Court such sum of money, to be fixed by the Court, as will, in the opinion of the Judge, be sufficient to pay the fees and mileage of the jurors so to be summoned. If the trial shall be protracted so that, in the opinion of the Judge, the amount of the deposit is likely to be insufficient, he may, if at any time, order an increase of such deposit to such amount as shall make it sufficient to meet the whole expense of such jury; and if such increased amount be not at once deposited, the Court shall at once discharge the jury then impaneled, and the party so failing to make deposit shall be held to have waived his right to a trial by jury. The amount so deposited shall be used in paying the fees and mileage of the jurors, and the amount so used may be recovered as costs, as in other cases; the surplus, if any there be, shall be refunded to the party making the deposit. When an order is so made for a special jury, the same need not be executed, or the jury summoned by the Sheriff, until his fees and mileage for that service shall have been paid or tendered; and his return on such an order that the Sheriff's

fees thereon have not been paid or tendered, shall be a sufficient excuse for not serving the same, and the order for such jury shall thereupon be vacated, and then be deemed to have waived a jury; *provided*, that the Judge of the several Courts in the county shall have power, in their discretion, to relieve parties who are in indigent circumstances from the operation of this section.

Supervisors. SEC. 19. The Board of Supervisors of San Mateo County shall consist of five members.

Appointment. SEC. 20. Immediately after the passage of this Act, the County Judge shall appoint two additional Supervisors for the County of San Mateo, who shall be residents and electors of what was heretofore known as the Fifth and Sixth Townships of said county, and said Board shall immediately thereupon classify themselves, as provided by section four thousand and twenty-seven of the Political Code.

Supervisor districts. SEC. 21. The Board of Supervisors, when so organized, shall immediately redistrict the County of San Mateo into five Supervisor districts, said districts to be also the road districts of the county; *provided*, that after the county is so districted, the districts shall not be changed for the term of two years; *and, provided further* that the redistriction shall be so made as not to render any member of the present Board ineligible.

Powers. SEC. 22. The Board of Supervisors, as organized under this Act, shall have the same power and be under the general laws in reference to Supervisors, unless said general laws conflict with this Act.

Claims and tax. SEC. 23. The Board of Supervisors of the County of San Mateo are authorized to settle and allow any just and equitable claims against said county, or against any of the townships, road or Supervisor districts, as the districts existed and were recognized prior to January first, eighteen hundred and seventy-four; and the said Board shall provide for the payment of the sum so allowed, with legal interest thereon, by a tax to be levied and raised in the succeeding fiscal year, in the same manner as other county taxes are levied and raised.

Salaries. SEC. 24. The salary of each member of the Board of Supervisors of said County of San Mateo, shall be two hundred and fifty dollars per annum, and mileage, as now allowed by law.

Roads. SEC. 25. All roads, public or private, heretofore petitioned for, viewed, located, laid out, and declared public or private roads, by the Board of Supervisors of the County of San Mateo, in the manner and form prescribed by the laws on that subject then in force in the said County of San Mateo, and for which the damages awarded have been paid, as provided by said laws, are hereby declared to be public, or private roads, as the case may be, and the same may be opened and improved in the same manner as if the laws under which they were laid out were still in force, except that the same shall be done by the officers prescribed by the laws now or hereafter in force in said county.

County bonds. SEC. 26. The Board of Supervisors of the County of San Mateo are hereby authorized to call a special meeting within twenty days after the passage of this Act, at which meeting said Board shall cause to be issued and delivered to the Treasurer of said county, taking his receipt therefor, to be filed in

Same. the office of the Auditor of said county, the bonds of the County of San Mateo to an amount not exceeding thirty thousand dollars. Said bonds shall be issued in sums of five hundred dollars each; shall be numbered consecutively; shall be made payable to bearer twenty years after date, and redeemable at the pleasure of the county at any time after fifteen years, and within twenty years, after the date; shall be payable at the office of the 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 said Treasurer, upon presentation at or after the maturity of the proper interest coupons therefor; and for each installment of interest to become due upon said bonds interest coupons shall be attached, each giving the number of the installments, 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 payable out of the Road Fund of the county; and the faith of the county is hereby pledged that funds for the payment of the principal and interest thereof shall be made by taxation upon all the taxable property situated in said county, as in this Act provided. Each of said bonds shall be signed by the Chairman of the Board of Supervisors and the County Treasurer, and attested by the Clerk of the Board of Supervisors under the seal of the county; and each of the coupons attached thereto shall be signed by the County Treasurer.

How apportioned. SEC. 27. The Treasurer shall receive said bonds, and divide and apportion the amount thereof in equal proportions among the Supervisor districts of said county provided for in this Act; *provided*, said money so divided shall be used only in the districts to which it is apportioned. Whenever thereafter the

Conversion into money County Treasurer shall receive from the Board of Supervisors an order to convert the whole or any part of the bonds standing to the credit of any of said Supervisor districts into money, he shall convert the amount so ordered into gold coin, charging the said District Road Fund with the amount of bonds so converted, and crediting it with the moneys realized therefrom; *provided, however*, that none of said bonds shall be sold at less than ninety-five cents on the dollar of the face of said bond, and the accrued interest; and if any are sold at less than par, with accrued interest, 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 when and the place where bids therefor will be received. The words "accrued interest," as herein used, shall be construed to mean the interest which has accrued upon coupons not yet matured. If, at any time of sale of said bonds, any of the coupons attached thereto shall have fully matured, such coupons shall be detached from said bonds and canceled, in the manner hereinafter provided, and only interest upon the coupons then remaining, but not yet matured, shall be calculated in making such

Oath to amount, etc. sales. 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 number of the bonds sold, and the price realized therefor; and the said Treasurer shall also certify to the

said Board of Supervisors the amount of money so realized, which is placed to the credit of each or either of said road districts.

Road bond tax.

SEC. 28. At the time of making the levy of taxes for general county purposes for the County of San Mateo, in the year eighteen hundred and seventy-four, and in each of the thirteen years next succeeding, the Board of Supervisors of said county shall, in addition to the other road taxes levied for said county, levy a special tax upon the taxable property situated therein, to be called the Road Bond Tax, for bonds for eighteen hundred and seventy-four, and to be collected like other taxes and to be paid into the County Treasury to the credit of the Road Bond Fund, to be kept distinct and separated from all other Funds, sufficient to pay the interest falling due in each year on all outstanding bonds issued under this Act. At the time of making such levy, in each of the next succeeding six years, such special taxes shall be levied by the said Board of Supervisors upon all the taxable property in said county sufficient in amount to pay the interest so falling due in each year, and also one sixth of the principal sum of all the bonds so issued as aforesaid.

How applied.

SEC. 29. The special tax provided for in the foregoing section shall be collected as other taxes in said county, and paid into the County Treasury to the credit of the Road Bond Fund, and shall be applied as herein provided, and not otherwise, to wit: First—To the payment of the interest on the bonds issued under this Act. Second—Whenever, after fourteen years from the date of said bonds, there shall be in the said Fund an amount of money over and above the interest required for the current year, equal to one sixth or more of the bonds issued under this Act, such amount shall be applicable to the redemption of the said bonds. 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 the 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 the accrued and unpaid interest thereon, designating by numbers the bonds to which the Fund will be applied, com-

Redemption.

Same. mencing with the lowest number outstanding bond, and taking them up in consecutive order. The Fund on hand, or so much thereof as may be necessary, shall be set apart for 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 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 section provided, the same course shall be pursued until all the bonds issued under this Act shall 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 several road districts of said county as they may then exist, upon the same rate of distribution as the road tax shall then be distributed, the special tax aforesaid shall be no longer levied, and the account of the Road Bond Fund for bonds of eighteen hundred and seventy-four shall be closed.

Cancellation and record. SEC. 30. 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 canceled 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 canceled bonds and coupons in his possession. The Board of Supervisors shall cause a record to be made of the fact of surrender, giving the numbers and coupons, and shall thereupon cause the same to be filed among the papers of the Board, and a record made of that fact also.

Moneys, how expended. SEC. 31. The Board of Supervisors of said county may expend the moneys raised under this Act, credited to the several road districts, for opening, construction, and improvement of highways, in the manner provided by and subject to the provisions of the road laws of said county.

SEC. 32. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 33. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXXXIII.

An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

[Approved March 19, 1874.]

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

PREAMBLE.

Preamble. WHEREAS, The City and County of San Francisco has, through its proper officers, from time to time, ordered street work done within the corporate limits of said city and county, under and by virtue of an Act of the Legislature of the State of California, entitled 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 fourth, eighteen hundred and seventy; and has awarded contracts and issued assessments for the same; and doubts existing as to the validity of the ordinances and resolutions providing for the same, and as to the validity of the contracts awarded and assessments issued thereunder; therefore, be it enacted:

Ordinances etc., confirmed. SECTION 1. That all ordinances and resolutions from time to time passed by the Board of Supervisors of the City and County of San Francisco, in relation to street work done, or being done, under contracts awarded under and by virtue of the aforesaid Act of the Legislature of the State of California; also, all contracts awarded under and by virtue of the Act of the Legislature of the State of California aforesaid, and all assessments heretofore issued or that may hereafter be issued to cover the

expenses of street work done, or that may hereafter be done under and by virtue of said resolutions, and ordinances, and contracts, or any of them, hereinbefore mentioned; and all other proceedings of whatsoever kind or nature under and in accordance with the provisions of such ordinances, and resolutions, and contracts, and each and every one of them be, and they and each of them hereby are made valid, ratified, and confirmed; *provided*, the property owners may defend all actions on the ground that the fraud, act, conduct, or omission of the contractor, or his assigns, affect any of the said ordinances or resolutions, or said contract or assessment, or is a fraud upon the law under which such proceedings were had, or that the contractor or his assigns have fraudulently performed the work, or failed to perform the same in accordance with the contract or specifications under which the work was done, and the said section one shall not apply where such defense is proven; *and, provided further*, that any person may at any time within sixty days after the passage of this Act, pay to the Superintendent of Public Streets and Highways, the amount that shall by any of the assessments herein referred to appear to be assessed against any lot or portion of a lot, and upon such payment the said Superintendent shall give a receipt therefor, and shall mark in the record of the assessment, opposite the number of said lot, the word "Paid," and the date of payment, and thereupon the lien of the said assessment shall be discharged. In case any suit has been commenced upon any assessment, the Court in which such suit shall be pending shall, upon the production of the said Superintendent's receipt as aforesaid, or of the record of the assessment, marked as aforesaid, enter an order dismissing the said suit, and no further proceedings shall be had therein. The City and County Attorney shall receive no compensation for any services rendered by him, in reference to any of said assessments, other than the sum of two hundred and fifty dollars per month, authorized to be allowed to him by section twenty-five of Chapter Five Hundred and Sixty-two of the Statues passed at the nineteenth session of the Legislature of the State; and no decree which shall be rendered by any Court in any suit for the collection of any of the assessments herein referred to, shall provide for the payment of any counsel fee or percentage, or for any sum other than the amount of the assessment, with interest thereon, and the costs incurred in said suit.

Defense to actions.

Payment and discharge.

No attorney's fees.

Assessments confirmed.

SEC. 2. The assessments hereinbefore referred to, and hereby validated and confirmed, are numbered as follows:

Numbers twelve, fifteen, twenty-two, twenty-three, twenty-four, twenty-five, thirty-six, forty-three, forty-five, forty-nine, fifty-one, fifty-two, fifty-three, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty three, sixty-six, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, eighty-five, eighty-six, eighty-nine, ninety-two, ninety-four, ninety-eight, one hundred, one hundered and one, one hundred and two, one hundred and three, one hundred and five, one hundred and six, one hundred and seven, one hundred and thirteen, one hundred and eighteen, one hundred and twenty, one hundred and twenty-three, one hundred and thirty-three, one hundred and thirty-five, one hundred and forty-four, one

hundred and forty-five, one hundred and forty-six, one hundred Same.
and forty-seven, one hundred and forty-nine, one hundred and fifty, one hundred and fifty-two, one hundred and fifty-three, one hundred and fifty-five, one hundred and fifty-six, one hundred and fifty-seven, one hundred and sixty-two, one hundred and sixty-three, one hundred and sixty-five, one hundred and seventy-two, one hundred and seventy-five, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-four, one hundred and eighty-five, one hundred and eighty-six, one hundred and ninety-two, one hundred and ninety-five, one hundred and ninety-six, two hundred and fifty-eight, two hundred and sixty-two, two hundred and seventy, two hundred and seventy-two, two hundred and one, two hundred and four, two hundred and five, two hundred and seven, two hundred and seventeen, two hundred and eighteen, two hundred and twenty-six, two hundred and twenty-seven, two hundred and twenty-eight, two hundred and thirty, two hundred and thirty-three, two hundred and thirty-four, two hundred and thirty-seven, two hundred and forty-three, two hundred and forty-four, two hundred and forty-six, two hundred and seventy-three, two hundred and seventy-five, two hundred and seventy-six, two hundred and seventy-seven, two hundred and seventy-nine, two hundred and eighty, two hundred and eighty-one, two hundred and eighty-two, two hundred and eighty-four, two hundred and eighty-five, two hundred and eighty-six, two hundred and ninety-two, two hundred and ninety-five, two hundred and ninety-six, two hundred and ninety-seven, three hundred and one, three hundred and five, three hundred and fourteen, three hundred and seventeen, three hundred and nineteen, three hundred and twenty-six, three hundred and twenty-seven, three hundred and thirty, three hundred and thirty-one, three hundred and thirty-six, three hundred and thirty-nine, three hundred and forty, three hundred and forty-one, three hundred and forty-three, three hundred and forty-five, three hundred and forty-seven, three hundred and forty-eight, three hundred and sixty-four, three hundred and fifty-five, three hundred and fifty-six, three hundred and fifty-seven, three hundred and fifty-eight, three hundred and sixty five, three hundred and sixty seven, three hundred and seventy-one, three hundred and seventy-two, three hundred and seventy-five, three hundred and seventy-six, three hundred and seventy-seven, three hundred and seventy-eight, three hundred and seventy-nine, three hundred and eighty-three, three hundred and eighty-six, three hundred and ninety-eight, four hundred and three, four hundred and four, four hundred and six, four hundred and fourteen, four hundred and nineteen, four hundred and twenty, four hundred and twenty-two, four hundred and twenty-four, four hundred and twenty-five, four hundred and twenty-eight, four hundred and thirty-one, four hundred and thirty-seven, four hundred and forty, four hundred and forty-one, four hundred and forty-four, four hundred and forty-six, four hundred and forty-eight, four hundred and forty-nine, four hundred and

Same. fifty, four hundred and fifty-three, four hundred and fifty-four, four hundred and fifty-six, four hundred and fifty-seven, four hundred and fifty-eight, four hundred and fifty-nine, four hundred and sixty, four hundred and sixty one, four hundred and sixty-two, four hundred and sixty-four, four hundred and sixty-six, four hundred and sixty-seven, four hundred and sixty-nine, four hundred and seventy-two, four hundred and seventy-three, four hundred and seventy-four, four hundred and seventy-five, four hundred and seventy-seven, four hundred and seventy-eight, four hundred and seventy-nine, four hundred and eighty, four hundred and eighty-one, four hundred and eighty-two, four hundred and eighty-three, four hundred and eighty-four, four hundred and eighty-five, four hundred and eighty-six, four hundred and eighty-seven, four hundred and eighty-eight, four hundred and eighty-nine.

SEC. 3. This Act shall take effect immediately after its passage.

CHAPTER CCCXXXIV.

An Act concerning roads and highways in the County of Yolo.

[Approved March 20, 1874.]

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

Road districts and Overseers. SECTION 1. The Board of Supervisors of the County of Yolo shall divide said county into a suitable number of road districts, not exceeding five, the boundaries of which may be changed at pleasure, and appoint therefor annually, or whenever vacancies occur, Overseers, with power to remove them at pleasure.

Road tax. SEC. 2. At the regular meeting in each year, at which State and county taxes are levied, said Board may levy a tax for current road purposes upon all the real and personal property within said county, which shall not exceed thirty cents upon each one hundred dollars in value of such property. They shall also, at the same time, levy for the year succeeding, upon each male inhabitant of said county over twenty-one and under fifty years of age, a tax to be known as the road poll tax, which shall not be less than two nor more than three dollars, and no person shall hereafter be required to perform any labor upon any highway within said county.

Poll tax. SEC. 3. There is hereby levied for the year one thousand eight hundred and seventy-four, upon each male inhabitant of said county, over twenty-one and under fifty years of age, a road poll tax of two dollars; and the Assessor and Collector of said county are hereby authorized and directed to collect said tax as provided in section four (4) of this Act, without further levy.

SEC. 4. The provisions of Chapter Nine (9) of Title Nine (9) of the Political Code of the State of California, are hereby

made applicable in all respects to road poll taxes in said county; and said road poll taxes shall be collected in the manner provided in said Chapter, and in no other manner; *provided*, that the Assessor of said county shall receive as full compensation for the collection of the same ten (10) per cent of the amount so collected; *and, provided also*, that the Auditor of said county shall not sign any road poll tax receipt. Collection of poll tax.

SEC. 5. The property road tax herein provided for shall be collected in the manner provided by law for the collection of other county taxes; and the moneys realized from said tax, and from road poll taxes, shall be placed in the Treasury of said county, and shall constitute a Fund to be known as the Contingent Fund. Such moneys shall be expended only for the payment of expenses hereafter incurred for road purposes. Collection of road tax

SEC. 6. Upon the payment into the Treasury of said county of any money derived from said road taxes, the Auditor of said county shall apportion five (5) per cent of the same to the use of the Town of Woodland, in said county, and shall thereupon draw his warrant in favor of the Treasurer of said town for the money so apportioned; and shall, at the same time, place in the Post Office in said town, postpaid, and directed to the President of the Board of Trustees of said town, a statement of the money so apportioned. Such moneys shall be used by the Trustees of said town only for highway purposes within the limits of said corporation. Apportionment.

SEC. 7. Road Viewers in said county shall receive as compensation for their services in viewing roads, the sum of three dollars per day, except the Surveyor, who shall receive the sum of five dollars per day for all services rendered upon the view and survey, and the additional sum of five dollars as compensation for all other services, to include all reports, maps, or field notes made by him; and the provisions of this section shall extend to the County Surveyor. Compensation, Road Viewers, Surveyor.

SEC. 8. Sections twenty-six hundred and forty-six, twenty-six hundred and fifty-one, twenty-six hundred and fifty-two, twenty-six hundred and fifty-three, twenty-six hundred and fifty-seven, twenty-six hundred and fifty-eight, twenty six hundred and fifty-nine, twenty-six hundred and sixty, twenty six hundred and sixty-one, twenty-six hundred and sixty-two, twenty-six hundred and sixty-three, twenty-six hundred and sixty-four, twenty-six hundred and eighty, twenty-six hundred and eighty-one, twenty-six hundred and eighty-two, twenty-six hundred and eighty-three, twenty-six hundred and eighty-four, twenty-six hundred and eighty-seven, twenty-seven hundred and four, twenty-seven hundred and nine, twenty-seven hundred and twenty-four, twenty-seven hundred and twenty-five, twenty-seven hundred and twenty-seven, twenty-seven hundred and twenty-eight, and twenty-seven hundred and thirty-two, of the Political Code of the State of California, shall hereafter be considered inapplicable to the County of Yolo. Sections twenty-six hundred and forty-seven, twenty-six hundred and forty-eight, twenty-six hundred and fifty, twenty-six hundred and eighty-five, twenty-six hundred and eighty-six, twenty-six hundred and eighty-eight, twenty-seven hundred and five, and twenty-seven hundred and seven, of said Code, so far as the Sections of Code inapplicable.

same are inconsistent with the provisions of this Act, shall hereafter be considered inapplicable to the County of Yolo.

SEC. 9. All Acts and parts of Acts 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 CCCXXXV.

An Act to quiet title to certain lands in Yolo County.

[Approved March 20, 1874.]

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

State quitclaims.

SECTION 1. The State of California hereby relinquishes all claims that she now has, or may have heretofore had, by reason of an Act of Congress donating to said State the sixteenth and thirty-sixth sections of the public lands therein for school purposes, to the southeast quarter of section sixteen and the northeast quarter of section thirty-six, in township eleven north, range one east; the southeast quarter of section sixteen, the southwest quarter of section sixteen, in township eleven north, range two east; and to the southwest quarter of section sixteen, in township nine north, range two east, in favor of the United States and its grantees; and it shall not be lawful for the State of California to issue any certificate of purchase or other evidence of title to said lands, or any part thereof, as a part of the school lands of said State.

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

CHAPTER CCCXXXVI.

An Act to provide for the construction of a railroad from Colfax, in the County of Placer, to Nevada City, in the County of Nevada, and to regulate fares and freights thereon.

[Approved March 20, 1874.]

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

Railroad franchise.

SECTION 1. The right to lay out, construct, maintain, and use the same by running thereon cars propelled by steam, or other motive power, for the convenient and profitable use thereof, and by such route as may be deemed most advantageous, between Colfax, in the County of Placer, and Nevada City, in the County

of Nevada, by the way of Grass Valley, is hereby granted to William Watt, John C. Coleman, Reuben Leech, Thomas Findley, Edward Coleman, Samuel Granger, A. Delano, C. W. Smith, Joseph Perrin, Martin Ford, Frank G. Beatty, Peter Johnston, J. M. Lakeman, A. B. Dibble, R. W. Tully, R. M. Hunt, J. H. Helm, George W. Smith, T. W. Sigourney, N. P. Brown, John W. Hinds, George F. Jacobs, John Cashin, Charles Marsh, A. D. Tower, M. L. Marsh, Niles Searls, A. B. Brady, Ira A. Eaton, or their associates and assigns, for the term of fifty years; *provided*, the construction of said road shall be commenced within one year from the passage of this Act.

Rails.

SEC. 2. The parties aforesaid, and their assigns, may, in the construction of said road, use rails therefor and thereon of such material, form, and dimensions, as in their judgment they may deem proper.

Fares and freights.

SEC. 3. It shall be lawful for the parties aforesaid, and their assigns, to charge and receive any sum not exceeding ten cents per mile for each passenger, and twenty cents per ton per mile of freight transported on said road; *provided*, that upon freight transported on said road for any distance not exceeding seven miles, twenty-five per cent may be added to the above rates.

Same.

SEC. 4. On all articles, dry goods, furniture, machinery, agricultural implements, hardware, leather, liquors, oils, paper, wool, brooms, broom corn, carriages, manufactured goods in cases, of which two thousand pounds shall measure fifty cubic feet and less than sixty cubic feet, there may be added to the rates allowed by section three of this Act, twenty-five per cent thereof; on all articles two thousand pounds of which shall measure sixty cubic feet and less than seventy cubic feet, there may be added to such rates fifty per cent thereof; on all articles two thousand pounds of which shall measure seventy cubic feet and less than eighty cubic feet, there may be added to such rates seventy-five per cent thereof; and on all articles two thousand pounds of which shall measure eighty cubic feet, there may be added to such rates one hundred per cent thereof; *provided*, the provisions of this section shall not apply to lumber, wood, bolts, fence posts, shingles, shakes, firewood, and hay in bale.

Same.

SEC. 5. On all single packages weighing two thousand pounds and less than three thousand pounds, there may be added to the rates allowed in section three of this Act, twenty-five per cent thereof; and on all single packages weighing three thousand pounds and less than four thousand pounds, there may be added to such rates fifty per cent thereof; and on all single packages weighing four thousand pounds and less than five thousand pounds, there may be added to such rates seventy-five per cent thereof; and on all single packages weighing five thousand pounds and upwards, there may be added to such rates one hundred per cent thereof.

Same.

SEC. 6. On all gunpowder, camphene, acids, or any explosive material of a like nature, also on glass and glassware, there may be added to the rates provided in section three of this Act one hundred per cent thereof.

SEC. 7. It shall be the duty of the parties aforesaid, and their assigns, after the completion of the road, on the first Monday

Statement under oath. of January of each year, to make and file with the Clerk of the Board of Supervisors of Nevada County, a statement in writing, under oath, of all moneys received during the fiscal year ending December thirty-first of each year, from the earnings of said road, the rates and fares charged, the running, repairing, and construction expenses, with insurance and tax expenses, the amount (if any) of existing indebtedness, and if dividends have been declared, the amount thereof, and the amount of cash on hand.

When Supervisors to fix rates. SEC. 8. If it shall appear from such statement that the net revenue of the road arising from its earnings during the year has exceeded twelve per cent per annum upon the money invested in the construction and equipment thereof, then the Board of Supervisors of the County of Nevada shall have the power, and it shall be their duty, to adjust, fix, and reduce the rates and fares for passenger travel and freights upon the road, to such rates and fares as will realize to said parties, or their assigns, a net revenue from the road upon capital invested, a sum equal to, but not to exceed, twelve per cent per annum.

No discrimination. SEC. 9. No discrimination shall be made between persons, parties, or localities, as to fares and freights, or the transportation of goods; and no free passes shall be issued or given to any person or party to travel the road, except to those who are actually engaged in the business of the road. Any violation of this section shall be deemed a misdemeanor.

Powers and liabilities. SEC. 10. Said parties, their associates and assigns, in the conduct and management of said railroad, shall have all the powers, and be subject to all the liabilities, and conform to all the requirements contained in Chapters Two and Three, of Title Three of the Civil Code of California, relating to railroad corporations, so far as the same are consistent with the provisions of this Act.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXXXVII.

An Act to enforce the collection of poll taxes in the County of Calaveras.

[Approved March 20, 1874.]

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

Poll tax. SECTION 1. Every male inhabitant of the County of Calaveras over twenty-one and under sixty years of age, not exempt by law, must pay a county poll tax of two dollars; and every male inhabitant of that county, over twenty-one years of age, must pay a hospital poll tax of two dollars.

How collected. SEC. 2. County poll taxes and hospital poll taxes must be collected by the several Constables of Calaveras county be-

tween the second Monday in January and the second Monday of October in each year.

Receipts. SEC. 3. The County Treasurer must, before the second Monday in January in each year, cause to be printed, of blank county poll tax receipts and hospital poll tax receipts, a number sufficient for the use of the several Constables of the county.

Seizure and sale. SEC. 4. The Township Constable may collect the county poll tax and hospital poll tax from any person liable therefor, by seizure and sale of any personal property owned by such person.

To note non-payment. SEC. 5. If any person assessed for a property tax has not paid the Township Constable the poll tax or poll taxes due from him, or for which he is liable, the Auditor must note the fact upon the assessment roll before he delivers it to the Collector.

Lien. SEC. 6. The amount of the poll tax or poll taxes, with fifty per cent in addition thereto, constitutes, from the second Monday in October, a lien upon the property assessed to such person, and must be collected in the same manner and at the same time as taxes upon his property are collected.

Proceeds. SEC. 7. The proceeds of the county poll taxes must be paid into the School Fund of the county. The proceeds of the hospital poll taxes must be paid into the Hospital Fund of the county.

Code to apply. SEC. 8. Sections three thousand eight hundred and forty-two to three thousand eight hundred and forty-five, both inclusive; sections three thousand eight hundred and forty-seven to three thousand eight hundred and fifty-eight, both inclusive; section three thousand eight hundred and sixty-two, Chapter Nine, Title Nine, Part Three, of the Political Code, is hereby made applicable to the County of Calaveras. Whenever the word Assessor appears in either of those sections, the words Constable or Constables shall be substituted therefor.

SEC. 9. This Act shall be in force from and after its passage, and all Acts or parts of Acts in conflict with the provisions of this Act, are hereby repealed.

CHAPTER CCCXXXVIII.

An Act to repeal an Act entitled an Act concerning service of summons upon absent defendants by publication, approved March fifteenth, eighteen hundred and seventy-two.

[Approved March 20, 1874.]

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

Repealed. SECTION 1. An Act entitled an Act concerning service of summons upon absent defendants by publication, approved

March fifteenth, eighteen hundred and seventy-two, is hereby repealed.

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

CHAPTER CCCXXXIX.

An Act authorizing the Board of Trustees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a public school house.

[Approved March 20, 1874.]

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

Election on bonds.

SECTION 1. The Board of Trustees of Santa Cruz School District, in the County of Santa Cruz, are hereby authorized, at any time within eighteen months from and after the passage of this Act, to call an election of the qualified voters of said district, to submit to them the question, whether or not bonds of said district, to an amount not exceeding twenty-five thousand (25,000) dollars, shall be issued for the purpose of building and furnishing an additional school house in said school district, and for the purpose of electing an Assessor and Collector for said school district.

Notice.

SEC. 2. Such election must be called by the posting of notices in three (3) of the most public places in said district, for at least thirty (30) days preceding the time of holding such election. Such notices must specify the time and place of holding the election, the amount of bonds proposed to be issued, and the purpose for which the moneys derived from the sale thereof are intended to be used, and the officers to be elected thereat.

Judges and law.

SEC. 3. The Board of Trustees of said school district must appoint three Judges to conduct the election, and it must be held in all respects, as nearly as practicable, in conformity with the general election law.

Ballots.

SEC. 4. At such election the ballots must contain the words "Issuance of bonds—Yes," or "Issuance of bonds—No," and also the name of one person as Assessor and one as Collector, and the same person may be elected to both offices.

Proceedings if "Yes."

SEC. 5. If a majority of the votes cast are "Issuance of bonds—Yes," the officers of the election must certify the fact to the Board of Trustees, and also certify the names or name of the persons or person having the plurality of the votes cast for Assessor and Collector, and the Board of Trustees must thereupon issue certificates of election to such persons or person; the Board of Trustees of said school district shall thereupon be authorized to issue the bonds of said school district to the amount of not exceeding twenty-five thousand (25,000) dollars, to be styled "Santa Cruz School District Bonds," and shall be issued in sums not less than one hundred (100) or more than

Bonds.

five hundred (500) dollars, and made payable in United States gold coin, at the office of the County Treasurer of the County of Santa Cruz, on the first day of January, A. D. eighteen hundred and ninety-five; and shall bear interest in like gold coin at the rate of ten (10) per cent per annum, with coupons attached for six (6) months interest each, payable successively at the office of the said County Treasurer, on the first day of January and July, in each year, after the issuance of said bonds, until their maturity. Said bonds shall be signed by the Clerk of said Board of Trustees, and the School Superintendent of said county, and the County Auditor of said county, and shall be authenticated by the seal of the said County Auditor, and shall purport that the said school district owes, to the holder thereof, the principal sum therein mentioned, respectively, in gold coin, payable and bearing interest as aforesaid. Same.

SEC. 6. The said bonds shall be sold by the said Board of School Trustees to the person or persons offering the highest price therefor; *provided*, no bid shall be received for less than the par value of said bonds; and it shall be the duty of the said Board of School Trustees to advertise the same for sale by publishing a notice of such sale at least four (4) weeks, in some newspaper printed and published in the City and County of San Francisco, and in some newspaper printed and published in said school district, inviting proposals for the purchase thereof; and the purchaser whose bids are accepted shall pay in to the County Treasurer of the said County of Santa Cruz the amount bid by them, and shall be entitled to receive from said Treasurer the bonds so purchased, and the proceeds thereof shall constitute a special Fund for said school district. Sale of bonds.

SEC. 7. The said Board of Trustees shall keep a correct record of all bonds issued under the provisions of this Act, showing the number, date, amount of each, and to whom issued, and shall appropriate and use the moneys derived from the sale of said bonds exclusively for the erection and furnishing of a school house for the public use of said school district; such school house to be erected according to such plans and specifications as said Board of Trustees may adopt, which shall be advertised by them for at least twenty (20) days in some newspaper printed and published in said school district; and the contract for erecting the same shall be let by the said Board of Trustees to the lowest bidder, who shall give good and sufficient bonds in such sums and with such sureties as the said Board of Trustees may determine, for the faithful completion of the contract. If none of such bids are accepted by said Board of Trustees, or if the person whose bid is accepted shall not give the bonds within the time, and in the amount, and with the sureties required by said Board of Trustees, the said Board shall again advertise such plans and specifications for the time and in the manner above in this section provided, until some bid is accepted by them and such contract made. Duties of Trustees.

SEC. 8. In case the said bonds shall be authorized to be issued by the majority of the votes cast at said election, as hereinbefore provided, the said Board of Trustees of said school dis- Interest and redemption tax.

Same. trict shall annually ascertain the amount of money necessary to be raised during each of such years to pay the full amount of one year's interest upon the principal sum of all of said bonds so issued and outstanding in the year A. D. eighteen hundred and eighty-five, and each year thereafter, until all of said bonds are fully paid; and an additional amount sufficient to pay one tenth ($\frac{1}{10}$) of the principal sum of all of said bonds, and shall determine the rate per cent of tax required therefor, each year, by first deducting fifteen (15) per cent from the yearly assessment roll of said school district for anticipated delinquencies, and then by dividing the sum so required, together with the estimated cost of assessing and collecting, added thereto by the remainder of said roll; and the rate so ascertained (using the full cent on each one hundred dollars in place of any fraction), shall be annually certified by the said Board of Trustees to the Board of Supervisors of said county, who shall annually, until the principal and interest on said bonds is fully paid at the time of levying the State and county taxes, levy the same as a special tax upon all the taxable property within said school district. Should the Board of Supervisors in any year fail to levy such tax, then the Auditor of said county must levy the same. The amount of such tax and the rate per cent must be certified by the said County Auditor to the Collector of said school district, who must collect the same. Should any of such taxes remain unpaid and become delinquent, the same shall be collected in the same manner as is or may be provided by law for the collection of delinquent State and county taxes. The moneys received in payment of such special tax shall be paid into the said County Treasury, and shall be kept in a separate Fund, to be known as the "Santa Cruz District Bond Fund," and shall be used exclusively in payment of the principal and interest of said bonds, and shall not be applied to any other purpose.

Redemption. SEC. 9. On the first day of January in any year, when there shall be as much as five hundred (500) dollars in the Fund mentioned in the last preceding 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, in some public newspaper printed and published in said school district, for thirty days, for proposals to redeem bonds by this Act authorized to be issued, stating in such notice the amount of money on hand for such purpose, and inviting the bids at such Treasurer's office on a given day, and specifying the hour. Such bidding shall be in public, and the award shall be made by the Treasurer 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 taken up and canceled; but no bid shall be received at a higher rate than the principal sum of any such bond and the interest then due thereon.

Assessor and Collector. SEC. 10. The Assessor and Collector hereinbefore provided to be elected by the voters of said school district, shall each hold his office until the first Monday in June, A. D. eighteen hundred and seventy-six, and until his successor is elected and qualified. At the time of the election of School Trustees for

said school district in the year eighteen hundred and seventy-six, and every two (2) years thereafter, until all the bonds issued under the provisions of this Act, and the interest thereon, are fully redeemed and paid, the qualified electors of said school district shall elect an Assessor and Collector for said school district, whose term of office shall commence on the first Monday in June after their election, and shall each hold office for two years thereafter, and until his successor is elected and qualified; *provided*, that one and the same person may be elected to fill both offices, as the voters of said district may choose. Sections eighteen hundred thirty-five, eighteen hundred thirty-six, eighteen hundred thirty-seven, eighteen hundred forty, eighteen hundred forty-one, eighteen hundred forty-two, eighteen hundred forty-three, and eighteen hundred forty-four of the Political Code of the State of California, are hereby made a part of this Act, and the provisions thereof, so far as applicable, except as otherwise specially provided in this Act, shall apply thereto. Same.

SEC. 11. Neither the said Board of Trustees or any member thereof, or the County Treasurer, or County Auditor, shall charge or be entitled to receive any fees or emoluments whatsoever for any services performed by them, or either or any of them, under the provisions of this Act. No fees.

SEC. 12. This Act shall take effect immediately.

CHAPTER CCCXL.

An Act for the more effectual prevention of cruelty to animals.

[Approved March 20, 1874.]

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

SECTION 1. Any three or more citizens of the State of California, who have heretofore, or who shall hereafter, incorporate as a body corporate, under the general laws for incorporations in this State, for the purpose of preventing cruelty to animals, may avail themselves of the privileges of this Act; *provided*, that the corporate body first formed as aforesaid in any county, shall be the only one so entitled to the benefits and privileges of this Act in said county. Who entitled to benefits of this Act.

SEC. 2. The said societies may make and adopt by-laws governing the admission of associates and members, providing for all meetings, and for assistant and district or local officers; providing, also, for means and systems for the effectual attainment of the objects contemplated by this Act; for the regulation and management of its business affairs, and for the effectual working of the societies; prescribing, also, the duties of all their officers; for the outlay of all moneys and the auditing of all accounts; *provided*, that such by-laws shall not conflict with the laws of Powers.

the State of California, or of the United States, or with any provisions of this Act.

Same. SEC. 3. Said societies shall elect officers and fill vacancies according to the provisions of their by-laws.

Who may make arrests. SEC. 4. All Sheriffs, Constables, police and peace officers are empowered to make arrests for the violation of any of the provisions of this Act, which by this Act is denominated a misdemeanor, in the same manner as is by law provided for arrests in all cases of misdemeanors.

Powers of those authorized. SEC. 5. All members and agents, and all officers of each or any of the societies so incorporated, as shall by the Trustees of said societies be duly authorized in writing, approved by the County Judge of the county, and sworn in the same manner as are Constables and peace officers, shall have power to lawfully interfere to prevent the perpetration of any act of cruelty upon any dumb animal, and may use such force as may be necessary to prevent the same, and to that end may summon to their aid any bystander; they may make arrests for the violation of any of the provisions of this Act, in the same manner as is herein provided for other officers; and may carry the same weapons that such officers are authorized to carry; *provided*, that all such members and agents shall, when making such arrests, exhibit and expose a suitable badge to be adopted by said society. All persons resisting said specially appointed officers, as such, shall, upon conviction, be deemed guilty of a misdemeanor.

Misdemeanor. SEC. 6. Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, or cruelly kills, or causes, or procures to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, or cruelly killed, any animal; and whoever, having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary cruelty upon the same, or fails to provide the same with proper food, drink, shelter, or protection from the weather, or who cruelly drives the same when unfit for labor, shall, upon conviction, be deemed guilty of a misdemeanor.

Same. SEC. 7. If any person shall carry, or cause to be carried, in or upon any vehicle, or otherwise, any domestic animal, in a cruel or inhuman manner, or knowingly and willfully authorizes or permits the same to be subjected to unnecessary torture, suffering, or cruelty of any kind, shall, upon conviction, be deemed guilty of a misdemeanor; and whenever any such person shall be taken into custody therefor by any officer, such officer may take charge of such vehicle and its contents, together with the horse or team attached to said vehicle, and deposit the same in some safe place of custody; and any necessary expenses which may be incurred for taking care of and keeping the same, shall be a lien thereon, to be paid before the same can be lawfully recovered; and if the said expenses, or any part thereof, remain unpaid, they may be recovered, by the person incurring the same, of the owner of said domestic animal, in any action therefor.

Take team, etc.

Causing animals to fight. SEC. 8. Any person who shall cause any bull, bear, cock, dog, or other animal to fight for his amusement or for gain,

worry or injure each other; or any person who shall permit the same to be done on any premises under his charge or control; and any person who shall aid, abet, or be present at such fighting and worrying of such animal, as a spectator, shall, upon conviction, be deemed guilty of a misdemeanor.

Training or being present.

SEC. 9. Whoever owns, possesses, keeps, or trains any bird or animal, with the intent that such bird or animal shall be engaged in an exhibition of fighting, or is present at any place, building, or tenement, where preparations are being made for an exhibition of the fighting of birds or animals, with the intent to be present as such exhibition, or is present at such exhibition, shall, upon conviction, be deemed guilty of a misdemeanor.

Complaint and arrest.

SEC. 10. When complaint is made, on oath, to any magistrate authorized to issue warrants in criminal cases, that the complainant believes that any of the provisions of law relating to or in any way affecting dumb animals, are being or are about to be violated in any particular building or place, such magistrate shall issue and deliver immediately a warrant directed to any Sheriff, Constable, police or peace officer, or officer of any incorporated association qualified, as provided in the fifth section of this Act, authorizing him to enter and search such building or place, and to arrest any person or persons there present violating, or attempting to violate, any law relating to or in any way affecting dumb animals, and to bring such person or persons before some Court or magistrate of competent jurisdiction, within the city or township within which such offense has been committed, to be dealt with according to law, and such attempt shall be held to be a violation of section six of this Act.

Arrest without warrant.

SEC. 11. Any Sheriff, Constable, police or peace officer, or officer qualified, as provided in section five of this Act, may enter any place, building, or tenement, where there is an exhibition of the fighting of birds or animals, or where preparations are being made for such an exhibition, and, without a warrant, arrest all persons there present.

Impounding without food, etc.

SEC. 12. Any person who shall impound, or cause to be impounded in any Pound, any domestic animal, shall supply the same during such confinement with a sufficient quantity of good and wholesome food and water, and in default thereof, shall, upon conviction, be deemed guilty of a misdemeanor. In case any domestic animal shall be at any time impounded, as aforesaid, and shall continue to be without necessary food and water for more than twelve consecutive hours, it shall be lawful for any person, from time to time, as it shall be deemed necessary, to enter into and upon any Pound in which any such domestic animal shall be confined, and supply it with necessary food and water so long as it shall remain so confined. Such person shall not be liable to any action for such entry, and the reasonable cost of such food and water may be collected by him of the owner of such animal, and the said animal shall not be exempt from levy and sale upon execution issued upon a judgment therefor.

Permitting to go without care.

SEC. 13. Every owner, driver, or possessor of any old, maimed, or diseased horse, mule, cow, or other domestic animal, who shall permit the same to go loose in any lane, street, square, or lot, of any city or township, without proper care and atten-

tion, for more than three hours after knowledge thereof, shall, on conviction, be deemed guilty of a misdemeanor; *provided*, that this shall not apply to such owner keeping any old or diseased animal belong to him on his own premises with proper care. Every sick, disabled, infirm, or crippled horse, ox, mule, cow, or other domestic animal, which shall be abandoned on the public highway, or in any open space in any city or township, may, if after due search by a peace officer, or officer of said society, no owner can be found therefor, be killed by such officer; and it shall be the duty of all peace and public officers to cause the same to be killed on information of such abandonment.

Abandoned animals to be killed.

Punishment.

SEC. 14. Every person convicted of any misdemeanor under this Act, shall be punished as is by law provided for the punishment of misdemeanors; and all fines imposed or collected in any county, under the provisions of this Act, shall inure to the society in said county, organized and incorporated as herein provided, in aid of the benevolent object for which it is incorporated.

Prosecutions.

SEC. 15. All prosecutions for the violation of any of the provisions of this Act shall be conducted and prosecuted in a Court of competent jurisdiction, and any member of said society authorized, as provided in section five of this Act, may appear and prosecute in any of said Courts, for any violation of any of the provisions of this Act, whether or not he be an attorney or counselor at law; *provided*, that all such prosecutions shall be conducted in the name of the people of the State of California.

Terms defined.

SEC. 16. In this Act the singular shall include the plural; the word "animal" shall be held to include every living dumb creature; the words "torture," "torment," and "cruelty," shall be held to include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted, and the words "owner" and "person" shall be held to include corporations as well as individuals; and the knowledge and acts of agents of and persons employed by corporations, in regard to animals transported, owned, or employed by, or in the custody of such corporations, shall be held to be the act and knowledge of such corporations as well as such agent or employés.

Construction of Act.

SEC. 17. No part of this Act shall be deemed to interfere with any of the laws of this State known as the "Game Laws," or any laws for the destruction of certain birds; nor shall this Act be deemed to interfere with the right to destroy any venomous reptiles, or any animal known as dangerous to life, limb, or property, or to interfere with the right to kill all animals used for food, or with any properly conducted scientific experiments or investigations, which experiments or investigations shall be performed only under the authority of the faculty of some regularly incorporated Medical College or University of the State of California.

Repealed.

SEC 18. The Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March thirtieth, eighteen hundred and sixty-eight, and amendments thereto, ap-

proved March fifteenth, eighteen hundred and seventy-two, are hereby repealed.

SEC. 19. This Act shall take effect from and after its passage.

CHAPTER CCCXLI.

An Act to amend an Act entitled an Act regulating proceedings in Courts of record of Nevada County in certain cases, approved March thirtieth, eighteen hundred and seventy two.

[Approved March 20, 1874.]

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 One. Whenever in the discretion of the Judges of the District, County, or Probate Courts, in and for the County of Nevada, the ends of justice will be promoted, and expenses to the parties interested decreased, by holding sessions of said Courts at the Town of Truckee, such Judges may, by order, set a time for holding such sessions and trying such civil and criminal cases as said District, County, and Probate Judges may order to be tried at the Town of Truckee, in Meadow Lake Township, Nevada County, whether such cases are docketed on the first day of each term or not. Court in Truckee.

SEC. 2. Said District, County, and Probate Judges are hereby empowered to order a special venire to issue for trial jurors in all civil and criminal cases that said Judges may order to be tried at said Town of Truckee. Special venire.

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

SEC. 4. This Act shall take effect immediately.

CHAPTER CCCXLII.

An Act concerning roads in the County of Butte.

[Approved March 20, 1874.]

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

SECTION 1. All the roads in the County of Butte shall be public highways which are now used and have been so declared by the Court of Sessions or Board of Supervisors, or which Public highways.

may be declared such hereafter by the Board of Supervisors; also all roads used as such for a period of five years.

Road districts. SEC. 2. Each Supervisor district in the County of Butte 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. The County Supervisors shall be ex officio Road Overseers for their respective districts, and shall require of the Deputy Overseers a good sufficient bond to the county, conditional for the faithful discharge of their duty.

Road tax. SEC. 3. The Board of Supervisors for said county shall levy, annually, on or before the second Monday in May of each year, a tax of not less than ten cents or exceeding thirty cents on each one hundred dollars in value of taxable property, as assessed in the year in which such levy shall be made, and which tax shall be collected at the same time and in the same manner as the State and other county taxes, by the Tax Collector, who shall receive as compensation therefor two per cent on the amount collected.

Poll tax. SEC. 4. All able-bodied male persons between the ages of twenty-one and sixty years, residents of said county, shall pay a poll tax of two dollars, for the use of the Road Fund of the county; *provided*, the same be paid between the first Monday in March and the first Monday in August; but if the said poll tax is not paid prior to the first Monday in August, it shall be three dollars. The road poll tax shall be collected by the Assessor of the county, who shall receive as compensation therefor ten per cent on the amount collected, and the payment thereof may be enforced in the same manner as by law provided for the collection of poll tax for State and county purposes.

Contracts. SEC. 5. All work done on roads, and all bridges built or repaired, shall be done under a contract awarded to the lowest responsible bidder, after at least five days public notice shall have been given, by posting notices in three public places in the district where the work is to be performed, calling for sealed proposals, and stating the amount and description of the work to be done, or the materials to be furnished and the time to be allowed for its completion, or a reference to specifications containing this information; *provided*, that when the cost of the work to be done or the materials to be furnished, shall not exceed the sum of one hundred and fifty dollars, the Road Overseer may cause such work to be done or materials to be furnished without calling for sealed proposals; *provided, further*, that the whole amount expended by any Road Overseer, not under contract, shall not exceed the sum of seven hundred and fifty dollars in any one fiscal year.

Duty of Overseer. SEC. 6. The Road Overseer shall cause all public highways, within their respective districts, to be kept clear of all obstructions and in good repair, and cause banks to be graded and bridges and causeways to be built and kept in good condition; and for the above named purposes they shall have full power to contract for such labor and materials as may be found necessary to accomplish the same, subject to the limitation contained in section five of this Act. Also, each Road Overseer, within his district, must erect and keep up, at the forks and crossings of

every highway, a post and guideboard, or fingerboard, containing an inscription, in legible letters, directing the way and giving the distance to the towns or public places situated on each road, respectively.

Estimate and apportionment.

SEC. 7. The Board of Supervisors shall, at their regular meeting in May of each year, make an estimate of the amount of moneys to be received in the Road Fund during the next fiscal year; and shall, at said meeting, set apart to each road district all moneys collected under this Act upon property therein, which money must be expended upon the roads in the district where collected. All moneys arising from the collector of road poll taxes shall form a General Road Fund, to be appropriated by the Board of Supervisors for the building and repairing of roads in any part of the county.

Acceptance of work.

SEC. 8. Whenever any contract, awarded under the provisions of this Act, shall have been completed, according to its terms, the Overseer awarding the same shall certify his acceptance and approval of the work done, or materials furnished thereunder, to the Auditor, who shall thereupon draw his warrant on the Treasurer, payable out of the Road Fund, for the amount due under each contract, as certified to by the Overseer; *provided*, that when such certificate is for work done under contract, a copy of the specifications of such contract shall be attached to the certificate, and when for work done or materials furnished, not under contract, a bill of items shall be attached to such certificate.

Confirmation.

SEC. 9. The Road Overseer shall, at each regular session of the Board of Supervisors, present a detailed statement of all his transactions since the last session. At each session the Auditor shall present to the Board all certificates received by him from the Road Overseers, together with the specifications and bills thereto attached, when the Board shall proceed to examine all certificates presented and paid, together with the statement rendered by the Overseer, and shall confirm and allow all such bills as they may deem just and legal; for any unlawful or excessive allowances made by the Road Overseer, and which the Board of Supervisors refuse to audit and allow, he shall be liable on his official bond.

Overseers' pay.

SEC. 10. Road Overseers shall, for each day actually employed in supervising the roads in their respective districts, receive the sum of four dollars per day, to be paid out of the Road Fund, which amount shall be held to cover all their necessary expenses incurred in the discharge of their official duties. Their claims for such services shall be in writing, specifying each several item under oath. Said account shall be rendered and settled, at every regular meeting, by the Board of Supervisors, at the same time the road accounts are settled; *provided*, that the amount allowed to any one road district for the Road Overseer and his deputies, shall in no single year exceed the sum of six hundred dollars.

Width of highways, and where laid.

SEC. 11. All public highways hereafter laid out, shall be not less than forty feet nor more than eighty feet in width, as may be determined by the Board of Supervisors for the best interest

of the district, and shall, so far as practicable, be laid out on section lines of the United States Government survey; and where such roads shall be located through lands held under what is commonly known as Spanish or private grants, and through which no section lines have been run by the United States Government, then as near as practicable to where such lines would have been run had they been extended through said lands.

Change. SEC. 12. The Board of Supervisors shall have power to vacate or change the whole or any part of any public highway, whenever the same shall have become useless or inconvenient.

Petitions, etc. SEC. 13. Applications for laying out, altering, establishing, or discontinuing any public highway, shall be by petition in writing, of not less than ten taxpayers of the district, to the Board of Supervisors, at a regular meeting of said Board; and such petition shall accurately describe the beginning, general route, and termination of such highway. The petition shall be accompanied by an affidavit of one or more of the petitioners interested, which shall state that all the parties occupying or owning lands along the line of the proposed road, have been duly notified by a written or printed notice, served on them or their agent, personally, or left at their place of residence, of the time when and the place where the petition will be presented to the Board of Supervisors; and shall further state that said notice has been served at least ten days before the meeting of said Board, to which the petition is to be presented; *provided*, that when any land is vacant, or when the owners thereof are unknown to the petitioners, it shall be sufficient that the affidavit states that a copy of such notice has been posted in some conspicuous place on such land, at least ten days previous to the meeting of the Board at which the application is to be made.

Hearing. SEC. 14. The Board of Supervisors may, at the meeting designated in the preceding section, or at any adjourned meeting, receive, hear, and consider all the evidence for and against the proposed road, that may be presented. If the Board deem the proposed road or alterations necessary, they shall direct the Survey. County Surveyor to make an accurate survey thereof, and may in their discretion appoint three disinterested persons to act as Viewers in connection with the County Surveyor, who shall, on a day to be fixed by said Board, and within ten days after their appointment, meet and run out the line of the proposed road, and hear and note all reasons that may be offered for and against the laying out and opening thereof. The Viewers shall, within a time specified in the order of the Board of Supervisors Viewers' report. appointing them to survey, view and report to the said Board over their several signatures:

First—The feasibility of the proposed road or alterations.

Second—The necessity of such road or alteration.

Third—The probable cost thereof.

Fourth—The amount of damages that will be sustained by each person on account of the opening, establishing, or altering of such road; or if they find that no damage is sustained by any person, they shall so report. The Board, when they deem it for the best interest of the county, shall have the right

to set aside their report and order another view to be had, the same in all respects as though no view had been made.

Surveyor's plat and report.

SEC. 15. The County Surveyor shall make an accurate survey and plat of the proposed location or alteration of the road; a description of which, together with a report of the character, quality, and quantity of land taken by the proposed road from the several owners or occupants on the route thereof, shall be returned to the Board of Supervisors, within a time specified in the order for the survey, location, or view.

Hearing and proceedings.

SEC. 16. The Board of Supervisors shall appoint a meeting at which they will examine the reports of the Viewers and County Surveyor, hear all parties for and against the proposed road or alteration; and if they determine the proposed road, change, or alteration necessary, they shall proceed immediately to assess the damages sustained by the parties affected; *provided*, that at the said meeting some one of the petitioners for said location or alteration, shall file an affidavit with the Board of Supervisors that he has notified all the owners, occupants, or agents of land over which the proposed road is to pass, of the time designated for assessing damages. Such notice shall be written or printed, and shall be served upon such owners, occupants, or agents, at least five days before the day set for assessing damages; *provided, further*, that the land over which said road is located be vacant; or if the owners thereof are unknown, then the affidavit shall state that such notice was posted in some conspicuous place on said land at least five days previous to the day appointed for assessing the damage.

When to consider.

SEC. 17. The Board of Supervisors shall, on the third day of each regular session, take up, consider, and determine all petitions and reports relating to public highways.

Proceedings when damages unsatisfactory.

SEC. 18. In case any person or persons, over or upon whose land said road shall be laid, shall be dissatisfied with the damages awarded him or them by the Board of Supervisors, he or they shall, within ten days after the assessment and award by the Board, notify the President of said Board, in writing, that he or they will not accept the same. Thereupon, the Clerk of said Board shall file all papers, documents, depositions, and reports relating thereto, in the County Court of said county; and within ten days after the filing thereof in the County Court, the County Judge shall set a day for the hearing and determining the objections to the award of the Board. Such hearing may be had during any regular term of said Court, or before the Judge thereof, at chambers. The day fixed for the hearing of such objections by said County Court, or the Judge thereof, shall not be less than fifteen nor more than thirty days after such papers, documents, depositions, and reports are filed in said Court. On the day set for such hearing, or on any subsequent day to which the same may be adjourned, the County Court, or the Judge thereof, shall hear evidence on the part of any owner, occupant, or agent of any land over which such road is laid, and also on the part of the applicants for such road, and of the Board of Supervisors, and of any party interested in or affected thereby. After hearing all the evidence that shall be presented, the County Court, or the Judge thereof, shall award and determine the amount of damages sustained

Same. by each owner, occupant, or agent of said lands separately, and shall enter a decree or judgment therefor as in other cases. Unless the party claiming damages shall recover at least ten per cent more than was assessed and awarded by the Board of Supervisors, he shall pay all costs of Court; otherwise, the county shall pay the costs; *provided*, that if any claimant of such damages shall not notify the Board of Supervisors, within ten days after the award of such damages by the Board of Supervisors, that he refuses to accept the same as awarded, then he shall be deemed to have assented thereto, and shall be barred from the aforesaid proceedings in the County Court, or before the Judge thereof, and from any additional damages. The proceedings had in the County Court, or before the Judge thereof, shall be final and conclusive upon all parties.

When road opened. SEC. 19. Upon the payment or tender of the damages assessed by the Board of Supervisors, and received or assented to by said claimant or claimants, or awarded in said County Court, such land, so taken for any road, shall be deemed vested in said county for all the purposes of said road, and the road may then be, by order of the Board of Supervisors, established and opened across and over the same.

Expenses. SEC. 20. For all costs and expenditures under this Act for locating a new road, or for alteration of any road, the Board of Supervisors shall cause the County Auditor to draw a warrant on the Road Fund of the district in which such locations or alterations are made.

Injuring trees, etc. SEC. 21. Any person who shall dig up, cut down, or otherwise injure or destroy any shade or ornamental tree growing within the boundaries of any highway, shall forfeit, for every such tree injured, the sum of twenty-five dollars, and all such moneys collected shall be paid into the General Road Fund of the county.

SEC. 22. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 23. This Act shall be in force from and after its passage.

CHAPTER CCCXLIII.

An Act entitled an Act to amend an Act entitled an Act to provide for the payment of certain fees in the county of Butte, approved March fourth, eighteen hundred and seventy two.

[Approved March 20, 1874.]

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

Witnesses' fees. SECTION 1. Each person subpœnaed as a juror, or as a witness in behalf of the people, whether before the District or County Court, or the Grand Jury, shall be entitled to pay at the rate of two dollars per day for each day's attendance; and

for mileage at the rate of twenty-five cents for each mile necessarily traveled in going, only.

SEC. 2. This Act shall apply only to the County of Butte.

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

CHAPTER CCCXLIV.

An Act concerning the employment of teachers in Inyo and Mono Counties.

[Approved March 20, 1874.]

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

SECTION 1. The Board of Trustees of any school district in the Counties of Inyo and Mono shall have power to employ a teacher or teachers not holding the requisite legal certificate, whenever a majority of the parents and guardians of children attending such school shall so petition, and whenever the services of satisfactory applicants holding such certificates cannot be obtained. Teachers without certificates.

SEC. 2. The employment of such teachers in any district in said counties, shall not operate to prevent the apportionment thereto of any State or county moneys which would otherwise be so apportioned. Moneys.

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

CHAPTER CCCXLV.

An Act to prohibit the collection of accounts for liquors sold at retail.

[Approved March 20, 1874.]

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

SECTION 1. The purchase of, or the sale and delivery of any spirituous or malt liquors, wine, or cider, by retail, or by the drink, is hereby declared to be an invalid consideration for any promise to pay, or assumpsit of account therefor, when the amount of such account or demand exceeds five dollars. Invalid consideration.

SEC. 2. No Court shall, in any action at law, render judgment for a greater amount than five dollars, for the sale at retail, or by the drink, of any spirituous or malt liquors, wine, or cider, together with costs. Judgment.

SEC. 3. Nothing in this Act shall be construed to affect in any manner debts contracted prior to its passage.

CHAPTER CCCXLVI.

An Act supplemental to and amendatory of "An Act fixing the salaries of certain county officers of the County of Inyo," approved February twenty-eighth, A. D. eighteen hundred and seventy-four.

[Approved March 20, 1874.]

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

Salary. SECTION 1. From and after the first day of March, A. D. one thousand eight hundred and seventy-six, the County Treasurer of Inyo County shall receive an annual salary of one thousand dollars.

Same. SEC. 2. From and after said date, the County Superintendent of Public Schools in and for said county shall receive an annual salary of four hundred dollars.

SEC. 3. The salaries herein named shall be paid in gold coin, in the same manner as otherwise provided by law.

CHAPTER CCCXLVII.

An Act authorizing the Board of Supervisors of Sierra County to levy taxes for county purposes, and for the payment thereof into certain Funds.

[Approved March 20, 1874.]

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

Taxes. SECTION 1. The Board of Supervisors of Sierra County are hereby authorized and directed, at their regular meeting on the first Monday in October in each year, to levy taxes for county purposes, not to exceed the rates hereinafter mentioned, on each one hundred dollars valuation of property in the county, viz: one dollar and sixty cents to be paid into the General Fund, and thirty cents into the School Fund of the county.

Repealed. SEC. 2. An Act entitled an Act authorizing the Board of Supervisors of Sierra County to levy taxes for county purposes, and for the apportionment of the revenue of the county from licenses and poll taxes, approved February ninth, eighteen hundred and sixty-six, is hereby repealed.

SEC. 3. This Act shall take effect and be in force on and after the first Monday of October, A. D. eighteen hundred and seventy-four.

CHAPTER CCCXLVIII.

[See volume of Amendments to the Codes.]

CHAPTER CCCXLIX.

An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District Number One, of Sutter County.

[Approved March 20, 1874.]

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

SECTION 1. Said Levee District Number One shall be bounded as follows: Commencing at a point on the levee built by said district where the southern boundary of said district intersects the levee; thence northerly along the line of said levee, following the meanders thereof to the northern boundary of Schuessler's vineyard, on the south of Yuba City; thence east along the northern boundary of said vineyard to the bank of Feather River; thence northerly up the bank of said river to the Feather River Bridge; thence northerly along the line of the levee to the northern boundary line of section number ten, township number fifteen north, range three east, Mount Diablo meridian; thence west to the northwest corner of said section number ten; thence south to the northeast corner of section number twenty-one; thence west to the northeast corner of section number twenty; thence south to the southeast corner of said section number twenty; thence west to the northwest corner of section thirty; thence south to the northeast corner of section twelve, of township fourteen north, of range two east, of said meridian; thence west to the northwest corner of section eleven; thence south to the southwest corner of section eleven, of township thirteen north, range two east; thence east to the northwest corner of section eighteen, township thirteen north, range three east; thence south to the southwest corner of section nineteen; thence east to the place of beginning; and said bounded territory is hereby set apart and erected into a levee district, to be known as Levee District Number One of Sutter County. Boundaries

SEC. 2. That the Supervisors of Sutter County shall, at the earliest time possible, after the passage of this Act, cause an

District election. election to be held, at the several places where elections are usually held, in said levee district, for the purpose of electing three Directors, one Assessor, and one Tax Collector, for said levee district. Notice of such election shall be given in a newspaper published in Yuba City, for ten days before the time of holding the same; said notice shall name the time and places for holding the same, and name the offices to be filled, also, the Inspector and Judges of Election, in each precinct. Said election shall be held as near as practicable in accordance with the general election laws of the State of California, except registration shall not be required, and ordinary paper may be used for ballots, and none shall be permitted to vote except legal voters of said levee district. Returns, in accordance with the general election law, shall be made to the Board of Supervisors, and they shall convass said returns and declare the result, and the County Clerk shall issue certificates of election to the persons declared to be elected.

Organization. SEC. 3. The Directors shall each, within ten days after their election, take the usual oath of office, and shall, at their first meeting, decide by lot, so that one shall go out of office on the first Monday in March next succeeding the next general election for State and county officers; another to go out on the first Monday of March, after the next general election, and so on; and a successor shall be elected at each general election next preceding such time of expiration of term of office. At said first meeting, they shall elect a Chairman and a Clerk from their number, and a majority shall be a quorum for the transaction of any business. The Board of Directors are hereby constituted and declared to be the legal representatives and successors to the Board of Supervisors of Sutter County, in all matters appertaining to Levee District Number One, and are hereby authorized to take absolute charge, control, and possession of all levees, or other works of reclamation, and all property, real or personal, belonging to said district, and to perform all the duties appertaining to said levee district heretofore devolving on said Board of Supervisors, except as herein provided. All bills and accounts against said levee district, Claims. either for contracts or otherwise, shall be presented to the Board of Directors, and be by them approved and certified to as correct by the Clerk of the Board, before payment for the same can be made; and the County Auditor is hereby required to draw his warrant on the County Treasurer for the amount of any account so approved and certified, in the same manner as if ordered by the Board of Supervisors.

Legal advice. SEC. 4. The District Attorney is hereby required to give the Directors of Levee District Number One the same legal advice and assistance, in the same manner, and on the same terms, as he gives to the Board of Supervisors; and he is also required to give to the Levee District Assessor and Tax Collector the same assistance and legal advice that he may be required to give to the County Assessor and Tax Collector.

Elections. SEC. 5. All elections after the first, herein provided, for the election of Directors, and Assessor, and Tax Collector, shall be held at the same time and places within the said levee district, and be conducted by the same Election Boards as shall hold and

conduct the general county and State elections; and returns thereof shall be made to the Board of Supervisors, and shall be by them canvassed and disposed of as required in section two of this Act. Should a vacancy occur in the Board of Directors, it shall be filled by appointment by the remaining members, and the person so appointed shall hold the office until the next general election, when his successor shall be elected for the remainder of the term. Should a vacancy occur in the office of Assessor or Tax Collector, it shall be filled by a special election, to be conducted in all respects as the first election provided for in section two of this Act. Vacancy.

SEC. 6. The District Assessor and Tax Collector, named in section two of this Act, shall each, before commencing the duties of his office, take the usual oath of office, and shall, within thirty days after his election, enter into proper bonds in such amount as the Board of Directors may require, conditioned for the faithful performance of his official duties, and shall hold his office until the first Monday of March following the next general election at which his successor has been elected, and until his successor shall qualify; and shall have, while in the discharge of his official duties, all the power and authority given by law to County Assessors and (and) Tax Collectors, respectively. Official oaths and bonds.

SEC. 7. It shall be the duty of the District Assessor, within the time required by law for the County Assessor to perform his duties, to assess all the real and personal property in the district, and place the same in separate columns of the assessment roll to be prepared by him, and shall deliver the same, when completed, to the Board of Directors. Assessment

SEC. 8. When the District Tax Collector shall receive the district assessment roll from the Directors, he shall at once give notice of the fact, and that the taxes are due, and payable at his office, and if not paid on or before the first Monday of January next succeeding, the same will become delinquent, and shall be collected under the same laws, rules, and regulations as apply to the collection of delinquent State and county taxes, the said District Tax Collector being hereby invested with all and the same power to make collections of taxes by sale and conveyance of real estate, as is or may be hereafter conferred on Collectors of State and county taxes. The taxes levied and collected by virtue of this Act, shall be called the Levee Fund of Levee District Number One, and shall be paid into the County Treasury and be placed to the credit of the district, and shall be paid out only in the manner hereinafter provided. Collection of taxes.

SEC. 9. When the Board of Directors shall receive the district assessment rolls from the District Assessor, they shall at once give notice by publication in a newspaper published in Yuba City, at least ten days before such meeting, that the district assessment roll has been completed, and is in their possession and open for examination, and that the said Directors will sit as a Board of Equalization, commencing upon a day and at a place to be named in the notice, and will continue to sit from day to day until the said equalization is completed, and will hear and determine all complaints as regards valuation and as- Equalization.

sessments thereon; but said Board shall not sit more than five days. The Board of Equalization shall have power to determine all complaints and objections to valuations and assessments that may come before them, and shall have power to change any valuation or assessment that may to them seem just and proper. The Clerk shall note all alterations made in valuations or assessments, and within five days after the session, and have the total values, as finally equalized by the Board, extended into columns, and added up, and shall deliver the same to the District Tax Collector. In order to find the per cent of taxes necessary to be levied, the Board of Directors shall find: First—The amount necessary to pay the interest and any part of the principal that may become due for the then current year on the funded debt of said district. Second—The probable amount that may be needed for repairs, etc. Third—The amount needed for salaries, fees, and delinquencies. Fourth—The amount of floating debt that may be desirable to pay during the then current year; and from these several amounts shall find the rate per cent necessary to produce the probable fund needed for the ensuing year.

Per cent of tax.

Apportionment.

SEC. 10. Upon the receipt of money from the District Tax Collector, the County Treasurer of Sutter County shall first set apart a sum sufficient to pay the interest, or interest and principal, that may become due, and pay the same as provided for in an Act approved April second, eighteen hundred and seventy, entitled "An Act to provide for the funding of the indebtedness of Levee District Number One, of Sutter County;" and the balance shall be paid out in accordance with sections thirteen and fourteen of an Act approved March twenty-fifth, eighteen hundred and sixty-eight, entitled an Act to provide for the protection of certain lands in Sutter County from overflow.

Compensation.

SEC. 11. The Directors shall not be paid more than three dollars each for each day employed in attending to the duties herein required of him. The Assessor shall not be paid more than three dollars per day while in the discharge of his official duties, and the District Tax Collector shall receive one and one half per cent on all moneys collected by him and paid over to the County Treasurer for the use of the district; and the County Treasurer shall receive such sum—not exceeding one per cent on the moneys disbursed by him for the district—as the Directors may deem just; and the election officers for the first election named in this Act, shall serve without fee or reward.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCL.

An Act to dispense with copies of the Great Register in certain elections in Napa County.

[Approved March 20, 1874.]

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

SECTION 1. It shall not be necessary, at any election in the County of Napa for county, township, or local district officers of said county, to provide or use any copies of the Great Register, unless said election be held on the same day with the general election or judicial election provided for by sections one thousand and forty-one and one thousand and forty-two of the Political Code. No "Great Register."

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCLI.

An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals, in the County of Monterey.

[Approved March 20, 1874.]

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

SECTION 1. An Act entitled 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 twenty-sixth, eighteen hundred and seventy, is hereby repealed, so far as the same refers to Monterey County. Repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCLII.

An Act making an appropriation for the payment of the unpaid salaries of the Code Commissioners, clerical labor, and other expenses incurred by the State, under the Act approved March the twenty-second, eighteen hundred and seventy-two.

[Approved March 21, 1874.]

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

Appropriation, Code Commission.

SECTION 1. The sum of twenty-two thousand eight hundred and fifty dollars of any money in the State Treasury not otherwise appropriated, is hereby appropriated and set apart to pay the salaries and other expenses of the Code Commission, accruing from and after the thirty-first day of October, A. D. eighteen hundred and seventy-two.

Warrants.

SEC. 2. The Controller of State is hereby directed and required to draw his several warrants upon the State Treasury in favor of the persons, and for the amounts respectively hereinafter named, and the State Treasurer is hereby required to pay the same from the appropriation made by the first section of this Act, to wit: in favor of Creed Haymond, John C. Burch, and John H. McKune for the sum of five thousand dollars each; in favor of Cameron H. King, Secretary of the Commission, for the sum of twenty-six hundred dollars; in favor of Will J. Beatty, Clerk of the Commission, for the sum of thirty-two hundred dollars; in favor of Curtis H. Lindley, for clerical services and making indices, for the sum of eighteen hundred dollars; and in favor of E. R. Robinson, for services as messenger and porter of the Commission, for the sum of two hundred and fifty dollars.

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

CHAPTER CCCLIII.

An Act in relation to the revision of the laws.

[Approved March 23, 1874.]

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

Warrants to Code Examiners

SECTION 1. The Controller of State shall, upon the passage of this Act, draw his warrant upon the Treasurer in favor of Stephen J. Field, for the sum of two thousand five hundred and ninety-seven dollars and eighty-two cents; also his warrant upon the Treasurer, in favor of Jackson Temple, for the sum of three thousand five hundred and seventy-five dollars;

and also his warrant upon the Treasurer, in favor of John W. Dwinelle, for the sum of three thousand five hundred and eighty-three dollars and forty-five cents; the same being in full payment for their services rendered and expenses incurred as Examiners of the Codes, at the request of the Governor.

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

CHAPTER CCCLIV.

An Act for the relief of James W. Marshall.

[Approved March 23, 1874.]

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

SECTION 1. The sum of one hundred dollars per month, for the period of two years, is hereby appropriated for the relief of James W. Marshall; *provided*, however, that said appropriation shall cease on the death of said Marshall, if the same should occur within the two years named. Appropriation.

SEC. 2. The Controller of the State is hereby directed to draw his warrants, monthly, for the sum of one hundred dollars each, in favor of James W. Marshall, and the Treasurer of State is hereby directed to pay the same. Warrant.

SEC. 3. Said warrants shall not be assignable.

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

CHAPTER CCCLV.

An Act supplemental to an Act entitled an Act to create the County of Modoc, to establish the boundaries thereof, and to provide for its organization, approved February seventeenth, eighteen hundred and seventy-four.

[Approved March 23, 1874.]

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

SECTION 1. The Auditor of Siskiyou County must draw his warrants on the Treasurer of the same county, and in favor of the Hospital Fund of Modoc County, for the sums in the Hospital Funds of Surprise Valley, Big Valley, and Hot Spring Valley Townships of Modoc County, respectively, and transmit the same to the Auditor of Modoc County, who, on the receipt thereof, must place their amounts to the credit of the Hospital Hospital Fund.

Fund of the county, and deliver the warrants to the Treasurer of the county. The Treasurer must present the warrants to the Treasurer of Siskiyou County for payment, and place the amount received in the Hospital Fund of the county.

Powers. SEC. 2. The Board of Commissioners appointed in accordance with the provisions of section six of the Act to which this is supplemental, are hereby authorized and empowered to discharge the same duties as are now required by law of Boards of Supervisors and County Clerks in the registering of votes.

Building Fund tax. SEC. 3. The Board of Supervisors of Modoc County may, when they levy State and county taxes, levy a tax not to exceed eight (8) cents upon each one hundred dollars of taxable property in said county, which shall be collected as other State and county taxes are collected, and shall be set apart as a Building Fund, and used only in the erection of the necessary county buildings. After the first day of November, A. D. eighteen hundred and seventy-four, the member of the Board of Supervisors having the shortest term to serve shall be President of the Board, unless such member shall have been elected to fill a vacancy.

Hogs. SEC. 4. The provisions of an Act entitled an Act concerning hogs found running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa, approved March twenty-sixth, eighteen hundred and fifty-seven, are hereby extended and made applicable to such portions of the County of Modoc as have been surveyed under authority of the United States, and shall be in force in said county from the first day of May to the first day of October of each and every year.

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

CHAPTER CCCLVI.

An Act making an appropriation for the purchase of apparatus for the State Normal School.

[Approved March 23, 1874.]

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

Appropriation. SECTION 1. The sum of three thousand ($3,000) dollars of any money in the State Treasury not otherwise appropriated, is hereby appropriated and set apart to purchase apparatus for the State Normal School of the State of California.

Warrants. SEC. 2. The Controller of State is hereby directed and required to draw his several warrants upon the State Treasury, in favor of the Trustees of the Normal School, for the aforesaid sum of three thousand ($3,000) dollars.

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

CHAPTER CCCLVII.

An Act to provide for the return to the State Treasury and cancellation of certain Controller's warrants.

[Approved March 23, 1874.]

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

SECTION 1. The several County Treasurers, Auditors, or other county officers, having in their custody or control any State Controller's warrants, drawn upon the funds of any swamp land district, which have been received in payment of swamp lands, shall, on their next settlement with the Controller of State, return all such warrants to the State Treasurer, and take his receipt therefor, which receipt, in the hands of such officer, shall answer every purpose of the original warrants; and hereafter every County Treasurer, at the time of receiving any such warrant, in payment of principal or interest upon swamp lands, shall write across the face thereof the word "Canceled," and date on which and from whom he received it in payment, with his signature appended; and shall, upon his quarterly settlement with the Controller, return the same to the State Treasurer, and obtain his receipt therefor; and any warrants received by the State Treasurer which have not been canceled as required by law, by the County Treasurer, shall be noted by the State Treasurer and canceled by him. Return of Controller's warrants.

SEC. 2. It shall be the duty of the Controller to see that the provisions of this Act are complied with. Duty.

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

CHAPTER CCCLVIII.

An Act to provide for the payment of the indebtedness incurred in repairing and refitting the Capitol.

[Approved March 23, 1874.]

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

SECTION 1. There is hereby appropriated out of any moneys in the General Fund in the State Treasury not otherwise appropriated, the sum of ten thousand three hundred and sixty-three and thirty-seven one hundredths dollars, to pay the following claims, to wit: Appropriation for claims.

The claim of John Breuner, for material furnished, and work and labor done, amounting to two thousand and ninety-nine and twenty-five one hundredths dollars.

Same. The claim of C. H. Krebs, for material furnished, amounting to four hundred and thirteen and twenty-five one hundredths dollars.

The claim of Locke & Lavenson, for material furnished, and work and labor done, amounting to four thousand and one hundred and fifty-five and fifty one hundredths dollars.

The claim of J. T. Clark, for work and labor, amounting to two thousand one hundred and thirty-five dollars.

The claim of T. C. Benteen, for work and labor done, amounting to one thousand five hundred and sixty and thirty-seven one hundredths dollars.

Warrants. SEC. 2. As soon as said claims are audited and allowed by the Board of Examiners, the Controller must draw warrants in favor of the parties named in section one of this Act, for the amount of their claims, respectively, and the Treasurer must pay such warrants.

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

CHAPTER CCCLIX.

An Act to provide for the purchase of certain portraits.

[Approved March 23, 1874.]

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

Purchase of ex-Governor's portraits. SECTION 1. The State Board of Examiners are hereby authorized to contract with W. Coggswell for the purchase of portraits of ex-Governors P. H. Burnett, M. S. Latham, John G. Downey, F. F. Low, L. Stanford, and H. H. Haight, at a price not to exceed the sum of four thousand dollars; and upon the completion of the said portraits, and the delivery of the same to the State Librarian, the Controller shall draw his warrant on the State Treasurer for the amount of the contract price.

Appropriation. SEC. 2. The sum of four thousand dollars, or so much as may be necessary to pay the Controller's warrant drawn under section one of this Act, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose named in section one of this Act.

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

CHAPTER CCCLX.

An Act to provide for the payment of attorney's fees.

[Approved March 23, 1874.]

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

SECTION 1. The sum of one thousand five hundred dollars is hereby appropriated out of any money in the General Fund of the State not otherwise appropriated, and the Controller is hereby required to draw his warrant in favor of Alexander Deering for said sum, in payment for legal services as attorney and counselor at law in suits concerning the possession and control of Yosemite Valley. Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCLXI.

An Act to pay certain claims in favor of Patrick Kearns.

[Approved March 23, 1874.]

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

SECTION 1. The sum of two hundred dollars is hereby appropriated out of any money in the Election Reward Fund not otherwise appropriated, for the payment of the claim of Patrick Kearns, the same being for a reward in arresting Jno. G. Kelly and Isaac Hopkins, for betting on elections, in accordance with the provisions of sections one thousand and fifty-four and one thousand one hundred and ninety, Political Code, and with the Governor's Proclamation, dated October first, eighteen hundred and seventy-two. Appropriation.

SEC. 2. The Controller of State is hereby directed to draw his warrant in favor of Patrick Kearns for the sum of two hundred dollars, and the Treasurer of State to pay the same. Warrant.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCLXII.

An Act supplementary to an Act entitled an Act to 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 April first, eighteen hundred and seventy-two.

[Approved March 23, 1874.]

Preamble. Whereas, the report provided for in section six of an Act of the Legislature of the State of California, entitled an Act to 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 April first, eighteen hundred and seventy-two, has been filed, approved, confirmed, and made final as provided for in said Act, and by said report the sum of twenty thousand dollars was set apart and allowed for incidental expenses to accrue up to and until the close of the duties of the Board of Public Works mentioned in said Act; and, whereas, it has been found expedient to temporarily withdraw from said last mentioned amount the sum of sixteen thousand nine hundred and twenty-seven dollars and ninety-three cents, and apply the same in payment of the interest which became due July first, eighteen hundred and seventy-three, on the Montgomery Avenue Bonds mentioned in said Act, then issued; and, whereas, the said sum set apart as aforesaid for incidental expenses, is required for other purposes, and it is just that the portion thereof which was appropriated to the payment of interest as aforesaid, should be replaced by an equal amount, to be levied, assessed, and collected upon the lands described in section four of said Act, originally liable for the payment of said interest; and, whereas, the duties of the Board of Public Works, and of its attorney and Secretary, have been unavoidably prolonged beyond the period of one year originally contemplated by said Act, and it is proper that they should respectively receive additional compensation; therefore,

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

Interest tax. SECTION 1. There shall be levied, assessed, and collected at the same time, in the same manner, by the same persons, and upon the same lands as the annual assessment to pay the interest on said Montgomery Avenue Bonds is levied, assessed, and collected, as provided in section eleven of said Act, for the fiscal year ending June thirtieth, A. D. eighteen hundred and seventy-five, an assessment sufficient to pay and replace said sum of sixteen thousand nine hundred and twenty-seven dollars and ninety-three cents. In levying, assessing, and collecting said last mentioned assessment the amount thereof may be added to the amount of the first mentioned assessment, to the end that together they shall constitute only one assessment, and may be so treated in levying, assessing, and collecting the same. When collected, the said sum of sixteen thousand nine

One assessment.

hundred and twenty-seven dollars and ninety-three cents shall be paid over to the Treasurer of the City and County of San Francisco, to replace the sum heretofore temporarily withdrawn, as aforesaid, and shall constitute a part of the Montgomery Avenue Fund. Replace moneys.

SEC. 2. The members of the Board of Public Works shall be allowed and paid respectively, for services performed and to be performed by them under said Act during the year commencing December first, A. D. eighteen hundred and seventy-three, like salaries as their predecessors received, by virtue of said Act, during the year ending June twentieth, A. D. eighteen hundred and seventy-three; and the Attorney and Secretary of said Board shall be allowed and paid for services performed and to be performed under said Act, subsequent to the twentieth day of June, A. D. eighteen hundred and seventy-three, and during the term their services shall be required by said Board, like salaries per annum as they respectively received, by virtue of said Act, during the year ending June twentieth, A. D. eighteen hundred and seventy-three; the said salaries to be paid out of the Montgomery Avenue Fund, as other claims on said Fund are paid, and to be charged to incidental expenses; *provided, however*, that the total amount paid for salaries of the Board of Public Works, their Secretary, Attorney, advertising, and all incidental expenses, shall not exceed the sum of twenty thousand dollars. Allowances

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

SEC. 4. This Act shall take effect immediately.

CHAPTER CCCLXIII.

An Act to indemnify bona fide settlers on the Yosemite Grant.

[Approved March 23, 1874.]

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 a Commission, to consist of three persons, who shall have power to perform the duties hereinafter specified. Said Commissioners must be appointed within thirty days after the passage of this Act. Yosemite Commissioners.

SEC. 2. Said Commissioners shall proceed to the Yosemite Valley, on or before the first day of August next, and shall examine into and report to the State Board of Examiners the facts in relation to the respective settlements of J. M. Hutchings, J. C. Lamon, A. G. Black, and Ira B. Folsom, in the Yosemite Valley, and the value and character of the improvements made by said parties, and the separate amounts of money which, in the judgment of the Commissioners, would in justice Duties.

and equity compensate said parties and each of them for the loss of their respective rights and improvements, and for the full surrender thereof by them to the State of California; *provided*, that said Commissioners shall not take into consideration in their estimates any right acquired or injury done claimants, who acquired such rights after said Yosemite Valley was donated by Congress to the State of California.

Examination of report.

SEC. 3. The said Board of Examiners, upon receiving said report, shall examine the same, and shall audit and allow to each of the parties named in section two, the amounts reported by said Commissioners as their due, or such other amounts, either greater or less, as the facts reported, or other facts within or to be brought to the knowledge of said Board of Examiners, may seem to justify and make reasonable, equitable, and proper.

Appropriation.

SEC. 4. For the amounts so allowed and audited by said Board of Examiners, the Controller is hereby authorized and directed to draw his warrants in favor of the respective claimants, and the Treasurer is hereby authorized and directed to pay the same; *provided*, that the whole amount of said claims shall not exceed the sum of sixty thousand dollars; and said sum is hereby appropriated for the payment of said claims, and the Treasurer, after paying the said claims, is hereby authorized to place the residue of said appropriation to the credit of the General Fund.

Compensation.

SEC. 5. The said Commissioners shall be allowed, for their expenses and compensation, such sum, not exceeding five hundred dollars, as said Board of Examiners may award and audit; and the Controller shall draw his warrant in their favor for the sum allowed, and the Treasurer shall pay the same out of any moneys in the Treasury not otherwise appropriated.

CHAPTER CCCLXIV.

[See volume of Amendments to the Codes.]

CHAPTER CCCLXV.

An Act supplementary to 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 23, 1874.]

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

SECTION 1. Any corporation formed under the Act to which this Act is supplemental, whose period of existence is not stated in its articles of incorporation to be ten years, may continue its corporate existence for ten years from the date of filing its articles of incorporation, upon complying with the provisions of this Act. Continue corporate existence.

SEC. 2. Any such corporation existing on the first day of January, eighteen hundred and seventy-four, may at any time before its period of existence, as stated in its articles of incorporation, shall expire, continue its existence, as stated in section one of this Act, by a majority vote of its Board of Trustees at any meeting of such Board, or by a vote of a majority of the stockholders, as the Board of Trustees may elect. A certificate of the action of the Directors, signed by them and their Secretary, when the election is made by their vote, or upon the written consent of the stockholders or members, or a certificate of the proceedings of the meeting of the stockholders or members, when such election is made at any such meeting, signed by the Chairman and Secretary of the meeting and a majority of the Directors, must be filed in the office of the Clerk of the county where the original articles of corporation are filed, and a certified copy thereof must be filed in the office of the Secretary of State; and thereafter the corporation shall continue its existence under the provisions of this Act, and shall possess all the rights and powers, and be subject to all the obligations, restrictions, and limitations prescribed by the Act of which this is supplementary. Same. How done.

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

CHAPTER CCCLXVI.

An Act to authorize the Trustees of the City of Petaluma to issue bonds for the purchase of an Agricultural Park.

[Approved March 23, 1874.]

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

Bonds. SECTION 1. The Trustees of the City of Petaluma are hereby authorized to issue bonds to the amount of five thousand dollars, for the purchase of the grounds and improvements in said city constituting the Agricultural Park.

Sums, etc. SEC. 2. Such bonds must be issued in sums of one thousand dollars each, payable in five annual payments, with interest at seven per cent per annum; interest and principal payable in United States gold coin.

Tax. SEC. 3. The Trustees must, after said bonds are issued, levy annually a tax sufficient to pay one fifth of the principal and the interest on said bonds, and sufficient to pay the whole of said bonds, including interest, within five years.

When issued. SEC. 4. No bonds must be issued under this Act until the owners of said park shall, by a good and sufficient deed, with covenants of warranty, convey said park and all improvements to said city; and not then, until the said owners shall execute and deliver, with sufficient sureties, to be approved by said Trustees, an undertaking in the sum of ten thousand dollars, conditioned that the present owners of said park will, at their own expense, hold annually for the next five years at said park, an Agricultural Fair, such as has been usually held at said park.

Liquidated damages. SEC. 5. The sum mentioned in said undertaking shall be deemed liquidated damages for any breach thereof, and upon any such breach, suit may be instituted and prosecuted on said undertaking, in the name of said city, and any such sum recovered in said suit must be applied as follows: One—To the payment of any amount due upon said bonds; and, Two—The balance shall be paid into the City Treasury.

Appropriation applied. SEC. 6. Any sum hereafter, and before said bonds are paid, appropriated by the Legislature to the Sonoma and Marin District Agricultural Society, for the purpose of paying any expenses of said society, or to aid it in the County of Sonoma, must be paid into the City Treasury of said city, and must be applied to the payment of said bonds.

Clear title. SEC. 7. Before the Trustees of said city issue any bonds under this Act, they must be fully satisfied that the conveyance tendered to the said city, of said park and improvements, conveys the same by valid title in fee simple, free from all liens and incumbrances.

Election on bonds. SEC. 8. At the next charter election in said city, the question as to issuing bonds under this Act must be submitted to the qualified electors of said city. The ballots used at said election must, in addition to the names of persons and offices

voted for, contain either the words: "For purchase of Agricultural Park—Yes," or "For purchase of Agricultural Park—No;" and if a majority of said ballots contain the former words, then this Act shall take effect and be in force, and the said bonds shall be issued upon the terms and conditions in this Act specified; otherwise, not.

CHAPTER CCCLXVII.

An Act to provide for the building of a bridge across the mouth of the Bay of San Leandro, in the County and Town of Alameda, and to authorize the Supervisors of the County of Alameda to levy a special tax for that purpose.

[Approved March 23, 1874.]

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

Bridge. SECTION 1. The Board of Supervisors of Alameda County are hereby authorized to cause a bridge to be constructed across the mouth of the Bay of San Leandro, in said county, to connect the main portion of the Town of Alameda with Bay Island Farm, and also, to connect with the old road leading across said Bay Island Farm to a point near the Town of San Leandro; the same to be commenced as soon after the passage of this Act as the Board of Supervisors may deem advisable, but within the year eighteen hundred and seventy-four.

Contract. SEC. 2. The said Board of Supervisors shall contract, with the lowest responsible bidder, for the construction of said bridge, upon such plan as they, the said Board, may designate, first giving thirty days notice in some paper published in the City of Oakland, and in the Town of Alameda, calling for plans and estimates; said bridge to be not less than twenty feet wide, with a draw, which, when open, shall have a clear space of not less than fifty feet; *provided*, said bridge shall not cost said county more than eight thousand dollars.

Tax. SEC. 3. Said Board of Supervisors are hereby authorized, in addition to the other taxes of the county, to levy for the fiscal years eighteen hundred seventy-four–five and eighteen hundred seventy-five–six, to be collected as other taxes are collected, on all the property of said county, real and personal, such sum as in their judgment will be sufficient to pay for the construction of said bridge; one half of the amount to be levied and collected for each of said years.

Bridge Fund. SEC. 4. The money collected from said special tax shall be collected and paid into the County Treasury by the Tax Collector, as other moneys are, and shall constitute a special Fund, to be known as "The San Leandro Bay Bridge Fund;" and upon the completion of such bridge, and the approval and acceptance thereof by said Board of Supervisors, and of the

accounts for the same, the Auditor of said county shall draw his warrant in amounts of from one to five hundred dollars, as may be deemed most convenient, upon the Treasurer of said county, payable out of said special Fund; one half thereof payable on presentation, and the other half thereof in one year from their date; said last named warrants to draw interest at the rate of nine per cent per year, until paid.

Additional tax.

SEC. 5. If the amount of money in said Fund shall be insufficient to pay the amount of said warrants as herein provided, said Board of Supervisors shall levy and cause to be collected, in the fiscal year eighteen hundred seventy-six–seven, an additional tax sufficient to pay said balance and interest thereon; which tax shall be levied and collected in the same manner as the tax provided for in section third of this Act, and shall be placed to the credit of said special Fund, and be payable on said warrants; and if any sum shall remain in said Fund after said warrants and the interest thereon shall have been fully paid, together with all other charges and expenses pertaining to the construction of said bridge, the same shall be transferred to and become a part of the General Fund of said county.

Bridge-tender.

SEC. 6. Said Board of Supervisors shall cause to be employed a person to attend the draw of said bridge, and adopt such rules, and pay such compensation in the premises, as to them may seem proper.

SEC. 7. This Act shall take effect from the date of its approval.

CHAPTER CCCLXVIII.

An Act to provide for the payment of two thousand dollars to Grass Valley Orphan Asylum, appropriated by the Legislature April first, eighteen hundred and seventy-two.

[Approved March 23, 1874.]

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

Preamble.

Whereas, the Legislature of the nineteenth session did, on April first, eighteen hundred and seventy-two, in Assembly Bill No. seven hundred and sixty-nine, incorporate an amendment appropriating the sum of two thousand (2,000) dollars to the Grass Valley Orphan Asylum; and whereas, the Enrolling Clerk, or his assistants, of said session of the Legislature, did, in enrolling said bill, by mistake or neglect, omit to insert the amendment appropriating said amount of two thousand (2,000) dollars; and whereas, the original bill is now on file in the office of the Secretary of State, with the appropriation of two thousand dollars for the Grass Valley Orphan Asylum included therein, and indorsed by Secretary Farral of the Senate and Chief Clerk Boruck of the Assembly, as adopted; and whereas,

the amount named, two thousand (2,000) dollars, has not been received by said Grass Valley Orphan Asylum;

SECTION 1. The Controller of the State of California is hereby instructed to draw a warrant for two thousand (2,000) dollars, out of the General Fund, payable to the order of the manager of said Grass Valley Orphan Asylum, and the Treasurer of the State of California is hereby directed to pay the said amount. Warrant.

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

CHAPTER CCCLXIX.

An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society, in the City of Oakland and County of Alameda.

[Approved March 23, 1874.]

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

SECTION 1. The Trustees of the First Congregational Religious Society of Oakland are hereby authorized and empowered to execute a deed of gift to the Plymouth Avenue Church of Oakland, of and for that certain real estate in said City of Oakland, being lots numbered (51) fifty-one, (52) fifty-two, (53) fifty-three, (54) fifty-four, in the Pacific Theological Seminary tract, together with all the buildings and appurtenances. Deed of gift.

SEC. 2. Said deed shall be executed in the name of the First Congregational Religious Society of Oakland, and signed and acknowledged by the Moderator and Secretary of the Board of Trustees of said society, and when so signed and acknowledged and delivered, said deed shall transfer and convey to the said Plymouth Avenue Church of Oakland, all the title of the said First Congregational Religious Society of Oakland, of, in, and to the said real estate. Convey title.

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

CHAPTER CCCLXX.

An Act to authorize the City of Oakland to construct a main sewer.

[Approved March 23, 1874.]

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

Sewer. SECTION 1. The City of Oakland is hereby authorized and empowered to construct a main sewer, from a point on the westerly shore of Lake Merrit, near the intersection of Delger street and Harrison street, extended northerly to low-water mark, on the easterly shore of the Bay of San Francisco, upon the most practicable line between said points. Said sewer may be constructed in such manner, of such dimensions, and with such materials, as the City Council shall, by ordinance, direct.

Plans and contracts. SEC. 2. The Council shall cause to be prepared plans and specifications of said work in sections, and shall advertise for thirty days, in at least one newspaper published in Oakland, and one in the City and County of San Francisco, for sealed proposals for constructing said sewer. The work may be let in sections, and must be awarded to the lowest responsible bidder; the Council having the right to reject any or all bids. The work shall be done and the materials furnished, under the supervision and to the satisfaction of the City Engineer.

Bonds. SEC. 3. To enable the city to pay for said sewer, the Council is hereby authorized to issue and sell the bonds of the city for the required amount, payable in ten years from date, in gold coin of the United States, bearing interest at the rate of eight per cent per annum, payable semi-annually. The principal and interest shall be paid at the office of the City Treasurer.

Sums. SEC. 4. Said bonds shall be in sums of not less than one hundred dollars nor more than one thousand dollars; shall be signed by the Mayor and Treasurer of the city, and the seal of the city shall be affixed thereto. Coupons for the interest shall be attached to each bond, signed by the Mayor and Treasurer.

Sale of bonds. SEC. 5. Before the sale of said bonds, the Council shall at a regular meeting, by resolution, declare its intention to sell a specified amount of said bonds, and the day and hour of such sale; and shall cause such resolution to be entered in the minutes, and shall cause notice of such sale to be published for twenty days, in at least one newspaper published in Oakland and one published in the City and County of San Francisco, and in any other newspaper in the State, at their discretion. The notice shall state that sealed proposals will be received by the Council for the purchase of the bonds on the day and hour named in the resolution. The Council at the time appointed shall open the proposals, and award the purchase of the bonds to the highest responsible bidder, but may reject all bids.

Without notice. SEC. 6. The Council may sell said bonds at not less than par value, without the notice provided for in the preceding section.

Proceeds. SEC. 7. The proceeds of the sale of the bonds shall be deposited in the City Treasury, to the account of a Fund to be called

the Lake Sewer Fund, but no payment therefrom shall be made except by order of the Mayor and upon the certificate of the City Engineer that the work has been done according to contract.

Lands to be assessed.

SEC. 8. The following lands (excepting public streets and highways included therein), within the limits of the city, which are capable of being drained by said sewer, shall be equally assessed, according to law, to pay said bonds and the interest thereon, to wit: Beginning at a point in the center of Twenty-second street and midway between Pine and Wood streets; thence southerly, and parallel with Wood street, to the center of Twentieth street; thence easterly, along the center of Twentieth street, to a point midway between Wood and Willow streets; thence southerly, and parallel with Willow street, to the center of Eighteenth street; thence easterly, along the center of Eighteenth street, to a point midway between Willow and Campbell streets; thence southerly, and parallel with Campbell street, to the center of Sixteenth street; thence easterly, along the center of Sixteenth street, to a point midway between Campbell and Peralta streets; thence southerly, and parallel with Peralta street, to the center of Seward street; thence easterly, along the center of Seward street, to the center of Peralta street; thence northerly, along the center of Peralta street, to the center of Tenth street; thence easterly, along the center of Tenth street, to a point midway between Center and Cypress streets; thence northerly, and parallel with Cypress street, to the center of Twelfth street; thence easterly, along the center of Twelfth street, to a point midway between Poplar and Union streets; thence southerly, and parallel with Union street, to the center of Tenth street; thence easterly, along the center of Tenth street, to a point midway between Union and Magnolia streets; thence southerly, and parallel with Magnolia street, to the center of Eighth street; thence easterly, along the center of Eighth street, to a point midway between Chestnut and Linden streets; thence northerly, and parallel with Linden street, to the center of Tenth street; thence easterly, along the center of Tenth street, to a point midway between Filbert and Myrtle streets; thence northerly, and parallel with Myrtle street, to the center of Twelfth street; thence easterly, along the center of Twelfth street, to a point midway between Market and Myrtle streets; thence northerly, and parallel with Market street, to the center of Fourteenth street; thence easterly, along the center of Fourteenth and Market streets, to a point midway between Market and West streets; thence northerly, to a point in the center of Fifteenth street, midway between Market and West streets; thence easterly, along the center of Fifteenth street, to a point midway between West and Brush streets; thence southerly, and parallel with Brush street, to the center of Thirteenth street; thence easterly, along the center of Thirteenth street, to a point midway between Castro and Greve streets; thence southerly and parallel with Greve street, to the Center of Twelfth street; thence easterly along the center of Twelfth street, to a point midway between Harrison and Alice streets; thence northerly and parallel with Alice street, to the center of Thirteenth street;

Same. thence easterly along the center of Thirteenth street to a point midway between Alice and Jackson streets; thence northerly and parallel with Jackson street to a line corresponding with the center line of Fourteenth street; thence easterly along said line to a point midway between Jackson and Julia or Madison streets; thence northerly and parallel with Jackson street to the center of Fifteenth street, as the same is shown upon a map of the Merrit Tract; thence easterly along the center of said Fifteenth street to a point midway between Julia or Madison street and Oak street; thence northerly and parallel with Oak street to the northerly line of lot number twenty of the Merrit Tract; thence easterly, at right angles, to the center of Oak street; thence northerly along the center of Oak street to the westerly shore of Lake; thence northerly along the westerly shore of said lake to the mouth of the creek which forms the easterly boundary of the City of Oakland; thence northerly along said creek to the northerly boundary of said city; thence westerly along said northerly boundary to the center of Beech street; thence southerly along the center of Beech street to a point midway between Waterfront and Bay streets; thence southerly and parallel with Bay street to the center of C street; thence easterly along the center of C street to a point midway between Bay and Cedar streets; thence southerly and parallel with Cedar street to the center of A street; thence easterly along the center of A street to a point midway between Cedar and Pine streets; thence southerly and parallel with Pine street, to the center of Twenty-sixth street; thence easterly along the center of Twenty-sixth street to a point midway between Pine and Wood streets; and thence southerly and parallel with Wood street to the center of Twenty-second street, the place of beginning; *provided*, that if, prior to the redemption of the bonds, the limits of the city shall be extended so as to include within the city other lands which shall require the use of said sewer for drainage, such lands shall also be assessed in like manner for the payment of said bonds and interest; *and, provided further*, that no improvements or personal property upon said lands or within said district shall be assessed for any of the purposes of this Act.

Interest tax. SEC. 9. It shall be the duty of the City Council each year, at the time of levying the tax for municipal purposes, to ascertain the amount required for the payment of the interest on the bonds for the year, and the Assessor of the city shall thereupon assess said lands equally, according to area, for said amount, entering such assessment in the assessment roll, in the same manner as the taxes are entered therein, but in a separate column; and such assessment shall be collected at the time and in the manner provided by law for the collection of city taxes, and shall be applied to the payment of the interest on said bonds.

Redemption tax. SEC. 10. After the expiration of five years from the date of the bonds, the Council must in each year, at the time of levying said tax, ascertain as near as may be the amount required to pay one fifth of the bonds, exclusive of the interest, and the Assessor must assess the same equally upon said lands, in the manner provided in the preceding section for the assessment of interest due; the same must be collected as provided for the

collection of the interest, and be set apart by the Treasurer as a Sinking Fund, for the redemption of said bonds. If for any reason the Council shall fail to ascertain the amount to be collected for the Interest and Sinking Fund, as required by this Act, it shall be the duty of the Assessor to ascertain said amount, and assess and collect the same, as above provided.

Before due. SEC. 11. The Council may redeem any of the bonds prior to their maturity, at the option of the holders thereof, whenever there is money in the Sinking Fund, which, in the judgment of the Council, may be profitably used for that purpose.

SEC. 12. This Act shall take effect immediately.

CHAPTER CCCLXXI.

An Act to incorporate the Town of Menlo Park, in the County of San Mateo.

[Approved March 23, 1874.]

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

Corporation. SECTION 1. The inhabitants of Menlo Park, in the County of San Mateo, are hereby incorporated as a town, with the following boundaries, viz: Beginning at the point where the Boundaries northeast side of the main county road leading from San Francisco to San José intersects the San Francisquita Creek, and running thence northwesterly along the northeast side of said county road to the northwest side of the road that leads therefrom direct to the house of John Hays; thence northeasterly at right angles to the said county road as far as the Bay of San Francisco; thence eastwardly along the shore of said bay to the mouth of the San Francisquita Creek, and thence following the meandering of the said creek up stream to the place of beginning.

Officers. SEC. 2. The officers of said town shall be five Trustees and an Assessor, who shall take office on the first Monday of August in each year, and hold the same for two years thereafter, and until their successors, respectively, are elected and qualified. The election for Trustees and Assessor shall be on Election. the first Monday of July, eighteen hundred and seventy-four, and on the same day every alternate year thereafter. The Board of Trustees in office shall appoint the officers of election and determine and give notice of the place or places of holding the polls. The Judges of Election shall canvass and certify the returns to the Clerk of the county, who shall issue to the persons elected certificates of their election.

Sundry provisions. SEC. 3. The Trustees shall serve without compensation. They shall elect one of their number to be their President and may appoint a Town Clerk to keep the records of the town. They shall meet as a Board on the first Monday of each month,

and as much oftener as the public business may require. The President may call extra meetings of the Board. A majority of the members shall constitute a quorum.

Powers of Trustees.

SEC. 4. The Board of Trustees shall have full control of the streets, highways, and public places within the town, and may cause the same, or any parts thereof, to be graded, crowned, sidewalked, macadamized, graveled, or sprinkled, and obstructions to be removed therefrom. They may accept the dedication of roads, and consent, on behalf of the public, to any changes in existing roads agreed upon by the private owners adjoining. They may provide a public Pound, and appoint a Poundmaster, and make regulations for the impounding of animals straying on the public highways, or on private grounds, and for the sale of such as may not be redeemed by payment of pound fees, and giving security for damage done within the prescribed limits.

Tax; collection; disbursements.

SEC. 5. The Board of Trustees may levy, assess, and collect, in each year, a tax of not exceeding one per cent of the assessed value of the property within the town. The assessment roll for such tax shall be made by the Town Assessor, and returned to the Trustees on or before the first Monday of October in each year. On the fixing of the amount of the annual tax, the Trustees shall appoint a person to collect the same, and fix his compensation. The taxes, when collected, shall be paid over to the Town Treasurer, who shall be appointed by the Trustees, and give bonds to their satisfaction for the faithful performance of his duties. He shall disburse the same on the warrants of the President of the Board of Trustees, for the purposes authorized by the Board. Town taxes not paid by the thirty-first of December of any year, shall be deemed delinquent, and shall be enforced thereafter by levy and sale as county taxes are, and by the same officers, and with the same penalties for delinquency, for which purpose the Town Collector shall annually certify, to the Tax Collector of the county, the town delinquent list to be advertised and proceeded on with the delinquent list of the county.

Appointed.

SEC. 6. The first Trustees of said town shall be appointed by the Governor, and shall hold office until their successors are elected and qualified.

SEC. 7. This Act shall take effect immediately.

CHAPTER CCCLXXII.

An Act to repeal an Act entitled an Act to enable the inhabitants of territory adjacent to any city in this State to annex the same thereto, approved February first, eighteen hundred and seventy-two.

[Approved March 23, 1874.]

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

SECTION 1. The Act entitled an Act to enable the inhabitants of territory adjacent to any city in this State to annex the same thereto, approved February first, eighteen hundred and seventy-two, is hereby repealed. Repealed.

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

CHAPTER CCCLXXIII.

An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm in the City and County of Los Angeles, to build and establish a County Almshouse and Hospital thereon, and to issue bonds for the payment of the same.

[Approved March 23, 1874.]

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

SECTION 1. For the purpose of providing means for the purchase of a farm in the City of Los Angeles, and the erection thereon of buildings suitable for a County Hospital and Almshouse, the Board of Supervisors of Los Angeles County are hereby authorized and empowered to prepare suitable bonds of said county, in an amount not to exceed sixteen thousand dollars, to be denominated on their face "The Los Angeles County Hospital Bonds," of the denomination of five hundred dollars each, gold coin of the United States, bearing interest at the rate of seven per cent per annum from the date of their issue, in like gold coin, payable at the office of the County Treasurer of Los Angeles County, upon the first day of January of each year, and the principal sum thereof payable at said County Treasurer's office, in the City of Los Angeles, upon the first day of January, A. D. eighteen hundred and eighty-five. Said bonds shall be signed by the Chairman of the Board of Supervisors and countersigned by the County Treasurer and County Auditor, and shall have the seal of the said Auditor stamped thereon, and shall have coupons attached; the first for the interest from the date of their issue for the term ending on the last day of December following, and the remainder, for one Hospital bonds.

year's interest each thereafter; to be consecutively numbered and attached thereto, so as to be removed without injury or mutilation to the bonds, which coupons shall be signed by the County Treasurer.

Records of bonds.

SEC. 2. It shall be the duty of the Chairman of the Board of Supervisors, the County Auditor, and the County Treasurer of said county, each to keep a separate record of all bonds signed by them; which bonds shall remain with the County Treasurer.

Amount and sale.

SEC. 3. The bonds issued in pursuance of this Act, shall in no case exceed the sum of sixteen thousand dollars, and shall be given and received exclusively in payment for the purchase of the aforesaid farm, and the erection thereon of suitable buildings for a County Hospital and Almshouse; *provided, however*, that if in the judgment of the Board of Supervisors it shall be deemed for the best interest of the county, they may sell any or all of said bonds, at such time or times as they may deem proper, after having published a notice for thirty days in one newspaper published in said County of Los Angeles, and one newspaper published in the City of San Francisco, inviting proposals for the purchase of the same upon a day to be named in said notice. 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.

Tax.

SEC. 4. For the payment of the principal and interest of the bonds issued in pursuance of this Act, there shall, until the same is paid and discharged, be annually levied and collected, as is or may be provided by law for the collection of State and county taxes, a special tax, not exceeding three cents on each one hundred dollars of the aforesaid value of the real and personal property in said county, and the Fund derived from this tax shall be set aside, and applied exclusively to the payment of the interest and the final redemption of the bonds issued in pursuance of this Act, and shall be known by the name of the "Los Angeles Hospital Interest and Sinking Fund."

Redemption.

SEC. 5. Whenever on the first day of February in any year after the payment of interest as herein provided for, there shall remain in the said "Los Angeles Hospital Interest and Sinking Fund" a surplus exceeding one thousand dollars, it shall be the duty of the County Treasurer of said county to advertise for one month, in a newspaper printed and published in said county, for sealed proposals, to be opened one week after the expiration of said publication, by the Treasurer, at his office, in the presence of the Chairman of the Board of Supervisors and the County Auditor of said county, for the surrender of bonds issued under this Act; which advertisement shall state the amount of money the Treasurer 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 fifteen days after acceptance; the class and form of which security may be prescribed by the County Treasurer. When such 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.

Record of bonds redeemed.

SEC. 6. Immediately after any bonds shall have been redeemed, as herein provided, it shall be the duty of the County Auditor to take the number of said bonds so redeemed, to whom issued, and when redeemed, and to make a record of the same in his office, and for that purpose the County Treasurer shall, upon demand, exhibit said bonds to him, and shall permit him to deface the same in such manner that neither they nor their coupons can again be put in circulation.

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

CHAPTER CCCLXXIV.

An Act concerning the offices of Public Administrator, Coroner, and Superintendent of Public Schools of the County of Stanislaus.

[Approved March 23, 1874.]

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

Ex officio.

SECTION 1. The Superintendent of Public Schools of Stanislaus County is hereby authorized and empowered to assume and execute the duties of the offices of Public Administrator and Coroner of said county, and to receive the legal fees now collectable by law for the performance of the duties of Public Administrator and Coroner of said county; and said Superintendent of Public Schools is hereby authorized and empowered to assume the duties of the offices of Public Administrator and Coroner ex officio.

SEC. 2. This Act shall take effect and be in force on and after the first Monday in March, eighteen hundred and seventy-four.

CHAPTER CCCLXXV.

An Act to fix the compensation of the School Superintendent of the County of Stanislaus.

[Approved March 23, 1874.]

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

Salary.

SECTION 1. The salary of the School Superintendent of the County of Stanislaus shall be one thousand dollars per annum.

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

CHAPTER CCCLXXVI.

An Act to amend an Act entitled "An Act to incorporate the Town of Colusa," approved April fourth, one thousand eight hundred and seventy.

[Approved March 23, 1874.]

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

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

Officers and election. Section 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, Marshal, Treasurer, and Secretary, shall be hereafter elected by the qualified electors of said town, on the first Monday of May, in the year one thousand eight hundred and seventy-four, and on the first Monday of May every two years thereafter, and shall hold office for two years, and until their successors are duly elected and qualified.

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

CHAPTER CCCLXXVII.

An Act to amend an Act entitled an Act to provide for the opening and improving of Santa Clara Avenue, in the County of Santa Clara, approved March fifteenth, eighteen hundred and seventy-two.

[Approved March 23, 1874.]

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:

Vacancy. Section 3. Whenever any vacancy shall occur in said Board, by reason of expiration of term, or from any other cause, the remaining members of the Board shall, at their next regular meeting, elect by ballot a suitable person to fill such vacancy; and when the vacancy to be filled is for a portion of an unexpired term the person elected shall hold only for the remainder of said term. A full term shall be four years, and said Commission shall be perpetual. No person shall be eligible to the office of Commissioner for more than two successive terms,

Full term. Who eligible.

and he must be a freeholder and householder in the County of Santa Clara.

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

Section 8. The tract of land heretofore selected on Penitentia Creek, by the Board of Commissioners and the Mayor of the City of San José, for a public park, under the Act to which this Act is amendatory, shall be and remain a public park forever, for public uses, and shall be under the exclusive charge, control, and management of the Board of Commissioners hereby created, who, for the purpose of erecting and maintaining buildings for refreshment, resort, or bathing, shall have power to lease any portion of said reservation to such persons, upon such terms, and for such periods, not exceeding ten years, as they may deem advisable; *provided*, that said premises thus leased shall be and remain open to the public, free of charge; *and provided*, that all moneys received from leases thus made, or otherwise, shall be appropriated by the Commissioners in improving and keeping up the park and avenue, and that any moneys proceeding from said leases, or otherwise, which may remain in the hands of said Commissioners, after defraying the expenses of improving and keeping up said park and avenue, shall be by them paid into the School Fund of said city on the first Monday of each year. The right to the waters of Penetencia Creek, to use, flow, or direct the same through said park, or upon said avenue, is hereby declared to be in said Board of Commissioners, and for the public use, and they are hereby authorized to procure, by condemnation or otherwise, so much of the waters of said creek, or such other waters of other creeks crossing said avenue, now in private ownership, as may be required upon said park and avenue.

Public park.

Water right.

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

CHAPTER CCCLXXVIII.

An Act to regulate the fees of certain officers in the County of Mendocino.

[Approved March 25, 1874.]

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

SECTION 1. The following fees shall be collected and paid into the County Treasury of Mendocino County, in accordance with the provisions of "An Act to regulate the salaries of certain officers in Mendocino County," of the present session of this Legislature, by the Sheriff, County Clerk, and Recorder of said county, to wit:

Fees.

Sheriff. Sheriff, for serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, 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, seventy-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 one dollar and a half per diem shall be allowed to a keeper, one dollar and fifty cents;

For taking bond or undertaking, in any case in which he is authorized to take the same, twenty-five cents;

For copy of any writ, process, or other paper, when demanded or required by law, for each folio, ten cents;

For serving every notice, rule, or order, twenty-five cents;

For advertising property for sale or [on] execution, or under any judgment or order of sale, exclusive of the cost of publication, each notice, fifty cents;

For serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant, two dollars;

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, twenty-five cents;

For traveling, 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, or trial of right of property; *provided*, that if 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 traveled, in going only, twenty-five cents;

For commission for receiving and paying over money on execution or other process, when lands or personal property has been levied upon and sold, one per cent on all amounts;

For commission for receiving and paying over money on execution without levy, or when the lands or goods levied on shall not be sold, one per cent on all amounts.

The fees herein allowed for the levy of an execution, costs for advertisement, 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, two dollars and fifty cents;

For executing a certificate of sale, exclusive of the filing and recording of the same, seventy-five cents.

The Sheriff to be ex officio Tax Collector.

Clerk of the District Court, for entering each suit on the Clerk's register of actions, and making the necessary entries during the progress of the trial, for each folio, ten cents; Clerk District Court.

For issuing every writ or process, under seal, twenty-five cents, excepting for issuing the writ of habeas corpus;

For issuing subpœna for one or more witnesses, fifteen cents;

For filing each paper, ten cents;

For entering each motion, rule, order, default, discontinuance, dismissal, or nonsuit, ten cents;

For entering every cause on calender and for making copy thereof for the Bar, for each term of Court, ten cents;

For calling and swearing every jury, ten 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, ten cents;

For filing judgment roll, ten cents;

For entering judgment on judgment docket, ten cents;

For entering satisfaction of judgment, twenty cents;

For administering every oath or affirmation, ten cents;

For certifying every oath or affirmation, ten cents;

For copy of any proceeding, record, or paper, for each folio, ten cents.

For every certificate under seal, twenty-five 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, twenty-five cents;

For writing down testimony of witnesses during a trial, for each folio, ten cents—to be paid by the party requiring the same;

For issuing every execution or other final process, twenty-five cents;

For issuing every decree or order of sale of mortgaged property, forty cents;

For issuing writ of injunction or attachment, twenty-five 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, twenty-five cents;

For taking each bond or undertaking required by law, twenty-five cents; for taking justification thereto, fifteen 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.

Clerk of the County Court, for filing all papers sent on appeal from Justice's Court, in each cause, and making the necessary entries concerning the same, one dollar; Clerk County Court.

For all other services, the same fees are allowed in the District Court for similar services.

Clerk Probate Court. Clerk of the Probate Court, for issuing letters testamentary, or of administration, or of guardianship, twenty-five cents;

For certificate of appointing appraisers, twenty-five cents;

For writing and posting notices when required, for each copy, twenty cents;

For recording will and all other papers required to be recorded, per folio, ten cents;

For all other services, the same fees allowed the Clerk of the District Court for similar services;

For notice given by publication, in addition to the cost of publication, twenty-five cents.

County Clerk. County Clerk, for issuing marriage license, one dollar;

For drawing an affidavit, deposition, or other paper, per folio, ten cents;

For filing transcripts of judgment of Justice's Court, for docketing the same and issuing execution thereon, one dollar;

For recording certificate of incorporation, where recording is required by law, ten cents per folio;

Recorder. Recorder, for recording any instrument, paper, or notice, when required, for each folio, ten cents;

For copies of any record or paper, per folio, ten cents;

For filing or receiving every instrument for record, and making the necessary entries thereon, ten 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, ten cents;

For any certificate under seal, twenty-five cents;

For every entry of discharge of mortgage, or other instrument, or [on] margin of record, ten cents;

For searching records and files of each year, in his office, ten cents;

For abstract or certificate of title, when required for each conveyance and incumbrance certified, ten cents;

For recording any town plat, for every course, five cents;

For figures and lettering plats and maps, per folio, fifteen cents; *provided*, the fees for recording any town plat shall not exceed the sum of seventy-five dollars;

For taking and entering acknowledgments, including seal, for the first signature, fifty cents; for each additional name, twenty cents;

For recording marriage certificate, fifty cents;

For filing and keeping each paper not required to be recorded, and indorsing same, if required, ten cents.

In advance SEC. 2. All of the above fees to be paid invariably in advance, as the services are performed; and that no deposit for fees be required; but this Act shall not apply or affect the fees of Constable.

SEC. 3. All Acts and parts of Acts in conflict with the above, are hereby repealed.

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

CHAPTER CCCLXXIX.

[See volume of Amendments to the Codes.]

CHAPTER CCCLXXX.

An Act to protect bona fide settlers upon public lands.

[Approved March 23, 1874.]

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

SECTION 1. Bona fide settlers upon any sixteenth or thirty-sixth section, which at the time of such settlement was embraced within any survey made under claim or color of any Spanish or Mexican grant, but which has since been or hereafter may be restored to the public domain by the proper officers of the Government of the United States, shall be preferred purchasers for the lands so settled upon by them to the lines of their actual possession, and in accordance with the general system of Government surveys, and not exceeding three hundred and twenty acres; and all applications made by such settlers to purchase said lands from the State within one year from the date of such restoration, are hereby declared to entitle said settlers to become preferred purchasers for the lands so held as aforesaid, in the same manner and to the same extent as if made within the sixty days, as now provided for by law; and said sixty days preferment is hereby extended to, and declared to be, one year from the date of said restoration; and all such applications made within one year from the date of said restoration shall be held and deemed as valid and binding as if made within sixty days from the date of said settlement.

Bona fide settlers preferred purchasers.

Preferment extended.

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

CHAPTER CCCLXXXI.

An Act for the protection of preëmption and homestead claimants.

[Approved March 23, 1874.]

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

SECTION 1. Every qualified preëmption claimant under the preëmption laws of the United States, residing on public lands

Title and possession. of the United States within this State, who shall have filed his declaratory statement in accordance with said preëmption laws, shall, from the time of such filing, be deemed to have title to and to be in possession of all the land described in such declaratory statement, as against trespassers and all persons having no superior right or title to the same, as long as he shall continue to reside thereon, and to comply in good faith with said preëmption laws.

Same. SEC. 2. Every qualified homestead claimant under the homestead laws of the United States, residing on public land of the United States within this State, who shall have made his original homestead entry in accordance with said laws, shall, from the date of such entry, be deemed to have title to and to be in possession of all the land described in such entry, as against trespassers and all persons having no superior right or title to the same, as long as he shall continue to reside thereon, and to comply in good faith with said homestead laws.

Construction. SEC. 3. Nothing in this Act shall be construed to either restrict or enlarge the right of bona fide miners to mine for precious metals on the public domain, or to change any general or special laws of this State concerning the grazing of animals on lands not fenced.

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

CHAPTER CCCLXXXII.

An Act to provide for the purchase and construction of free bridges in Big River Township, in the County of Mendocino.

[Approved March 23, 1874.]

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

Bridge appraisers. SECTION 1. Upon a petition of one third of the qualified electors of Big River Township, in Mendocino County, the Board of Supervisors of said county are hereby authorized to appoint three competent and disinterested persons to act as appraisers, whose duty it shall be, within five days after their appointment, to meet and appraise the value of all toll bridges in said Big River Township. They shall also estimate the probable cost of building a bridge across Ten-mile River. They shall, immediately after making such appraisement, transmit a statement of the same, under oath, to the Chairman of the Board of Supervisors.

Compensation. Said Supervisors shall pay to said appraisers for such services such compensation as to them shall seem reasonable and just, the same to be paid out of the Road Fund of the county.

Election on bridge tax. SEC. 2. At their next meeting, either stated or special, after the receipt of said statement, the Board of Supervisors shall order an election to be held in said Big River Township, designating the time and place of holding said election, and shall

appoint Judges and Inspectors thereof, as provided by law in other State and county elections. At least thirty days' notice shall be given of said election, and the Board shall order notice of the same to be published, together with a statement of the amount so appraised, in two newspapers published in the county; one of which shall be in Big River Township (provided a paper be published there). Said election shall be held for the purpose of deciding, by a vote of the qualified electors of said Big River Township, whether they are in favor of having a special tax levied upon all taxable property in the township, sufficient to pay one half the amount appraised and estimated as necessary to purchase all the toll bridges in said township, and to build a bridge across said Ten-mile River; *provided*, that in no case shall said amount so voted for exceed the sum of ten thousand dollars. At said election the voters who are in favor of levying such tax, shall have written or printed on their ballots: "Bridge Tax—Yes." Those who are opposed to it shall have written or printed on their ballots: "Bridge Tax—No." If a majority of the votes cast at said election shall be in favor of levying said tax, then the Board of Supervisors, at their next meeting after the result of said election is known, shall immediately issue scrip to the amount appraised as necessary to buy and build said bridges; said scrip to be known and marked as "Toll Bridge Scrip;" and shall tender to the owners or agents of the respective toll bridges in said township, an amount of said scrip equal to the amount at which any such bridge may have been appraised, and in case of sale, to receive the bridges in the name of the County of Mendocino, and turn the same over to be kept in proper repair, to the Overseers of the respective road districts in which they are severally located. In case of refusal by the owners or proprietors of any of the br dges above named, to accept the price offered by the Supervisors, then the Supervisors are authorized to appoint Viewers and Locators, who shall proceed to view and locate a road at or near the point of crossing of the stream where the said bridges are located, the owners of which refuse to accept the price offered; and the Supervisors are authorized to let out by contract to the lowest responsible bidder or bidders, the construction of bridges over the said streams; said bridges, after construction, shall remain free forever, and shall be turned over to the charge of the Road Overseers of the districts in which they are located.

Proceedings if "yes."

Viewers.

Contract.

SEC. 3. In case the owner or owners of any bridges in Big River Township have a railroad track running across their bridge, or if it appear to the satisfaction of the Board that the bridge is necessary to them in carrying on their legitimate business in the transportation of lumber, they are hereby entitled to enjoy all those privileges which they are now entitled to in carrying on said business; *provided*, they keep the same in repair subject to the supervision of the Overseer of the road district in which they are located.

Privileges.

SEC. 4. The Board of Supervisors shall also proceed immediately to let out by contract to the lowest responsible bidder

Ten-mile River bridge.

the building of a bridge across Ten-mile River, at a point to be selected by Road Viewers appointed by said Board for that purpose, and said Board shall also make such arrangements in regard to the payment of such contracts, from time to time, as the work progresses, as to them shall seem to be for the best interest of the county, and will lead to the most successful and speedy completion of the work.

Bridge tax.

SEC. 5. The Board of Supervisors shall also proceed, as soon as practicable after they have ascertained that a majority of the electors of said Big River Township have voted in favor of a tax, to levy a tax on all property in said township sufficient to cover one half the expense of purchasing and building the before-named bridges, and the Tax Collector shall proceed to collect said tax in the same manner as other State and county taxes are collected. When said tax is collected, it shall be paid into the County Treasury, and shall form a Fund to be known as the "Big River Township Bridge Fund."

Bridge bonds.

SEC. 6. The Board of Supervisors are also authorized to issue bonds of the county to an amount sufficient to pay the other half of the amount appraised as provided in section one of this Act, but in no case shall said Board issue bonds to a larger amount than ten thousand dollars; said bonds to be payable on the first day of January, eighteen hundred and ninety-four, with interest at the rate of eight per cent per annum, payable annually on the first day of January; both principal and interest to be paid in United States gold coin only. Said bonds shall be issued in denominations of five hundred dollars each, and shall be signed by the Chairman of the Board of Supervisors, and countersigned by the Auditor of the county; interest coupons shall be attached, signed in like manner. Said bonds shall be sold by the Board of Supervisors on the most advantageous terms, and the proceeds shall be paid into the County Treasury, and shall also constitute a part of the Fund mentioned above, and known as the "Big River Township Bridge Fund."

Payment and record.

SEC. 7. The bonds and coupons shall be payable at the office of the County Treasurer; and, when any coupons are paid, they shall be canceled by the Treasurer and filed with the Auditor. Both Treasurer and Auditor shall keep an accurate account of the coupons redeemed.

Date.

SEC. 8. Said coupons shall bear the date of their issuance, and the first coupons shall be for the interest from such date up to the first day of January next succeeding.

Interest tax.

SEC. 9. For the purpose of paying the interest on said bonds, the Board of 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, for one year, on all bonds then outstanding. 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 "Big River Township Bridge Interest Fund," and out of said Fund the coupons shall be paid as they fall due.

Surplus.

SEC. 10. If the amount realized from said special Fund exceed the amount required to pay the coupons on the first day

of any January, the Board of Supervisors may transfer such surplus to the county General Fund.

Redemption tax.

SEC. 11. In and for the year eighteen hundred and eighty-four, 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 "Big River Township Bridge Redemption Fund."

Redemption.

SEC. 12. Whenever there shall be five hundred dollars or more in said last named Fund, the Treasurer shall cause notice to be published once a week for three successive weeks, in some newspaper published in said county, which notice shall state that he is prepared to redeem, on a day to be named therein, bonds to the amount of the money then in said 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 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 then 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 are numbered, and the Treasurer shall give notice, in like manner as above; *provided*, 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 scrip.

SEC. 13. As soon as the money arising from the sale of the bonds, and the special tax mentioned in this Act, is paid into the County Treasury, the Supervisors shall redeem the scrip issued under the provisions of this Act as fast as the same is presented for payment; and should any money remain in said "Big River Township Toll Bridge Fund," after said scrip is all redeemed, then one half of the same shall be paid into the "General Road Fund" of the county, and the other half shall remain in said "Big River Township Bridge Fund," to be expended (at the order of the Supervisors), in Big River Township only, at such time and in such manner as they may direct.

Levy of tax.

SEC. 14. The Board of Supervisors, in levying the special tax mentioned in section two of this Act, shall levy the same upon the basis of the last assessment made by the County Assessor on such property.

Boundaries

SEC. 15. For the purposes of this Act, Big River Township shall be considered as extending from its present southern boundary along the coast of the Pacific Ocean to the boundary line of Humboldt County on the north, and shall extend back from the coast a distance of at least ten miles; but should any part of said township, as now bounded, lie outside of the boundaries herein laid down, the same shall come within all the provisions of this Act.

If "no."

SEC. 16. If a majority of the electors of said Big River Township vote against the proposition to levy the tax men-

tioned in this Act, then this Act shall be null and void; otherwise, it shall remain in full force and effect.

SEC. 17. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLXXXIII.

[See volume of Amendments to the Codes.]

CHAPTER CCCLXXXIV.

An Act to appropriate money for expenses of the Tide Land Commission.

[Approved March 24, 1874.]

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

Appropriation.

SECTION 1. The following sums of money are hereby appropriated out of any moneys in the General Fund not otherwise appropriated, for the objects herein named, to wit: For expenditures of Tide Land Commission, from July first, eighteen hundred and seventy-two, to December first, eighteen hundred and seventy-three, being for accounts already audited and passed by the State Board of Examiners, the sum of thirty-one thousand four hundred and ninety-four seventy-nine one hundredths ($31,494 79) dollars; and the Controller shall draw his warrant in favor of the Tide Land Commissioners for said sums, but shall, before drawing and delivering said warrant, require and receive from said Commissioners, and each of them, a receipt in full for all services performed by them as such Commissioners, and in full for all expenses of such Commission up to December first, eighteen hundred and seventy-three For the expenses of said Commission from December first, eighteen hundred and seventy-three, down to and including March thirtieth, eighteen hundred and seventy-four, the sum of fifty-two hundred dollars is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, and the Controller is hereby authorized to draw his warrant in favor of J. M. Currier for said sum; but before drawing such warrant, the Controller shall require and receive from said Currier a receipt in full for all expenses of every kind and character, up to the date of said warrant.

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

CHAPTER CCCLXXXV.

An Act to authorize and empower the Board of Trustees of Court House School District, in the County of Sonoma, to raise additional funds for school purposes.

[Approved March 24, 1874.]

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

To borrow money.

SECTION 1. The Board of Trustees of Court House School District, in the County of Sonoma, are hereby authorized to borrow the sum of ten thousand dollars, gold coin, upon the faith and credit of the said school district, for any or all of the following purposes: to improve and enlarge the present school buildings; to erect additional school houses; to purchase the necessary land for the erection of such buildings, so as to provide sufficient school facilities for the children of the said district.

School bonds.

SEC. 2. To secure such loan of money, the Board of Trustees of said Court House School District are hereby authorized to cause to be issued the bonds of the said school district to the amount of ten thousand dollars, gold coin of the United States, in sums of one hundred dollars each, with interest coupons attached, payable in like gold coin, at the rate of eight per cent per annum; the principal of said bonds shall be payable (in such time as may be expressed by the terms of said bonds), at any time within ten years, and the interest to be payable annually; and the faith and credit of said school district is hereby pledged for the payment of the principal and interest of said bonds. Said bonds shall be executed in the name of Court House School District, of the County of Sonoma, and shall be signed by the Trustees of said school district, and shall be numbered consecutively from one to one hundred.

Deposit and sale.

SEC. 3. The said bonds, when executed by said Board of Trustees, shall be deposited with the County Treasurer of said county, and when sold shall be countersigned and registered by him. The said Board shall, from time to time, by resolution, in their minutes, direct the sale of so many of said bonds as may be required; and before any of such bonds are sold, said Board shall cause an advertisement to be inserted in a newspaper published in said county, for three weeks, calling for bids for said bonds; and upon the day fixed by said advertisement, said bids shall be opened, and the purchase of said bonds awarded to the highest bidder; *provided*, that said Board shall have the power of rejecting any or all the bids, if, in their judgment, the price bid for such bonds is too low; and the purchasers of said bonds shall, upon the order of said Board, receive from the County Treasurer the bonds purchased, upon paying to said Treasurer the price bid for said bonds and accepted by said Board.

Building tax.

SEC. 4. There shall be a special tax levied annually, not to exceed fifteen cents (15 cents) on every one hundred dollars, upon

all property subject to taxation within the limits of the said school district, which tax, together with the tax allowed to be levied under the provisions of the "Public School Law," for building purposes, shall be sufficient to pay all expenses of assessing and collecting, to pay the interest on such of said bonds as may have been sold, and to pay the principal of such as may annually become due.

Election. SEC. 5. At every annual election for School Trustees in said district, there shall be elected a District Assessor and Collector; the Assessor may also act as District Collector.

Assessor. SEC. 6. The Assessor's duty shall be to assess, between the first Monday in May and the first Monday in August, in the manner provided for County Assessors and assessments, all taxable property in the said district, and before the second Monday in August, return the roll, footed up, to the Board of Trustees. Before entering upon the discharge of his duties, the Assessor must give bonds, payable to the people of the State, in the sum of five thousand dollars, conditional for the faithful discharge of his duty. In case the Assessor neglect or refuse to qualify, within fifteen days after his election, or having qualified refuse to act, or in case of any vacancy from any other cause, the Board of Trustees must order an election to fill the vacancy.

Equalization. SEC. 7. The Trustees, upon receiving the assessment roll from the Assessor, must give five days notice thereof, by posting a notice in three public places in the district, and sit for at least one day as a Board of Equalization, at such time and place as has been named in such posted notices; and they have the same power as County Boards of Equalization, to make any changes in the assessment roll. All assessments made by the District Assessor shall conform, as near as practicable, to the State and county assessments.

Levy of tax. SEC. 8. The Trustees, after they have adjourned as a Board of Equalization, must sit as a Board of School Trustees; and after deducting ten per cent from the assessed value of the property on said assessment roll, for anticipated delinquencies, and then by dividing the sum ascertained to be needed for the purposes mentioned in section four, together with the estimated cost of assessing and collecting added thereto, by the remainder of the roll, ascertain the rate per cent required. The Clerk of the Board of Trustees of the said school district must then compute, and enter in a separate money column in the assessment book, the respective sums, in dollars and cents, rejecting the fractions of cents, to be paid as a tax on the property therein enumerated, and foot up the column showing the total amount of such taxes, and the columns of the total value of the property in the district, as corrected by the Board of Equalization; and the tax so ascertained is hereby levied and assessed to or against the person or property named or described in the rolls, and is a lien on all such property until the tax is paid. And the said tax, if not paid before the expiration of the time fixed by law for the payment of State and county taxes, shall become delinquent, and ten per cent shall be added thereto.

SEC. 9. As soon as the rate has been fixed by the Board of Equalization, and the tax determined as provided in the

preceding section, the Clerk of the Board of Trustees shall verify the said assessment book by his oath, which oath shall be substantially as follows: I, —— ——, Clerk of the Board of School Trustees of Court House District, in Sonoma County, do swear that this assessment book of the taxable property of the said school district, was received from the Assessor of the said district, that it now conforms to the requirements of the Board of Equalization, that I have reckoned the respective sums due as taxes, and have added up the columns of valuations and taxes as required by law; and shall deliver the said assessment books to the School District Tax Collector, who shall proceed to collect the same, in the manner prescribed for the collection of State and county taxes, and pay the same into the County Treasury, to be kept in a separate Fund, to be known as "Court House School District Fund." For his services under this section, the Clerk of the said Board shall receive such reasonable compensation as may be allowed him by the said Board. Verification of assessment. Compensation.

SEC. 10. The Tax Collector shall pay over all moneys collected by authority of this Act, to the County Treasurer, who shall place the same to the credit of Court House School District; and out of such funds shall pay the coupons of the said bonds and the principal sums when due; and shall pay out the surplus, if any, in liquidation of the principal of said bonds. Moneys, how used.

SEC. 11. The District Assessor shall receive such compensation for his services as may be fixed by the Board of Trustees; *provided*, the costs of assessing and collecting shall not exceed two hundred dollars per annum. Compensation.

SEC. 12. All Acts and parts of Acts in conflict with this Act, in so far as they conflict, are hereby repealed.

SEC. 13. This Act shall take effect immediately.

CHAPTER CCCLXXXVI.

An Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

[Approved March 24, 1874.]

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

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

Section 13. At the session of the Board of Supervisors in each year for levying State, county, and other taxes, the said Board shall levy upon all the taxable property in said county, a tax for road purposes, of not more than fifteen cents on the one hundred dollars, which sum shall be levied and collected in the same manner as other taxes; and at the session of the said Road taxes

Board in February of each year, the said Board shall levy upon each man between the ages of twenty-one and sixty years, except Indians, a road poll tax for the year commencing the first Monday in March succeeding the levy, which poll tax shall be collected by the Roadmaster of the proper district, in gold coin, as hereinafter provided, of every such person who shall, within the year, have resided within the State three months, and in the district ten days. All moneys received or collected for the taxes provided for in this section, shall constitute the County Road Fund, and be collected, appropriated, and distributed among the districts, as hereinafter provided.

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

Road districts.

Section 14. It shall be the duty of the Board of Supervisors, at their first meeting after the election and qualification of the five new members provided for by an Act to reorganize the Board, to redistrict the County of Napa into as many road districts as said Board may deem practicable, defining the same as clearly as possible, and numbering the same from one upwards; and as soon as the county shall be so redistricted, the Board shall order and give notice of an election to be held within each of said districts, on a day to be named in said order and notice, which shall be within twenty days thereafter, for a Roadmaster for each of said districts, to be elected by the qualified electors thereof, and to hold their offices until the first Monday in March, eighteen hundred and seventy-five, and until their successors are elected and qualified. And on the last Saturday in February, in eighteen hundred and seventy-five, and in each year thereafter, there shall be elected in each road district, by the qualified electors thereof, a Roadmaster, whose term of office shall commence on the first Monday in March after his election, and shall continue one year, and until the election and qualification of his successor. Notice of such elections shall be given by the Board of Supervisors, at least fifteen days before such elections. Notice shall be given by publication in a newspaper printed and published in the county, and shall specify the place within each district where the polls will be held, and the time of holding such election. Such elections shall be conducted in all respects, the returns thereof made and canvassed, and the result declared, in the same manner as provided by law for general elections; *provided*, that at elections provided for in this Act, it shall not be necessary to use copies of the Great Register, and the officers conducting such elections shall receive no compensation for their services, and the polls shall be opened at one o'clock P. M., and be kept open until sunset. No person shall be eligible to the office of Roadmaster, who shall not be a qualified elector and taxpayer of the district; *provided*, that the City of Napa shall, for the purpose of this Act, constitute a separate road district, and no election for Roadmaster shall be held in said city under the provisions of this Act. And the county road tax, provided for in section one of this Act, which shall be collected upon property in the City of Napa, shall be paid by the Tax Collector of Napa County to the Treasury of said city, on the first Monday in each month, and shall be placed in the Treasury of said

Election of Roadmaster.

Notice.

city; and the road poll tax, provided for in said section, shall be collected in said city by the City Marshal, and paid by him into the City Treasury. The Roadmasters shall, within ten days after their election, qualify, and give a bond, with two or more sureties, to be approved by the County Judge, in such sum as the Board may fix. The Board of Supervisors shall fill all vacancies that may occur in the office of Roadmaster.

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

Duties of Roadmaster.

Section 15. It shall be the duty of the Roadmaster to have the care and general supervision of the public roads in his district, to maintain therein as good repair as the means at his command will permit. Each person residing in any road district, who shall desire to pay his property road tax in labor on the roads for any year, must, within the month of January or February preceding such year, give notice in writing to the Roadmaster, of his desire and intention. The Roadmaster shall file said notice, and at the expiration of his term, deliver all notices and other books and papers to his successor in office. Such notices may only be given by persons owning real estate in such road district, or persons leasing real estate for agricultural purposes. It shall be the duty of the Roadmaster to give to each person serving such notice upon him, at some time during the year, five days' notice of the time, place, and amount of work which he requires of such person; *provided*, that the whole thereof shall not exceed the amount of the taxes due from such person; *and, provided further*, that the neglect of said Roadmaster to give such notice, shall not exempt any person from the payment of such property road tax. Such notice given by the Roadmaster shall also specify what teams such person is expected to bring for the road service. Upon the completion of such road service required of such person to the satisfaction of the Roadmaster, he shall make out and deliver to such person a receipt for the labor performed, at the rate of two dollars per day for each man, and one dollar per day for each span of horses or mules and wagon. A day's labor shall be not less than ten hours of actual labor, time of going and returning not to be included as service performed on the highways. The Roadmaster may, without the consent of the Board of Supervisors, make contracts for the grading of roads or any other necessary work upon the highways within his district; *provided*, no such contract shall be made when the amount will probably exceed one hundred dollars; and ten days' notice shall be given by the Roadmaster prior to the letting of any such contract, by posting four notices of the letting of the same in the district, two of which shall be posted on the place where said contract is to be performed, which notice shall specify the time and place of letting said contract, which place shall be within the district, with necessary specifications; and said contract shall be let to the lowest responsible bidder. Said Roadmaster may and shall have the right to reject any and all bids. All payments for the fulfillment of such or any contract shall be made by warrants

Same. drawn on the Road Fund of the district in which the contract was performed. In case of the construction or repairing of a bridge crossing a stream which is the boundary of two districts, the Roadmasters of such districts shall have and exercise a joint duty and authority over the erection or repair of said bridge, and the expense thereof shall be equally divided between said districts. The Roadmaster may, with the consent of the Board of Supervisors, make contracts for the purchase of lumber or other materials for building bridges or culverts, for grading roads, or any other necessary work upon the highways within his district, in excess of one hundred dollars, after having first given fifteen days' notice of the proposed letting of such contract, by publication in some newspaper published in the county. The notice shall set forth the work to be done, or amount of material required, when and where proposals will be received and opened, and where specifications, if any, may be seen and examined; also, stating what particulars must enter with the proposals, and the character and time of the payments proposed to be made. Upon the day set forth in the notice, all the proposals filed shall be opened by the Roadmaster of the district, and the proposals of the lowest responsible bidder shall be accepted, and the contract awarded to him; *provided*, that the Roadmaster may reject all bids. All payments for the fulfillment of any such contract shall be made by warrants drawn on the Road Fund of the district. It shall be the duty of the Roadmaster to collect, in his district, the road poll tax provided for in this Act, and, upon payment, to issue to the person paying it a receipt therefor, which receipt shall be received by the Tax Collector of the county in payment of the road poll tax assessed to him. The Roadmaster shall retain, as his compensation for collection, ten per cent of the amount of poll tax collected by him, and no other officer shall receive any percentage for the collection of the road poll tax. To enforce the collection of said poll tax, the Roadmaster shall seize so much of any and every species of personal property whatever, claimed or owned by any person liable to, or refusing or neglecting to pay said road poll tax, or property in possession of, or money due from any other person, and belonging to such person refusing or neglecting to pay said tax, as will be sufficient to pay such road poll tax and costs, such costs not to exceed three dollars, and shall and may sell the same at any time or place, upon giving a verbal notice of one hour previous to such sale; and any person indebted to another, liable to pay the same, shall be subject to pay said tax for such other person, after service upon him, by the Roadmaster, of a notice in writing, stating the name or names of the person so liable and owing such poll tax; and such debtor may deduct the amount thereof from such indebtedness. The Roadmaster, after having deducted the poll tax from the proceeds of such sale herein provided, shall return the surplus of the proceeds to the owner. A delivery of the possession of the property, by the Roadmaster, to the purchaser at such sale, shall be a sufficient title in the purchaser, without exacting a certificate of purchase thereof of the Roadmaster.

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

Section 16. Each Roadmaster shall prepare quarterly a statement of the amount of the Road Fund paid in labor within his district, and by whom paid, and the amount paid in cash, and by whom paid, and the amount paid for utensils and materials, and to whom, for what paid, the amount paid upon contracts, and to whom paid, and for what paid, and a specific statement of his official acts pertaining to his district, and the number of days' or parts of days' services by him actually and necessarily performed in the discharge of his official duties during said three months, which statement he shall file with the Clerk of the Board of Supervisors of Napa County. He shall, at the end of the term of his office, account for and deliver to his successor in office, all tools and implements of every kind and description belonging to his district and take a receipt therefor, which receipt shall be filed with the Clerk of the Board of Supervisors; and he shall, at the end of the term of his office, account for and pay over to the County Treasurer all moneys remaining in his hands, arising from the collection of road poll taxes, and which sum shall be placed to the credit of the Road Fund of his district, all of which particulars shall be verified by his oath; and he shall be allowed, in payment of his services as Roadmaster, a per diem of two dollars and fifty cents, and shall allow himself the same sums for teams as he may allow any other persons or taxpayers for teams.

Statement of Roadmaster.

Deliver tools.

Pay over moneys.

SEC. 5. All assessments hereafter levied for road purposes in Napa County, shall be collected and appropriated to the payment of the expenses of the current year for road purposes; and any Supervisor or Supervisors allowing any claim in excess of said Road Fund, as estimated by the Board of Supervisors of Napa County, or any Auditor auditing the same, shall be guilty of a misdemeanor; and any warrant so drawn, in violation of this Act, shall be void, and a sufficient cause for his removal from office; vacancy to be filled by law.

No allowances in excess of tax.

SEC. 6. The Board of Supervisors of Napa County are authorized and required to levy a property tax annually, not to exceed twenty cents upon each one hundred dollars of the real and personal property of said county, subject to taxation for State and county purposes, for the purpose of creating a Sinking Fund for the liquidation and payment of the debts known as the General and District Road Fund debts; and shall be levied at the same time and manner as other State and county taxes, and paid over to the County Treasurer. Whenever there shall be an amount of money in said Sinking Fund of five hundred dollars or more, it shall be the duty of the County Treasurer to advertise for two successive weeks in one weekly newspaper printed in said county, for sealed proposals for the surrender of warrants outstanding against the General and Road District Fund. The bids shall be opened by the Treasurer in the presence of the Board of Supervisors, and the money awarded by the Board to the person offering to surrender the greatest amount of warrants for the least amount of money; and no payment shall be made of any outstanding in-

Tax for, and redemption of warrants

debtedness against said General and Road District Funds, and the Board may refuse any and all bids for the surrender of warrants; and no payment shall be made of any outstanding indebtedness against said General and District several Road Funds after the passage of this Act, except as provided in this Act. In all cases the warrants shall accompany the bid; *provided*, that no bid shall be accepted above the par value of the warrants; *and, provided further*, that the oldest warrants, in order of registration, shall in all cases have preference when the bids are equal; *and, provided further*, that the right to reject any and all bids is hereby reserved to the Board of Supervisors.

Road Fund

SEC. 7. The Board of Supervisors of Napa County, at the time of levying State and other taxes, shall annually levy upon all the assessable property in the county, a road tax of five cents on the hundred dollars, which shall constitute a Contingent Road Fund, and shall be at the disposal of the Board of Supervisors, and expended for general road purposes.

Poll tax.

SEC. 8. At the first meeting of the Board of Supervisors after the passage of this Act, they shall levy the road poll tax provided for in this Act for the year commencing on the first Monday of March, eighteen hundred and seventy-four, and the same shall be collected in the same manner as if it had been levied at their February session.

SEC. 9. All Acts in conflict with this Act are hereby repealed.

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

CHAPTER CCCLXXXVII.

An Act to repeal an Act entitled an Act to provide for the opening and improving of Santa Clara and Saratoga Avenue, in the County of Santa Clara, approved March sixteenth, eighteen hundred and seventy-two.

[Approved March 24, 1874.]

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 provide for the opening and improving of Santa Clara and Saratoga Avenue, in the County of Santa Clara, approved March sixteenth, eighteen hundred and seventy-two, is hereby repealed.

Surrender trusts.

SEC. 2. The Santa Clara and Saratoga Avenue Commissioners shall, within thirty days after the passage of this Act, surrender to the Board of Supervisors of the County of Santa Clara, the full control of said Santa Clara and Saratoga Avenue, and all the material, title deeds, books, maps, and property in their possession or under their control.

Supervisors to pay debts.

SEC. 3. The Board of Supervisors of Santa Clara County are hereby authorized, empowered, and directed to pay out of the Road Funds of Santa Clara and Redwood Townships, in

said county, the indebtedness incurred by said Santa Clara and Saratoga Avenue Commissioners in the laying out, construction, and improvement of said avenue. Said indebtedness shall be allowed by said Board of Supervisors, audited by the County Auditor, and paid by the County Treasurer, in the same manner as other claims against the county.

Surplus.

SEC. 4. If any money shall remain in the Santa Clara and Saratoga Improvement Fund, in the hands of the Treasurer of the Town of Santa Clara, at the time of the passage of this Act, he is hereby directed to pay the same into the County Treasury of said county, and the County Treasurer of said county shall place the same to the credit of the Road Funds of Santa Clara Township and Redwood Township, in equal proportions.

Taxes to be collected and used.

SEC. 5. The repeal of the said Santa Clara and Saratoga Avenue Act shall not effect the legality of the taxes now levied for the construction thereof, nor the dedication of said avenue for public use, but the said taxes for the current fiscal year shall be collected the same as if said Act was not repealed, and when collected shall be paid over and disposed of as provided in section four of this Act, and the said avenue, to the extent that the same is now opened, and for its full width of one hundred feet, is hereby declared to be a public road and highway.

SEC. 6. This Act shall take effect immediately.

CHAPTER CCCLXXXVIII.

An Act to reincorporate the Town of Woodland.

[Approved March 24, 1874.]

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

Corporate name.

SECTION 1. The corporation or body politic now existing and known as the Town of Woodland, shall remain and continue to be a body politic and corporate in name and in fact, by the name of the Town of Woodland, and by that name shall have perpetual succession, may sue and defend in all Courts and places, and in all proceedings whatever, and may have and use a common seal, alterable at the pleasure of the town authorities, and may purchase, receive, hold, and enjoy real and personal property, and control and dispose of the same for the common benefit. The boundaries of the Town of Woodland shall be as follows: Commencing at the northwest corner of the south-west quarter of section twenty-nine, of township ten north, of range two east, of the base and meridian of Mount Diablo, and running thence south eighty-five (85) chains; thence east ninety (90) chains; thence north forty-five (45) chains; thence west ten (10) chains; thence north forty (40) chains; thence west

Boundaries

twenty-four and twenty-five hundredths ($24\frac{25}{100}$) chains; thence north five and seventy-five hundredths ($5\frac{75}{100}$) chains; thence west four and twenty five hundredths ($4\frac{25}{100}$) chains, to the line of what was formerly the California Pacific Railroad; thence southwardly, by parallel with and along said railroad line, six (6) chains; thence west fifty (50) chains, to the place of beginning.

Officers, election, organization.

SEC. 2. The government of said town shall be vested in a Board of five Trustees. A Town Marshal and five Trustees shall be elected by the qualified electors of the town, at an election to be held on the first Monday in May next, and every two years thereafter; and at a meeting to be held on the third Monday in May following their election, the Trustees shall meet and elect one of their number President of the Board, another ex officio Treasurer of the town, and another Town Clerk; and shall, also, then and there, fix the official bonds required of said officers by this Act. Said Marshal shall be ex officio Assessor and Collector of all taxes and public moneys due the corporation. Said Board of Trustees shall have power to appoint a night watchman, and fix his compensation; and they shall have discretionary power to appoint one or more additional temporary assistants to the Marshal and night watchman, whenever required for the public good.

Notice.

SEC. 3. Notice of said election shall be given at least two weeks prior to said first Monday in May, by publication in the newspapers published in said town, designating the time and place of holding said election.

Elections.

SEC. 4. All town elections shall be held, subject to the general election laws of the State, on said first Monday of May, and every two years thereafter, and shall not be invalidated by any failure to give the notice mentioned in the preceding section, or by any omission to publish the election laws.

Duties.

SEC. 5. The duties of the officer of Assessor, Collector, and Treasurer, shall be performed with reference to the town in the same manner prescribed by law for similar county officers.

Powers of Board of Trustees.

SEC. 6. The Board of Trustees shall have power to pass ordinances, not inconsistent with the Constitution and laws of the United States and this State, to determine what are nuisances and control the same; to prevent any or all domestic animals from running at large within the corporation; to control and regulate slaughter houses and provide for their exclusion from the town limits; to prohibit disorderly conduct; to provide for licensing shows, public exhibitions, and lawful games; to license every kind of business authorized by law carried on within the town limits; to regulate and restrain theatrical and other amusements; *provided*, that school or college exhibitions and the exhibitions of the various religious and charitable Orders shall not be taxed; to regulate and establish markets, to construct and keep in repair pumps, aqueducts, reservoirs, or other works necessary for protection against fire; to lay out, alter, keep open, and repair all streets, alleys, and public squares; to purchase or lease such real estate or personal property as may be necessary or proper for the interest of the town or the transaction of the business of the Board of Trustees or other town officers; to make all necessary arrangements for the

safekeeping of prisoners; to grant the right of way to railroad companies within the corporate limits, with such prohibition and restrictions as the interests of the inhabitants may demand; to levy and collect annually a poll tax of not exceeding two dollars on each male inhabitant over the age of twenty-one years; also a dog tax of not exceeding five dollars on each dog owned in the town, and a property tax not exceeding one quarter of one per cent upon the assessed value of the real and personal property, for general purposes. Same.

SEC. 7. Said Board of Trustees shall sit as a Board of Equalization, and be governed by the rules and laws applicable to County Boards of Equalization, in regard to matters of assessment and taxation. Equalization.

SEC. 8. All taxes levied shall, from the day they are assessed, constitute a lien on the property assessed; and the State laws, for the collection of taxes, shall, in all respects, apply to collections of the taxes herein provided for. Taxes.

SEC. 9. The Board of Trustees shall have no power to create any indebtedness, or make any expenditure, except as provided for in this Act. Debts.

SEC. 10. The Board of Trustees shall meet on the first Monday in every month, and at such other time as may be directed by the President; and the place for holding such meetings shall be fixed by ordinance. Meetings.

SEC. 11. It shall be the duty of the President of the Board of Trustees to preside at all meetings, and to exercise a general supervision over all the other officers of the corporation; he shall countersign all warrants drawn upon the Treasury by order of the Board, and receive for such service such compensation, not to exceed two hundred dollars a year, as may be allowed him by the Board. In his absence from any meeting of the Board, or from his duties, the Board may appoint one of their number President pro tem for the especial purpose of such meeting or such duties. Duties of President.

SEC. 12. Any violations of order or decorum, at any meeting of the Board of Trustees, is hereby declared a misdemeanor, punishable by a fine not to exceed twenty-five dollars, or imprisonment not to exceed twenty-four hours, or by both such fine and imprisonment. Said penalties may be enforced by any Justice of the Peace of the County of Yolo. Violation of order.

SEC. 13. 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 Clerk and countersigned by the President, and to keep an account of all receipts and expenditures, and present to the Board of Trustees a full report of the financial condition of the corporation, at least once in each year, and at such other times as may be designated by the Board of Trustees. His compensation shall be a commission of two per cent on all moneys received. Duties of Treasurer.

SEC. 14. The Town Clerk shall keep the seal of the corporation, if there be a seal; also all the records and papers of the Board of Trustees, and all other papers and records of the corporation except the books and vouchers of the Treasurer, Assessor, Collector, and Marshal. He shall attend all meetings of the Board of Trustees, and keep a correct record of all its Town Clerk

proceedings; shall sign all warrants issued by order of the Board of Trustees and keep an accurate account thereof, and shall perform all the duties required by law of a Municipal Clerk. His compensation shall be such salary as the Board of Trustees may allow, not to exceed three hundred dollars a year.

Marshal. SEC. 15. The Marshal shall be ex officio Assessor and Tax Collector, and shall assess and collect such taxes as may be levied by the Board of Trustees; also all licenses and all fines and costs, and shall have the powers conferred by law upon peace officers. He shall arrest all persons against whom a warrant directed to him shall be issued by any Justice of the Peace, and shall arrest without a warrant any person actually engaged in his presence in any violation of an ordinance. For all services performed by him as Marshal and Assessor and Collector he shall receive such compensation as the Board of Trustees shall allow, not exceeding one thousand dollars in each year. He shall give a bond in such sum as the Board of Trustees may direct.

Collection of taxes. SEC. 16. The Board of Trustees shall, by ordinance, fix the time and manner of collecting taxes and licenses, and the time and manner for collecting delinquent taxes. All property sold for unpaid taxes shall be subject to redemption upon the terms and in the manner provided for by the general tax laws of the State.

Trustees, special duties of. SEC. 17. At each regular meeting of the Board of Trustees, they shall enquire into the condition of the streets, fire department, and town property; and if at any time it shall appear that the interest of the town demands an expenditure of more money than is at the time in the Treasury subject to such purposes, they must give public notice thereof, by publication in the town newspapers, or, if there be no newspaper, by notices posted in three public places in the town, for four weeks, specifying the object or objects for which the expenditure is required, and the amount thereof. At any time within fifteen days after the expiration of such publication, the Board of Trustees shall order an election, giving ten days' notice thereof, at which the legal voters of the town may vote for or against such tax. If the majority of voters sustain the proposed expenditure, the Board of Trustees shall forthwith make the proper levy and collection to obtain the sum proposed; *provided*, that such sum shall not exceed, in any one year, more than one quarter of one per cent, in addition to the sum already allowed to be levied upon the valuation of property shown in the assessment then last made.

Powers. SEC. 18. The Board of Trustees are hereby authorized and empowered to order the whole or any portion of any street, lane, courts, or squares, graded or regraded to the official grade, paved, graveled, or macadamized, and have the same repaired; to order sidewalks, culverts, sewers, drains, and curbing constructed and repaired; 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, sidewalks, lanes, alleys, and squares, as in their opinion the public good and convenience may require.

When work ordered. SEC. 19. The Board of Trustees may order any of the work herein authorized to be done, after a notice of their intention to do so, describing the proposed work, signed by the Town

Clerk, and published for two weeks. At the expiration of said time said Board shall be deemed to have acquired jurisdiction to order any of said work to be done; and all persons claiming to be aggrieved, or who may object, shall file with the Town Clerk a remonstrance stating their grievance or objections; said remonstrance shall be considered by said Board, and the decision of the Board 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 improvements are to be done, shall remonstrate against said work or improvements, said Board shall thereupon suspend further proceeding for the term of one year, unless said remonstrating owners or occupants shall sooner petition the Board to have such work or improvements completed; *and, provided further*, that if at any time of hearing such remonstrance, or at any subsequent time, it shall come to the knowledge of the Board that said proposed improvements, or any portion thereof, are an immediate public necessity, the Board shall then proceed to carry out said proposed work or improvements, or so much thereof as the Board may deem and declare to be necessary, as if no remonstrance had been made. Remonstrance. Hearing.

SEC. 20. It shall be the duty of the Board of Trustees to cause an immediate survey of such proposed work or improvements to be made by some competent surveyor, who shall return a map or diagram of such survey, including the proposed grade and the amount of work in front of each person's real estate to the middle of the street—all lots on the corner of blocks to include the cross streets; or if improvements only extend to the sidewalks, then he shall indicate the amount of excavation or of filling required for the sidewalks in front of each person's real estate. If the Board of Trustees approve the survey, diagram, and specifications of the surveyor, the same shall be placed on file in the office of the Town Clerk, and they shall order said improvements to be made, and shall cause such order to be published at least three consecutive weeks. At the expiration of such notice, the Board may determine, by ordinance or resolution, at what time said work or improvements shall be commenced, and within what time all of the same shall be completed, and may also in their discretion extend the time so fixed; and 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 on file as aforesaid; but if any such person fail or neglect to do so within the time fixed for so doing, or within any extension of time granted by the Board of Trustees, then it shall be the duty of the Town Marshal to let out the doing of all such work or the making of all such improvements as shall remain unfinished by reason of such neglect or failure; and when such work and improvements shall be completed and accepted by the Town Clerk and Town Marshal, they shall certify the fact to the Board of Trustees, who shall order the Town Marshal, as ex officio Assessor, to make Survey and proceedings on approval

Same. an assessment of the costs thereof, as apportioned to each person owning or occupying said real estate, which assessment shall constitute a lien upon such real estate, dating from the time such work or improvements were ordered; and after due notice present the same to the Board of Trustees, who shall, on a specified day, sit as a Board of Equalization thereon, and determine in reference thereto in the same manner required for the equalization of other town taxes; and all persons feeling aggrieved by such assessment shall at such time, either in writing or otherwise, specifically make known their complaints, which shall be heard and passed upon by said Board of Equalization, and their determination shall be final and conclusive; and when thus equalized by them, said list shall be certified by the Town Clerk and placed in the hands of the Town Marshal for collection, and all subsequent proceedings in relation thereto shall be the same as prescribed herein for the collection of other town taxes, as far as the same may be applicable.

Cost. SEC. 21. The cost of the survey, specifications, maps, or diagrams of any of the work and improvements herein mentioned, shall be paid by the town.

Repairs. SEC. 22. All repairs to any street, sidewalk, or other public property of the town, shall be done under the supervision of the Marshal.

How made. SEC. 23. When any street, or the sidewalk, or any portion thereof, becomes in a condition to be dangerous, or to cause great public inconvenience, the Town 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 Town 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 owners of such real estate, at such price as he may deem reasonable and just, and such owners 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 and assessed and equalized, as provided in section twenty of this Act; and all money collected by the Town Marshal for the construction, improvements, or repairs of any street, lane, alley, or sidewalk, if collected by an assessment duly equalized and certified, shall be paid to the Town 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 there-

for, a duplicate of which he shall file with the Town 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 reasonable costs thereof.

Town Attorney and Surveyor.

SEC. 24. The Board of Trustees may, in their discretion, whenever in their opinion the public good requires, appoint temporarily a Town Attorney, and also a Surveyor, whose duties and compensation shall be prescribed by the Board.

Contracts.

SEC. 25. No officers named in this Act shall be interested, directly or indirectly, during their terms of office, in any contract pertaining to any of the departments of the town; and all contracts in violation of this provision shall be void.

Liability for cost of work.

SEC. 26. The town, or proper authorities thereof, shall not be held responsible for nor assume the payment of any moneys for work done, or repairs and improvements made, until after all demands on the owners of such real estate have been paid or prosecuted to final collection; and in case of failure on the part of the town to collect such tax from the owner 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 Town Trustees, and be allowed and paid therefor from the General Fund of said town.

Quorum.

SEC. 27. A majority of the Board of Trustees, whether sitting as Trustees, or in the character of a Board of Equalization, shall constitute a quorum for the transaction of business.

Ordinances

SEC. 28. All ordinances passed by the Board of Trustees shall be signed by the President and Town Clerk, and published in the newspapers of the town.

Official conduct.

SEC. 29. 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 the Board, or a majority thereof, any officer has been guilty of misfeasance or malfeasance in office, the Board may remove him from office, and fill any vacancy occasioned thereby, and may also fill any vacancy occasioned by death, resignation, or otherwise.

Jurisdiction of Justices.

SEC. 30. The several Justices of the Peace for Cache Creek Township, shall have jurisdiction: First—Of an action for or a proceeding for a fine, penalty, or forfeiture imposed for a breach of any ordinance of said town. Second—Of proceedings respecting vagrants and disorderly persons; and may issue such warrants of arrest and other process as may be necessary to enforce such jurisdiction.

Actions.

SEC. 31. All proceedings and actions under this Act, or any ordinance passed in pursuance thereof, shall be commenced by complaint in writing, setting forth the cause of complaint so plainly as to enable the defendant to understand distinctly the nature of the offense charged, and shall be verified by the oath or affirmation of the party making them. The answer to the complaint may be oral or in writing; and the trial shall be immediate, unless good cause can be shown for an adjournment. In all cases the defendant shall, upon demand, be entitled to a trial by a jury, composed of six electors of the town.

Fines. SEC. 32. The Board of Trustees shall have power to fix a fine, not exceeding three hundred dollars, and a term of imprisonment not exceeding three months, as the penalty for a violation of any ordinance or ordinances.

To be paid over. SEC. 33. Every Justice of the Peace who shall collect any fine for breach of any ordinance, shall pay over the same to the Town Treasurer, and shall be liable on his official bond for all sums so collected.

Jail. SEC. 34. Whenever there shall be no adequate place to keep prisoners, the Sheriff of Yolo County shall receive and safely keep in the County Jail, until legally discharged, any prisoner delivered to him by the Marshal or any Watchman, under a commitment from a Justice of the Peace; and the expense thereof shall be a charge in favor of the county against the town.

SEC. 35. This Act shall take effect immediately.

CHAPTER CCCLXXXIX.

An Act to amend an Act entitled an Act to declare navigable the Arroya de San Antonio, or Keyes' Creek, Marin County, approved March twenty eight, eighteen hundred and sixty.

[Approved March 24, 1874.]

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 declare navigable the Arroya de San Antonio, or Keyes' Creek, Marin County, approved March twenty-eighth, eighteen hundred and sixty, is hereby amended so as to read as follows:

Navigable. Section 1. So much of the stream known as the Arroya de San Antonio, or Keyes' Creek, in Marin County, as lies between its mouth, in Tomales Bay, and a point three hundred feet above or east of the wharf, in said stream, known as the Ocean Roar Wharf, is hereby declared navigable; *provided*, that should any bridge be erected across the Arroya de San Antonio Creek by any railroad company, or for highway purposes, shall be required to leave a span of at least forty feet over the deepest part of said creek for the passage of lighters and other boats plying thereon.

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

CHAPTER CCCXC.

An Act to provide for the completion of the Napa State Asylum for the Insane, and for other purposes.

[Approved March 24, 1874.]

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

Appropriation.

SECTION 1. The sum of six hundred thousand dollars is hereby appropriated, payable out of the General Fund of the State Treasury, to pay the deficiency in the amount required to complete the Napa State Asylum for the Insane, three hundred thousand dollars of which shall be drawn during the fiscal year commencing July first, eighteen hundred and seventy-four, and the balance shall be drawn during the fiscal year commencing July first, eighteen hundred and seventy-five.

Auditing claim.

SEC. 2. The State Board of Examiners shall audit and allow a claim in favor of the Board of Directors of said Napa State Asylum for the Insane, for the amount hereby appropriated, and the Controller shall thereupon draw his warrant, payable out of the General Fund; *provided*, that at least one section of said asylum, sufficient for the accommodation of at least two hundred patients, shall be completed on or before the first day of November, eighteen hundred and seventy-four; *and, further provided*, that the Board of Directors of said Napa State Asylum for the Insane are hereby directed and required to complete said asylum for the sum hereby appropriated, and that said Board shall not let any contract which shall exceed said sum.

Contracts legalized.

SEC. 3. The provisions of section thirty-two hundred and thirty-three of the Political Code are hereby declared not to apply to the erection and construction of said Napa State Asylum for the Insane, and all contracts heretofore made by said Board of Directors, for the erection and construction of said Asylum for the Insane, are hereby legalized and confirmed.

Misdemeanor.

SEC. 4. Any violation of or failure to comply with the provisions of section two of this Act, by the Board of Directors of said Napa State Asylum for the Insane, or any of them, shall be a misdemeanor, and shall be punished as provided by law; and all contracts made or debts contracted in violation of this or any other statute or statutes of this State defining their duties and powers, shall be void.

SEC. 5. This Act shall take effect immediately.

CHAPTER CCCXCI.

An Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four.

[Approved March 24, 1874.]

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

Appropriations.

SECTION 1. The following moneys are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the objects herein named: for deficiency in salary of Watchmen in State Treasury, four thousand eight hundred dollars; for deficiency in salary of Phonographic Reporter for Supreme Court, for the months of May and June, eighteen hundred and seventy-two, five hundred dollars; for deficiency in the appropriation for printing, paper, and official advertisements, forty thousand dollars; for deficiency in appropriation for support of State Prison, twenty-five thousand dollars; for deficiency in appropriation for costs of suit or proceedings, where the State is interested or is party, nine thousand dollars; for deficiency in appropriation for transportation of insane persons to Insane Asylum, five thousand dollars; for deficiency in the appropriation for postage, expressage, telegraphing, and transportation in the office of the Secretary of State, eighteen hundred and fifty dollars; for deficiency in the Stationery, Lights, and Fuel Fund in the office of the Secretary of State, on account of moneys drawn from said Fund to purchase ballot paper, which moneys, as paid in, become a portion of the General Fund, nine thousand five hundred and fifty-five dollars; for deficiency in the State Normal School Current Expense Fund, four thousand five hundred and twelve dollars and eighty-eight cents; for paying the present indebtedness incurred in the erecting the State Normal School building, three thousand two hundred and twenty dollars.

CHAPTER CCCXCII.

[See volume of Amendments to the Codes.]

CHAPTER CCCXCIII.

[See volume of Amendments to the Codes.]

CHAPTER CCCXCIV.

An Act for the relief of T. P. Riordan.

[Approved March 24, 1874.]

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 directed to appropriate out of the General Fund of said city and county, the sum of two thousand six hundred and twenty-five dollars ($2,625), to be paid T. P. Riordan, in gold coin, balance of principal and interest due him upon warrants numbers sixty-four (64), eighty-six (86), ninety-four (94), one hundred and eight (108), and one hundred and twenty-seven (127), issued to him by the Montgomery Avenue Commissioners, under the provisions of "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 twenty-ninth, A. D. eighteen hundred and seventy, for services rendered on the order of said Commissioners, and the Auditor of said city and county is hereby directed to audit such claim, and the Treasurer of said city and county to pay the same in gold coin. San Francisco appropriations.

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

CHAPTER CCCXCV.

An Act to provide funds for the school department of the Town of Alameda.

[Approved March 24, 1874.]

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 Alameda are hereby authorized to issue and sell school bonds to an amount not exceeding twenty thousand dollars, payable in twenty years from the date of issuance of said bonds, in gold coin of the United States of America, and to bear interest at a rate not to exceed eight per cent per annum, payable semi-annually, on the second day of January and the first day of July in each year, in like gold coin. Bonds.

SEC. 2. Said bonds shall be in sums not less than five hundred dollars nor more than one thousand dollars, and shall be signed by the President of the Board of Trustees and the Treasurer of said town, and shall have coupons affixed thereto for the interest, which shall be signed by said Treasurer. Sums.

Sale.

SEC. 3. The Board of Trustees shall, at a regular meeting of said Board, cause to be entered upon the records thereof 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 town and in one newspaper published in the City and County of San Francisco, for at least twenty days, and shall annex to said order a notice that sealed proposals will be received by said Board, for the purchase of said bonds on the day and hour named in said order. The said Board shall publicly open all sealed proposals received by them, and shall award said bonds to the highest bidder; *provided*, that said Board may reject all bids; *and, provided further*, that no bonds shall be sold for less than ninety cents on the dollar, in gold coin.

Records.

SEC. 4. The amount of bonds sold, and their number and dates, shall be entered upon the records of said Board, in a book to be kept for that purpose.

Proceeds.

SEC. 5. The proceeds of the sale of said bonds shall be paid into the Town Treasury, to the account of the School Building Fund, and shall be used for the sole purpose of purchasing lots and erecting school buildings, and making permanent improvements on school property; no money shall be paid out of said Fund except on the order of the Board of Education, signed by the President thereof, and countersigned by the Clerk.

Interest tax.

SEC. 6. After any of said bonds are sold, and until all bonds sold are redeemed, the said Board of Trustees shall levy, annually, at the same time and in the same manner as other town taxes are levied, a tax on all the real and personal property in said town, sufficient to pay the interest on all of said outstanding bonds; said tax, when collected, shall form the "School Bond Interest Fund," and all moneys remaining in the Treasury belonging to the said Fund, after all interest has been paid, shall be applied to the redemption of bonds, as hereinafter provided.

Redemption tax.

SEC. 7. The Board of Trustees shall, each year after the lapse of ten years from the issuance of said bonds, levy a tax, not to exceed in each year ten cents on each one hundred dollars of all taxable property in said town, which, when collected, shall constitute the "School Bond Redemption Fund;" and whenever there shall be in said Fund the sum of two thousand dollars or more, the said Board shall advertise, in a newspaper published in the City and County of San Francisco, for twenty days, for sealed proposals for the redemption of said bonds; and in one week from the expiration of the time of such publication, the said Board shall open the sealed proposals, and shall pay the bonds offered at the lowest price, as far as the money in said "School Bond Redemption Fund" will extend; *provided*, that no bonds shall be paid at more than their par value and accrued interest; but if sufficient bonds to consume the Fund are not offered for redemption, the said Board shall advertise, as aforesaid, for a period of thirty days, of its intention to pay said bonds, to the extent of the fund on hand, commencing with the lowest numbered bond outstanding, which said numbers shall be stated in such advertisement; and after thirty

days from the expiration of such advertisement, said bonds so advertised shall cease to bear interest.

Cancellation.

SEC. 8. Whenever any bond shall have been paid, the Treasurer shall mark the same "Canceled," over his signature, and shall punch the signatures on each bond and coupon, and shall file such bonds in his office.

SEC. —. This Act shall take effect from and after the first day of ——, A. D. one thousand eight hundred and seventy-four.

CHAPTER CCCXCVI.

[See volume of Amendments to the Codes.]

CHAPTER CCCXCVII.

An Act to authorize Daniel Gobbi to remove the remains of deceased persons in the Town of Ukiah City, Mendocino County.

[Approved March 24, 1874.]

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

Removal of remains.

SECTION 1. Daniel Gobbi, of Mendocino County, is hereby authorized and empowered to remove, or cause to be removed, all of the remains of deceased persons interred in the "Old Graveyard," in the Town of Ukiah City, in said county, and to inter, or cause them to be interred in the new cemetery, north of said town. Said Daniel Gobbi may remove, or cause to be removed, all of said remains of deceased persons, and reinter, or cause them to be reinterred in said new cemetery, decently and in good order; and he shall cause any and all tombstones, ornaments, inscriptions, and inclosures, now on or around the graves of said remains, to be removed and reerected in good order on and around the new graves.

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

CHAPTER CCCXCVIII.

An Act to provide for the payment of a debt due N. Fitzgerald, from Lake City School District, in Modoc County.

[Approved March 24, 1874.]

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

School warrant.

SECTION 1. The Trustees of Lake City School District, Modoc County, are hereby authorized and instructed to draw an order on the County Superintendent, of said county, for the sum of two hundred ($200) dollars, in favor of N. Fitzgerald, for teaching school in said district in the year eighteen hundred and seventy-two, and the said County Superintendent is hereby instructed to draw his warrant for the said sum, in favor of N. Fitzgerald, on the County Treasurer of said county, who is required and instructed to pay the same out of the first moneys placed to the credit of said district in the Treasury of said county.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXCIX.

An Act to pay certain claims for services rendered as witnesses summoned on behalf of the State.

[Approved March 24, 1874.]

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

Appropriation.

SECTION 1. The sum of three hundred and forty and ten hundredths dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the payment of the following sums, as mileage and witness fees, to the following named persons, to wit:

D. F. Beveridge, one day, one mile, two dollars twenty cents.
C. C. Hickey, two days, one mile, four dollars twenty cents.
Geo. Gordon, two days, one mile, four dollars twenty cents.
M. W. Shay, two days, one mile, four dollars twenty cents.
Ben. Free, two days, one mile, four dollars twenty cents.
Wm. Laufkotter, three days, one mile, six dollars twenty cents.
Jerry Day, two days, one mile, four dollars twenty cents.
W. A. King, one day, one mile, two dollars twenty cents.
A. A. Bennett, one day, one mile, two dollars twenty cents.
Samuel Beale, one day, one mile, two dollars twenty cents.
H. Courtly, two days, one mile, four dollars twenty cents.
Am't carried for'd, forty dollars twenty cents.

Am't carried over, forty dollars twenty cents. Same.
D. E. Hogan, one day and one mile, two dollars twenty cents.
C. Gillespie, two days, one mile, four dollars twenty cents.
W. B. Ferral, two days, one mile, four dollars twenty cents.
M. Fitzgerald, one day, one mile, two dollars twenty cents.
M. Gavin, one day, one mile, two dollars twenty cents.
J. Linsky, one day, one mile, two dollars twenty cents.
Edwin Turner, one day, one mile, two dollars twenty cents.
B. Kiernan, one day, one mile, two dollars twenty cents.
Jas. Sweeney, one day, one mile, two dollars twenty cents.
M. O'Meara, two days, one mile, four dollars twenty cents.
Jas. Woods, one day, one mile, two dollars twenty cents.
Geo. White, two days, one mile, four dollars twenty cents.
H. Hoppikus, one day, one mile, two dollars twenty cents.
Geo. Beveridge, two days, one mile, four dollars twenty cents.
P. L. Lawson, one day, one mile, two dollars twenty cents.
Thos. Jones, three days, one mile, six dollars twenty cents.
E. R Robinson, one day, one mile, two dollars twenty cents.
N. L. Drew, one day, one mile, two dollars twenty cents.
W. Mulligan, one day, one mile, two dollars twenty cents.
J. B. Hobson, three days, one mile, six dollars twenty cents.
G. P. Cummings, eight days, one mile, sixteen dollars twenty cents.
C. H. Leavitt, three days, one mile, six dollars twenty cents.
J. Van Dyke, five days, one mile, ten dollars twenty cents.
D. Corcoran, nine days, one mile, eighteen dollars twenty cents.
J. Kehoe, two days, one mile, four dollars twenty cents.
Am't bro't for'd, one hundred and fifty-seven dollars twenty cents.
H. Kenitzer, two days and two hundred and thirty-four miles, sixty-two dollars fifty cents.
L. H. Garrigus, six days, one mile, twelve dollars twenty cents.
J. W. Duncan, two days, fifty-eight miles, eighteen dollars fifty cents.
J. F. Steene, two days, four miles, five dollars.
W. Derby, for serving process, one dollar.
W. D. Delaney, clerk of committee, two hundred eighty-six miles, fifty-seven dollars twenty cents.
J. B. Hobson, twenty dollars fifty cents.
Being the total sum of three hundred thirty-four dollars ten cents.

The above named persons having been by the State subpœnaed before the Assembly Committee on Public Buildings and Grounds, under a resolution of the Assembly of the nineteenth session of the Legislature of the State of California, passed Dec. sixteenth, eighteen hundred and seventy-one, directing said committee to investigate certain alleged frauds in the construction of the State Capitol building, Governor's Mansion, and the State University buildings at Berkley, and empowering said committee to summon witnesses and send for persons and papers.

SEC. 2. The Board of Examiners shall audit and allow such of the sums mentioned in section one of this Act as may be Audit and allow.

shown to be due for mileage and witness fees, to such of the above named persons as were actually subpœnaed and attended as witnesses and testified before said committee, or to their heirs or assigns, and the State Controller shall draw his warrant therefor, and the State Treasurer shall pay said warrants out of any moneys in the State Treasury not otherwise appropriated.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCC.

An Act to provide for the payment of certain outstanding road warrants of Yolo County, and to provide for levying taxes for county purposes in said county.

[Approved March 24, 1874.]

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

Special road tax.

SECTION 1. The Board of Supervisors of Yolo County must, annually, at the same time and in the same manner other taxes are levied for county purposes, levy a special tax of twenty cents on each one hundred dollars in valuation of the taxable property in said county, and the proceeds of said tax shall be applied to the payment of warrants heretofore drawn upon the Road Fund of said county, in the order of their registration.

When to cease.

SEC. 2. No other taxes or moneys shall be levied or applied to the purposes above mentioned, and as soon as said warrants, principal and interest, are paid, the tax herein above provided for shall cease; and if any moneys shall remain in said Fund after the said warrants, principal and interest, are fully paid, the same shall be paid into the Contingent Fund.

Expense tax.

SEC. 3. The Board of Supervisors of said county is hereby empowered and authorized to levy and collect annually, in the manner provided by law for levying and collecting State and other county taxes, a tax for county expenditures, not exceeding sixty-five cents on each one hundred dollars valuation of taxable property in said county.

SEC. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed, so far as the same apply to Yolo County.

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

CHAPTER CCCCI.

An Act concerning roads and highways in the County of Sutter.

[Approved March 24, 1874.]

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

Highways. SECTION 1. The definition of highways, and the method of laying out and establishing them, are the same as is or shall be provided in the Political Code and the Code of Civil Procedure.

Districts. SEC. 2. Each school district in said county is a road district, and when a school district is partly in the County of Sutter and partly in an adjoining county, that part situate in the County of Sutter shall be a separate road district, but the Board of Supervisors may annex the same to another district for road purposes.

Boundary roads. SEC. 3. When a road is a boundary between two road districts, the Board of Supervisors shall, by order, apportion and set apart to each such particular part of said road as would best equalize said districts.

Names. SEC. 4. The several road districts shall be known by and bear the same name as the several school districts constituting the same territory.

Election of Road Overseers. SEC. 5. At the next annual election for Trustees of the several school districts in said county, and annually thereafter, on the day of said election, a Road Overseer shall be elected by the qualified electors of such district.

Voting. SEC. 6. The voting at said election shall be as provided in the Political Code, sections fifteen hundred and ninety-three to sixteen hundred and two. The School Trustees shall include in the notice mentioned in section fifteen hundred and ninety-five of said Code, a notice that a Road Overseer will also be elected at the same time. The ballot for Trustees may contain the name of the person voted for for Road Overseer.

Notice.

Ballot.

Certificate of election. SEC. 7. The Inspector and Judges of said election shall, immediately after the counting of the votes, make out and deliver to the person having the greatest number of votes, a certificate, stating the fact of such election.

Qualification. SEC. 8. The Road Overseer elect shall thereupon take and subscribe an oath, endorsed on said certificate, in the following form: "I (giving name), do solemnly swear (or affirm) that I will honestly and faithfully perform the duties of Road Overseer of —— District, according to law, and to the best of my ability;" which certificate, with the oath indorsed thereon, shall be filed with the County Clerk, and a certified copy thereof shall be delivered to such Overseer, and then and thereafter he may enter upon the discharge of his duties, and shall hold his office for one year, and until his successor is elected and qualified.

Prosecution. SEC. 9. The District Attorney shall prosecute all cases wherein the Road Overseer shall be guilty of misappropriating any of the funds of any such district, and if it be found that such

Overseer has misappropriated any of such funds, in addition to a money judgment against such Overseer, he may be removed from office by the Board of Supervisors.

Vacancy. SEC. 10. If any vacancy shall occur in the office of Road Overseer, such vacancy shall be filled by order of the Board of Supervisors of said county.

Code. SEC. 11. All the provisions of the Political Code in relation to roads and highways, not in conflict with this Act, are hereby made applicable to said County of Sutter.

SEC. 12. This Act shall take effect on and after the first day of May next.

CHAPTER CCCCII.

An Act to provide additional Notaries Public in the County of Inyo.

[Approved March 24, 1874.]

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

Additional Notaries. SECTION 1. The Governor is hereby authorized to appoint two additional Notaries Public in and for the County of Inyo; and said Notaries, when appointed, shall hold office under and by virtue of all the laws now or hereafter pertaining to said officers.

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

CHAPTER CCCCIII.

An Act authorizing the Board of Education of the City and County of San Francisco to exchange a lot of land in said city and county.

[Approved March 24, 1874.]

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

Powers. SECTION 1. The Board of Education of the City and County of San Francisco shall have power to exchange the following lot of land: public school lot in block one hundred and twenty-two, Potrero Nuevo, reserved by the Outside Land Commissioners, and good and valid deeds therefor to make and execute; *provided*, that this real estate shall not be exchanged without the consent of seven members of the Board of Education, and the Mayor of the City and County of San Francisco.

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

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

CHAPTER CCCCIV.

An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin County.

[Approved March 24, 1874.]

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

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 demand, charge, and receive the same in gold or silver coin. Fees and salaries.

SEC. 2. The Supervisors, for all services rendered in discharging the duties imposed upon them by law, or by virtue of their office, shall each receive the sum of six hundred dollars per annum; and each member shall also receive twenty cents per mile in traveling from his place of residence to the County Court House; *provided*, that only one mileage shall be allowed at each term. Supervisors

SEC. 3. The County Superintendent of Public Schools shall receive for all services required of him by law, or by virtue of his office, the sum of two thousand dollars; and he shall visit each public school in the county at least twice in each school year. Superintendent.

SEC. 4. The District Attorney shall receive, for all services required of him by law, or by virtue of his office, a salary of two thousand dollars a year and the following fees: Ten per cent on all forfeited bonds for the first five hundred dollars, and three per cent on all over that sum; *provided*, that in no one case shall the compensation exceed one hundred and fifty dollars; and on all forfeited recognizances he shall receive ten per cent on the first five hundred dollars, and three per cent on all over that sum; *provided*, that in no one case shall the compensation exceed one hundred and fifty dollars; for all amounts collected by him for the State or county, other than delinquent taxes, forfeited bonds, and recognizances, eight per centum on the amount collected; *provided*, that in no event shall the compensation in any one case exceed two hundred and fifty 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, twenty-five dollars; for each conviction of felony, where the penalty is death, fifty dollars; for each trial District Attorney.

and conviction of felony, where the penalty is not death, twenty-five dollars; and for each trial and conviction for misdemeanor, fifteen dollars. In all trials and convictions, the fees herein allowed shall be entered as a judgment against the defendant, and execution issued thereon immediately, and shall not become a county charge; *provided*, that in conviction for felonies and misdemeanors the fees may become a county charge, upon the inability of the defendant to pay the same; *and, provided further*, that in no case shall the entire compensation exceed three thousand dollars per annum.

Sheriff. SEC. 5. The Sheriff, for all services required of him by law, or by virtue of his office, to include the pay of Jailer and all deputies, the sum of five thousand five hundred dollars per annum; *provided*, that he shall keep for his own use and benefit the mileage now allowed by law. The Sheriff shall serve all subpœnas for witnesses required to attend before the Grand Jury, to be served in the county, and all subpœnas in criminal actions issued out of the District or County Court to be served in the county, and execute all bench warrants issued out of the County Court. He shall serve all special venires issued in criminal actions out of the District and County Courts, and convey all prisoners to the State Prison. He shall serve all other subpœnas, processes, and warrants pertaining to criminal actions, in the District and County Courts.

Treasurer. SEC. 6. The Treasurer shall receive for all services required of him by law, or by virtue of his office, the sum of three thousand dollars per annum; *provided*, he shall also receive for his own use and benefit the mileage allowed by the State.

Tax Collector. SEC. 7. The Tax Collector shall receive for all services required of him by law, or by virtue of his office, the sum of one thousand dollars per annum, commencing on the first Monday in March, eighteen hundred and seventy-four; *provided*, also, he shall receive for his own use and benefit the fees and percentage on licenses, poll taxes, and delinquent tax sales allowed by law.

County Clerk. SEC. 8. The County Clerk, for all services required of him by law, or by virtue of his office, to include all services rendered ex officio as Clerk of the Board of Supervisors, or any other service required of him by law, or by virtue of his office, and to include the pay of deputies and clerk hire, shall receive the sum of forty-three hundred dollars per annum.

Recorder. SEC. 9. The County Recorder, for all services required of him by law, or by virtue of his office, and to include the pay of deputies and clerk hire, shall receive the sum of three thousand dollars per annum, commencing on the first Monday in March, eighteen hundred and seventy-four.

Auditor. SEC. 10. The County Auditor, for all services required of him by law or by virtue of his office, and to include the pay of deputies and clerk hire, shall receive the sum of fifteen hundred dollars per annum, commencing on the first Monday in March, eighteen hundred and seventy-four.

Fees. SEC. 11. The Recorder, Auditor, and County Clerk, as such and as ex officio Clerk of the Courts of record, and Clerk of the Board of Supervisors, Equalization, Canvassers, and Swamp

Land, shall charge and receive the fees now allowed by law, but all such fees shall be paid into the County Treasury.

To complete official business.

SEC. 12. It shall be the duty of all officers named in this Act to complete the business of their respective offices at the expiration of their respective terms; and in case any officer, at the close of his official term, shall leave to his successor official labor to be performed for which he has received compensation, or which 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 extra pay.

SEC. 13. None of the officers mentioned in this Act shall receive any other compensation whatever for any services that may now or hereafter be required of them in the discharge of the duties of their respective offices. No office which is now or may hereafter be created, the duties of which in whole or in part shall be devolved on such officers, shall entitle them to receive any extra compensation therefor, but all fees received by any of the officers herein named shall be paid into the County Treasury.

Duties as to fees.

SEC. 14. The officers named in sections four, five, six, eight, nine, and ten of this Act, 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, shall pay over the same to the County Treasurer the same, and any compensation or allowance made by the revenue or other laws of the State, out of the State Treasury, or Funds of the Auditor, Treasurer, or Collector, shall hereafter be retained in or paid into the County Treasury, except such fees, commissions, or percentage as by the provisions of this Act they are allowed to keep for their own use and benefit. It shall be and is hereby made the duty of all such officers who are entitled to charge or collect or receive fees, commissions, or other compensation for 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 services, 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. All fees or compensation for official services which under this Act are required to be paid into the County Treasury, shall go into the General Fund of the county.

Misdemeanor.

SEC. 15. Any officer who shall willfully neglect or refuse to keep and exhibit such fee books as required in the preceding section, shall be deemed guilty of a misdemeanor, and, on conviction, be punished by a fine not exceeding one thousand dollars, and by sentence of removal from office, if in office at the date of sentence.

Oath to fees.

SEC. 16. Each of the officers required by this Act to pay the fees collected by them into the County Treasury, shall, on the first day of each and every 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 same has been paid into the Treasury. He shall also

Same. make an affidavit, in the form as follows: "I, ———, Clerk (or other officer, as the case may be,) of the County of San Joaquin, do solemnly swear that the entire fees, compensation, commission, percentage, or payments for all services by me or any deputies or person connected with my office for me, has been returned 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 are 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 the section, shall be written upon the face of the fee book, following the record of the fees for the month.

Misdemeanor. SEC. 17. For a willful neglect or refusal to comply with section sixteen of this Act, the officer or officers named, shall have their accounts rejected by the Board of Supervisors, and be deemed guilty of a misdemeanor, and upon conviction thereof be fined any sum not exceeding one thousand dollars, or imprisonment in the County Jail not exceeding one year, or both such fine and imprisonment, and shall be deprived of his office; *providing*, that nothing in said section 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.

Credits at his own risk. SEC 18. Any officer required by this Act to pay his fees into the County Treasury, who shall credit any person for fees, percentage, or commissions, for any services rendered in the discharge of his official duties required by law or by virtue of his office, 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.

Payment of salary. SEC. 19. Upon presenting their fee books, with the receipt of the Treasurer, and making the affidavit as required in section sixteen of this Act, the Board of Supervisors shall allow and order paid out of the General Fund of the county, the proportion of the salary due such officers, and the Board may provide for paying such proportion monthly.

Repealed. SEC. 20. An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin County, approved April first, one thousand eight hundred and seventy-two, and all Acts and parts of Acts in conflict with the provisions of this Act, are hereby repealed, and the fees which may be lawfully charged and collected by the county officers named in this Act, except as in this Act otherwise provided, are the fees allowed to be charged by an Act entitled an Act to regulate fees of officers and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy, in so far as said Act applies to the county officers of San Joaquin County, and all such fees, except as otherwise provided in this Act, shall be paid into the County Treasury.

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

CHAPTER CCCCV.

An Act to protect agriculture in the County of Calaveras.

[Approved March 24, 1874.]

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

May take up animals.

SECTION 1. Any owner or occupant of cultivated land, whether it is inclosed or uninclosed, finding any animal or animals thereon, to the injury of such cultivation, may take up and keep, and must properly keep and care for the same, until claimed and paid for by the claimant, or the same is or are disposed of, in accordance with the provisions of this Act.

Notice to owner.

SEC. 2. If the owner or owners of such trespassing animal or animals is or are known to the person or persons taking them up, he or they must give immediate notice of such trespass and taking up to the owner or owners of such trespassing animals, in writing, serving the same personally, or by depositing the same, post paid, in the Post Office, directed to the owner or owners, at the Post Office nearest to the place of his or their residence.

When unknown.

SEC. 3. When the owner or owners of such stock is or are unknown, written notices, containing a full description of same, with marks and brands, and stating the cause and time of such taking up, must be posted in three of the most public places in the township.

Fees.

SEC. 4. The fees and charges for taking up, keeping, advertising, and of giving notice to owner or owners, shall be the same as are allowed by law to Sheriffs or Constables for similar services.

Arbitration of damages.

SEC. 5. If the owner or owners cannot agree with the person or persons taking up as to the amount of fees, charges, and damages, each party shall choose one disinterested person, and they two shall choose a third, to serve as arbitrators to determine the amount. The award shall be in writing, signed by the arbitrators, or a majority of them, and delivered to the party in whose favor the award may be made, who shall file the same, either with the Clerk of the District Court of the county, or in the office of a Justice of the Peace of the township, according as the amount awarded shall be within the respective jurisdictions, and the award shall be entered by the Clerk in the judgment book, or by the Justice of the Peace in his docket, and shall, thereupon, have the effect of a judgment.

Lien.

SEC. 6. Any judgment which may be entered under the provisions of this Act, shall be a lien upon the animal or animals taken up, and they may be sold in satisfaction of the judgment.

Action.

SEC. 7. At the expiration of ten days, if no owner has been found, or no settlement obtained, action may be commenced by the person or persons taking up, as in other civil cases, against the owner or owners, if known, or against the animal or ani-

mals taken up, or against both, to recover the damages by such trespass and costs of taking up, keeping, and advertising.

When owner may demand.

SEC. 8. Any owner or owners of stock taken up under the provisions of this Act, may, at any time previous to the sale, demand, and shall be entitled to the possession of such stock, or portion thereof, upon making satisfactory proof of ownership, and paying the charges, or his or her proportion of the charges, fees, and damages; and after the sale, may, at any time within six months, redeem said animal or animals, by producing satisfactory proof of his or her right thereto, and paying the purchaser the purchase money, with interest at the rate of one per cent per month, together with reasonable compensation for the keeping of said animal or animals.

Records.

SEC. 9. A Justice of the Peace, before whom any judgment may be entered under the provisions of this Act, shall keep a book, which shall be open to public inspection, as similar public books are kept, and shall make a record therein of all sales made under this Act, a description of the animal or animals sold, the price received, the name of the purchaser, the amount of fees and charges, and the amount of surplus money, if any, arising from such sale; and when such surplus is paid to the owner, he shall receipt on the margin opposite the record, and the Justice shall, without charge, give the book over to his successor in office, and also any surplus money in his hands arising from any sale under this Act, and take receipt for same; and any money remaining in the hands of any Justice for six months, unclaimed, from sales under this Act, shall be paid over to the County Treasurer, for the use and benefit of the School Fund of the county, the Justice of the Peace taking therefor the receipt of the County Treasurer, which he shall file in the office of the County Auditor.

Driving on.

SEC. 10. Any owner or occupant of a tract of land, or possessory claim, which may lie in the district to which this Act applies, who shall drive, or cause to be driven, any animal or animals upon his land, or possessory claim, with the intent to avail himself of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in the sum of not more than two hundred dollars, and not less than one hundred.

Driving off.

SEC. 11. Any person or persons leading off, or driving away, any animal or animals taken up under this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, be fined in the sum of not less than fifty dollars; and all surplus moneys, arising under this and the next preceding section, shall go to the County School Fund in the same manner, and may as directed in section nine of this Act.

Where Act to apply.

SEC. 12. The provisions of this Act shall apply to the following territory in the County of Calaveras, viz: Commencing at a point on the Stanislaus River where the Calaveras and Stanislaus Counties connect, thence up said river to a point opposite the main summit of Bear Mountain; thence along said summit to the Calaveras River; thence down said river to a point due east of Willet's Ranch; thence due west to the Mokelumne river; thence down said river to the San Joaquin County line; thence along said San Joaquin County line to the

Stanislaus and Calaveras County lines; thence on said line to place of beginning.

SEC. 13. All laws and parts of laws in conflict with this law are hereby repealed.

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

CHAPTER CCCCVI.

An Act supplemental to an Act entitled "An Act supplementary to an Act concerning public ferries and toll bridges, approved April twenty-eighth, eighteen hundred and fifty-five," approved April fourth, eighteen hundred and seventy.

[Approved March 24, 1874.]

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

SECTION 1. Boards of Supervisors shall not have power to license bridges across the Sacramento or San Joaquin Rivers, the Petaluma, Napa, or Sonoma Creeks, except at points above the head of navigation on said streams. Licensing bridges.

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

CHAPTER CCCCVII.

An Act for the relief of David C. Norcross, Sheriff of San Luis Obispo.

[Approved March 24, 1874.]

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

SECTION 1. The Board of Supervisors of San Luis Obispo County must, at their first regular meeting after the passage of this Act, examine the bill of David C. Norcross, Sheriff of said county, for expenses incurred by him in sending an agent of this State to the State of Nevada, in January and February, eighteen hundred and seventy-four, with a requisition issued by the Governor of California on the Governor of Nevada, for the person of one Victor Mongolla, or Moncolla, a fugitive from justice from this State, accused of the crime of murder, committed in said County of San Luis Obispo, in or about the month of June, eighteen hundred and seventy-two, and allow said Norcross whatever sum may be found equitably due him for said expenses, not exceeding in the aggregate four hundred and Audit claim.

forty-two dollars, and thereupon draw their warrant on the Treasurer of said county for the amount so allowed, payable out of the Fund for the current expenses of said county.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCVIII.

[See volume of Amendments to the Codes.]

CHAPTER CCCCIX.

[See volume of Amendments to the Codes.]

CHAPTER CCCCX.

[See volume of Amendments to the Codes.]

CHAPTER CCCCXI.

An Act to enable certain parties therein named to alienate or incumber homesteads.

[Approved March 25, 1874.]

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

Alienation of homestead.

SECTION 1. In case of a homestead, if either the husband or wife shall become hopelessly insane, upon application of the husband or wife, not insane, to the Probate Court of the county in which said homestead is situated, and upon due proof of such insanity, the Court may make an order permitting the husband or wife, not insane, to sell and convey, or mortgage, such homestead.

SEC. 2. Notice of the application for such order shall be given by publication of the same, in a newspaper published in

the county in which such homestead is situated, if there be a newspaper published therein, once each week for three successive weeks, prior to the hearing of such application, and a copy of such notice shall also be served upon the nearest male relative of such insane husband or wife, resident in this State, at least three weeks prior to such application; and in case there be no such male relative known to the applicant, a copy of such notice shall be served upon the Public Administrator of the county in which such homestead is situated; and it is hereby made the duty of such Public Administrator, upon being served with a copy of such notice, to appear in Court and see that such application is made in good faith, and that the proceedings thereon are fairly conducted. Notice of application.

SEC. 3. Thirty days before the hearing of any application under the provisions of this Act, the applicant shall present and file in the Court in which such application is to be heard, a petition for the order mentioned in the first section of this Act, subscribed and sworn to by the applicant, setting forth the name and age of the insane husband or wife; the number, age, and sex of the children of such insane husband or wife; a description of the premises constituting the homestead; the value of the same; the county in which it is situated; and such facts in addition to that of the insanity of the husband or wife relating to the circumstances and necessities of the applicant and his or her family, as he or she may rely upon in support of the petition. Petition.

SEC. 4. If the Court shall make the order provided for in the first section of this Act, the same shall be entered upon the minutes of the Court, and thereafter any sale, conveyance, or mortgage made in pursuance of such order, shall be as valid and effectual as if the property affected thereby was the absolute property of the person making such sale, conveyance, or mortgage, in fee simple. Order and effect.

SEC. 5. For all services rendered by any Public Administrator, under the provisions of this Act, he shall be allowed a fee not exceeding twenty dollars, to be fixed by the Court, and the same shall be taxed as costs against the person making application for the order herein provided for. Fees.

SEC. 6. All Acts and parts of Acts in conflict 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 CCCCXII.

An Act amendatory of and supplemental to 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 March 25, 1874.]

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

County appropriations.

SECTION 1. The Board of Supervisors of the County of Santa Cruz shall annually, in the month of March, make appropriations of sufficient amounts for the payment of the current expenses of each fiscal year, without reference to the income of the preceding fiscal year. Such appropriations shall be made in separate amounts, and shall be divided into such Funds as may be required by law or established by ordinance of said Board; *provided*, that should such appropriations be already made when this Act takes effect, for the present fiscal year, said Board of Supervisors are hereby authorized, on or before the first Monday of October, A. D. eighteen hundred and seventy-four, to make such additional appropriations for the current expenses of the present fiscal year as may be required.

Tax.

SEC. 2. The Board of Supervisors of said county shall levy annually, a tax of not exceeding sixty cents on each one hundred dollars of taxable property within the county, for school purposes.

Warrants.

SEC. 3. All warrants outstanding against said county or any of its Funds, which have been issued by the authority of the Board of Supervisors thereof, in excess of the appropriations of the twenty-fourth fiscal year, are hereby legalized and declared to be valid demands against said county, and the Treasurer thereof is hereby authorized to register the same; such warrants shall be exchanged by the holders thereof for county bonds, to be issued in accordance with the provisions of section five of said Act, to which this Act is amendatory and supplementary, and the payment of the principal and interest of said bonds shall be provided for as in said Act provided.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCCCXIII.

An Act amendatory of and supplemental to an Act entitled "An Act to provide for funding the indebtedness of the reclamation and levee districts of the State," approved March thirtieth, eighteen hundred and seventy-two.

[Approved March 25, 1874.]

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

[SECTION 1.] Section one is hereby amended so as to read as follows:

Section 1. The Board of Supervisors of Sutter County shall be ex officio members of and constitute a Board, to be known as Reclamation Fund Commissioners, who shall provide an official seal, and have the powers and perform the duties hereinafter provided. The Chairman of the Board of Supervisors shall be President of the said Board of Reclamation Fund Commissioners, and the County Clerk shall act as Clerk of said Board. They shall have an office at the county seat of Sutter County. Reclamation Fund Commissioners.

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

Section 5. The bonds shall designate the reclamation or levee district by its proper number; be issued in sums of not less than five hundred dollars each; be made payable twenty years after date, and bear interest at eight per cent per annum, payable on the first day of January and July of each year. The principal and interest shall be made payable in gold coin of the United States, at the office of the State Treasurer. The bonds shall be numbered and bear the same date, although issued at different times, and be signed by the Reclamation Fund Commissioners, and have their seal affixed thereto. Coupons for the interest shall be attached to each bond, so that they may be removed without mutilation thereof, and shall be signed by the President of the Fund Commissioners. Said bonds shall express on their face that they are issued by authority of this Act, stating its title and date of approval. Bonds.

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

Section 15. The Reclamation Fund Commissioners shall, immediately after the passage of this Act, and on the first Monday of March in every year thereafter, until the said bonds are all paid, estimate the rate of assessment which it shall be necessary to levy on the aggregate of amounts charged on the tracts or lots described in said list or lists, in order to raise the amount sufficient to pay the interest to become due in the ensuing year, and such part of the principal of the said bonds as is hereinafter provided; and they shall transmit a certificate to the Auditor or Auditors of the county or counties in which the

district is situated, stating the rate of assessment to be levied on the amount charged on each tract or lot described in the list filed in his office, and directing him to enter thereon, opposite to each tract or lot therein described, the amount of assessment to be collected from the owner or claimant of each of said tracts or lots, at the rate indicated; *provided*, there is nothing in this Act, or the Act to which this is supplemental, which shall be construed to authorize said Board of Reclamation Fund Commissioners to issue bonds to an amount which, together with those already issued, shall exceed six (6) dollars per acre for any district.

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

Rate of assessment.

Section 16. The rate to be estimated by the Reclamation Fund Commissioners, shall be such as for the first ten years from the date of the bonds, shall be sufficient to raise the annual interest on the outstanding bonds (allowance being made for cost of collection), and the rate shall be such, for the ensuing ten years, as shall be sufficient to raise the annual interest, and the following percentage of the principal of the whole amount of bonds issued or outstanding, to wit: for the eleventh year, five per cent; for the twelfth year, six per cent; for the thirteenth year, seven per cent; for the fourteenth year, eight per cent; for the fifteenth year, nine per cent; for the sixteenth year, ten per cent; for the seventeenth year, eleven per cent; for the eighteenth year, thirteen per cent; for the nineteenth year, fifteen per cent; and for the twentieth year, sixteen per cent.

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

Moneys.

Section 19. The assessments so collected shall be paid to the State Treasurer on or before the twentieth day of December, in each and every year, in the same manner that State taxes are paid; and he shall place the money to the credit of a Fund, to be known as the Interest and Sinking Fund of Reclamation District Number —— (its number being designated); and he is hereby authorized and directed to pay the principal and interest of the said bonds of that district, as they become due and payable, out of such Fund, which is hereby pledged for that purpose. In case any surplus remains after payment of coupons and the redemption of all outstanding bonds, the same shall be paid to the Treasurer of the county in which the district was formed, and shall be placed to the credit of that district.

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

Cancellation.

Section 21. Whenever any bond or coupon is paid, the State Treasurer shall write or stamp the word "Canceled" and date of payment on its face, and sign his name thereto.

Payment of amount due.

SEC. 7. When the owner of any tract of land in any reclamation or levee district desires to pay the amount due from said tract of land for the payment of outstanding bonds of the district, he may do so, either by paying the amount in United States gold coin, or he may surrender bonds of the district at par value, with the unpaid coupons attached, equal to the

amount of the indebtedness of said tract to Reclamation Fund Commissioners. In ascertaining the amount due from said tract, the Commissioners shall compute the interest thereon to the next succeeding July or January first, as the case may be; and in case payment is made by surrender of bonds, the coupons due the next succeeding July or January first, shall be received in payment at par.

Proceeds.

SEC. 8. Upon the payment of any money, as provided by the foregoing section, the Commissioners shall pay the same to the State Treasurer, to be by him placed to the credit of the Interest and Sinking Fund of said district, to be used exclusively for the redemption of bonds, in the same manner as provided for in other cases; in case bonds are surrendered, then the Commissioners shall turn them over to the State Treasurer, who shall cancel them in the same manner as in case of redemption.

Notification.

SEC. 9. The Reclamation Fund Commissioners shall notify the Auditor of the county in which said district is located, that payment has been made upon certain tract or tracts of land, describing each forty-acre tract, and he shall thereupon strike such tract or tracts of land from the assessment list of said district, after which said land shall be in nowise responsible for the payment of the then outstanding bonds of said district, or the interest thereon.

Turn over books, etc.

SEC. 10. The Reclamation Fund Commissioners, created by the Act to which this Act is amendatory and supplemental, are hereby required to turn over all books, papers, blanks, etc., to the Commissioners created by this Act, and pay to the State Treasurer all moneys remaining in their hands; the money so paid shall be placed by him to the credit of the Interest and Sinking Fund of Levee District Number Five, Sutter County.

Levy of tax

SEC. 11. The Board of Supervisors, acting as a Board of Reclamation Fund Commissioners, shall, within six months from the passage of this Act, estimate the rate of assessment which it will be necessary to levy on the tracts and lots within the said district No. Five, and to pay all the unpaid indebtedness of the Board of Commissioners acting as such, under the Act to which this is supplementary; and they shall levy a tax upon all of said land and lots to pay said indebtedness, and the said assessment shall be a lien upon said lands and lots, the same as all other assessments under this Act and the Act to which this is supplementary; and all the provisions of said Act, in regard to the collection of assessments, are hereby made applicable to the assessments in this section provided, and the said indebtedness shall be paid as provided in the Act to which this is supplementary.

Repealed, except.

SEC. 12. The Act entitled an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two, is hereby repealed, except in so far as it applies to Levee District Number Five, in Sutter County; but as to that district it shall remain in force, as hereby amended and supplemented.

Construction.

SEC. 13. Nothing in this Act, or in the Act of which it is amendatory, shall be construed to affect or cure any defects in

or validate any Act or proceeding in the formation of any levee, reclamation, or swamp land district.

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

CHAPTER CCCCXIV.

An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

[Approved March 25, 1874.]

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

Preamble. Whereas, the City and County of San Francisco has, through its proper officers, from time to time ordered street work done within the corporate limits of said city and county, under and by virtue of an Act of the Legislature of the State of California entitled an Act amendatory of Article Four 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, and the Acts supplementary thereto and amendatory thereof, and has awarded contracts and issued assessments for the same, and doubts existing as to the validity of the ordinances and resolutions providing for the same, and as to the validity of the contracts awarded and assessments issued thereunder; therefore, be it enacted:

Legalized. SECTION 1. That all ordinances and resolutions, from time to time passed by the Board of Supervisors of the City and County of San Francisco, in relation to street work done, or being done, under contracts awarded under and by virtue of the aforesaid Act of the Legislature; and all assessments heretofore issued, or that may hereafter be issued, to cover the expenses of street work done, or that may hereafter be done, under and by virtue of said resolutions and ordinances, and contracts, or any of them, and the returns thereon, hereinbefore mentioned, and all other proceedings of whatsoever kind or nature, under and in accordance with the provisions of such ordinances and resolutions and contracts, and each and every one of them, be and they and each of them are hereby made valid, ratified, and confirmed; *provided*, the property owners may defend all actions on the ground that the fraud, act, conduct, or omission of contractor, or his assigns, affect any of the said ordinances or resolutions, or said contract or assessment, or is a fraud upon the law under which such proceedings were had, or that the contractor or his assigns have fraudulently performed the work, or failed to perform the same in accordance with the contract

or specifications under which the work was done; and the said section one shall not apply where such defense is proven; *and, provided further,* that any person may, at any time within sixty days after the passage of this Act, pay to the Superintendent of Public Streets and Highways, the amount that shall, by any of the assessments herein referred to, appear to be assessed against any lot, or portion of a lot, and the entry thereon; and upon such payment, the Superintendent shall give a receipt therefor, and shall mark in the record of the assessment, opposite the number of said lot, the word "Paid," and the date of payment, and thereupon the lien of the said assessment shall be discharged. In case any suit has been commenced upon any assessment, the Court in which such suit shall be pending, shall, upon the production of the said Superintendent's receipt, as aforesaid, or of the record of assessment, marked as aforesaid, enter an order dismissing the said suit, and no further proceedings shall be had therein. Same.

SEC. 2. The ordinances, resolutions, and the contracts and assessments made thereunder, and referred to in section one, and hereby validated and confirmed, are the following, and none other, viz: the contract and assessment for paving, curbing, and sidewalking Eighth street, from Folsom street to Harrison street, J. J. Conlin, assignee of W. J. Richardson, contractor; also, the contract and assessment for paving, curbing, and sidewalking of Spear street, from Mission street to Howard street, J. J. Conlin, assignee of Jno. Higgins, contractor. Validated.

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

CHAPTER CCCCXV.

An Act to legalize, ratify, and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, and the contracts made thereunder.

[Approved March 25, 1874.]

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

SECTION 1. All orders and resolutions, heretofore from time to time passed by the Board of Supervisors of the City and County of San Francisco, in reference to the grading of Townsend street, from Second to Third streets, being Resolution of Intention Number Ninety-one Hundred and Six, Resolution No. Ninety-one Hundred and Ninety-nine, ordering street work, and the advertisement for sealed proposals for doing the said work of grading Townsend street from Second to Third street, and the Resolution of Award No. Ninety-two Hundred and Ninety-eight, and all contracts made under said orders or resolutions to carry into effect the work of grading aforesaid, and all proceedings of said Board of Supervisors and of the Superin- Ratified and confirmed.

tendent of Public Streets, Highways, and Squares of said City and County of San Francisco thereunder, or by virtue thereof, are hereby made valid, ratified, and confirmed.

Construction. SEC. 2. Nothing contained in section one of this Act shall be construed to prevent any person from pleading as a defense to an action brought to enforce the collection of any amount claimed to be due, under any contract entered into under and by virtue of the orders and resolutions contained therein, from pleading fraud, or noncompliance with the contract on the part of the contractor or his assigns; *and provided*, that no attorney's fees, percentage, or costs, other than Court and Clerk's fees, shall be allowed.

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

CHAPTER CCCCXVI.

An Act to legalize the grades of certain streets in the City and County of San Francisco.

[Approved March 25, 1874.]

Preamble. Whereas, the grades and widths of the main streets of the City and County of San Francisco were established by the Board of Engineers, under and by virtue of an Act of the Legislature of the State of California, approved April twenty-sixth, eighteen hundred and sixty-six, and Acts supplementary to and amendatory thereof, as shown by the maps made by them, which maps were made official by the Board of Supervisors of said city and county, as per Order No. Six Hundred and Eighty-four, dated January thirtieth, eighteen hundred and sixty-six; and whereas, the grade and width of all the small or intermediate streets, lanes, alleys, places, and courts, shown on said map, were deemed and held by said Board of Engineers as established at the same grade as the main streets, at the point of intersection; and whereas, doubts exist as to whether there was any grade established in relation thereto prior to April first, eighteen hundred and seventy-two; now, therefore:

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

Official grade. SECTION 1. The official grade and width of all the small and subdivision streets, lanes, alleys, places, and courts, in blocks bounded by main streets, which were dedicated to public use on the thirtieth day of January, eighteen hundred and sixty-six, in the City and County of San Francisco, shall be deemed and held to have been fixed and established on said last date, at the same grade as was established for said main streets, on said last date, at the point of intersection of said small and subdivision streets, lanes, alleys, places, and courts with said main streets, and all such small and subdivision streets, lanes, alleys,

places, and courts, as have since said last date been dedicated to public use, shall take the same grade at the point of intersection with said main streets, as the grade of the main street at such point of intersection; and where a different grade has not been heretofore established, or shall not hereafter be established, by the Board of Supervisors of said city and county, the grade shall be a straight or direct line drawn through the block from one main street to the other; and the surveys heretofore made, from time to time, by City and County Surveyors of said city and county, locating and establishing the lines and grades of said streets, lanes, alleys, places, and courts, and the lots fronting thereon, are hereby made valid, ratified, and confirmed, and the records of said office shall be prima facie evidence of such surveys. Sums.

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

CHAPTER CCCCXVII.

An Act amendatory of and supplementary to an Act entitled "An Act to reincorporate the Town of Santa Clara," approved March sixth, eighteen hundred and seventy-two.

[Approved March 24, 1874.]

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

SECTION 1. Section thirty-seven of an Act entitled "An Act to reincorporate the Town of Santa Clara," approved March sixth, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

Section 37. At the general charter election to be held on the first Monday in April, eighteen hundred and seventy-four, and every two years thereafter, there shall be elected a Town Superintendent of Public Schools, who shall hold his office for the term of two years, and until his successor shall be elected and qualified. At the charter election to be held on the first Monday in April, A. D. eighteen hundred and seventy-four, five School Trustees shall be elected, three of whom shall hold office for one year, and two shall hold their offices for two years. At the charter election to be held on the first Monday in April, A. D. eighteen hundred and seventy-five, and on the first Monday in April every two years thereafter, three School Trustees shall be elected, who shall hold their respective offices for two years, and until their successors are elected and qualified. At the charter election to be held on the first Monday in April, A. D. eighteen hundred and seventy-six, and on the first Monday in each succeeding two years thereafter, two School Trustees shall be elected, who shall hold their respective offices for two years, and until their successors are elected and qualified. Said Superintendent and Trustees shall constitute the Board of Election and terms of office.

Education of the Town of Santa Clara. At their first meeting, after taking the usual oath of office, said Board shall determine, by allotment, who of the five elected in eighteen hundred and seventy-four shall hold office for two years, and who for one year.

When. SEC. 2. The Board of Education created by this Act, shall enter upon the duties of their office on the first Monday in July after their election, and on said first Monday in July, the term of office of their predecessors shall expire.

Organization. SEC. 3. The Board of Education, as constituted on the first Monday in July, A. D. eighteen hundred and seventy-four, and on the first Monday in July in each year thereafter, shall meet and organize by electing one of their number (except the Superintendent) as President of the Board of Education, whose duty it shall be to preside at all meetings of the Board, who shall not be allowed to vote, unless in case of a tie. In the absence of the President, one of the members may be elected to preside during his absence. If a vacancy shall occur in the Board of Vacancy. Education, the remaining members thereof shall elect some person to fill such vacancy until the next charter election. A Quorum. majority of the members shall constitute a quorum to transact business, but a smaller number can adjourn from time to time, and compel the attendance of the absent members. The Board may determine the rules of its own proceedings; *provided*, they do not conflict with the provisions of this Act; its sessions shall be public.

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

Duties. Section 40. It shall be the duty of said Board of Education: First—To keep open the public schools in said town for at least nine months in each and every year, and said school shall be free to all children between the ages of six and twenty-one years living within said town. Second—To see that all warrants drawn upon the Treasurer of the town, by order of said Board, are signed by the President and countersigned by the Secretary of said Board, and made payable to the order of the person in whose favor they are drawn.

SEC. 5. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect immediately.

CHAPTER CCCCXVIII.

An Act to authorize the Board of Supervisors of Trinity County to fix and pay the compensation of Under Sheriff in said county.

[Approved March 25, 1874.]

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

SECTION 1. The Board of Supervisors of Trinity County are hereby authorized and empowered to allow the Sheriff of said county, as compensation for the services of his Under Sheriff, a sum not exceeding one hundred dollars per month; said compensation to be paid quarterly, by warrants on the General Fund of the County Treasurer, issued on orders of the Board. Under Sheriff allowed.

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

CHAPTER CCCCXIX.

An Act to authorize the State Treasurer to pay Controller's warrants, drawn for the salaries of public officers who are entitled to monthly payments from this State.

[Approved March 25, 1874.]

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

SECTION 1. The State Treasurer is hereby authorized, when the General Fund is exhausted, to advance the money on the Controller's warrants, drawn for the salaries of public officers who are entitled to monthly payments from the State, out of any public funds he may have in charge, keeping said warrants as his vouchers until such time when there shall be money in the General Fund to cancel the same, and place them to his credit. To advance money.

SEC. 2. Nothing in this Act shall be so construed as to take money out of any Fund against which there are warrants then due or may become due, or in any way keep claimants out of their just demands.

SEC. 3. This Act to take effect immediately.

CHAPTER CCCCXX.

An Act to provide for the erection of county buildings in the County of Alameda, and for the issuance of bonds therefor.

[Approved March 25, 1874.]

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

Bonds.

SECTION 1. The Board of Supervisors of the County of Alameda are hereby empowered and directed to issue, on behalf of said county, bonds not exceeding in the aggregate the sum of two hundred thousand dollars, for the purpose of erecting a County Court House, Jail, and Hall of Records for said county. Such bonds to bear interest at the rate of eight per cent per annum, and to be of the denomination of not less than five hundred dollars each, with coupons for interest attached, and shall be made payable on or before the first day of January, A. D. eighteen hundred and ninety-five, at the office of the Treasurer of said county; and the interest thereon shall be payable by said Treasurer, at his said office, on the first day of July and January of each year, on presentation of the respective coupons therefor. Each 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 stated on the face of the bond, in gold coin, payable and bearing interest as aforesaid, and the principal and interest shall be payable in gold coin of the United States.

Tax.

SEC. 2. The Board of Supervisors of the County of Alameda are hereby empowered and directed to levy annually, at the time and in the manner provided by the general revenue laws of this State for general county purposes, a tax on the assessed valuation of the property in said county, sufficient to pay the interest on said bonds, and on and after the year eighteen hundred and eighty-five, one tenth part of the principal of said bonds; and the County Treasurer of said county is hereby required to set apart out of the funds so raised as aforesaid, an amount of money sufficient to pay the interest, and also an amount sufficient to liquidate and pay each and every year, on and after the year eighteen hundred and eighty-five, A. D., until all of said bonds shall be paid, a sum sufficient to pay one tenth part of said bonds, and the money so set apart shall be designated as the "County Building Fund," and shall not be used for any purpose other than that above mentioned.

Cancellation.

SEC. 3. There shall be attached to each of said bonds coupons for interest, which coupons shall be signed by the President of the Board of Supervisors and the County Clerk, and when any interest shall be paid upon any of the bonds issued in pursuance of the provisions of this Act, the coupons due and paid shall be delivered to the County Treasurer, who shall write the word "Canceled" across the face thereof, and deliver the same to the County Auditor of said county, taking his

receipt therefor; and the said Auditor shall then mark "Paid," on the duplicate register of the bonds in his office the coupons so delivered to him by the said Treasurer; and whenever the said bonds shall be redeemed by said Treasurer, he shall write the word "Canceled" across the face thereof, and shall deliver them to said Auditor, who shall receipt to the Treasurer for the same, and the same be entered upon the copies of said Register in the office of said Auditor and Treasurer, with a memorandum of the amount paid for the redemption thereof; and when any bonds or coupons shall be paid or redeemed, the said Auditor shall report the same to the Board of Supervisors at their next regular meeting thereafter. Same.

SEC. 4. The bonds hereby authorized and directed to be issued, shall be issued from time to time, as hereinafter provided, as the same may be required to pay for the material used in and work performed on said Court House, Jail, and Hall of Records; and neither the said bonds or any money that may be realized from the sale thereof, shall be applied to any other purpose. The Clerk of the Board of Supervisors shall keep a register, showing the date and number of each bond issued, the number of each coupon, when each bond and coupon is payable, and to whom issued, and whenever any of such bonds shall be sold, the amount realized on 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. Issue, use, registration.

SEC. 5. The bonds, or any part thereof, hereby authorized and directed to be issued, shall be sold under the direction of the Board of Supervisors to the person or persons who will pay the highest price therefor, which price shall not be less than ninety cents on the dollar; and the purchasers whose bid 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 Supervisors, be entitled to receive the bond purchased by them; the said receipt shall be copied into the said register and the copies of said register hereby required to be made. Sale.

SEC. 6. The said County Treasurer shall give public notice, by advertisement in some newspaper printed and published in said County of Alameda, for at least two weeks before the first day of January, eighteen hundred and eighty-five, A. D., and each and every year thereafter, until all of such bonds shall be paid, that he will redeem one tenth part of the whole amount of the bonds issued on the first day of January next ensuing, and shall invite proposals for the redemption of said amount of bonds. The Treasurer shall open the sealed proposals at the time and place specified in the notice required to be published as aforesaid, in the presence of the Board of Supervisors of said county, and such other persons as may choose to be present, and shall accept only such bids as shall cancel the greatest amount of said bonds; *provided*, that no bonds shall be redeemed at a greater rate than one hundred cents on the dollar. And in the event of no offer being made to redeem said bonds Notice and redemption

Same. between the date of the first publication and the day appointed for the opening of proposals therefor, it shall be the duty of said Treasurer to give notice, by advertisement in some newspaper printed and published in said county, that he is prepared to redeem certain of said bonds, which he shall designate in said notice by the number of the bonds consecutively, and the date of the issuance thereof, commencing at the lowest number unredeemed, which said notice shall be published not less than ten days; and the interest shall cease on such bonds so advertised from and after the expiration of ten days from the first publication of said notice.

To take possession. SEC. 7. Immediately after the passage of this Act, the Board of Supervisors of Alameda County shall take possession of those certain tracts or parcels of land, under the deed of conveyance heretofore made by the City of Oakland to the County of Alameda, known and designated as Washington and Franklin Squares, in said city, severally bounded and described as follows, to wit: Washington Square, bounded on the north by Fifth street, on the south by Fourth street, on the west by Washington street, and on the east by Broadway street; Franklin Square, bounded on the north by Fifth street, on the south by Fourth street, on the west by Broadway street, and on the east by Franklin street.

Notice for plans, etc. SEC. 8. Immediately after taking possession of said lots or squares, said Board of Supervisors shall advertise, in some daily newspaper printed and published in said county, for a period of at least two weeks, for plans and specifications for the erection thereon of a Court House, Hall of Records, and Jail, herein provided for, which notice shall give a general description of the buildings to be erected, and of the time and place when said Board will select and adopt said plans and specifications; *provided*, that no plans and specifications shall be adopted for the erection of said buildings until the architect or owner thereof shall enter into a good and sufficient bond with said Board of Supervisors, in the penal sum of twenty thousand dollars, with at least two sureties, to be approved by the County Judge of said county, conditioned that said buildings shall be erected and completed for the sum estimated and set forth in said specifications; and immediately after adopting said plans and specifications, said Board of Supervisors shall advertise for proposals for building said county buildings, in this Act provided for. Proposals may be invited for the construction of the whole or some portion of said buildings, as the Board of Supervisors may deem best. Said notice or invitation for proposals shall be advertised for at least thirty days, in some daily paper printed and published in said county, and shall contain a description of the work to be done, in accordance with the plans and specifications; also, information as to when the plans, drawings, and specifications may be seen. The contract shall be awarded to the lowest responsible bidder. No bid shall be considered unless accompanied by such guarantees as the Board of Supervisors may require, 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 or material, unless the price of the

Proposals to construct.

Contract.

same have been previously agreed upon, in writing, and filed with the County Clerk of said county.

Architect. SEC. 9. Said Board of Trustees may appoint an architect, who shall not be one of their number, whose duty it shall be, under the direction and control of the Board of Supervisors, to superintend the construction of said buildings, and to take special care that all work done and material furnished by the contractors, in the erection of said buildings, is strictly in accordance with the plans and specifications therefor. Said architect may be removed by the Board of Supervisors, and his successor appointed by them. He shall be required to take and subscribe an oath, that he will not be directly or indirectly interested in any contract for labor or material, on said buildings, during his term of office. His salary shall not exceed three hundred dollars per month, which shall include all compensation.

Payment. SEC. 10. The Board of Supervisors may make payment to the contractors from time to time, as the work progresses, but at no time shall such payment exceed seventy-five per cent of the value of the labor performed or the material furnished, until the contract is completed and the work accepted by the Board of Supervisors. Said value shall be ascertained and determined by the architect, subject to the approval of the Board of Supervisors, and no lien for labor or materials shall attach to said buildings or the land on which the same are erected.

Cost. SEC. 11. The aggregate cost of the county buildings herein provided for shall not exceed the sum of two hundred thousand dollars, for the payment of which the Board of Supervisors shall issue and sell such bonds, in such sums as shall be required for the purposes aforesaid, not to exceed the sum of two hundred thousand dollars. After fixing upon the plans and specifications of said Court House, Jail, and Hall of Records, the Board of Supervisors shall let the contract for the erection and construction of the same, either separately or together, as shall by them be deemed best for the interests of the county; and each contract entered into by said Board of Supervisors, under the provisions of this Act, together with the plans and specifications of the work to be done, shall be filed and carefully preserved by the Clerk of the Board of Supervisors of said county. 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 Board of Supervisors shall deem just and reasonable.

Warrants. SEC. 12. The Board of Supervisors shall, from time to time, as the services herein provided for are performed, and labor done in the erection and construction of said county buildings, draw orders or warrants on the Treasurer of said county, specifically describing the services rendered or work performed, together with the amount, and to whom payable; a correct copy of which order or warrant shall be kept by said Board in a book for such purpose. The Treasurer of said county shall

pay said order or orders out of the County Building Fund, in the order of their presentation; and in case there shall not be any money in said Fund to pay said orders or warrants when presented, the Treasurer shall note, by indorsement on the same, the day and date when the same were presented, and from that date said orders or warrants shall draw interest at the rate of ten per cent per annum until paid; and whenever there shall be money in said Fund, they shall be paid in the order of their said presentation and registration.

Notice and removal.

SEC. 13. Upon the completion of said county buildings, the said Board of Supervisors shall give notice thereof, by publication in one or more newspapers, to be by them designated, published and printed in said county, for a period of one week, daily; and all the county officers, required by law to keep their offices in the County Court House, Hall of Records, and Jail, and for whom offices shall be provided by said Board of Supervisors, in said county buildings, shall, as soon after the expiration of such notice as may be practicable, remove their said offices, together with all the books, papers, other records, and property belonging to their said offices, to the said county buildings; and the necessary expenses of such removal shall be charged against said county, and the said buildings shall thereafter be the Court House, Jail, and Hall of Records of the said county.

Contracts and locations.

SEC. 14. From and after the passage of this Act, no contract for the erection of Court House, Jail, or Hall of Records shall be made or entered into, other than as in this Act provided; but the Board of Supervisors shall have authority to locate the County Jail on the site where the same is now being built, and to continue any contract for the building of the same which may have been made by the Board of Supervisors of said county, or to make any amicable agreement with the person or persons holding said contract for the canceling of the same, as they may deem most advantageous to the county; *provided*, that if the Board of Supervisors shall complete the jail now being erected on block twenty-two, in the City of Oakland, they are hereby empowered and directed to pay to James Larue a reasonable compensation for the title heretofore made to the County of Alameda of said block of land; and in case the Board of Supervisors shall conclude to erect the Jail either on Washington or Franklin Squares, in Oakland, they are hereby directed to reconvey block twenty-two to James Larue, free from all incumbrances whatsoever.

Act mandatory.

SEC. 15. The provisions of this Act relating to the issuance and sale of bonds, and all the duties enjoined upon or authorized to be performed by said Board of Supervisors, shall be and hereby declared to be mandatory; and any officer failing to perform or corruptly performing any act herein required by him to be performed, shall be deemed guilty of a misdemeanor in office, and, on conviction, shall be removed from office.

SEC. 16. All Acts or parts of Acts, general or special, in conflict with any of the provisions of this Act, are hereby repealed.

SEC. 17. This Act shall take effect from and after its passage.

CHAPTER CCCCXXI.

An Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento.

[Approved March 25, 1874.]

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

Road franchise.

SECTION 1. The right to take possession of, improve, and collect toll upon the road now leading from Y street, in the City of Sacramento, to Freeport, commonly known as the Georgiana Slough Road, is hereby granted to D. T. Lufkin, D. R. Hunt, and such other persons as they may associate with them, and their assigns, for the term of fifteen years after the passage of this Act, upon the terms and conditions hereinafter provided.

Grading, sprinkling, etc.

SEC. 2. Within thirty days after the passage of this Act, the parties named in the first section of this Act, and their associates or assigns, shall commence the work of grading and improving said road, and shall complete the same as soon as possible, and within two years after the passage of this Act, in the manner following, to wit: the said road shall be graded and rounded up in the center, with proper slopes on each side, and with good and sufficient ditches or drains on each side, and shall be graded and constructed of the best material obtainable along the line of said road, with the privilege of planking where necessary or convenient. The bed of said road shall be at least thirty feet wide, and the driveway shall be at least sixteen feet wide. Said road, after completion as aforesaid, shall be maintained in constant repair, and shall be properly sprinkled during the Summer months so as to keep the same free from dust; and all work of grading, completing, or repairing said road shall be so conducted as to cause as little obstruction as possible to travel while the same is being done.

Tolls.

SEC. 3. When two miles, commencing at the Freeport end of said road, shall have been completed as aforesaid, said parties and their associates or assigns may lawfully erect and establish toll gates thereon; and may lawfully collect tolls thereat from all persons using said road and upon the remainder of said road as fast as the same shall be completed as aforesaid; *provided*, said tolls shall be annually fixed and established by the Board of Supervisors of Sacramento County as near as may be at rates which shall not yield to said parties and their associates or assigns less than seven or more than ten per cent per annum upon the cost of constructing and maintaining said road as aforesaid.

Tickets, passes, etc.

SEC. 4. The parties named in the first section of this Act, and their associates or assigns, shall have power to issue commutation tickets to persons residing along the line of said road, and to make arrangements with them to take stock in the company managing or to manage said road, and pay for the same in work

upon said road. All persons now or hereafter residing upon the line of said road shall be entitled to use said road free of toll so long as they continue to so reside; *provided*, they each perform ten days work with a team of two horses or its equivalent upon said road, under the direction of the Superintendent of said road.

SEC. 5. This Act shall take effect and be in force from and after its passage, and all Acts or parts of Acts inconsistent herewith are hereby repealed, and this Act shall be deemed a public Act.

CHAPTER CCCCXXII.

An Act authorizing the County Auditor of Santa Clara to provide himself with a seal of office.

[Approved March 25, 1874.]

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

Seal and design.

SECTION 1. The County Auditor of the County of Santa Clara is hereby authorized to procure, and cause to be made, a seal of office, of such design as he shall prescribe, and upon which shall be inscribed the following words: "County Auditor, Santa Clara Co., Cal." Said seal, when made, shall be and constitute the official seal of said County Auditor.

File impression.

SEC. 2. After the making of said seal, and the reception thereof by said County Auditor, he shall file a certificate of the adoption of said seal by him, with an impression thereof, with the Clerk of the Board of Supervisors of said county, and with the Secretary of State. The expense of making such seal shall be paid by said county.

Affix.

SEC. 3. Said County Auditor must affix said seal of office to all licenses, and to all official certificates, and no other seal must be attached to or impressed upon said licenses in authentication thereof.

SEC. 4. All Acts and parts of Acts, so far as in conflict with this Act, are hereby repealed.

SEC. 5. This Act shall take effect immediately.

CHAPTER CCCCXXIII.

An Act to fix the compensation of the Deputy Sheriff of Alameda County.

[Approved March 25, 1874.]

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

SECTION 1. From the first day of March, A. D. eighteen hundred and seventy-four, the salary of the Deputy Sheriff of Alameda County shall be one thousand five hundred dollars per annum. Salary.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCXXIV.

An Act to authorize the Board of Supervisors of Mendocino County to issue additional coupons to the holders of certain bonds.

[Approved March 25, 1874.]

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

SECTION 1. The Board of Supervisors of Mendocino County shall, on or before the first day of January, A. D. eighteen hundred and seventy-five, cause to be issued and tender to the holders of the bonds issued by authority of an Act entitled "An Act to provide for funding the indebtedness of the County of Mendocino," approved April nineteenth, eighteen hundred and sixty-two, additional coupons sufficient to represent and discharge the interest on said bonds for the term of five years; said coupons shall bear the same rate of interest, and conform in all other respects, to those originally attached to the bonds mentioned in this Act. Additional coupon.

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

CHAPTER CCCCXXV.

An Act relative to the powers of the Boards of Supervisors of the Counties of Yolo and Solano.

[Approved March 25, 1874.]

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

Powers. SECTION 1. The Boards of Supervisors, respectively, of the Counties of Yolo and Solano, shall have power to approve any petition presented pursuant to sections thirty-four hundred and forty-six and thirty-four hundred and forty-seven of the Political Code, whether the lands described in the petition form a part of another district or not.

Liability. SEC. 2. The district so formed shall be liable for its proportion of any outstanding indebtedness against any swamp land district from which new district is taken.

Code. SEC. 3. Such new district shall proceed in its organization and acts of reclamation according to the provisions of the Political Code.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCCCXXVI.

An Act concerning the office of the District Attorney of the City and County of San Francisco.

[Approved March 25, 1874.]

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

District Attorney's Clerk. SECTION 1. The District Attorney in and for the said city and county, is hereby authorized and empowered to appoint one clerk in addition to the one now allowed him by law, and at his pleasure to remove him, who, during the time he shall act as clerk, shall be entitled to receive a salary of one hundred and fifty ($150) dollars a month, payable as the salary of the District Attorney is now made payable by law.

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

CHAPTER CCCCXXVII.

An Act to appropriate money to complete the State Normal School building, and for the improving of the grounds.

[Approved March 25, 1874.]

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

SECTION 1. There is hereby appropriated, out of the General Fund of the Treasury of the State of California, the sum of twenty-five thousand dollars, for the fiscal year one thousand eight hundred and seventy-four, for the purpose of completing the State Normal School building. Appropriation.

SEC. 2. The Commissioners of the State Normal School are hereby authorized and directed to use and expend twenty thousand dollars of the money specified in section one of this Act, in the year one thousand eight hundred and seventy-four; *provided*, that an amount not exceeding five thousand dollars of said twenty-five thousand dollars may be expended in the fencing and improvement of the grounds belonging to said State Normal School, out of the appropriation for the year eighteen hundred and seventy-four. Expended, how.

SEC. 3. The Controller of State is hereby directed to draw his warrant or warrants, on the General Fund, in favor of the Commissioners of said State Normal School, upon their written application, during the fiscal year one thousand eight hundred and seventy-four, and the State Treasurer is hereby authorized and directed to pay the same. Warrant.

SEC. 4. The Commissioners of the State Normal School shall not receive any further compensation for their services, either under this Act or an Act entitled "An Act to provide for finishing the State Normal School building, and paying the indebtedness incurred in the construction thereof," approved March twenty-ninth, eighteen hundred and seventy-two. No pay.

SEC. 5. In the event said Commissioners, or a majority of them, shall decline to act without compensation, they shall, on or before the twentieth day of April, eighteen hundred and seventy-four, turn over to the Trustees of said State Normal School all books, papers, documents, maps, plans, instruments, building materials, records, money, accounts, and property of any and every kind, name, and nature, in their hands, or under their control as such Commissioners, whereupon said Trustees shall be vested with the same powers and authority to do and perform each and every act and thing, pertaining to said Commissioners, respecting the duties heretofore imposed upon them by law, and also to do and perform every act and thing which said Commissioners could or might have lawfully done under and by virtue of this Act, had they not so declined, but elected to continue to act as such in the premises; and this Act shall, in such event, be construed in like manner and with like effect as if the Trustees aforesaid were alone named herein, If Commissioners decline.

and the word Commissioners, in section three of this Act, shall be construed to mean Trustees.

No pay. SEC. 6. Said Trustees shall not receive any compensation for the services required of them by virtue of this Act.

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

CHAPTER CCCCXXVIII.

An Act providing for the ascertainment and settlement of the claim, if any he has, of John Domingos, for services performed on and material furnished in the construction, improvement, and repair of the Sacramento Drainage Canal.

[Approved March 25, 1874.]

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

To audit claim. SECTION 1. The Board of Supervisors of the County of Sacramento is hereby authorized and required, notwithstanding lapse of legal time, if any has occurred, to examine into, act upon, and allow in whole or in part, or reject, if none be found justly due, the claim of John Domingos for services rendered and material furnished in, on, or about the construction and repairing of the Sacramento Drainage Canal; *provided, however*, that the money, if any so allowed, shall be a claim only against the moneys that now are or hereafter may be in or belonging to said Sacramento Drainage Canal Fund; *provided, however*, that no sum greater than four hundred and twenty-seven dollars shall be allowed under the provisions of this Act.

SEC. 2. Upon the allowance of said claim by the Board of Supervisors, or of any part of it, the County Auditor shall audit and allow the same, and whenever there is any money in the County Treasury to the credit of said Sacramento Drainage Canal, the County Treasurer shall pay the claim so allowed and audited, but it shall not be paid out of any other Fund.

SEC. 3. This Act shall take effect upon its passage.

CHAPTER CCCCXXIX.

An Act supplementary to and amendatory of an Act entitled "An Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California," approved February eighteenth, eighteen hundred and seventy-four.

[Approved March 25, 1874.]

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

SECTION 1. Section two of an Act entitled "An Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California," approved February eighteenth, eighteen hundred and seventy-four, is hereby amended so as to read as follows:

Section 2. Merced School District shall comprise all the territory that may be within Merced School District, as the same shall appear upon the records of the Board of Supervisors of Merced County, on the first day of June, eighteen hundred and seventy-four. Territory.

CHAPTER CCCCXXX.

An Act to amend the special school law of the City of Los Angeles.

[Approved March 25, 1874.]

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

SECTION 1. The public schools of Los Angeles City shall be under the management and control of a Board of Education, to be composed of five members, and that the members of the present Board shall succeed to all the rights, powers, duties, and liabilities of the previous Board. The members of the present Board shall continue in office until the expiration of the terms for which they were respectively elected, and until their successors are elected and qualified. Board of Education.

SEC. 2. At the regular municipal election next before the expiration of the terms of office of the present incumbents, respectively, new members shall be elected to succeed them, who shall hold their office for the terms of two years, and until their successors are elected and qualified. Election.

SEC. 3. All vacancies shall be filled by election by the Common Council, by and with the approval of the Mayor. Vacancies.

SEC. 4. The Board shall, in addition to the powers now conferred by law, have power to draw directly upon the City Common School Fund for the payment of the current expenses of the public schools of this city. They also shall have power, Additional powers.

in their discretion, to appoint a City Superintendent of the Public Schools in said city, from among the teachers thereof, to whom they may delegate such of their powers and duties as they shall deem proper; and they shall also have power to elect, from their number, a President and Secretary.

Construction.

SEC. 5. Nothing in this Act shall be construed so as to repeal any of the provisions of an Act entitled "An Act creating a Board of Education" for the City of Los Angeles, and authorizing the Common Council of said city to issue bonds for a Special School Building Fund, passed and approved February, eighteen hundred and seventy-two, not in conflict with this Act, but all such provisions shall be and are hereby continued in force.

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

CHAPTER CCCCXXXI.

An Act to authorize the State Controller to issue a duplicate warrant.

[Approved March 25, 1874.]

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

Duplicate warrant.

SECTION 1. The State Controller is hereby directed to draw a duplicate of the warrant, number three thousand nine hundred and twenty, issued to M. R. Rose, dated January twenty-second, eighteen hundred and seventy, for forty-eight dollars and fifty-six cents, payable out of the State Capitol Fund, and to deliver said duplicate warrant to Friend & Terry, the owners of the original, alleged to have been lost.

Bond of indemnity.

SEC 2. Before receiving said duplicate warrant, said Friend & Terry shall file with the Controller a good and sufficient bond indemnity, to be approved by the Controller, which bond shall be in the penal sum of one hundred dollars.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCXXXII.

An Act supplemental to and amendatory of an Act entitled an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite Grant, approved February seventeenth, eighteen hundred and seventy-four.

[Approved March 25, 1874.]

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

Time extended, if.

SECTION 1. In case the Yosemite Turnpike Road Company, mentioned in the Act to which this Act is supplemental, or its assigns, shall be prevented from complying with the stipulations and requirements specified in section three of said Act, by reason of any action or legal proceedings, and such action or legal proceedings shall terminate in favor of said company, or its assigns, then the time specified in said Act within which said company, or its assigns, are required to build the single wagon road track, therein mentioned, is hereby extended to one year from and after the termination of said action or proceedings; and the time within which the turnpike wagon road, therein provided for, is thereby required to be built, is hereby extended to two years from the termination of said action or legal proceedings.

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

CHAPTER CCCCXXXIII.

An Act to authorize and empower the Board of Supervisors of the County of Trinity to fix the rate of tolls to be charged on certain wagon roads.

[Approved March 25, 1874.]

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

To fix tolls.

SECTION 1. The Board of Supervisors of the County of Trinity, is hereby authorized and empowered, at the regular May term in each year, by ordinance, to fix the rate of tolls which may be charged for the transportation of freights and passengers over the roads and bridges belonging to the Weaverville and Shasta Wagon Road Company, known as the Weaverville and Shasta Wagon Road, and the Lewiston Turnpike Company, known as the Lewiston Turnpike; but in fixing said tolls, the Board shall be governed by the provisions of section five hundred and fourteen of the Civil Code of the State of California; it being the purpose of this Act to exclude the toll roads hereinbefore named, from the exemption embraced in said section of the Civil Code.

CHAPTER CCCCXXXIV.

An Act authorizing the Trustees of Santa Barbara School District, of the County of Santa Barbara, to issue bonds of the said district, for school purposes.

[Approved March 25, 1874.]

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

Bond election.

SECTION 1. The School Trustees of Santa Barbara School District, of the Town and County of Santa Barbara, are hereby authorized to call an election, to be held on the eighteenth day of April, A. D. eighteen hundred and seventy-four, at which election the question shall be submitted to the qualified electors of the said Santa Barbara School District, whether or not the said School Trustees shall be authorized to issue the bonds of the said district, for a sum not to exceed twenty thousand dollars.

Ballots.

SEC. 2. Said election shall be held in the manner provided in the California School Law for elections called to vote a district tax, and on the ballots used at such election shall be printed or written the words: "For the bonds," or "Against the bonds."

Bonds.

SEC. 3. If a majority of all the votes cast at such election be in favor of issuing the bonds, the Trustees of said school district shall, without unnecessary delay, proceed to issue such bonds, or such portion thereof, as the necessities of the district may require; said bonds to be made payable in gold coin of the United States, in the time and manner hereinafter provided, and to bear interest at the rate of ten per cent per annum, payable in gold coin, at the office of the Treasurer of the County of Santa Barbara.

Same.

SEC. 4. The said bonds shall be of the denomination of one thousand dollars each, with coupons for interest attached, and shall be signed by the Chairman of the Board of School Trustees and by the Superintendent of Public Schools of said county, and by the County Auditor of said county, and shall be authenticated by the seal of the said County Auditor, and shall purport that the said school district owes to the holders thereof the sum of one thousand dollars in gold coin, bearing interest as aforesaid, and payable as hereinafter provided.

Sale.

SEC. 5. The said bonds shall be sold by the said School Trustees to the person or persons offering the highest price therefor; *provided*, said bids shall not be less than ninety per cent of the par value of said bonds; and for this purpose it shall be the duty of said School Trustees to advertise the same for sale, by publishing the notice of such sale for at least four weeks, in some newspaper printed and published in the City and County of San Francisco, and in all the newspapers printed and published in the County of Santa Barbara, inviting proposals for the purchase thereof; and the purchaser whose bid shall be accepted, shall pay into the County Treasury of the said County of Santa Barbara the amount bid by him, and

shall be entitled to receive from the Treasurer of said county the bonds so purchased, and the proceeds thereof shall constitute a special Fund for said district.

Tax and collection.

SEC. 6. It shall be the duty of the Clerk of the Common Council of the City of Santa Barbara, to notify the Board of School Trustees immediately, upon the completion of the equalization of each annual assessment roll of said city, of the amount of said assessment. Whereupon the said Board of School Trustees shall proceed to levy such a per cent of taxation upon such assessed valuation of all the property of said city as shall produce a sum sufficient to pay off annually one thousand dollars of the principal of said bonds, together with the interest on the bonds still outstanding, and the expense of collecting; and shall notify the Clerk of the Common Council of said city of the rate per cent of tax thus levied. The said Clerk shall then add the rate thus levied by the Board of School Trustees to the rate levied by the Common Council for city purposes, and it shall be collected by the Tax Collector of said city at the same time and in the same manner as the city taxes are collected; and said Collector shall pay the amount of school tax thus collected into the County Treasury of said county as an Interest and Sinking Fund, subject to the order of the School Trustees. The Collector shall receive, as compensation for his services, the same percentum as he may be allowed by the Common Council for collecting city taxes, and shall be responsible on his official bond for the faithful performance of this duty.

Redemption.

SEC. 7. Whenever the money thus collected and deposited in the County Treasury shall amount to the sum of one thousand dollars, over and above a sufficient amount to pay the interest on the outstanding bonds, it shall be the duty of the County Treasurer to advertise for the surrender of one of said bonds, and in case of his receiving any bids, shall pay the money to the lowest bidder; *provided*, that no bid that is above the par value of said bond shall be received; and he shall receive and cancel the bond thus offered. In case no bids are received, the bonds shall be surrendered in the order in which they are numbered, Number One being first redeemable; and it shall be the duty of the County Treasury to deposit the money therefor in the bank where the same is made payable, and upon such deposit being made, such bond shall cease to bear interest.

Use of moneys.

SEC. 8. The said School Trustees are hereby authorized and empowered to use the money arising from the sale of said bonds for the purpose of purchasing such lots and erecting such additional school buildings as the necessities of the district may require; for the enlargement of the present school building; for grading and improving the lot on which the same is situated; for the purchase of land adjoining the same, if deemed necessary for the convenience of the school; and for such other purposes as shall seem proper for carrying on the schools of said district, in the discretion of said School Trustees.

Boundaries

SEC. 9. The boundaries of said Santa Barbara School District shall correspond to the boundaries of the City of Santa Barbara, as they are now or may hereafter be established by law.

SEC. 10. This Act shall take effect from the day of its passage.

CHAPTER CCCCXXXV.

An Act in relation to the county officers of Santa Clara County, their fees and salaries.

[Approved March 25, 1874.]

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

Ex officio.

SECTION 1. The County Treasurer of the County of Santa Clara shall be ex officio County Tax Collector for said county, and shall perform the duties required by law of County Tax Collectors; the County Recorder of said county shall be ex officio County Auditor, and shall perform the duties required by law of County Auditors; and the Coroner of Santa Clara County shall be ex officio Public Administrator of said county, and shall perform the duties required by law of Public Administrators.

Salaries.

SEC. 2. The county officers of the County of Santa Clara, in this section named, shall severally receive, as compensation for their services, the respective salaries by this section provided, to wit: the County Judge, an annual salary of three thousand dollars; the County Clerk, an annual salary of two thousand five hundred dollars; the County Recorder, as County Recorder and ex officio County Auditor, an annual salary of two thousand five hundred dollars; the Sheriff, an annual salary of four thousand dollars; the County Treasurer, as County Treasurer and ex officio County Tax Collector, an annual salary of three thousand dollars; the District Attorney, an annual salary of five hundred dollars; the Superintendent of Schools, an annual salary of one thousand dollars; each member of the Board of Supervisors of said county, an annual salary of six hundred dollars.

Fees.

SEC. 3. The County Surveyor, the Coroner, and the Coroner as ex officio Public Administrator of said county, shall severally receive, as compensation for the duties of said respective officers, the fees now provided by law.

Assessor.

SEC. 4. The County Assessor of said county shall receive, as compensation for his services, the sum of six dollars per day, for the time actually employed in the discharge of the duties of his office, not exceeding in the whole the sum of one thousand five hundred dollars per annum.

Sheriff.

SEC. 5. The Sheriff of the County of Santa Clara shall, in addition to the salary provided by section two of this Act,

receive for his own use the mileage paid by the State for the transportation of convicts and insane persons, and all rewards paid him for the apprehension, arrest, or conviction of criminals.

Treasurer. SEC. 6. The County Treasurer of said county shall receive, in addition to the salary prescribed by section two of this Act, the mileage paid by the State to County Treasurers in making settlements with the State Treasurer.

District Attorney. SEC. 7. The District Attorney of said county shall receive, in addition to the salary provided by section two of this Act, the following fees, to wit: in criminal cases, for each conviction of felony, where the punishment is death, twenty-five dollars; for each conviction of felony, where the punishment is imprisonment, twelve dollars. The foregoing fees in this section mentioned, shall be paid out of the County Treasury. For each conviction of a misdemeanor, eight dollars, which shall be payable out of the fines collected, and if no fine is collected, it shall become a county charge, and be paid out of the County Treasury; all fees allowed by law by the Acts prohibiting gaming, lotteries, and like schemes, payable out of the fines imposed, which fees shall in no event be paid by the county, nor become a charge against the county. In civil cases, for all collections on bonds, undertakings, or recognizances, and for all collections by action for the county or for the State and county, other than taxes, eight per cent of the amount actually collected and actually paid to the custodian of the Fund collected; said percent shall not exceed the sum of five hundred dollars in any one case. For the collection of delinquent taxes, ten per cent on the amount due for taxes, if paid before judgment, and fifteen per cent if paid after judgment, which amount shall be added to the taxes, and be paid by the party charged. In no event shall said percentage for the collection of taxes be paid by the county, nor become a county charge. In civil actions to which the county is a party, other than for the collection of money, such reasonable compensation as the Board of Supervisors may prescribe, not exceeding five hundred dollars in any one case. The fees and compensation provided by this section, added to the salary provided by section three of this Act, shall not exceed the sum of four thousand dollars for any one year. All excess over that amount, shall be paid by said District Attorney into the Salary Fund of said county, or such excess may be withheld by the Board of Supervisors, either from his salary or from fees chargeable against the county.

How paid. SEC. 8. The salaries provided by section two of this Act shall be paid monthly, and the County Auditor shall, at the end of each month, draw his warrant on the County Treasurer for one twelfth of the respective salaries named, in favor of the respective officers named in said section, and the County Treasurer shall pay the same out of the Fund hereinafter named.

Salary Fund. SEC. 9. The fees, percentage, and charges now established by law for the performance of any act or duty by any of the following named officers of said county, to wit: the County Clerk, the County Recorder, the County Recorder as ex officio County Auditor, the Sheriff in civil actions, the County Assessor, the County Treasurer, and County Treasurer as ex

Same. officio County Tax Collector, for all services rendered, except services rendered for or now payable by said county, shall continue and remain the established fees, percentage, and charges for such act or duty; and the laws now in force, so far as the same now fix and establish such percentage, fees, and charges, and as in this section limited, are hereby continued in force, and the respective officers in this section named are hereby required to severally collect from the persons charged with the payment thereof, said fees, percentage, and charges for such act or duty performed or to be performed; and they shall severally pay the same, excepting the fees named in sections five and six of this Act, into the County Treasury of said county, and the sum shall thereafter constitute the Salary Fund of said county.

Payment and statement. SEC. 10. All fees to be collected by the officers as provided by section nine of this Act, except those chargeable against the county, shall be payable and collected in advance, in gold coin, by said officers; and each of the officers named in section nine of this Act shall pay the said fees collected on the first Monday of each month into the County Treasury; such payment shall be accompanied with a verified and itemized statement, in duplicate, made by such officers, excepting the Treasurer, and delivered to said Treasurer, showing the amount of services performed by such officer for which fees are chargeable, and the amount of money collected; one of said duplicate statements shall be filed by said Treasurer with the Board of Supervisors of said county; a like statement shall be made by the Treasurer and shall be filed with the Board of Supervisors.

Salary Funds. SEC. 11. The receipts and incomes of the following officers, to wit: the Sheriffs, the County Assessors, the County Treasurers, and the other moneys required by this Act to be paid into the County Treasury, except the Funds hereinafter in this section named, shall constitute the Fund out of which the salaries and compensation of the officers named in this Act and their deputies, except the County Clerk, County Recorder, and their deputies, shall be paid, and if said Fund is insufficient for that purpose the deficiencies shall be paid out of the Current Expense Fund of said county. The income of the County Clerk's office paid into the County Treasury shall constitute the special Fund for the payment of the salaries of the County Clerk and his deputies, and the income of the County Recorder's office and Auditor's office jointly, paid into the County Treasurer's office, shall constitute the special Fund for the payment of the salaries of the County Recorder and his deputies; and if said Funds be insufficient for that purpose the deficiencies shall be deducted from the salary of said County Clerk and County Recorder respectively, and from the salaries of their respective deputies, pro rata. If any balance shall remain in any of said Funds on the first Monday of March of each year, such balance shall be transferred by the County Treasurer to the General Fund of said county.

Deputies, and salaries. SEC. 12. The Board of Supervisors of said county shall prescribe the number of deputies or employés that each principal officer in this Act named shall employ, which number may be changed from time to time. The salaries of such deputies shall be paid as provided by section eleven of this Act, and shall not

exceed the following amounts, to wit: the principal Deputy Clerk, Deputy Recorder, and Deputy Treasurer, each the sum of one hundred and twenty-five dollars per month, and each additional deputy one hundred dollars per month, Under Sheriffs and Deputy Sheriffs each one hundred and twenty-five dollars per month, Bailiff of Courts not exceeding two dollars and fifty cents per day, Deputy Assessors not exceeding four dollars per day, for the time actually employed in the discharge of the duties of the office.

In full.

SEC. 13. The salaries and compensation in this Act prescribed, shall be in full for all services required by law of any officer in this Act named, both ex officio and otherwise.

Statement before pay.

SEC. 14. No fees or compensation shall be paid to the Assessor, Deputy Assessor, District Attorney (excepting his salary), Surveyor, Coroner, or Bailiff of Court, unless said officers, and said deputies, shall severally file with the Board of Supervisors a verified and itemized statement of services rendered for which the compensation is claimed.

Fuel, lights, etc.

SEC. 15. The Board of Supervisors of said county, shall furnish to the various officers in this Act named, the necessary stationery, fuel, and light, for their respective offices, and shall from time to time examine the books, incomes, and business of said officers.

Increase of bonds.

SEC. 16. The Board of Supervisors of said county are hereby authorized to adjust and increase the amount of penalty of the official bonds of the County Treasurer, the County Recorder, and the Coroner, so as to secure the faithful discharge of the duties to be performed by said several officers ex officio, as provided by section one of this Act.

Jail.

SEC. 17. The Board of Supervisors of said county shall have the full financial management of the County Jail of said county, and shall prescribe the number and compensation of the employés therein. Such management shall not prevent the control of the prisoners confined therein now exercised by the Sheriff of said county, and shall not take from said Sheriff the appointment of said employés.

Misdemeanor.

SEC. 18. If any principal officer named in this Act shall demand or receive, by gift or donation, from any deputy in his employ, any portion of the salary of such deputy, such principal shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding three hundred dollars, or by imprisonment not exceeding six months, or by both fine and imprisonment.

Same.

SEC. 19. If any officer in this Act named shall retain or convert to his own use any of the moneys required by this Act to be paid into the County Treasury of said county, such officer shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars and by imprisonment not exceeding six months; and, upon such conviction, the office of the officer convicted shall be vacant, and the Board of Supervisors of said county shall fill such vacancy as in cases of other vacancies. Such conviction shall not prevent recoveries against such officer in civil actions.

No other pay.

SEC. 20. No other compensation shall be allowed or paid to any officer in this Act named, for official duty, except as in this Act provided.

Board of Supervisors

SEC. 21. The Board of Supervisors of the County of Santa Clara shall consist of five members, and each member shall be a resident and an elector of the district he represents. There shall be no Supervisor elected in said county until the number of Supervisors is decreased to five, by the expiration of the terms of two of the present Board; when the number shall be so diminished, the Board shall redistrict the county into five Supervisor districts, which districts shall be as nearly equal in population as practicable. The Supervisors shall thereafter be classified and elected in the same manner as is now provided by law, the object of this section being to reduce the number of Supervisors and Supervisor districts, without further interfering with the powers or duties of the Board.

Application.

SEC. 22. This Act shall not affect the fees or salaries of the officers now elected in said county, but shall apply to their successors in office.

SEC. 23. All Acts and parts of Acts, in conflict with the provisions of this Act, are hereby repealed.

SEC. 24. This Act shall be in force from and after its passage.

CHAPTER CCCCXXXVI.

An Act to establish and define the powers and duties of the Board of Education of Nevada School District, in the County of Nevada, the said district including Nevada City.

[Approved March 25, 1874.]

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

Board of Education.

SECTION 1. There shall be a Board of Education for Nevada School District, including Nevada City, which shall consist of seven School Directors, who shall be elected from the qualified electors of said district, on the last Saturday of April, eighteen hundred and seventy-four, in the same manner provided by law for the election of School Trustees of the public schools of the State of California. The Directors shall hold their office for the term of three years from the last Saturday in May next succeeding their election, except those elected at the first election, who at their first meeting shall so classify themselves by lot that two Directors shall go out of office at the expiration of one year, two at the expiration of two years, and three Directors at the expiration of three years; and thereafter there shall be two Directors of said Board elected on the last Saturday of April, eighteen hundred and seventy-five, and two on the last Saturday of April, eighteen hundred and seventy-six, and three Directors on the last Saturday of April, eighteen hundred and

seventy-seven, and thereafter in the same order; and should vacancies happen, by resignation or otherwise, of the Directors so elected, the County Superintendent of Nevada County shall have power to appoint a Director to fill said vacancy for the unexpired term of office.

Clerk. SEC. 2. The Board of Education shall also elect one of the Directors Clerk of the Board, who shall faithfully keep a record of the proceedings of said Board, and perform all the duties, and be intrusted with all the powers conferred on the Clerk of Boards of Trustees of the public schools by law, referred to in the next section.

Powers and duties. SEC. 3. The said Board of Education shall perform such duties and have all the powers conferred on Boards of Trustees of school districts and Boards of Education in cities, as provided in the Political Code of California concerning public schools, viz: Chapter Three, Title Three, of Part Three of said Code. The said Board of Education shall also have power to establish and maintain public schools in said district; to employ and dismiss teachers, janitors, and school census marshals, and to fix, alter, and allow their salaries or compensation, and to order the same paid; 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 the laws in said Chapter regulating education.

Sole powers. SEC. 4. The Board of Education shall have sole power to make, establish, and enforce all necessary and proper rules and regulations, not contrary to law, for the government, and to establish and regulate the grade of schools; to provide for the school department of said district fuel, light, water, blanks, blank books, printing, and stationery; insure the property against loss by fire, and to incur and defray such other incidental expenses as may be deemed by said Board necessary for the purposes of education.

Meeting and organization. SEC. 5. The Board of Education shall meet at the Washington School House, in said district, on the last Saturday in May, eighteen hundred and seventy-four, and qualify by taking the oath of office, as provided by law in section nine hundred and four of the Political Code; shall elect one of their members President, and thereafter shall hold monthly meetings of said Board, and at other times and at such places as the said Board may determine. A majority of the Board, viz: four Directors or more, shall constitute a quorum when present at each meeting for the transaction of business. And at all meetings of the said Board, there being a quorum present, a majority of the Directors so present shall have the power to act.

Abolished. SEC. 6. The Board of Trustees and the office of School Trustees shall be abolished in said district from and after the time the said Board of Education qualify as aforesaid.

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

CHAPTER CCCCXXXVII.

An Act to quiet the title to certain salt marsh and tide lands in Contra Costa County.

[Approved March 25, 1874.]

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

Sales confirmed.

SECTION 1. All sales of salt marsh and tide lands lying in the County of Contra Costa within the line of jurisdiction of the Board of Tide Land Commissioners, as constituted under and by virtue 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, one thousand eight hundred and sixty eight, and an Act supplementary to and amendatory thereof, approved March first, one thousand eight hundred and seventy, which have heretofore been made by the State to purchasers in good faith, and the full consideration therefor paid, and for which patents have been issued in due form by the State or its officers, are hereby confirmed, and the said patents shall have the effect to convey to the patentees severally, all the right, title, and interest of the State to the lands described in said patents.

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

CHAPTER CCCCXXXVIII.

[See volume of Amendments to the Codes.]

CHAPTER CCCCXXXIX.

An Act relating to officers and fees of office in San Diego, San Bernardino, and Los Angeles Counties.

[Approved March 26, 1874.]

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

Fee books.

SECTION 1. Each and every of the county officers of the Counties of San Diego, San Bernardino, and Los Angeles, shall keep a book, to be known as a Fee Book, in which shall be kept a legible and accurate record of all fees, percentages, or commissions collected by him, or which he may legally charge

or collect. The record shall specify the amount of each fee, commission, or percentage, and the case in which it is receivable or chargeable. The fee book shall be open to inspection by the public at all times during office hours.

Quarterly reports.

SEC. 2. Each county officer shall make a quarterly report in writing, verified by his oath, to the Board of Supervisors, which report shall contain in detail a complete and accurate statement of all fees, percentages, or commissions received by him for the three months included in and preceding the report, and separately and in detail all fees, percentages, or commissions remaining unpaid, but which are legally chargeable by him in his official capacity. A failure to keep the fee book or to make the reports herein provided for, shall be deemed a misdemeanor, punishable by a fine not less than one hundred nor more than five hundred dollars, or by imprisonment in the County Jail not less than thirty nor more than ninety days, or by both fine and imprisonment, at the discretion of the Court. All fines collected under the provisions of this Act shall be paid into the School Funds of the counties mentioned in this Act, in which the official convicted of misdemeanor shall reside and hold office.

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

CHAPTER CCCCXL.

An Act to provide for the payment of certain road indebtedness of Tuolumne County.

[Approved March 26, 1874.]

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

Audit and allow claims.

SECTION 1. The Board of Supervisors of Tuolumne County are hereby authorized to audit and allow the claim of Thomas Simmons, for fifty dollars, the claim of H. F. Roseler, for fifty-seven dollars and fifty cents, the claim of Henry Smith, for twenty-seven dollars and fifty cents, the claim of Daniel McCormick, for fifty-four dollars and fifty cents, the claim of Bernard McGill, for sixty dollars, the claim of Hughes & Kearney, for thirty dollars and fifty cents, the claim of John O'Connor, for fifty-nine dollars and seventy-three cents, the claim of J. B. Carter, for seventeen dollars, the claim of Donald McLean, for fifteen dollars, and the claim of M. Murphy, for five dollars, the said several claims being for labor done on and materials furnished for the public roads in said county, in the year A. D. eighteen hundred and sixty-seven; and said claims, properly verified, shall be valid and binding in law, notwithstanding said parties failed to present them, properly verified, to the Board

Same. of Supervisors of said county, within the time provided in an Act of the Legislature approved March twelfth, eighteen hundred and seventy, entitled "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," and said claims, when audited and allowed, shall be paid out of County Road Fund of said county; *provided*, that said claims shall be accompanied by sworn affidavits as to the time when and place where the labor was performed, and as to whom said material was furnished.

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

CHAPTER CCCCXLI.

An Act fixing the salaries of certain officers of San Luis Obispo, Santa Barbara, and Ventura Counties.

[Approved March 26, 1874.]

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

Salaries. SECTION 1. The annual salaries of the County Judges of San Luis Obispo, Santa Barbara, and Ventura Counties, shall be as follows: of San Luis Obispo County, two thousand dollars; of Santa Barbara County, two thousand dollars, and of Ventura County, twelve hundred dollars.

Same. SEC. 2. The annual salaries of the County Treasurer of said counties shall be as follows: of San Luis Obispo County, eighteen hundred dollars; of Santa Barbara, eighteen hundred dollars, and of Ventura County, eight hundred dollars.

Same. SEC. 3. The annual salaries of Superintendent of Public Schools and District Attorney of Ventura County, shall be as follows: of Superintendent of Public Schools, six hundred dollars; of District Attorney, eight hundred dollars.

To take effect. SEC. 4. This Act shall in no manner affect the present incumbents of said offices, but the same shall take effect and be in force from and after the expiration of the respective official terms of said incumbents only.

SEC. 5. All laws in conflict with the provisions of this Act, so far as they refer to said counties, are repealed.

CHAPTER CCCCXLII.

An Act for the protection of buoys and beacons.

[Approved March 26, 1874.]

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

Damages to buoys and beacons.

SECTION 1. Any person or persons who shall moor any vessel or boat of any kind, or any raft or scow, to any buoy or beacon placed in the waters of California by authority of the United States Lighthouse Board, or shall in any manner hang on to the same, with any vessel, boat, raft, or scow, or shall willfully remove, damage, or destroy any such buoy or beacon, or any part of the same, or shall cut down, remove, damage, or destroy any beacon or beacons erected on land in this State by the authority aforesaid, shall, for every such offense, be deemed guilty of a misdemeanor, and upon conviction thereof before any Court of competent jurisdiction, be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months; one third of the fine in such case to be paid to the informer, and two thirds thereof to the Lighthouse Board, to be used in repairing said buoys and beacons.

SEC. 2. The cost of repairing or replacing any such buoy or beacon which may have been misplaced, damaged, or destroyed by any vessel, boat, raft, or scow being made fast to the same, shall, when said cost shall have been legally ascertained, be a lien upon such vessel, boat, raft, or scow, and recovered against the same, and the owner or owners thereof, in an action of debt, in any Court of competent jurisdiction in this State.

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

CHAPTER CCCCXLIII.

An Act to aid in the improvement of the lands of the State Agricultural Society.

[Approved March 26, 1874.]

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 is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to defray the expense of erecting a new Grand Stand upon the lands of the State Agricultural Society; and the Controller of State is hereby directed and authorized to draw his warrant in favor of said society, upon

the requisition of the President and Secretary of the same, for said sum of fifteen thousand dollars, and the Treasurer of State is hereby authorized and directed to pay the same.

When drawn.

SEC. 2. The work of erecting said Grand Stand shall be done under the direction of the Board of Directors of said State Agricultural Society; and the appropriation provided for in the first section of this Act, shall not be drawn until the said Board of Directors shall certify to the Board of Examiners that the said Grand Stand has been completed and accepted by said Board of Directors. Any and all money remaining unexpended for said stand, out of said appropriation, shall be returned by said Board of Agriculture to the State Treasurer at the time of filing said certificate.

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

CHAPTER CCCCXLIV.

An Act to authorize the Controller of State to issue duplicate warrants.

[Approved March 26, 1874.]

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

Duplicate warrants.

SECTION 1. The Controller of State is hereby authorized and required to issue duplicates to the following described Controller's warrants, alleged to have been destroyed by fire, to wit: Warrant number sixteen hundred and eighty-seven, dated November ninth, eighteen hundred and sixty-nine, drawn on Swamp Land District Fund Number Eighteen, in favor of Jackson Wilcoxson, for the sum of four hundred and two dollars and ninety cents; also, warrant number fourteen hundred and seventy-nine, dated November twenty-third, eighteen hundred and seventy, for the sum of six hundred and thirty seven dollars and seventeen cents, drawn on said Swamp Land District Fund Number Eighteen, in favor of said Jackson Wilcoxson.

Indemnity bond.

SEC. 2. Before drawing said duplicate warrants, the State Controller shall require the party authorized to receive the same, to file in his office a bond of indemnity, running to the State of California, for double the amount of said duplicate warrants; said bond to be signed by at least two sureties, and conditioned against the appearance and presentation for payment of the original warrants, alleged to have been burned. Said bond must be approved by the Attorney General of the State.

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

CHAPTER CCCCXLV.

An Act concerning submarine sites for lighthouses and other aids to navigation on the coast of this State.

[Approved March 26, 1874.]

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

Sites for beacons, etc.

SECTION 1. Whenever the United States desire to acquire title to land belonging to the State, and covered by the navigable waters of the United States, within the limits thereof, for the site of a lighthouse, beacon, or other aid to navigation, and application is made by a duly authorized agent of the United States, describing the site required for one of the purposes aforesaid, then the Governor of the State is authorized and empowered to convey the title to the United States, and to cede to the said United States jurisdiction over the same; *provided*, no single tract shall contain more than ten acres, and that the State shall retain concurrent jurisdiction so far that all process, civil or criminal, issuing under the authority of the State, may be executed by the proper officers thereof, upon any person or persons amenable to the same, within the limits of land so ceded, in like manner and to like effect as if this Act had never been passed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCXLVI.

An Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa.

[Approved March 26, 1874.]

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

Highways.

SECTION 1. All public and private roads and highways heretofore duly established, and now used as such, in the County of Colusa, are hereby declared to be public or private roads and highways, as the case may be; and hereafter, whenever any person or persons intend to procure the establishing of a new road, or the alteration or vacation of the location of the whole or any part of a road already established, application therefor shall be made by petition to the Board of Supervisors, as in this Act provided.

Petition and action thereupon.

SEC. 2. Such petition shall be signed by not less than ten residents and property owners and taxpayers of the road district in which such road is situated, or within which such new

Same. road is proposed to be established, and shall set forth, particularly, the commencement and termination of said road, and a general description of the road; and if the petition be for a new road, the petition shall also specify, generally, the intermediate points through or over which it is proposed to locate said road; and if the petition be for the alteration of any road, the petition shall specify particularly the nature, extent, and character of such alteration, and also the particular locality where such alteration is proposed to be made. Such petition shall be filed with the Clerk of the Board of Supervisors of the county, and it shall ask for the appointment of Viewers to run said proposed road, alteration, or vacation, and the final establishment and confirmation thereof. Upon filing said petition, notice shall be given by the petitioners thereof, and of their intention to make application to the Board of Supervisors for the establishment of a new road, or the alteration or vacation of a road, as the case may be. Such notice shall specify that a petition has been filed, and also the objects of the petitioners; also, a description of the road proposed to be located, altered, or vacated, as the case may be, as in this Act provided, and as stated in the petition; also, the time when such petition will be presented to the Board of Supervisors, which shall be a regular meeting of the Board; such notice shall be posted in three public places in the road district, and in the vicinity where such new road is proposed to be located, or where such alteration is proposed to be made, or upon such road proposed to be vacated, and a copy thereof shall be posted on the Court House door. Such notice shall be posted at least thirty days prior to the time of hearing of the petition, as in the next section provided, and a copy of such notice shall also be served at least ten days before the time designated in the notice when the petition will be presented to the Board of Supervisors, upon each and every person owning land, being in the possession, claiming to be the owner of any land over and upon which it shall be proposed to locate said new road, or at the place where said alteration shall be proposed to be made, unless such owners or claimants shall have signed the petition for the location or alteration of such road, in which case, as to such persons, no further notice shall be required; *provided*, that if any such owners be unknown to the petitioners, or cannot be found, a copy of such notice shall be published in a weekly newspaper printed and published within the county, for three weeks previous to the time designated in the notice for the hearing. The last publication of such notice shall be made at least five days before the hearing; *and, provided further*, that when the owner or claimant of land, over which such road shall be proposed to be located, is a minor, idiot, or insane person, notice given, as in this Act provided, to the legal guardian of such minor, idiot, or insane person, shall be sufficient.

Hearing. SEC. 3. On the day designated in the notice the Board of Supervisors may proceed to a hearing of the petition, or may postpone the hearing to another day, at the same or another regular meeting; and, upon the hearing of such petition, the Board of Supervisors shall first ascertain and determine that notice has been given, by posting and serving of notice, as in

this Act provided, and shall require proof thereof by affidavit of the person or persons posting or serving such notices, or of the publication thereof. Said affidavit or affidavits shall be filed with the Clerk; and, if it appear to the satisfaction of the Board that notice shall have been duly given, and service made as in this Act provided, the Board shall proceed to consider the said petition and the proofs and allegations of the petitioners, and also the objections, and generally the objects sought to be obtained by the petitioners; and if the Board shall deem the proposed location of a new road, with alterations or vacations of an old road, as the case may be stated in the petition, expedient, advisable, or beneficial to the whole or a large portion of the citizens and residents of the county, or of the road district in which said new road is proposed to be located, or in which such alteration or vacation is proposed to be made; or if the petitioners shall execute and file a bond, as in this Act provided, to save the county harmless from costs, the Board shall appoint three competent and disinterested persons, one of whom shall be a practical surveyor, to view and survey such proposed new road, or such proposed alteration of an old road, and shall designate a time at which such Viewers shall report to the Board their actions as such Viewers; and the Board of Supervisors shall call [cause] such Viewers to be personally notified of their appointment at least twenty days prior to the time when they shall be required to report, by service upon each one, of a copy of the order appointing them. The said Viewers shall appoint a time at which they shall meet for the purpose [of] surveying and locating such road. They shall be furnished with the original petition for the location or alteration of such road, together with any and all written objections thereto. if any, that are filed, and shall proceed to survey and locate such road in accordance with the petition, as near as practicable; and shall, on or before the day designated by the Board of Supervisors in the order appointing them, make and file with the Clerk of the Board of Supervisors their written report, on or before the day mentioned in the order appointing them; and they shall make oath, before some officer competent to administer oaths and affirmations, that they have faithfully and impartially, and according to their best judgment and convictions, discharged all the duties devolved upon them, under their appointments as Viewers of the road mentioned in their report, and that such report contains a correct survey of the road and plat thereof, according to their best information and belief. Such oath shall be indorsed on the report and subscribed by them. The said Viewers shall view and locate such road or such alteration, as nearly as practicable, in accordance with the route designated in the petition, and in their report they shall state whether in their opinion such location or alteration is required for public convenience, and they shall take into consideration public as well as private interests; they shall notify the occupants of lands over and upon which such road shall be located, of such location, at the time of such survey. The Viewers shall, with their report, file a map of the survey and location of such proposed new road, or of such alteration of an old road, designating in such map, in case of a

Viewers and duties.

Report.

Same. proposed alteration of an old road, the old road, and also the proposed change; and they shall also designate upon their maps in the location of a new road, and also in their report, the land owned and occupied or possessed by any and all persons over and upon which such road shall have been located, and mark upon said maps as near as they can the boundaries, also the point where such road crosses such boundary line. The Viewers shall also in their report specify the length of said proposed new road, or the nature or extent of the proposed alteration, and also the general character of ground over which it is proposed said road should be located, and the character and probable cost of any bridges, culverts, or embankments required to put such road in good condition for travel, together with an estimate of the amount of damage which the location of said road would occasion to any of the owners of the land over and upon which such road shall be located.

Bonds for costs. SEC. 4. In all cases upon filing a petition for the location or alteration of a road, the Board of Supervisors shall, before appointing Viewers to locate such road, require the petitioners, or some one in their behalf, to enter into bonds with sufficient surety to be approved by the Board, and in such sums as the Board of Supervisors may determine, which bond shall be conditioned that the petitioners will pay into the County Treasury the amount of all costs and expenses accruing on or in consequence of such application, in case the road petitioned for shall not be finally located, confirmed, and established, or finally made as prayed for in the petition; and in case such road shall not be finally located and established, or such alteration made by order of the Board of Supervisors, the sureties on the bond mentioned in this section shall become liable for all the costs and expenses which shall have been incurred by the county upon said petition; and upon failure to pay such costs into the County Treasury within three months after such liability shall have accrued, the Board of Supervisors shall cause such bond to be delivered to the District Attorney of the county, whose duty it shall be to prosecute the same for the recovery of such costs and expenses; and the amount, when collected, shall be paid into the County Road Fund.

Application for damages. SEC. 5. Any person or persons owning or claiming land through or upon which it is proposed to locate and establish a public highway, and desiring to claim damages in consequence of such location, shall make application, by petition in writing, to the Board of Supervisors, on or before the first day of a regular meeting of the Board next succeeding the appointment of Viewers, it being after the time of filing the report of the Viewers as in this Act provided, in which petition they shall set forth the particular road, the amount and character of the petitioner's land affected thereby, and generally, all other facts having relation to the subject of damages, and showing why the petitioner would be damaged by the location of such road, according to the survey and report of the Viewers; *provided*, that the legal guardians of minors, idiots, or insane persons shall be authorized and required to take all measures necessary in the premises for the protection of their wards. All persons who fail to make application for damages within the time, and

substantially in the manner specified in this section, shall be deemed to have waived all right to damages, and shall be deemed to have dedicated the lands affected by the proposed location or alteration of such road, to the public use as a highway, and such failure shall forever be a bar to any action for damages in any of the Courts of this State.

Consideration of all matters.

SEC. 6. Upon the day fixed by the Board of Supervisors, after the return of said report, and the hearing thereof, which the Board may from time to time continue, the Board of Supervisors shall proceed to consider all the matters touching the original petition for the location, alteration, or vacation of any road, and all subsequent proceedings had thereon 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 good and convenience require that the proposed location, alteration, or vacation should be established, they shall confirm the report thereon, in whole or in part, as they may deem advisable, as a public highway, either absolutely, in which case the damages awarded and the costs which have accrued shall be paid out of the Road Fund of the district or districts through which said road is proposed to be located, and the Board of Supervisors shall order warrants drawn accordingly; or they may make the establishment conditional upon the payment by the petitioners of all or any part of the damages awarded or the cost 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, or is not of sufficient importance to warrant the action asked for, they may refuse to confirm the report of the Road Viewers, and may discontinue proceedings in the premises, and they shall then direct the District Attorney to collect the expenses which may have accrued during the progress of the proceedings had in the premises upon the bond provided for in section three of this Act. Whenever any public road is established, as contemplated in this Act, it shall be recorded by the Clerk of the Board of Supervisors, in a book to be kept for that purpose, which book shall be called the "Road Record" of the county. 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 Superintendent of Roads of the district within which such 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 the said Superintendent of roads to open such road within thirty days from the reception of such notice, unless for good cause shown the Board of Supervisors may extend the time for opening the same.

Record.

Opening.

Action for damages.

SEC. 7. If any person or persons claiming damages on account of the location or alteration of any road, under the provisions of this Act, who have complied with section five of this Act, shall be dissatisfied with the award of the Road Viewers and Board of Supervisors, as to the amount of damages sustained, and shall refuse to receive the same, such person or

Same. persons shall, within ten days from the time of final hearing, commence an action against the county by name, for such damages, in a Court of competent jurisdiction, which action shall be conducted in like manner as other actions in civil cases in the Courts of justice 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 upon the Clerk of the Board of Supervisors, and said Clerk shall notify, in writing, the Chairman of said Board and 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 on the part of 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 one hundred dollars, with two or more sureties, who shall be residents and house or freeholders of the county, and shall justify that they are each worth, over and above their debts and liabilities, in property exempt from execution, double the sum specified in the bond. The conditions of the bond shall be to the effect that the plaintiff will pay all costs awarded to the county, not exceeding the amount of the bond.

Costs. SEC. 8. If the plaintiff in the action shall fail to recover a greater amount of damages than was awarded by the Board of Supervisors, or than the amount tendered, all the costs in the case shall be taxed against him and in favor of the county; and, if the costs allowed to the county are not paid within thirty days from the time of the entry of the judgment, it shall be the duty of the District Attorney, upon the order of the Board of Supervisors, to proceed upon such bond to recover the same.

In Justice's Court SEC. 9. When the action provided for in this Act is in a Justice's Court, it shall be before some Justice in the township wherein the county seat is located, and if there be no Justice in said township, excepting such as are disqualified to act in the case, then the action shall be transferred to the nearest Justice in an adjoining township, and the county shall have ten days in which to answer, from the time the complaint is served.

When opened. SEC. 10. No road shall be opened, or any alteration thereof made, until all claims for damages shall have been passed upon and determined by the Board of Supervisors, or by the Court, as the case may be, nor until all awards for damages have been paid or tendered; *provided*, that if any person over whose land such road shall pass, shall fail to present his or her claim for damages to the Board of Supervisors, or to file his or her complaint in the proper Court, as prescribed by this Act, within the time prescribed, said person shall be deemed to have dedicated the land over which such roads shall pass, to public use; and such person shall be forever barred from bringing or maintaining any action or proceeding for damages therefor, and the road shall be opened according to the provisions of this Act.

Plaintiff. SEC. 11. In all cases of an application or action for damages, under the provisions of this Act, the claimant shall be deemed the plaintiff, and the county the defendant.

SEC. 12. Any person performing any service under the provisions of this Act, in reference to the view, location, or survey of roads, shall receive as compensation the following per diem each, to wit: Road Surveyor, five dollars; Viewers, three dollars; Assistant Surveyor, two dollars, 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 District Road Fund of the district in which such service was performed. Compensation.

SEC. 13. For the purpose of revenue the county shall be divided into districts, the boundaries of which shall be the same as those of the Supervisors' districts of said county, and numbered as they are; and there is hereby created a Road Fund for each revenue district. Revenue districts.

SEC. 14. It shall be the duty of the Board of Supervisors of said county, at their first meeting in May, eighteen hundred and seventy-four, to divide said revenue districts into suitable road districts, which shall not embrace more than one judicial township each. Said districts shall be numbered from one upward in each revenue district, and the boundaries thereof shall be well defined, running upon the lines of the United States land surveys when practicable; and said Board shall appoint a suitable person, a resident of the road district, as Road Superintendent for each of said road districts, whose term of office shall continue until his successor is elected and qualified; and should any vacancy occur in the office of Road Superintendent in any district, said Board shall fill such vacancy by appointment, as above; and it shall be the duty of the Clerk of the Board of Supervisors to notify the person so appointed of his appointment, and to furnish him with a minute description of the boundaries of his district. New districts may be formed, or the boundaries of districts changed by the Board of Supervisors, at any regular meeting of said Board, upon the petition of ten or more residents, taxpayers of the proposed new district, or of the district affected by the change; and said Board shall appoint a Road Superintendent for such new district so formed, who shall have notice and shall qualify as provided for in this Act. The Clerk of the Board of Supervisors shall notify each Road Superintendent of any changes made by said Board in boundaries of his district, and after the receipt of said notice by him his duties and authority shall extend to and be limited by such changed boundaries. Road districts. Superintendent.

SEC. 15. At the general election for State and county officers, held in September, eighteen hundred and seventy-five, and at every subsequent general election held every two years thereafter, the qualified electors of each road district in the county shall elect a citizen of the district to the office of Road Superintendent, who shall, within ten days after he receives official notice of his election, proceed to qualify and give the bond hereinafter required, and who shall hold said office for two years, and until his successor is elected and qualified. Each Road Superintendent, before entering upon the duties of his office, shall take and subscribe an oath for the faithful performance of his duties, and enter into a bond in the penal sum of five hundred dollars, payable to the people of the State of Election of Superintendent.

California, with two or more sureties; said bond to be approved by the County Judge.

Road taxes

SEC. 16. At the session of the Board of Supervisors for levying State and county taxes, the Board shall levy upon every male inhabitant of the county (except Indians), over twenty-one and under sixty years of age (not exempt by law), a road poll tax of two dollars, and upon all taxable property in the county a tax, for road purposes, of not exceeding more than thirty cents upon each one hundred dollars worth of taxable property, which tax shall be levied and collected as other taxes are levied and collected, and shall, together with the poll tax, be paid into the County Treasury, and apportioned to the County Road Fund, and distributed among the several revenue districts as hereinafter provided. For the purpose of collecting the poll tax herein provided for, the provisions of sections three thousand eight hundred and forty to three thousand eight hundred and sixty, inclusive, and section three thousand eight hundred and sixty-two, of the Political Code, are hereby adopted and made a part of this Act.

Superintendent's duties and powers.

SEC. 17. It shall be the duty of each Road Superintendent to have the care and general supervision of the public roads within his district, to maintain them in as good repair, and to erect such necessary bridges and culverts, as the means at his command will permit. He shall oversee and direct the labor expended upon the roads in his district, and see that plows, scrapers, and other implements are furnished for the road service. He shall have power to call out such number of persons in his district to labor upon the roads as shall be necessary to maintain the same in good repair. He shall give to each person whose labor shall be required, at least three days' notice of the time and place such person shall appear for the purpose of working on the public roads. Such notice shall specify what teams or utensils such person is required to bring for the road service; *provided*, that no person shall be required to bring any team or implement who is not the owner of such, nor shall any one person be compelled to work over five days during any one year; *provided*, that when any bridge, culvert, or levee shall be broken or injured so as to be impassable or dangerous, or when any road from any cause shall be impassable, the Road Superintendent may call out, without giving the three days' notice as aforesaid, a sufficient number of persons living in the vicinity to repair or open such road. For service performed under the provisions of this section by any person to the satisfaction of the Road Superintendent, he shall make out and deliver to such person a receipt for labor done, at the rate of two dollars per day of not less than eight hours, together with such sums as may be justly due for the use of teams and utensils, which shall not exceed the rates ordinarily paid to private parties for like service; and all such receipts shall be presented to the Board of Supervisors, and by them allowed, if correct, and ordered paid by warrants drawn on the Fund of the revenue district in which such service was performed. Such allowed receipts shall be receivable for road taxes, and charged to the district in which the labor was performed; *provided*, that no Superintendent shall have

authority to have a greater amount of labor performed in his district, during any year, than the assessed amount of the road poll tax of his district, without the consent of the Board of Supervisors. Any person notified, as hereinbefore provided, to labor on the public highways, or to furnish teams or utensils, and who shall refuse or neglect to comply with said notice, either in person or by proper substitute, shall be fined five dollars, which fine shall be payable to the Road Superintendent immediately; and if not paid within three days the said Superintendent shall sieze so much of any and every species of personal property claimed or owned by such person liable to and refusing or neglecting to perform such road labor, according to notice, as will be sufficient to pay such fine and costs, such costs not to exceed two dollars, and shall sell the same at any time or place, upon giving a verbal notice one hour previous to such sale. All fines under this Act must be paid into the Fund of the proper revenue district. The Road Superintendent may, with the consent of the Board of Supervisors, make contracts for the purchase of lumber or other material for building bridges or culverts, for grading roads, or any necessary work upon the highways within his district; but no such contract in any case shall be made where the amount to be expended will probably exceed one hundred dollars, without having first given at least fifteen days notice of the proposed letting of such contract, by posting the notice thereof for the period of fifteen days, in three public places in the district, or by publication two successive weeks in some newspaper published in the county, which notice shall set forth the services or the amount of material required, when and where proposals will be received and opened, and where specifications may be examined, also stating what particulars must enter with the proposals. Upon the day set forth in such notice for opening the proposals, all the proposals received in reference to the matter of such notice, shall be opened by the Road Superintendent of the district within which the proposed improvements are located, and the proposal of the lowest responsible bidder shall be received; *provided*, that the Road Superintendent or Supervisors may refuse all the proposals, if he or they deem such action advisable. If any such proposal be received and bid accepted, the Superintendent shall require from the contractor a bond for the faithful performance of the contract, in such sum as the Board of Supervisors may direct, and such contractor shall be liable on such bond for neglect or failure to comply with the terms of his contract. All payments for the fulfillments of any contract for the purposes heretofore specified, shall be made by warrants drawn on the Road Fund of the district in which the contract was performed. In case of the construction or reparation of a bridge crossing a stream which is the boundary of two districts or two counties, the Road Superintendent and Supervisors of the several districts and counties connected by said bridge, shall have and exercise a joint duty and authority over the erection and reparation of said bridge, and the expense thereof shall be equally divided between said districts and counties. Same.

SEC. 18. At the regular meeting of the Board of Supervisors, each Road Superintendent shall prepare a statement of the

Report. amount of road labor performed in his district, and by whom performed, and the amount paid in cash, and by whom paid, the amount paid for utensils and materials, and to whom paid, the amount paid upon contract and to whom and for what paid, and a specific statement of his official acts pertaining to his district. The Superintendent shall include in his report to the Supervisors a statement of the condition of the roads in his district, also an estimate of the probable cost of improvements required and work on the roads, and the number of days or parts of days service performed in the discharge of his official duty; and shall at the end of his term of office account for and deliver to his successor in office all tools and implements of every kind or description belonging to his district, and take a receipt therefor, which receipt shall be filed with the Clerk of the Board of Supervisors; and he shall at the end of the term of his office, or upon vacating his office, account for and pay over to the County Treasurer all moneys remaining in his hands, which same shall be placed to the credit of the Road Fund of the proper revenue districts, all of which particulars shall be verified by his oath. And he shall be allowed in full payment for such services per diem of four dollars for each day's actual service; *provided*, that the whole amount shall not exceed the sum of three hundred dollars per annum, to be paid quarterly out of the Road Fund of his district upon the warrant of the County Auditor. Each Superintendent of Roads shall be liable on his official bond for damages sustained by any person or persons by reason of the willful neglect or refusal of such Superintendent to repair any broken bridge or culvert, or any road which shall become impassable within his district when notified thereof, and he shall be liable on his official bond for any failure, refusal, or neglect to comply with the provisions of this Act.

Assessor's duties. SEC. 19. In order to carry out the provisions of this Act it is hereby made the duty of the Assessor of Colusa County to assess all persons and all property liable to be taxed, as follows:

First—Every person liable to pay a road poll tax shall be assessed in the road district in which such person resides, and the Assessor shall place in a separate column, headed "Road Poll Tax," opposite the names of the party assessed, the figure two.

Second—All property liable to taxation shall be assessed in the revenue districts in which such property is situated, and the Assessor shall make out the assessment roll, using the forms prescribed by law, as follows: He shall, in a separate column, carry out the road poll tax chargeable against every person assessed; also, in another column, headed "Road Tax," the amount of all tax chargeable against each taxable inhabitant for road purposes; and the Assessor shall also, in the same column in which the name of the person taxed is written, opposite or under his name, designate the revenue district in which the taxpayer resides, or in which the property taxed may be situated, by which assessment roll it shall be made to appear that all property and persons liable to be taxed in each revenue road district are assessed in such district. It shall be

the duty of the Auditor, in computing the taxes on the assessment roll, to carry out in a separate money column, the amount of the road tax, and with it the road poll tax, opposite the amount assessed.

Collector and Treasurer.

SEC. 20. It shall be the duty of the Tax Collector to keep a separate account of the road tax of each revenue road district by him collected, and in his settlement with the Treasurer he shall make a statement of the moneys belonging to each revenue road district, and the Treasurer shall keep his books in such a manner as to show how much road tax has been received, how much paid out, and how much is on hand, in each of the revenue road districts; and the Treasurer shall pay all road moneys out upon warrants drawn upon the District Revenue Road Funds, by order of the Board of Supervisors, and in no other manner. The Board of Supervisors shall cause to be printed and distributed to the various Road Superintendents, proper blank receipts for road labor.

Private roads.

SEC. 21. Any person or persons desiring to establish a road for private convenience, and wish it not intended for the benefit of the traveling public generally, may do so by consent of the parties owning the land affected thereby; but such consent, together with a specified 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 specified description, 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 parties interested; *provided*, that the parties for whose benefit such roads are established shall keep them in repair at their own expense, except that they may, by special consent of the Road Superintendent of the district, expend the amount of their poll tax upon such private roads; and for such service they shall receive a certificate from the Road Superintendent, on the same conditions and for the same purposes as provided for labor on public roads. Whenever any person or persons wishing to establish a private road, and, from any cause, are unable to obtain the consent of the parties owning the lands affected thereby, the same measures shall be taken, 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, or such other means of protection, as the petitioner or petitioners may propose to erect; and the final establishment of such private roads shall be conditioned upon erection and keeping in repair of all such gates or safeguards provided for, and the payment of all such costs as may have accrued, or such damages as may have been assessed; and every order establishing a private road shall specify the width of such road, which shall not exceed thirty-three feet.

Ditches, crossings, etc.

SEC. 22. Any person may dig or construct any ditch or passway across any public highway, for purpose of conveying water for mechanical, agricultural, or manufacturing purposes, or passway for stock, or any other useful purpose, but he shall construct across the ditch, in the line of the road, at his own

cost and expense, and keep the same in constant and in good repair, for crossing, good and substantial bridges; *provided*, that the consent of the Road Superintendent and the Board of Supervisors shall first be obtained before such ditch or passway is constructed. Each bridge shall not be less than sixteen feet in width and constructed of good and substantial material.

Obstructions.

SEC. 23. Any person or persons, or body politic or corporate, who shall obstruct any public highway, either by placing any obstruction therein, or by digging and deepening waters of any stream, or in any other manner, shall be liable to a prosecution before any Justice of the Peace in the county; and it shall be the duty of the Road Superintendent of any district wherein such obstruction exists, to prosecute for such offense on behalf of the county; and the person so obstructing shall, on conviction thereof, be punished by a fine not less than ten nor more than fifty dollars, to be collected as other fines; and he shall further be liable at the suit of the Road Superintendent of the district, in the sum of five dollars for each day that such obstruction is allowed to remain after being notified to repair or remedy the same.

Injuries.

SEC. 24. Any person who shall willfully injure or destroy any bridge or other portions of a public highway, in such manner as shall render the same dangerous or impassable, or who shall cut down or injure any living tree planted or preserved as a shade or ornamental tree, either in or upon the borders of any public road, shall be guilty of malicious mischief, and, upon conviction thereof before any Justice of the Peace, shall be punished by a fine of not more than one hundred dollars, or imprisonment in the County Jail for not more than thirty days, or by both fine and imprisonment: and it shall be the duty of the Road Superintendent in any district, to prosecute, in behalf of the county, any persons so offending within his road district. All fines collected under the provisions of this Act shall be paid into the County Treasury, and become part of the revenue Road Fund of the district in which said malicious mischief was committed. It shall be the duty of the District Attorney, when required by a Road Superintendent, or by the Board of Supervisors, to appear for the county in all prosecutions under this Act.

SEC. 25. This Act shall take effect and be in force on and after the first day of May, A. D. eighteen hundred and seventy-four; and all Acts in conflict with this Act, in their application to Colusa County, are hereby repealed.

CHAPTER CCCCXLVII.

An Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government.

[Approved March 26, 1874.]

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

INCORPORATION AND CITY BOUNDARIES.

ARTICLE I.

Body corporate.

SECTION 1. The corporation or body corporate now existing and known as the Mayor and Common Council of the City of Los Angeles, shall, except as hereinafter altered, amended, changed, or enlarged, remain and continue to be, and with such changes, alterations, and enlargements hereby is incorporated as a public corporation, body corporate and politic, by the said name of the Mayor and Common Council of the City of Los Angeles.

Boundaries.

SEC. 2. The boundaries of said city shall be as follows, to wit: Commencing at a point in the County of Los Angeles, State of California, one hundred chains south of and thirty-five chains and seventy links east from the common corner of townships one and two south, and ranges thirteen and fourteen west of San Bernardino meridian, and base line running thence east four hundred and twenty-one (421) chains and thirty six (36) links; thence north, four hundred and forty-one (441) chains, thirty-six (36) links; thence west, four hundred and twenty-one (421) chains, thirty-six (36) links; thence south, four hundred and forty-one (441) chains, thirty-six (36) links, to the place of beginning, said corners being according to the true meridian; said boundaries embracing an area of eighteen thousand five hundred and ninety-seven and one seventh acres of land.

ARTICLE II.

GRANT OF RIGHTS, POWERS, AND SOFORTH.

Rights, powers, etc.

SECTION 1. That there be and hereby is granted to said corporation, to be by it held, used, and enjoyed in absolute ownership, the full, free, and exclusive right to all of the water flowing in the River of Los Angeles at any point from its source or sources to the intersection of said river with the southern boundary of said city; also the right to develop, economize, use, and utilize all waters flowing beneath the surface in the bed of said river at any point or points between the points of termini above given, and for that purpose it is hereby declared that the powers to condemn property outside of the limits of

Same. said city, given by the provisions of section two, Article Two, of this Act, in so far as the same relate to the condemnation of property in water for increasing the water supply of said city, are intended to be given, and to be restricted to such sources of supply and to the rights therein, excepting and reserving from the operation of the aforesaid grant of the water flowing in said river, unless the same be condemned and taken for public use as herein provided, all vested private rights to the water flowing upon the surface or beneath it, in the bed of said river; *and provided*, that said corporation shall not in any manner dispose of, transfer, or convey any portion of said water, or any right to develop or use the same, or any portion thereof, to any corporation, association, individual, or other person who might or would use the same in any way prejudicial to the use thereof for irrigation within the limits of said city, or who might or who would at any time, for any good or valuable consideration, desire to sell, or in any way dispose of to any other person, natural or artificial, any interest therein or right to the use thereof; *and, provided further*, that the zanjas which are within the limits of said city, known as the principal zanja and zanjas number 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. 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 before the Mayor or any Court having jurisdiction thereof, shall be fined in a sum not exceeding one hundred dollars and not less than twenty dollars, for the first offense; and not more than three hundred dollars nor less than fifty dollars for every subsequent offense, or by 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 Watercourses 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 of said city, known as the New Water Fund.

General powers. SEC. 2. Under said corporate name the said corporation is declared to be a public or municipal corporation, and by such name shall have perpetual succession, may make and use a corporate seal, and change and alter the same at pleasure; sue and be sued, plead and be impleaded in any and all Courts of justice, and in all actions, suits, and proceedings whatever; may purchase, hold, and receive property, real and personal, or either, within or without the limits of said city, for any or all of the following purposes, to wit: First—For public buildings, public works, and improvements for public parks, burial grounds, and cemeteries, or either. Second—For the establishment and

maintenance of hospitals and asylums for the care of decrepit and invalid persons, persons afflicted with contagious, loathsome, or other diseases, or either. Third—For the erection and maintenance of jails, workhouses, and houses of correction, or either. Fourth—For the construction, maintenance, and operating of waterworks, dams, reservoirs, ditches, canals, and other means to supply the city and its inhabitants with water for the purpose of domestic use and of irrigation, and to distribute such water either in zanjas, ditches, pipes, or otherwise, into, upon, and over the lands within the limits of said city, or for either of said purposes. Fifth—For the purpose of establishing, constructing, maintaining, and operating of gas works and distributing the same in pipes or otherwise into and throughout said city, or either. Sixth—For the purpose of laying out, opening, extending, widening, or otherwise improving streets, alleys, lanes, sidewalks, and crosswalks within said city. Seventh—For the purpose of laying out, building, and constructing of sewers, drains, and cesspools, or either. Eighth—For any and all other public or municipal objects, as required for the protection, benefit, and convenience of said city and its inhabitants; and for any or all of such purposes and objects in this section enumerated or referred to, the said corporation shall have the right and is hereby empowered to condemn any and all property required to be taken therefor in the manner hereinafter provided. Same.

SEC. 3. The said corporation shall have the further power, and is hereby further authorized, through its officers and agents, and as hereinafter provided, or as is now or may hereafter be prescribed by the ordinances, by-laws, resolutions, rules, and regulations of said city, passed and adopted in pursuance hereof, to assess, levy, and collect each year, upon all property, both real and personal, in said city, and taxable under the laws of this State, taxes and assessments for general municipal purposes, and for such special objects and purposes as is now authorized by law, or by this Act or any subsequent Act of the Legislature may be authorized to be imposed, levied, and collected; *provided*, that such taxes levied for general municipal purposes, exclusive of such special taxes and assessments, shall not exceed for any one year the sum of one dollar and fifty cents on each one hundred dollars worth of property, both real and personal, within said city. Further powers.

SEC. 4. The said corporation, through its officers and agents as hereinafter provided, or may be prescribed, by the ordinances, by-laws, resolutions, orders, rules, and regulations passed and adopted in pursuance hereof, shall have the further power, and is hereby authorized, subject to the restrictions, provisos, and conditions herein contained, to manage and control, to sell, lease, or otherwise, except by mortgage or hypothecation, or as herein provided, dispose of any or all of the property of said corporation, and to appropriate the proceeds, profits, or other income therefrom, to the use and benefit of said corporation. Same.

SEC. 5. The Mayor and Common Council, acting for and on behalf of said corporation, shall have power, and is hereby authorized, by ordinance, to provide for the licensing, regulating, restraining, suppressing, and prohibiting, or either, of any Powers of Mayor and Common Council.

Same. and all hawkers, peddlers, pawnbrokers, dance cellars, melodeons, shows, circuses, billiard tables, bowling and ten-pin alleys, faro banks, gaming with cards, games of chance, gambling houses, tables or stands, bawdy houses, and any and all noxious, immoral, indecent, or disreputable places, businesses, and practices, or either, in said city; also to license the carrying on and conducting of any or all professions, trades, callings, occupations, or other business by any person, natural or artificial, within the corporate limits of said city; to fix the amount of license tax thereon, and to be paid by such persons therefor, at such sums, respectively, as the said Mayor and Common Council shall think equitable and just; and may, in the name and for the benefit of said corporation, enforce in such manner as they shall see proper to prescribe, the payment of such license taxes by suit, either with or without attachment, in the proper Court, under the laws of this State, or by fine and imprisonment, or either, or in such other manner as in said ordinances may be provided; also to provide, by ordinance, for the prevention of vagrancy within said city, and for the punishment, confinement, imprisonment, and employment, or either, of any and all persons having no visible and reputable means of support, or leading idle and dissolute lives.

Same. SEC. 6. The said Mayor and Common Council shall have further power, by ordinance, to create the offices of City Tax Collector, City Surveyor, Superintendent of Streets, Zanjero or Water Overseer, and any other officers, or either, as they may think necessary or required for the more efficient government of said corporation; and may, in such ordinances, provide for the election or appointment of any or all of such officers as they shall deem best, and prescribe their respective powers and duties.

ARTICLE III.

OF OFFICERS AND SOFORTH.

Officers. SECTION 1. The officers of said corporation shall be a Mayor, twelve members of the Common Council, four from each ward in said city, a City Attorney, City Marshal, City Assessor, City Treasurer, and Clerk of the Common Council, and such other officers, the offices of whom may be created by ordinance of the Mayor and Common Council, in pursuance of the authority hereby given. The Mayor, members of the Common Council, the City Attorney, City Marshal, City Assessor, and City Treasurer, and all other officers, when so provided by such ordinance, shall be elected as hereinafter provided. For the purpose of municipal representation the said city is hereby divided into three wards, the boundaries of which, until the redistricting of the city by the Common Council in pursuance of the authority hereinafter given, shall be the same as now established by the ordinances of said city. Members of the Council, representatives from each ward, shall be elected by the qualified electors under this Act, residing in such wards, respectively; all other elective officers, except as herein otherwise authorized, shall be elected by the qualified electors at large residing in said city.

SEC. 2. Should the Mayor and Common Council create any office, and make no special provision for filling the same, or should any office, except that of Assessor, become vacant before the expiration of the term of the incumbent elected or appointed to such office, it shall be the duty of the Mayor and Common Council, unless in the case of any office created by ordinance it shall be otherwise provided, to appoint a suitable person to fill the same for such unexpired term. Should a vacancy occur in the office of City Assessor before the expiration of the term for which the incumbent thereof was elected, it shall be in the discretion of the Common Council to order a special election for the election of a successor, to hold for such unexpired term; or such election, if no necessity for a special election exist, may be postponed until the next regular general municipal election, or until the next regular municipal election. Vacancies.

SEC. 3. The power and authority given to said corporation by this Act, is vested in a Mayor and Common Council, and such other officers, the offices of whom are created by this Act, or may be created in pursuance of its provisions, and may be exercised by them respectively, as herein provided, or as may be prescribed by any ordinance, by-law, resolution, rule, and regulation, or either, enacted, passed, or adopted in pursuance of the terms of this charter, in the same manner, to the same extent, and with the same authority, as if thereunto specially authorized and directed.

SEC. 4. The passage of this Act shall not in any manner affect the term of, or the term by which any of the present officers of said city, whether elected or appointed, hold their respective offices or positions, but all of such officers shall continue to hold and discharge the same for their respective terms, as if this Act had not been passed. Construction.

ARTICLE IV.

RIGHTS, POWERS, AND DUTIES OF THE COMMON COUNCIL.

SECTION 1. The Common Council shall have power, and is hereby authorized for and in behalf of said corporation, by resolution in writing, to be entered upon its minutes, to make regulations to prevent the introduction or the spreading of any loathsome, contagious, or other diseases into the city; to make regulations and provision for the removal of persons affected with any contagious or loathsome disease, to a suitable hospital provided and prepared by the city, or other party, for that purpose; to secure the protection of persons and property within said city, and to provide for the health, cleanliness, ornament, peace, and good order of the city and its inhabitants, or persons residing within its limits; to declare what constitutes a nuisance, and to prevent, remove, or abate any and all nuisances within said city; to provide the city with good and wholesome water, and to that end and for that purpose may exercise, use, enjoy, and carry out, in the name of said corporation, any and all the measures requisite and necessary therefor; power to perform which is given said corporation by the provisions of section two of Article Two of this Act. Also, to provide for Powers of Common Council.

Same. lighting the streets and public buildings belonging to the city with gas, or light from the use of any other material or substance, and to that end and for that purpose may exercise, use, enjoy, and carry out, in the name of said corporation, any and all measures requisite and necessary therefor; power to perform which is given said corporation by the provisions of said section two of Article Two of this Act. Also, to lay out and open public streets within said city, at such time and in such manner as to it shall seem proper, to extend, widen, and improve the same; to lay out and construct sewers, drains, zanjas, water ditches, and canals within said city, or without the limits of said city, when required to conduct the sewerage water flowing into the sewers, to cesspools or other places of deposit thereof, or when required to conduct the water used, or to be used for irrigation, into and upon the lands within the limits of said city, or into reservoirs located within or without such limits; and, to those ends, and for those purposes, or either, to exercise, use, enjoy, and carry out, any and all measures requisite and necessary for said purposes, or either; power to perform which is given said corporation by the provisions of said section two of Article Two of this Act. Also, to provide for and maintain, out of the General Fund of said city, a proper and efficient fire department, and to make and adopt such measures, rules, and regulations for the prevention and extinguishment of fires, and for the preservation of property endangered thereby, as the said Council may think best. Also, to provide a sufficient police force, for service by day and by night, or either, within the limits of said city; may maintain the same out of the General Fund of said city, and may make such rules and regulations for their appointment, government, and control, as the said Council may think best. Also, to provide against the existence of all filth, garbage, and other injurious or inconvenient matter, substances, or things, within or along the zanjas, water ditches, and canals, streets, sidewalks, and crosswalks, private lots, yards, or premises, or either, in said city, and for the removal of such substances and things, or either, therefrom, and may make such rules and regulations, and adopt such measures therefor, as to them may seem best. Also, to provide for, regulate, restrain, or prohibit, the establishment of market houses and places, slaughter houses and butcher shops, or either; and may make such rules and regulations for the management and control of such places as to it may seem best. Also, to redistrict and redivide the said city into three wards, in such manner as to the Common Council may seem best calculated to equalize, as nearly as possible, the population to each ward, and may establish, alter, and change the same at pleasure, when, in their opinion demanded to accomplish such end. Also, to provide for the erection of a City Jail, house of correction, and workhouse, or either, and the government, management, and control thereof; and may, until the erection of such jail, make such other provision for the care and custody of all parties sentenced to confinement or imprisonment, as they may see proper. Also, to regulate the keeping or storage of gunpowder, and any and all other inflammable or combustible materials within the limits of said city, or any portion thereof. Also, to establish, allow, fix,

prescribe, and regulate, the salaries, fees, and compensation of all officers and employés of the corporation, except when otherwise provided by this Act, or the ordinances, by-laws, or resolutions now in force, and not hereafter repealed, or by those passed in pursuance hereof. Also, except as herein otherwise provided, to exércise, use, and carry out, all of the authority vested in said corporation by section two of Article Two of this Act; to manage and control said property in such ways as to it may seem best. Also, except otherwise restricted, upon motion or otherwise, to appropriate money to pay the debts, liabilities, and expenditures of the city, or any part or item thereof, from any Fund applicable thereto. Also, to provide for surveys of the blocks, streets, or lands within the limits of said city, and to declare such surveys official, and compel all persons to conform to the lines of said streets as now or hereafter established. Also, to provide for the arrangement and preservation of the records, papers, and archives of said city. And, also, to exercise, carry out, and execute, such other power and authority as is given to said corporation by this Act, and not otherwise specially delegated; and to make, pass, and adopt, for such purpose, such laws, rules, and regulations as shall be necessary therefor. Same.

SEC. 2. The Common Council shall annually, at the regular meeting appointed by this Act, or as soon thereafter as practicable, elect a suitable person, other than a member of the Common Council, as Clerk of the Common Council. Such Clerk shall perform all the duties required of him by this Act, and by any ordinance, resolution, or order of the Mayor and Common Council, or either, of said city. The Clerk otherwise shall be under the control of the Common Council, and may be removed by them at any time and another person elected in his stead. The Common Council shall keep, or cause to be kept, a journal of its proceedings; and, on the call of any member, shall cause the ayes and noes to be taken, upon any question before it, and entered upon the journal. All proceedings and deliberations of the Council shall be public. Clerk.

SEC. 3. On the seventh day, excluding Sundays and other legal holidays, after the completion of the canvassing, by the Common Council, of the vote cast at any general municipal election, or any municipal election for the election of Common Councilmen, there shall be held a regular meeting of the Common Council; such meeting is appointed by this Act, and no notice thereof is necessary. Regular meeting.

SEC. 4. The Common Council shall have power and is hereby authorized, by resolution in writing, to be entered upon its minutes, to provide for the time and place of its other regular meetings; but it may, upon motion, at any regular, special, or adjourned meeting, adjourn to the next succeeding regular meeting, or to any specified time prior thereto. Special meetings of the Common Council may be called by the Mayor at any time, either for the transaction of special or adjourned business, and the notice thereof, signed by the Mayor, specifying the object, if special, shall be personally served upon each member of the Common Council, or shall be served by leaving a copy of the same at his place of business, if served between Meetings.

the hours of seven o'clock A. M. and five o'clock P. M., when such place of business is known; or if not known, or if served at any other time, by leaving a copy thereof at his residence or domicil.

Quorum. SEC. 5. A majority of the members actually constituting the Common Council shall be a quorum to do business, but any less number may meet and adjourn from time to time, and may compel the attendance of absent members in any manner prescribed by the rules and regulations of the Common Council.

Mayor as President. SEC. 6. The Mayor, at the meeting appointed by this Act to be held on the seventh day after the completion of the canvassing of the vote cast at the general municipal election to be held on the first Monday in December, eighteen hundred and seventy-four, and from and after that time, shall be ex officio President of the Common Council, and shall preside over its deliberations when in session. He shall not be entitled to a vote upon any question, but shall have power and authority to preserve order, enforce the rules of the Council, and determine the order of business, subject to the rules of, or an appeal to, the Council. If the Mayor should be absent from any meeting of the Council, the Council must appoint one of their own number President, to serve during that meeting. Such President pro tem. shall have the right to vote upon any question, in the same manner as other members of the Council, and in all other respects shall have the same rights and powers as the Mayor as such President.

Disorderly conduct. SEC. 7. The Common Council shall have the power to punish any member, or other person, by fine not exceeding one hundred dollars, or by imprisonment in the City Jail or other place of confinement, not exceeding ten days, for disorderly or improper conduct committed in their presence when in session, at any meeting; and may, in addition to the enforcement of the fines and other penalties provided therefor, by a two thirds vote, expel a member for the breach of its rules and regulations, and declare his seat vacant.

Majority. SEC. 8. A majority of the whole number at the time actually constituting the Council is a majority of the Council, or members thereof, within the meaning of this Act, and not otherwise unless expressly so provided. The concurrence of a majority of a quorum is a sufficient majority to determine any question or motion, other than the final passage of an ordinance, or except when otherwise specially provided. The concurrence of a majority of the members actually constituting the Council shall be necessary for the final passage of an ordinance.

ARTICLE V.

OF OTHER OFFICERS, THEIR POWERS AND DUTIES.

Powers and duties of Mayor. SECTION 1. The Mayor is the executive officer of the corporation, and must exercise a careful supervision over its affairs and subordinate officers. It is his duty annually, at the meeting of the Common Council appointed by section three, Article Four of this Act, to communicate by message to the Council a general statement of the condition and affairs of the corporation,

and to recommend the adoption of such measures as he may deem expedient and proper, and to make such special communications to the Common Council, from time to time, as he shall deem expedient. It is his further duty to be vigilant and active in the enforcement of the ordinances, by-laws, rules, and regulations of the city, to exercise a constant supervision over the acts and conduct of all its officers and employés, to receive and examine into all complaints made against them for violation or neglect of duty, and certify the same to the Common Council, who shall receive and refer the same to a committee of three of its members to hear the evidence, and report to the Common Council as soon as practicable, whether the accused party be guilty or innocent. If the accused party be found guilty the Common Council shall prescribe the punishment, which punishment may be fine and imprisonment, or either, and may extend to suspension for any time less than sixty days, or to removal from office or position. If suspension or removal be the punishment, no sentence of fine or imprisonment shall be imposed. Same.

SEC. 2. The Mayor, except in case of his own official bond, shall take and approve all official or other bonds, which by this Act are, or by the ordinances, resolutions, or orders of said city authorities may be required to be given by any officer, contractor, or other employé of said corporation; and when he approves such undertaking he shall immediately file the same with the Clerk of the Common Council. As to bonds

SEC. 3. The Mayor, as to all offenses committed within the city, or within any such limits to which the jurisdiction of said city, by this Act, is declared to extend, whether against the laws of this State, or the ordinances, resolutions, rules, or regulations of said city, shall have the same jurisdiction, power, and authority, as is now or may hereafter be conferred upon Justices of the Peace in and for said township or townships, whereof said city may form a part or the whole; and in any of such cases shall have the same power and authority to examine and discharge, or commit persons brought before him, and charged with the commission of any such offense. He may take recognizances to appear, bonds to keep the peace, and may issue all writs and processes in like manner, and to the same extent, and with the same power and authority, as is now or may hereafter be conferred upon said Justices of the Peace in such cases, or either of them. Jurisdiction.

SEC. 4. The Mayor, except as herein otherwise provided, shall also have jurisdiction over all violations of any ordinance, by-law, resolution, rule, or regulation, of any of the authorities of said city, committed within the limits of said city, and may, according to the provisions of such ordinance, resolution, by-law, rule, or regulation, hold to bail, fine and imprison, or either, any person found guilty of such violation. Same.

SEC. 5. All prosecutions brought before the said Mayor, whether for offenses committed against any law of this State, or against any ordinance, resolution, by-law, rule, or regula- In name of the people.

tion, of any of the authorities of said city, shall be brought and prosecuted in the name of the people of the State of California.

Prevailing concurrent jurisdiction

SEC. 6. If at any time, owing to absence from the city, sickness, or any other cause, the Mayor should be unable to perform the duties of his office, he shall notify the Common Council thereof at its first meeting thereafter, and the Common Council shall appoint one of their number as Mayor pro tem. Such Mayor pro tem. shall perform and discharge, in the same manner, and with like power and effect, any and all of the duties of the Mayor until the meeting of the Common Council, at which the Mayor shall notify it of his readiness to resume the discharge of his office; *provided*, that if at any time both the Mayor and the Mayor pro tem. should perform any act or do any thing conflicting the one with the other, the action or thing done by the Mayor shall take precedence and govern the action of the Mayor pro tem.; the action of the Mayor, if otherwise legal, shall be valid, the action of the Mayor pro tem. shall be void; *and, provided further*, that the Mayor pro tem. shall be entitled to receive from the Mayor one half of all salary, fees, and other compensation payable to him, for such time as the said Mayor pro tem. shall serve in his stead.

City Attorney.

SEC. 7. It shall be the duty of the City Attorney to attend to all suits, matters, and things, in which the city may be legally interested, to give his advice or opinion in writing whenever required by the Mayor or Common Council, and to do and perform all such things touching his office as by the Common Council may be required of him.

Marshal.

SEC. 8. It shall be the duty of the City Marshal, in addition to the duties prescribed to him by the ordinances, by-laws, resolutions, rules, and regulations of said city authorities, to execute and return all processes issued by the Mayor, or directed to him by any legal authority; to attend upon the Mayor's Court regularly; to arrest all persons guilty of a breach of the peace, or of any violation of any ordinance or by-law, resolution, rule, or regulation of said municipal authorities, and bring them before the Mayor, or other Court, for trial. He shall possess a superintending control, subject to the Common Council, over the City Police; and shall, until otherwise provided by ordinance, perform all the duties of Collector of the city taxes. He may appoint one or more deputies, who shall possess the same power and authority as the Marshal.

Assessor.

SEC. 9. It shall be the duty of the Assessor, in addition to the duties that may be prescribed for him by any ordinance, resolution, by-law, rule, or regulation of the Mayor and Common Council of said city, or either of them, to make out, within such time as may be prescribed by the ordinances of said city, either now in force or which may hereafter be passed in pursuance hereof, a full, true, and correct list of all the property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof.

Assessment list.

SEC. 10. The mode of making out such list, of ascertaining the value of property, and equalizing the same, shall be such as is now, or may hereafter be prescribed by the ordinances of the Mayor and Common Council of said city. When such list has been made out, and the same returned to the Common

Council, as prescribed by such ordinances, the Common Council shall, at the time and in the manner prescribed in such ordinances, sit and act as a Board of Equalization. As such Board, it shall have, as regards the equalization of said list, all the powers conferred by law upon the Board of Supervisors of the County of Los Angeles as a Board of Equalization of State and county taxes. After such list has been equalized, the Common Council shall fix the levy or rate per cent of taxes levied for all municipal purposes for that fiscal year. Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute, from the date of such levy of the rate or percent, a lien upon the real property situated in said city so assessed, or owned by the party against whom such assessment is made. Every such assessment, and the lien thereof, shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property, when assessed to an unknown owner. The judgment is not satisfied nor discharged until all the taxes assessed against the property and the owners thereof are paid, or the property sold for the payment thereof.

Equalization.

Taxes.

Lien.

SEC. 11. The said corporation shall have such other rights, claims, privileges, and liens, for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of this State, for and on account of the assessment of State and county taxes levied in said county. The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of State and county taxes in said county; *provided*, that the Mayor and Common Council of said city shall, in said ordinances, prescribe by what officers the respective duties appertaining to such collection and enforcement shall be performed. All such proceedings, sales, certificates, and conveyances, had, made, and executed by them, in pursuance thereof, shall be of like force, effect, and validity, as is or may hereafter be given by law to such proceedings and acts in the matter of the collecting of State and county taxes in said county.

Collection of taxes.

SEC. 12. It shall be the duty of the Treasurer, unless otherwise provided by or in pursuance of this Act, to receive all moneys that shall come to said city, either by taxation or otherwise, and to pay the same out on warrants legally ordered by the Council, drawn and signed by the Clerk of the Common Council, and countersigned by the Mayor, and to do and perform all such other acts as may be prescribed to him by this Act, any city ordinances, or by the Common Council of said city. He shall, on the first day of January, April, July, and October, of each year, make out and present to the Common Council a full and complete statement of the receipts and expenditures of the preceding three months, which statement the Council shall cause to be published.

Treasurer.

ARTICLE VI.

PROCEEDINGS TO CONDEMN PROPERTY FOR PUBLIC USE.

Petition and proceedings thereupon.

SECTION 1. Whenever it shall become necessary for the said corporation to take private property for any municipal or public use, the Common Council may, by resolution, or on motion, direct proceedings to be taken for the condemnation of such property, and to ascertain the value thereof. For that purpose, a petition, in the name of the corporation, signed by its Attorney, shall be presented to the County Court of the county in which said city is located, at a regular term thereof, stating the object for which the said property sought to be condemned is required, particularly describing the property, and praying for the appointment of Commissioners to ascertain its value. If several pieces of property, or parts of several pieces of property, whether owned by the same or different owners, be required for the same object or public use, all, or any part less than all, may be embraced in one proceeding, or separate proceedings may be commenced against each, respectively. Notice of the time and place at which such petition will be presented to the County Court, signed by the Attorney, shall be given to the owners of such property, and all other parties in interest. Such notice shall state, generally, the object of the proceedings, and the property sought to be taken, and may refer for all particulars to the petition, which must be on file in the office of the Clerk of said Court at the date of said notice. If the owner, or other party, be a resident of the county, the notice may be served upon him, by delivery to him, personally, a copy thereof, at least ten days prior to the time appointed for the presentation of the petition to the Court. If the owner, or other party, be a non-resident of the county, but a resident of the State, the notice may be served upon him by delivering to him, personally, a copy of such notice, at least twenty days before the time appointed for the presentation of the petition. If the owner or other party be a non-resident of the State, notice shall be given by publication once a week, for sixty days, in some newspaper printed and published in the county. The notice shall, in all other respects, be served and returned as may be provided by the laws of the State for the service and return of a summons in civil actions pending in the District Court of said county; *provided*, that in the case of a publication, no order of publication shall be required, nor shall it be necessary to file any papers, or copies of any papers, in the office of the Secretary of State. Proof of service of such notice by publication shall be made by affidavit of the proprietor, publisher, bookkeeper, or other person connected with the publication of the paper in which such notice shall be given.

Commissioners.

SEC. 2. The Court, before hearing the application, shall have satisfactory evidence that such notice has been given as above provided, and when so satisfied, the Court shall, by entry in its minutes, appoint five disinterested persons Commissioners to ascertain the compensation, specifying in the entry the time and place for the first meeting of the Commissioners. The Com-

missioners shall be sworn to discharge their duties faithfully and impartially. They shall view the premises and ascertain and certify to the Court, as soon as practicable, the compensation proper to be paid to the owners of the property to be taken. They, or a majority of them, shall make, subscribe, and file with the Clerk of the Court, a certificate of their assessment.

Report.

SEC. 3. The Court shall, at any time thereafter, if no objections should in writing have been filed with the Clerk of the Court by the parties in interest, proceed to consider the report of the Commissioners, and on proof that the respective amounts of damages awarded to the parties in interest have been paid to them, or into Court, shall cause an entry to be made in its minutes, describing the property, setting forth the ascertainment of compensation and the payment as aforesaid, and adjudging and decreeing that the said corporation have, hold, use, and enjoy the said property for public use, as prayed for in the petition. If objection to the report of the Commissioners be filed by any party in interest, before or at the hearing the Court may proceed to hear and determine the same, and may, if it think the compensation reported by the Commissioners to be inadequate, set aside the report and refer the matter again to the same or other Commissioners; but no objection against the second report shall be filed by any party who may have objected to the first.

Objection.

Order of condemnation.

SEC. 4. Upon the entry of the order of condemnation being made by the Court, the corporation shall be entitled to have, hold, use, and enjoy the property for public use, and as decreed in said order, as fully as if the same had been conveyed to it by the owners and other parties in interest and made parties to such proceedings. A certified copy of the order as entered may be recorded in the Recorder's office of the county, in like manner and with the like effect as if it was a deed of conveyance to the corporation from the parties defendant to such proceedings.

Subsequent proceedings.

SEC. 5. If at any time thereafter it should be necessary for the full enjoyment of said property by said corporation, to condemn the interest of any person, whether a party to such former proceeding or not, in such property not taken in the former proceeding, proceedings may be had for that purpose in the same manner and with like effect as hereinbefore provided.

Advantages.

SEC 6. The Commissioners in any such proceedings shall in all cases, and the Court, when hearing objections to the report, shall, in ascertaining the damages or compensation to be awarded to the parties in interest, take into consideration the benefits and advantages the proposed public use of the property, as stated in the petition, will be to the owners of such property, and shall deduct the same from the amount of damages, and find only the balance, if any shall exist, as the just compensation to be made.

Damages, etc., by whom paid.

SEC. 7. All damages and compensation awarded or paid to the owners of property or other parties in interest, for and on account of the taking of the same for the laying out and opening of any new street, together with all other costs and expenses thereof, shall be paid by, and all such improvements shall be made at the expense of all the property holders along and front-

Same.

ing upon either side of the proposed route of such street, to be laid out and opened in proportion to the number of front feet owned by them respectively along such proposed route. All such damages and costs incurred in extending and prolonging the line of any street, shall be paid by, and all such improvements shall be made at the expense of all the owners of real estate along and fronting upon either side of such extension and prolongation, and along and fronting upon either side of said street prolonged or extended within such distance as the Common Council shall in their discretion determine to be just, from the final point on such street from which such proposed prolongation and extension is to be made, measuring backwards along the center of such street from the point in the center, and at the terminus of the street from which such extension commences, and in proportion to the number of front feet owned by them respectively, and fronting on such extension and on such street within the distance so ascertained and fixed by the Common Council, from such point. All such damages and costs incurred in the widening or straightening of any street shall be paid by, and such improvement shall be made at the expense of the parties owning real property along and fronting upon either side of that portion of such street so to be widened or straightened, and upon either side of said street within such distance as the Common Council shall determine, from either or both of the points of termini of that portion of the street so to be widened or straightened, and from points on the other side of said street and opposite to such points of termini, in proportion to the number of front feet owned by each one respectively, and fronting on either side of such portions of the street so to be widened or straightened, and on either side of such street within such distance from such points of termini and points opposite thereto, so ascertained and fixed by the Common Council.

Apportionment and payment of damages.

SEC. 8. Whenever any proceeding for the condemnation of property for the opening of new streets, the extending or prolongation of streets, or the widening or straightening of streets in said city is instituted, the report of the Commissioners filed, and the order of condemnation has been made and entered by the Court, and any damage or damages have been awarded to the owners of such property so taken, or to other parties in interest, it shall be the duty of the Clerk of the Common Council, within thirty days thereafter, to procure from the Clerk of the County Court of said county a certified copy of the report of the Commissioners in such proceedings, and of the order of condemnation made and entered by the Court therein, and submit the same to the Common Council, at any meeting thereof within twenty days from the expiration of the said thirty days. The Common Council shall thereupon apportion the damages, and all the costs and expenses incurred or to be incurred in such proceeding or matter, amongst the owners of real property liable to be assessed therefor as hereinbefore provided, and order the Clerk of the Common Council to enter and record in the Docket of City Liens hereinafter referred to, the said apportionment of the damages and costs against the said owners of the property liable therefor, respectively. Such record shall substantially contain the same entries as is required by section

nine of Article Seven of this Act in the assessment of property for grading and other street improvement, and shall be and constitute a lien upon the property assessed therefor. After such entry has been made in the Docket of City Liens, if the said assessments be not paid by the several parties liable therefor within thirty days, the Common Council shall order the Clerk of the Common Council to issue warrants thereon, directed to the City Marshal, and commanding him to sell the said property liable therefor. Such warrant shall be executed and returned, and all subsequent proceedings shall be taken in the same manner and with like force and effect as provided by Article Seven of this Act for the enforcement of liens upon property for grading or otherwise improving the streets in said city. Same.

SEC. 9. Whenever any lands or other property are purchased by said city without the institution of proceedings for the condemnation thereof, for any of the purposes enumerated in section eight of this Article, the Common Council shall, as soon as the amount of the expenses incurred or to be incurred, including the purchase money for such property, has been ascertained, apportion the amount of such damages and expenses amongst the owners of property liable to be assessed therefor as hereinbefore provided. Such assessments shall be recorded and collected in the same manner as provided in section eight of this Article. The Common Council shall have power and is hereby authorized by resolution in writing, to make such provisions, rules, and regulations as to it may seem best for the levying and collecting of such assessments, and to conform such mode, manner, and means more closely and more fully to the provisions of Article Seven of this Act. Same.

ARTICLE VII.

OF STREETS, THEIR GRADE, AND IMPROVEMENT.

SECTION 1. The Common Council shall have power and is authorized, whenever it deems it expedient, by resolution in writing, to establish or alter the grade, and to improve any street or part thereof now or hereafter laid out or established within the corporate limits of the city, and to make such improvement in such manner as they may think best. The power and authority to improve a street includes the power and authority to improve the sidewalks and pavements, and to determine and provide for everything convenient and necessary concerning such improvement. Grading streets.

SEC. 2. No grade or improvement mentioned in section one can be undertaken or made without ten days' notice thereof being first given, by publication in some daily newspaper published in the city, or by posting, as may be prescribed by the order or resolution of the Common Council. Notice.

SEC. 3. Such notice must be given by the Clerk of the Common Council, by order of the Council, and must specify with convenient certainty the street or part thereof proposed to be improved, or of which the grade thereof is proposed to be Contents.

established or altered, and the kind of improvement which is proposed to be made.

Remonstrance.

SEC. 4. Within ten days from the final completion of such notice, the owners of property fronting on such street, or part thereof, as the case may be, amounting to two thirds of the frontage on such street, or part thereof, may make and file with the Clerk of the Common Council a written remonstrance against the proposed improvement, grade, or alteration thereof, and thereupon the same shall not then be farther proceeded in or made.

Establish grade.

SEC. 5. If no such remonstrance be so made and filed, the Council, at its earliest convenience thereafter, and within six months from the final publication of such notice, may establish the proposed grade or alteration thereof, or commence to make the proposed improvements as hereinafter provided.

Same.

SEC. 6. In the case of a notice to establish a grade or alteration thereof, the Council, within the time limited by section five, may establish the same as proposed in the notice.

Assessment of cost.

SEC. 7. In case the notice be for the improvement of a street or part thereof, the Council may, through its Surveyor or other officers and employés, proceed to ascertain and determine the probable cost of making such improvement, and assess upon each lot or part thereof, fronting thereon and liable therefor, its proportionate share of such cost.

Docketing lien.

SEC. 8. When the probable cost of the improvement has been ascertained and determined, and the proportionate share thereof of each lot or part thereof, has been assessed as provided in section seven, the Council must declare the same, and direct its Clerk to enter a statement thereof in the docket of the city liens, as provided in the next section.

Contents of docket.

SEC. 9. The docket of city liens is a book in which must be entered, in pursuance of section eight, the following matters in relation to assessments for the improvement of streets: First—The number or letter of the lot assessed, and the number or letter of the block in which it is situated, or any other valid description of the property; and if a separate assessment is made upon a part of a lot, a particular designation of such part. Second—The name of the owner thereof, or that the owner is unknown. Third—The sum assessed upon such lot or part thereof, and the date of the entry.

Constructive notice.

SEC. 10. The docket of the city liens is a public writing, and imparts notice to all the world of the matters and things therein recorded, and the original or certified copies of any matter, authorized to be entered therein, are entitled to the force and effect thereof; and from the date of an entry therein of an assessment upon a lot or part thereof, the sum so entered is to be deemed a tax levied and a lien thereon, which lien shall have priority over all other liens or incumbrances thereon whatever.

Collection of assessment.

SEC. 11. A sum of money assessed for the improvement of a street cannot be collected until by order of the Common Council ten days notice thereof is given by the Clerk of the Common Council, by publication in a daily newspaper published in said city, or by posting in three public places in said city. Such notice must substantially contain the matter required

to be entered in the docket of city liens, concerning such assessment.

Warrant to collect.

SEC. 12. If, within five days from the final publication of the notice prescribed in section two, the sum assessed upon any lot or part thereof, is not wholly paid to the City Treasurer, and a duplicate receipt therefor filed with the Clerk of the Common Council, the Council may thereafter order a warrant for the collection of the same, to be issued by the Clerk, directed to the City Marshal or other person authorized to collect taxes due the city.

Contents.

SEC. 13. Such warrant must require the person to whom it is directed, to forthwith levy upon the lot or part thereof, upon which the assessment is unpaid, and sell the same in the manner provided by law, and to return the proceeds of such sale, less his fees, if any be allowed by the Common Council therefor, to the City Treasurer, and the warrant to the said Clerk, with his doings indorsed thereon, together with the receipt of the City Treasurer for the proceeds of such sale as paid to him.

Force.

SEC. 14. Such warrant shall have the force and effect of an execution against real property, and shall be executed in like manner, except as in this Article otherwise specially provided.

Deed and redemption

SEC. 15. The person executing such warrant shall immediately make a deed for the property sold them to the purchaser, stating therein that the same is made subject to redemption, as provided in this Article. Within one year from the date of such sale, the owner or any person in interest, may redeem the same or any part thereof, upon the terms and conditions provided in the next section.

How made.

SEC. 16. Redemption of the whole property is made by the payment of the purchase money and forty per cent addition, and the amount of any tax or incumbrance which the purchaser may have paid upon the property. Redemption of a part is made by the payment of that proportion of the purchase money which the part redeemed bears in value to the property sold for the assessment.

Effect.

SEC. 17. A redemption discharges the property from the effects of the sale for the assessment. If made by the owner or his successor in interest, the estate in the property is thereby restored to such owner or his successor in interest, as the case may be; but, if made by a lien creditor, the amount paid for the redemption is thereafter to be deemed a part of his judgment, decree, or mortgage, as the case may be, and shall bear like interest, and may be enforced and collected as a part thereof.

How enforced.

SEC. 18. Whenever a purchaser, or those claiming under him, refuses to convey to a person entitled to redeem, such person may enforce a conveyance thereof by a suit in equity, as for a specific contract to convey real property; and such suit may be maintained against absent parties, without proof of the tender of the money and offer to redeem, if the plaintiff bring such money into Court and offer there to redeem.

Liability of each lot.

SEC. 19. Each lot, or part thereof, within the limits of a proposed street improvement, shall be liable for the full cost of making the same upon that half of the street in front of and abutting upon it, and also for a proportionate share of the cost of improving the intersection of two of the streets bounding the block in which such lot, or part thereof, is situated.

How assessed.

SEC. 20. The probable cost of improving such intersection is to be assessed upon the lots, or parts thereof, situated in the quarters of the four blocks adjoining such intersection, but only upon the lots, or parts thereof, within the quarters nearest thereto, and in proportion to the cash value of such lots, or parts thereof, irrespective of improvements thereon; and, in determining such cash value, the Common Council shall be the appraisers, and no review or appeal therefrom shall be taken.

Effects of sale.

SEC. 21. A sale of real property under the provisions of this Article conveys to the purchaser, subject to redemption as herein provided, all the estate or interest therein of the owner, whether known or unknown.

Person having lien may pay assessment.

SEC. 22. When an assessment upon any lot or part thereof, for any improvement done or ordered to be done upon any street, for the payment of which assessment such property is chargeable, becomes delinquent, any person having a lien thereon by judgment, decree, mortgage, or otherwise, may at any time before the sale of such lot or part thereof pay the same, and the Common Council shall, upon such payment being made, order the Mayor in the name of the corporation to make, execute, and deliver to the party making such payment, and to his assigns, an assignment and transfer of said claim of the corporation therefor; and upon such transfer being made, the amount of such delinquent assessment and all costs thereon, together with the costs of making such assignment, shall thereafter be deemed a part of such lien, creditor's judgment, decree, mortgage, or other charge and incumbrance, and shall bear like interest, and may be enforced and collected as a part thereof.

Duty of Council.

SEC. 23. The Common Council must provide by resolution, for the time and manner of doing the work on any proposed improvement, subject only to the following restrictions, to wit: First—After proper notice, the work must be let to the lowest responsible bidder; *provided*, that the Common Council may reject any or all bids. Second—If the owner of any piece of property assessable for any proposed improvement shall, within ten days after the final completion of the publication of notice by the Common Council of its intention to make any such improvement, give to the Common Council a notice in writing that it is his desire and intention to do his proportion of such improvement at his own cost, and with his own or hired labor, subject to the control of the said Council and the officers and employés of said city in charge of said proposed improvement, such portion of said improvement shall be excepted from the contract made as aforesaid; *provided*, that nothing in this section contained shall be so construed as to release any such party desiring to avail himself of the privilege granted by the second subdivision of this section, of his obligation to pay his proportion of the amount of the probable cost of such improvement, as provided in section seven of this Article; but if such owner shall, within

Improvement by owner.

the time and in the manner prescribed by the Common Council in its resolution or resolutions above referred to, make and complete his proportion of such improvement, the amount so paid by him shall be refunded to him. If such owner fail therein, in any respect, the Common Council shall proceed as if no notice above referred to had been given them by the owner.

Deficit. SEC. 24. If, upon the completion of any improvement, it is found that the sum assessed therefor upon any lot or part thereof is insufficient to defray the cost thereof, the Council must ascertain the deficit and declare the same by resolution; when so declared, the Clerk must enter the sum of the deficit in the docket of city liens, in a column reserved for that purpose, in the original entry, with the date thereof; and such deficit shall thereafter be a lien upon such lot or part thereof, in like manner and with like effect as in case of the sum originally assessed, and shall also be payable and may be collected in like manner and with like effect as in the case of such sum so assessed.

Surplus. SEC. 25. If, upon the completion of any improvement, it is found that the sum assessed therefor upon any lot or part thereof is more than sufficient to defray the cost thereof, the Council must ascertain and declare the surplus in like manner as in the case of a deficit. When so declared, it must be entered as in case of a deficit, in the docket of city liens, and thereafter the person who paid such surplus, or his legal representative, is entitled to repayment of the same by warrant on the City Treasurer.

Moneys. SEC. 26. All money paid or collected upon assessments for the improvement of streets, shall be kept as a separate Fund, and in nowise used for any other purpose whatever. All money so assessed, including a deficit, from the time of being entered in the docket of city liens, shall bear interest at the legal rate until paid or collected.

Without notice. SEC. 27. The proceedings authorized by this Article for the establishment or alteration of a grade, or the improvement of a street, or a part thereof, may be taken and had without giving the notice prescribed in section two, whenever the owner or owners of two thirds of the adjacent property shall in writing petition the Council therefor.

Sewers. SEC. 28. The Council shall have power to lay down all necessary sewers and drains, and may order the same paid out of the General Fund of the city; but it shall, unless it otherwise prescribe, cause the same to be assessed on the property fronting on either side of the street or sewer. The mode of apportioning the estimated costs of improvement of streets prescribed in sections seven, nineteen, and twenty of Article Seven of this Act, shall apply to the construction of such sewers or drains; and when the Council shall not direct the same to be otherwise assessed or paid, such expenses shall in every respect be assessed and collected in the same manner as is provided in case of street improvements.

Cost of altering grade. SEC. 29. The cost of establishing or altering any grade, or part thereof, shall be paid out of the General Fund of the city. The term "General Fund," as used in this Article, includes

any fund raised by special tax for the purpose in connection with which such term is used.

Surplus. SEC. 30. Whenever any lot, or part thereof, sold under the provisions of this Act, shall bring more than the assessment thereon, with interest and costs and charges of collection, the surplus must be paid to the City Treasurer, and the person executing the warrant must take a separate receipt for such surplus, and file it with the Clerk of the Common Council on the return of the warrant. At any time thereafter, the owner, or his legal representative, is entitled to a warrant upon the Treasurer for such surplus; *provided*, whenever any lot, or part thereof, sold under the provisions of this Act, shall bring less than the assessment thereon, the Common Council shall supply the deficiency out of the General or Cash Fund, if, in the opinion of the Council, such improvement is necessary.

True consideration. SEC. 31. The deed to the purchasers must express the true consideration thereof, which is the amount paid by the purchaser, and the return of the person executing the warrant must specify the amount for which each lot, or part thereof, sold, and the name of the purchaser.

ARTICLE VIII.

ELECTIONS.

Elections. SECTION 1. Elections to be held in said city for the purpose of electing the officers of said city, are of three kinds: First—General municipal elections. Second—Municipal elections. Third—Special elections.

General municipal. SEC. 2. General municipal elections shall be held in said city on the first Monday in December, eighteen hundred and seventy-four, and on the first Monday in December every two years thereafter. There shall be elected at the first general municipal election, all of the elective officers of said city, including twelve members of the Common Council, four from each of the three wards in said city.

Officers elected at. SEC. 3. All officers elected at the first general municipal election shall hold office for the term of two years, or until their successors shall have been elected and qualified; *provided*, that six members of the Common Council, two from each ward, elected at that time, shall hold office for the term of one year, and six members, two from each ward, shall hold for the term of two years, or until their successors, respectively, shall have been elected and qualified; *and, provided*, that at the meeting appointed by this Act, to be held after the election in eighteen hundred and seventy-four, the twelve members elect of the Common Council shall determine, by lot or chance, to be cast or drawn by the representatives from each ward, between themselves, which six of their number, being two for each ward, shall hold for only the term of one year, and which six, being two from each ward, shall continue to hold for the term of two years.

Same. SEC. 4. At every other succeeding general municipal election, there shall be elected all of the elective officers of said city, but including six members of the Common Council, two from

each of the said wards, to succeed those whose terms of office are about to expire.

Municipal. SEC. 5. Municipal elections are those held for the purpose of electing members of the Common Council exclusively, or in case of a vacancy in the office of City Assessor, when the Common Council shall so order, for the purpose of electing members of the Common Council and a City Assessor to fill such unexpired term. The first election of this class shall be had on the first Monday in December, eighteen hundred and seventy-five, and on the first Monday in December every two years thereafter. At such election there shall be elected six members of the Common Council, two members from each ward, to succeed those whose terms are about to expire. When a vacancy exists in the office of City Assessor, and the Common Council shall order the election of a successor for the unexpired term, such election may also be held at the same time.

Special. SEC. 6. Special elections are those which may be held for the sole purpose of electing an Assessor, when there exists a vacancy in that office, before the regular expiration of the term of such office, and the election, in the opinion of the Common Council, should not be postponed until the next regular municipal or general municipal election. If any special election be ordered, it shall be ordered, held, and conducted, and the result thereof made known and declared, in the same manner as herein provided for other elections.

How ordered. SEC. 7. The Common Council of said city shall, by a resolution to be entered upon its minutes, order the holding of all elections of city officers, and all other elections which may at any time be authorized by law to be held, exclusively affecting the interests of said city. Such order shall specify the object of, the time of, and a place within the limits of each ward for the holding of such election; the names of one Inspector and two Judges for each ward, who must be the residents thereof, to conduct the holding of such election. Such order, certified by the Clerk of the Common Council to be a full, true, and correct copy of the original resolution adopted by the Common Council, shall be published in some daily newspaper printed and published in said city, for at least ten days prior to the time appointed for the holding of the election.

Canvass. SEC. 8. Returns of such elections shall be made to the Common Council, who shall, within ten days thereafter, either at a regular or special meeting, canvass and declare the result thereof, and order certificates of election to be issued by the Clerk of the Common Council to the persons elected.

How conducted. SEC. 9. All elections shall in all other respects be conducted and held in accordance with the provisions of the laws of this State, as the same may at the time provided for the holding of general elections in this State, and to that end and for that purpose, in so far as the same may be applicable, and not in conflict with the provisions of this charter, the same, with the proper substitutions and corresponding changes, is hereby made applicable.

Qualification. SEC. 10. All officers elected at any election, or appointed by the Council, to fill any vacancy, shall, within five days after the date of the issuance of the certificate of their election by the

Clerk, qualify by taking the oath of office before some officer authorized to administer oaths, and shall file the same with the Clerk of the Common Council.

Official bonds.

SEC. 11. The Mayor, City Attorney, Marshal, Treasurer, and Assessor shall respectively, in addition to taking such oath, execute to the said municipal corporation a bond, with two good and sufficient sureties, in such sums as the Common Council shall prescribe, conditioned for the faithful discharge by them respectively of the duties of their respective offices. The bond of the Mayor shall be presented to the Common Council at its first regular meeting after his taking the oath, and after approval, shall be filed with and remain in the official keeping of the Clerk of the Common Council.

Vacancy.

SEC. 12. Should any person elected to any office fail to qualify and give bonds, as herein required, the Common Council shall at the first, or any other meeting thereafter, by resolution to be entered upon the minutes, declare such office vacant, and proceed to appoint a suitable person thereto, or to provide for the holding of a special election to fill such vacancy, as provided by this charter.

Same.

SEC. 13. Any office shall be declared vacant upon the death or resignation of the incumbent; any [and] whenever any officer elected or appointed shall be absent from the city without permission of the Common Council, for the period of thirty consecutive days, and in case of Common Councilman, whenever any incumbent thereof shall remove from the ward which he represents, the Common Council shall declare such office vacant, and shall proceed to fill the same by election or appointment, as herein prescribed; *provided*, that a change of the boundaries of any ward shall not be deemed to change the residence of any Councilman so as to cause a vacancy in office.

Council powers.

SEC. 14. The Common Council shall have power to receive and canvass the returns of all elections authorized by this Act, and shall be the judge, otherwise than as herein set forth, of the qualifications, elections, and returns of its own members, and the other officers elected under this Act.

Eligibility.

SEC. 15. No person shall be eligible to any municipal office who at the time of his election is not a qualified elector under the laws of this State; and to be eligible to the office of Common Councilman, in addition to the above qualifications, such person must have been a resident of the ward from which he is elected or appointed for at least twelve months next preceding such election or appointment; *provided*, that in case of a redistricting or redivision of the city into wards be made, whereby the lines or boundaries of any wards are changed, the last provision, in regard to residence, shall not apply to persons elected at the first election thereafter, or persons appointed as Councilmen before such election.

Electors.

SEC. 16. The qualifications of electors at any election held in said city, in pursuance of this Act, shall be the same as those prescribed by the laws of this State, for electors at any general State election, in force at the time of such election, and, in addition thereto, each elector must have resided in the ward in which he offers his vote for at least thirty days next prior to such election.

ARTICLE IX.

MISCELLANEOUS PROVISIONS.

Contracts.

SECTION 1. The City of Los Angeles shall not be and is not bound by any contract, or in any way liable thereon unless the same is authorized by a city ordinance or resolution of the Common Council, and made in writing by an order of the Council, signed by the Mayor or some other person in behalf of the city; but the Mayor and Common Council, by an ordinance, or the Common Council by a resolution or motion, may authorize any officer, committee, or agent of the city, to bind the city, without a contract in writing, for the payment of any sum of money not exceeding three hundred dollars.

Not liable.

SEC. 2. The said corporation shall not be liable to any one for any loss or injury to person or property growing out of or caused by the malfeasance, misfeasance, or neglect of duty of any officer or other authorities of said city, or for any casuality or accident happening to such person or property on account of the condition of any zanja, sewer, cesspool, street, sidewalk, or public ground therein; but this section does not exonerate any officer of said city, or any other person, from such liability, when such casuality or accident is caused by the willful neglect of duty enforced upon such officer or person by law, or by the gross negligence or willful misconduct of such officer or person in any other respect.

Debt.

SEC. 3. The indebtedness of said city must not exceed in the aggregate the sum of three hundred thousand dollars; and any debt or liability incurred in violation of this section, except as hereinafter provided, whether by borrowing money, loaning the credit of the city, or otherwise, is null and void and of no effect.

Presumption of regularity.

SEC. 4. In any action, suit, or proceeding in any Court concerning an assessment of property or levy of taxes authorized by this Act, on the collection of any such tax, or proceeding consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regular and duly done or taken, until the contrary is shown, and when any proceeding, matter, or thing, is by this Act committed or left to the discretion or judgment of the Mayor and Common Council, or the Common Council, or other authorities of said city, such discretion or judgment, when exercised or declared, is final, and cannot be reviewed or called in question elsewhere.

Tax deeds.

SEC. 5. In making a deed for real property sold for a delinquent assessment for any improvement, it is not necessary to set forth or recite the proceedings prior to the sale; but it is sufficient, if it substantially appear from such deed that the property was sold by virtue of a warrant from said city, and the date thereof; that it was for a delinquent assessment, and the amount thereof, together with the date of the sale and the amount bid thereat by the purchaser. The style of a warrant for the collection of assessments shall be, "In the name of the People of the State of California."

Owner may grade.

SEC. 6. Whenever the grade of any street has been established, the Council may authorize the owner or owners of any property thereon, to cut down or fill up such street in front of such property, according to such grade, at the expense and cost of such owner.

When.

SEC. 7. The authority mentioned in section six cannot be given after an assessment has been made for the improvement of the street in front of such property; and in giving such authority, the Council may impose such terms and conditions as may be necessary to secure the deposit of excavations upon any part of such street as may require to be filled up.

Coin.

SEC. 8. Real property, when sold for or to satisfy a delinquent assessment or tax, must be sold for United States gold or silver coin, and not otherwise; and any one applying or seeking to redeem property so sold, as in this Act provided, must pay, or offer to pay, the sum necessary therefor, in such coin, and not otherwise.

Lands not in lots.

SEC. 9. All real property within the limits of the city not laid off in blocks or lots at the time of making any assessment authorized by this Act, except as herein otherwise provided, must be assessed at its cash value per acre, or fraction thereof, as the case may be.

Owner defined.

SEC. 10. Whenever any lot or part thereof is sold for a delinquent assessment for a street improvement, and afterwards be sold for a deficit in such assessment, as in this Act provided, to any person other than the purchaser at the first sale, or his successor in interest, such purchaser or successor, for the purpose of making redemption from the purchaser at such resale, is to be deemed an owner within the meaning of this Act.

Ordinances

SEC. 11. Every ordinance which shall have been passed by the Common Council, shall, before it becomes effective, be signed by the Clerk of the Common Council, and be presented to the Mayor for his approval. If he approve it, he shall sign it; if not, he shall indorse thereon the date of the presentation to him, and shall return it to the Clerk of the Common Council, with his objections in writing. The Clerk of the Common Council shall indorse thereon the date of its return to him, and shall, at the first meeting of the Common Council thereafter, present the same, with the objections of the Mayor, to that body; thereupon the Common Council shall proceed to reconsider the passage of the ordinance. If, after such consideration, two thirds of all the members at that time actually constituting the Common Council, including absentees, agree to pass it, the same shall become an ordinance. In all such cases the vote shall be taken by ayes and noes, and the names of the members voting for or against the same shall be entered upon the journal.

Without signature.

SEC. 12. If any ordinance shall not be returned to the Clerk of the Common Council by the Mayor, with his objections in writing, within ten days (Sundays and other legal holidays excepted) after it shall have been presented to him, the same shall become effective, and be as valid as if the Mayor had approved and signed it.

SEC. 13. The style of every ordinance shall substantially be—The Mayor and Common Council of the City of Los Angeles do ordain as follows. Style.

SEC. 14. The style of every resolution in writing of the Common Council, shall substantially be—Be it resolved, by the Common Council of the City of Los Angeles, as follows. Resolution.

SEC. 15. The Mayor of the said city and the Clerk of the Common Council shall respectively be authorized to administer oaths, in the same manner and with the like effect as other officers authorized by the law of the State to administer oaths. Oaths.

SEC. 16. If the bond of any officer should at any time become insufficient, the Common Council may require him to give additional security, and in case of his failure to do so within fifteen days, may declare his office vacant. Additional security.

SEC. 17. All claims and demands against the said corporation shall, in accordance with such rules and regulations as the Common Council may prescribe, be presented to the Common Council, and shall be by them referred to a Committee on Finance, a special committee, or other appropriate committee, as may be determined by the Common Council, who shall examine, audit, and allow or reject the same in whole or in part, subject to the approval of the Common Council. Such committee shall report to the Common Council as soon as practicable. The Common Council shall thereupon proceed to consider the report of the committee and the claim or demand presented, and shall, if the same be just and legal, order the same to be paid, and shall require the Clerk of the Common Council to draw a warrant upon the City Treasurer in favor of the holder of such claim or demand, for the amount allowed, and payable out of the appropriate Fund. Such warrant shall be signed by the Mayor and countersigned by the Clerk of the Common Council. Claims.

SEC. 18. No suit shall be brought upon any claim for money, or demand for damages against said corporation, until such claim or demand has first been presented as aforesaid, and rejected by the Common Council in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall any suit be brought against said corporation upon any such claim or demand, if the Council shall allow the whole of such claim or demand, and shall order the same to be paid, as hereinbefore required; *provided*, that nothing herein contained shall be so construed as to deprive the holder of any claim or demand of his rights to resort to a writ of mandate or other proceeding against the said Council, or any officer of said city, to compel them or him to act upon said claim or demand, to draw or to sign such warrants, or to pay the same when so drawn. When suit may be brought.

SEC. 19. A majority of the members actually at the time constituting the Common Council, shall be necessary to pass any ordinance or resolution, or to do or to perform any other act whereby any debt is created and money is appropriated, or the revenue of the city is in any way diminished. Upon the passage of any such ordinance, resolution, or motion, the ayes and noes shall be called, and the names of members voting for Majority.

and against such ordinance, resolution, or motion, shall be entered upon the journal of the proceedings of the Common Council.

Evidence. SEC. 20. In any action, suit, proceeding, to which the said corporation is a party, either as plaintiff or defendant, the contents of any ordinance, resolution, by-law, rule, or regulation may be prima facie proven by the introduction of the original, the entry thereof on the journal of the proceedings of the Common Council, a copy of such entry, certified by the Clerk of the Common Council, to be a full, true, and correct copy of such original entry, or by the introduction of a printed copy thereof.

No pay. SEC. 21. The members of the Common Council shall receive no salary, pay, or other compensation, for any service rendered the corporation as such while in office.

Proposals for deposits SEC. 22. It shall be the duty of the Clerk of the Common Council, upon the first Tuesday in May of each year, to cause notice to be given by public advertisement for one week in some daily newspaper published in the City of Los Angeles, that sealed proposals will be received from any bank of deposit in the City of Los Angeles as to the terms and conditions upon which they will receive and disburse the public moneys of said city. Such proposals will be received up to twelve o'clock M. of the Second Tuesday in said month of May. The proposals to be made shall specify the rate of interest per month that will be allowed upon such deposits of public moneys, and shall further provide that said banking house will, at any time, upon warrants properly drawn and presented, pay out and disburse on demand, all the moneys of said city there on deposit in said bank, if required to pay such warrant. Such sealed proposals shall be publicly opened by the Clerk in the presence of the Mayor and Common Council, at its first meeting thereafter. The bank offering the highest rate of interest shall be appointed the depositary of such public moneys. Such depositary thus selected shall give a bond, with two or more sureties, in the sum of one hundred thousand dollars, or such further sum as the Mayor and Common Council may require, conditioned for the faithful keeping and proper disbursement of all such moneys; said bond to be approved by the Mayor. Upon the approval of such bond, the Mayor and Common Council shall, by ordinance, direct the City Treasurer to deposit each day, with the bank thus selected, all public moneys by him collected or received. For each such deposit the Treasurer shall take the receipt of the bank, and from and after the deposit of such money in said bank the Treasurer and his bondsmen shall no longer be liable therefor.

More security. SEC. 23. At any time the Common Council may, by resolution, direct such bank of deposit to give additional or other security for the charge and disbursement of said moneys, and until such other security is given and approved, may direct the Treasurer to retain such moneys in his own possession.

Books and papers. SEC. 24. The official books and papers of all the officers of said corporation are city property, and must be kept as such by said officers during their continuance in office, and then delivered to their successors, respectively, or to the Common Council. Such books and papers may, at any time, be inspected

by the Mayor, or by a committee of the Common Council appointed for that purpose.

Violations.

SEC. 25. Unless otherwise provided in this Act, the Mayor and Common Council, or either, when authorized by this Act to adopt any ordinance or resolution, or to make any rules or regulation, such municipal authority so empowered shall have the further power, and is hereby authorized to provide that each and every violation of such ordinance, resolution, rule, or regulation shall be and constitute a misdemeanor, and may prescribe as a punishment therefor, to be imposed upon any person found guilty thereof, a fine not exceeding two hundred dollars, and by imprisonment not exceeding ninety days, or either such fine or imprisonment.

Time, directory.

SEC. 26. When any act or thing is required by any provision of this Act, or of any ordinance, resolution, order, rule, or regulation of said city authorities, to be done or performed upon any specified day, such provisions of this Act, or of such ordinance, resolution, order, rule, or regulation shall be construed to be directory and not mandatory, and such act or thing shall be of equal validity and force if done at any other time as if the same had been performed at the time specified; *provided*, that the provisions of this section shall not apply to the terms of any contract made and entered into by said corporation with any other person, when from the terms of such agreement it shall appear that time is of the essence of the contract; *provided*, that this section shall not apply in the case of the requirements for the qualifications of officers.

Publications.

SEC. 27. In addition to what may be specially required by other provisions of this Act to be published, the following proceedings and acts of said municipal authorities shall be published in English and Spanish, by at least one insertion in such languages, respectively, in some newspaper printed and published in said city, or by posting, for at least ten days, in three public places in said city, before such proceedings or act shall be of any validity or binding force and effect, to wit: First—All ordinances passed by the Common Council and approved by the Mayor, or which may be adopted in accordance with any other provisions of this Act. Second—All resolutions of the Common Council required by this Act to be in writing.

In force.

SEC. 28. All Acts of the Legislature relating to the said City of Los Angeles, and all city ordinances heretofore passed, and now in force, and not inconsistent therewith, shall be and remain in full force after this Act takes effect, and thereafter until repealed by the proper authority; and all rights vested or liabilities incurred under any former Act of the Legislature applicable to said city, or any city ordinance, when this takes effect, shall not thereby be lost, impaired, or discharged.

Repealed.

SEC. 29. All Acts of the Legislature heretofore passed and now in force, in so far as the same are inconsistent with the provisions of this Act, and no further, shall be and the same are hereby repealed.

SEC. 30. This Act shall take effect immediately.

CHAPTER CCCCXLVIII.

An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Merced.

[Approved March 26, 1874.]

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

Offices separated.

SECTION 1. The office of County Recorder of the County of Merced is hereby separated from the office of County Clerk of said county, and at the next general election, to be held in September, A. D. one thousand eight hundred and seventy-five, a County Recorder must be elected to said office.

Bond and salary of Recorder.

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 receive a salary of one thousand eight hundred dollars per annum, which shall be in full of all compensation for all services rendered by him, his deputies, or assistants, as County Recorder and County Auditor.

Clerk.

SEC. 3. The County Clerk shall receive a salary of one thousand eight hundred dollars per annum, which shall be in full of all compensation for all services rendered by him, his deputies, or assistants, as County Clerk, Clerk of the Courts of record, and Clerk of the Board of Supervisors.

Sheriff.

SEC. 4. The Sheriff shall receive a salary of four thousand dollars per annum, which shall be in full of all compensation for all services rendered by him, his deputies, or assistants, as Sheriff, Jailer, and Tax Collector.

Treasurer.

SEC. 5. The County Treasurer shall receive a salary of one thousand six hundred dollars per annum, which shall be in full of all compensation for all services rendered by him, his deputies, or assistants, as County Treasurer.

Assessor.

SEC. 6. The County Assessor shall receive one thousand dollars per annum, which shall be in full of all compensation for all services rendered by him as County Assessor, Collector of poll taxes, and Collector of taxes on personal property; *provided*, that the Board of Supervisors may appoint Deputy County Assessors, as now allowed by law.

Superintendent.

SEC. 7. The County Superintendent of Public Schools shall receive a salary of one thousand dollars per annum, which shall be in full of all compensation for all services rendered by him, his deputies, or assistants, as County Superintendent of Public Schools.

Judge.

SEC. 8. The County Judge shall receive a salary of one thousand six hundred dollars per annum, which shall be in full of all compensation for all services rendered by him as County Judge and Judge of Probate Court.

District Attorney.

SEC. 9. The District Attorney shall receive a salary of one thousand dollars per annum, which shall be in full of all compensation for all services rendered by him, his deputies or assistants, as District Attorney.

Fees.

SEC. 10. The officers named in this Act, who are entitled to charge, collect, or receive any fees, commissions, percentage, or other compensation, of whatever kind or nature, heretofore allowed by law, or which may hereafter be allowed by law, for services rendered by them or their deputies in their several official capacities of [or] for the performance of duties appertaining to said offices, must collect, and safely keep the same, and on the first Monday in each month, must pay the total amount by them received, into the County Treasury.

Fee books.

SEC. 11. The officers named in this Act must each keep a book, in which shall be entered, by items, the amount received for all official services performed by them or their deputies, showing the date and nature of such services, and the amount received therefor, which book shall be the property of the county, and shall be open during office hours to public inspection; and each of said officers must, on the first Monday in each month, make out, and file with the County Auditor, a full and accurate transcript from his said book of the entries for the preceding month, with an affidavit attached thereto, and by them subscribed and sworn to as follows: I, ——, of the County of Merced, do swear, that the foregoing is a true and correct statement of all the fees, commissions, and compensations, of whatever nature or kind, allowed by law for services rendered by me or my deputies, in my official capacity, for the month of ——, eighteen ——, and that I have paid the same to the County Treasurer.

Oath to contents.

Fund.

SEC. 12. All moneys paid into the County Treasury under the provisions of this Act, must be placed in the County General Fund.

Salaries, how paid.

SEC. 13. The salaries mentioned in this Act shall be paid monthly by the County Treasurer, upon the warrant of the County Auditor, who is hereby directed to audit the salaries herein provided for, and said salaries shall be paid out of the County General Fund.

In advance

SEC. 14. The fees receivable by the several officers named in this Act must be paid in advance, and it is hereby made the duty of the said officers to collect all fees in advance; and any officer named in this Act who shall credit any person for fees, percentage, or commissions, for any services rendered in the discharge of his official duties, shall do so at his own risk, and the same shall be entered in the fee book and paid over on the first Monday of each month, the same as if it had not been credited.

Mileage.

SEC. 15. The Sheriff shall be allowed to keep for his own use the mileage allowed by law, and the County Treasurer shall be allowed to keep for his own use the mileage allowed him in his settlement with the State.

Misdemeanor.

SEC. 16. For any willful neglect or refusal to comply with any of the provisions of this Act by any officer or officers herein named, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof be fined in any sum not exceeding one thousand dollars, or imprisonment in the County Jail not exceeding one year, or both such fine and imprisonment, and shall be deprived of his office; *provided*, that nothing herein shall be held to release any officer named in this Act

from giving any bond required by law, or from any civil responsibility arising from his official duties.

No more pay. SEC. 17. The Board of Supervisors are hereby prohibited to allow any additional compensation to the several officers named in this Act for services rendered by them in their several official capacities, or for the performance of duties appertaining to said office.

SEC. 18. All Acts or parts of Acts, so far as the same are in conflict with this Act, are hereby repealed.

SEC. 19. This Act shall take effect and be in force, as to the fees and salaries of the officers within named, on and after the first Monday in March, A. D. one thousand eight hundred and seventy-six.

CHAPTER CCCCXLIX.

An Act to abolish the office of Architect of the State Capitol Building.

[Approved March 26, 1874.]

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

Repealed. SECTION 1. Section four of an Act entitled "An Act to provide for the construction of the State Capitol, in the City of Sacramento," approved March twenty-ninth, eighteen hundred and sixty, which section gives the State Capitol Commissioners power to appoint an Architect of the State Capitol, is hereby repealed.

Same. SEC. 2. Section three of an Act entitled an Act to provide for the construction of the State Capitol building, in the City of Sacramento, approved April twentieth, eighteen hundred and sixty-three, which authorizes the Architect or Superintendent of the State Capitol building to employ mechanics and other laborers, is hereby repealed.

SEC. 3. All Acts or parts of Acts conflicting with this Act are hereby repealed.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCCCL.

An Act for the relief of Catherine Connelly.

[Approved March 26, 1874.]

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

SECTION 1. The sum of five thousand dollars, gold coin, is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to pay Catherine T. Connelly, widow of Robert Connelly, deceased, as compensation for the loss of her husband, Robert Connelly, whose death was caused by being thrown against the iron wheel of a derrick, the property and under the control of the State of California, which derrick had been carelessly left on a public street in the City of Sacramento; and the Controller of State is hereby directed to draw his warrant on the State Treasurer, and against the General Fund of the State Treasury, for the sum of five thousand dollars, in gold coin, in favor of Catherine T. Connelly. Appropriation.

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

CHAPTER CCCCLI.

An Act to authorize the Board of State Harbor Commissioners to make repairs upon private wharves in their possession.

[Approved March 26, 1874.]

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, in their discretion, to repair and maintain any wharf or wharves in their possession or under their control, notwithstanding such wharf or wharves may belong to private parties, and to pay the expenses thereof in the same manner as is now provided for the repairs or maintenance of the wharves of the State; *provided, however,* that such authority to repair and maintain private wharves shall terminate with the termination of the possession or control of the same on the part of said Board. Maintenance of wharves.

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

CHAPTER CCCCLII.

An Act to authorize the Board of State Harbor Commissioners to adjust and pay certain claims.

[Approved March 26, 1874.]

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

To settle demands.

SECTION 1. The Board of State Harbor Commissioners are hereby authorized to adjust by arbitration, or liquidate in any manner said Board may deem equitable, and they may draw their warrants on the State Treasurer, payable out of the State Wharf and Dock Fund or San Francisco Protection Fund, for such sums as may be found due: First—The claim of Charles W. Hathaway and associates, for that portion of a wharf constructed by them upon the property of the State, in the City and County of San Francisco. Second—The claim of Booler & Company, for materials furnished and used and labor performed in the repairing of Clay-street Wharf, in said city and county. Third—The claim of Starr Brothers & Campbell, for wheat lost by the breaking down of a wharf near the foot of Main street, in said city and county. Fourth—The claim of George W. Drake, and William Gorigan, for the use of a wharf constructed by their grantors upon East street, between Jackson and Washington streets, in said city and county. Fifth—The claim of Patrick Ryan and associates, for damages sustained by the breaking down of Main-street Wharf, in said city and county; and, Sixth—To examine into and ascertain what, if any, sum of money E. Leite Scott, as successor of Edmund Scott, deceased, A. B. McCreery, Peter J. Donahue, and Margarete Donahue may be equitably entitled to by reason of certain improvements made by them upon Montgomery street, in the City and County of San Francisco, in constructing a wharf projecting from Chestnut street, in said city and county, north into the waters of the Bay of San Francisco.

Construction.

SEC. 2. This Act shall not be so construed as to place said Board under any obligation to pay to any one of said persons any sum of money, until after such sum shall be determined by mutual agreement, or by arbitration; *provided*, the sum the said Board shall be authorized to expend under the provisions of this Act shall not exceed in the aggregate the sum of twenty-five thousand dollars.

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

CHAPTER CCCCLIII.

An Act to amend the charter of the City of Healdsburg.

[Approved March 26, 1874.]

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

Body corporate.

SECTION 1. The people of the Town of Healdsburg shall be a body politic and corporate, under the name and style of the City of Healdsburg, and by that name shall have perpetual succession, and by that name may sue and defend in all Courts, make contracts, purchase, receive, and hold property, sell, convey, transfer, or authorize the disposition of the same, and by that name may do any and all acts which the said city has power to do under this Act of incorporation. Said city may have a common seal and may alter the same at pleasure.

Boundaries

SEC. 2. The corporate limits of the City of Healdsburg shall be as follows, to wit: Beginning at the section corner to sections sixteen, seventeen, twenty, and twenty-one, Township Nine N., R. Nine W., Monte Diablo Meridian; thence running south on the section line seventy-five chs. to the road running from Healdsburg to and down Dry Creek, or to the line of H. M. Wilson's land; thence east along the north line of Wilson's land to the line of L A. Norton's land; thence south along the line between said Norton's land and Wilson's land to the south line of section twenty-one; thence east along the south line of said section twenty-one to the quarter section corner; thence along the south side of and parallel to the railroad tract to the east side of Russian River; thence north to the north line of Matheson street in said town extended; thence west to the east line of University street; thence north to the north line of said section twenty-one; thence west along the north line of said section twenty-one to the place of beginning. The west line, however, in the foregoing boundary, that is to say, the first course therein given after running forty hundredths chains, runs west to the corner of the plat of Healdsburg made by William Mock, County Surveyor, and duly recorded in the Recorder's office of the County of Sonoma; thence south twelve degrees, thirty minutes east, with the west line of said plat or map, until such line intersects said section line; thence south on said section line as above described.

Quorum, organization, etc.

SEC. 3. The corporate powers of the City of Healdsburg shall be vested in a Board of five Trustees. Any three of said Trustees shall constitute a quorum. Said Board of Trustees shall assemble on the first Monday after their election, and shall take the oath of office, and shall choose a President from their number, who shall be the President of said Board of Trustees. They shall cause a journal to be kept of their own proceedings, and upon the request of any member shall cause the yeas and nays to be taken on any question before them, and entered up-

on the minutes. Their proceedings shall be public. In case of vacancy by death, resignation, or otherwise, the remaining Trustees shall have power, and are required to fill such vacancy by appointment entered upon the minutes.

Officers, and terms of office.

SEC. 4. The officers of said city shall be a Board of five Trustees and a President thereof, a Police Judge, a Treasurer, a Street Commissioner, a City Attorney, a City Clerk, a Marshal, and an Assessor and Collector. The Trustees shall hold their office for the term of two years, and until their successors are elected and qualified, except as hereinafter provided. The Police Judge, the Treasurer, the Marshal, and the Assessor and Collector, shall hold their respective offices for the term of one year, and until their successors are elected and qualified. The Street Commissioner, the City Attorney, and the City Clerk, shall hold their respective offices until their places are filled by other appointments, made by the Board of Trustees, and entered upon their minutes.

Annual election.

SEC. 5. An election shall be held in said city for the election of the officers mentioned in the last preceding section. The first election shall be held on the second Monday in May, A. D. eighteen hundred and seventy-four, and annually thereafter on the same day. All male citizens residing within the corporate limits of said city, who have resided therein thirty days before the day of said election, and who are entitled to vote for State officers, shall be entitled to vote at all elections for officers of said city, without registration.

Elections, notice, Judges, etc.

SEC. 6. The Board of Trustees shall, by an order entered on their minutes, fix the place for holding city elections. They shall, by an order entered on their minutes, at least fifteen days before the second Monday in May, in each year, direct the Clerk to have a notice of said city election published in some newspaper published in said city and designated in said order, or may direct that a notice of said city election be posted in said city. The said Trustees shall, by like order, appoint one Inspector and two Judges of said election, who shall be qualified electors of said city. The City Clerk shall, after the entry of said orders, and at least ten days before said election, have said order published, or if the order require that a notice be posted, post the same in at least three public [places] in said city. Said notice shall designate the time and place of holding said election, the time of opening and closing the polls, the officers to be elected, and the names of the Judges and Inspector of said election. At nine o'clock A. M., of said day, said Inspector and Judges shall appear at the place of holding said election. If either or all of such officers shall fail to appear at said time and place, the bystanders may elect some qualified elector or electors to serve in the place of such absent officer or officers. The Inspector and Judges shall be sworn to the faithful performance of their duties, and shall appoint two Clerks, who shall be duly sworn before entering upon their duties. The ballot box shall then be opened for the reception of votes, and the election shall be conducted, the votes counted, and the result be declared by the Inspector and Judges, in the same manner as at State and county elections, and the returns shall be made to the City Clerk. The polls

shall be opened at nine o'clock A. M., and closed at six o'clock P. M.

Election of Trustees.

SEC. 7. There shall be three Trustees elected at the election held the second Monday in May, A. D. eighteen hundred and seventy-four, and two Trustees at the election held the second Monday in May, A. D. eighteen hundred and seventy-five, and thereafter there shall be three Trustees elected each year, when such year ends with an even number, and two Trustees shall be elected at the election held each year, when such year ends with an odd number. The two Trustees who received the highest number of votes at the regular election for officers in the Town of Healdsburg, in the year eighteen hundred and seventy-three, shall be and are hereby continued in office until the regular election of eighteen hundred and seventy-five, and until their successors are elected and qualified. The three persons receiving the highest number of votes for Trustees, even years, and the two persons receiving the highest number of votes for Trustees, odd years, shall be declared elected Trustees, and the person receiving the highest number of votes for any city office, shall be declared elected to said office; but no person shall hold two city elective offices at the same time. If two persons receive the same number of votes for any office, and an election is thereby prevented, the Board of Trustees, or so many of them as may be elected, shall elect one of said persons to said office, and cause a certificate of election to be issued to him. The said Inspector and Judges shall, within five days after each election, issue certificates of election to the persons elected. The term of office of all officers elected in said city shall commence the Monday next succeeding their election. In case of vacancy in any of said offices, it shall be the duty of the Board of Trustees to fill such vacancy by order entered on their minutes. The Police Judge, Treasurer, Marshal, and Assessor and Collector, shall, within ten days after receiving a certificate of election, file their bonds respectively, and take the oath of office. If any officer of whom bonds are required shall fail to file his bond and take such oath of office within said ten days, said Board of Trustees may, by order entered on their minutes, declare such office vacant. The City Clerk shall file any bond offered; but if such bond shall not be approved by the Board of Trustees, the City Clerk shall notify the officer filing said bond, that said bond is not approved, and if such person shall, for the term of ten days after receiving said notice, fail to file another and additional bond, which said Board of Trustees shall approve, said Board may, by an order entered on their minutes, declare said office vacant. The order approving every bond shall be entered on the minutes. The City Attorney, Street Commissioner, and the City Clerk, shall hold their respective offices during the pleasure of the Board of Trustees, and either may be approved by said Board and another person appointed, at pleasure.

Vacancy.

Qualifications.

Contested elections.

SEC. 8. Any person who has at any city election received votes for any city office, and who is dissatisfied with the counting of votes made by the officers of election, may (within five days after the result is declared by the officers of said election) serve a notice in writing on the person declared to be elected

Same. to said office by said officers, notifying him that he will contest said election before the Board of Trustees, and shall file a like notice with the City Clerk; and said Board is authorized and required to notify the parties of the time and place of hearing, to hear testimony, to examine witnesses and the ballots of said election, and to determine between the said contestants, which decision shall be entered on the minutes of the Board, and shall be final. If said Board find that no certificate of election has been issued, they shall issue such certificate to the person they have so found to be entitled thereto. If they find that the officers of election have issued a certificate of election to the wrong person, they shall, by order entered on their minutes, declare such certificate to be void, and shall by like order direct the Clerk to issue a certificate of election to the person found by said Board to be entitled thereto; and the person to whom such certificate is so issued shall be deemed to be the person elected.

Official bonds. SEC. 9. The Police Judge, Treasurer, Street Commissioner, City Attorney, City Clerk, Marshal, and Assessor and Collector, before entering upon the duties of their respective offices, shall give bonds for the faithful performance of the duties of their respective offices, payable to the City of Healdsburg, in such penalties and with such sureties and conditions as the Board of Trustees may, by order entered on their minutes, direct; said bonds to be approved by said Board of Trustees. Said Board of Trustees may at any time, by an order entered in their minutes and a service of a copy thereof on any city officer who has given bonds, require of said officer an additional bond; and should any such officer fail for ten days to file an additional bond, his office may be declared vacant by said Board, as prescribed in section seven of this Act.

Powers of Board of Trustees. SEC. 10. The Board of Trustees shall have power to, and it is hereby made their duty to make such ordinances, not incompatible with the laws and Constitution of the United States and of this State, as they may deem necessary, for the purposes following: to prevent and remove nuisances within the limits of said city; to prohibit disorderly conduct; to license and regulate theatricals, concerts, circuses, and all shows and places of amusement; to license and regulate hawkers and peddlers of any article or articles not produced in Sonoma County, and pawnbrokers; to regulate and prohibit dance houses, houses of ill-fame, and disorderly conduct of all kinds; to fix the time and places of the meetings of the Board of Trustees; to establish rules for the proceedings of the Board; to require bonds of all city officers, except the members of the Board of Trustees, and so [to] fix the amount and penalties thereof and the number and qualifications of the sureties thereon, and the condition of said bonds; no Trustee to be directly or indirectly interested in any contract made by them; to lay out, alter, and establish all streets and alleys, sidewalks, crossings, and public grounds of said city, and to establish grades of the same; to lay out, locate, and establish sewers and drains in said city; to provide (for) for the prevention of the running at large, in said city, of horses, mules, swine, sheep, goats, and cattle, and for the impounding of the same, and selling them to pay the expenses

and costs of such impounding, keeping, selling, and paying in of such sums; to provide for and establish a chaingang, and to regulate the conduct and proceedings of the same; to provide for and establish a fire department, and to regulate the conduct and proceedings of the same; to establish public reservoirs and works for providing said city with water; to establish the manner of appropriating fines, penalties, and forfeitures for the breach or violation of ordinances and non-compliance therewith; *provided*, that no ordinance shall fix the fine, for one offense, above three hundred dollars, or imprisonment, for one offense, for more than one hundred and fifty days; *and provided*, that such ordinance may provide that an alternative judgment may be rendered, imposing a fine, and, on failure to pay the same, imprisoning the person one day for each two dollars of such fine; to provide for the removal of dirt, filth, and obstructions in the streets, alleys, sidewalks, and public squares of said city; and to provide for the punishment for the depositing of stone, dirt, filth, or obstructions in the streets, alleys, sidewalks, and public squares of said city; to prevent and punish the depositing of dead animals and filth in said city, and to establish sanitary regulations for the health of the city, or to prevent the spread of infectious diseases. The said Board of Trustees shall be the general agents for the management of the affairs of said city, and shall have the general supervision of the same and control thereof, and, by orders entered on their minutes, shall have power to make contracts; to levy a tax annually, for general purposes, on all property in the city subject to taxation, not exceeding one per cent of the assessed valuation thereof, and to order the same collected; to order the collection of a street tax annually, of not more than four dollars on each male person over the age of twenty-one and under the age of fifty years, residing in said city; to expend the amount of all taxes collected; to build or rent buildings for the use of the fire and police departments of said city; to appoint one or more assistants for the Marshal, and fix the rate of compensation for the same; to establish and regulate a City Prison; to control, pay out, and expend the funds of said city; and do any and all acts necessary to the proper performance of their duties under the charter of said city. They shall receive two dollars per day while sitting as a Board of Equalization, but shall receive no other compensation. Same.

SEC. 11. The Board of Trustees 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 with the Board of Trustees, shall exceed the sum of one thousand dollars over and above the amount in the Treasury. Debts.

SEC. 12. All bills, claims, and demands against said city shall be plainly stated in writing, and verified by the oath of the claimant, or some one in his behalf. The items of the claim shall be particularly stated therein. Said claim shall be filed with the City Clerk, who shall present it to the Board of Trustees, who shall allow or reject the same, in whole or in part. No action shall be commenced against said city unless the bill, claim, or demand upon which it is founded shall have Claims.

Same. been first so presented in writing, and properly verified as above specified, nor until one month after filing the same. If said bill, claim, or demand shall have been allowed in part by said Board of Trustees, the same shall be a legal tender of the amount allowed to said claimant. If no action shall be commenced within one year after the expiration of said month, the bill, claim, or demand so filed, of whatever nature it may be, shall be forever barred, and incapable of being revived in any manner. No action shall be commenced or maintained against said city, for damages sustained by reason of the omission of said city to comply with its own ordinances or orders, or omission to carry out and enforce the same. Warrants on the Treasury shall be ordered drawn for all bills, claims, or demands so allowed; which warrants shall be signed by the President, countersigned by the Clerk, and numbered and payable in the order of their numbers.

President of Board. SEC. 13. The President of the Board of Trustees shall preside over all the meetings of the Board of Trustees at which he is present. In his absence, a President pro tem. may be chosen. The President, and in his absence the President pro tem., shall sign all warrants drawn on the City Treasurer, and shall sign all written contracts entered into by said city, as such President, or President pro tem. The President, or President pro tem., shall sign all instruments executed by said city, and acknowledge the execution of the same when necessary.

Police Judge; jurisdiction, duties, etc. SEC. 14. The Police Judge of said city shall have jurisdiction over all breaches and violations of city ordinances, and non-compliance therewith; and the proceedings in such cases shall be the same in all respects as the proceedings in Justices' Courts in criminal actions, except that in case of imprisonment for breaches of or violations of city ordinances, or non-compliance therewith, such imprisonment shall be in the City Prison. Appeals may be taken from the Police Court to the County Court, and the like proceedings shall obtain as in appeals in criminal cases from the Justices' Courts. The Police Judge shall have power to administer oaths and affirmations, and to take affidavits and depositions, to be used in any Court or proceedings in the State, and to certify the same. All process of every description issued from said Police Court, may be executed by the City Marshal or his deputy, or by the Constable of Mendocino Township. The Police Judge shall keep a docket and a record of his proceedings in the same manner and form as is required of Justices of the Peace. The fees or salary of the Police Judge shall be fixed by the Board of Trustees. All fines and penalties collected by him shall be paid by him into the City Treasury, at the end of each quarter of the fiscal year of said city; *provided*, that the said Police Judge may retain the amounts of his fees from the amounts collected by him. The Police Judge shall keep a full and clear statement and account of all moneys received and paid, and shall, at the end of each quarter, file with the City Clerk a statement of the same.

Marshal. SEC. 15. The City Marshal shall have the direction and control of the police department of said city; and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful

exercise of their functions, he shall have the powers that are now are may be hereafter conferred on the Sheriff of Sonoma County. It shall be his duty to prosecute before the Police Judge for all breaches or violations of or non-compliance with any city ordinance which may come to his knowledge. He shall receive from the Clerk all city licenses, and collect the same, for which collection he shall retain five per cent, and pay the balance to the City Treasurer. He shall receive the same fees for like services as the Constable of Mendocino Township. He shall have charge of the City Prison and prisoners, and of any chaingang, for which services he shall receive reasonable compensation, to be determined by order of the Board of Trustees. Same.

SEC. 16. It shall be the duty of the Treasurer to receive and safely keep all moneys of the city, and pay the same out only on warrants signed by the President and countersigned by the Clerk. He shall make a statement of the business of his office semi-annually and file the same with the Clerk. For his compensation he shall be entitled to credit himself with one per cent of all moneys received by him in his semi-annual statement. Treasurer.

SEC. 17. The Street Commissioner shall have general supervision, under the direction of the Board of Trustees, of all streets, sidewalks, alleys, sewers, and public grounds. He shall be allowed two dollars and fifty cents per day for his services while actually engaged in the business of the city. Street Commissioner.

SEC. 18. It shall be the duty of the Assessor and Collector, between the first day of June and the first day of September of such year, to make out a true list of all the taxable property of the city. The mode of making out such list shall, except as herein otherwise provided, be in conformity with the laws now in force regulating County Assessor. Said Assessor and Collector shall verify said list, and shall deposit the same with the City Clerk, on or before the first Monday in September of each year. The said taxes shall be due on the first Monday of October in each year, and shall be a lien upon the property taxed. On or before said first Monday in October of each year, the City Clerk shall return to the Assessor and Collector the said tax list as amended by the Board of Equalization. The said Assessor and Collector shall, at said time, proceed to collect said taxes, and issue receipts therefor, and continue to collect the same until the first Monday in January of each year. All taxes not paid by the first Monday in January of each year, shall be considered delinquent and five per cent shall be added thereto. The said Assessor and Collector shall continue to receive said taxes, with said five per cent, until the first Monday of February of each year. All taxes not paid by said date shall be collected, with said five per cent additional, together with accuring costs thereon, by suit of the City Attorney brought in the Police Court, and said Police Court of said city shall have jurisdiction of all cases for collection of city taxes. The Assessor and Collector shall pay over all moneys collected by him to the City Treasurer, and said Assessor and Collector shall be entitled to five per cent of all said sums collected by him, which amount shall be full compensation for all his services provided for in this section. Assessor and Collector.

Clerk. SEC. 19. It shall be the duty of the City Clerk to keep a full and true record of all proceedings of the Board of Trustees, and of the Board of Equalization; he shall also keep a full and true record of all transactions between the officers of said city and the Board of Trustees, and a true record of all city ordinances, and certify the same as hereinafter provided. The City Clerk shall also have the custody and keep the book of warrants, and issue the same on order of the Board of Trustees. The City Clerk shall take all necessary affidavits to demands against the city, and certify the same without charge; he shall also perform all acts in this charter provided for, and shall receive, as a compensation, such salary as may be fixed by the Board of Trustees from time to time.

City Attorney. SEC. 20. It shall be the duty of the City Attorney to advise the city authorities and officers in all legal matters pertaining to the city; he shall receive the delinquent tax list and collect the same as hereinbefore provided; he shall receive for all of his services such compensation as the Board of Trustees may fix from time to time.

Ordinances SEC. 21. All ordinances shall commence as follows, viz: "The Board of Trustees of the City of Healdsburg do hereby ordain as follows:" and shall be copied as hereinbefore provided and attested as follows, to wit: "In Board of Trustees, finally passed this —— day of ——, A. D. ——. Attest: A. B., City Clerk. Approved this —— day of ——, A. D. ——. C. D., President of the Board of Trustees." All ordinances shall be published in some newspaper published in the City of Healdsburg, or posted in three public places in said city, and shall be in force ten days after such publication or posting.

Equalization. SEC. 22. The Board of Trustees shall meet at their usual place of holding meetings, on the second Monday in September of each year, at ten o'clock A. M. of said day, and sit as a Board of Equalization, and shall continue in session from day to day until all the returns of the Assessor and Collector have been rectified. They shall have power to hear complaints and to correct, modify, or strike out any assessment made by the Assessor and Collector, and may of their own motion raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list of each year shall be the assessment roll for the tax of said year. It shall be certified by the City Clerk, who shall be the Clerk of the Board of Equalization, as being the assessment roll for said year, and shall be the assessment roll upon which the tax is to be levied in said year.

Fiscal year. SEC. 23. The fiscal year of said city shall commence on the first day of May of each year, and end on the last day of April of the ensuing year.

Tax lien. SEC. 24. Whenever any tax is levied, it shall become and be a lien upon all the real estate of the persons owning the tax situated in said city, which said lien shall take precedence of all other liens excepting those held by the United States and by this State, and liens in existence at the time of the passage of this Act.

Streets; opening, etc. SEC. 25. The Board of Trustees of said city shall have power to take measures for the condemnation of land for the purposes of establishing, laying out, extending, widening,

altering, or opening of any street, lane, or alley in said city; Same.
and of levying assessments upon property benefited by said improvements, in sufficient amount to pay for two thirds of the entire costs of the same. Whenever a petition for such establishing, laying out, altering, widening, or opening of any street, lane, or alley, shall be filed with the Clerk, said petition must be signed by at least two thirds of the property holders owning property on such street, lane, or alley, and its extension, and must be countersigned by the Assessor and Collector, certifying that the names of said two thirds do appear upon said petition. Said petition must accurately describe the proposed location and route of said improvements. It shall not be lawful, and in no case shall the Board of Trustees draw from the City Treasury, or permit to be drawn therefrom, more than one third of the entire cost of establishing, widening, altering, laying out, extending, or opening of any street, lane, or alley; but shall levy assessments upon the property directly benefited, to the amount of two thirds of the payment of all costs and damages arising from such improvements and alterations. All assessments levied under this section shall be a lien upon said property, and be collected, if not paid within the prescribed time, by suit of the City Attorney in the name of the City of Healdsburg. The Board of Trustees are hereby expressly authorized to make and enforce an ordinance for the purposes mentioned in this section, prescribing the measures to be taken in appraising the value of land and property condemned under the authority granted in this section, appraising benefits to other property, and all other measures which, in their judgment, may be necessary to carry out the full intent and purpose of this section.

SEC. 26. The Board of Trustees are hereby authorized and Sidewalks.
empowered to order, by an order entered on their minutes, the whole or any portion of any street in said city, to have sidewalks built thereon; and upon the entering of such order, it shall be the duty of the Clerk to notify the property holders who own property on the portion of the line of the street or streets included in said order, of the passage of said order; said order shall prescribe the width of such sidewalk and the material of which the same shall be built, and said notice shall contain said specifications. It shall be the duty of said property holder or holders to build said sidewalks in front of their own premises, at their own expense, in the style and manner prescribed in said order, and complete the same within one month after the service of said notice. Should said property holder or holders fail to build said sidewalks as above specified, the Board of Trustees shall let the contract to the lowest responsible bidder, for building said sidewalk, or such portion thereof as may remain unbuilt, and the cost of the same shall be a lien against said property, and shall be collected by suit of the City Attorney, in the name of the City of Healdsburg; *provided*, no such order shall be made only on petition of at least one half of the property holders, whose duty it shall be to build, as above specified, upon the passage of such order.

Bond question.

SEC. 27. The Board of Trustees of said city shall have authority to submit to the vote of the legal voters of said city, by proclamation, issued at the same time of the issuance of the proclamation for the election of city officers any year, the question of the issuance of bonds of the City of Healdsburg to the amount of ten thousand dollars, for the purpose of raising means for bringing water into said city for public purposes. The said election shall be held at the same time as the election for city officers any year, and all the rules and regulations in regard to the election of city officers shall apply to the election in this section provided for. The tickets, in addition to the names of the candidates for city officers, may have upon them the words, "For issuance of city bonds," with the words "Yes," or "No," written or printed thereafter; and if the number of ballots containing the words, "For issuance of city bonds," "Yes," exceed the number of ballots containing the words, "For issuance of city bonds," "No," the proposition shall be considered as carried, and the Inspector and Judges of Election shall so certify to the City Clerk. Should said proposition be carried, the Board

Amount.

of Trustees shall proceed to issue bonds of the City of Healdsburg to the amount of ten thousand dollars; said bonds to be of appropriate design, as may be determined upon by said Board of Trustees, and signed by the President of said Board, and countersigned by the City Clerk. Said bonds shall be of denom-

Denominations.

inations of not less than one hundred dollars each, and shall be payable to bearer, twenty years from the date thereof, and shall bear interest at the rate of nine per cent per annum, said inter-

Lien.

est payable annually. The said bonds shall constitute a lien upon the total revenue of the City of Healdsburg, in favor of the holder or holders thereof, after maturity, until the full payment and discharge of the same. It shall be the duty of the said Board of Trustees to provide, in some suitable manner, a way by which said bonds will show the amount of interest due, or to be due thereon, at all times after the issuance of the same.

Bond tax.

In case of the issuance of said bonds, the Board of Trustees must levy a tax of twenty-five cents on each one hundred dollars valuation on all taxable property in the City of Healdsburg each year thereafter, or until there is a sufficient amount in said Fund to redeem said bonds. Said tax shall be levied and collected in the same time and manner as the general tax, as hereinbefore provided. The amount of said tax shall be appropriated to the redemption of said bonds, and to no other purpose whatever. The interest shall be paid by the City Treasurer annually, upon presentation of the bonds at his office. Whenever said tax shall amount to more than the amount due on said bonds as interest, the balance shall be invested in United States bonds, and kept by the City Treasurer, together with the interest on the same, until the maturity of said city bonds; *provided*, whenever the interest on the U. S. bonds amounts to one hundred dollars, the Board of Trustees shall order the City Treasurer, and it shall be his duty, to reinvest said interest in U. S. bonds. The Board of Trustees shall negotiate said city bonds to the best advantage possible for said City of Healdsburg, but in no case shall they sell said bonds for less than ninety-eight per cent of their face value. The amount raised

by the sale of said bonds shall be used by the Board of Trustees for the purposes above mentioned, and for none other. After the issuance of said bonds, the maximum tax for general purposes shall be seventy-five cents upon each one hundred dollars of the assessed valuation of all taxable property in said city. The fees of the officers for assessing and collecting and receiving the amount of the bond tax, shall be the same as hereinbefore specified, but shall be payable out of the General Fund. Said Board of Trustees shall have authority to pass an ordinance, not inconsistent with the provisions of this charter, for the fulfillment of the purposes mentioned in this section.

Compensation.

SEC. 28. The Board of Trustees shall have power to fix the compensation of all city officers and employés not specifically provided for in this Act.

Repealed.

SEC. 29. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed; *provided*, that such repeal shall not affect the validity of any debt due, contract entered into, or thing done under any former Act.

Ratification.

SEC. 30. This Act shall be submitted to the votes of the legal voters of the Town of Healdsburg for ratification. The election for that purpose shall be held the third Saturday in April, A. D. eighteen hundred and seventy-four, notice of which election shall be given at least ten days before the said day; said notice of said election, and said election, to be conducted in compliance with the rules heretofore governing in the elections of the said Town of Healdsburg. The tickets shall contain the words "ratification of charter" with the words "Yes" or "No" written or printed thereafter, and if the majority of said ballots be in the affirmative the Inspector and Judges of Election shall make their return to that effect to the Town Clerk, who shall then file a copy of this Act with the County Clerk of Sonoma County. This Act shall take effect from and after its ratification by a majority of the legal voters of the Town of Healdsburg.

CHAPTER CCCCLIV.

An Act to incorporate the Town of Hollister.

[Approved March 26, 1874.]

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

Corporate name.

SECTION 1. The corporation or body politic and corporate now existing and known as the "Inhabitants of the Town of Hollister," shall remain and continue to be a body politic and corporate in fact, by the name of the "Town of Hollister," and by that name shall 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 may alter the same at pleasure; and may purchase, receive, hold,

Boundaries and enjoy real and personal property, and sell, and convey, and dispose of the same for the common benefit. The boundaries of the Town of Hollister shall be as follows: Commencing at the southwest corner of homestead lot number thirty-three, and on east side of San Benito Road; thence north along the east side of said San Benito Road to the southwest corner of the mill tract of J. M. Browne; thence east along the south boundary of the mill and residence tract of said J. M. Browne to the western side of the tract or right of way of the Southern Pacific Railroad; thence northerly along the west side of said right of way to the depot tract of said Southern Pacific Railroad Company; thence northerly along the east boundary of said depot tract to the point of intersection of said east line with the east line of Sally street; thence north along said east line of Sally street to the north side of North street; thence west along the north side of North street to a point where the west line of Powell street, if extended, would strike said North street; thence due south, passing along said west side of Powell street to the north side of the road between homestead lots numbers thirty-two and forty-one; thence east along the south boundary line of homestead lot number thirty-two to the place of beginning.

Officers. SEC. 2. The government of said town shall be vested in a Board of Trustees, to consist of five members, one of whom shall be President of said Board, a Town Marshal, a Town Assessor, a Town Treasurer, and a Town Clerk.

Charter election. SEC. 3. On the first Monday of May of each year, a charter election shall be held, at which the legally qualified voters of said town shall elect the several respective officers, as herein provided, to wit: At the charter election to be held on the first Monday in May, A. D. one thousand eight hundred and seventy-four, and on the first Monday in May, in each succeeding year thereafter, a Town Marshal, a Town Assessor, and a Town Treasurer, shall be elected, and shall hold their respective offices for one year, and until their successors shall be elected and qualified. At the first charter election, five Trustees shall be elected, two of whom shall hold office for one year, and the remaining three shall hold their offices for two years. At said charter election, to be held on the first Monday in May, A. D. one thousand eight hundred and seventy-five, and on the first Monday in May, every two years thereafter, two Trustees shall be elected, who shall hold their respective offices for two years, and until their successors are elected and qualified. At the charter election to be held on the first Monday in May, A. D. one thousand eight hundred and seventy-six, and on the first Monday in May, each succeeding two years thereafter, three Trustees shall be elected, who shall hold their respective offices for two years, and until their successors shall be elected and qualified; *provided*, that said Board of Trustees shall elect, at their first regular session after the said election for Trustees, the Town Clerk, who shall serve for one year, and until his successor is elected and qualified.

SEC. 4. It shall be the duty of the Board of Trustees to call all town elections; to designate the time and place of holding the same, giving at least ten days notice thereof; for all 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 election; and all provisions of law regulating elections of State and county officers, shall apply, so far as the same are applicable, to elections under this charter. The polls for all elections shall open at one o'clock P. 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 present, shall fill their places by appointment of other competent persons from among the qualified electors so attending; and all returns of town elections shall be made out and signed by the officers of such elections, in the usual form, and deposited with the Town Clerk; and the persons having the plurality of all 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 of said town shall be eligible to any office under this charter; nor shall any person be entitled to vote at any town election unless he be a qualified electors for State and county officers, and shall have actually resided within the town thirty days next preceding such election. Duties of Board of Trustees.

SEC. 5. The officers of the present town government shall continue in office, under this charter, until their successors are elected and qualified, with such powers and duties as are herein provided. The Board of Trustees shall meet within five days after any election, as a Board of Canvassers, and canvass the returns and declare the result; and when two or more persons for any office have an equal number of votes, the Board shall decide the election by a plurality vote thereof. Should any of the officers elected fail to qualify and give the requisite bond, for the period of ten days after their election, the office shall be declared vacant, and shall be filled as hereinafter provided. To continue. Canvass.

SEC. 6. The Board of Trustees shall hold their regular meetings on the first Monday of each month. At the first regular meeting after the election of Trustees, the Board shall elect one of their number as President of the Board, who shall hold his office for one year, and until his successor is elected and qualified. A majority of all the members of said Board shall constitute a quorum; but a less number may adjourn from time to time, and may compel the attendance of absent members. The President of the Board of Trustees shall preside at all meetings of the Board. In the absence of the President at any of the regular or adjourned or called meetings of the Board, if four members be present, they may choose one of their own number to preside at such meetings; and all business transacted at such meetings, and all acts of their presiding officers, shall be as valid as if presided over or done by the President. Every order made and ordinance passed by the Board of Trustees, in order to have legal effect, must receive the approval of the President, or if he refuse to approve the same, to render such order or ordinance valid, it must receive the votes of the other four members of said Board. Meetings, organization, etc.

Vacancies. SEC. 7. If at any time either or any of the officers created by this Act shall, by reason of sickness, absence, or otherwise, neglect, refuse, or be unable to perform the duties of his office, for the period of three consecutive months, his office shall be deemed vacant, and shall be so declared by the Board of Trustees. If any such vacancy shall occur in the office of Trustee or President, at any time more than three months previous to the regular election, the same shall be filled by a special election, to be called by the remaining Trustees, for that purpose. If any vacancy shall occur in the office of Town Marshal, Town Clerk, or Town Treasurer, the same shall be filled by appointment by the Board of Trustees.

Powers of Board of Trustees. SEC. 8. The Board of Trustees shall determine the rules of its own proceedings, shall judge of the qualifications of its 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 four fifths vote; they shall have power to pass all proper and necessary laws for the regulation, improvement, and sale of lands and other property belonging to the town and appropriated to its use, 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 town; to fix the rates of license tax upon all such business, which shall not exceed the amount fixed by law for State or county purposes; *provided*, that in the business of selling intoxicating drinks in less quantities than one quart, and on other business which is permitted, but 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 town may require; to purchase, hold, and lease property on which to erect suitable buildings, public schools, town hall, and fire departments for the town, including lands and structures required for public use and utility to the town; 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; to establish fire limits; to construct wells, cisterns, and aqueducts; to supply the town with water for fire purposes; to lay out, order, open, improve, cleanse, and repair the streets, alleys, sidewalks, and public squares; to repair any property of the town; to establish and maintain all proper police regulations for the protection of health, enforcement of cleanliness, peace, and good order of the town, and for ornament; to prohibit, prevent, restrain, and remove nuisances; to establish prisons; to provide for the care and regulation of prisoners; to cause to be employed and worked vagrants and prisoners upon the public streets and works of the town; to prohibit and suppress gaming houses, houses of ill-fame, and indecent and immoral amusements and exhibitions; to regulate the location of slaughter houses, markets, and houses for the storage of gunpowder and other explosive and combustible materials; to have jurisdiction over and to regulate the cemeteries located within the limits of said town, or within the distance of one mile therefrom, and to purchase and hold lands without the incorporate limits for cemetery purposes; to impose and fix the penalties by fine, imprisonment, or forfeiture, or both fine and impris-

onment, for any and all violations of town ordinances; but no such fine shall exceed one hundred dollars, or such imprisonment be for a term exceeding thirty days, for any one offense, or in place of such fine or imprisonment may be authorized to be sentenced to labor on the streets or public property of the town; to establish Pounds, and to prevent dogs and other domestic animals from running at large; to levy and collect taxes upon all the taxable property within the town, which, for current expenses as apportioned to the General Fund, shall not exceed one per cent upon the assessed value of said property; to pass such ordinances, resolutions, and by-laws for the regulation of the public and entire government and management of the affairs of said town, as are not inconsistent with the provisions of this charter, or of the Constitution and laws of this State or of the United States. Same.

SEC. 9. The Board of Trustees shall have power, and it is hereby made their duty, to provide, by ordinance, for the levying and collection of all town taxes, and in so doing they shall be governed by the general laws of the State 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 town purposes, that now are or may hereafter become delinquent: and in case such taxes be collected by civil action, the Courts of justice shall have the same jurisdiction, and the pleadings shall substantially conform to the same requirements, and the summons and other process 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 and county 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 and county purposes; and every tax levied by said Board of Trustees, under the provisions of this Act, or of any former Act or order, which was in force 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 third 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 said taxes. The delinquent tax list, or a copy thereof certified by the Town Clerk, made out substantially in the form prescribed for making out the list of delinquent taxes levied for State and county 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 amount of taxes due and unpaid, the delinquency, and that all forms of law in relation to the levy and assessment of such taxes have been complied with. Same as to taxes.

SEC. 10. The Board of Trustees shall raise annually, by taxation upon the real and personal property within the town, as estimated from the preceding assessment roll, such tax as shall be necessary for the support and maintenance of the said town government and the general purposes thereof, not exceeding, in Annual tax

any one year, one per cent. All license taxes, unless otherwise ordered by the Board of Trustees, shall be appropriated to the General Fund, out of which shall be paid all the expenses of said town government; and all taxes and license herein authorized to be collected, shall be collected in the legal currency of the State, as prescribed in reference to State and county taxes.

Debts. SEC. 11. The Board of Trustees or any member thereof shall not create, audit, or allow, nor permit to accrue, any debts or liabilities in excess of the actual revenue and available means of said town, raised annually by taxation and from said license taxes. All claims and demands that may lawfully arise

Claims. against the town shall be submitted to the Board of Trustees, and, if found correct, the same shall be allowed and order made that the demand be paid, upon which the President of the Board shall draw his warrant, countersigned by the Town Clerk, upon the Town Treasurer, in favor of the owner or owners, for the amount so ordered paid, specifying for what purpose and by what authority it is issued, and the Treasurer shall pay the same out of the General Fund; and if there be not sufficient funds therein to pay the same, he shall register the same in the order of presentation, and thereafter pay the same in the order of registration, when sufficient funds shall have been received therefor.

Street improvements. SEC. 12. The Board of Trustees 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, and to cause proper grades thereof to be established; to pave, gravel, or macadamize, and to have the same repaired; to order sidewalks, culverts, sewers, drains, and curbing, constructed and repaired; to improve and beautify the public squares, and to order any work to be done which shall be necessary to make and complete the whole or any portion of said streets, sidewalks, lanes, alleys, and squares, as in their opinion the public good and convenience requires.

Notice. SEC. 13. The Board of Trustees 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 Town Clerk, after being published for two consecutive weeks in a newspaper published in said town, if any there be, or if there be no such paper, then in a newspaper having the largest circulation in said town. At the expiration of the time, as given in any such notice of intention, said Board of Trustees shall be deemed to have acquired jurisdiction to order any of the work herein provided for to be done; and all owners of lands or lots, or portions of lots, who feel aggrieved, or who may have objected to any of the subsequent proceedings of the Board of Trustees, in relation to the work

Remonstrance. proposed and described in the notice of intention, shall file with the Town 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 Board of Trustees, 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 improvements to be done, shall remonstrate against said work or improvements, said Board of Trustees shall then suspend further proceedings for the term of three months, unless such owners or occupants aforesaid shall sooner petition the Board of Trustees to have such improvements made; *and, it being further provided*, that if at any time of hearing of such remonstrance against said work or improvements, or at any time subsequent thereto, it shall come to the knowledge of the Board of Trustees that such 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. Same.

SEC. 14. It shall be the duty of the Board of Trustees to cause an immediate survey, when one is not already made, of any such proposed work or improvements, to be made by some 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 in front of each person's real estate to the middle of the street, all lots on the corners of blocks to include the cross streets; or if 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 Board of Trustees approve the survey, diagram, and specifications of the surveyor, the same shall be placed on file in the office of the Town Clerk, and they shall order said improvements to be made; and shall cause such order to be published at least two consecutive weeks, in such manner as they may direct. At the expiration of such notice the Board of Trustees 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 Board of Trustees, been granted, it shall be the duty of the Town Marshal to let out, in a manner described by the resolution or ordinance of the Board of Trustees, 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 Town Marshal and Trustees, the Trustees shall order the Town Clerk, or ex officio Town 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 on such real Survey, map, etc. Order and proceedings. Owner may do work. Assessment.

estate, dating from the time such work or improvement was ordered, and after due notice, present the same to the Board of Trustees, who shall, on a specified day, sit as a Board of Equalization thereon, and determine in reference thereto, in manner as is required for the equalization of other town tax; and all persons feeling aggrieved in reference to any such assessments 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 thereon shall be final and conclusive; and when thus equalized and approved by them, said list shall be properly certified by the Town Clerk; and placed in the hands of the Town Marshal for collection; and all subsequent proceedings in relation thereto, shall be the same as prescribed herein for the collection of other town taxes, as far as the same may be applicable.

Equalization.

Cost.

SEC. 15. The cost of the survey, specifications, maps, or diagrams, of any of the work or improvements hereinbefore mentioned, together with all culverts and street crossings, shall be paid by the town.

Repairing streets, etc.

SEC. 16. When any street, or portions of any street, or the sidewalk, or any portion thereof, becomes in a condition to be dangerous, or in a condition to cause great public inconvenience, the Town Marshal shall, by notice in writing, to be delivered to them personally, or posted, in writing. 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 Town Marshal shall be deemed to have acquired jurisdiction to contract for doing 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 owners of such real estate, at such price as he may deem reasonable and just, subject to the approval of the Board of Trustees, and such owners 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 [as] a tax levied or assessed and equalized, as provided in section fourteen of this Act; and all moneys collected by the Town Marshal for the construction, improvements, or repairs of any street, lane, alley, or sidewalk, if collected by an assessment duly equalized and certified, shall be paid to the Town 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 Town Clerk; and for

all assessments made upon real estate for the construction, improvements, 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 allowed by law.

Payment.

SEC. 17. The town, or proper authorities thereof, shall not be held responsible for, nor assume the payment of, any money for work done, or repairs or 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 town to collect such tax 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 Board of Trustees and be allowed and paid therefor from the General Fund of the said town.

Attorney and Surveyor.

SEC. 18. The Board of Trustees may appoint a Town Attorney, and also a Town Surveyor, the duties and compensation of each of said officers to be prescribed by said Board.

Equalization.

SEC. 19. The Board of Trustees, or a committee of their number appointed for that purpose, shall constitute a Board of Equalization, and shall, as soon as the Assessor has 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 a majority of them shall deem just and proper. Said meetings shall be held from time to time, as in said notices specified, for the period of one week, and no longer. When meeting as a Board of Equalization upon assessments for the construction or repairs of any street or sidewalk, they shall hold their sessions such period of time only as may be required to consider the matters submitted to them, and take action in reference thereto. The members of the Board of Trustees shall receive no compensation for their services; neither shall they, or any of them, or any other officer of the town, be interested, directly or indirectly, during their respective terms of office, in any contract pertaining to any of the departments of the town; and all contracts in violation of this provision shall be void.

President of Board of Trustees.

SEC. 20. The executive power of the corporation shall be vested in the President of the Board of Trustees. It shall be his duty to be vigilant and active in causing all the laws and ordinances of the town to be duly executed and enforced; to be at the head of the police; to exercise supervision and control over the conduct of all the subordinate officers, and receive and examine into all such complaints as may be preferred against any of them, for a violation or neglect of duty, and certify the same to the Board of Trustees, and may suspend the functions of such officer until the charges preferred against him can be inquired into by the Board; to sign all licenses and warrants on the Treasury; to administer oaths and affirmations upon any and all matters and business pertaining to the town; and generally to perform all such duties as may be prescribed for him by law or by the town ordinances; to communicate to

the Board of Trustees semi-annually, and oftener if he think proper, a general statement of the situation and condition of the town in relation to its government, finances, and improvements, and such recommendation in reference thereto as he may deem expedient.

President pro tem.

SEC. 21. When the President of the Board of Trustees shall be absent from the town, or from any other cause be prevented from attending to the duties of his office, the remaining members of the Board shall appoint one of their number, who shall be President pro tem., and shall in all respects be legally qualified to discharge the duties of such position.

Police department.

SEC. 22. The department of police of said town shall be under the direction of the Town 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 public officers, watchmen, and constables, in said town, and every citizen shall 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 process issued and directed to him by any legal authority; to enforce all ordinances passed by the Board of Trustees, and arrest all persons guilty of a violation of the same; to prosecute before some competent tribunal, for all breaches or violation of town ordinances; to collect all license taxes that shall at any time be due the town, and to receipt for the same; to receive the tax list, and, upon receipt thereof, to proceed to collect the same in the same manner as is prescribed by law for the collection of State and county taxes, or as may be prescribed by ordinances of said town, the said Marshal being hereby vested with all and the same powers to make collection 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 Town 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, licenses, and other money collected by him, belonging to the town, to the Town Treasurer, on the first Monday of each month, or as much oftener as the Board of Trustees may by ordinance or resolution direct, taking the Town Treasurer's duplicate receipt therefor, one of which he shall file with the Town Clerk; he shall also file at the same time, with the Town Clerk, his affidavit, stating that such receipt embraces all the money collected by him belonging to said town, for the preceding month, or such period of time as may have been prescribed, which oath shall be subscribed and sworn to before the Town Clerk.

Marshal.

SEC. 23. The Town Marshal shall have charge of the Town Prison, and the prisoners confined therein, and those who are sentenced to labor upon the public streets or public works of the town, and shall see that all orders and sentences in reference to such are fully executed and complied with.

SEC. 24. The Town Marshal or committee of the Board of Trustees, when so directed by said Board, shall perform the duties of Street Commissioner, and shall be governed by the provisions of this Act, and such laws and regulations in reference thereto as may be adopted by the Board of Trustees. The Marshal shall be entitled to receive and retain five per cent upon all moneys collected by him on account of taxes. It shall be the duty of the Marshal, and of the police officers that may be appointed, to execute all process issued by any Justice of the Peace of Hollister Township, officiating as Police Justice, or from any legal authority commanding their services as such officers, to attend upon the Court officiating as a Police Court; and for the service of all such process said Marshal and said policeman shall receive such compensation as may be realized from costs collected by them in the discharge of said official duties; such costs or fees to be the same as is by law allowed to Sheriffs and Constables for like services; the same to be paid over by the Justice from the fines imposed and collected in each case; but in no event shall the service for serving such process be a charge against the town. The Marshal shall also, with the concurrence and request of the President of the Board of Trustees, appoint additional policemen, who shall discharge the duties assigned them for such time as the President may direct, and shall receive such compensation as the Board of Trustees may allow. Duties. Fees.

SEC. 25. The Town Clerk shall keep a true and correct record of all the business transacted by the Board of Trustees; he shall sign, as Town Clerk, and issue to the Marshal, license certificates for all branches of business for which a license may be required, and take a receipt therefor, and shall keep a true list of all licenses issued by him, and the amount of money received by the Marshal therefor; 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 Board of Trustees, as a Board of Equalization, have equalized the assessment, and to do and perform such other duties as are prescribed by this Act, or as, by ordinance or otherwise, may be required of him by the Board of Trustees; he shall report to the Board of Trustees, quarterly, a detailed statement of the receipts and disbursements of the Town Government, and the state of the General or other Funds, and of any special improvement Fund that may exist; and at the expiration of the fiscal year, to make a detailed statement of the receipts and disbursements of the town during said year, specifying the different sources of revenue, and the amount received from each; the several appropriations made by the Board of Trustees, and the amount of money expended under each, and the objects for which they were made. For any and all business matters pertaining to said town, he shall be qualified to administer oaths, and shall receive for his services such amount as may be fixed by the Board of Trustees, payable out of the General Fund. Town Clerk.

SEC. 26. The Town Assessor shall, between the third Monday of May and the first day of August of each year, make a true list of all the taxable property within the limits of said Assessor.

Same. town, which list, when so made and certified by him, shall be placed in the hands of the Board of Trustees for equalization. The mode of making out such lists, and ascertaining the value of property, shall be the same as prescribed by law for assessing State and county taxes, and he is hereby vested with the same powers as County Assessors for said purpose; and he is hereby directed and empowered to collect all taxes assessed upon and against personal property, when the same is not made a lien upon real property assessed at time of assessing said real property; and the said taxes due from said personal property shall be collected at the [time] of assessing the same, and shall be paid over to the Town Treasurer without delay. For services in collecting said taxes, he shall receive such compensation as may be allowed by said Board of Trustees.

Treasurer. SEC. 27. It shall be the duty of the Town Treasurer to receive and safely keep, all moneys that shall come into his hands as such Treasurer, for all of which he shall give duplicate receipts; one of which said receipts shall be filed with the Town Clerk. He shall pay out said moneys by order of the Board of Trustees, and warrants issued by the President of the Board of Trustees, and countersigned by the Town Clerk, and shall perform such other duties as may be required of him by the Board of Trustees. He shall make out and file monthly statements with the Town Clerk, and file with the Board of Trustees an abstract of the same.

Qualification. SEC. 28. All town officers, whether elected by the people or appointed by the Board of Trustees, shall, before entering upon the duties of their respective offices, take and subscribe the oath of office prescribed by law. The Marshal, Treasurer, Assessor, and Clerk, shall each, before entering upon the duties of his office, give a bond, with two or more sureties, to be approved by the Board of Trustees, payable to the Town of Hollister, 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 that are or may be passed by the Board of Trustees. Should the bond of any officer become insufficient, he shall give such additional security as the Board of Trustees may require; and upon his failure so to do 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 Town Clerk; the official bond of the Clerk shall be filed with the Treasurer.

Police Justice. SEC. 29. The Justices of the Peace for the Township of Hollister shall discharge all the duties of Police Justice for the Town of Hollister; and all fines imposed by such Justices for any breach of the peace within the corporate limits of the Town of Hollister, or for violation of any of the town ordinances, after deducting therefrom the costs in such prosecutions, shall be paid into the Town Treasury; and such Justices may deduct from such fines such fees and compensation as is allowed by law for like services, but in no event shall such services be a charge against the town.

Compensation.

SEC. 30. The Board of Trustees shall have power to fix the amount and mode of compensation of all officers performing services for the town.

Opening streets, etc.

SEC. 31. The Board of Trustees for the Town of Hollister shall, whenever a petition, signed by forty citizens of said town, shall be filed with the Town Clerk, 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 town, if deemed by said Board a public necessity, direct, by ordinance or resolution, some competent surveyor to make an accurate survey of any such proposed street, lane, or alley, and return the same to the Board of Trustees, at its next regular meeting, or within such time as the Board of Trustees shall, by ordinance or resolution, direct. Said survey shall be accompanied with a report and diagram map, showing the location of the proposed street, lane, or alley, and the width thereof; also, the boundaries of the lands of each owner through which such street, lane, or alley is proposed to [be] located, widened, extended, altered, or vacated. And, for the purpose of making such survey, the surveyor shall have the right to enter upon any and all such lands.

Hearing, notice, etc.

SEC. 32. At the next regular meeting of the Board of Trustees, after the filing of said survey, said Board shall, by order, appoint a time for the hearing of said petition, and for the assessment and adjustment of any and all damages that may be caused by reason of the opening, widening, extending, or vacating of such proposed street, lane, or alley, which time shall not be less than thirty nor more than sixty days from the time of making such order. Upon the making of such order the Town Clerk shall issue notice directed to each and every person whose lands, or any part thereof, will be affected by said new street, lane, or alley, or the widening or extending thereof, setting forth that such petition has been filed, and that the survey of such proposed street has been filed, and the time and place when and where said petition and all applications for damages, and objections to the opening of said proposed street, will be heard by the Board of Trustees. Said notice shall be served by the Town Marshal, by posting copies of the same in some conspicuous place on the premises belonging to each owner, and by delivering a copy thereof to each owner who can be found by reasonable diligence in said town, which notice shall be so posted and served at least ten days next before the time set for the hearing.

Consideration of petition, etc.

SEC. 33. At the meeting of the Board of Trustees, provided for in the order and notice required in the last section, or at such other meeting as the hearing may be adjourned to, the Board of Trustees shall proceed to consider all matters touching the petition for the opening of such street, lane, or alley, or the widening, or the extending, or vacating of the same, and all subsequent proceedings had therein in connection with the survey, report, and diagram of the surveyor on file, and such evidence as the parties interested may produce touching the same, and if; in the opinion of the Board, the public good and convenience require the opening, widening, extending, or vacating of such street, lane, or alley, the same shall be so declared

Same. by ordinance, and the survey and report of the surveyor shall be confirmed in whole or in part as the Board shall direct; and thereafter, and on payment of the damages hereinafter provided, such street, lane, or alley shall be and remain a public street, lane, or alley. Any person or persons owning or claiming lands through or upon which such street, lane, or alley is proposed to be opened, widened, extended, or vacated, and desiring to apply for damages in consequence thereof, shall make application at the meeting at which said petition is finally considered pursuant to said notice, by petition in writing to said Board, wherein they shall set forth the amount and character of the land and improvements affected thereby, and any other circumstances having relation to the subject of damages. The Board of Trustees at such regular meeting, or at the time that the further hearing may be adjourned to, shall ascertain and determine the amount of damages sustained by each and every person owning or claiming said lands, and in so doing the benefits accruing from the opening, widening, extending, or vacating of such street, lane, or alley, to whom damages may be allowed, shall be taken into consideration, and shall be an offset against any such damages.

Damages. SEC. 34. The damages that may be allowed by the Board of Trustees to such owners and claimants, shall be audited, allowed, and paid, and upon the issuing or tendering of the proper amounts thereof, the Town Marshal shall, upon the order of the Board of Trustees, proceed and open said street, lane, or alley, without unnecessary delay; *provided*, that no sum shall be so audited, nor any warrant drawn therefor, unless there shall at the time be sufficient funds in the Town Treasury legally applicable to the payment of the same; and in such case, if the Board of Trustees shall deem proper or necessary, they may order a special election, and if a majority of the voters of said town are in favor thereof, then the said Board shall proceed and collect by special tax a sufficient amount to pay such damages, and, after the same shall have been so collected, said awards for damages may be audited and paid as in other cases.

Action for damages. SEC. 35. If the person or persons claiming damages on account of the opening, widening, extending, or vacating of any such street, lane, or alley, shall be dissatisfied with the award of the Board of Trustees, and shall refuse to receive the amount so awarded, such person or persons shall, within ten days from the final hearing and order, commence an action against the Town of Hollister, in a Court of competent jurisdiction, for such damages, and all the proceedings therein shall be conducted in the same manner as like actions are required to be conducted under or by virtue of the general laws of this State.

Charges. SEC. 36. The Board of Trustees are hereby empowered to try and determine all complaints for violation of duty of town officers, and if they find the charges true, may declare the office of such officer vacant, and fill the same as other vacancies are filled.

Miscellaneous. SEC. 37. The body corporate created by this Act, shall succeed to all the rights and obligations, and to the ownership and legal title of all property now held by the present corporate

body known as "The Inhabitants of the Town of Hollister." The present town government, and the officers now acting thereunder, shall continue, and shall fulfill their respective duties until the election and qualification of their successors, as herein provided; and all prosecutions for violation of town ordinances shall be conducted in the name of the people of the State of California, and the Court in which such prosecution shall be had shall take judicial knowledge of all ordinances and resolutions passed and published by said Board of Trustees; and the style of all ordinances passed shall be "The Trustees of the Town of Hollister do ordain."

SEC. 38. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLV.

An Act relative to Swamp Land District Number One Hundred and Eighteen, in Contra Costa County.

[Approved March 26, 1874.]

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

SECTION 1. The act of the Recorder of Contra Costa County in recording the by-laws of Swamp Land District Number One Hundred and Eighteen in a book in his office other than the one in which the petition was recorded, is hereby validated and made as effectual for every purpose as it would have been had said recordation been made in the proper place in the book in which said petition was recorded. Validated.

SEC. 2. Every act of the Board of Supervisors of said county in relation to the formation of said district is hereby made legal and validated, except as against the actual fraud of said Board or the petitioners. Same.

SEC. 3. The assessments heretofore levied upon lands in said district are hereby legalized and validated in every respect, and neither the want of a proper description of the land (if such description contain the name of the owner or occupant of the land, or one who had lately been the owner of the land), nor of the number of the swamp land survey, nor of the number of acres contained or supposed to be contained in any tract of land in any assessment, shall constitute a defense to any action or proceeding now pending, or hereafter instituted, to recover the amount due upon such assessment. Assessments confirmed.

SEC. 4. All suits for the recovery of moneys due on assessments made in said district must be commenced, and all suits now pending for that purpose must be prosecuted by the District Attorney of said county, and in the name of the people of the State of California as plaintiffs. Suits.

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

CHAPTER CCCCLVI.

[See volume of Amendments to the Codes.]

CHAPTER CCCCLVII.

An Act to change the name of the Town of Mokelumne.

[Approved March 26, 1874.]

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

Name changed.

SECTION 1. The Town of Mokelumne, in the County of San Joaquin, shall hereafter be known and designated as the Town of Lodi.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCLVIII.

An Act certifying and confirming action of Common Council of the City of Oakland for relief of J. N. Baily.

[Approved March 26, 1874.]

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

Confirmed.

SECTION 1. That the action of the Common Council of the City of Oakland, Alameda County, by resolution adopted March ninth, eighteen hundred and seventy-four, allowing and ordering paid to J. N. Baily four hundred and ninety-nine and ninety-one one hundredths dollars, for sidewalk on Twelfth street, from Fallon street to the bridge over San Antonio Creek, out of the General Fund of said city, be and the same is hereby ratified and confirmed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCLIX.

An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of San Bernardino.

[Approved March 26, 1874.]

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

SECTION 1. An Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of San Bernardino, is hereby repealed. Repealed.

SEC. 2. The repeal of said Act shall not be deemed to effect or impair any rights accrued; and the Board of Supervisors of said county shall continue to levy a tax of one fifteenth ($\frac{1}{15}$) of one per cent upon each one hundred dollars ($100) valuation of the taxable property, until all liabilities under said Act shall be satisfied. Tax.

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

CHAPTER CCCCLX.

An Act to legalize a certain assessment in the City of Sacramento.

[Approved March 26, 1874.]

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

SECTION 1. The assessment made under the authority of the Board of Trustees of the City of Sacramento, for the purpose of constructing the sewer in the alley between K and L streets, and Fourth and Fifth streets, in the City of Sacramento, is hereby legalized and confirmed, and made valid in law and equity, and binding on the property assessed for the construction thereof; and such assessment may be enforced, and the land assessed may be sued and sold in manner as other lands assessed for sewerage purposes within the said City of Sacramento. Legalized.

CHAPTER CCCCLXI.

An Act making the County Treasurer of San Joaquin County ex officio Tax Collector, and the Recorder ex officio County Auditor.

[Approved March 26, 1874.]

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

Election.

SECTION 1. At the general election in the year eighteen hundred and seventy five, and every two years thereafter, there shall be elected in the County of San Joaquin one County Treasurer, who shall be ex officio Tax Collector, and one County Recorder, who shall be ex officio Auditor of said county. The Treasurer, as such, and as ex officio Tax Collector, shall receive a salary of three thousand dollars per annum and the mileage allowed him by the State, also the percentage allowed by law for the collection of licenses, poll tax, and delinquent taxes; and the Recorder, as such, and as ex officio Auditor, for all services, shall receive a salary of three thousand eight hundred dollars.

Compensation.

Qualification and duties.

SEC. 2. The Treasury of the County of San Joaquin, so elected ex officio Tax Collector of said county, shall, before entering upon his duties Tax Collector, enter into and duly file, in such penal sum as the Board of Supervisors of San Joaquin County may require, and [an] official bond for the faithful performance of his duties as Tax Collector, and take an official oath for the faithful performance of the duties of the same; all duties and liabilities at present imposed on the Tax Collector, shall devolve on the Treasurer as ex officio Tax Collector. It shall not be necessary for the Tax Collector to make a demand for taxes, but it is hereby made the duty of the taxpayers of said county to pay their taxes at the County Court House to the Tax Collector.

Same.

SEC. 3. The County Recorder of the County of San Joaquin, before entering upon his duties as ex officio Auditor, shall file with the Board of Supervisors of said county an official bond, in such penal sum as they may require, for the faithful performance of his duties as Auditor, and take an official oath for the faithful performance of the duties of the same, and all duties and liabilities now imposed on the Auditor shall devolve on the Recorder as ex officio Auditor.

Code.

SEC. 4. All the provisions of the Code, in so far as they relate or apply to the duties of County Treasurers and County Recorders, shall apply to the County Treasurer and County Recorder of San Joaquin County, except in so far as they conflict with the provisions of this Act.

SEC. 5. The officers elected under the provisions of this Act shall take office on the first Monday of March, one thousand eight hundred and seventy-six.

CHAPTER CCCCLXII.

An Act to make the bridge across the Stone Road Crossing in Sutter County a free bridge, and for said county to own and control the same.

[Approved March 27, 1874.]

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

Purchase of bridge.

SECTION 1. At the first regular meeting of the Board of Supervisors of Sutter County, held after the passage of this Act, and at least within six months from the passage of this Act, the Auditor of said county shall ascertain and make a statement to said Board of Supervisors of the amount of outstanding indebtedness of the "Tule Bridge" at the Stone Road Crossing, in said county; and said Board shall thereupon make an order, ordering and directing the Auditor of said county to draw warrants upon the Treasurer of said county, in sums not less than five hundred dollars each, unless necessarily fractional, for the amount of such indebtedness, payable out of the General Road Fund of said county; *provided*, first, that the citizens of said county, living west of the "Stone Road Crossing," or Tule Bridge, shall, prior to the issuing of such warrants, file with said Auditor a good and sufficient bond, payable to said county, conditioned that upon the issuing of such warrants for the payment of said indebtedness, they, the said citizens, will assume and pay one thousand dollars of said indebtedness; *provided*, second, and further, that within thirty days after the passage of this Act, the persons owning and holding the warrants heretofore issued against said Bridge Fund, shall file with the Auditor of said county a written agreement to release and cancel one thousand dollars of said indebtedness, and at the same time an offer and agreement in writing, to surrender the warrants they now hold against said Bridge Fund, to the Auditor and Treasurer of said county for cancellation, and receive in lieu thereof the amount of warrants so surrendered, the amount of such indebtedness in warrants drawn upon the Road Fund of said county, less the one thousand dollars to be released and canceled, as aforesaid.

Warrants.

SEC. 2. The warrants drawn and issued in accordance with the provisions of this Act, shall, on presentation to the Treasurer of said county, be registered by him in the order in which they are presented; said warrants, after their registration, shall bear interest at the rate of seven per cent per annum until paid, and be paid in the same manner, and subject to the conditions of other warrants drawn upon the Road Fund of said county.

After payment.

SEC. 3. Upon the issuing of road warrants for the amount of the indebtedness of said bridge, less the one thousand dollars to be canceled, as provided in section two of this Act, the Supervisors of said county shall have and exercise full and complete management and control of said bridge, in all respects as they now have and exercise over the other bridges in said

county; and said bridge shall be free, and no more toll shall be taken thereon; and the Toll Keeper shall pay into the Road Fund of said county, the money in his hands at that time, and file the Treasurer's receipt therefor with the Auditor of said county. For their services under this Act, the Auditor shall receive twenty dollars, and the Treasurer, one half of one per cent.

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 CCCCLXIII.

An Act to provide for the preservation of the material of the geological survey of California.

[Approved March 27, 1874.]

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

State Geologist. SECTION 1. It shall be the duty of the State Geologist to deliver to the President of the University of California, at Berkeley, in this State, all instruments, accouterments, furniture, property, maps, books, drawings, manuscripts, notes, engravings, lithographic stones, wood cuts, field notes, and other material of every description and nature belonging or appertaining to the geological survey of California; such surrender and delivery to be made without delay.

Regents. SEC. 2. The Regents of the University of California shall safely keep and preserve, at the said University, all the property and material referred to in section one of this Act, until such time as the Legislature may direct otherwise.

Appropriation. SEC. 3. The sum of five thousand dollars is hereby appropriated out of any money in the General Fund not otherwise appropriated, to pay the necessary cost of arranging, packing, transporting, and delivering the said property and material; and the Controller shall draw his warrant or warrants for such purpose, not to exceed said sum of five thousand dollars, when directed to do so by the State Board of Examiners, and the Treasurer shall pay the same.

Reports. SEC. 4. The Regents of said University shall keep on hand and offer for sale all volumes of reports and maps published by said geological survey; they may also, as soon as the present supply of reports and maps is exhausted, cause any portion of the same to be republished and sold at the prices now provided or that may hereafter be provided by law; *provided*, that said republication shall be done without cost to the State; *provided further*, that the proceeds of the sale of all such maps and reports, over and above the cost of publication, shall

be paid in to the State Treasurer and by him credited to the School Fund of the State.

SEC. 5. This Act shall take effect immediately.

CHAPTER CCCCLXIV.

An Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to Santa Maria, in the County of Santa Barbara.

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

Railroad franchise.

SECTION 1. The right to lay out, construct, and run a line of railroad, to keep and repair and use the same, by running thereon cars propelled by steam or other motive power, for the convenient and profitable use thereof, and by such route as may be deemed most advantageous, between a point on the Bay of San Luis Obispo which may be found to be most accessible to shipping, and a point in the Guadalupe or Santa Maria Valley, not exceeding twenty-eight miles from said bay, as may be most convenient for the accommodation of the trade of said valley and of the surrounding counties, is hereby granted to John M. Price, Juan V. Avila, N. Goldtree, H. M. Newhall, John O'Farrell, F. S. Wensinger, Charles Goodall, and Christopher Nelson, and their associates and assigns, for the term of fifty years; *provided*, the construction of said road shall be commenced within one year from the date of the passage of this Act, and shall be completed within four years thereafter.

Rails.

SEC. 2. The parties aforesaid, and their assigns, may, in the construction of said road, use rails therefor and thereon of such material, form, and dimensions as in their judgment they may deem proper.

Fares and freights.

SEC. 3. It shall be lawful for the parties aforesaid, and their assigns, to charge and receive any sum not exceeding eight cents per mile for each passenger, and fifteen cents per ton per mile of freight transported on said road; *provided*, that upon freight transported on said road for any distance not exceeding seven miles, twenty-five per cent may be added to the above rates.

Same.

SEC. 4. On all articles of which two thousand pounds shall measure fifty cubic feet and less than sixty cubic feet, there may be added to the rates allowed by section three of this Act twenty-five per cent thereof; on all articles two thousand pounds of which shall measure sixty cubic feet and less than seventy cubic feet, there may be added to such rates fifty per cent thereof; on all articles two thousand pounds of which shall measure seventy cubic feet and less than eighty cubic feet, there may be added to such rates seventy-five per cent thereof; and on all articles two thousand pounds of which shall measure eighty cubic feet, there may be added to such rates one hun-

dred per cent thereof; *provided*, that the provisions of this section shall not apply to lumber, wood, bolts, fence posts, shingles, shakes, firewood, and hay in bale.

Same. SEC. 5. On all single packages weighing two thousand pounds and less than three thousand pounds, there may be added to the rates allowed in section three of this Act twenty-five per cent thereof; and on all single packages weighing three thousand pounds and less than four thousand pounds, there may be added to such rates fifty per cent thereof; and on all single packages weighing four thousand pounds and less than five thousand pounds, there may be added to such rates seventy-five per cent thereof; and on all single packages weighing five thousand pounds and upward, there may be added to such rates one hundred per cent thereof.

Same. SEC. 6. On all gunpowder, camphene, acids, or any explosive material of a like nature, also on glass and glassware, there may be added to the rates provided in section three of this Act one hundred per cent thereof.

Statement. SEC. 7. It shall be the duty of the parties aforesaid, and their assigns, after the completion of the road, on the first Monday of January of each year, to make and file with the Clerk of the Board of Supervisors of San Luis Obispo County a statement in writing, under oath, of all moneys received during the fiscal year ending December thirty-first of each year, from the earnings of said road; the rates and fares charged; the running, repairing, and construction expenses, with insurance and tax expenses; the amount (if any) of existing indebtedness; and, if dividends have been declared, the amount thereof; and the amount of cash on hand.

Fixing rates. SEC. 8. If it shall appear from such statement that the net revenue of the road, arising from its earnings during the year, has exceeded twelve per cent per annum upon the money invested in the construction and equipment thereof, then the Board of Supervisors of the County of San Luis Obispo shall have the power, and it shall be their duty, to adjust, fix, and reduce the rates and fares for passengers' travel and freights upon the road to such rates and fares as will realize to said parties and their assigns a net revenue from the road, upon capital invested, a sum equal to, but not to exceed, twelve per cent per annum.

Restrictions. SEC. 9. No discrimination shall be made between persons, parties, or localities, as to freights and fares or the transportation of goods; and no free passes shall be issued or given to any person or party to travel the road, except to those who are actually engaged in the business of the road. For any violation of this section the company shall forfeit the sum of one hundred dollars; and it shall be the duty of the District Attorney of the county wherein such act was committed to prosecute, in the name of the people of the State of California, all suits for the recovery of such forfeitures.

Code. SEC. 10. Said parties, their associates and assigns in the conduct and management of said railroad, shall have all the powers, and be subject to all the liabilities, and conform to all the requirements contained in Chapter Two and Three, of Title Three, of the Civil Code of California, relating to railroad cor-

porations, so far as the same are consistent with the provisions of this Act.

SEC. 11. 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 March, A. D. eighteen hundred and seventy-four.

DRURY MELONE, Secretary of State.

CHAPTER CCCCLXV.

An Act to provide for the payment of the deficiency in the salaries of the members of the State Board of Examination for the twenty-third fiscal year.

[Approved March 27, 1874.]

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

SECTION 1. The sum of two hundred dollars is hereby appropriated out of any moneys in the General Fund of the State Treasury not otherwise appropriated, for the purpose of paying the deficiency in the salaries for the twenty-third fiscal year, of John Swett, W. J. G. Williams, Miss Anna Austin, and Miss Mary W. Kincaid, the members forming and comprising the State Board of Examination for said fiscal year, and the Controller of State is hereby directed to draw his warrants on the State Treasurer for the sum of fifty dollars each, in favor of and for each of said parties severally, and the State Treasurer shall pay the same upon presentation of such warrants. Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCLXVI.

An Act to authorize the issue of bonds by the County of Fresno, to erect county buildings.

[Approved March 27, 1874.]

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

Bonds. SECTION 1. The Board of Supervisors of the County of Fresno are hereby authorized to issue and sell the bonds of said county, not exceeding in the aggregate sixty thousand dollars, payable at the option of the Board, at any time within twenty years from the date of issuance of said bonds, in gold coin, and to bear interest at a rate not to exceed ten per cent per annum, payable semi-annually, in gold coin, on the second days of January and July of each year.

Same. 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.

Notice and sale. 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 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 also one paper in the City of San Francisco; and, also, 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 at less than ninety-five cents on the dollar par value.

Rates. SEC. 4. The said Board may sell 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 numbers, and dates, shall be entered on the record of said Board.

Proceeds. SEC. 6. The proceeds of the sale of said bonds shall be paid into the County Treasury, and shall be expended under the supervision of the Board of Supervisors, for the purpose of building a Court House and jail.

Bond 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 as other State and county taxes are levied, a tax not exceeding

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 to provide 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 other Funds of said county, except the School Fund, a sufficient sum to pay said interest.

Redemption.

SEC. 8. Whenever, on the second day of January in each year after the year one thousand eight hundred and seventy-four, there shall remain in the Interest and Building Fund, after all the interest then due has been paid, a sum of five hundred dollars or more, the said 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 time of 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 their [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 within three months from the date of such notice, the County Treasurer shall apply the money for the redemption of the bonds next in order of the number of issue.

Cancellation.

SEC. 9. Whenever any bond shall have been paid, the County Treasurer shall mark the same "Canceled" over his signature, and return the same to the County Auditor, in the same manner as redeemed county warrants, with interest coupons not then due attached.

Transfer funds.

SEC. 10. The Board of Supervisors of Fresno County are authorized to order the Treasurer to invest any moneys in the Swamp Land Fund of said county in the purchase of said bonds; *provided*, that all interest accruing on bonds so purchased, and five per cent per annum on the total amount of bonds so purchased additional, shall be placed in a Sinking Fund, and the Board shall, from time to time, cause the money in said Fund to be applied to the redemption of bonds purchased with the said swamp land moneys, and the money paid for such bonds shall be returned to the Swamp Land Fund; *provided, further*, if at any time legal claims for money from said Swamp Land Fund should be presented, in excess of the amount of money remaining in such Fund, it shall be the duty of the Board of Supervisors to sell such amount of bonds purchased by said funds as may be necessary to meet the payment of such demands.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLXVII.

An Act legalizing the official acts of Constables in this State, performed between the first Monday of January and the first Monday of March, eighteen hundred and seventy-four.

[Approved March 27, 1874.]

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

Declared valid.

SECTION 1. All official acts performed between the first Monday of January and the first Monday of March, eighteen hundred and seventy-four, by the several Constables in this State who were elected at the general election held in the month of September, eighteen hundred and seventy-three, are hereby declared valid.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCLXVIII.

An Act to establish the county line between the Counties of Fresno and Tulare.

[Approved March 27, 1874.]

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

Boundary line.

SECTION 1. The boundary line between the Counties of Tulare and Fresno shall be as follows: Commencing on the sixth standard south from Mount Diablo meridian, at the southwest corner of township number seventeen (17) east, and running from thence north on the range line between townships sixteen and seventeen east, to the northwest corner of township number twenty-two south, range seventeen east; thence east on the township line between townships twenty-one and twenty-two south, to the southeast corner of township number twenty-one south, range eighteen east; thence north on the range line between townships eighteen and nineteen east to the northwest corner of township number twenty south, range number nineteen east; thence east on the township line between townships number nineteen and twenty south, to the southeast corner of section thirty-three, in township nineteen (19) south, range nineteen (19) east; thence north on section lines one mile, east

one mile, north one mile and east one mile, north one mile and east one mile, to the southwest corner of section eighteen (18) in township nineteen (19) south, range twenty east; thence north one mile and east to the northeast corner of said section eighteen, township nineteen south, range twenty east; thence north one mile, east one mile, north one mile and east one mile to the southeast corner of section thirty-three, in township number eighteen south, range number twenty east; thence north one mile, east one mile, north one mile, east one mile, north one mile, east one mile, north one mile, and east to the southeast corner of section seven (7) in township eighteen south, range twenty-one east; thence north one mile, east one mile, north one mile, east one mile, to the southwest corner of section thirty-four (34), in township seventeen (17) south, range twenty-one east; thence north one mile, east one mile, north one mile, east one mile, north one mile, east one mile, north one mile and east to the southeast corner of section seven (7), in township number seventeen (17) south, range number twenty-two (22) east; thence north one mile, east one mile, north one mile and east to the southeast corner of section thirty-three (33), in township number sixteen (16) south, range number twenty-two east; thence north one mile, east one mile, north one mile, east one mile; thence north one mile, east one mile, north one mile and east to the northeast corner of section eighteen (18), in township number sixteen (16) south, range number twenty-three (23) east; thence north one mile, east one mile, and north on section line to the township line between townships fifteen and sixteen south; thence east on said township line to the southeast corner of township number fifteen south, range twenty-four east; thence north on the range line between ranges twenty-four and twenty-five east, to the northwest corner of township number fifteen south, range twenty-five east; thence east on the township line between townships fourteen and fifteen south, to the northeast corner of township number fifteen south, range number twenty-seven east; thence north six miles to the northwest corner of township number fourteen south, of range number twenty-eight east; thence east to the southeast corner of township number thirteen (13) south, range number twenty-eight east; thence north on the range line to the third standard line south from Mount Diablo meridian, and from thence east on township line between townships thirteen and fourteen south to the present county line of Inyo County. Same.

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 and be in force from and after its passage.

CHAPTER CCCCLXIX.

An Act to fix the salary of the County Recorder of the County of Placer.

[Approved March 27, 1874.]

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

Salary of Recorder.

SECTION 1. The County Recorder of Placer County shall receive, in full compensation for his services as County Recorder, as County Auditor, Clerk of the Board of Supervisors, and Clerk of Board of Equalization, to include all pay of deputies and assistants, the sum of three thousand dollars per annum, payable out of the General Fund of the county, payable quarterly.

Fee book.

SEC. 2. The said County Recorder shall 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 or assistants earned, collected, or chargeable, with the date, name of payer, and the nature of service in each case. If the said Recorder shall refuse or willfully neglect to keep such book, or file the affidavit hereinafter named, he shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding five hundred dollars, and removal from office, if in office at the time of sentence.

Work after term.

SEC. 3. If said Recorder, 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.

Report and oath.

SEC. 4. At each regular meeting of the Board of Supervisors of said County of Placer, on the first day of said meeting, the County Recorder shall present to the Board of Supervisors his fee book, with the same footed up, and the County Treasurer's receipt annexed, that the amount has been paid into the County Treasury. He shall also make an affidavit in the form as follows: I, ———, Recorder of the County of Placer, 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, and that the amount thereof is the full amount received or charged since my last payment, and that neither to myself, nor to my knowledge, any deputy for me, has rendered any services for which fees are chargeable and payable, 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 quarter.

SEC. 5. This Act shall take effect and be in force from and after the first Monday of March, A. D. one thousand eight hundred and seventy-six.

CHAPTER CCCCLXX.

An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

[Approved March 27, 1874.]

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 Petaluma shall make such ordinances, not inconsistent with the laws and Constitution of the United States and of this State, as are necessary, to license and regulate drays, trucks, omnibuses, hacks, market wagons, express wagons, and other vehicles; to prohibit the running at large, in said city, of horses, swine, mules, sheep, goats, and cattle (except when driven through said city), and impounding the same and selling them, upon the order of the City Recorder, after notice given, either personally to the owner, or by posting notices, to pay fines, expenses, and costs of impounding, keeping, and selling. Powers.

SEC. 2. The City Recorder must be a qualified elector of the city. Any vacancy in the office of City Recorder must be filled by an appointee of the Board of Trustees of the city. The Recorder's Court has jurisdiction of the following public offenses committed within the city boundaries: 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 willful injury to property, and all misdemeanors punishable by fine not exceeding one thousand dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment; and, Fourth—Of proceedings respecting vagrants, lewd, or disorderly persons. The Recorder's Court also has exclusive jurisdiction: First—Of all proceedings for the violation of any ordinance of the city, both civil and criminal. Second—Of any action for the collection of taxes and assessments levied for city purposes, or for the erection or improvement of any school house or public buildings, for the laying out or opening or improving any public street or sidewalk, lane, alley, bridge, wharf, pier, or dock, or for the purchase or improvement of any public grounds, or for any and all public improvements made and ordered by the city, within its limits, when the amount of the tax or assessments sought to be collected against the person assessed is less than three hundred dollars; but no lien upon the property taxed or assessed for the non-payment of the taxes or assessment can be fore- Recorder. Court.

Same. closed in any such action. Third—Of an action for the collection of money due to the city, or from the city to any person, when the amount sought to be collected, exclusive of interest and costs, is less than three hundred dollars. Fourth—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 all forfeited recognizances given to, or for the benefit, or in behalf of the city, and upon all bonds given upon any appeal taken from the judgment of the Court in any action above named, where the amount claimed, exclusive of costs, is less than three hundred dollars. Fifth—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; and, Sixth—Of an action for the collection of any license required by an ordinance the city. In all cases in which the Recorder is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, and in case of his sickness or inability, the Recorder may call in a Justice of the Peace residing in the city to act in his place and stead. The Recorder's Court shall always be open for the transaction of business, except on non-judicial days. Proceedings in the Recorder's Court must be in conformity with the provisions of the Codes for Police Courts in cities. The Recorder, during his term of office, shall hold no other township or county office, and for a violation of this provision the Board of Trustees may declare such office of Recorder vacant. The Recorder shall have power to administer oaths and affirmations, and to take affidavits and depositions, to be used in any Court or proceeding in this State, and to certify to the same; he shall also have full power to take and certify the acknowledgments of all persons to deeds, mortgages, leases, and contracts of lands, and premises, and tenements lying and being, in whole or in part, within the limits of said city, and of all instruments affecting such lands, premises, and tenements, and shall receive therefor the same fees as Notaries Public. The City Recorder shall affix his seal to all acknowledgments and to all certificates to be used outside of said city; he shall keep a docket and record of his proceedings in the same manner and form as is required of Justices of the Peace. All fines and penalties imposed and collected in criminal proceedings, exclusive of costs, and all fees except for notarial business, received by the Recorder, shall be paid in to the City Treasurer; he shall receive a salary, to be fixed by the Board of Trustees of said city, not to exceed five hundred dollars per annum. In all actions before the Recorder, in which the City of Petaluma is a party, the City Attorney shall appear on behalf of the city.

Restriction SEC. 3 The City Marshal shall not hold any other elective or appointed, ministerial or judicial office during his term of office; upon a violation of this provision, the Board of Trustees may declare the office vacant, and proceed to elect another City Marshal.

Repealed. SEC. 4. Section fourteen of the Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-sev-

enth, eighteen hundred and sixty-eight, and such portions of that Act as are inconsistent with this Act, are hereby repealed.

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

CHAPTER CCCCLXXI.

An Act supplemental to an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

[Approved March 27, 1874.]

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

SECTION 1. The provisions of an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four, are hereby extended and made applicable to the County of Napa. Applied.

SEC. 2. An Act entitled an Act concerning estrays in the County of Napa, approved March twentieth, eighteen hundred and seventy-two, and all other Acts in conflict with this Act, are hereby repealed. Repealed.

SEC. 3. This Act shall take effect on the first day of May, A. D. eighteen hundred and seventy-four.

CHAPTER CCCCLXXII.

An Act to authorize the Board of Supervisors of Contra Costa County to levy a special tax.

[Approved March 27, 1874.]

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

SECTION 1. The Board of Supervisors of Contra Costa County are hereby authorized to levy a special tax, not to exceed twenty-five cents on each one hundred dollars of taxable property in said county, in addition to other taxes authorized by law, for the purpose of creating a Fund, to be known as the Special Road Fund of said county. Special tax

How levied and collected.

SEC. 2. Said tax shall be levied at the annual meeting of said Board of Supervisors at which State and county taxes are authorized by law to be levied for the year eighteen hundred and seventy-four, and collected in the same manner as other State and county taxes; and the money arising therefrom shall be placed in the Fund created by this Act, and shall be devoted exclusively to payment of the outstanding indebtedness against road districts numbered one, two, three, four, and five, as established and defined heretofore; such tax together with the tax for general road purposes shall not exceed forty cents on each one hundred dollars worth of taxable property in the county.

Payment of warrants.

SEC. 3. The Treasurer shall pay out of said Fund the outstanding warrants of said districts, in the order of their registration, until the whole amount of said indebtedness is liquidated.

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

CHAPTER CCCCLXXIII.

An Act to authorize the City Clerk of the City of Placerville to execute certain trusts in relation to the lands granted to said city.

[Approved March 27, 1874.]

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

Delegated powers.

SECTION 1. John R. Patton, City Clerk of the City of Placerville, is hereby authorized and empowered to exercise all the powers, and do all and every act authorized to be done by the corporate authorities of said city by the Act entitled "An Act to authorize and direct the municipal authorities of the several cities and incorporated towns of this State to execute certain trusts in relation to the town lands granted to the incorporated cities and towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,'" approved March second, eighteen hundred and sixty-seven, and the Act amendatory thereof, approved March twenty-fourth, eighteen hundred and sixty-eight.

General provisions.

SEC. 2. Every person, corporation, or association, claimant for any town lot, or parcel of land, within the limits of said City of Placerville, that have not, prior to the passage of this Act, complied with the provisions of the Acts of Congress mentioned in section one of this Act, may present their application, within three months from the passage of this Act, to said City Clerk, and such application shall be deemed to have been presented to the corporate authorities of said City of Placerville.

Settlement

SEC. 3. C. W. Brewster, W. Jones, and John P. Cleese, residents of said City of Placerville, are hereby empowered and

directed to settle with the Marshal, Treasurer, and Clerk of said city, and at the close of the aforementioned trust, to direct what distribution shall be made of any moneys remaining in the "Special Land Fund," after the payment of all just and lawful debts and expenses, incurred against and chargeable to said Fund, is paid.

SEC. 4. All Acts in conflict with the provisions of this Act are hereby repealed, so far as the same applies to the City of Placerville.

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

CHAPTER CCCCLXXIV.

An Act to abolish attorney's fees, and other charges, in foreclosure suits.

[Approved March 27, 1874.]

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

SECTION 1. In all cases of foreclosure of mortgage the attorney's fee shall be fixed by the Court in which the proceedings of foreclosure are had, any stipulation in said mortgage to the contrary notwithstanding. Attorney's fees.

SEC. 2. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed, and this Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLXXV.

An Act for the relief of M. B. Pond.

[Approved March 27, 1874.]

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

SECTION 1. The Board of Supervisors of Napa County are hereby authorized and directed to examine, settle, allow, and order paid out of the General County Fund of Napa County, to M. B. Pond, M. D., such sum as they shall find his services reasonably worth, for medical attendance upon and medicines furnished to one J. W. Dodson, during his affliction with the smallpox, in Napa County, in July, eighteen hundred and seventy-two. Settlement.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCLXXVI.

An Act to authorize the Trustees of the City of Benicia to purchase a lot of land for public purposes.

[Approved March 27, 1874.]

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

May purchase.

SECTION 1. The Trustees of the City of Benicia are hereby authorized to purchase of the owners thereof, lot eleven (11) in block forty-two (42) in said city, for the purpose of dedicating the same as part of a public square, and to pay for the same by warrants drawn on the General Fund of said city.

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

CHAPTER CCCCLXXVII.

An Act fixing the compensation of the Assessor of Mono County.

[Approved March 27, 1874.]

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

Salary.

SECTION 1. The annual salary of the Assessor of Mono County shall be seven hundred ($700) dollars; said salary shall be paid at the same time, and in the same manner, as are paid other salaries in said county.

CHAPTER CCCCLXXVIII.

An Act to authorize the transfer, by order of the Board of Supervisors, of certain funds, in the County of Shasta.

[Approved March 27, 1874.]

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

Transfer funds.

SECTION 1. The Board of Supervisors of Shasta County are hereby authorized and empowered, if they deem it for the best interests of Shasta County, and not otherwise, to order the transfer of all the Swamp Land Fund of said county to the General Fund of said county, which said transfer of the said

Swamp Land Fund to the General Fund of said county, should said Board of Supervisors order the same to be transferred, shall be, and the same is hereby declared to be, a loan by the said Swamp Land Fund of said county to the General Fund of said county.

Tax. SEC. 2. It shall be the duty of the Board of Supervisors of said county, and they are hereby authorized and empowered, on petition for that purpose, of any number of persons representing a majority of all the swamp land in said county, or upon their own motion, should they deem it necessary, to levy at the same time that State and county taxes are levied, a sum sufficient upon the taxable property of said county to repay to said Swamp Land Fund any amount, or amounts, that may become due said Fund by virtue of the provisions of this Act, which said tax shall be assessed and collected as State and county taxes are assessed and collected, and when so collected shall be paid into the Swamp Land Fund of said county.

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

CHAPTER CCCCLXXIX.

An Act consolidating the offices of Sheriff and Tax Collector, in the County of Placer, and making the Sheriff ex officio Tax Collector.

[Approved March 27, 1874.]

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

Tax Collector. SECTION 1. From and after the first Monday in March, eighteen hundred and seventy-six, the Sheriff of Placer County shall be ex officio Tax Collector in and for said county, and shall discharge all the duties pertaining to such office in conformity with the revenue laws of the State and county, as are now performed by the Tax Collector of the several revenue districts therein, and shall receive the same compensation therefor as is allowed by law to said Tax Collectors.

Repealed. SEC. 2. So much of the 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," as provides for the election of Tax Collectors, approved April first, eighteen hundred and sixty-four, is hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after the first Monday in March, eighteen hundred and seventy-six.

CHAPTER CCCCLXXX.

An Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the fees and salaries of officers, and defining their duties, in the County of El Dorado, and other matters relating thereto, approved March fifth, eighteen hundred and seventy, approved March twenty-seventh, eighteen hundred and seventy-two.

[Approved March 27, 1874.]

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:

Assessor; duties, fees, etc.

Section 3. At the general election to be held in the year eighteen hundred and seventy-three, and every two years thereafter, there shall be elected a County Assessor, who shall be ex officio Tax Collector of State and county taxes on real and personal property, and ex officio Collector of poll taxes, per capita taxes for hospital purposes, and State and county business licenses. Assessments shall be made by the 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 one thousand dollars per annum, 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 of Supervisors 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. The Assessor, as ex officio Collector of poll taxes, per capita taxes for hospital purposes, and State and county business licenses, shall be entitled to receive for the collection of poll taxes and per capita taxes for hospital purposes, fifteen per centum on the total amount collected, for his own use and benefit. For every business license he shall demand and be entitled to receive as a fee the sum of one dollar. The Assessor, as ex officio Collector of taxes on real and personal property, shall receive for the collection of State taxes, except taxes for school purposes, six per cent on the first ten thousand dollars collected, four per cent on all over ten thousand dollars and under twenty thousand dollars, and two per cent on all over twenty thousand dollars, which shall be for his own use and benefit. For the collection of county taxes, except taxes for school purposes, he shall receive sixteen per cent of the amount collected, one per cent of which he shall retain for his own use and benefit, and which shall be in full for all services performed in collecting the same; the other fifteen per cent he shall pay over to the County Treasurer, to be placed by him in the Salary Fund of said county, and become a part of said Fund. The Assessor elected at the general election in

the year eighteen hundred and seventy-three, and every two years thereafter, shall, as ex officio Tax Collector, on the first Monday of each month make a full settlement with the County Treasurer and County Auditor. He shall first pay over all moneys collected by him for property taxes, poll taxes, per capita taxes for hospital purposes, and State and county business licenses, less his fees for collection, to the County Treasurer, and take from said Treasurer receipts in duplicate for the same: First—The amount paid to said Treasurer for the money collected for property taxes. Second—The amount paid to said Treasurer for the money collected for State and county business licenses that shall have been issued to him by the County Treasurer, designating how much is received for each class and kind. Third—The amount paid to said Treasurer for money collected for poll taxes. Fourth—The amount paid to said Treasurer for money collected for per capita taxes for hospital purposes. Fifth—The total receipts; one of said receipts the Collector shall forthwith deliver to the County Auditor, and shall settle with said officer. Same.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they relate to the County of El Dorado.

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

CHAPTER CCCCLXXXI.

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 27, 1874.]

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 to appropriate, allow, and order paid, out of the General Fund, the several sums of money hereinafter mentioned, and to exercise the powers following: City appropriations authorized.

First—To allow and order paid to G. W. L. Post, a disabled fireman, a sum not to exceed one hundred dollars per month, for services rendered as janitor and messenger to the Board of Fire Commissioners, from August twentieth, eighteen hundred and seventy-two.

Second—To allow and order paid to the San Francisco Homœopathic, Medical, and Surgical Dispensary, a sum not to exceed fifty dollars per month, from February first, eighteen hundred and seventy-three, for drugs and medicines furnished at said

dispensary, free of charge, to indigent persons, said persons having also received gratuitous medical treatment and advice.

Further powers.

SEC. 2. The Board of Supervisors of the City and County of San Francisco, are hereby further authorized and empowered:

First—To receive and accept from the owners or claimants of the lots and lands lying contiguous to Channel street and Mission Creek, from Ninth to Eighteenth streets of said city, a deed or deeds of a tract of land, not less than fifty feet in width, and without abrupt curves or short angles, to be located on a line to be laid out by and to be satisfactory to said Board of Supervisors, for the construction of a sewer therein, and for the purposes of a public street.

Second—The said Board of Supervisors are hereby authorized to acquire, by purchase, for such considerations as to the said Board shall seem reasonable, any of the lots or lands hereinbefore described, for the purposes of said sewer and street, as cannot be acquired by voluntary gift or donation, and to order payment of such considerations out of the General Fund of the Treasury of said city and county.

Third—For the purpose of acquiring title to all such portions of said lots and lands, as may not be acquired under the provisions of the first and second subdivisions of this section, the said Board of Supervisors is hereby authorized and required to cause the same to be condemned and appropriated to public uses, for the purposes of said sewer and street. The Mayor, Auditor, and Tax Collector of said city and county, are hereby appointed and constituted Commissioners, with power to ascertain and determine the value of the lands, and the sums to be paid therefor to the owners thereof. In case of a vacancy in said Commission, by reason of any member thereof being disqualified from acting, or for other cause, the County Judge of said city and county shall fill such vacancy by appointment of some competent and disinterested person. The moneys to be paid for any lands, under the provisions of this Act, must be paid out of the General Fund of the Treasury of said city and county. The said proceedings to acquire title to lands, except as herein otherwise provided, must conform to the provisions of the Act approved April first, eighteen hundred and seventy-two, entitled "An Act to 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," and to the provisions of any other Act passed at the present session of the Legislature, defining the powers of said Board of Supervisors, which are hereby made applicable to this Act, so far as the same are not inconsistent therewith.

Fourth—The said Board of Supervisors are hereby authorized and required, under such rules and regulations as they may prescribe, to sell at public auction, to the highest and best bidders, all of said Channel street and Mission Creek, from Ninth street to Eighteenth street, except such portions thereof as may be required for the purposes of the sewer and street herein provided for. The lands so offered for sale shall first be surveyed and subdivided into lots, conforming, as near as may be practicable, in form and size, to the lots next contiguous

thereto. Streets, in conformity to and connecting with the streets laid down upon the official plan of said city, shall be reserved and dedicated to public use. A deed from the Mayor of said city and county, executed to the purchaser of any lot after full payment therefor shall have been made, shall vest the title of such lots in such purchaser. The proceeds of said sales shall be paid into the General Fund of the Treasury of said city and county. The said Commissioners shall receive for their services such compensation as the Board of Supervisors may allow. Same.

Fifth—Whenever the said city and county shall have acquired the lands herein mentioned for said sewer and street, the said Board of Supervisors are authorized to open and improve said street, and construct said sewer of such material and capacity as said Board may determine, and are authorized to appropriate, allow, and order paid out of the General Fund, such sums as may be necessary for said purposes.

SEC. 3. All of said Channel street and Mission Creek lying between said Ninth and Eighteenth streets, are hereby vacated as a public street, highway, or navigable stream; and all Acts, or parts of Acts, so far as they provide for an open canal and public street or highway between said Ninth and Eighteenth streets, are hereby repealed; and nothing in this Act contained shall affect Mission Creek or Channel street below the point of intersection with said Ninth street. Vacated.

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

CHAPTER CCCCLXXXII.

An Act supplemental to an Act entitled an Act to regulate the fees of office, and to fix the compensation of the officers in the County of Sacramento, approved Feb'y twenty-eighth, eighteen hundred and seventy-four.

[Approved March 27, 1874.]

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

SECTION 1. The Sheriff of the County of Sacramento shall be entitled to charge, demand, and receive, to his own exclusive use and benefit, for all official services performed by him in all criminal cases or proceedings, other than for such cases or proceedings had, commenced, or pending, or that may hereafter be commenced in said County of Sacramento, the following fees and compensation: First—For making every arrest, two dollars. Second—For serving a subpœna, for each witness served, fifty cents. Third—For every mile necessarily traveled in executing any warrant of arrest, subpœna, bringing up a prisoner on habeas corpus, taking prisoner before magistrate or to Sheriff's fees.

Same. prison, twenty cents a mile; said fees and compensation shall be a charge against the county for which said services were performed, or in which said proceedings were had, commenced, or are pending, and shall be allowed, audited, and paid by said county, as other demands are allowed, audited, and paid; he shall also receive, to his own use and benefit, the compensation allowed by section two thousand two hundred and twenty-one of the Political Code, for delivering insane persons to the Asylum for the Insane; and for delivering prisoners to the State Prison, the compensation allowed by section one thousand five hundred and eighty-six of the Penal Code; *provided*, that nothing in this Act shall be construed so that any charge whatever shall be made against the County of Sacramento.

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

CHAPTER CCCCLXXXIII.

An Act to repeal an Act entitled an Act relating to public roads in Lake County, approved March the thirty-first, A. D. eighteen hundred and sixty-six.

[Approved March 27, 1874.]

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

Repealed. SECTION 1. An Act entitled an Act relative to public roads in Lake County, approved March the thirty-first, A. D. eighteen hundred and sixty-six, is hereby repealed.

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

CHAPTER CCCCLXXXIV.

An Act concerning the salary of the Auditor and ex officio Clerk of the Board of Trustees of the City of Sacramento.

[Approved March 27, 1874.]

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

Salary of Auditor. SECTION 1. The salary of the Auditor and ex officio Clerk of the Board of Trustees of the City of Sacramento is hereby fixed at two thousand dollars per annum, payable monthly out of the General Fund of the city.

Allowance. SEC. 2. The Board of Trustees of the City of Sacramento are hereby authorized and empowered to allow the City Auditor such compensation, as they may deem just and reason-

able, for extending the assessment roll of the city, not to exceed five hundred dollars for any one year, in addition to the salary provided in section one of this Act.

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

CHAPTER CCCCLXXXV.

An Act to authorize the Board of Supervisors of San Bernardino County to locate and build bridges across the River "Santa Anna," and to issue bonds for the payment of the same.

[Approved March 27, 1874.]

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

SECTION 1. The Board of Supervisors of San Bernardino County are hereby authorized and empowered to locate and construct good and substantial bridges, of sufficient width and strength to admit the passage of heavily freighted teams and wagons, across the "River Santa Anna," at points to be designated by said Board; one, not to exceed one mile distant from the line where the crossing now is to cross from New San Bernardino, the county seat of San Bernardino County, to Old San Bernardino; another, not to exceed one half mile distant from the line of the present road from the Colony of Riverside to San Bernardino, where it crosses said river just above the point where the ditch of said colony takes the water out of said river; the other, not to exceed three miles below the present crossing of said river where the road now crosses from Sinvills' house, on the west side of said river to Riverside; and upon such plan, and of such material, with substantial abutments, as the said Board of Supervisors shall determine; but at an expense not to exceed twenty thousand ($20,000) dollars each; or sixty thousand dollars ($60,000) for the three bridges; *provided*, that said bridges or either of them, shall only be constructed and paid for in the manner hereinafter provided; *and, provided further*, that nothing in this Act shall authorize said Board of Supervisors, or any of them, to construct, contract for, or be interested in anywise in the contract for the construction of said bridges, or either of them. Bridge powers.

SEC. 2. Before proceeding to the construction of any of the bridges authorized to be constructed by this Act, the Board of Supervisors of said county shall cause to be prepared and shall adopt plans and specifications for the construction of said bridges, and shall deposit the same with the Clerk of said Board for the inspection of bidders, and shall cause to be published, for at least thirty days, in some daily newspaper of general circulation, printed in the County of San Bernardino, and also in the City of San Francisco, an advertisement for sealed proposals for the construction of said bridges; said proposals Plans and proposals.

shall be addressed to the Clerk of the Board of Supervisors of San Bernardino County, and shall contain a bid for the construction of said bridges, or either of them, according to the plans and specifications adopted by said Board, and shall state the names of the proposed sureties, and be accompanied by their written consent to become sureties in case of the acceptance of the bid.

Award of contract.

SEC. 3. Within one week after the expiration of the time specified in said advertisement for the presentation of said proposals, the said Board of Supervisors shall meet, and, in public, open all proposals that may have been received for the construction of said bridges, or any of them, and shall proceed to consider the said proposals; and shall, upon the filing of the Board [bond] hereinafter provided for, award the contract for the construction of the said bridges, or either of them, to the lowest responsible bidder or bidders; *provided always*, that said Board shall have power to reject any and all bids received; *and, provided*, that no party to whom the contract for building said bridges, or either of them, may have been awarded, shall have the right to sub-contract the work of building said bridges, or either of them to any other person, under penalty of a forfeiture of his bond.

Surety and payment.

SEC. 4. The person or persons to whom the contract for the construction of said bridges, or either of them, may be awarded, shall file a good and sufficient bond, with two or more sureties, in double the sum of their respective bids, to be approved by the Board of Supervisors of said county, and conditioned to the effect that the obligors will well and truly, and in a workmanlike manner, cause the said bridge or bridges to be constructed and completed within six months after the bid shall have been accepted, in accordance with the plans and specifications as adopted by said Board; *and, provided further*, that not more than seventy-five (75) per cent of the amount agreed upon to be paid for the building of said bridges, or either of them, shall be paid as the work of construction progresses, and the remainder shall be paid when the work is completed and accepted by the Board of Supervisors.

Bridge bonds.

SEC. 5. For the purpose of providing means for the construction of said bridges, the Board of Supervisors of said county are hereby authorized to cause to be prepared suitable bonds of said county, to be denominated on their face the "San Bernardino County Bridge Bonds," of the denomination of five hundred dollars each, gold coin of the United States, bearing interest at the rate of seven (7) per cent per annum from date of their issue, in like gold coin, payable at the office of the County Treasurer of San Bernardino County upon the first day of January of each year, and the principal sum thereof payable at said County Treasurer's office, in the Town of San Bernardino, upon the first day of January, A. D. eighteen hundred and ninety-five. Said bonds shall be signed by the Chairman of the Board of Supervisors, and countersigned by the County Treasurer and County Auditor, and shall have the seal of the Auditor of said county stamped thereon, and shall have coupons attached; the first, for the interest from the date of their issue, for the term ending on the last day of December follow-

ing, and the remainder for one year's interest, each, thereafter; to be consecutively numbered, and attached thereto, so as to be removed without injury or mutilation to the bond; which coupons shall be signed by the County Treasurer.

Records. SEC. 6. It shall be the duty of the Chairman of the Board of Supervisors, the County Auditor, and County Treasurer of said county, each to keep a separate record of all bonds signed by them, which bonds shall remain with the County Treasurer.

How used. SEC. 7. The bonds issued in pursuance of this Act shall be given and received exclusively in payment for the construction of the aforesaid bridges; *provided, however*, that if in the judgment of the Board it shall be deemed for the best interest of the county, they may sell any or all of said bonds, at such time or times as they may deem proper, after having published a notice for thirty days in one newspaper published in said County of San Bernardino, and one newspaper published in the City of 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 or all bids.

Tax. SEC. 8. For the payment of the principal and interest of the bonds issued in pursuance of this Act, there shall, until the same are paid and discharged, be annually levied and collected, in the same manner as is or may be provided by law for the collection of State and county taxes, a special tax, not exceeding twelve cents on each one hundred dollars of the aforesaid value of real and personal property in said county, and the Fund derived from this tax shall be set aside and applied exclusively to the payment of the interest and the final redemption of the bonds issued in pursuance of this Act, and shall be known by the name of San Bernardino Bridge Interest and Sinking Fund.

Redemption. SEC. 9. Whenever on the first day of February in any year after payment of the interest as herein provided for, there remains in the said "San Bernardino Bridge Interest and Sinking Fund" a surplus exceeding five hundred dollars, it shall be the duty of the County Treasurer of said county to advertise for one month, in a newspaper published and printed in said county, for sealed proposals, to be opened one week after the expiration of said publication, by the Treasurer, at his office, in the presence of the Chairman of the Board of Supervisors, and of the County Auditor of said county, for the surrender of the bonds issued under this Act; which advertisement shall state the amount of money the Treasurer 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 fifteen days after acceptance, the class and form of which security may be prescribed by the County Treasurer. When said proposals are opened, they shall accept the lowest proposal, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the cash on hand for redemption is exhausted.

Record and cancellation.

SEC. 10. Immediately after any bonds shall have been redeemed as herein provided, it shall be the duty of the County Auditor to take the number of said bonds so redeemed, to whom issued, and when redeemed, and to make a record of the same in his office, and for that purpose the County Treasurer shall, upon demand, exhibit said bonds to him, and shall permit him to deface the same in such a manner that neither they nor their coupons can again be put in circulation.

SEC. 11. This Act shall take effect from and after its passage.

CHAPTER CCCCLXXXVI.

An Act giving the consent of the Legislature to Whitman H. Hill, County Clerk of El Dorado County, in the State of California, to absent himself from said State for a period not exceeding ninety days.

[Approved March 27, 1874.]

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

Leave of absence.

SECTION 1. The Legislature of the State of California hereby consents that Whitman H. Hill, County Clerk of El Dorado County, in the State of California, may absent himself from said State for a period not exceeding ninety days, at any time during his present term of office; *provided*, said Clerk leave in his office competent clerical force for the prompt and efficient transaction of the business thereof; *and, provided further*, that he shall first obtain the consent of a majority of the Board of Supervisors of said county, and of all the sureties on his official bond.

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

CHAPTER CCCCLXXXVII.

An Act supplemental to an Act entitled an Act amendatory of and supplemental to an Act entitled "An Act to regulate fees of office and salaries of officers in Siskiyou County," approved March twelfth, eighteen hundred and seventy, approved February twenty-seventh, eighteen hundred and seventy-four.

[Approved March 27, 1874.]

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

SECTION 1. The provisions of an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to regulate fees of office and salaries of officers in Siskiyou County, approved March twelfth, eighteen hundred and seventy, approved February twenty-seventh, eighteen hundred and seventy-four, to which this Act is supplemental, shall not be so construed as to require the County Clerk of Siskiyou County to include in the report of the fees earned and collected, or charged by him, for services rendered by him and his deputies, in any of his official capacities, which he is required to make to the Board of Supervisors, any of the fees or other compensations which he may be entitled to charge and collect for any services he, in any of his official capacities, may render in pursuance of any of the provisions of an Act entitled "An Act to create the County of Modoc, to establish the boundaries thereof, and to provide for its organization, approved February seventeenth, eighteen hundred and seventy-four," but he shall be entitled to retain for his own use all the fees or other compensations which he may be authorized to charge and collect for such services. Construction.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCLXXXVIII.

Proposed amendment to the Constitution of the State of California.

[Approved March 27, 1874.]

The Legislature of the State of California, at its twentieth session, commenced on the first day of December, one thousand eight hundred and seventy-three, adopt and agree to the following amendment to section twenty-one of Article Eleven of the Constitution of the State (which amendment was heretofore proposed and adopted by the Legislature of said State at its nineteenth session.)

SECTION 21. All laws, decrees, regulations, and provisions, which from their nature require publication, shall be published in such manner as the Legislature may direct. Publication.

CHAPTER CCCCLXXXIX.

[See volume of Amendments to the Codes.]

CHAPTER CCCCXC.

An Act supplemental to an Act entitled an Act to provide for the construction of certain wagon roads in County of Humboldt, approved February twenty-eighth, eighteen hundred and seventy-four.

[Approved March 27, 1874.]

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

Commissioners.

SECTION 1. The Board of Supervisors of the County of Humboldt, for the purpose of better carrying out the provisions of an Act entitled an Act to provide for the construction [of] certain wagon roads in the County of Humboldt, approved February twenty-eighth, eighteen hundred and seventy-four, are hereby authorized to appoint three Commissioners, to locate the wagon road route from Ferndale, in Humboldt County, to the northern boundary line of Mendocino County, in accordance with the provisions of the Act to which this is supplemental; said Commissioners, in locating said wagon road, to have all the powers and receive the same compensation as provided for Commissioners in said Act.

Restriction

SEC. 2. The Commissioners appointed under the provisions of the Act to which this Act is supplemental, shall not have the power to locate the wagon road route mentioned in the preceding section.

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

CHAPTER CCCCXCI.

An Act to amend an Act entitled an Act to regulate salaries, and fix the compensation of certain county officers, in the County of Sonoma, approved March sixteenth, eighteen hundred and seventy-four.

[Approved March 27, 1874.]

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

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

Section 8. The Sheriff, and County Recorder as ex officio Auditor, must keep an accurate account of all fees collected by them and their deputies, in their official capacities, and must pay the same over to the County Treasurer, under oath, as provided in section four of this Act. The Sheriff, in person or by deputy, shall serve all papers properly coming to him for service, and shall not deliver them or any of them for service to any Constable or other officer or person for service except his own deputies; and if such Sheriff shall deliver such papers to others for service, in violation of the provisions of this Act, he shall be personally liable to the County of Sonoma for double the amount of the fees for such service, in each case, and for a second offense, he shall be liable to removal from his office. Fees. Service of papers.

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

CHAPTER CCCCXCII.

An Act to authorize the Methodist Episcopal Church of the Town of Rohnerville, in the County of Humboldt, to reduce the number of Trustees.

[Approved March 27, 1874.]

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

SECTION 1. The Methodist Episcopal Church of the Town of Rohnerville, in the County of Humboldt, a corporation created under the provisions of the general law, for religious purposes, are authorized to reduce the number of the Board of Trustees from five to three members. Trustees.

SEC. 2. This Act shall take effect and be in force on and after the first of August, eighteen hundred and seventy-four.

CHAPTER CCCCXCIII.

An Act to extend the time in which Swamp Land District Number One Hundred and Sixteen shall complete its work of reclamation.

[Approved March 27, 1874.]

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

SECTION 1. The time in which Swamp Land District Number One Hundred and Sixteen, Kern County, is required to Time extended.

complete its works of reclamation, in accordance with 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, is hereby extended for a period of two years from the first day of December, A. D. eighteen hundred and seventy-four.

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

CHAPTER CCCCXCIV.

An Act directing the payment of the claim of George Durand against Siskiyou County.

[Approved March 27, 1874.]

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

Audit and pay.

SECTION 1. The Auditor of Siskiyou County must draw his warrant on the County General Fund in favor of George Durand, Assessor of the county, for the sum of one thousand and ninety dollars; the same being the amount paid by said Durand as compensation to S. S. Benton and G. Lillard, for services rendered as Deputy Assessors during the revenue year commencing on the first Monday of March, eighteen hundred and seventy-three; the said S. S. Benton and G. Lillard having been appointed Deputy Assessors by the said George Durand, by virtue of authority obtained from the State Board of Equalization. The Treasurer of Siskiyou County must pay the said warrant herein ordered to be drawn, in the order of its presentation.

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

CHAPTER CCCCXCV.

An Act to amend an Act entitled "An Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento," passed March twenty-third, eighteen hundred and seventy-two.

[Approved March 27, 1874.]

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

SECTION 1. Section two of the Act to which this is amendatory, is hereby amended to read as follows:

Section 2. Within one year after the passage of this Act, the parties named in the first section of this Act, and their associates and assigns, shall grade and improve said road from Y street, in Sacramento City, to the southern line of said ranch, in the manner following, to wit: The bed of said road shall be thirty feet wide, with good and sufficient ditches for drainage; the center of said road shall be raised to a sufficient height and with such gradual slope as to afford ready and ample drainage into said side ditches. Said road, after completion as aforesaid, shall be maintained in constant repair, and during the Summer months shall be sprinkled, so as to keep the same free from dust; and all work of grading, completing, and repairing said road shall be so conducted as to cause the least obstruction to travel while the same is being done. Grade, sprinkling, etc.

SEC. 2. This Act shall take effect from the date of its passage.

CHAPTER CCCCXCVI.

An Act to enforce payment of delinquent taxes due in the district of Santa Barbara County now constituting the County of Ventura.

[Approved March 27, 1874.]

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

SECTION 1. The delinquent taxes mentioned in section seventeen of "An Act to create the County of Ventura, to establish the boundary thereof, and to provide for its organization," belong to the County of Ventura, and shall be entered upon the delinquent tax list of that county, and collected and paid to and distributed by the Treasurer thereof in like manner with other delinquent State and county taxes. Delinquent taxes.

SEC. 2. The Auditor of Santa Barbara County shall, after delivering to the Auditor of Ventura County the certified copy of delinquent tax lists mentioned in said section seventeen, be paid therefor a reasonable amount, to be determined by the Board of Supervisors. The Auditor of Santa Barbara County is not required to make duplicate delinquent lists for the Tax Collector of Ventura. The lien of said taxes continues, and inures to Ventura County, with the same legal force and effect as other delinquent taxes. Miscellaneous.

SEC. 3. This Act shall take effect and be in force on and after the first day of September, eighteen hundred and seventy-four.

CHAPTER CCCCXCVII.

An Act to authorize the City of Los Angeles to issue bonds in payment of certain indebtedness.

[Approved March 27, 1874.]

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

Bonds. SECTION 1. For the purpose of paying for certain lands, in pursuance of a contract entered into by said city, through her authorities, ratified by a vote of her citizens, the Common Council of Los Angeles City is authorized and empowered to issue bonds of said city to any amount not exceeding in the aggregate the sum of thirteen thousand five hundred dollars; said bonds shall be made payable at the office of the City Treasurer upon the second day of January, A. D. one thousand eight hundred and eighty-four; said bonds shall bear interest at the rate of seven per cent per annum, payable at the office of said Treasurer upon the second day in January of each year, the first payment to be made January second, A. D. eighteen hundred and seventy-five; when issued, the bonds shall be signed by the Mayor, and countersigned by the President of the Common Council and City Treasurer, and shall bear the corporate seal of said city, and shall have coupons attached to each providing for the yearly payment of the interest of the bond to which the coupons are attached; the first coupon upon each bond to provide for the payment of the interest thereon from the date of issuance to the second day of January, A. D. one thousand eight hundred and seventy-five; the coupons upon each bond shall be numbered consecutively and attached to the bond, so as to be removable without injury to or mutilation of the bond, and each coupon shall be signed by the City Treasurer; twenty-six bonds shall be issued in the sum of five hundred dollars each, and two others of the denomination of two hundred and fifty dollars each.

Sale. SEC. 2. When said bonds are ready to be signed and issued, the Common Council shall advertise for at least twenty days in some daily newspaper published in said city, and one daily newspaper in San Francisco, inviting sealed proposals in writing for the purchase of the whole, or any number of the said bonds. The Common Council may require each proposal to be accompanied by security for the faithful performance of the bid or proposal, in case of its acceptance. At the time specified in the advertisement, the Common Council shall meet and open and inspect the bids or proposals which have been received. The Common Council may accept or reject, in whole or in part, any or all of the bids or proposals received, as they may deem best for the interest [of said city.] If the bids are rejected, the Common Council shall readvertise in the same manner as hereinbefore provided. When bids for enough [of] said bonds to raise, at the rates bid, the sum of at least eleven thousand five hundred dollars, have been accepted, the Com-

mon Council shall order the bonds signed, sealed, issued, and delivered to the purchasers, upon their complying fully and in good faith with their bid or bids.

Records. SEC. 3. It shall be the duty of the Clerk of the Common Council, and of the City Treasurer, respectively, to keep in his office a record of the number, date, and denomination of each bond, to whom issued and delivered.

Moneys. SEC. 4. The money derived from the sale of the said bonds shall be paid into the hands of the City Treasurer, and placed by him to the credit of the Fund known as the "Cash Fund," and when so paid in, the proper authorities of said city are hereby authorized and directed to draw warrants upon said Fund, for the purpose of paying for the said lands contracted to be conveyed to said city by Arcudia B. Stearns, John S. Griffin, and others, and upon which the depots and workshops of the S. P. R. R. are now located.

Fund. SEC. 5. There is hereby created a Fund, to be known as the "Workshop and Depot Fund," and for the purpose of paying the interest upon said bonds as it may fall due, and to provide for the final redemption of the principal, the authorities of said city are authorized and directed, so long as required, to levy and collect each year a tax upon the assessable property of the city, not to exceed one twelfth of one per cent upon each one hundred dollars' worth of property, which tax shall be levied and collected at the same time and in the same manner as other municipal taxes are levied and collected, and when collected shall be paid into said "Workshop and Depot Fund," and applied exclusively to the payment of the principal and interest of said bonds.

Redemption. SEC. 6. The City Treasurer is authorized and directed each year, after paying interest on the bonds as herein provided, or setting aside enough to pay the same, to ascertain the surplus in said Fund. If there be a surplus of five hundred dollars or more, he shall advertise for twenty days, in some daily newspaper published in Los Angeles City, for proposals from holders of bonds issued under this Act for their surrender and redemption, to the amount of such surplus; said proposals to be submitted within fifteen days after the expiration of the said advertisement. When any bids are received by the Common Council, they shall examine and consider the same, and may accept or reject the whole or any part of the same, in their discretion. When any of the bonds under this Act are redeemed they shall be properly canceled and retained in the office of the City Treasurer; as also shall be coupons attached thereto when the interest is paid.

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

CHAPTER CCCCXCVIII.

An Act for the protection of coal mines and coal miners.

[Approved March 27, 1874.]

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

Map. SECTION 1. The owner or agent of every coal mine shall make, or cause to be made, an accurate map or plan of the workings of such coal mine, on a scale of one hundred feet to the inch.

Copies. SEC. 2. A true copy of which map or plan shall be kept at the office of the owner or owners of the mine, open to the inspection of all persons, and one copy of such map or plan shall be kept at the mines by the agent or other person having charge of the mines, open to the inspection of the workmen.

Shafts or outlets. SEC. 3. The owner or agent of every coal mine shall provide at least two shafts, or slopes, or outlets, separated by natural strata of not less than one hundred and fifty feet in breadth, by which shafts, slopes, or outlets distinct means of ingress and egress are always available to the persons employed in the coal mine; *provided*, that if a new tunnel, slope, or shaft will be required for the additional opening, work upon the same shall commence immediately after the passage of this Act, and continue until its final completion, with reasonable dispatch.

Ventilation SEC. 4. The owner or agent of every coal mine shall provide and establish for every such mine an adequate amount of ventilation, of not less than fifty-five cubic feet per second of pure air, or thirty-three hundred feet per minute, for every fifty men at work in such mine, and as much more as circumstances may require, which shall be circulated through to the face of each and every working place throughout the entire mine, to dilute and render harmless and expel therefrom the noxious, poisonous gases, to such an extent that the entire mine shall be in a fit state for men to work therein, and be free from danger to the health and lives of the men by reason of said noxious and poisonous gases, and all workings shall be kept clear of standing gas.

Inside Overseer; duties. SEC. 5. To secure the ventilation of every coal mine, and provide for the health and safety of the men employed therein, otherwise and in every respect, the owner, or agent, as the case may be, in charge of every coal mine, shall employ a competent and practical inside Overseer, who shall keep a careful watch over the ventilating apparatus, over the air ways, the traveling ways, the pumps and sumps, the timbering, to see as the miners advance in their excavations that all loose coal, slate, or rock overhead is carefully secured against falling; over the arrangements for signaling from the bottom to the top, and from the top to the bottom of the shaft or slope, and all things connected with and appertaining to the safety of the men at work in the mine. He, or his assistants, shall examine carefully the workings of all mines generating explosive gasses,

every morning before the miners enter, and shall ascertain that the mine is free from danger, and the workmen shall not enter the mine until such examination has been made and reported, and the cause of danger, if any, be removed.

Same. SEC. 6. The Overseer shall see that the hoisting machinery is kept constantly in repair and ready for use, to hoist the workmen in or out of the mine.

Owner. SEC. 7. The word "owner" in this Act shall apply to lessee as well.

Right of action. SEC. 8. For any injury to person or property occasioned by any violation of this Act, or any willful failure to comply with its provisions, a right of action shall accrue to the party injured for any direct damages he or she may have sustained thereby, before any Court of competent jurisdiction.

Liability. SEC. 9. For any willful failure or negligence on the part of the Overseer of any coal mine, he shall be liable to conviction of misdemeanor and punished according to law; *provided*, that if such willful failure or negligence is the cause of the death of any person, the Overseer, upon conviction, shall be deemed guilty of manslaughter.

Boilers. SEC. 10. All boilers used for generating steam in and about coal mines shall be kept in good order, and the owner or agent thereof shall have them examined and inspected, by a competent boilermaker, as often as once in three months.

SEC. 11. This Act shall not apply to opening a new coal mine.

SEC. 12. This Act shall take effect immediately.

CHAPTER CCCCXCIX.

An Act to aid the establishment of a law library in the City of San José.

[Approved March 27, 1874.]

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

Law Library Fund. SECTION 1. On the commencement of an action or any civil proceedings in the District Court held in the County of Santa Clara, State of California, the attorney instituting the proceedings, at the time of the institution thereof, shall pay to the Clerk of said Court the sum of two dollars, United States gold or silver coin, for a Fund, which shall be designated the Library Fund, to be expended by the Trustees of the San José Law Library in the purchase of such law books and periodicals as they may select for such library, 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 José Law Library.

Appropriations.

SEC. 2. There shall be appropriated and granted to said law library one copy of all the Statutes of the State of California, one copy of the reports of the decisions of the Supreme Court of California, and of the reports and journals 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 State Library, to the Librarian of the said San José Law Library, or other person authorized to receive them; and the Secretary of State is in like manner authorized and required to deliver to said Librarian, or other person for the use of said law library, one copy of all such laws, reports of decisions, and public documents, as may be hereafter published or procured for the State; and the Clerk of the Supreme Court is also authorized and required to deliver, for the use of the said law library, to said Librarian or other person, out of any surplus copies deposited in his office, one copy of the printed transcripts, records, points, briefs, petitions, and other matters that have been or may be brought before said Court, and the Supreme Court Clerk is hereby commanded and directed to require an extra copy of the aforesaid papers to be filed for said law library.

Room.

SEC. 3. The Mayor and Common Council of the City of San José are hereby empowered to provide room accommodations for the said San José Law Library.

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

CHAPTER D.

An Act relating to streets and roads in the City and County of Sacramento.

[Approved March 27, 1874.]

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

Capitol Park Avenue.

SECTION 1. The Board of Trustees of Sacramento City shall cause to be surveyed and laid off a street, eighty feet wide, to be called Capital Avenue, which shall begin at the southeast corner of the Capitol Park grounds, and thence run straight in the direction of the County Hospital building as far as the city limits extend; and from this point the said avenue, by the Board of Supervisors of Sacramento County, shall be surveyed, laid off, and opened, in its designated straight direction, until it intersects the Stockton Road in front of said County Hospital building. The said Board of Trustees of the City of Sacramento and the said Board of Supervisors of the County of Sacramento are hereby authorized to receive donations or dedications of land necessary to establish said avenue, and may pay

the persons donating or dedicating land for said purpose, within their respective limits, the cost of extra fencing made necessary by the opening of said avenue. Shade trees shall be planted and maintained along each side of such avenue, the cost of which shall be paid by the City of Sacramento, out of its Street Fund; *provided*, that the sum expended shall not exceed three hundred dollars annually. The cost of opening said avenue, and keeping the same in good order, shall be paid by the County of Sacramento, out of its General Fund. Nothing in this Act contained shall authorize the taking of any land or improvements, for the purposes of this Act, without compensation first made to the owners thereof; nor shall any expenditures be made by the County or City of Sacramento for land or improvements necessary to open said avenue. Same.

SEC. 2. The Board of Trustees of the City of Sacramento shall, upon the petition of adjacent property holders, declare vacated and closed any section, not less than a block, of the unopened and unused streets and alleys of said city, situate south of R street and east of Eleventh street of said city; *provided, however*, that the streets forming a straight connection between the avenue mentioned in the first section hereof and the county roads known as the Lower Stockton and Georgiana Slough Roads shall not be closed or vacated; nor shall Y street of said city, within said limits, be closed or vacated. Powers.

SEC. 3. This Act shall take effect immediately.

CHAPTER DI.

An Act relative to a special school tax in the Sutter Creek School District.

[Approved March 27, 1874.]

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

SECTION 1. The Board of Trustees of the Sutter Creek School District, in the County of Amador, are authorized to call an election, and submit to the qualified electors of said district the question, whether an annual tax shall be levied for five successive years, sufficient, in each year, to raise the net sum of sixteen hundred dollars, to be applied to the payment of the indebtedness heretofore incurred in building a school house in said district. Question of tax.

SEC. 2. Sections one thousand eight hundred and thirty-one, one thousand eight hundred and thirty-two, one thousand eight hundred and thirty-three, one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, and one thousand eight hundred and thirty-six, of the Political Assessor.

Code, are hereby made applicable to said election, except that a Collector shall not be elected, but the Assessor shall be ex officio Collector, and shall hold his office for the term of four years, and his successor shall be elected at the election for School Trustees in said district, held in the fourth year hereafter.

Assessment.

SEC. 3. The Assessor must, within thirty days after he receives his certificate of election, and annually thereafter, until said indebtedness is paid, before the first Monday in July of each year, assess, in the manner provided for County Assessors, all the taxable property in the district, and return his roll, footed up, to the Board of Trustees.

Tax.

SEC. 4. The Board of Trustees, upon receiving each roll, must deduct therefrom, for delinquencies and costs of collection, twenty-five per cent, and then, from the remaining amount, ascertain the rate per cent which is necessary, in order to raise the sum of sixteen hundred dollars, and the rate so ascertained (using the full cent on each hundred dollars, in place of any fraction), is hereby levied against the persons and property as described and valued on the roll, and is a lien upon all the property against which it is levied, until the tax is paid.

Code.

SEC. 5. Sections one thousand eight hundred and forty-one, one thousand eight hundred and forty-two, one thousand eight hundred and forty-three, and one thousand eight hundred and forty-four, of the Political Code, are hereby made applicable to the collection of taxes and proceedings under this Act, with the same force and effect as if they were incorporated herein.

Delinquent list.

SEC. 6. When any such tax shall become delinquent, the delinquent list shall be delivered to the District Attorney of Amador County.

Action to collect.

SEC. 7. The District Attorney shall thereupon commence actions in any Court of competent jurisdiction in said county, in the name of the people of the State of California, to recover any unpaid and delinquent taxes borne upon said list.

Complaint.

SEC. 8. In such action, a complaint substantially in the following form shall be sufficient:

Title of Court.
The People of the State of California
vs.
(naming the defendants.)

Plaintiff aver [avers] that the defendant is indebted to the plaintiff in the sum of $——, district tax for —— School District, in the County of ——, State of California, for the year 18—, and $——, costs of collection to date. Plaintiff demands judgment in the sum of $——.

Costs, etc.

SEC. 9. In such action, judgment shall be entered for the full amount of the taxes and costs, including twenty-five dollars attorney's fees.

Service of summons.

SEC. 10. Service of summons, whether issued by the District Court or a Justice's Court, may be made by publication of a copy of the summons once a week for two successive weeks, in a newspaper published in the county. The service of the sum-

mons shall be completed at the expiration of the time of such publication.

Docket and execution.

SEC. 11. Judgments rendered in such cases in the District Court, shall be docketed and become liens upon all property of the defendant liable to taxation, and may be enforced against the same, and the District Attorney may file transcript of judgments rendered in Justices' Courts under this Act with the County Clerk, who shall thereupon docket such judgments, and they shall become liens from and after such docket entry, in the manner as judgment rendered in the District Court under this Article, and the Clerk of the District Court may issue execution on such docketed Justice's judgment as on judgments rendered in the District Court.

Proceeds.

SEC. 12. All taxes collected under this Act shall be paid the County Treasurer, who shall, upon the order of the Trustees, apply it to the payment of the debts contracted in the erection of the said school house, until the full sum of eight thousand dollars has been so paid. None of said indebtedness shall bear interest.

Surplus.

SEC. 13. If, after paying said sum, any money remains in the County Treasury, which is of the proceeds of said tax, it shall be applied for school purposes in said district.

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

CHAPTER DII.

An Act to exempt firemen in Nevada, Placer, El Dorado, Alameda, and Siskiyou Counties from the payment of poll tax.

[Approved March 27, 1874.]

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

Exempt from poll tax.

SECTION 1. Active members of unpaid fire companies, organized in pursuance of the ordinances of the incorporated cities, towns, and villages of Nevada, Placer, El Dorado, Alameda, Santa Clara, Solano, Sonoma, and Siskiyou Counties, in this State, are exempt from payment of the poll tax provided for in section three thousand eight hundred and thirty-nine of the Political Code; *provided*, that in Placer and Nevada Counties members of five companies organized in the cities, towns, and villages thereof, shall be exempt from the payments of poll tax.

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

CHAPTER DIII.

An Act recommending to the electors of the State to vote for or against a Convention to revise and change the Constitution of the State.

[Approved March 27, 1874.]

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

Vote on Constitutional Convention.

SECTION 1. It is hereby recommended to the electors of the State, at the first general election for members of the Legislature had after the passage of this Act, to vote for or against calling a Convention to revise and change the Constitution of this State. The ballots used at such election may contain the words "For the Convention," or, the words "Against the Convention," or words to the same effect, written or printed thereon; and the Inspector and the Judges of Election at each and every poll in the State, shall ascertain and make return of the number of votes cast in favor of a Convention, and the number of votes cast against a Convention, as aforesaid, in like manner and with the same particularity as other votes are required by law to be counted and returned; and an abstract thereof shall be transmitted, by each and every County Clerk of the State, to the Secretary of State, in the same manner and at the time that votes for State officers are now by law required to be transmitted.

Abstract of vote.

SEC. 2. The Secretary of the State shall prepare and lay before the Senate and Assembly, at the commencement of the next session of the Legislature, a complete abstract of the whole number of votes cast "for" and "against" a Convention; as also, the votes for members of the Legislature. A majority of the aggregate vote of the State cast for members of the Legislature being in favor of a Convention, said Convention shall be deemed to have been called.

CHAPTER DIV.

An Act regulating the fees of witnesses in criminal cases in Stanislaus and Merced Counties.

[Approved March 27, 1874.]

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

Witness fees.

SECTION 1. Each person subpœnaed as a witness in criminal cases, either before the Grand Jury, County, or District Court, in the Counties of Stanislaus and Merced, shall be entitled to pay, for each day's attendance, at the rate of two dollars per

day, and for mileage at the rate of twenty cents for each mile necessarily traveled in going only.

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

CHAPTER DV.

An Act to fix the salaries and compensation of certain officers of Butte County.

[Approved March 27, 1874.]

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

SECTION 1. Such salaries, compensation, and fees, as hereinafter provided, shall be allowed to the officers of Butte County hereinafter mentioned, for their services rendered in discharging all the duties required of them by law. Salaries, etc.

SEC. 2. Supervisors, for all services required of them by law, or by virtue of their office, shall receive five dollars per day, and thirty cents per mile for traveling from the place of their residence to the Court House. Supervisors

SEC. 3. The County Recorder shall be ex officio County Auditor, and shall receive a salary of twenty-five hundred dollars per annum, payable quarterly, out of the County Treasury, for all duties required of him by law as County Recorder and ex officio County Auditor; *provided, however*, that the County Recorder may retain for his own use and benefit all the fees or compensation accruing to his office from the searching of records, making abstracts of titles, and acknowledging of all instruments of writing which he is competent to make. Recorder.

SEC. 4. The County Treasurer shall be ex officio Collector of taxes. He shall receive two thousand dollars per annum, and shall perform all the duties prescribed by law, and he shall receive all taxes tendered to him, and receipt for the same, at his office, at the county seat. The Treasurer shall, in addition to said salary, be allowed to retain for his own use and benefit all sums of money allowed by the State for mileage in his settlement with the State Treasurer. Treasurer.

SEC. 5. The Sheriff shall receive in full compensation for services for himself, deputies, Jailers, and assistants, to be paid quarterly out of the General Fund, the sum of five thousand dollars per annum, and mileage, as now provided for by law, in criminal cases only. He shall also be allowed for the boarding of prisoners, a sum to be audited by the Board of Supervisors, not to exceed fifty cents per day for each person. He shall also be allowed to retain for his own use and benefit the amount allowed by the State for the conveyance of prisoners to the State Prison, and the conveyance of insane persons to the Insane Asylum. Sheriff.

Assessor. SEC. 6. The County Assessor shall be allowed compensation for himself and deputies, for all services required of him by law, the sum of eighteen hundred dollars per annum, payable quarterly out of the General Fund, and in addition thereto, shall be allowed to retain for his own use and benefit the fees provided by law for the collection of poll taxes, road poll taxes, and personal property taxes.

Clerk. SEC. 7. The County Clerk shall receive a salary of three thousand five hundred dollars per annum, in full compensation for services of himself and deputies as County [Clerk], ex officio Clerk of the Courts of record, the Board of Supervisors, Board of Equalization, and Board of Canvassers, payable quarterly, out of the General Fund.

District Attorney. SEC. 8. The District Attorney shall receive a salary of two thousand dollars per annum, which shall be in full for all services rendered by him as said District Attorney; *provided*, on conviction of any criminal he may collect, to his own use from the defendant only, the fees now allowed by law; but in no case shall he collect any fees from the county, except a percentage of ten per cent in forfeited recognizances.

Judge. SEC. 9. The County Judge shall receive a salary of two thousand dollars per annum, to be paid monthly, which shall be in full for all services rendered by him as said County Judge and Judge of the Probate Court.

Fee book. SEC. 10. The officers named in the preceding sections shall charge and collect the same fees as are now specified and allowed by law, and are required to pay the same into the County Treasury on the first Monday of every quarterly meeting of the Board of Supervisors of said county, and shall, on the same day, present his fee book to said Board of Supervisors, with the same footed up, and the County Treasurer's receipt annexed, that the amount has been paid into the Treasury. He shall make an affidavit in the form as follows: "I ——, Sheriff (or other officer, as the case may be,) of the County of Butte, do solemnly swear that the entire fees, compensation, commissions, percentage, or payments, for all services by me, or any person or deputy 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 person or 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 receipts and the affidavit named in this section shall be written upon the face of the fee book following the record of the fees for each quarter.

Oath to amount.

Credits. SEC. 11. 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 beginning of each quarter, the same as if it had not been credited.

SEC. 12. For a willful neglect or refusal to comply with section ten 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. Neglect to comply.

SEC. 13. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. Repealed.

SEC. 14. This Act shall take effect on the first Monday in March, eighteen hundred and seventy-six, except that section referring to the County Judge, which shall take effect and be in force from and after the first day of January, eighteen hundred and seventy-six. When in force.

CHAPTER DVI.

An Act to authorize Chico School District to issue bonds for building purposes.

[Approved March 27, 1874.]

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

SECTION 1. The Trustees of Chico School District, in the County of Butte, are hereby authorized and empowered to call an election, at which shall be submitted to the electors of the district, the question whether bonds of said school district to the amount of twenty-five thousand dollars shall be issued, for the purpose of erecting and furnishing a school house. Bond election.

SEC. 2. Such election shall be called by posting notices in three of the most public places in the district, for not less than twenty days, and publishing such notices for at least three weeks prior to said election, in a newspaper published in said county. Notices.

SEC. 3. The Trustees shall appoint one Inspector and two Judges to conduct such election, and said election shall be held in all respects as nearly as practicable in conformity with the general election law. Officers of election.

SEC. 4. At such election the ballots shall contain the words: "School Bonds to Issue—Yes," or "School Bonds to Issue—No," printed or written thereon. Ballots.

SEC. 5. If at such election a majority of the votes cast shall be "School Bonds to Issue—Yes," then the Trustees of said school district shall be authorized and are hereby empowered and directed to issue bonds of the said Chico School District, for the sum of twenty-five thousand dollars, payable in gold coin of the United States, in ten years after the date of said bonds, and to bear interest at the rate of twelve per cent per annum, payable annually, in gold coin, at the Bank of Butte in the Town of Chico in the said County of Butte. If "yes"

Bonds.

SEC. 6. Said bonds shall be of the denomination of two hundred and fifty dollars each, with coupons for interest attached, and shall be signed by the Chairman of said Board of School Trustees, and by the School Superintendent of said county, and by the County Auditor of said county, and shall be authenticated by the seal of said County Auditor; and each of said bonds shall purport that the said school district owes to the holder thereof the sum of two hundred and fifty dollars in gold coin, payable and bearing interest as aforesaid.

Authentication.

SEC. 7. The said School Superintendent must sign said bonds when the same shall have been issued and signed by the Chairman of said Board of School Trustees in the manner aforesaid, and the said County Auditor must sign, and authenticate with the seal of his office, each of said bonds after the same shall have been signed by the Chairman of the Board of Trustees and Superintendent of said county.

Election of Assessor and Collector.

SEC. 8. Within three months after the issuance of any bonds under the provisions of this Act, and thereafter in every second year until all the bonds and the interest thereon are fully paid, the qualified electors of the Chico School District shall elect one District Assessor and one District Tax Collector; *provided*, that it shall be competent for said electors, at such election, to elect to such offices any elector of said district. The first election of said officers shall be held at such time and place as shall be designated by the Board of Trustees. All subsequent elections must be held at the same time as is by law required for the election of District Trustees, and notice of such election must be given, officers to conduct the same must be appointed, and the same must be conducted in all respects as the law requires for the election of District Trustees, except in this: that the officers conducting said elections must, within three days thereafter, make return thereof to said Board of Trustees, and said Board must canvass said election returns, and must issue thereupon certificates of election to the persons having received the highest number of votes cast; the term of office of the persons so elected at the first election shall commence upon their reception of a certificate of election, and qualifying as herein provided, and shall continue until the first Monday in July, in the second year after their election; and, thereafter, the term of said officers shall commence on the first Monday in July after their election, and continue for two years, and until their successors are elected and qualified. The persons elected to said offices, within ten days after receiving their certificates of election, must qualify by taking the oath of office and executing and filing with the District Clerk an official bond in such a sum as may be fixed by the order of said Board of Trustees; said bond must be executed in the same manner as other official bonds, and, before filing, must be approved by the County Judge of said county; *provided*, that if either the County Assessor or County Tax Collector, or both, are elected to the respective offices of District Assessor and Collector, no additional bond shall be required of them, but they shall be liable on their official bonds, as County Assessor or County Tax Collector, for the faithful discharge of the duties devolving upon them under the provisions of this Act.

SEC. 9. It shall be the duty of the District Assessor, immediately after his election as such Assessor, and thereafter on the first Monday of July in each year during his continuance in office, to commence making an assessment of all the property in said district, both real and personal, liable to taxation. Such assessment shall be made in the same manner as the assessments for State and county purposes is required by law to be made, and said District Assessor shall within his district have and exercise all the powers by law conferred upon County Assessors. Said assessment in each year shall be finished and the assessment roll delivered to the Board of Trustees of said district on the first Monday in September in each year. Assessor's duties.

SEC. 10. The Trustees, after receiving the assessment roll from the Assessor, must give five days' notice thereof by posting notices in three public places in said district, and at such times and places as have been named in such posted notices they must sit as a Board of Equalization; their sessions as such must continue for at least three days and not more than ten days. During their session they must equalize said assessment, and for that purpose they have the same powers as the County Board of Equalization to make any changes in said assessment roll. As soon as the work of equalization has been completed, the Trustees must levy a tax upon the property in said district sufficient in each year to pay all the interest accruing on all the bonds issued under the provisions of this Act during the year, and all the expenses of collection of said tax; also, sufficient to create a Redemption Fund of not less than two thousand nor more than three thousand dollars annually; they shall also compute the rate to be levied as required by section eighteen hundred and thirty-eight of the Political Code, in relation to other district taxes, and said taxes when so levied shall be a lien upon all the property in said district upon which they are assessed, which lien shall attach in each year on the first Monday in July, and shall continue until the said taxes are fully paid, or until the property upon which the same has been assessed vests absolutely in a purchaser under a valid sale, for the satisfaction of such taxes. Equalization. Tax.

SEC. 11. Immediately after the levy of the taxes aforesaid, the District Clerk and the Assessor must compute and carry out on the assessment roll the amount of taxes due from each person or each parcel of property assessed, in the same manner as the law requires the Auditor to do in the county assessments; and at the same time at which the law requires the county assessment roll to be delivered to the County Collector, the Clerk of the district must deliver to the District Collector the said district assessment roll, duly certified by the said Clerk, and he must take a receipt therefor from said Collector, and must charge him with the full amount of the taxes due thereon, and said District Clerk must immediately forward a copy of said receipt, certified to by him, to the County Auditor of said county. Assessment roll.

SEC. 12. The District Collector, after receiving said assessment roll, must collect the taxes due thereon from the persons

Collection of tax. and property assessed, in the same manner and at the same time as the County Tax Collector is by law required to collect State and county taxes, and the taxes remaining unpaid on said district assessment roll shall in each year become delinquent, at the same time State and county taxes become delinquent, and on said delinquent taxes the same percentage shall be allowed, and they shall be collected in the same manner as delinquent State and county taxes. For the purpose of collecting said taxes, the District Tax Collector shall have and exercise, within said district, the same powers that by law are conferred upon the County Tax Collector. The District Tax Collector must pay over all moneys collected by him to the County Treasurer, and must make settlement therefor with both the County Auditor and the District Clerk, at the same time and in the same manner as the County Tax Collector is required by law to do in relation to State and county taxes.

Accounts and settlements. SEC. 13. The County Auditor, upon receiving the copy of the receipt of the Tax Collector, provided for in section eleven of this Act, must charge the District Collector with the amount of the taxes receipted for in an account to be kept by him, and thereafter he must keep said District Collector's account, and must make settlement with him in relation to said district assessment roll, in the same manner that he is required to charge the County Tax Collector and settle with him on account of State and county taxes; and upon receiving from said Collector the Treasurer's receipt for moneys paid him on account of such taxes, the County Auditor must charge the County Treasurer with the amount specified in such receipt.

Moneys. SEC. 14. It shall be the duty of said County Treasurer to place all moneys paid into the County Treasury by virtue of this Act, to the credit of said school district, and the same shall be subject to the draft or order of the School Superintendent of said county. It shall be the duty of said School Superintendent to remit quarterly all moneys then in the Treasury derived from said tax, to the Bank of Butte County, and the expenses thereof shall be a charge against said school district, and said money, when so deposited in said bank, shall be placed to the credit of said Chico School District, and shall be used by said Trustees for the payment of the interest of said bonds, and for their redemption, in the manner hereinafter provided.

How used. SEC. 15. The said School Trustees are hereby authorized and empowered to use the said bonds, or the money realized from the sale thereof, for the purchase of a suitable site, and the erection thereon of a suitable building for public school purposes, in said district, and for furnishing the same, and for no other purpose.

Sale of bonds. SEC. 16. The said bonds shall be sold by the said School Trustees to the person or persons offering the highest price therefor; *provided*, said bid shall not be less than ninety per cent of the par value thereof; *and, provided*, that the said Trustees may use the said bonds directly in payment for any and all the expenses incurred or to be incurred in purchase of land for or the erection or furnishing of said school building, if they deem it for the best interest of said school district so to do. For the purpose of selling said bonds it shall be the duty of said

School Trustees to advertise the same for sale, for at least four weeks, in one newspaper printed in the said County of Butte, and in one newspaper printed in San Francisco City and County, inviting proposals for the purchase thereof; and the purchasers whose bid shall be accepted, shall pay into the Bank of Butte County the amount bid by them, and shall be entitled to receive from said Trustees the bonds so purchased. Whenever there shall be one thousand dollars in said Interest or Redemption Fund, in excess of the amount required to pay the interest for that year, the said School Trustees shall give notice, by publication in some newspaper printed in said County of Butte, that sealed proposals directed to them for the surrender of the bonds of said school district, will be received by them until a certain time, to be designated in said notice. On the day and at the place named in said notice, they shall open all proposals received for the surrender of said bonds, and accept the lowest bids offered, until they shall have accepted an amount sufficient to exhaust the money in said Fund not then required for the payment of said interest; *provided*, that no bid for more than par value shall be accepted, nor any bid unless the bonds to be surrendered accompany such bid. All bonds so redeemed shall be canceled by writing the word "Paid" across the face of the bond, with the date of the surrender of the same, which shall be signed by the Chairman of the Board of Trustees. Should no bids be received for par value or less, the money in said Fund shall be used for the redemption of said bonds, according to their number and the date of their issue, and the said School Trustees shall give the same notice as is required by law in the case of redemption of county warrants, and after thirty days from the date of said notice, the bonds proposed to be redeemed shall cease to draw interest; and if any such bonds shall not be presented for redemption within three months from date of such notice, said Trustees shall apply the money for the redemption of bonds next in order, according to the number of their issue. In the year eighteen hundred and eighty-four, provided said bonds shall not have all been previously redeemed, there shall be levied and collected, in said school district, in the manner hereinbefore provided, an amount of money sufficient to redeem and pay all the said bonds then remaining unpaid. Each of the officers named herein shall be responsible, on his official bond, for all acts performed by him, under the provisions of this Act.

Redemption and cancellation.

SEC. 17. The District Assessor and District Tax Collector, for the services required of them under the provisions of this Act, shall each receive a salary of fifty dollars per annum, which shall be payable semi-annually, on the first Monday in July and the first Monday in January, out of the moneys received from county taxes in the Chico School District Fund; and on the first Monday in July, and on the first Monday of January of each year, the Trustees of said Chico School District shall audit the salaries then due the said Assessor and Collector and order the same paid, and, upon the filing of such order with him, the County Superintendent shall issue his warrant for the amount therein specified, in the same manner as he is required to issue other warrants, and upon presentation of such school

Salaries.

warrant the County Treasurer shall pay the salaries of said Assessor and Collector out of the county portion of the moneys in the Chico District School Fund.

No pay. SEC. 18. No other officers, except the Assessor and Collector, charged with any duties under the provisions of this Act, shall be allowed or receive any compensation for such service.

Boundaries SEC. 19. From the time of the issuance of any bonds, as hereinbefore authorized, until their payment and redemption, the boundaries of said Chico School District, as now constituted, shall not be diminished. The revenue to be raised for the payment of principal and interest of the bonds provided for in the preceding sections of this Act, shall be raised exclusively by taxes, to be levied upon the property within the Chico School District, as defined by the Board of Supervisors of Butte County.

SEC. 20. This Act shall take effect and be in force from and after its passage.

CHAPTER DVII.

An Act to provide for the construction of bridges across the San Lorenzo and Pajaro Rivers.

[Approved March 28, 1874.]

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

Bridges and appropriations. SECTION 1. The Board of Supervisors of Santa Cruz County may authorize the construction of a bridge across the San Lorenzo River, at its point of confluence with the Branciforte River, at the Town of Santa Cruz; and may appropriate the sum of five thousand dollars toward the construction or repair of a bridge across the Pajaro River, at Watsonville, at the junction of Main street; *provided*, that said Board of Supervisors shall not authorize the construction of said bridge across the San Lorenzo River, unless they at the same time make the said appropriation for the construction or repair of said bridge across the Pajaro River. And the Board of Supervisors of Monterey County may appropriate the sum of five thousand dollars toward the construction or repair of a bridge across the Pajaro River, at Watsonville, at the junction of Main street.

Site, plans, proposals. SEC. 2. At the first meeting of the said Board of Supervisors of Santa Cruz County after the passage of this Act, they may determine and locate a site for said first mentioned bridge from said point of confluence of the rivers aforesaid to the western bank of said San Lorenzo River, and they shall then invite proposals for plans and specifications for the bridge aforesaid, to be accompanied with bids for the construction of the same, not exceeding such sum as the Board may designate, which shall not be greater than fifteen thousand dollars. Said Board shall

advertise for one month in one or more newspapers of said county, and also for the same time in one or more newspapers of the City of San Francisco, for sealed proposals for building the said bridge, to be by them opened on a day in the notice named. Each proposal shall be accompanied with such guarantee as the Board may specify in said notice, that the bidder will enter into good and sufficient bond for the execution of his contract, according to his specifications and plans.

Award. 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 bridge on the most favorable terms for the county, and said Board shall have power to reject all 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 and specifications not exceeding one 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, or may reject all bids.

Contract. SEC. 4. When the said Board shall have adopted plans and specifications and shall have accepted a bid, they shall immediately proceed to enter into contract with the successful bidder for the construction of the bridge in accordance with their notice, and on such terms as to payments and with such bonds for his faithful performance of the work, as the Board shall have set forth in their notice.

Site. SEC. 5. In case the said Board of Supervisors of Santa Cruz County make an appropriation for the construction or repair of a bridge across the Pajaro River, said Board, in conjunction with the Board of Supervisors of Monterey County, shall, in the case of the construction of a bridge, locate the site of said bridge across the Pajaro River on a line with Pajaro or the Main street of Watsonville, and shall cause said bridge to be constructed, or the existing bridge to be repaired by contract made with the lowest and best bidder, under such rules as the said Boards may determine; and the Board of Supervisors of Santa Cruz County shall, in payment of the County of Santa Cruz's part of said contract for the construction or repair of the said bridge across the Pajaro River, and also in payment of the contract for the construction of the bridge across the San Lorenzo River, cause to be drawn and delivered to the contractor or contractors the warrants of said county, payable out of the Bridge Fund hereinafter provided for, an amount not to exceed fifteen thousand dollars for the construction of the bridge across the San Lorenzo River, and five thousand dollars for the construction or repair of the bridge across the Pajaro River.

Construction.

Payment.

SEC. 6. The said Board of Supervisors of Santa Cruz County are hereby authorized and empowered to issue and sell, of the

Bonds. bonds of the County of Santa Cruz, an amount not exceeding twenty thousand dollars, payable in gold coin, at the office of the County Treasurer of said county, on the second day of January, A. D. eighteen hundred and ninety-five, bearing interest at the rate of ten per cent per annum, payable semi-annually in gold coin. Said bonds shall be for amounts not less than twenty nor more than five hundred dollars. They shall be signed by the Chairman of the said Board of Supervisors, and by the Auditor and Treasurer of the said county. They shall bear the date of their issuance, and shall have coupons attached for the interest, which shall be signed by the Auditor of said county, and be payable on the second day of July and January, successively, until the said bonds mature.

Sale. SEC. 7. The said Board of Supervisors shall proceed to sell an amount of the said bonds sufficient to satisfy and pay the amounts due the contractors, and to become due to them under their contracts, in the following manner: They shall cause to be entered upon the records of said Board an order directing the sale of said bonds, and the time and place of said sale, and give public notice thereof, for thirty days, in some newspaper in the said County of Santa Cruz, and also in some newspaper in San Francisco; and, at the same time, they shall give notice that they will receive sealed proposals for the purchase of said bonds. On the day and hour named in said order and notice the said Board shall open all sealed proposals received by them, and shall award the said bonds to the highest bidder; *provided*, none of said bonds shall be sold for less than their par value.

Same. SEC. 8. The said Board of Supervisors may sell said bonds, at not less than their par value, without the published notice provided for in the preceding section, if they deem it for the interest of the county.

Record. SEC. 9. The amount of bonds sold, their number, and date, shall be entered on the records of said Board.

Proceeds. SEC. 10. The proceeds of the sale of said bonds shall be paid into the County Treasury. The County Treasurer shall receive and enter the same upon the books of his office to the credit of a Fund that shall be known as "The Bridge Fund," and he shall disburse the same upon the warrants drawn, as authorized in section five of this Act.

Interest tax. SEC. 11. After the sale of the said bonds, the Board of Supervisors shall levy annually, at the same time that other State and county taxes are levied, a tax sufficient to pay the interest for one year upon all of the bonds sold, as aforesaid, allowing for delinquency in their estimate of levy for said purpose; and, in making said levy for the first year, they shall include in their estimate any money remaining in the "Bridge Fund," after paying the whole of the contract price for constructing said bridges; and at the time of levying the taxes for the year A. D. eighteen hundred and eighty-five, and every year thereafter, until the maturity of said bond, in addition to the amount sufficient to pay the interest upon the said bonds, they shall levy a tax sufficient to pay off and liquidate the one tenth part of the principal of all of said bonds outstanding at the time of such levy, allowing for delinquency in their estimate of the tax necessary for such purpose. The said tax shall be collected as

Redemption tax.

other State and county taxes, and shall be apportioned to the "Bridge Fund," to be disbursed by the Treasurer as hereinafter mentioned.

Surplus from sale.

SEC. 12. If, after all payments upon the said bridge contracts shall have been made, any of the proceeds of sale of said bonds remain in the said "Bridge Fund," it shall be applied to the payment of the interest on said bonds, and all other moneys apportioned by the Board of Supervisors to said "Fund," shall be applied to the payment of the interest on said bonds, when due, and in liquidation of the principal thereof, as hereinafter provided.

Redemption.

SEC. 13. On and after the second day of January, A. D. eighteen hundred and eighty-five, the Board of Supervisors are authorized to redeem the said bonds.

Same.

SEC. 14. On the second day of January, in the year A. D. eighteen hundred and eighty-five, and on the second day of January, in every year thereafter, when there shall be as much as five hundred dollars in the said "Bridge Fund," over and above the interest due for January and July of said year, it shall be the duty of the County Treasurer to advertise in some newspaper published in said county, and also in some newspaper published in the City of San Francisco, for thirty days, for proposals to redeem bonds by this Act authorized to be issued, stating in such notice the amount of money on hand for such purpose, and the day and hour that bids will be received. Such bids shall be public, at the office of the County Treasurer; and the awards shall be made by the Treasurer in such manner as to redeem the largest amount of said bonds for such surplus, and the same shall be applied to the redemption of the bonds for which bids were accepted; and said bonds shall be canceled by the Treasurer, by writing the word "Canceled" across the face thereof, and shall be destroyed by the Board of Supervisors at the next meeting of the Board thereafter; *provided, however*, that no bid shall be received by said Treasurer at a higher rate than the principal sum of any of such bonds, together with the interest then due thereon.

Notice of redemption

SEC. 15. If no proposals shall be made at any time, or no bids accepted by the Treasurer, for any of the money advertised, then the said money shall be used for the redemption of said bonds according to the number of their issue, and the Treasurer shall give notice for the redemption of said bonds, for the same time and in the same manner as is required by law in case of the redemption of county warrants. From the date of said notice the bonds proposed to be redeemed shall cease to draw interest, and after three months the money shall be applied to the redemption of the bonds next in their order of date, till the money shall have been exhausted.

Location of bridge.

SEC. 16. In case the Board of Supervisors of Monterey County make an appropriation for the construction or repair of a bridge across the Pajaro River, they shall, in conjunction with the Board of Supervisors of Santa Cruz County, in the case of the construction of a bridge, locate the site of such bridge at the junction of Main street, and shall cause the same to be constructed or the existing bridge to be repaired, by contract made with the lowest and best bidder, under such rules as the said

Boards may determine; and the Board of Supervisors of Monterey County shall, in payment of the County of Monterey's part of such contract, cause to be drawn and delivered to the contractor or contractors, the warrants of said county, payable out of the "Bridge Fund" of Monterey County, hereinafter provided for, in amount not to exceed five thousand dollars.

Bonds.

SEC. 17. The Board of Supervisors of Monterey County are hereby authorized and empowered to issue and sell of the bonds of said County of Monterey, an amount not exceeding five thousand dollars, payable in gold coin, at the office of the County Treasurer of said county, on the second day of January, A. D. eighteen hundred and ninety-five, bearing interest at the rate of ten per cent per annum, payable semi-annually, in gold coin. Said bonds shall be for amounts not less than twenty nor more than five hundred dollars. They shall be signed by the Chairman of said Board of Supervisors, and by the Auditor and Treasurer of said county. They shall bear the date of their issuance, and shall have coupons attached for the interest, which shall be signed by the Auditor of said county, and be payable on the second day of July and January successively, until the said bonds mature.

Proceedings to apply.

SEC. 18. All proceedings upon the issuance, sale, and payment of said Monterey County bonds, and all proceedings upon the levying and collection of taxes for the payment of said bonds, or of the interest thereon, shall be had in the manner provided in the preceding sections of this Act, for the issuance, sale, and payment of the bonds of Santa Cruz County; and any and all provisions contained in this Act concerning the said Santa Cruz bonds, are hereby made applicable to the bonds of Monterey County provided to be issued in section seventeen of this Act; *provided*, that nothing in this Act contained shall prevent either of the said Boards of Supervisors from making the appropriations provided for in the foregoing sections for building or repairing said Pajaro Bridge, on a line with Main street.

Proceeds.

SEC. 19. The proceeds of the sale of said Monterey County bonds shall be paid into the County Treasury of Monterey County. The County Treasurer shall receive and enter the same upon the books of his office to the credit of a Fund that shall be known as the "Bridge Fund," and he shall disburse the same upon the warrants drawn as authorized in section sixteen of this Act.

SEC. 20. This Act shall be in force from and after its passage.

CHAPTER DVIII.

[See volume of Amendments to the Codes.]

CHAPTER DIX.

An Act to authorize the Controller and Treasurer of State to transfer certain funds.

[Approved March 28, 1874.]

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

SECTION 1. The Controller and Treasurer of State are hereby authorized to transfer the balance remaining to the credit of the Interest and Sinking Fund of eighteen hundred and sixty, Soldiers' Relief Interest Fund, Pacific Railroad Fund, State Capitol Bonds Interest Fund of eighteen hundred and seventy, and State Capitol Bonds Interest Fund of eighteen hundred and seventy-two, to the Interest and Sinking Fund of eighteen hundred and fifty-seven, which Fund shall be known as the Interest and Sinking Fund. Transfer of funds.

SEC. 2. This Act shall take effect and be in force on and after June fifteenth, eighteen hundred and seventy-four.

CHAPTER DX.

An Act relating to mutual beneficial and relief association.

[Approved March 28, 1874.]

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

SECTION 1. Associations may be formed for the purpose of paying to the nominee of any member, a sum, upon the death of said member, not exceeding three dollars for each member of such association. No such association shall exceed in number one thousand persons. Associations.

SEC. 2. Such association shall be formed by filing a verified certificate in the office of the Clerk of the county in which the principal place of business shall be situated, and filing a like certificate in the office of the Secretary of the State. Such certificate shall state the general objects of the association, its principal place of business, and the names of the officers selected to hold office for the first three months, and shall be signed by said officers, and verified by at least three of them. How formed.

SEC. 3. Said associations, upon the death of each member, may levy an assessment upon each member living at the time of the death, not exceeding three dollars for each member, and collect the same, and pay the same to the nominee of such Powers.

deceased, and may also provide the payment of such annual payments of members as may be deemed best, such annual assessment upon any one member not to be raised above the annual assessment established at the time such member joined such association.

Same. SEC. 4. Such association, by its name, may sue and be sued, and may loan such funds as it may have on hand, and may own sufficient real estate for its business purposes, and such other real estate as it may be necessary to purchase on foreclosure of its mortgages; *provided*, such real estate so obtained through foreclosure shall be sold and conveyed within five years from the day title is obtained, unless the District Court of the proper district shall, upon petition and good cause shown, extend the time.

Same. SEC. 5. Such association may make such by-laws, not inconsistent with the laws of this State, as may be necessary for its government and for the transaction of its business, and shall not be subject to the provisions of the general insurance laws.

May avail. SEC. 6. All associations heretofore formed for the objects contemplated by this Act, and now in operation, may avail themselves of its provisions by filing the certificate provided for in section one; *provided*, that such societies shall not have a greater membership than three thousand

SEC. 7. This Act shall take effect immediately.

CHAPTER DXI.

An Act levying a tax for State purposes, for the twenty-fourth and twenty-fifth fiscal years, and to provide for the enforcement thereof.

[Approved March 28, 1874.]

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

State tax. SECTION 1. There is hereby levied, for State purposes, for the twenty-fourth fiscal year, a tax of fifty cents upon each one hundred dollars of property subject to taxation for that year within this State.

Same. SEC. 2. There is hereby levied, for State purposes, for the twenty-fifth fiscal year(s), a tax of fifty cents upon each one hundred dollars of property subject to taxation for that year within this State.

Force and effect. SEC. 3. The levies of taxes in the preceding sections mentioned shall have the same force and effect as if they had been levied by a statute passed and in force before the commencement of each of said fiscal years.

Assessments validated. SEC. 4. The assessment books of the various counties of the State for each of said years, as delivered by the Clerks of the Board of Supervisors to the Auditors, are hereby validated in every respect, and no action whatever, of any Board of Super-

visors, or of Equalization, had upon or in relation to anything thereon since said books were so delivered (except the acts of the various Boards of Supervisors in levying taxes for county purposes), shall be of any force or effect.

Collectors. SEC. 5. Each Tax Collector in this State must, within twenty days after the passage of this Act, make with the Auditor of his county a final settlement in relation to his collections for the present fiscal year, and must at the same time return his delinquent list to the Auditor.

Payments. SEC. 6. Every voluntary payment heretofore made, upon any assessment, for either of said fiscal years, shall have the same force and effect as if made since the passage of this Act, and the word "Paid," marked upon the "Assessment Book," or any "Delinquent List," for either of said years, shall be prima facie evidence that the taxes by this Act levied have been paid upon the property against which said word is marked.

Duplicate assessment book. SEC. 7. Within forty days after the passage of this Act, the Auditor of each county in this State must make a "Duplicate Assessment Book" for each of said fiscal years; which duplicate must be a copy of the assessment book for the year, as he received it from the Clerk of the Board of Supervisors, except that he must not enter thereon any assessments, or taxes, marked on the assessment book "Paid." On said duplicate he must add up the valuations, and enter the total valuation of the property. He must then enter, in a separate money column, in the duplicate assessment book, the respective sums, in dollars and cents (rejecting the fractions of a cent), to be paid as a State tax on each piece of property, at the rate of fifty cents on each one hundred dollars of its value, as fixed in said book, and must then foot up the column, showing the total amount of such taxes.

Delivery, etc. SEC. 8. Within forty-five days after the passage of this Act, the Auditor of each county must deliver both of said "duplicate assessment books" to the Tax Collector of his county, with a certificate attached that each is correctly made, and must take the Collector's receipt therefor, and must charge the Tax Collector with the full amounts of the taxes thereon, and forthwith transmit, by mail, to the Controller, a statement of the amount so charged.

Delinquent notice. SEC. 9. Within ten days after the receipt of said books, the Tax Collector must publish a notice that the taxes entered on said books will become delinquent on the first Monday in July, eighteen hundred and seventy-four, and that, unless paid prior thereto, twenty-five per cent will be added to the amount thereof.

Code. SEC. 10. Sections three thousand seven hundred and forty-nine, three thousand seven hundred and fifty, three thousand seven hundred and fifty-one, three thousand seven hundred and fifty-two, three thousand seven hundred and fifty-three, three thousand seven hundred and fifty-four, and three thousand seven hundred and fifty-five of the Political Code, are hereby made applicable to proceedings under this Act.

Comparison, etc. SEC. 11. On the second Monday in July, eighteen hundred and seventy four, the Tax Collector of each county must attend at the office of the Auditor, with both of said duplicates, and

carefully compare them with the assessment books, and every item marked "Paid" on the duplicate, must be marked "State tax paid" opposite the assessment on the original.

Delinquent list. SEC. 12. The Tax Collector must, at the same time, deliver to the Auditor, certified as correct, a complete "delinquent list" for each of said fiscal years. The lists must be as prescribed in section three thousand seven hundred and sixty of the Political Code, and such proceedings must be had as are required by section three thousand seven hundred and sixty-one of said Code.

Same. SEC. 13. The Auditor must at once transmit said delinquent list to the Controller of State.

Enforced collection. SEC. 14. The Controller, in the name of the people of the State of California, must at once enforce the collection of the taxes delinquent, the twenty-five per cent added, and the interest, in his discretion, either by civil actions, as such actions are prosecuted upon express contracts for the direct payment of money made and payable in this State, or by actions to enforce the lien of the assessment, as mortgage liens are enforced; and, except as otherwise expressly provided in this Act, the Code of Civil Procedure is hereby made applicable to such actions.

Evidence. SEC. 15. In every such action the delinquent list, or a copy thereof, certified by the Controller, shall be prima facie evidence of the validity of the assessment, that the amount therein stated is due, and of every fact necessary to maintain the action.

Moneys. SEC. 16. Whenever any money is collected in any such action, it shall be paid into Court, and of the amount of the taxes and percentage, ten per cent shall be paid to the attorney employed by the Controller to prosecute the action, and the balance, with the interest, shall be paid to the Tax Collector of the proper county. The costs shall be paid to the officers who rendered the services for which such costs were taxed.

Receipts. SEC. 17 Whenever the Clerk pays over to a Tax Collector any moneys so collected, he must take a receipt therefor, in duplicate, file one in the papers relating to the case, and transmit the other to the Auditor of the county of which the collector to whom the money was paid is an officer; and the Auditor must require the Collector, at his next monthly settlement, to pay said money in to the County Treasurer.

Code. SEC. 18. Section four, three thousand seven hundred and eighty-nine, three thousand eight hundred and three, three thousand eight hundred and eighty-five, and three thousand eight hundred and eighty-eight of the Political Code, are made applicable to the construction of this Act, and to proceedings had under it.

Limitation. SEC. 19. There shall be no limitation as to the time in which actions, under this Act, may be commenced.

Compensation. SEC. 20. The Auditors of the respective counties shall receive, to their own use, for services performed under this Act, a reasonable compensation, to be audited and allowed by the Board of Examiners, and paid out of the State Treasury.

Fees. SEC. 21. The State shall not be responsible to, or pay any county officer, except Auditor, for any services performed under this Act; but the fees for such services shall be taxed

with the other costs in the action, and shall, when collected, be paid to the officers for their own use.

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

CHAPTER DXII.

An Act legalizing the State tax and assessments in the several counties, in eighteen hundred and seventy-two and eighteen hundred and seventy-three.

[Approved March 28, 1874.]

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

SECTION 1. No irregularity, informality, or error in the description of the property, or other informality in the assessments for State, county, or municipal taxes made by the County, District, or City Assessors, in the several counties of this State, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, if it can be ascertained by competent evidence what is intended, shall invalidate such assessments; but the same, notwithstanding such informality, irregularity, or errors, are hereby made good and valid; and the acts of the State Board of Equalization, in fixing the rate of tax to be levied for State purposes in said years, are hereby ratified and confirmed. Validated.

SEC. 2. This Act shall take effect immediately.

CHAPTER DXIII.

An Act to remove from Henry Meiggs certain legal disabilities.

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

SECTION 1. Any Court, having jurisdiction in the premises, is hereby authorized and directed to order to be dismissed, upon proper motion therefor, any indictment that may have been heretofore, or which may hereafter be found against Henry Meiggs, formerly a resident of this State and now of South America, for offenses committed in this State prior to January first, A. D. eighteen hundred and fifty-five Indictments to be dismissed.

SEC. 2. It shall not be lawful for any Grand Jury of any county in this State to hereafter present any bill of indictment for any offense committed by the aforementioned Henry Meiggs, No more found.

in this State, prior to the first day of January, A. D. eighteen hundred and fifty-five.

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

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 twenty-eighth day of March, A. D. (1874) eighteen hundred and seventy-four.

DRURY MELONE, Secretary of State.

CHAPTER DXIV.

An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the damages awarded to certain owners of property in the matter of the opening of Second street (commonly known as the Second cut.)

[Approved March 28, 1874.]

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

Payment of awards.

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized, in their discretion, to appropriate, allow, and order paid out of the General Fund, to the present owners of the property fronting on Second street, and two hundred and seventy-five feet on each side of said street, in said city and county, between Folsom and Silver streets, and specified in the report of O. F. Willey, John Mason, and Charles F. Hamilton, Commissioners appointed under an Act of the Legislature of this State entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grade of certain streets, approved March thirtieth, eighteen hundred and sixty-eight (which report was filed in the office of the County Clerk of said city and county on the ninth day of July, eighteen hundred and seventy), the several sums of money, in gold coin, awarded to each owner of such land, respectively, in said report, by way of net damages by reason of the change of grade of Second street under the provisions of said Act, and any Acts amendatory and supplementary thereof.

Warrants.

SEC. 2. The Auditor of said city and county shall draw his warrants on the Treasurer, payable out of the General Fund, for such sums of money as may be allowed, in four equal installments, payable, respectively, in one, two, three, and four years, drawing interest at the rate of six per cent per annum, interest to be paid semi-annually; and the Treasurer shall pay said warrants and interest at maturity, and it shall be the duty of the Board of Supervisors, at the time they make the annual

levy of taxes, to include a sum sufficient to pay said warrants and interest as aforesaid.

Payment and receipts.

SEC. 3. The amount appropriated under the provisions of this Act, shall not exceed in the aggregate one hundred and thirteen thousand dollars, and should such award exceed the above named amount, then said sum shall be divided pro rata among the parties interested; *provided*, no payment shall be made under this Act, unless the persons receiving such payment shall file a receipt for the same in full payment of all damages due him, or claim he may have, by reason of any proceedings in regard to the opening, grading, or repairing the said Second street cut.

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

CHAPTER DXV.

[See volume of Amendments to the Codes.]

CHAPTER DXVI.

An Act to enforce the educational rights of children.

[Approved March 28, 1874.]

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

Children to be sent to school.

SECTION 1. Every parent, guardian, or other person in the State of California having control and charge of any child or children between the ages of eight and fourteen years, shall be required to send any such child or children to a public school for a period of at least two thirds of the time during which a public school shall be taught in each city, or city and county, or school district, in each school year, commencing on the first day of July, in the year of our Lord one thousand eight hundred and seventy-four, at least twelve weeks of which shall be consecutive, unless such child or children are excused from such attendance by the Board of Education of the city or city and county, or of the Trustees of the school district in which such parents, guardians, or other persons reside, upon its being shown to their satisfaction that his or her bodily or mental condition has been such as to prevent attendance at school, or application to study for the period required, or that the parents or guardians are extremely poor, or sick, or that such child or children are taught in a private school, or at home, in such branches as are usually taught in the primary schools of this State, or have already acquired a good knowledge of such

branches; *provided*, in case a public school shall not be taught for three months during the year, within one mile by the nearest traveled road, of the residence of any person within the school district, he shall not be liable to the provisions of this Act.

SEC. 2. It shall be the duty of the President of each Board of Education, and of the Clerk of each Board of District Trustees in the State of California, to cause to be posted three notices of this law in the most public places in the city, or city and county, or in the school district, or published in one newspaper therein for three weeks, in the month of June, in each year, the expense of each publication to be paid out of the School Funds of such city, or city and county, or school district, as the case may require.

Misdemeanor.

SEC. 3. In case any parent, guardian, or other person shall fail to comply with the provisions of this Act, said parent, guardian, or other person shall be deemed guilty of a misdemeanor, and shall be liable to a fine of not more than twenty dollars; and for the second and each subsequent offense the fine shall not be less than twenty dollars nor more than fifty dollars; and the parent, guardian, or other person so convicted, shall pay all costs. Each such fine shall be paid to the Clerk of the proper Board of Education, or of the District Trustees.

Prosecutions.

SEC. 4. And it shall be the duty of the Clerk of each Board of Education and of each Board of District Trustees, on complaint of any teacher or taxpayer, to prosecute all offenses occurring under the provisions of this Act; and any Clerk neglecting to prosecute such offense within ten days after a written notice has been served on him by any teacher or taxpayer within the limits of the authority of said Board, unless the person so complained of shall be excused by the proper School Board, shall himself be liable to a fine of not less than twenty dollars nor more than fifty dollars, which fine shall be prosecuted for in the name of the people of the State of California, and the fine so collected shall be paid over to the Clerk of the Board of Education or Trustees of the proper city, or city and county, or school district, to be accounted for as in section three of this Act; and in case such prosecution fail, the expenses thereof shall be paid out of the School Fund of the city, or city and county, or school district, in which the case arose.

Lists and reports.

SEC. 5. And it shall be the duty of the Census Marshal to furnish each Board of Education and of District Trustees, with a complete list of all children living within the jurisdiction of said Board, and to note on such lists all children not attending colleges, college schools, private schools, or being taught at home, who are liable to the provisions of this Act; and each teacher teaching within the limits of the jurisdiction of such Board, shall be supplied with a list of all children within his or her department or school, and shall call such list each morning on the opening of school, and note the absentees, and the reason of such absence, if any, and at the close of each term of twelve weeks, shall make a full report to the Board of Education, or of District Trustees, of all such cases of absence, with the names both of children and parents, guardians, or other persons having such children in charge, and said Board shall thereupon

forthwith proceed to prosecute such parents, guardians, or other persons, according to the provisions of this Act.

Deaf, dumb, and blind.

SEC. 6. And whereas, the State has provided an institution for the gratuitous instruction of all resident deaf and dumb or blind children between the ages of six and twenty-one years, every parent or guardian of any child or children afflicted with deafness or blindness, shall be required, under the penalties hereinbefore specified, to send such child or children to said institution for a period of not less than five years, unless such child or children shall have been excused by the authorities, and on the grounds specified in section one of this Act.

Jurisdiction.

SEC. 7. Any Justice of the Peace of the proper city, or city and county, or school district, shall have jurisdiction of all offenses committed under the provisions of this Act.

SEC. 8. This Act shall be in force and effect from and after the first day of July, eighteen hundred and seventy-four.

CHAPTER DXVII.

An Act in relation to taxation of solvent debts other than those secured by mortgage or other liens.

[Approved March 28, 1874.]

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

Assessment of debts.

SECTION 1. Solvent debts other than those secured by mortgage or other lien, upon real or personal property, shall be subject to assessment for taxation only upon the excess in the cash value thereof, over and above the indebtedness of the owner, not secured by mortgage or lien upon real or personal property.

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

CHAPTER DXVIII.

An Act to authorize the City Clerk of the City of Placerville to execute certain trusts in relation to the lands granted to said city.

[Approved March 28, 1874.]

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

Trust vested.

SECTION 1. John R. Patton, City Clerk of the City of Placerville, is hereby authorized and empowered to exercise all the powers, and do all and every act authorized to be done by the corporate authorities of said city by the Act entitled an Act to authorize and direct the municipal authorities of the several cities and incorporated towns of this State to execute certain trusts in relation to the town lands granted to the incorporated cities and towns in this State by the Act of Congress entitled "An Act for the relief of the inhabitants of cities and towns upon the public lands," approved March second, eighteen hundred and sixty-seven, and the Act amendatory thereof, approved March twenty-fourth, eighteen hundred and sixty-eight.

Application.

SEC. 2. Every person, corporation, or association, claimant for any town lot or parcel of land within the limits of said City of Placerville, that have not, prior to the passage of this Act, complied with the provisions of the Acts of Congress mentioned in section one of this Act, may present their application, within three months from the passage of this Act, to said City Clerk, and such application shall be deemed to have been presented to the corporate authorities of said City of Placerville.

Settlement

SEC. 3. C. W. Brewster, W. Jones, and John P. Cleese, residents of said City of Placerville, are hereby empowered and directed to settle with the Marshal, Treasurer, and Clerk of said city, and, at the close of the aforementioned trust, to direct what distribution shall be made of any moneys remaining in the "Special Land Fund," after the payment of all just and lawful debts and expenses incurred against and chargeable to said Fund is paid.

Repealed.

SEC. 4. All Acts in conflict with the provisions of this Act are hereby repealed, so far as the same applies to the City of Placerville.

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

CHAPTER DXIX.

[See volume of Amendments to the Codes.]

CHAPTER DXX.

An Act to annex the territory comprised in the present County of Klamath, to the Counties of Humboldt and Siskiyou.

[Approved March 28, 1874.]

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

Special election.

SECTION 1. The Board of Supervisors of Siskiyou County must meet in Yreka, the county seat of said county, on or before Saturday, the second day of May, in the year eighteen hundred and seventy-four, and issue their proclamation ordering an election to be held on Saturday, the thirtieth day of May, eighteen hundred and seventy-four, at which the qualified electors of the county may vote on the question of the annexation to Siskiyou County of that portion of Klamath County hereinafter specified in this Act, and on the conditions hereinafter specified.

Ballots.

SEC. 2. Voters who desire the annexation to Siskiyou County of the portion of Klamath County herein described, must vote a legal ballot, with the following inscription printed or written thereon: "Annexation, yes." And voters who oppose the annexation to Siskiyou County of such portion of Klamath County, must vote a legal ballot, with the inscription printed or written thereon: "Annexation, no."

How conducted.

SEC. 3. The laws which apply to and govern general elections, shall apply to and govern the elections herein provided for, except as is in this section otherwise directed. The County Clerk shall procure, if practicable, a number of copies of the Great Register of the county prepared and printed for the general election in the year eighteen hundred and seventy-three, equal to the number of precincts in the county, and shall cause one copy of such Great Register to be delivered to the election Board of each precinct, and such delivery of copies of the Great Register to the Election Boards of the several precincts shall be held to be a full compliance with the law in reference to providing Election Boards with copies of the Great Register. And the Clerk, for the purpose of obtaining such number of copies of such Great Register as by this Act is made necessary, is authorized and directed to open the election returns of the general and judicial elections of the year eighteen hundred and seventy-three, now on file in his office, and take therefrom such number of copies of the Great Register, constituting a part of such election returns, as he may require; and such copies of the Great Register shall be valid for this election. If enough copies of the said Great Register cannot in this way nor in any other manner be obtained to supply each precinct with one copy thereof, the Clerk must make, and cause to be printed, precinct poll lists of like character as those required by the registration Act in force prior to the enactment of the election law of the Political Code. Such precinct poll lists, if made, must be distributed to the Election Boards of the several precincts, and in

Great Register.

the absence of copies of the Great Register, shall take the place thereof.

Returns and canvass.

SEC. 4. The officers of election must make the returns of election in the manner and within the time prescribed for making the returns of general elections, and the Board of Supervisors, acting as a Board of Canvassers, must canvass the returns in the manner and within the time prescribed for canvassing the returns of general elections. If it shall be found that a majority of the legal voters voting at such election have voted for annexation, the Board of Supervisors must, within five days after canvassing the returns, make out two several statements of the result, one of which they must forward by mail to the Board of Supervisors of Klamath County, and the other to the Board of Supervisors of Humboldt County, and thirty days after the canvassing of the returns of the election, if a majority of the legal voters voting at such election shall have voted for annexation, the organization and government of Klamath County shall be abandoned, and such portions of the territory heretofore constituting said county shall be annexed to Humboldt and Siskiyou Counties, respectively, on such conditions as are hereinafter defined, and the provisions of the subsequent sections of this Act shall be in force from and after that date.

Territory described.

SEC. 5. All that part of the territory now composing the County of Klamath, situate and lying north and easterly of the following line and boundary, to wit: commencing at the point where the present boundary of Klamath and Del Norte crosses the Klamath River; thence running easterly in a direct line to where the Salmon River enters the Klamath River; thence in a southerly direction, following the ridge of the mountain that divides the waters of the Salmon and its tributaries from the waters of Klamath and Trinity Rivers, and their tributaries, to the northern boundary line of Trinity County; shall be and compose a part of the County of Siskiyou, and shall be within the jurisdiction thereof, and of the Courts and officers of said county; and all that part of the territory now composing the County of Klamath, situate and lying south and westerly of the above described boundary and line, shall be a part of Humboldt County, and within the jurisdiction thereof, and of the Courts and officers of the county.

Indebtedness.

SEC. 6. The Board of Commissioners, appointed in accordance with the provisions of this Act, are hereby authorized and required, immediately after their appointment, to ascertain and apportion the then outstanding and bona fide indebtedness of the County of Klamath. A majority of said Commissioners may transact the business and determine the action of said Board. Said Board of Commissioners, after ascertaining the said indebtedness, shall apportion the same between the Counties of Humboldt and Siskiyou, in proportion to the assessed value of property annexed to them respectively. Said Board of Commissioners shall certify the amount of said indebtedness so apportioned to the Boards of Supervisors of said Counties of Siskiyou and Humboldt, respectively, and the part of said indebtedness apportioned and certified to the County of Humboldt shall be and remain a charge upon said county, and the same shall be paid by the Board of Supervisors thereof; and the part of

said indebtedness apportioned and certified to the County of Siskiyou shall be and remain a charge upon said county, and shall be paid by the Board of Supervisors thereof, and said indebtedness, so apportioned, shall in all things be as valid and binding against and upon said Counties of Humboldt and Siskiyou, as if the same had been originally authorized and incurred by said counties, or by the proper and authorized officers thereof.

Tax therefor.

SEC. 7. The Board of Supervisors of the County of Humboldt, and the Board of Supervisors of the County of Siskiyou, each is hereby authorized to levy a tax upon the taxable property of the county, not exceeding ten cents on each one hundred dollars value per annum, for the purpose of paying the indebtedness assumed under the provisions of this Act. The said tax shall be assessed, levied, and collected at the same time, in the same manner, and by the same officers, as other county taxes are assessed, levied, and collected. The funds raised by such tax shall be set apart and used by said respective Boards of Supervisors only for the payment of the principal and interest of said assumed indebtedness.

Records.

SEC. 8. The County Clerk of Klamath County shall, immediately after the Board of Supervisors of said county shall have received notice from the Board of Supervisors of Siskiyou County, that the majority of the legal voters, voting on the question of the annexation of a portion of Klamath County to Siskiyou County, voted in favor of such annexation, transcribe into proper books of record all the records of the new County of Klamath, relating to or evidencing the titles to the lands embraced within the territory annexed by this Act to the County of Siskiyou, for which he shall receive as full compensation, twenty cents per folio; one half of which shall be paid by the County of Siskiyou, and the other one half by the County of Humboldt; said amounts to be allowed and paid by said counties respectively, as other county charges are allowed and paid.

Originals.

SEC. 9. After transcribing the records, as provided for in the preceding section, the said County Clerk of Klamath County must deposit with the County Recorder of Humboldt County the original books of record of the County of Klamath relating to the titles of lands therein. The transcript provided for in the preceding section shall be certified to as correct by the said County Clerk, and shall be received as prima facie evidence of the contents thereof.

Suits.

SEC. 10. All suits now pending in the District, County, or Probate Courts, of Klamath County, shall be transferred, by the order of the Judge thereof, to the District, County, and Probate Courts of the Counties of Humboldt or Siskiyou.

Board of Commissioners.

SEC. 11. There shall be a Board of Commissioners, to consist of four persons, electors, two of whom shall be appointed by the Board of Supervisors of Humboldt County, and two by the Board of Supervisors of Siskiyou, who shall have and execute the powers conferred by section six of this Act. Each county shall pay its own Commissioners such sums as the Board of Supervisors shall deem just.

Sale of county property.

SEC. 12. The Board of Supervisors of Klamath County must sell at auction, to the highest bidder or bidders, for cash, and within thirty days after the appointment of the Commissioners provided for in section eleven of this Act, all the county property of said Klamath County, both real and personal; and the Board of Supervisors of said county, upon the sale of any real estate by authority of this section, is hereby authorized and empowered to make, execute, and deliver, in their official capacity, the necessary conveyances for such real estate. The money arising from the sale of said property must be applied by said Board of Supervisors of said Klamath County to the payment of the indebtedness of the county.

Assessment lists.

SEC. 13. The Assessor and Auditor of Klamath County must meet immediately on the annexation of the territory composing said county to the Counties of Humboldt and Siskiyou, transmit the assessment lists containing the assessment of the property of the county for the revenue year eighteen hundred and seventy-four–five, and all books and papers in their possession pertaining thereto, to the County Auditors of the Counties of Humboldt and Siskiyou; the assessment lists containing the assessment of the property in the part of Klamath County annexed to Humboldt County, and the other papers and books pertaining thereto, to the County Auditor of said county, and the assessment lists containing the assessment of the property in the part of Klamath County annexed to Siskiyou County, and the other papers and books pertaining thereto, to the County Auditor of said county. Said Assessor and Auditor must certify under oath to the genuineness of all papers transmitted under the provisions of this section; and the assessment of the property of Klamath County for the revenue year eighteen hundred and seventy-four–five, made by the Assessor of said county and transmitted to the Auditors of Humboldt and Siskiyou Counties respectively, as provided in this section, shall be as valid as if made by the Assessors of said counties respectively.

Compensation.

SEC. 14. The Board of Supervisors of Siskiyou County must allow the County Clerk of said county, for the services he may perform in connection with the election herein provided for, such compensation as they shall deem proper and just, and the sums they may allow shall be in addition to the fees and compensations the Clerk is allowed by law to appropriate to his own use.

Salary.

SEC. 15. In the event of the annexation of any portion of the territory of the new County of Klamath to the County of Humboldt, as provided by this Act, the Assessor of the County of Humboldt shall, in addition to the salary and fees now allowed by law, receive the sum of six hundred dollars per annum, after the first Monday in March, A. D. eighteen hundred and seventy-five.

SEC. 16. This Act shall take effect and be in force from and after its passage.

CHAPTER DXXI.

[See volume of Amendments to the Codes.]

CHAPTER DXXII.

An Act relating to the funds of Swamp Land District No. Eighteen.

[Approved March 30, 1874.]

Preamble. Whereas, it appears that the Treasurer of Solano County, having no information in regard to the boundaries of Swamp Land District No. Eighteen, has erroneously paid into the General Swamp Land Fund of said county moneys collected from sales of land in such district, which should have been paid into the State Treasury to the credit of the Fund of said district;

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

Balance swamp land moneys. SECTION 1. The register of the State Land Office shall, as soon after the passage of this Act as possible, furnish the Controller with an accurate statement of all payments reported to his office upon swamp lands in Solano County since April second, eighteen hundred and sixty-six, which lands, at the time of payment, were within the boundaries of District Eighteen. From this sum the Controller shall deduct all payments of warrants or coin paid by such County Treasurer into the State Treasury, to the credit of the funds of said district, since said second day of April, eighteen hundred and sixty-six, and shall demand from said Treasurer, and the Treasurer shall pay from the General Swamp Land Fund of said county, on demand, the sum so found to have been erroneously paid, which shall be placed to the credit of said district in the State Treasury.

If moneys transferred or loaned. SEC. 2. If any portion of such money has been transferred from the General Swamp Land Fund of said county to any other Fund, then the deficiency shall be paid from such other Fund; or, if such funds have been loaned, all the principal and interest derived from such loan shall be paid into the State Treasury as soon as possible.

Lists. SEC. 3. In order to prevent a recurrence of such mistakes, the Surveyor General shall furnish the County Treasurer of said county with a list of the numbers of surveys in such county, in said district, upon which full payment has not been made.

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

CHAPTER DXXIII.

[See volume of Amendments to the Codes.]

CHAPTER DXXIV.

[See volume of Amendments to the Codes.]

CHAPTER DXXV.

An Act to amend "An Act entitled an Act to protect agriculture, and to prevent the trespassing of animals in the County of Colusa," approved March twenty-eighth, eighteen hundred and seventy-two.

[Approved March 28, 1874.]

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:

Animals trespassing

Section 3. The owner or occupant of any land, whether the same is enclosed or not, may take up and safely keep, at the expense of the owner, any animals found trespassing upon said land. And for the keeping of such animals, from the time of taking up until redeemed or sold, as provided for by this Act, he shall be allowed for each day's keeping: for sheep, five cents per head; for hogs, ten cents per head, and for all other animals, twenty cents per head, and such other damages as he may have sustained by reason of such trespass. Animals so taken up shall be furnished a sufficient amount of feed and water, and any neglect to such animals, by which they suffer to their injury, shall entitle the owner of the same to a reasonable amount in damages out of the sum allowed for keeping such animals; *provided*, that the owners and occupants of land who do not choose to avail themselves of the provisions of this Act by taking up such animals, may commence and maintain an action against the owner or owners or agents having the control of such animals, in any Court of competent jurisdiction, for damages done by such trespass; such suits to be conducted as other suits in civil cases, and subject to the same limitations governing such cases.

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

Proceedings after taking up.

Section 4. Any person taking up animals, under the provision of this Act, shall, immediately after taking up such

animals, notify the owner, or owners, or their agents, if such owners or agents are known to them, or if unknown, then he shall immediately proceed to examine the book of marks and brands kept by the Justices of the Peace and the County Recorder, and ascertain, if possible, such owners, and notify them as above provided; and in case the owners cannot be found, then such person shall make out a complete description of such animals, containing the kind, the color, and the marks and brands, and the place of taking up, and post such description in three of the most public places in the township; one of which shall be on the public highway, nearest the place of taking up, and also one copy of such description shall be posted on the bulletin board near the Court House door of the county. Such notices shall be posted at least ten days. The owners or agents of such animals may come forward and pay the damages claimed by such taker-up, together with the amount due for keeping such animals, at any time after taking up; and in case the parties cannot agree as to the amount of damages claimed, the parties shall select a referee; each party shall select a disinterested person, and in case the two cannot agree they shall select a third person, who shall report the amount of damages due, and from such decision either party may appeal to a Court of competent jurisdiction; and such cases shall be conducted, in all respects, as civil actions under the Code. The owners or agents having control of animals so taken up, shall have the right to replevy such animals under the provisions of the Code, at any time after the report of the referees, in case said report is not accepted. Same.

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

Section 5. If at the expiration of ten days the owners of such animals shall fail to comply with the provision of section four of this Act, then the taker-up shall commence an action in rem against such animals in a Court of competent jurisdiction. The action shall be commenced in the name of the taker-up, as plaintiff, by name, against a certain number of horses, cattle, or other stock, as the case may be. The action shall be commenced by a verified complaint, and shall contain the amount of damages claimed, the number of animals, the character or kind of animals, the color, and the marks and brands of each one. Summonses in these actions shall be served on the owners or their agents, if such owners or agents can be found, as in civil cases under the Code; otherwise, the summons shall be published as in case of absent defendants under the Code, and in all respects these actions shall be prosecuted and defended as civil actions under the Code. If the plaintiff in the actions provided for under the provisions of this Act, recover no greater amount than was tendered him by the owner or agent, or the report of the referee, in case the defendant offered to pay the amount of said report, then all costs and expenses of such suit, and the keeping of such animals from the time of such tender or report, shall be paid by the plaintiff or taker-up; otherwise costs shall follow the judgment as in other cases. Action for damages.

Judgment in these cases shall first be against the animals so taken up, and if not fully satisfied, then against the owner or owners.

SEC. 4. Sections seven, eight, and nine are hereby repealed.

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

CHAPTER DXXVI.

[See volume of Amendments to the Codes.]

CHAPTER DXXVII.

An Act to amend an Act entitled "An Act concerning roads and highways in Sonoma County," approved March twenty-third, eighteen hundred and seventy-two.

[Approved March 28, 1874.]

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

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

Bonds to macadamize.

Section 82. Upon a petition signed by a majority of persons liable to pay a road tax of any kind, and also of those owning a majority of the taxable property in any road district, the Board of Supervisors, for the purpose of macadamizing the roads of such district (but for no other purpose), may issue bonds of the road district, not exceeding in the aggregate three per cent of the taxable property thereof. The bonds so issued shall bear interest at the rate of eight per cent per annum, payable annually, and must be redeemed within five years from date of issuance. The Board must also levy a tax, annually, not exceeding one and one eighth of one per cent, for the payment of interest and a part of the principal of such bonds, until the entire amount of bonds issued are redeemed. The provisions of this section shall apply to any bonds heretofore issued for the purposes therein mentioned.

Tax.

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

Election.

Section 83. Whenever it becomes necessary to put into effect section eighty-two of this Act, the Board of Supervisors must order an election, either at a general or special election, to be ordered in their discretion, for the election of a Road District Assessor (who may be Collector), who must qualify by giving bonds as the law directs in the case of County Assessors.

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

Section 84. The District Assessor must proceed to assess the property of the district in the same manner as is prescribed in Title Nine, Part Three, of the Political Code, in all respects, except that no report of the assessment of property for the purposes of this Act must be made to the State Board of Equalization. Assessment

SEC. 4. The following new sections are hereby added to said Act:

Section 85. The Collector must qualify by giving such bond as the Supervisors may require, and proceed to collect the taxes in the same manner as is prescribed for the collection of State and county taxes, and pay the same into the County Treasury. Collection.

Section 86. The County Treasurer must place the money so collected and paid, in a Fund, to be called the —— Road District Bond Redemption Fund. Fund.

Section 87. The Board of Supervisors, whenever the bonds become due, or the interest thereon, must, by order, require the Auditor to draw his warrant on the Treasurer for the amount due, and the Treasurer must pay the same. Warrants.

Section 88. The Board of Supervisors may allow any sum for assessing the property in the district, not exceeding three hundred dollars, and for collection, not exceeding two hundred dollars in any district, in their own discretion, to be audited and paid as other claims are paid. Compensations.

Section 89. All Acts or parts of Acts in conflict with the provisions of this Act, so far as they conflict, are hereby repealed.

Section 90. This Act shall take effect and be in force from and after its passage.

CHAPTER DXXVIII.

An Act to authorize the Mayor and Common Council of the City of Los Angeles to pay certain warrants drawn on the Salary Fund.

[Approved March 28, 1874.]

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

SECTION 1. The Mayor and Common Council of the City of Los Angeles are hereby authorized to pay certain warrants drawn on the Salary Fund, for the salary of William C. Warren, late City Marshal of said city, the said warrants having been regularly drawn and duly protested, but not paid for lack of funds. Said warrants were inadvertently omitted and not presented for funding under the provisions of an Act entitled "An Act to fund the debt of the City of Los Angeles, and to provide for the payment of the same," approved April twentieth, eighteen hundred and seventy. Payment of warrants.

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

CHAPTER DXXIX.

An Act to repeal an Act entitled "An Act to authorize the City of San José to issue bonds to provide sewerage for said city," approved March fourteenth, eighteen hundred and seventy-two.

[Approved March 28, 1874.]

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

Repealed. SECTION 1. An Act to authorize the City of San José to issue bonds to provide sewerage for said city, approved March fourteenth, eighteen hundred and seventy-two, is hereby repealed.

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

CHAPTER DXXX.

An Act to provide for the payment of certain bonds of the County of Lake.

[Approved March 28, 1874.]

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

Wagon Road District. SECTION 1. All that portion of the County of Lake which lies to the west of a line through the center of range eight west, of Mount Diablo meridian, thence north to the Colusa County line, thence south, including the Jamison Ranch and Locolloyme Valley, following the division line between Locolloyme and Guenoc grant to the Napa County line, is hereby made and declared to be a special revenue district for the purposes hereinafter mentioned, to be known as the Wagon Road District.

General election. SEC. 2. At the general election in September, eighteen hundred and seventy-five, and every four years thereafter, until the bonds hereinafter mentioned shall be fully paid, an Assessor and Collector for said Wagon Road District shall be elected who shall hold office for four years from the first Monday of March next after their election; *provided*, that the same persons may be elected to hold both of said offices. At such elections only those persons shall vote for said officers who shall be qualified electors of the County of Lake, and shall have resided in said district at least thirty days before such election. Such elec-

tions shall be conducted in all respects as elections of county officers, and the returns shall be made and returned, and canvased, and the result declared, at the same time, and in the same manner, as elections of county officers are required to be by law.

Special election.

SEC. 3. The Board of Supervisors of Lake County shall order a special election to be held throughout said Wagon Road District, the polls whereof shall be open in the several precincts or places for holding elections in such district, on a day to be named by them, at their next meeting after the passage of this Act, which day shall be at least twenty days before the first Monday in May, eighteen hundred and seventy-four, at which election there shall be elected an Assessor and Collector of said district, who shall hold their office from the first Monday in May, eighteen hundred and seventy-four, until the first Monday in May, eighteen hundred and seventy-six. The Board of Supervisors shall cause notice of such election to be published in some newspaper printed in said county, if any be printed therein, and if not, then in some newspaper printed in an adjoining county, for at least one week before such election, and a like notice to be conspicuously posted at every place of opening the polls in said district, at least one week prior to said election. Such election shall be conducted in the same manner as elections for county officers, and in like manner the vote cast thereat shall be counted and returns thereof made; and on the first Monday after such election, or at such other time as the Board of Supervisors may have fixed therefor, said returns shall be opened and canvassed, and the result declared, in the same manner as in the case of elections for county officers; *provided*, that at said special election the same person may be elected as both Assessor and Collector; and, *provided further*, that at said election no copies of the Great Register of the county need be provided nor used.

Duties of Assessor and Collector.

SEC. 4. It shall be the duty of the said Assessor and Collector of said district to assess and collect all taxes levied by the Board of Supervisors of Lake County upon the property of said Wagon Road District, for the payment of the principal or interest of the bonds hereinafter mentioned; and the laws regulating the assessment, collection, and equalization of State and county taxes, and providing penalties for delinquencies, are hereby expressly made applicable to the assessment, equalization, and collection of the taxes levied under the provisions of this Act, and such laws shall be regarded as prescribing the duties of Assessors and Collectors provided for herein; *provided*, that the Assessors need not transmit to the State Board of Equalization the statement provided for in section three thousand six hundred and fifty-five of the Political Code.

Levy of tax

SEC. 5. On the day fixed by law for levying State and county taxes in each year, and until the full payment of all of certain bonds of Lake County, and interest thereon, issued in pursuance of an Act of the Legislature entitled "An Act to provide for the construction and maintenance of a wagon road in Lake County," approved March ninth, eighteen hundred and seventy, the Board of Supervisors of Lake County shall fix the rate of taxation necessary to pay the interest on said bonds, and levy the same upon all the taxable property in said district, desig-

nating the number of cents on each one hundred dollars of property. The rate so fixed shall be at least sufficient to pay, with the tolls applicable thereto, all the interest already accrued, or to accrue on the day of payment thereof nearest the date of the levy; and the taxes so levied shall become a lien upon all the property in said district at the same time, in each year, as county and State taxes, and shall be collected in U. S. gold coin exclusively.

Compensation.

SEC. 6. The Assessor shall receive, for his services in each year, the sum of two hundred and fifty dollars, and the Collector shall receive the same percentage upon all sums collected by him as by law is allowed to the County Collector of Lake County, to be paid by warrants drawn on the "Wagon Road Interest and Redemption Fund" of said county.

Fund.

SEC. 7. All sums of money collected by virtue of said tax shall be paid into the "Wagon Road Interest and Redemption Fund" created by said Act of the Legislature hereinbefore referred to.

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

CHAPTER DXXXI.

An Act regulating the sale of mineral lands belonging to the State.

[Approved March 28, 1874.]

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

Affidavit for purchase.

SECTION 1. Any person desiring to purchase from this State any portion of any sixteenth or thirty-sixth section, that shall have been designated by United States survey as of a mineral character, or which is so in fact, shall make an affidavit before some officer authorized to administer oaths, that he or she is a citizen of the United States, or, if a foreigner, that he has filed his intention to become a citizen of the United States; that he or she is of lawful age, and desires to purchase said land, giving a description thereof by legal subdivisions; that he or she has not entered any portion of such mineral lands which, together with that applied for in such affidavit, will exceed forty acres; that there is no occupation of said land adverse to that which he or she holds, or, if there be any adverse occupation thereof, then he or she must state the name of such adverse occupant, together with the fact that the plat of the township has been on file six months or over, and that such adverse occupant has been in such occupation six months or over.

Preferred purchasers.

SEC. 2. Any person that shall be in the actual possession of any of said lands described in section one, at the time of the survey thereof by the United States, or at the time of the passage of this Act, shall be considered a preferred purchaser

thereof; *provided*, he or she make his or her application for the purchase of the same within six months after the filing of the plat of such survey in the United States Land Office, or within ten months after the passage of this Act.

Contests and actions.

SEC. 3. When a contest shall arise as to the mineral character of the lands applied for, or from any other cause, the Surveyor General, or the Register before whom the contest is made, must, within thirty days after the adverse application is filed, unless sooner referred, at the request of either claimant, make an order referring such contest to the District Court of the county within which the land is situated, and must enter such order in the proper book of his office, and forward a copy thereof to the Clerk of the Court to which the reference is made. Upon the filing of a copy of such order with the Clerk of the Court, either party may commence an action in said Court to determine the conflict, and the Court shall have full and complete jurisdiction to hear and determine the same. Unless an action shall be commenced within ninety days after the copy of the order of reference shall have been filed with the Clerk of the Court, the party making such demand, or the adverse claimant, if the case is referred without demand, shall be deemed to have waived and surrendered his or her right to purchase, and the Surveyor General or Register shall proceed as though his or her application had not been made.

Sale.

SEC. 4. All lands sold under the provisions of this Act shall be sold for the sum of two dollars and fifty cents per acre, in United States gold coin, payable to the Treasurer of the county in which the lands are situated, within fifty days from the date of the approval by the Surveyor General; and in case said payment is not made within said fifty days, the land described in the location shall revert to the State without suit, and said location shall be and become null and void. All payments made to the County Treasurer as above provided, shall be paid over and accounted for as other moneys received for State lands are required to be paid over and accounted for.

Manner.

SEC. 5. The Surveyor General and Register shall, in the matter of approving locations, issuing certificates of purchase or patents, or in other proceedings relating to the sale of lands of a mineral character, which proceedings are not provided for in this Act, proceed in the same manner as is now provided for the sale of sixteenth and thirty-sixth sections which are not of a mineral character.

Vested rights.

SEC. 6. All patents issued by the State to any portion of any sixteenth or thirty-sixth section, shall be subject to any vested and accrued water rights, ditches, and reservoirs, used in connection therewith, acquired by priority of possession under local customs, and the decisions of the Courts, and the right of way for the construction of ditches and canals, for mining and other purposes, over all of the sixteenth and thirty-sixth sections owned by the State, is hereby granted and confirmed.

Patents, payments, purchases.

SEC. 7. After the passage of this Act, no patent shall be issued by the State for any of the lands described in this Act, upon which, at the time of the application therefor, there was and still is any actual bona fide mining claim, except to the person who is the owner of such mining claim, under local mining

Same. customs, and not to such owner in excess of forty acres; and when an applicant for such lands, not owning such mining claim, shall have paid the purchase money therefor, in whole or in part, he may present his certificate of purchase, and receive in exchange therefor, from the Register, a certificate showing the whole amount paid; and the Controller, upon the surrender of such certificate, must draw his warrant in favor of the person surrendering such certificate, for the amount therein specified, on the Treasurer of State, who must pay the same out of the Fund into which the purchase money was paid; *provided*, that the owner of such mining claim, under such mining customs, shall apply to purchase the same within six months after the plat of the township containing such land shall have been filed in the local United States Land Office, or within ten months after the passage of this Act; *and, provided further*, that any owner of a bona fide mining claim, who shall have entered into an agreement with the applicant for any portion of the sixteenth or thirty-sixth section upon which said mining claim is situated, for the procurement of a title for the same, shall not avail himself of the provisions of this section. The Governor of this State shall not sign any patent contrary to the provisions of this Act.

SEC. 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

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

CHAPTER DXXXII.

An Act to authorize the Board of Supervisors of Los Angeles County to protect certain lands in El Monte Township against the overflows of San Gabriel River.

[Approved March 28, 1874.]

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

Commissioners. SECTION 1. The Board of Supervisors of Los Angeles County are hereby authorized and empowered to appoint three Commissioners to view and determine the lands situated in El Monte Township, in said county, which are or have been overflowed, or are subject to be overflowed and washed away, or otherwise materially damaged, by the waters of the western branch of the San Gabriel River, flowing by the Town of Lexington, in said township.

Qualifications and duties. SEC. 2. Said Commissioners must be citizens of Los Angeles County, shall take and subscribe the oath of office, and shall give such official bond as the Supervisors may require, and enter upon the discharge of their duties immediately thereafter; they may employ a surveyor, or civil engineer, who, with them, or a majority of them, and under their direction,

shall view the lands, and make a map and plat of all lands so determined and found by them to be subject to overflow and damage, as aforesaid, by the waters of said river in said township, and estimate the cost of the construction of dam and levee sufficient to protect said lands, and report the same to said Board of Supervisors.

Assessment

SEC. 3. The Board of Supervisors shall, on receiving said report, levy an assessment, of not exceeding one dollar per acre, upon all the lands so subject to overflow or damage, and an assessment of two dollars on the one hundred dollars of value of the taxable real property situate in the Town of Lexington, in said township, which is recognized as town property, and cause the same to be collected; and require the Commissioners, appointed under the first section of this Act, to cause to be constructed such levee as may be necessary to protect said lands.

Assessor and Collector.

SEC. 4. For the purpose of listing the lands so to be protected, to the true owners, and levying the tax against said lands and the owners thereof, and for the purpose of collecting the same, the Supervisors of said county shall appoint an Assessor and Collector, who may be one and the same person, who shall levy and collect the assessment aforesaid.

County tax.

SEC. 5. If it shall be found that the taxes provided for in section three of this Act are insufficient to accomplish the purposes contemplated, then in that case the Board of Supervisors may levy a tax upon the property of the county at large sufficient to produce an amount equal to that resulting from the taxes mentioned in section three of this Act; *provided*, that no general tax shall be levied until the total amount of taxes hereinbefore provided for have been collected and expended, and therefor no larger sum than the amount thus collected and expended, as herein provided for; *provided, further*, that the expenses of surveys, estimates, and all preliminary work shall be first deducted from the amount of taxes to be levied upon the county at large.

Compensation.

SEC. 6. The Board of Supervisors shall fix the compensation of the Assessor and Collector of the special assessment first herein named, to be paid from the amount so collected; and the collection of said first named special assessment may be enforced against said real property as State and county taxes are authorized and required to be collected under the revenue laws of the Political Code.

Fund.

SEC. 7. The money derived from the acreage assessment, and the assessment upon the real property of the Town of Lexington, and the special one eighth of one per cent tax herein provided to be collected, shall be paid in to the County Treasurer, and be known as the "San Gabriel Levee Fund," from which, under orders of the Board of Supervisors, shall be paid all the costs and expenses of the construction of the levee aforesaid.

Compensations.

SEC. 8. The Commissioners appointed under this Act, and the Surveyor, shall receive such compensation as the Board of Supervisors may fix and allow out of the Fund hereby created,

and shall in all matters be under the supervisory control of the Board of Supervisory, who may inspect, or cause to be inspected, the work done on the levee before making payment therefor.

No tax, if. SEC. 9. If, after the first report of the Commissioners, the Board of Supervisors should determine the amount of the fund herein authorized to be raised is insufficient for the purpose designated, or from any other cause it is found to be impossible or impracticable to effectually protect said lands from overflow or damage as proposed by this Act, then said Supervisors shall not levy any assessment or tax hereby directed.

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

CHAPTER DXXXIII.

An Act to provide for the proper distribution, in the several County Treasuries, of funds arising from the sale of swamp lands.

[Approved March 28, 1874.]

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

Swamp Land Fund SECTION 1. Whenever hereafter a swamp land district shall be organized, and in all cases where districts have heretofore been organized, the Board of Supervisors of each county in which any portion of the lands of such district are located, shall, upon the application of any party interested, direct the Auditor and Treasurer to set apart from the Swamp Land Fund, in the County Treasury, all the money which has been or shall hereafter be received in payment of principal and interest on such lands, as a fund to the credit of such district, except such money as may have previously been expended from the Swamp Land Fund for the benefit of land within the district.

How used. SEC. 2. The money in the District Fund, created by section one of this Act, shall be paid out only for the purpose of reclaiming said land, or to the owners of such land after reclamation, as now provided by law; and in all cases where moneys paid in upon such lands have been diverted to the use and benefit of other lands, they shall be replaced out of the first receipt from the land so benefited. In all cases where any expense has been paid from the County Swamp Land Fund for attorneys fees in the examination of the character of any land, in any reclamation district, or when any expense has been paid from the County Swamp Land Fund pertaining to the land in said district, the County Treasurer shall deduct said amount from the amount otherwise found due to the land for which said expense was paid, and only return to the owner of the land so much of the money paid into the Treasury on said land

as shall remain after deducting the said amount paid for expense pertaining to said land.

SEC. 3. This Act shall not apply to districts upon which Controller's warrants are outstanding, until after all of such warrants are paid.

CHAPTER DXXXIV.

An Act to amend "An Act concerning roads and highways in the County of El Dorado," approved March the fifteenth, eighteen hundred and seventy-two.

[Approved March 28, 1874.]

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 to read as follows:

Section 4. All able-bodied male persons, between the ages of twenty-one and sixty years, residents of said county, shall be bound and liable to perform each year, on the public roads and highways of their respective districts, two days labor, after having been notified by the Road Overseer or his deputy of the time when and the place where such service is required; and if any person, having thus been notified, shall neglect or refuse to perform the labor, shall pay the sum of three dollars to the Road Fund of the district where such labor was due; *provided*, that the Road Overseer elected or appointed, in accordance with the provisions of section two of the Act to which this Act is amendatory, in Road District Number Four, comprising Placerville Township in said county, be and he is hereby authorized and required to expend all money collected from and all labor performed by residents within the corporate limits of the City of Placerville, on the streets, cisterns, bridges, and alleys of said city. Road poll tax.

SEC. 2. All officers elected or appointed, under the provisions of the Act to which this Act is amendatory, shall qualify and enter upon the duties of the office on the first day of January after their election, and shall hold their offices until their successors are elected and qualified. Officers appointed to fill vacancies shall qualify and enter upon the discharge of the duties of the office within ten days after receiving notice of such appointment. Qualification of officers.

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

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

CHAPTER DXXXV.

An Act to provide for the construction of a railroad from Independence, in the County of Inyo, to the City of Los Angeles, Los Angeles County, and to regulate fares and freights thereon.

[Approved March 28, 1874.]

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

Railroad franchise.

SECTION 1. The right of way to lay out, construct, and run a line of railroad, to keep in repair and use the same, by running thereon cars propelled by steam, for the convenient and profitable use thereof, and by such route as may be deemed most advantageous, between Independence, in the County of Inyo, by way of Hania and Little Owens Lake, to the thirty-fifth parallel of latitude, and from thence, by such route as they shall select, to the City of Los Angeles, is hereby granted to F. P. T. Temple, Egbert Judson, Sherman Stevens, E. E. Hewitt, M. W. Belshaw, J. G. Downey, Isaac Harris, L. J. Rose, Victor Beaudry, P. A. Chalfant, James Brady, H. C. Egbert, P. Reddy, B. D. Wilson, or their associates and assigns, for the term of fifty (50) years; *provided*, that the construction of said road shall be commenced within two (2) years from the date of the passage of this Act, and shall be completed within five years thereafter.

Rails.

SEC. 2. The parties aforesaid, and their assigns, may, in the construction of said road, use rails therefor and thereon, of such material, form, and dimensions as in their judgment they may deem proper.

Fares and freights.

SEC. 3. It shall be lawful for the parties aforesaid, and their assigns, to charge and receive any sum not exceeding eight (8) cents per mile for each passenger, and ten (10) cents per ton per mile of freight transported on said road; *provided*, that upon freight transported on said road for any distance not exceeding twenty (20) miles, twenty-five per cent may be added to the above rates.

Same.

SEC. 4. On all articles, two thousand (2,000) pounds of which shall measure fifty (50) cubic feet and less than sixty (60) cubic feet, there may be added to the rates allowed by section three (3) of this Act twenty-five (25) per cent thereof; and on all articles, of which two thousand (2,000) pounds shall measure sixty (60) cubic feet and less than seventy (70) cubic feet, there may be added to such rates fifty (50) per cent thereof; and on all articles, of which two thousand (2,000) pounds shall measure seventy (70) cubic feet and less than eighty (80) cubic feet, there may be added to such rate seventy-five (75) per cent thereof; and on all articles, of which two thousand (2,000) pounds shall measure eighty (80) cubic feet and over, there may be added to such rates one hundred (100) per cent thereof.

SEC. 5. On all single packages, weighing two thousand (2,000) pounds and less than three thousand (3,000) pounds, there may be added to the rates allowed in section three (3) of this Act

twenty-five (25) per cent thereof; and on all single packages, weighing three thousand (3,000) pounds and less than four thousand (4,000) pounds, there may be added to such rates fifty (50) per cent thereof; and all single packages, weighing four thousand (4,000) pounds and less than five thousand (5,000) pounds, there may be added to such rates seventy-five (75) per cent thereof; and on all single packages, weighing five thousand (5,000) pounds and upwards, there may be added to such rates one hundred (100) per cent thereof. Same.

SEC. 6. On all gunpowder, camphene, acids, or any explosive material of a like nature, also on glass and glassware, there may be added to the rates provided in section three (3) of this Act, one hundred (100) per cent thereof. Same.

SEC. 7. It shall be the duty of the parties aforesaid, and their assigns, after the completion of the road, on the first Monday of February of each year, to make and file with the Board of Supervisors of Los Angeles County a statement in writing, under oath, of all moneys received during the fiscal year ending December thirty-first of each year, from the earnings of said road, the rates and fares charged, the running, repairing, and construction expenses, with insurance and tax expenses, the amount (if any) of existing indebtedness, and if dividends have been declared, the amount thereof, and the amount of cash on hand. Statement.

SEC. 8. If it shall appear from such statement that the net revenue of the road arising from its earnings during the year has exceeded twelve (12) per cent per annum upon the money invested in the construction, running, improvement, repairing, and other expenses of the same, that then it shall be the duty of and the said Board of Supervisors shall have the power to adjust, fix, and reduce the rates and fares for passenger travel and freights upon the road to such rates and fares as will realize to said parties or their assigns a net revenue from the road upon capital invested, repairs made and necessary to be made, and running and other expenses, a sum equal to, but not to exceed, twelve (12) per cent per annum. Adjusting rates.

SEC. 9. No discrimination shall be made between persons, parties, or localities as to fares and freights, or the transportation of goods, and no free passes shall be issued or given to any person or party to travel the road, except only to those who are actually engaged in the business of the road. No passes or discriminations.

SEC. 10. That said parties, their associates and assigns, in the conduct and management of said railroad, shall have all the powers and be subject to all the liabilities and conform to all the requirements contained in Chapter Two and Three of Title Three of the Civil Code of California, relating to railroad corporations, so far as the same are consistent with the provisions of this Act; *provided*, that unless the grantees under this Act shall, within twelve months from the passage hereof, commence work upon said road, and expend at the least the sum of twenty thousand dollars thereon, the franchises and rights herein granted shall be forfeited. Code.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAPTER DXXXVI.

An Act to confer additional powers upon the Board of Supervisors of the County of San Joaquin.

[Approved March 28, 1874.]

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

Tax.

SECTION 1. The Board of Supervisors of the County of San Joaquin are hereby authorized, empowered, and directed to levy, at the same time that taxes are levied for general county purposes for the present fiscal year, a tax sufficient to pay the amount due, both principal and interest, on bonds heretofore issued by said county, and the Board of Supervisors thereof, under and by virtue of an Act entitled "An Act to authorize the County of San Joaquin to issue bonds for agricultural uses," approved February fifth, eighteen hundred and sixty-three, and the Acts amendatory thereof and supplemental thereto.

Levy and collection.

SEC. 2. Said tax shall be levied and collected as other taxes for State and county purposes are levied and collected, and shall be disbursed under the direction of said Board only in payment of the principal and interest due on the bonds aforesaid.

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

CHAPTER DXXXVII.

An Act to provide for the collection of district school taxes in Townsend and May School Districts, in Murray Township, in the County of Alameda.

[Approved March 28, 1874.]

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

Unpaid school taxes.

SECTION 1. The District Attorney of the County of Alameda is hereby authorized and instructed to collect all legally assessed and unpaid district school taxes levied in Townsend and May School Districts, in said county, during the year eighteen hundred and seventy-three, to build school houses, maintain public schools, and for other purposes therein.

Notices and suits.

SEC. 2. For the purposes named in section one of this Act, the said District Attorney is hereby authorized to commence suit in the name of either or both of said districts, against all persons who are delinquent because of nonpayment of said taxes; and he is hereby directed to notify such delinquents, either in person or by publication for four successive weeks in some

newspaper of general circulation in said county, to pay said taxes within thirty days thereafter; and in case of failure upon their part to pay said taxes, as aforesaid, the said District Attorney shall commence and prosecute suits at law against such delinquents, in the same manner as other delinquent taxes are now collected by law.

Moneys. SEC. 3. When so collected, the District Attorney shall pay the moneys so collected to the Treasurer of said county, for the use of said districts respectively.

Fees. SEC. 4. The said District Attorney shall receive for his services, as herein provided for, the same fees as are allowable in other cases for the collection of taxes.

SEC. 5. This Act shall take effect immediately.

CHAPTER DXXXVIII.

An Act amendatory of and supplementary to an Act entitled "An Act reorganizing the Board of Supervisors of the County of Placer, and providing for the election of the same," approved March thirteenth, eighteen hundred and seventy-four.

[Approved March 28, 1874.]

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

Supervisors, election of. SECTION 1. The Supervisors to be elected in the County of Placer at the general election in the year eighteen hundred and seventy-five, as provided for in the Act to which this is amendatory of and supplementary to, shall be qualified electors of and nominated by the electors of their respective districts, but shall be elected by the electors of the county at large; and all members of the Board of Supervisors elected at any subsequent election shall be nominated and elected in the same manner.

Vacancies. SEC. 2. Whenever a vacancy occurs in the Board of Supervisors, from a failure to elect or otherwise, the electors of the district in which such vacancy occurs shall nominate one or more of the qualified electors of said district to fill the unexpired term, but the election shall be by the electors of the county at large.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed, in so far as they shall conflict with the provisions of this Act.

SEC. 4. This Act shall take effect immediately.

CHAPTER DXXXIX.

An Act to prevent hogs from running at large in the Towns of Red Bluff and Tehama, in Tehama County.

[Approved March 28, 1874.]

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

Hogs. SECTION 1. It shall be unlawful for any person owning or having charge of hogs, to allow them to run at large, or to keep them in any inclosure within the town sites of Red Bluff or Tehama.

Who may take up. SEC. 2. The Sheriff, or any Constable of Red Bluff or Tehama Townships, finding any hogs, either running at large or kept in any inclosure within said town sites, are authorized and directed to take charge of, impound, and sell them at public auction after five days previous notice of said sale, to be posted in three public places in said towns.

Fees. SEC. 3. The officer, for his services in taking charge of and selling said hogs under the provision of this Act, shall be entitled to receive as fees from the proceeds of such sales, the sum of two dollars per head, and should there be any balance remaining in his hands, after deducting his fees, he shall pay it into the School Fund of the Red Bluff School District, if such animals are impounded and sold in the Town of Red Bluff, and into the School Fund of Tehama School District if impounded and sold in the Town of Tehama.

Fine. SEC. 4. The owner of any hogs taken charge of by the Sheriff or Constable, shall be entitled to a return of the same upon his payment therefor of a fine of three dollars per head, but not otherwise, two of which shall belong to the officer, and one of which to said School Fund.

Penalty. SEC. 5. Every owner or custodian of hogs, who shall violate the provisions of this Act, in addition to the payment of the fine provided by the preceding section, shall upon conviction be fined not less than ten nor more than fifty dollars for every offense, besides the costs of prosecution, all of which fines shall likewise be payable into said School Fund.

SEC. 6. This Act shall take effect from and after the first day of May, eighteen hundred and seventy-four.

CHAPTER DXL.

An Act to authorize the Mutual Life Insurance Company of New York, and the Equitable Life Assurance Company of the United States, to invest moneys in real and personal estate within the limits of California.

[Approved March 28, 1874.]

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

SECTION 1. The Mutual Life Insurance Company of New York, a corporation duly incorporated and carrying on business under the laws of the State of New York, and the Equitable Life Assurance Company of the United States, are hereby authorized and empowered to purchase and hold real estate and personal property; also to loan upon mortgages of real estate; also to construct houses and buildings, within the State of California. Powers granted.

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

CHAPTER DXLI.

An Act amendatory of an Act entitled an Act amendatory of and supplementary 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 fourth, eighteen hundred and seventy.

[Approved March 28, 1874.]

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

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

Section 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 assessmennt list for said county, in each year, to levy upon the assessment made by the County Assessor of property within the corporate limits of said city, which assessment shall be adopted as and for the city assessment, such a tax as the Board of Trustees of said city may have officially notified them of. Said tax shall be collected in the same manner as the general taxes for county purposes, and when collected shall be paid in to the County Treasurer, who shall account for and place the same to account of the following Funds, as City tax.

Funds. Trustees levy, each year, may direct: "Benicia General Fund," and "Benicia Interest and Redemption Fund;" and pay out that set apart as Interest and Redemption Fund, in manner heretofore provided by law, and that set apart as General Fund, upon the warrants 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.

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

Corner assessments. Section 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 quarter blocks adjoining and cornering the crossing; and each lot or part of lot in such quarter block fronting on such street, where there 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

Expense tax. fix by ordinance each year, the amount of taxes to be levied for current expenses, also the amount to be levied for Interest and Redemption Fund, which amount for interest and redemption shall not be less than fifty cents each year on each one hundred dollars of taxable property in said city, until the present funded indebtedness of said city is all redeemed; *provided*, that no tax to be levied for any one year shall exceed one per cent on all the taxable property in said city. After the funds now in Road Fund and Fire Department Fund are exhausted, the City Trustees may draw warrants on General Fund for road and fire department expenditures.

SEC. 3. All Acts and parts of Acts, so far only as they conflict with this Act, are hereby repealed.

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

CHAPTER DXLII.

An Act to authorize the Board of Supervisors of Alameda County to pay the claim of George W. Babcock.

[Approved March 28, 1874.]

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

Examination of claim. SECTION 1. The Board of Supervisors of Alameda County are hereby authorized to examine, audit, and allow any claim of George W. Babcock, for damages sustained by him in a certain suit with the County Auditor of said county. Said claim, if any, shall only be allowed upon the presentation to said Board of Supervisors of proper proofs that the damages sus-

tained were not caused by any willful or malicious misconduct on the part of said George W. Babcock.

SEC. 2. It is expressly provided that in no event shall the amount allowed exceed the sum of one thousand dollars. The County Auditor of said county, upon the proper certificate of the Clerk of the Board of Supervisors of the amount allowed said George W. Babcock by the said Board of Supervisors, shall draw his warrant upon the County Treasurer for the amount so allowed, and the County Treasurer shall pay the same out of any moneys in the County Treasury not otherwise appropriated. Sum. Warrant.

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

CHAPTER DXLIII.

[See volume of Amendments to the Codes.]

CHAPTER DXLIV.

An Act to amend an Act entitled an Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto, approved March eighteen, eighteen hundred and seventy-four.

[Approved March 28, 1874.]

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 prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto, approved March eighteen, eighteen hundred and seventy-four, is hereby amended so as to read as follows: Amended.

Section 1. The Treasurer of San Mateo County shall, without additional compensation, be receiver of taxes until the same becomes delinquent, immediately after which time the delinquent list shall be transferred to the Sheriff for collection, as provided for by law. Receiver of taxes.

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

Section 12. On receiving the receipt of the Treasurer, and the oath prescribed in the preceding section, the Auditor shall draw his warrant on the Treasurer in favor of the Sheriff for the sum of three hundred and fifty-eight dollars and fifty cents, and in favor of the County Clerk and ex officio County Re- Salaries.

corder for the sum of three hundred and fifty-eight dollars and fifty cents, for their monthly salaries.

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

Additional Supervisors.

Section 20. Immediately after the passage of this Act, the Governor of this State shall appoint two (2) additional Supervisors for the County of San Mateo, who shall be residents and electors of what was heretofore known as the Fifth (5th) and Sixth (6th) Townships of said county.

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

CHAPTER DXLV.

An Act to provide for the construction of a railroad from the City of Marysville, in the County of Yuba, to Knight's Landing, in the County of Yolo, and to regulate fares and freights thereon.

[Approved March 28, 1874.]

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

Railroad franchise.

SECTION 1. The right of way to lay out, construct, and run a line of railroad, to keep in repair and use the same by running thereon cars propelled by steam for the convenient and profitable use thereof, and by such route as may be deemed most advantageous, between the City of Marysville, in the County of Yuba, to Knight's Landing, in the County of Yolo, is hereby granted to W. T. Ellis, N. D. Rideout, M. Marcuse, J. H. Jewett, M. C. Dufficy, J. F. Flathman, James Trayner, S. R. Chandler, S. E. Wilson, C. A. Glidden, W. P. Harkey, Jonas Marcuse, J. H. Kimball, B. F. Walton, and D. E. Knight, or their associates and assigns, for the term of fifty (50) years; *provided*, that the construction of said road shall be commenced within one year from the date of the passage of this Act, and shall be completed within five (5) years thereafter.

Rails.

SEC. 2. The parties aforesaid and their assigns may, in the construction of said road, use rails therefor and thereon of such materials and dimensions as in their judgment they may deem proper.

Fares and freights.

SEC. 3. It shall be lawful for the parties aforesaid, and their assigns, to charge and receive any sum not exceeding eight (8) cents per mile for each passenger, and eight (8) cents per ton per mile of freight transported on said road; *provided*, that upon freight transported on said road, for any distance not exceeding twelve (12) miles, twenty-five per cent may be added to the above rates.

Same.

SEC. 4. On all articles, two thousand (2,000) pounds of which shall measure fifty (50) cubic feet, and less than sixty (60) cubic feet, there may be added to the rates allowed by section three (3) of this Act, twenty-five (25) per cent thereof;

and on all articles, of which two thousand (2,000) pounds shall measure sixty (60) cubic feet, and less than seventy (70) cubic feet, there may be added to such rates fifty (50) per cent thereof; and on all articles, of which two thousand (2,000) pounds shall measure seventy (70) cubic feet, and less than eighty (80) cubic feet, there may be added to such rates seventy-five (75) per cent thereof; and on all articles, of which two thousand (2,000) pounds shall measure eighty (80) cubic feet and over, there may be added to such rates one hundred (100) per cent thereof. Same.

SEC. 5. On all single packages weighing two thousand (2,000) pounds, and less than three thousand (3,000) pounds, there may be added to the rates allowed in section three (3) of this Act, twenty-five (25) per cent thereof; and on all single packages, weighing three thousand (3,000) pounds, and less than four thousand (4,000) pounds, there may be added to such rates fifty (50) per cent thereof; and on all single packages, weighing four thousand (4,000) pounds, and less than five thousand (5,000) pounds, there may be added to such rates, seventy-five (75) per cent thereof; and on all single packages, weighing five thousand (5,000) pounds and upwards, there may be added to such rates, one hundred (100) per cent thereof. Same.

SEC. 6. On all gunpowder, camphene, acids, or any explosive material of a like nature, also on glass and glassware, there may be added to the rates provided in section three (3) of this Act, one hundred (100) per cent thereof. Same.

SEC. 7. It shall be the duty of the parties aforesaid, and their assigns, after the completion of the road, on the first Monday of February of each year, to make and file with the Board of Supervisors of the County of Yuba, a statement, in writing, under oath, of all moneys received during the fiscal year ending December thirty-first of each year, from the earnings of said road, the rates and fares charged, the running, repairing, and construction expenses, with insurance and tax expenses, the amount (if any) of existing indebtedness, and, if dividends have been declared, the amount thereof, and the amount of cash on hand. Statement.

SEC. 8. If it shall appear from such statement that the net revenue of the road arising from its earnings during the year has exceeded twelve (12) per cent per annum upon the money invested in the construction, running, improvement, repairing, and other expenses of the same, that then it shall be the duty of, and the said Board of Supervisors shall have the power, to adjust, fix, and reduce the rates and fares for passenger travel and freights upon the road, to such rates and fares as will realize to said parties, or their assigns, a net revenue from the road upon capital invested, repairs made and necessary to be made, and running and other expenses, a sum equal to, but not to exceed, twelve (12) per cent per annum. Adjusting rates.

SEC. 9. No discrimination shall be made between persons, parties, or localities, as to fare and freights, or the transportation of goods; and no free passes shall be issued or given to any person or party to travel the road, except only to those who are actually engaged in the business of the road, or to preachers of the gospel. No passes or discriminations.

Code. SEC. 10. That said parties, their associates and assigns, in the conduct and management of said railroad, shall have all the powers, and be subject to all the liabilities, and conform to all the requirements contained in Chapter Two and Three of Title Three of the Civil Code of the State of California, relating to railroad corporations, so far as the same are consistent with the provisions of this Act.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAPTER DXLVI.

An Act to repeal an Act entitled "An Act in relation to the Board of Educatian of the City and County of San Francisco," approved March twenty-sixth, eighteen hundred and seventy-two; also, to confer power on the Board of Education of said city and county to pay any deficit in the School Fund of eighteen hundred and seventy-two and eighteen hundred and seventy-three.

[Approved March 28, 1874.]

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

Repealed. SECTION 1. An Act entitled "An Act in relation to the Board of Education of the City and County of San Francisco," approved March twenty-sixth, eighteen hundred and seventy-two, is hereby repealed.

Deficit. SEC. 2. The Board of Education of the City and County of San Francisco is hereby authorized to pay any deficit in the School Department for the fiscal year of eighteen hundred and seventy-two and seventy-three, not to exceed the sum of eight thousand dollars.

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

CHAPTER DXLVII.

An Act to pay officers and clerks of the Senate and Assembly for the twentieth session.

[Approved March 28, 1874.]

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

Appropriation. SECTION 1. The sums of three hundred and eighty-four dollars, for deficiency in payment of officers and clerks of the Senate, and the sum of six hundred and six dollars, for deficiency

in payment of officers and clerks of the Assembly, for the twentieth session, is hereby appropriated out of any moneys in the General Fund not otherwise appropriated.

SEC. 2. This Act shall take effect immediately.

CHAPTER DXLVIII.

An Act to locate the county seat of Solano County.

[Approved March 28, 1874.]

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

SECTION 1. The county seat of Solano County shall be at Fairfield, in said county. County seat.

SEC. 2. The Board of Supervisors of Solano County, within twenty days from the passage of this Act, shall cause the archives, county records, books, maps, papers, furniture, and all other movable personal property belonging to said county, to be removed to the county seat established by this Act; and for the purpose of executing this provision, a special meeting of said Board shall be called in the manner prescribed by law. Removal.

SEC. 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

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

CHAPTER DXLIX.

[See volume of Amendments to the Codes.]

CHAPTER DL.

An Act to authorize the issue of bonds by the County of Kern, to erect county buildings.

[Approved March 28, 1874.]

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 Kern are hereby authorized to issue and sell the bonds of said county,

Sale of bonds. not exceeding in the aggregate twenty-five thousand dollars, payable at the option of 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 annually, in gold coin, on the first day of January in each year.

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.

Notice. 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 hour of such sale, which shall not be less than thirty days after the entry of said order, and shall cause a copy of said order to be inserted in a newspaper published in said county, and in some weekly newspaper in San Francisco, to be designated by said Board of Supervisors, for at least three successive weeks, and a notice that sealed proposals will be received by 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 and any of said bids; *and, provided further*, that no bonds shall be sold for less than eighty cents on the dollar, par value.

Restriction SEC. 4. The said Board may sell said bonds at not less than ninety cents on the dollar, par value, without the notice provided for in the preceding section.

Records. SEC. 5. The amount of the bonds sold, their numbers, and dates, shall be entered upon the records of said Board.

Proceeds. 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 the said Board of Supervisors, for the purpose of building a Court House and jail, and procuring a site therefor, at the county seat in said County of Kern.

Bond tax. SEC. 7. After the passage of this Act, and until all bonds 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 not exceeding forty cents on each one hundred dollars' value of taxable property in said county; *provided*, that said tax may be levied at a special meeting of said Board for that purpose, for the year A. D. eighteen hundred and seventy-four. Such tax, when collected, shall constitute a Fund for the payment of said 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 Fund, a sufficient sum to pay said interest.

Fund.

SEC. 8. Whenever, on the first day of January of each year after the year eighteen hundred and seventy-five, 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, and also in some daily newspaper published in San Francisco, to be designated by the Board, 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 said publication, the said Supervisors shall open the sealed proposals, and shall pay the bonds 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 the 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 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 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. Redemption.

SEC. 9. Whenever any bond shall have been paid, the County Treasurer shall mark the same "Canceled," over his signature, and return the same to the County Auditor, in the same manner as redeemed county warrants, with the interest coupons, which are not then due, attached. Cancellation.

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

CHAPTER DLI.

An Act to provide for the erection and maintenance of a Branch State Prison near the Town of Folsom.

[Approved March 30, 1874.]

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

SECTION 1. The Governor, Lieutenant Governor, and Secretary of State, the Board of State Prison Directors, are hereby authorized and empowered, and it shall be their duty to cause to be commenced, on or before the first day of October, A. D. eighteen hundred and seventy-four, the building of a Branch State Prison, on the land and at the site conveyed to the State by the Natoma Water and Mining Company, situated near the Town of Folsom, in Sacramento County; also, to commence Branch State Prison.

building and constructing an exterior wall, enclosing not less than five acres of land, around the same.

Materials and construction.

SEC. 2. The walls of the entire prison structure shall be erected with stone to be taken from the granite quarries situated on the land mentioned in section one of this Act, using convict labor in and about the premises whenever it can be done to advantage; and the said prison structure shall be erected, finished, and completed as speedily after it is commenced as practicable; *provided*, that said Board of State Prison Directors shall first order the erection of a suitable structure for the accommodation of not less than one hundred and fifty convicts within the enclosed prison yard, the same to be in harmony with the general plan adopted for the construction of the Branch Prison at Folsom.

Plans and specifications.

SEC. 3. The said Board of Directors shall, on or before the fifteenth day of April, A. D. eighteen hundred and seventy-four, cause to be published in a daily newspaper, in the City and County of Sacramento, and City and County of San Francisco, for at least thirty days, a notice to receive plans and specifications, in detail, at a place specified therein, for the construction of a Branch State Prison, to be erected on the land and at the site hereinbefore mentioned, in said Sacramento County, and upon the basis of accommodating not less than five hundred prisoners at one time. The notice shall also state the premium, not to exceed the sum of five hundred dollars, to be awarded to the architect whose plans and specifications for the same may be adopted.

Adoption.

SEC. 4. The said Board of State Prison Directors, on or before the fifteenth day of June, A. D. eighteen hundred and seventy-four, shall adopt plans and specifications for said Branch State Prison, as aforesaid; and, on or before the day last before mentioned, shall cause to be advertised in a daily newspaper published in the City and County of Sacramento, and in the City and County of San Francisco, for at least thirty days, a notice to receive sealed proposals and bids to construct and erect any part of said Branch State Prison, on the land and at the site aforesaid, in accordance with the plans and specifications which shall have been heretofore adopted by said Board of State Prison Directors for the construction of the same, with the reserved right to reject any and all bids as being too high in price, and advertise anew. The said Board of Directors, on or before the fifteenth day of September, A. D. eighteen hundred and seventy-four, must let to the lowest responsible bidder the contract to construct and erect such part of said prison structure as the said Board of Directors, in their discretion, may think proper, upon condition that such contractor or contractors execute a good and sufficient bond, in double the amount of his or their bids, to perform such contract of constructing and erecting any part of said prison structure in a skillful and workmanlike manner, and in conformity with the plans and specifications aforesaid, which bond shall be approved by the Board of State Prison Directors.

Proposals to construct

Letting contract.

Superintendent.

SEC. 5. The Board of State Prison Directors are hereby authorized to appoint a Superintendent of said prison, who shall hold his office during the pleasure of the appointing power, and

until his successor is appointed and qualified, whose duty it shall be to superintend and manage the construction and erection of said prison structure, under such rules and regulations as may be prescribed by the Board of State Prison Directors, under the provisions of this Act.

Temporary structures.

SEC. 6. The Board of State Prison Directors are hereby authorized to cause to be erected on said site mentioned in section one of this Act, such temporary prison buildings, yard, and officers' quarters, as they may deem necessary for the accommodation of the officers and guards, and the safekeeping of the prisoners during the time they are employed in the erection of the said permanent prison buildings and wall, or prison structure.

Removal of prisoners.

SEC. 7. As soon as temporary quarters and buildings are erected, as provided in section six of this Act, the Board of State Prison Directors shall select a number of prisoners, not less than fifty nor more than five hundred of the number who may be unemployed under contract, and cause them to be removed from the State Prison at San Quentin, to said prison near Folsom, and there to be confined and worked in the erection of said prison structure, and such other work and labor as the said Board of Directors shall deem advantageous and proper, during the term or terms of their sentence to the State Prison.

Code.

SEC. 8. The provisions of Chapters One and Two, of Title One, Part Three, of the Penal Code, are applicable to and made part hereof, substituting the words "Branch State Prison," for the words "State Prison," whenever occurring in said Chapters. The appointment of a Prison Warden shall be a permanent appointment, and he shall not be removed from office except for good and sufficient cause.

Supply contracts.

SEC. 9. All material necessary to be purchased in the construction of said prison structure, and all supplies for the support and maintenance of said Branch State Prison, shall be by contract, and the Board of Directors shall cause to be published in a newspaper published in the county, a notice to receive bids therefor, and let the same to the lowest responsible bidder, whenever such material or supplies are needed.

Construction accounts, etc.

SEC. 10. All salaries paid to officers, guards, or skilled laborers, and all moneys expended for material, tools, or supplies, used in the construction of said Branch State Prison buildings and wall, and in the support and maintenance of said prison, shall be drawn from the State Treasury, in the same manner as moneys are now drawn therefrom for the support and maintenance of the State Prison at San Quentin; and the Board of Directors shall cause to be kept a correct account, in detail, of all moneys secured and disbursed by them in the building, support, and management of said Branch State Prison, and shall, on or before the first day of November, in each year, make a full report to the Governor, showing in detail all the transactions connected with the construction, management, support, and maintenance of said prison, and of the working and conducting of the convicts therein confined.

SEC. 11. The Board of Directors shall collect, or cause to be collected, and receive all moneys due for work and labor

Moneys for work.

furnished to any parties at or from said prison, or from the lease of the labor of convicts therein confined, and pay the same into the State Treasury, and take the Treasurer's receipt therefor; and it shall be the duty of the State Treasurer to place the same in a Fund, to be known as the "Folsom Branch State Prison Fund," which, together with all moneys appropriated or obtained by the assessment and levy of taxes upon the value of property for the building, support, and maintenance of said prison, shall be subject to orders of said Board of Directors, to be disbursed in the support of said Branch State Prison.

Appropriation.

SEC. 12. The sum of one hundred and seventy-five thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this Act, and the State Treasurer is hereby directed and required to place the same in the Folsom Branch State Prison Fund, subject to orders for disbursement as hereinbefore provided. Neither the Board of State Prison Directors mentioned in section one of this Act, nor any one acting under or for said Board, shall incur or create any debt or debts, liability or liabilities, under the provisions of this Act; nor shall they make any contract or agreeement in relation to the building and construction of the Branch State Prison provided for in this Act, the completion and fulfillment of which will exceed the appropriation made in this section, or the balance of such appropriation unexpended at the time such contract or agreement is entered into. Any violation of the foregoing provisions shall be a misdemeanor, and all such contracts and agreements shall be void.

No debts or liabilities.

SEC. 13. All Acts and parts of Acts, so far as the same are 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 and approval.

CHAPTER DLII.

An Act to legalize a certain assessment made by the officers of the Town of Brooklyn, Alameda County, for the year one thousand eight hundred and seventy-one.

[Approved March 30, 1874.]

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

Validated.

SECTION 1. A certain certificate of apportionment or assessment for the cost of constructing a cement pipe sewer and cesspool connections and flushing shafts, through Washington street, from the northerly line of Strode street, northerly, to the bridge, in the Town of Brooklyn, County of Alameda, dated the twenty-seventh day of November, A. D. one thousand eight

hundred and seventy-one, signed by O. Whipple, Marshal of Town of Brooklyn, and by T. I. Arnold, Engineer of the Town of Brooklyn, and growing out of Ordinance Number Forty-nine, passed by the Board of Trustees of said town on the nineteenth day of July, A. D. one thousand eight hundred and seventy-one, is hereby declared to be valid and effectual, notwithstanding any irregularity, omission, error, or defect in any of the proceedings relating thereto.

Actions, evidence, powers, etc.

SEC. 2. The contractor or his assigns may commence a suit, in any Court having jurisdiction, in his or their own name, to recover any sum or sums which were apportioned or assessed by virtue of said certificate, and which remain unpaid, against the owner of the lot or lots assessed, within ninety days after the passage of this Act, and the said certificate shall be held to be prima facie evidence of the right of the plaintiff to recover, and conclusive evidence as to all defenses and issues, except that the party was not the owner of the lot assessed at the date of the commencement of the said suit, and that said assessment has been paid. The Court in which such suit shall be commenced shall, at any time thereafter, 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.

SEC. 3. This Act shall take effect immediately.

CHAPTER DLIII.

An Act to ratify and confirm Order Number Eleven Hundred and Thirty-nine of the Board of Supervisors of the City and County San Francisco.

[Approved March 30, 1874.]

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

Preamble.

SECTION 1. Whereas, the Board of Supervisors of the City and County of San Francisco passed an order numbered eleven hundred and thirty-nine, which said order was approved by the Mayor on the eighteenth day of March, eighteen hundred and seventy-four, and which is as follows: Order Number Eleven Hundred and Thirty-nine, providing for the conveyance of City Slip Lot Number Twenty-one to George F. Sharp. The people of the City and County of San Francisco do ordain as follows: That upon the payment by George F. Sharp into the Treasury of the City and County of San Francisco, of the sum of thirteen hundred and thirty-three dollars and thirty-three

cents (1,333 33), in United States gold coin, the Mayor of this city and county is directed and empowered to execute, acknowledge, and deliver to said George F. Sharp a deed of conveyance of all the right, title, and interest of the said City and County of San Francisco in and to the lot of land situate in the said city and county, and described as follows: Commencing on the southwest corner of Clay and Drumm streets; thence running southerly along the west line of Drumm street, fifty-nine feet and nine inches; thence westerly twenty-five feet; thence northerly fifty-nine feet and nine inches; and thence, at right angles, easterly, twenty-five feet, to the point of beginning, being known upon the official map of said city and county as Beach and Water Lot Number Twenty-one. Be it, therefore, Ratified. enacted, that the within and before recited order be and the same is hereby ratified and confirmed.

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

CHAPTER DLIV.

An Act declaring the "Moro Cojo" Slough navigable.

[Approved March 30, 1874.]

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

Navigable. SECTION 1. The "Moro Cojo" Slough, in the County of Monterey, is hereby declared to be a navigable stream from a point where said slough enters the Salinas River to tide water.

SEC. 2. This Act shall take effect immediately after its passage and approval by the Governor.

CHAPTER DLV.

An Act to provide for the payment of an outstanding warrant drawn by the Auditor of the County of Yolo, against the Swamp Land District Fund of District No. Eighteen.

[Approved March 30, 1874.]

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

Audit claim, etc. SECTION 1. The Board of Supervisors of the County of Yolo is hereby directed to examine the claim of Samuel Cross against Swamp Land District No. Eighteen, for which the County Auditor has drawn his warrant, No. four hundred and thirteen,

upon the Treasurer of said county, and certify to the Controller of State their approved thereof, upon presentation of which, and surrender of said warrant, the Controller is authorized and directed to draw his warrant, payable out of the funds of said district, and the State Treasurer is directed to pay the same.

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

CHAPTER DLVI.

An Act to levy taxes for county purposes in the County of El Dorado.

[Approved March 30, 1874.]

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

SECTION 1. There is hereby levied upon each one hundred dollars' value of taxable property in El Dorado County, for the twenty-sixth and twenty-seventh fiscal years, each, as follows: Tax levied.

For the County Current Expense Fund, seventy cents;

For the Hospital Fund, twenty cents;

For the Special Road Fund, five cents;

For the School Fund, ten cents;

For the County Redemption Fund, to be applied to the redemption of outstanding county warrants, sixty cents; *provided*, that it shall be levied for the twenty-sixth fiscal year only.

SEC. 2. The Auditor must perform all duties relating thereto as fully as if such tax was levied by the Board of Supervisors. Duties.

SEC. 3. None of the moneys raised from said tax shall be applied to any purpose other than that for which it is raised. Moneys.

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

CHAPTER DLVII.

An Act amendatory of and supplementary to an Act entitled "An Act to provide for the purchase and construction of free bridges in Big River Township, in the County of Mendocino," approved March twenty-third, eighteen hundred and seventy-four.

[Approved March 30, 1874.]

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

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

Bridge tax. Section 5. The Board of Supervisors shall also proceed, as soon as practicable after they have ascertained that a majority of the electors of said Big River Township have voted in favor of a tax, to levy on all the assessable property of said township a tax sufficient to cover one half the cost of purchasing and building the before named bridges. The Assessor to be elected as provided in this Act, shall assess all taxable property in said township in the same manner as all other property is assessed in this State; and the Tax Collector to be elected as provided in this Act, shall collect the tax on the property in said township in the same manner as other taxes are collected, and pay the same in to the County Treasury. When said tax is so paid into the Treasury, it shall be set apart and form a Fund, to be known as the Big River Township Bridge Fund.

Repealed. SEC. 2. Section fourteen of said Act is hereby repealed.

Assessor and Collector. SEC. 3. At the special election to be held as provided in section two of said Act, the electors of said Big River Township shall also elect an Assessor, whose duty it shall be to assess the property in said township, and a Tax Collector, whose duty it shall be to collect said tax.

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

CHAPTER DLVIII.

An Act amendatory of an Act entitled "An Act to prevent hunting and shooting on private inclosed grounds, and the destruction of growing timber on private grounds in certain counties in this State," approved March eighth, eighteen hundred and seventy-two.

[Approved March 30, 1874.]

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

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

Applicable. Section 3. This Act shall apply only to the Counties of Alameda, San Mateo, Marin, San Bernardino, San Diego, Colusa, Sacramento, Sonoma, Nevada, Humboldt, Los Angeles, Santa Barbara, Contra Costa, San Luis Obispo, and Mendocino.

SEC. 2. This Act shall take effect sixty days after its passage.

CHAPTER DLIX.

An Act to repeal an Act entitled an Act amendatory of and supplemental to an Act regulating rodeos, passed April thirtieth, eighteen hundred and fifty-one, approved April second, eighteen hundred and sixty-six.

[Approved March 30, 1874.]

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

Repealed as to Fresno.

SECTION 1. An Act amendatory of and supplemental to an Act regulating rodeos, passed April thirtieth, eighteen hundred and fifty-one, approved April second, eighteen hundred and sixty-six. is hereby repealed, so far as the same pertains to the County of Fresno.

SEC. 2. This Act shall take effect immediately.

CHAPTER DLX.

An Act for the relief of Joseph Legget, of the City and County of San Francisco.

[Approved March 30, 1874.]

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

Warrant, to sign and pay.

SECTION 1. The President of the Board of Education of the City and County of San Francisco, the Superintendent of Public Schools, and the Auditor of said city and county, are hereby authorized to sign a warrant for the sum of two hundred dollars, for the payment of the salary of Joseph Legget, for services rendered as examining teacher in the school department of San Francisco during the month of December, A. D. eighteen hundred and seventy-three; and the Treasurer of said city and county is hereby authorized to pay said warrant when properly approved.

SEC. 2. This Act shall take effect immediately.

CHAPTER DLXI.

An Act prescribing the fees of Coroners and Elisors, and their mode of payment.

[Approved March 30, 1874.]

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

Fees of Coroner or Elisor.

SECTION 1. Whenever process is executed, or any act performed by a Coroner or Elisor in the cases provided by law in that behalf, such Coroner or Elisor shall be entitled to receive the same fees as the Sheriff would be entitled to receive for the same service, to be paid by the plaintiff in case of the summoning of jurors to complete the panel, and by the person or party requiring the service in all other cases in private actions. If rendered at the instance of the people, it shall be audited and paid as a county charge.

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

CHAPTER DLXII.

An Act relating to the office of District Attorney of Sacramento County.

[Approved March 30, 1874.]

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

Construction.

SECTION 1. Section thirteen of "An Act to regulate the fees of office, and to fix the compensation of the county officers in the County of Sacramento," approved February twenty-eighth, eighteen hundred and seventy-four, shall not be so construed as to require the District Attorney to pay the salary of his deputy, the City Attorney, nor so as to preclude the District Attorney from receiving for his own use and benefit the compensation now allowed by law for the collection of delinquent taxes of the City of Sacramento.

SEC. 2. This Act shall take effect immediately.

CHAPTER DLXIII.

An Act to provide a new Great Register for the County of Sacramento.

[Approved March 30, 1874.]

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

New Great Register.

SECTION 1. The Clerk of the County of Sacramento must, within thirty days after the passage of this Act, procure a new book or books for the registration of the electors of said county, to be known as the "Great Register of the County of Sacramento," in which must be registered the names of all the qualified electors of said county, in the manner required by Chapter Three of Article Three of Title Two of the Political Code, except as in this Act otherwise provided.

Registration.

SEC. 2. Upon the demand of any naturalized citizen who is a resident of said county, his name shall be registered by the Clerk, or enrolled by the Assessor or his deputy, without the production of his certificate of naturalization, or proof of the loss of the same; *provided*, his name appears regularly registered upon the former "Great Register" of said county.

Fees.

SEC. 3. The Clerk shall be entitled to receive for his own use the sum of fifteen cents for each name registered by him, other than those enrolled by the Assessor, and the Assessor shall be entitled to receive for his own use the sum of fifteen cents for each name enrolled by him or his deputies for registration, which fees, together with cost of procuring the books mentioned in the first section of this Act, shall be a county charge.

Preservation and use.

SEC. 4. The former "Great Register" must be preserved by the said County Clerk, but the same shall not be used for the purposes of any election after the first day of August, eighteen hundred and seventy-four.

SEC. 5. This Act shall take effect immediately.

CHAPTER DLXIV.

An Act in relation to certain streets in the Town of Alameda.

[Approved March 30, 1874.]

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 Alameda are hereby authorized, if they shall deem it necessary, to widen Park street, in said town, and to cause to be removed there-

Additional street powers.

from any buildings that may impede or interfere with the uniform width of said street; to extend Santa Clara Avenue, sometimes called Jefferson Avenue, from the present western termination thereof on a straight line to the line of West End Avenue, such extension to be of the same width as that portion of said Santa Clara Avenue now open; to extend Railroad Avenue from the present western termination thereof in a straight line, and of such width as said Board shall deem necessary, not exceeding sixty feet, to the line of West End Avenue; to open such portions of the avenue marked on the map of said town as "Third Avenue," as said Board shall deem necessary, and to extend Buena Vista Avenue from Prospect street to Third Avenue.

Proceedings.

SEC. 2. Said Board shall by ordinance declare its intention to do any one or more of the acts authorized in section one of this Act, and thereafter all necessary proceedings shall be had and taken in manner and form as is provided in Title Three, Part Seven, of the Code of Civil Procedure.

SEC. 3. This Act shall take effect immediately.

CHAPTER DLXV.

An Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees in office.

[Approved March 30, 1874.]

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

Treasurer, powers and duties.

SECTION 1. The Treasurer of Tehama County shall be ex officio Tax Collector of said county, and shall exercise and perform all the powers, duties, and obligations of the Sheriff as ex officio Tax Collector, as now provided by law, except as hereinafter provided. He shall enter into, and file in such sum as the Board of Supervisors may direct, an official bond for the faithful performance of his duties as Tax Collector. It is hereby made the duty of the taxpayers of said county to pay their taxes at the office of the Treasurer, without demand.

Salary, etc.

SEC. 2. The Treasurer, as ex officio Tax Collector, shall receive the percentage now allowed by law to the Auditor and Tax Collector for collecting State and county taxes, and shall pay the whole amount thereof into the County Treasury, for the use and benefit of the county; *provided*, that he may receive and retain as his own the mileage allowed by the State. The County Treasurer shall receive a salary of two thousand dollars per annum and mileage, as aforesaid, in full for all services as Treasurer and ex officio Tax Collector of said county.

Clerk.

SEC. 3. The Clerk of said county, for all services as County Clerk, ex officio Recorder and Auditor, Clerk of the Board of Canvassers, of the Board of Supervisors, and the Board of

Equalization, and in all other official capacities, shall receive the sum of twenty-four hundred dollars per annum; *provided*, said sum of twenty-four hundred dollars per annum shall be received by him from the fees which are now or may hereafter be allowed to said Clerk for services as County Clerk, Clerk of the District, County, and Probate Courts, County Recorder and Auditor, or otherwise; *provided*, that he shall receive no percentage on taxes. Said Clerk shall keep a record book, in which he must enter all fees received by him, or which may be due to him for any and all services rendered by him in and by virtue of any and all of said offices. Said book shall be open to the inspection of all who may desire to consult the same. It is hereby made the duty of said Clerk to demand all fees in advance, and if not so paid, he may refuse to perform the required services, until a tender therefor be made; *provided*, that no tender need be made for State or county business, and said Clerk and his bondsmen are hereby made liable and responsible to said County of Tehama for all moneys paid to or due him for services rendered in his official capacity, as aforesaid, and at the end of each of his official years he shall render a true statement thereof to the Board of Supervisors, and pay the surplus (if any), over and above said twenty-four hundred dollars, to the Treasurer, who shall pay the same in the General Fund of the county; and if the fees shall not amount to said twenty-four hundred dollars per annum, the Supervisors shall order the deficiency paid from the General Fund of said county. Same.

SEC. 4. The Sheriff of said county shall be ex officio Collector of license taxes, foreign miners' license taxes, and all delinquent State and county taxes in said county; and all laws now in force conferring authority and power upon, and defining the duties and liabilities of Tax Collector (or that may hereafter come in force), in the collection of said taxes, shall be applicable to the Sheriff of said county as ex officio Collector of said taxes; and the said Sheriff shall be entitled to the same percentage and fees for the collection of said taxes as now provided by law, and shall give such additional bond for the faithful performance of his duties as such Tax Collector as the Board of Supervisors of said county may direct. Sheriff.

SEC. 5. All Acts and parts of Acts inconsistent with this Act are hereby repealed, so far as they conflict with the provisions of this Act.

SEC. 6. This Act shall take effect upon and be applicable only to the officers therein named whose term of office shall commence on or after the first Monday of March, A. D. eighteen hundred and seventy-six.

CHAPTER DLXVI.

An Act concerning the county records of the County of Marin.

[Approved March 30, 1874.]

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

Index records.

SECTION 1. The County Recorder of the County of Marin is hereby authorized and required, on receipt of an order from the Board of Supervisors of said county, to provide the proper books and make new indexes of all records and documents affecting the title to real estate in said county, which in the discretion of said Board shall be expedient and proper.

Records.

SEC. 2. The said Recorder is hereby further authorized, on receipt of an order of said Board of Supervisors, to record such instruments and documents now on file in his office affecting the title to real estate in said county, as in the discretion of said Board may be deemed proper to be recorded.

Compensation.

SEC. 3. The said Recorder shall be entitled, as compensation for his services in the making of such new indexes, a sum not to exceed five cents for each name so indexed, as shall be fixed by said Board of Supervisors; and as his compensation for recording said instruments and documents, as aforesaid, such sum, not to exceed twelve cents per folio, as shall be fixed and determined by said Board of Supervisors; that such sums shall be paid out of the County Treasury on warrants to be audited and drawn on the General Fund, in the same manner as the other current expenses of said county are audited and allowed.

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

CHAPTER DLXVII.

An Act to authorize the Board of Supervisors of Lake County to lease a certain toll road in said county, and for other purposes.

[Approved March 30, 1874.]

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

Lease toll road.

SECTION 1. The Board of Supervisors of the County of Lake are hereby authorized and empowered to lease, for a term not exceeding twenty-five years, and upon such terms and conditions as to said Board may seem for the best interests of said county, that certain toll road, or any portion or portions thereof, except the last three miles of said road on the end thereof nearest Clear Lake, and such portion shall not be leased, lying and being in said county, generally known as the "Boggs Road," and

being the same road built under the provisions of an Act of the Legislature of the State of California, entitled "An Act to provide for the construction and maintenance of a wagon road in Lake County," approved March ninth, one thousand eight hundred and seventy; and in case the said Board of Supervisors shall enter into or make any lease under the provisions of this Act, they may make such provisions in the said lease concerning tolls, keeping the road in repair, construction of other roads near or parallel therewith, and any other provisions that they may deem will be for the interests of said county. Same.

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

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

CHAPTER DLXVIII.

An Act to provide for the liquidation of the floating indebtedness of the City of Oakland, and to prevent the incurring of farther debts.

[Approved March 30, 1874.]

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

SECTION 1. The City Council of the City of Oakland are hereby authorized to issue and sell bonds of the City of Oakland, to an amount not exceeding one hundred thousand dollars, payable in gold coin of the United States, at the office of the City Treasurer of the City of Oakland, on or before the first day of July, nineteen hundred and five, and bearing interest not to exceed the rate of eight per cent per annum, and payable quarterly on the second days of October, January, April, and July, in gold coin of the United States, at the office of the City Treasurer of said city. Bonds.

SEC. 2. Said bonds shall be in sums of not less than five hundred dollars, nor more than one thousand dollars, and in such quantity of each as said Council may elect, and shall be signed by the Mayor and Treasurer of said city, and shall have the seal of the city affixed thereto, attested by the City Clerk. Coupons for the interest shall be attached to each bond, signed by the Treasurer of said city. Same.

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 an order of such sale to be inserted in a newspaper printed and published in said city, and in other papers, if they shall deem the same expedient and proper, for at least twenty days, 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 Council shall Sale.

open all sealed proposals received by them, and shall award the purchase of said bonds to the highest responsible bidder; *provided*, that the Council may reject any and all bids; *provided further*, that no bonds shall be sold for less than ninety cents in gold coin on the dollar, par value; *and, provided further*, that the Council may sell said bonds at private sale, but for not less than par value in gold coin.

Records.

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 used.

SEC. 5. The proceeds of the sale of said bonds shall be paid into the City Treasury, and appropriated exclusively as follows: The City Council shall advertise in one daily paper published in the City of Oakland, for the period of ten days, their intention to redeem all outstanding warrants and all unfunded indebtedness against the city, existing at the time of the passage of this Act, which advertisement shall be made on or before the first Monday of June, eighteen hundred and seventy-four, from and after which date said warrants or other unfunded claims against the city shall cease to bear interest; and the Council shall order the same paid out of the proceeds of the sale of said bonds, in the order in which said warrants or claims may be presented; and no money arising from said sale shall be appropriated to any other purpose, except as hereinafter provided, until all of the outstanding warrants, and the whole of said unfunded indebtedness, shall have been paid, or a sufficient amount of the money arising from said sale shall have been set apart for the payment of the same. After the payment of said warrants and indebtedness, or the appropriation of a sufficient amount, as aforesaid, for the payment of the same, the City Council shall set apart, subject to the order of the Board of Education of the city, the sum of twelve thousand dollars of the proceeds of said sale, which sum shall be appropriated, by said Board, to the erection of a public school house in East Oakland (formerly known as the Town of Brooklyn), and to no other purpose. The remainder of the proceeds of said sale shall be appropriated to the payment of the salaries of the subordinate officers of the city whose compensation does not exceed one hundred dollars per month.

Interest and redemption tax.

SEC. 6. For the payment within thirty years of the principal and interest of the bonds issued under this Act, the City Council is 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 sufficient amount to pay the interest on all the bonds sold and unredeemed, as hereinafter provided, 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 ninety-five, and annually thereafter, in addition to the tax for the payment of interest as aforesaid, a tax not exceeding ten cents on each one hundred dollars of taxable property within said city, shall be levied as aforesaid, to create a fund for the final redemption of the principal of said bonds at the time when they become due; and the faith of the city is hereby pledged for the prompt payment of the bonds issued by the said city as herein pro-

vided, 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 as last aforesaid, by virtue of this Act, shall be set apart, and shall be called the Sinking Fund of the City of Oakland.

Redemption.

SEC. 7. On the first day of April of the year eighteen hundred and ninety-six, and of every year thereafter, whenever there remains in the Sinking Fund aforesaid, the sum of two thousand dollars or more, the City Treasurer shall advertise for one month in one daily paper printed and published in the City of Oakland, and such other papers as the City Council may designate, for sealed proposals, to [be] opened within ten days after the expiration of such publication, by the City Treasurer, in the 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 purposes 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*, that 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 the money in said Fund shall remain in the Treasury to redeem such bonds whenever presented; but such bonds shall not draw interest after such publication as last aforesaid.

Records.

SEC. 8. The City Treasurer shall keep a full and particular account and record of his proceedings under this Act, and of the bonds issued, sold, surrendered, and redeemed, and he shall transmit to the Council an abstract of all his proceedings under this Act, whenever required by them.

Interest.

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 money appropriated for the payment of interest thereon, and if said money is not sufficient for said purpose, then to pay the deficiency out of the General Fund.

Provide bonds.

SEC. 10. Immediately after the passage of this Act, the City Treasurer and the City Attorney shall provide suitable bonds under this Act, under the direction of the City Council, at the expense of said city.

First payment.

SEC. 11. The first payment of interest on said bonds shall be on the second day of January, eighteen hundred and seventy-five.

Debts.

SEC. 12. From and after the passage of this Act, the City Council of Oakland shall incur no debt or obligation of indebtedness beyond the revenues of the current fiscal year, unless by ordinance passed by the unanimous vote of all the members of the Council, and approved by the Mayor, and in no event shall the revenues of any succeeding year be anticipated beyond the amount of ten thousand dollars; and any debt, or obligation of indebtedness, incurred contrary to this Act, shall be void as against the city, but recoverable at law by the Auditor of the city holding said obligation or indebtedness, against any member of the Council who may have voted for the same.

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

CHAPTER DLXIX.

An Act authorizing the Controller of State to credit certain counties with the amounts of old balances due the State.

[Approved March 30, 1874.]

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

State credits counties.

SECTION 1. The Controller of State is hereby authorized and required to credit the following named counties for the amounts herein specified: Alameda County, for sixty-four dollars and seventy-three cents; Calaveras County, for eight hundred and forty-five dollars and twenty-eight cents; Klamath County, for six hundred and fourteen dollars and thirty-eight cents; Sacramento County, for thirty-eight thousand four hundred and eleven dollars and forty cents; Yolo County, for two thousand five hundred and eight dollars and thirty-three cents; Los Angeles County, for twenty-six dollars and eleven cents; Santa Barbara County, for three hundred and twenty-six dollars and eight cents; Santa Clara County, for six thousand nine hundred and ninety-one dollars and ninety cents.

SEC. 2. This Act shall take effect immediately.

CHAPTER DLXX.

An Act to authorize the Board of Supervisors of the County of San Joaquin to transfer certain moneys to the General Fund of said county.

[Approved March 30, 1874.]

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

SECTION 1. Whenever any bonds or other indebtedness of said County of San Joaquin, for the payment of which a special fund has heretofore established, have been fully paid and discharged, and the purpose for which said several Funds were created has been fully served, said Board may lawfully transfer any moneys or balances then remaining in any such Fund to the General Fund of said county. Transfer of funds.

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

CHAPTER DLXXI.

An Act to quiet title to certain lands.

[Approved March 30, 1874.]

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

SECTION 1. The northwest quarter and the north half of the southwest quarter of section twenty-one, township seven north, range five east, Mt. Diablo meridian, is hereby confirmed to J. P. Counts, and his assigns; and the south half of the southwest quarter, and the south half of the southeast quarter of section five, the east half of the southeast quarter section six, and the north half of the northwest quarter of section eight, township and range aforesaid, is hereby confirmed to Myron Smith; this confirmation to apply to the purchase, by said Counts and Smith, respectively, of said lands herein described, from the State, as swamp and overflowed lands; and the interest and title acquired by the State to the lands herein described under any other title or claim or listing or patent from the United States, is hereby declared to vest in the said Counts and his assigns, and said Smith; *provided*, that no party or parties shall be entitled to locate any other lands in lieu of the lands herein described. Title confirmed.

SEC. 2. The said lands shall not be subject to entry or sale or location under the laws of this State.

SEC. 3. This Act shall take effect immediately.

CHAPTER DLXXII.

An Act supplementary to an Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four.

[Approved March 30, 1874.]

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

Appropriation.

SECTION 1. Five thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying the contingent expenses of the Assembly for the twenty-fifth fiscal year, ending June thirtieth, eighteen hundred and seventy-four.

SEC. 2. This Act shall take effect immediately.

CHAPTER DLXXIII.

An Act supplementary to an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city, approved April twenty-fourth, eighteen hundred and sixty-two.

[Approved March 30, 1874.]

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

City Attorney.

SECTION 1. At the next election for city officers in the City of Oakland, there shall be elected a City Attorney, who shall hold his office until the election of city officers in eighteen hundred and seventy-six, and until his successor is elected and qualified; and at the election of city officers in eighteen hundred and seventy-six, and every two years thereafter, at the time of the election of city officers, a City Attorney shall be elected, who shall hold his office two years, and until his successor is elected and qualified.

Tax rate.

SEC. 2. The rate of taxation in said city shall not exceed one per cent on the assessed value of property, except such tax as may be levied for the redemption of city bonds.

Establish Funds.

SEC. 3. It shall be the duty of the City Council, before levying the annual city tax, to establish by ordinance separate Funds, representing the several funded obligations of the city, and the several departments requiring municipal expenditures, including a General Fund, and the percentage of said levy shall be named for each Fund, and the whole amount of taxes and revenues of the city apportioned accordingly, and no transfer

shall be made, except of balances in excess, or from the General Fund to meet deficiencies, or to provide for the redemption of city bonds.

Fees, etc.

SEC. 4. All fees or percentages received or collected by any officer of the city, shall be by such officer, at the end of each month, paid into the City Treasury, for the use of the city, and placed in the General Fund; and no payment shall be made to any city officer for salary, unless he has at the time before mentioned taken and filed with the Clerk an affidavit that he has paid into the City Treasury all fees or percentages by him before then received or collected.

Code.

SEC. 5. The provisions of section seven hundred and seventy-two of the Penal Code shall be applicable to all city officers to whom the receipt or disbursement of public money is intrusted, and also to the City Engineer and the Superintendent of Public Schools.

Penalty for neglect.

SEC. 6. If any officer of the city shall willfully neglect or refuse to perform any of the duties lawfully enjoined upon him, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the County Jail not exceeding one year, or by both such fine and imprisonment, and his office forthwith shall become vacant.

Official bonds.

SEC. 7. The Mayor, the Assessor, the Clerk and Treasurer, the Marshal and Tax Collector, the City Engineer, the Superintendent of Public Schools, the Chief of Police, and all officers to whom the receipt or expenditures of the funds of the city shall be intrusted, shall, before entering upon his or their official duties, and within ten days after their election or appointment, execute a bond, payable to the city, which shall be subject to the law concerning the official bonds of officers, in such sum as the City Council may direct; which bond shall be subject to approval by the Council, by ordinance, naming the sureties thereon, and the amount in which such surety has qualified; and the City Council may at any time require an additional amount, or new sureties, upon any bond which it may deem insufficient.

Sureties.

SEC. 8. No member of the City Council, or of the Board of Education, nor any officer of the city, shall be surety upon the official bond of any corporate officer, nor shall he be directly or indirectly interested with or be surety for any person who may be interested in any franchise, contract, appropriation, or work, or business, or in the sale of anything the price of or consideration for which is paid or payable by the city, or by assessments levied under an ordinance of the Council, nor shall any contract be awarded or franchise granted to any person who may be surety on the official bond of any officer of the city.

Yeas and nays.

SEC. 9. In all matters before the City Council concerning the granting of franchises, letting of contracts, auditing of bills, ordering of work to be done, or supplies to be furnished, or whatever may involve the payment of money, or incurring of debt by the city, the vote shall [be] by yeas and nays, and be recorded in the journal.

Not to vote.

SEC. 10. No member of the City Council shall vote in the Council upon any motion, resolution, or ordinance, in favor of

any franchise, contract, bill, award, or appropriation, in which he may have any pecuniary interest, present or prospective.

Debts. SEC. 11. The City Council shall not contract any debt or incur any obligation of indebtedness, which cannot be paid out of the revenues of the current fiscal year (except for prosecuting or defending suits at law, in which the city may be an interested party), unless by ordinance passed by the unanimous vote of all the members of the Council, and approved by the Mayor; and any debt or debts, created contrary to the provisions of this section, shall not be binding upon or payable by the city, but the individual members of the Council who shall have voted for the same may be held personally responsible therefor, and in no event shall the revenues of any succeeding year be anticipated by more than ten thousand dollars.

Salaries. SEC. 12. The salaries of the city officers shall be as follows: Clerk and Treasurer, eighteen hundred dollars per annum; an assistant to the Clerk and Treasurer, twelve hundred dollars per annum; Assessor, two thousand five hundred dollars per annum—the Assessor shall pay his deputies; Police Judge, eighteen hundred dollars per annum; Clerk to the Police Court, twelve hundred dollars per annum; City Attorney, two thousand dollars per annum; City Marshal and Street Superintendent, two thousand five hundred dollars per annum; Clerk to the City Marshal and Street Superintendent, twelve hundred dollars per annum; Captain of the Police, eighteen hundred dollars per annum; Police Detective, fifteen hundred dollars per annum; School Superintendent, fifteen hundred dollars per annum; policemen, one hundred dollars per month, each; *provided*, this Act shall not in any manner affect the salaries of any elected officer during the present term of office for which he has been elected

SEC. 13. Warrants drawn on the City Treasurer shall not bear or draw any interest.

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

CHAPTER DLXXIV.

An Act relative to the publication of amendments to the Code.

[Approved March 30, 1874.]

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

Publishing amendments to Code. SECTION 1. All statutes passed at this session of the Legislature, which are expressly amendatory of the Codes, must be published in a volume uniform in size with the Codes and separate from the other statutes.

Arrangement. SEC. 2. The Secretary of State must arrange such amendments so that all statutes amendatory of the same Code will be

together, and as near as possible in the order of the sections which they amend.

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

CHAPTER DLXXV.

An Act to authorize the City and County of San Francisco to provide and maintain public waterworks for said city and county, and to condemn and purchase private property for that purpose.

[Approved March 30, 1874.]

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 take all necessary steps to provide and supply said city and county, and the inhabitants thereof, and manufacturing establishments therein, with a sufficient and abundant supply of pure fresh water, at the lowest possible rates, and to secure an abundant supply for their future wants; and to that end, and for that purpose, they are hereby authorized and empowered to construct, appropriate, and acquire, or to purchase and hold the necessary real estate, waterworks, reservoirs, distributing mains, pipes, flumes, ditches, water and water rights, creeks, ponds, springs, and sources of supply pertaining thereto, in this State, and to contract with any person or persons, corporation or corporations, to construct and put in operation the necessary machinery, waterworks, reservoirs, aqueducts, ditches, and flumes, and to lay down distributing mains and pipes through the streets of said city and county for supplying the same, for the above and all other useful purposes, and to do and perform all such acts, and make and enter into all such agreements and contracts as may be necessary and proper to carry the objects and purposes of this Act into operation and effect. Nothing in this Act contained shall authorize the appropriation or condemnation of any water or water rights in the Counties of Santa Clara, Tulare, or Kern, nor shall anything in this Act contained be so construed as to authorize the condemnation of waters already appropriated for mining purposes, and necessary therefor. Water franchise. Restrictions.

SEC. 2. Should said Board of Supervisors, after a careful examination, determine that it is expedient and proper, and for the interest of said city and county, and its inhabitants, to acquire for said city and county the waterworks, reservoirs, pipes, flumes, ditches, distributing mains, water, water rights, and real estate owned by the corporation known as the "Spring Valley Waterworks," or by any other corporation or person in this State, or the water of Laguna de la Merced, and the real estate connected therewith, with all the water rights, creeks, springs, Powers.

and sources of supply pertaining thereto, or any, or either, or any part of any or either of them, or any running streams, or other sources of supply of fresh water that can be made available for the use of said city and county, whether the same is owned or claimed by any person or persons, firm, company, corporation, or corporations, then and in that case said Board of Supervisors are authorized and empowered to purchase the same, or so much and such parts and parcels thereof as they shall deem advisable and necessary, at and for such price or prices as may be agreed upon between said city and county, represented by a committee consisting of the Mayor, Auditor, and City and County Attorney, acting on its behalf, and the owner or owners, respectively, of the real estate, water, and property so sought to be acquired. But before any contract to purchase shall be entered into by said Board, or by the committee herein named, on behalf of the city and county, to negotiate a purchase, or before they shall proceed in that behalf, either to purchase any waterworks, or source of water supply, or to contract for or with any person or corporation for a supply of water for said city and county, or to construct any works for the purpose of supplying said city and county with water from any source whatever, it shall be the duty of said Board of Supervisors to appoint a competent civil engineer, have made the survey hereinafter required, and have on file in their office his report, showing all such matters and things as are hereinafter mentioned, as necessary to be shown. It shall be the duty of said engineer, under the direction of said Board of Supervisors, as soon as practicable after his appointment, to make full and accurate examinations and surveys of all real estate, waterworks, reservoirs, distributing mains, pipes, ditches, flumes, water and water rights, creeks, ponds, springs, and sources of supply of water, which it is contemplated to purchase, and prepare and file with his report accurate maps of the same. As soon as he has completed his examinations, surveys, and maps, he shall make a full and complete report in writing, to said Board, of the result of his labor, which must show substantially the following matters: First—A particular description of each piece or parcel of real estate proposed to be purchased and directed to be surveyed. Second—The alleged amount of daily supply of water, and the estimate of daily supply made by said engineer. Third—The source or sources of water supply and a particular description of the water rights appertaining thereto. Fourth—The size and capacity of all reservoirs. Fifth—The length, size, and condition of all flumes, tunnels, pipes, mains, and distributing pipes. Sixth—An estimate in detail of the cost and present value of all said property. Seventh—An estimate in detail (as near as may be) of operating said works and maintaining them. Eighth—A statement of such other matters as said Board of Supervisors may direct, or said engineer may deem proper to present to the public concerning the matter. The salary of said engineer and the compensation of his assistants, and all other incidental expenses necessarily connected with the proceedings, shall be fixed, allowed, and ordered paid by said Board of Supervisors, and the same shall be audited, allowed, and paid out of the General Fund of said city and

Committee on purchase.

Engineer.

His duty.

His report.

Salary.

county. After the report of said engineer has been filed with said Board of Supervisors, they shall carefully examine and consider the same; and if, after a thorough examination thereof, they are of the opinion that the property described therein, or any part of the same, should be purchased and owned by said city and county, they shall pass a resolution to that effect, designating, generally, therein, the property designed to be purchased, which resolution must be approved by the Mayor before it takes effect. Thereafter the committee, representing the said city and county as herein named, shall proceed to view and carefully examine each piece or parcel of real estate, all waterworks, reservoirs, flumes, pipes, ditches, and sources of water supply, and all other property contemplated by said resolution to be purchased; and, after having made such personal examination, they shall prepare and report in writing, to said Board, the result of said examination and their conclusions thereon, based upon their own observations and the surveys and estimates of said engineer, giving, in the same manner as said engineer, a full and detailed estimate of said property and the price at which it can be purchased. Whenever the said last mentioned report has been made and filed, or whenever the award of Commissioners shall be made and filed, said Board of Supervisors shall immediately cause the material parts thereof (except maps and surveys) to be published in three daily newspapers published in said city and county, for the period of thirty days. On a careful examination of said report, should it meet the approval of said Board, and they deem it for the interest of said city and county to purchase the property described therein, at the price named in said report, they shall submit it to the qualified electors of said city and county, at the next general election to be held thereafter. But should said committee be unable to agree with the owner or owners of any property sought to be acquired, on a price to be paid therefor, then the price or prices to be paid therefor shall be ascertained and awarded as hereinafter provided. But, in case said committee unanimously agree with such owners on such price, said city and county shall not be bound thereby until after their award and appraisement shall have been submitted to a vote of the qualified electors of said city and county, as herein provided, and shall have received a majority of said votes at said election.

Consideration of report.

Committee's duties

Publication.

Election.

Bargaining

When city bound.

SEC. 3. In order to procure the condemnation and appropriation of the real estate referred to in the preceding section, or any part or portion thereof, and such other real estate and water rights as may be deemed by the Board of Supervisors of said city and county necessary for an additional supply of pure fresh water; and, in order further to ascertain the true value of such real estate, waterworks, and appurtenances, the Mayor, Auditor, and City and County Attorney of said city and county are hereby appointed to represent said city and county as of the one part, and the owner or owners of the real estate and water rights thus sought to be condemned and appropriated to public use, of the other part, shall each have the right to appoint three citizens of this State, who shall be entirely disinter-

Proceedings to condemn property.

Commissioners.

ested and unconnected with any one who may be interested in the subject matter; and those appointed to represent said city and county shall also be residents and freeholders of said city and county; and the Court of the Twelfth Judicial District in and for said city and county, upon the application and petition of the Mayor, Auditor, or City and County Attorney, on behalf of said city and county, or of any of the parties interested in such lands or waters sought to be acquired, shall appoint the seventh Commissioner, of like qualifications, and who shall be a resident and freeholder in said city and county; and said Commissioners so appointed shall severally take and subscribe an oath that he will perform the duties of such Commissioner without fear, favor, or partiality, and to the best of his ability, he will endeavor to ascertain and report the true value of each and every piece and parcel of property and right of property sought to be appropriated by these proceedings to the public use, and that he will do equal and exact justice to the whole subject matter committed to him.

If owners refuse.

SEC. 4. Should the owner or owners of any property sought to be condemned and appropriated to public use, under the provisions of this Act, neglect or refuse, for the period of thirty days, to appoint Commissioners on their behalf, as hereinbefore provided, after having been requested, in writing, by said committee representing the city and county, so to do, then, and in that case, the Commissioners appointed by said city and county shall proceed and make the appraisement of the property, and report as in other cases. In case of a vacancy or vacancies in the office of said Commissioners by death, resignation, or otherwise, the same shall be filled in like manner as in the former instance.

Duties of Commissioners.

SEC. 5. That the said Commissioners shall, immediately after their appointment and qualification as aforesaid, proceed to view and examine each and every parcel of property, real, personal, and mixed, sought to be condemned and appropriated by the proceedings by which they are appointed, and after viewing and examining the same, they shall appoint a time and place in said city and county when and where they shall hear the evidence and take the proofs of all parties and persons interested as to the ownership and value of said property. They shall publish in three daily newspapers, in said city and county, notice of the time and place of such meeting, with a brief description of the property sought to be acquired, for ten days prior to the same; and after the publication as aforesaid, said Commissioners shall have jurisdiction to hear and determine, as hereinafter provided. The Commissioners may then commence to take evidence and proofs, and may continue the same from day to day until each and every party to said proceeding have had an opportunity of producing such testimony as the parties in interest may deem necessary to establish the value of said property; and said Commissioners are empowered to employ counsel to aid them in conducting the proceedings, and also to employ a shorthand reporter, to take the testimony in shorthand, and transcribe the same into longhand. The Commissioners are hereby authorized to administer oaths to each and every witness brought before them, and to issue subpœnas for

witnesses; and any person on being subpœnaed to attend before them as a witness, and failing so to do, may be punished by said Court for contempt. Said Commissioners shall, within six months subsequent to their appointment and qualification, file with the County Clerk of said city and county their report, which shall contain a description of all the real estate, property, water, waterworks, and all appurtenances sought to be appropriated to public use by such proceedings; and also the amount that, in the judgment of the Commissioners, should be paid by said City and County of San Francisco to the owner, or several owners, of the said property, as their just compensation therefor. The report shall also name the owner and owners of the property described in the report, together with a statement of the interest of each therein, so far as the same can be ascertained from the Recorder's office of the county in which the property shall be situated, and if there is any lien or mortgage upon any of the said property, the amount of the same, and to whom payable. Same.

SEC. 6. The report shall be agreed and subscribed to by at least five members of the seven comprising said Commission. Not less than two of such five shall be of those appointed on behalf of the city and county, except when said Commission consists of three members, as hereinbefore provided, and in that case it shall be agreed and subscribed to by a majority of them. They shall transmit with their report a copy of all the evidence and proof taken by them in the course of the discharge of their duties as Commissioners, and file the same with said County Clerk. Upon the filing of the report, the Clerk of said Court shall cause a notice of the filing of the same to be published for ten days daily, in three daily newspapers published in said city and county; and within twenty days after the first publication of such notice, any party or parties interested, or any taxpayer of the said city and county, may file his or their objections in writing against the confirmation of the report of said Commissioners; and if, at the expiration of said twenty days, no objections are filed, the Judge of the Twelfth District Court shall, in his discretion, make and enter an order confirming said report; but if such objections are filed, the said District Court shall appoint a day for the hearing of the same, and upon the day designated, or other day or days to which the hearing of the same may be adjourned, the said Court shall proceed to hear the allegations and proofs of the respective parties, and may confirm, reject, or modify the report of said Commissioners, in whole or in part, as to all the property sought to be condemned, or as to any part thereof, or refer the same back, in whole or in part, to the said Commissioners, for further action, who shall report upon the matters which said Commissioners are required to report upon, in pursuance of instructions to be given by said Court; and the report of five of said Commissioners, as hereinbefore provided in one case, and a majority of the three in the other, as to the lands, waters, water rights, and right of way, sought to be condemned, and as to the price to be paid therefor, when the same is confirmed by said District Court, shall be final and conclusive, and binding upon said city and county and the owners of the prop- Report, and proceedings thereon.

Vote on report.

erty (unless set aside for actual fraud); *provided*, that the said report and appraisement shall be submitted to a vote of the qualified electors of said city and county, at the next general election to be held thereafter. At said election, the question to be voted for shall be, "Shall said report and appraisement be adopted?" and if a majority of the votes cast are in favor of said report and appraisement, then the said city and county shall take and pay for said property, as by said award and report determined. But in case a majority of said votes are against said report, appraisement, and award, then said city and county shall pay all the expenses of said Commission, approved and allowed in the premises, and the city shall not take or pay for such property; and from thenceforth, said Commission shall be terminated and discharged, and said city and county be relieved from all further obligations or liability in the matter or proceeding. The Board of Supervisors shall make all necessary provisions and regulations for the election herein provided, which shall be conducted and governed by the General Election Laws of this State, so far as the same are applicable thereto.

Order of Court.

SEC. 7. In the order of the said Court confirming the report of said Commissioners, the said Court shall, so far as practicable, order and decree to whom the compensation awarded for any piece or parcel of the real estate, water, and water rights described in the report shall be paid; and when the same is directed to be paid to more than one person, the said order shall state the amount to which each is entitled, and the said order shall direct that upon the payment of the several sums awarded as compensation for the property so sought to be appropriated to public use by said city and county, a good and sufficient deed of bargain and sale, as to which, or for which, said compensation has been awarded, must be signed, sealed, and delivered by the owner and owners of said real property; and in case of neglect or refusal to execute said deed, the said District Court may appoint a Commissioner, with full power to convey to said City and County of San Francisco all right, title, and interest which said owner and owners and claimants may have in said real estate, property, water, water rights, and appurtenances, and the said District Court may direct the proper Sheriff to place said City and County of San Francisco in the possession of the property as to which payment has been made or tendered; and as soon thereafter as practicable, the Board of Supervisors of said city and county may employ a competent and skillful engineer or engineers, under whose supervision and direction the said Board of Supervisors may at once commence to erect works, reservoirs, flumes, distributing pipes, and all things necessary for distributing an additional supply of pure, fresh water to the inhabitants of said City and County of San Francisco, from any of the sources of supply appropriated to the public use by these proceedings.

Commissioner and conveyance

Compensation.

SEC. 8. The Commissioners appointed under and by virtue of this Act, shall not be entitled to any compensation for their services, but shall be allowed the actual expenses incurred under the provisions of this Act, but not to exceed the sum of ten thousand dollars; the amount to be settled and certified to by said

District Court, and to be taxed by said Court as a part of the expenses of the proceedings, and to be paid by said city and county.

Bonds. SEC. 9. In order to raise means necessary to carry into effect the provisions of this Act, the Board of Supervisors of said city and county shall be and they are hereby fully authorized to issue bonds of the said City and County of San Francisco, as hereinafter provided.

Same. SEC. 10. Said bonds shall be issued in sums of one thousand dollars each, and shall draw interest at the rate of six per cent per annum from the date thereof, and the principal thereof shall be made payable at a specified day to be named in said bonds, which shall be thirty years after their date, at the office of the Treasurer of said city and county, both principal and interest to be payable only in gold coin of the United States. The interest accruing on said bonds shall be due and payable semi-annually on the first day of January and the first day of July of each year, at said Treasurer's office. Said bonds shall be signed by the Mayor and Auditor of said city and county, and registered in numerical order, in books to be kept for that purpose by the Mayor, the Auditor, and the Treasurer of said city and county, respectively, and when so signed shall be presented by the Mayor to the Clerk of the Board of Supervisors of said city and county, who shall, in the presence of the Mayor, countersign the same as such Clerk, impress the corporate seal on each and redeliver them to the Mayor, who shall thereupon report to said Board of Supervisors, at a meeting thereof, the number, date, and amount of each bond so signed and countersigned, which report shall be entered upon the journals of said Board. Said bonds shall be issued, or disposed of, in the order in which the same shall be numbered. Said bonds, or any portion thereof, may, on a vote of a majority of the Board of Supervisors and approval of the Mayor, be sold at not less than par, from time to time, as said bonds shall be required to pay for the property purchased, and to extend, repair, and improve the waterworks hereby contemplated. The total of such bonds to be issued shall be fixed by the Board of Supervisors of said city and county.

Sale.

Water rates. SEC 11. The Board of Supervisors of said city and county shall, by order, from time to time, fix the rates to be paid by consumers of water; which rates shall never exceed an amount sufficient to pay interest on said cost of acquiring the real estate, water and water rights, hereby authorized to be acquired, at the rate of six per cent per annum, and interest on the cost of laying down mains and building reservoirs, and also the actual annual cost of keeping the same in repair, and the actual cost of managing said works, and the Sinking Fund in this Act mentioned; *provided*, that such Sinking Fund shall not be created until ten years after the issuance of the first of said bonds.

Coupons. SEC. 12. Coupons for the interest shall be attached to each bond so that the coupon may be removed without mutilation of the bond, and said coupons shall be signed by the Treasurer of said city and county. When any interest shall be paid on any bond issued under the provisions of this Act, the said Treasurer of said city and county shall detach the coupons

for the interest then due and paid, and cancel and deliver the same to the Auditor, taking his receipt therefor; and it shall be the duty of the Auditor to file the same in his office, and to make a report thereof at the next meeting of the Board of Supervisors.

Waterworks tax.

SEC. 13. It shall be the duty of the Board of Supervisors of said city and county, prior to the making up of the general assessment roll for said city and county, to levy each year, at the time of levying other municipal taxes, a tax, to be styled "The Waterworks Tax," sufficient to raise any deficiency for interest required to be paid each year upon said bonds, and the Sinking Fund hereinafter mentioned, after applying the net proceeds or income from water rates thereto; but no tax for said Sinking Fund shall be levied until after ten years from the time of issuance of the first of said bonds. Said tax shall be levied and collected in the same manner as the general taxes for city and county purposes, and when collected, shall be paid to the Treasurer of said city and county, and shall form a part of the Waterworks Fund, and the money in said Fund shall be applied by said Treasurer to the purposes of this Act: First—To the payment of the interest on said bonds as the same shall fall due. Second—To the redemption of said bonds as hereinafter provided. Said bonds shall, until paid, be a lien upon all the real estate, water, water rights, and property acquired under the provisions of this Act.

Money, how used.

Treasurer's duties.

SEC. 14. It shall be the duty of the Treasurer to pay the interest on said bonds out of the money in the Waterworks Fund when due; and whenever at any time there shall be in said Waterworks Fund a sum of money amounting to twenty thousand dollars or upwards, over and above what shall be required for the payment of the interest for the then fiscal year, the said Treasurer shall advertise for two weeks, in two daily newspapers published in said city and county, for sealed proposals for the redemption of said bonds; and ten days after the expiration of the time of such publication, he shall, in the presence of the Mayor and Auditor aforesaid, open such sealed proposals, and shall pay and liquidate, so far as the money on hand and applicable thereto shall extend, such bonds so presented under said proposals as shall have been offered at the lowest price or prices; *provided*, the same shall not be for more than par value thereof. And whenever any of the said bonds shall have been paid by said Treasurer, he shall mark the same "Canceled" over his own signature, and note such cancellation upon the register of such bonds kept in his office, and immediately deliver the same to the Auditor of said city and county, taking his receipt therefor, and the said Auditor, on receiving such canceled bonds, shall file them in his office, and also note such cancellation upon the register of such bonds kept in his office. The Treasurer shall continue to comply with the requirements of this Act, until all the bonds and coupons issued for the objects and purposes herein mentioned, shall be paid and liquidated in full.

Redemption and cancellation.

Water Commissioners.

SEC. 15. The Mayor of said city and county shall have power to appoint three Commissioners, without salary, for the term of four years, subject to the approval of the Board of Supervisors,

who shall have full and complete management and control of all the real estate, water, and waterworks provided for and acquired under this Act, who may appoint competent and reliable persons to supervise and manage the same to the best possible advantage to the inhabitants of the City and County of San Francisco, and may fix the salary and term of office of such employés, under such orders and resolutions as the Board of Supervisors of said city and county may from time to time adopt.

Ordinances

SEC. 16. The Board of Supervisors of said city and county may, by ordinance, pass such rules and regulations as may be proper, in the judgment thereof, to provide for the collection of water rates and water dues; to cut off the supply of water from consumers who shall make default in the payment thereof; to prevent any interference with the mains, reservoirs, sources of supply, and pipes of the waterworks; to prevent any impure, deleterious, or foul material from being thrown or dumped in any watercourse or water supply connected with such waterworks, or the conduct of any business, art, or trade, which, by drainage, may injuriously affect the water supply.

Payment and possession.

SEC. 17. Said City and County of San Francisco shall not be permitted to take possession, unless with consent of the owner or owners, of any real estate, water, or water rights, hereby authorized to be acquired, until the compensation agreed upon, or determined, as hereinbefore provided, shall have been paid, either to the person, persons, or corporations determined to be entitled thereto, or deposited with the Treasurer of said City and County of San Francisco, who shall hold the same subject to an order of the Judge of the Twelfth Judicial District Court to pay the amount so deposited to the party or parties entitled thereto.

Mains.

SEC. 18. Said city and county is authorized to lay down and maintain mains, or water pipes, in the streets and highways of said city and county, and also in any county or counties of this State.

SEC. 19. This Act shall take effect on and after its passage.

CHAPTER DLXXVI.

An Act in relation to suits brought against the County of Marin for damages on account of laying out public roads.

[Approved March 30, 1874.]

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

Warrant for judgment.

SECTION 1. In any action commenced under the provisions of section thirteen of the Act of the Legislature entitled "An Act for laying out, altering, and vacating public roads in the County of Marin, approved April second, eighteen hundred and

sixty-six," it shall be lawful at any time within one year, after the entry of judgment, for the Board of Supervisors to order a warrant for the amount of said judgment, payable to the person or persons in whose favor judgment is rendered, out of the funds of the particular road district in which said road is situated, and to direct the County Auditor to tender such warrant to the person or persons in whose favor judgment has been entered.

Opening road.

SEC. 2. When such tender is made by or on behalf of the County Auditor, it shall be the duty of the Supervisors or the Roadmaster of said district to open said road; and such tender shall dissolve any injunction restraining the opening of said road.

Stay and dismissal on appeal.

SEC. 3. If an appeal is taken from said judgment by the plaintiff, such appeal shall not stay the opening of said road, and such appeal may be dismissed on the filing, in the appellate Court, of an affidavit of the County Auditor, to the effect that the person in whose favor said warrant was drawn has taken said warrant from said Auditor; and such taking of said warrant shall have the effect of dismissing said action.

Judgment on new trial.

SEC. 4. If any new or retrial of said action is had, and the amount of judgment recovered is in excess of the amount of the former judgment, a warrant for the excess may be drawn and tendered as hereinbefore provided; and if the judgment be for less than the former judgment, the warrant above mentioned shall be canceled, and a warrant, as hereinafter provided, may be drawn for the amount of the last judgment.

SEC. 5. This Act shall be in force from and after its passage.

CHAPTER DLXXVII.

An Act to redistrict the County of Tehama, and to reorganize the Board of Supervisors in and for said county.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Districts and boundaries

SECTION 1. The County of Tehama is hereby divided into four Supervisor districts, to be called District Number One, District Number Two, District Number Three, and District Number Four, as follows: District Number One shall be composed of all those parts of said county situate, lying, and being within the boundaries of the precincts of Red Bluff, Cottonwood, Hunters, and Red Bank, and shall have two Supervisors; District Number Two shall be composed of all those parts of said county situate, being, and lying within the boundaries of the voting precincts of Antelope, Payne's Creek, Belle Mills, Loris Mill, and Battle Creek, and shall have one Supervisor; District Number Three shall be composed of all

those parts of said county situate, lying, and being within the boundaries of the voting precincts of Tehama and Vina, and shall have one Supervisor; District Number Four shall be composed of all those parts of said county situate, lying, and being within the boundaries of the voting precincts of Henley's, Butte Mountain, Ingraham's, and Paskenta, and shall have one Supervisor.

Board of Supervisors.

SEC. 2. The Board of Supervisors of said county shall, from and after the third Monday of May, eighteen hundred and seventy-four, be composed of five Supervisors, who shall have the same powers and duties as now prescribed by law, of whom two shall be elected in and be residents of District Number One; one in District Number Two; one in District Number Three, and one in District Number Four. Their term of office shall be three years from and after the first Monday of October next succeeding their election, except as otherwise provided in this Act.

Election, special and general.

SEC. 3. At a special election to be holden on the first Wednesday in May, eighteen hundred and seventy-four, there shall be elected in and be a resident of District Number One, one Supervisor, whose term of office shall commence on the third Monday in May succeeding, and extend to the first Monday in October, eighteen hundred and seventy-seven. At a special election to be holden on the first Wednesday in September, eighteen hundred and seventy-four, there shall be elected one Supervisor for District Number Two, whose term of office shall be three years from and after the first Monday in the October succeeding. At the general election on the first Wednesday in September, eighteen hundred and seventy-five, there shall be elected one Supervisor for District Number Four, whose term of office shall be three years from and after the first Monday in October next succeeding. At a special election to be holden on the first Wednesday in May, eighteen hundred and seventy-four, there shall be elected in and be a resident of District Number Three, one Supervisor, whose term of office shall commence on the third Monday in May, eighteen hundred and seventy-four, and continue for a period of three years from the first Monday in October, eighteen hundred and seventy-four.

Members.

SEC. 4. For District Number Two, Kellum Powell, present Supervisor, shall be a member of said Board till the expiration of his term in eighteen hundred and seventy-four; and John Brady, present Supervisor, shall be a member of said Board till the expiration of his term in eighteen hundred and seventy-six. For District Number Four, John N. Montgomery, present Supervisor, shall be a member of said Board till the expiration of his term in eighteen hundred and seventy-five.

Election notice.

SEC. 5. The Clerk of said county shall give public notice of ten days, according to law, of the election to be holden in District Number One, and District Number Three, on the first Wednesday in May, eighteen hundred and seventy-four, as provided by this Act. Should any vacancy thereafter occur in the office of Supervisor, said Clerk shall, upon the receipt of such information, immediately call a special election to fill such va-

cancy, and the Supervisor chosen at such election shall hold his office for the unexpired term of his predecessor.

Compensation.

SEC. 6. The compensation of each member of said Board of Supervisors created by this Act, shall be five dollars per day and twenty cents per mile, in traveling from the place of their residence to the Court House; *provided*, that such per diem shall not exceed in the aggregate to each Supervisor, during any one year, the sum of one hundred and fifty dollars, payable out of the County General Fund in the same manner as other indebtedness is paid.

SEC. 7. All Acts and parts of Acts inconsistent with this Act are hereby repealed, so far as they conflict with this Act.

SEC. 8. The Board of Supervisors of said county must hold their next regular meeting on the first Monday in June.

SEC. 9. This Act shall take effect from and after its passage.

CHAPTER DLXXVIII.

An Act to quiet title to certain land in the Counties of Yolo and Colusa, in the State of California.

[Approved March 30, 1874.]

Preamble.

Whereas, The northeast quarter of the northwest quarter, the southwest quarter of the northwest quarter, the southwest quarter of the northeast quarter of section six, township eleven north, one east; also the west half of the northwest quarter, and the west half of the southwest quarter of section twenty-four, township twelve north, one west; also the northwest quarter of section twelve, and the northeast quarter of section eleven, township twelve, one west; also the west half of the southwest quarter of section thirteen, township twelve, one west; also the east half of section fourteen, and the southeast quarter of section eleven, township twelve, one west; also the east half of the northwest quarter of section one; also the southwest quarter of section one, township twelve, one west; also the northwest quarter of the northwest quarter of section six, township eleven, one east, Mount Diablo base and meridian, the said above described lands lying and being situate in the County of Yolo; and, whereas, the north half and the southeast quarter of the northwest quarter of section fifteen, township thirteen, one west; also the south half of the northeast quarter, and the northeast quarter of the southeast quarter, section fifteen, township thirteen, one west, Mount Diablo base and meridian, situate, lying, and being in the County of Colusa, were sold to actual settlers, by the United States, prior to the passage of an Act by the Congress of the United States, entitled "An Act to quiet land titles in the State of California," approved the twenty-third of July, eighteen hundred and sixty-six, and the said settlers on said lands have received patents for said lands from the Government of the United States; and, whereas,

the said described lands have been segregated by the State of California as swamp and overflowed lands, thereupon

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State of California hereby relinquishes to the United States all claim to the northeast quarter of northwest quarter, the southwest quarter of the northwest quarter, the southwest quarter of the northeast quarter of sec. six, township eleven north, one east; also, the west half of the northwest quarter, and the west half of the southwest quarter of section twenty-four, township twelve north, one west; also, the northwest quarter of section twelve and the northeast quarter of section eleven, township twelve, one west; also, the west half of the southwest quarter of section thirteen, township twelve, one west; also, the east half of section fourteen, and the southeast quarter of section eleven, township twelve, one west; also, the east half of the northwest quarter of section one; also, the southwest quarter of section one, township twelve, one west; also, the northwest quarter of the northwest quarter of section six, township eleven, one east, Mount Diablo base and meridian; also, the north half and the southeast quarter of the northwest quarter of section thirteen, township thirteen, one west; also, the south half of the northeast quarter, and the northeast quarter of the southeast quarter, section fifteen, township thirteen, one west, Mount Diablo base and meridian; *provided*, that nothing in this Act shall in anywise affect any lands listed to the State of California as swamp and overflowed lands by the Government of the United States. State quitclaims.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DLXXIX.

An Act entitled an Act for the relief of John C. Burgess and Orrin Champlin.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Register of the State Land Office is directed to prepare a patent in favor of John C. Burgess and Orrin Champlin for the southeast quarter (S. E. ¼) section seventeen (S. 17), the north half of the northwest quarter (N. ½ of N. W. ¼), and southeast quarter of northwest quarter of section twenty-one (S. 21), and the northeast quarter (N. E. ¼) of the northeast quarter (N. E. ¼) section twenty (S. 20), all in township forty-six (T. 46 N.) north, of range number five west (5 W.), Patents for lands.

Mount Diablo base and meridian, of the State of California, upon proof being made to him, by affidavit of one or more witnesses, that they are the successors in interest of Robert N. Stanfield in the said lands, and of school land warrants numbers one hundred and eighty-seven (187) and six hundred and forty-six (646), of the State of California, and that said warrants have been lost or destroyed; and upon the execution by them of a bond, with two or more sufficient sureties, to the State of California, in the penal sum of one thousand dollars, conditioned that if the said warrants shall never be presented to the State of California for location, the said obligation shall be void; but if said warrants, or either of them, shall be presented for location on lands other than those above described, the said obligors shall pay to the State of California the sum of one dollar and twenty-five cents per acre, on demand from the Register, in gold coin, for the quantity of land called for in said warrant or warrants so presented for location.

Indemnity bond.

Issue of patents.

SEC. 2. Upon the preparation of the patent, as aforesaid, the Governor, Secretary of State, and Register of the Land Office, shall execute and issue said patent as is provided in section thirty-five hundred and twenty of the Political Code of the State of California; *provided*, the same does not conflict with existing laws.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER DLXXX.

An Act to authorize the Mayor and Common Council of Salinas City to build a school house, and to provide for a fire department in said city, to issue bonds therefor, and to provide for the payment of the land.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Bonds.

SECTION 1. The Mayor and Common Council of Salinas City are hereby authorized and empowered to issue the bonds of said city, for an amount not exceeding fifteen thousand dollars, bearing interest at the rate of eight per cent per annum; coupons for semi-annual interest shall be attached to each bond, and said bond and coupons shall be signed by the Mayor, and countersigned by the City Treasurer and City Clerk of said city.

Moneys, how used.

SEC. 2. The money arising from the sale of ten thousand dollars of said bonds shall be used for the building of a school house or houses in said city, and the purchase of lands on which to locate the same, and the money arising from the sale of the remaining five thousand dollars of said bonds shall be appropriated to the establishment and maintenance of a fire department in said city.

When payable.

SEC. 3. The bonds authorized to be issued by the provisions of this Act shall be due and payable, in gold coin of the United States, at Salinas City Bank, on the first day of July, one thousand eight hundred and ninety-four; *provided*, that the Mayor and Common Council of said city shall have power, and they are hereby authorized, to redeem said bonds before their maturity, as hereinafter provided. The interest on said bonds shall be due and payable, in gold coin of the United States, on the first days of January and July in each year, at the Salinas City Bank.

Canceling coupons.

SEC. 4. All coupons for interest, when paid, shall have the word "Canceled" written across the face of the same, with the date of said payment, by the City Treasurer, who shall deliver them to the City Clerk, taking his receipt therefor. Said City Clerk shall file and preserve such coupons, and upon the books of his office record the transaction.

Interest tax.

SEC. 5. For the purpose of paying the interest on the bonds authorized to be issued by this Act, the Mayor and Common Council of said city, at the time of levying city taxes in each year, shall levy a special tax on all real and personal property in said city sufficient to pay the interest on the bonds outstanding as said interest falls due. Said tax shall be assessed and collected in the same manner as other city taxes, and by the City Treasurer set apart as a special Fund, to be known as the "School and Fire Bond Interest Fund," and it shall be the duty of the City Treasurer to pay said coupons out of said Fund as the same shall fall due.

Deficiency and surplus.

SEC. 6. If the special tax authorized by section five of this Act shall be insufficient to pay all the interest due in any one year, then the City Treasurer shall pay the same out of the General City Fund, and he shall retain on hand sufficient of such Fund to meet such payments. If there is a surplus produced by such special tax, the City Treasurer shall transfer the same to the "School and Fire Redemption Fund."

Redemption tax.

SEC. 7. In and for the year eighteen hundred and eighty, and annually thereafter, until all of said bonds are redeemed, the Mayor and Common Council of said city shall levy and cause to be collected annually a tax sufficient to pay ten per cent on the amount of said bonds. The tax to [be] levied and collected under the provisions of this section, shall be assessed and collected as other city taxes, and by the City Treasurer set apart as a special Fund, to be known as the "School and Fire Redemption Fund."

Redemption.

SEC. 8. Whenever there is in said Redemption Fund the sum of one thousand dollars or over, the City Treasurer shall advertise in some newspaper printed in Salinas City once a week, for four consecutive weeks, that he is prepared to receive proposals for the redemption of an amount of said bonds equal to the money in said Fund, specifying the time and place for opening said proposals. Said proposals shall be opened publicly in the presence of the Mayor and City Clerk; *provided*, that no bid above par value shall be considered; and the bonds shall accompany all bids. In case of the proposals for the surrender of said bonds at par value or less, should not absorb the whole amount in said Redemption Fund, then the City Treasurer

Same. shall advertise in the same manner as provided for in this section for advertising for proposals for redemption of bonds, that he is prepared to redeem, at par value, a certain amount of said bonds, in the numerical order in which they were issued, stating the numbers. The interest upon the bonds so advertised by the City Treasurer to be redeemed, shall cease from and after the date of said advertisement. On the redemption of any of said bonds, the City Treasurer shall cancel the same by writing across the face the word "Paid," with the date of redemption, and the amount paid, and also sign said statement, deliver said bonds and any coupons that may be thereto attached, to the City Clerk, taking his receipt for the same; and the City Clerk shall file said bonds and coupons in his office, and make a record of the same.

Order and notice of sale. SEC. 9. Before the sale of any of said bonds, the Mayor and Common Council shall, at a regular meeting, cause to be entered upon the record of the Council an order directing the sale of a specific amount of bonds, and shall cause to be inserted in a newspaper published in Salinas City, a notice that sealed proposals will be received by the Mayor and Common Council for the purchase of said bonds; said notice to be published once a week for four successive weeks, and shall state the time and place for the opening of said proposals. At the time and place named in said notice, the Mayor and Common Council shall publicly open said proposals, and award the purchase of said bonds to the highest responsible bidder; *provided*, that said Mayor and Common Council may reject any and all bids; *and, provided further*, that no bond shall be sold for less than ninety cents on the dollar, par value.

Private sale. SEC. 10. The Mayor and Common Council may sell said bonds at not less than ninety-five cents on the dollar, par value, with the notice provided for in the preceding section; *and provided*, that nothing but gold coin of the United States shall be received for said bonds.

Record. SEC. 11. A full and complete record shall be kept by the Mayor and Common Council of the number, date, and amount of each bond, and all proceedings relating thereto.

Proceeds. SEC. 12. The proceeds of the sale of said bonds shall be paid into the City Treasury, and used only for the purpose mentioned in section two of this Act.

Expenses. SEC. 13. The Mayor and Common Council are hereby authorized to pay out of the General Fund of said city, the necessary expenses attending the preparation, advertisement, and sale of said bonds.

SEC. 14. This Act shall take effect immediately.

CHAPTER DLXXXI.

An Act to amend an Act entitled an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin, approved April twenty-one, eighteen hundred and fifty-seven.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of the Act named in the title hereof, is hereby amended so as to read as follows:

Section 2. The owner or owners, or the agents of such owners of sheep, goats, or hogs, violating the provisions of section one of this Act, on conviction thereof before a Justice of the Peace of the township where the trespass was committed, shall be liable to a fine of not less than one dollar and costs, nor more than two hundred dollars, the fine to be fixed in the discretion of the Court, reference being had to the character and amount of the trespass, and the number of sheep or goats so trespassing. Penalty.

CHAPTER DLXXXII.

An Act to change the name of the Town of New Republic, in the County of Monterey, State of California, to "Santa Rita."

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the Town of New Republic, in the County of Monterey, State of California, is hereby changed to that of "Santa Rita." Name changed.

SEC. 2. All Acts done or performed by any Trustees or other town authorities of New Republic, shall be deemed valid, and of the same force and effect as though done in the name of the Town of Santa Rita. Acts validated.

SEC. 3. This Act shall take effect immediately.

CHAPTER DLXXXIII.

An Act to amend an Act entitled "An Act to protect agriculture, and to prevent the trespassing of animals upon private property, in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four."

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Applicable to Inyo.

SECTION 1. The provisions of an Act entitled "An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four," are hereby made applicable to the County of Inyo.

SEC. 2. This Act shall take effect and be in force from and after the fifteenth day of April, A. D. eighteen hundred and seventy-five.

CHAPTER DLXXXIV.

An Act for the relief of A. T. Gray, late Treasurer and ex officio Tax Collector of El Dorado County.

[Approved March 30, 1874.]

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 ten dollars is hereby appropriated out of any money in the General Fund not otherwise appropriated, for the relief of A. T. Gray, late Treasurer and ex officio Tax Collector of El Dorado County.

Warrant.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant on the Treasurer of State, in favor of A. T. Gray, for the sum of two hundred and ten dollars, and the Treasurer of State is hereby directed to pay the same.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER DLXXXV.

An Act to authorize the Board of Supervisors of Santa Clara County to exempt firemen from the payment of poll taxes for county purposes.

[Approved March 30, 1874.]

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 authorized to pass an order relieving all active firemen in said county from payment of any and all poll taxes for county purposes. Firemen exempt.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DLXXXVI.

[See volume of Amendments to the Codes.]

CHAPTER DLXXXVII.

[See volume of Amendments to the Codes.]

CHAPTER DLXXXVIII.

An Act to create a Board of Auditors for El Dorado County, and fix the powers thereof.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A Board of Auditors, to consist of three members, is hereby created for the County of El Dorado, who shall be qualified electors of said county. Board of Auditors.

SEC. 2. The members of said Board shall be appointed by the County Judge of said county. They shall organize by electing one of their number Chairman. Members and organization.

Terms of office.

SEC. 3. The term of office of the members of said Board shall be two years from and after their appointment, and until their successors are appointed.

Salaries.

SEC. 4. The salary of each member of said Board shall be six dollars per day for each day actually employed in the transaction of their duty, not to exceed five hundred dollars each per annum.

Duties.

SEC. 5. It shall be the duty of the Board: One—To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county, charged with the collecting, safekeeping, management, or disbursement of the public moneys; to see that they faithfully perform their duties; direct prosecutions for delinquencies; and, when necessary, require them to renew their official bonds; to make reports; and to present their books and accounts for inspection. Two—To examine and audit the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or appropriated by law or otherwise for its use and benefit. Three—To examine, settle, and allow accounts legally chargeable against the county, except salaries of officers, and order warrants to be drawn on the County Treasurer therefor, and provide for the issuing of the same. Four—To direct and control the prosecution and defense of all suits to which the county is a party, and to employ counsel therein upon the recommendation of the District Attorney. Five—To insure the county buildings in the name of and for the benefit of the county. Six—To fix the compensation of all county officers, not otherwise by general or special law fixed, and provide for the payment of the same. Seven—To fill, by appointment, all vacancies that may occur in county or township offices, except that of County Judge. Eight—To contract for the county printing, and provide books and stationery for county officers. Nine—At the adjournment of each session of the Board to cause to be published, in a newspaper or otherwise, a fair statement of all their proceedings, and semi-annually a statement of the financial condition of the county. Ten—To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary. Eleven—To adopt a seal for their Board, a description and impression whereof must be filed, by their Clerk, in the offices of the County Clerk and Secretary of State.

Clerk.

SEC. 6. The Clerk of the county is ex officio Clerk of the Board of Auditors. The records must be signed by the Chairman and the Clerk. The Clerk must be paid such compensation as is provided by law, in full for all services as Clerk of the Board.

Duties.

SEC. 7. The Clerk of the Board must: One—Record all the proceedings of the Board. Two—Make full entries of all their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county. Three—Record the vote of each member on any question upon which there is a division, or at the request of any member present. Four—Sign all orders made and warrants issued, by order of the Board, for the payment of money, and

certify the same to the County Auditor. Five—Record the reports of the County Treasurer, of the receipts and disbursements of the county. Six—Preserve and file all accounts acted upon by the Board. Seven—Preserve and file all petitions and applications for franchises, and record the action of the Board thereon. Eight—Perform all other duties required by the Board.

Records.

SEC. 8. The Board must cause to be kept: One—A "Minute Book," in which must be recorded all orders and decisions made by them, and the daily proceedings had at all regular and special meetings. Two—An "Allowance Book," in which must be recorded all orders for the allowance of money from the County Treasury, to whom made, and on what account, dating, numbering, and indexing the same through each year. Three—A "Warrant Book," to be kept by the County Auditor, in which must be entered, in the order of drawing, all warrants drawn on the Treasury, with their number and reference to the order on the Minute Book, with the date, amount, on what account, and name of payee.

Powers.

SEC. 9. The Board shall have the same powers in relation to appointment of county, district, and township officers, and the approval of official bonds, as are conferred upon Boards of Supervisors by existing laws.

Restrictions.

SEC. 10. The Board shall have no power to levy taxes.

SEC. 11. There shall be no election for a member of the Board of Supervisors for the Second District in said county during the year eighteen hundred and seventy-four.

Code.

SEC. 12. The Board of Auditors shall have the powers and perform the duties given to Boards of Supervisors by sections thirty-six hundred and seventy-two, thirty-six hundred and seventy-three, thirty-six hundred and seventy-four, thirty-six hundred and seventy-five, thirty-six hundred and seventy-six, thirty-six hundred and seventy-seven, thirty-six hundred and seventy-eight, thirty-six hundred and seventy-nine, thirty-six hundred and eighty, thirty-six hundred and eighty-one, thirty-six hundred and eighty-two of the Political Code.

SEC. 13. This Act shall be in force from its passage.

CHAPTER DLXXXIX.

[See volume of Amendments to the Codes.]

CHAPTER DXC.

[See volume of Amendments to the Codes.]

CHAPTER DXCI.

[See volume of Amendments to the Codes.]

CHAPTER DXCII.

An Act to provide for the establishment of cosmopolitan schools in the City and County of San Francisco.

[Approved March 30, 1874.]

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 establish and maintain common schools, in said city and county, in which shall be taught the German and French languages in conjunction with studies in the English language. The number of such schools shall be not less than two grammar and two primary schools. They shall be designated as cosmopolitan schools, and shall be subject to such rules and regulations as shall be prescribed by said Board of Education.

SEC. 2. This Act shall take effect immediately from and after its passage.

CHAPTER DXCIII.

[See volume of Amendments to the Codes.]

CHAPTER DXCIV.

An Act to abolish the Board of City Hall Commissioners, and to provide for the continuance of the construction of the City Hall of the City and County of San Francisco.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of City Hall Commissioners, created under and by virtue of an Act entitled an Act to provide for the

erection of a City Hall in the City and County of San Francisco, approved April fourth, eighteen hundred and seventy, is hereby abolished, and said Commissioners shall forthwith turn over and deliver to the Board of Supervisors of the City and County of San Francisco, all and singular the site, superstructure, and material of said City Hall, as well as the books, papers, contracts, rights, privileges, and immunities, machinery, tools, and appliances, and property of every description and nature belonging to said Board of City Hall Commissioners; and from said delivery and acceptance thereof, said Commissioners shall cease to exercise any official functions, and be deemed to be out of office. City Hall Commissioners abolished.

SEC. 2. Said Board of Supervisors are hereby authorized, empowered, and required, to accept of and from said City Hall Commissioners, all of said property, buildings, site, materials, books, papers, and other things connected with said work, and to sign and deliver acquittances therefor; and from the time of said delivery and acceptance, said Board of Supervisors shall be charged with all the duties and liabilities, and invested with all the powers, rights, and authority heretofore granted to or imposed upon said City Hall Commissioners by virtue of the Act above named creating said Board of Commissioners, as fully and as effectually, for the purposes herein named, as if they had been the Board of Commissioners originally named in said Act. Board of Supervisors to take trusts.

SEC. 3. Said Board of Supervisors shall examine the condition of said works, and the contracts and liabilities of said Board, and adjust and pay the same out of the proceeds of the sale of the bonds hereinafter provided for that purpose; and they shall supervise, control, direct, and carry on said work of building said City Hall, under and in accordance with such lawful and valid contracts as now exist for that purpose, and entered into between said Commissioners and the persons who have made, or are the holders or assignees of such contracts. And when the work contracted for to be done and materials to be furnished, by virtue of such existing contracts, shall be fully finished and completed, then they shall stop said work, and their powers shall end, save in so far as may be necessary to pay off the lawful indebtedness heretofore contracted, as is herein provided, and to preserve and protect said buildings and grounds, and the materials, property, books, papers, machinery, and appliances belonging to said work, as connected therewith. Duties.

SEC. 4. Said Board of Supervisors are hereby authorized and directed, by ordinance, to cause to be issued bonds as hereinafter provided, in amount not exceeding in the aggregate the sum of seven hundred and fifty thousand dollars, and not more than shall be sufficient to pay off and discharge all liabilities, dues, and indebtedness of said Board of City Hall Commissioners, and said Board of Supervisors, as successors to said Commissioners, contracted or incurred in the existing unpaid contracts for labor, work, and materials in and about the work of building said City Hall, as the same stood upon the day of the passage of this Act; but no new or fresh contracts, debts, or liabilities shall be undertaken or incurred by virtue of this Act, than those existing at the time of the passage hereof, except such debts or liabilities as may be necessarily incurred To issue bonds. No new contracts.

by them in carrying out and completing said contracts already entered into as aforesaid, and in preserving and protecting said building, and not exceeding the sum of twenty-five thousand dollars.

Bonds. SEC. 5. Said bonds shall be known as the City Hall Construction Bonds. They shall be issued in sums of not less than five hundred dollars each, and shall bear interest from the date thereof until maturity, at the rate of six per cent per annum; principal and interest payable only in United States gold coin, as they fall due, at the office of the Treasurer of said city and county. The principal sum of said bonds shall be made payable twenty five years from the first day of June, one thousand eight hundred and seventy-four, and the interest accruing on said bonds shall become due and payable, in like gold coin, semi-annually, at the office of the said Treasurer, on the first Mondays of January and July of each year; said bonds shall be signed by the Mayor, the Auditor, and Treasurer of said city and county, who shall ex officio constitute a Board of City Hall Fund Commissioners. But before being so signed, the same shall be presented by the Mayor to the Clerk of the Board of Supervisors of the said city and county, which Clerk shall cause said bonds to be numbered, and shall register the same in numerical order, in a book to be kept for that purpose, showing the date of each bond, and the said Clerk shall thereupon deliver the same to the said Mayor, who shall sign each bond and affix thereto the corporate seal of the said city and county, and deliver the said bonds to the said Auditor, who shall in like manner sign the same, and deliver them to the Treasurer, who shall in like manner sign the same, and shall also register them in like manner as the Clerk of the said Board of Supervisors is herein directed to do. The Auditor shall take from the Treasurer a receipt for all such bonds so delivered.

Coupons. SEC. 6. Coupons for the interest on each bond shall be attached thereto, which coupons shall be signed by the said Treasurer. When any such coupon shall be paid, it shall be the duty of the said Treasurer, without delay, to cancel the same, and all such canceled coupons shall be delivered to the Auditor by the Treasurer, who shall take a receipt therefor; and it shall be the duty of the Auditor to file the same in his office substantially in the same manner now and latterly observed for filing canceled coupons by said Auditor, which filing shall be by attaching the said canceled coupons in the numerical order of the bonds, and in numerical order of the coupons, to a blank or scrap book, to be kept for that purpose, and known as the "Record of Canceled San Francisco City Hall Bonds and Coupons." Said bonds, when paid, shall be immediately canceled by the Treasurer, and delivered by him to the Auditor, taking the receipt of the Auditor therefor, and the same shall be filed by the said Auditor in his office in the same manner that other canceled bonds are filed. The interest on all such bonds shall terminate on the maturity of the bonds respectively.

Cancellation.

Bonds and warrants. SEC. 7. Upon the presentation to said Treasurer of said warrants certified to or issued by said Clerk of said Board of Supervisors and countersigned by said Auditor, the said Treasurer shall issue to the holder or holders thereof, said bonds, to the

extent of said warrants so presented, dollar for dollar; and if it shall happen that the exact amount of the warrants presented at any one time exceeds five hundred dollars, or some multiple of five hundred dollars, it shall be the duty of said Treasurer to issue to the party presenting the same, a new warrant for the excess of the amount of the warrants presented over and above the amount of the bonds issued therefor, which said warrant so issued by said Treasurer shall, when countersigned by said Auditor, be in like manner fundable into said bonds, as said warrants issued by said Clerk of said Board of Supervisors. All warrants converted by said Treasurer into bonds, as aforesaid, shall be immediately canceled by said Treasurer and delivered by him to said Auditor, taking his receipt therefor. It shall be the duty of the Auditor to file and safely keep all said canceled warrants in his office. Same.

SEC. 8. For the purpose of paying the bonds herein provided for, and the interest thereon, it shall be the duty of the Board of Supervisors of said city and county, in each year, to levy a tax, to be styled "City Hall Bonds Interest Tax," sufficient to raise the amount to be paid on such bonds during each year and annually, until the maturity of such bonds. The said Board of Supervisors shall also annually levy such a tax as they shall determine to be requisite for the purpose of raising funds for the liquidation of such bonds at maturity, which Fund shall be styled the "City Hall Sinking Fund." The said taxes shall be levied and collected in the manner provided by law for the general taxes for municipal purposes; and when collected, shall, in like manner, be paid to the Treasurer, who shall apply the same to the payment of said bonds, as hereinafter provided. Bond tax.

SEC. 9. The said Treasurer is hereby authorized annually to invite proposals for the surrender of bonds issued under this Act, by advertising, for at least thirty days next preceding the first Monday in February, of each year, in three daily newspapers, published in said city and county. The said Commissioners shall publicly open all bids received at the time and place mentioned in such advertisement, and shall apply the funds on hand for such purpose towards the payment of the bonds mentioned in such bids, giving preference to the bonds offered at the lowest percentum of their par value; but in no case shall any bid above their par value and interest be accepted. The said Treasurer shall always reserve, in such advertisement, the right to reject any and all proposals for the surrender of such bonds. In case a sufficient amount of such bonds shall not be offered as aforesaid, to exhaust the City Hall Sinking Fund to a less amount than five thousand dollars, then it is hereby made the duty of said Treasurer to advertise in two newspapers, published in the City and County of San Francisco, for two months, which advertisement shall state the amount in the City Hall Sinking Fund, and the numbers of the bonds, commencing with the lowest number then outstanding, and numbering them in the order of their issue, which said money is set apart to pay and discharge; and if said bonds, so mentioned in said advertisement, shall not be presented for payment and cancellation within two months from the expiration of such publication, then such money shall remain in the Redemption.

Treasury, to discharge such bonds whenever presented; but they shall draw no interest after the end of sixty days from the last publication as aforesaid.

Payment. SEC. 10. The faith and credit of the City and County of San Francisco are hereby pledged for the redemption of the bonds provided for in this Act, and for the payment, as it falls due, of the interest thereon.

City Hall Fund. SEC. 11. All moneys now in the City Hall Fund, created by the Act heretofore mentioned, and under which said Board of City Hall Commissioners was created, and all that shall hereafter be placed in said Fund, are hereby turned over to the General Fund of said city and county, but must be used in the payment of said contracts and indebtedness hereinbefore mentioned and specified as it shall come due, and shall be applied to said object in preference to the issuing of bonds, and thereby reduce the amount of bonds to be issued under this Act to the extent of such moneys so paid into said Fund.

Construction. SEC. 12. Nothing in this Act contained, or in the Act referred to herein, shall be construed to authorize the Board of Supervisors to make any new contracts for work or material, or in any manner to continue the work of constructing the City Hall beyond finishing up and paying off the work and materials now contracted for or already performed or delivered, or to be performed or delivered under the same.

SEC. 13. This Act shall take effect and be in force thirty days after its passage.

CHAPTER DXCV.

An Act to equalize and confirm the levy, equalization, assessment roll, publication, and sale of real estate for the nonpayment of taxes.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Legalized. SECTION 1. The levy, equalization, assessment roll, publication, and sale of delinquent taxes for the fiscal year eighteen hundred and seventy-three and eighteen hundred and seventy-four, is hereby legalized and confirmed, and shall have the same force and effect as though it had been made as provided by law.

Cumulative remedies. SEC. 2. In case different remedies are given for the enforcement or collection of taxes in the same or different statutes, such remedies must be regarded as cumulative, and either of the remedies given may be pursued, and more than one remedy may be pursued at the same time.

SEC. 3. This Act shall take effect on and after its passage.

CHAPTER DXCVI.

[See volume of Amendments to the Codes.]

CHAPTER DXCVII.

An Act to provide for the location and better maintenance of roads and highways in the County of Placer.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Public highways.

SECTION 1. All public roads and trails in the County of Placer, located and established in accordance with the present road law, and recorded in the Record Book of Roads and Highways of said county, or which may hereafter be so located, are hereby declared public highways.

Road Supervisors.

SEC. 2. The Supervisors of the several Supervisor districts shall be ex officio Road Supervisors of their respective districts, and they are hereby authorized and empowered to have general supervision of the public highways in said districts.

Road districts and Roadmasters.

SEC. 3. The Board of Supervisors shall, at their regular meeting in August, eighteen hundred and seventy-four, proceed to redistrict the county into suitable road districts, the boundaries of which shall conform so far as practicable to the boundaries of the several "election precincts;" *provided*, that the Board may establish other boundaries, when in their opinion the interests of any district, or the inhabitants thereof, would be subserved by so doing. They shall, on or before the first day of October following, cause to be published in a newspaper in the county, for not less than two weeks, the boundaries of the several road districts; also a call for an election, to be held in each district, between the hours of one and five o'clock, P. M., on the third Saturday in said month of October; such election to be held at the usual place of holding elections in the precinct, and thereafter such elections shall be held yearly on the same day, and at the same place, notice of which shall be given by the Roadmaster by posting notices in three public places in the district at least two weeks before the date of such election. Said notice shall state the time and place at which such election for Roadmaster will be held, and shall also contain an estimate made by the Roadmaster of the amount of funds which, in his judgment, will be required to be raised for road purposes, for the ensuing year; *provided*, that a majority of the voters of any district may at such election change the place of holding a succeeding election.

Election. SEC. 4. At the time of holding such election, the qualified electors of each district shall appoint, of their number, one Inspector and two Judges of Election, and shall proceed to vote by ballot for one Roadmaster, who shall be a qualified elector of the district, and the person receiving the highest number of votes so cast shall hold the office of Roadmaster for one year from the first day of January next. The electors shall at the same time determine whether a property road tax shall be levied for the ensuing year in the district, by printing or writing on the ballot the words "No tax," or the word "Tax," and (if the latter) adding the rate percent, not to exceed twenty-five cents on the hundred dollars.

Rules governing. SEC. 5. Such elections shall be governed by the laws relating to general elections, except that the "Great Register" and "legal ballot paper" shall be dispensed with.

Canvass and returns. SEC. 6. Upon the closing of the polls, the Board of Election shall canvass the votes and make a return to the Board of Supervisors, containing the following items:

First—Name of district and whole number of votes polled.

Second—Names of persons receiving votes for the office of Roadmaster, and number of votes each received.

Third—The various percents of taxation voted for, and number of votes cast for each percent; and, also the number of votes cast for "No Tax."

Returns. SEC. 7. Such return, with the "poll" and "tally list" and ballots, shall be inclosed in an envelope, sealed up, and directed to the Clerk of the Board of Supervisors, and forwarded to the county seat by mail or express, without delay.

Certificates SEC. 8. The Board of Supervisors shall, at their regular meeting in November, proceed to canvass such returns, and cause the same to be entered upon the record book of roads and highways, and shall cause the Clerk of the Board to make out and forward a certificate to the persons elected as Roadmasters in the several districts. If any district shall fail to hold such election, then the Board of Supervisors shall, at such November meeting, appoint one of the qualified electors of such district to such office.

Roadmaster's duties. SEC. 9. The person so elected or appointed shall, on the first day of January, proceed to take charge of all the roads and trails in his district, and to discharge all the duties pertaining to such office, receiving from his predecessor all moneys, books, and papers, belonging to the district, and which are properly in his charge, and receipting for the same.

As ex officio. SEC. 10. For the purpose of assessing and the collecting of property and poll taxes for road purposes, the Roadmaster shall be ex officio Assessor and Collector, and shall, within twenty days after taking his office, make out a list of all the persons residing in his district liable to pay a poll or property tax, and (unless the electors shall have decided at the last election that no property tax shall be raised) a list of property owned by each; *provided*, that in making such list he may have access to the county assessment roll of the last previous year, and he shall forward such list to the Clerk of the Board of Supervisors at the county seat, on or before the expiration of said twenty days.

SEC. 11. The Board of Supervisors shall, at its regular meeting in February of each year, levy a road poll tax not to exceed four dollars for the current road year on all persons in the County of Placer subject to pay a State poll tax, 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 County Auditor, who shall countersign them. They shall also sit at least three days, commencing with the second Monday of February, as a Board of Equalization to examine any assessments that may have been made in the several road districts of the county, and shall hear and determine all complaints made in reference thereto. Poll tax. Equalization.

SEC. 12. After having equalized said assessments they shall levy a road tax upon the property of each district in accordance with the wishes of a majority of the electors of such district, as nearly as the same can be ascertained from the returns of the last election (*provided*, that where a majority of the electors voted "No tax," or when no election was held, no property tax for road purposes shall be levied in such district for that year), and the Board shall direct the County Auditor to carry out the amounts of tax so levied upon the assessment rolls of the several districts, opposite the names of the several property owners in each district, and such tax shall become a lien upon such property. Road tax.

SEC. 13. The County Auditor shall, on or before the first Monday of March, deliver to each Roadmaster the assessment roll so completed, of his respective district, with a number of blank poll tax receipts at least equal to the number of persons therein liable to pay a road poll tax, charging him with the amount of property tax levy and number and value of poll tax receipts. Auditor's duties.

SEC. 14. The Roadmaster shall thereupon proceed to collect such poll and property tax, and apply the same for road purposes in their respective district; such taxes to be collected between the first Monday in March and November of each year. He shall also collect the road poll tax from all persons who may become residents of his district during the time in which the same may be collected, and who have not paid the same elsewhere; *provided*, that each person liable to pay a tax for road purposes shall be allowed to pay such tax by performing labor upon the highways of his district, in which case he shall be allowed compensation at the rate of two dollars per day (unless the Board of Supervisors shall fix upon a greater or less amount of "per diem") for each day's labor performed. Such labor to be done at such time and place as the Roadmasters may direct within the district, such person to receive two days' notice from the Roadmaster as to the time and place of performing such labor; *provided*, that such notice shall be given to any person, company, or corporation having laborers in their employ who are liable for such tax, and to whom such person, company, or corporation is indebted, and thereafter such person, company, or corporation shall be liable therefor. Collection. Allowance for work.

SEC. 15. If any person owing either road poll or road property tax shall refuse or neglect to pay the same, or to perform When delinquent.

Collection. labor in lieu thereof, after having received the notice as required in section fourteen, then the tax shall be deemed delinquent, and the Roadmaster shall proceed to collect the same in the manner prescribed in sections three thousand seven hundred and ninety-one, three thousand seven hundred and ninety-two, three thousand seven hundred and ninety-three, three thousand seven hundred and ninety-four, three thousand seven hundred and ninety-five, and three thousand seven hundred and ninety-six of the Political Code and the amendments thereto.

Road-master's return. SEC. 16. The Roadmaster shall make a return, in writing, to the Board of Supervisors, on or before the first day of their regular meeting in November, which shall contain: First—An account of all taxes received. Second—The amount paid in money; also, the amount paid in labor. Third—The number of days labor performed by the Roadmaster and the number of days by others in his employ, and the per diem for each class of labor. Fourth—A list showing the amount of tax delinquent and by whom delinquent; and, Fifth—The amount of blank poll tax receipts on hand, such blank receipts to accompany the account, and such return shall be duly sworn to by the Roadmaster.

Settlement SEC. 17. The Board shall cause the Auditor to credit the Roadmaster with the sum total of "taxes collected," "taxes delinquent," and "blank receipts returned," and if found to agree with the amount charged to him, the Auditor shall balance such Roadmaster's account.

Cancel tax. SEC. 18. The Board may cancel all of such delinquent tax as in their opinion cannot be collected, and shall cause the balance, if any, to be placed on the list for the next year.

Compensations. SEC. 19. The Roadmaster shall receive three dollars per day for his services, and two dollars per day, or such other per diem as the Board may fix, for any person he may employ; such services to be paid for out of the cash collections; *provided*, that if he should not receive a sufficient sum in money to pay for such services, the Board shall order the balance, not exceeding fifty dollars, to be paid out of the County General Road Fund. If the Roadmaster shall have an unexpended balance on hand, he shall pay it to his successor in office.

Roads, laying out, etc. SEC. 20. Application for the laying out of a new road or trail, or for the alteration of a road or trail already established, shall be made by petition of at least ten resident taxpayers of the district in which such proposed road or trail, or alteration, or the greater part thereof, is situated, in writing, to the Board of Supervisors, at a regular meeting of said Board, and shall designate plainly the beginning, general route, and termination of such proposed new road or trail, or alteration of a road or trail; but no petition shall be considered unless it be accompanied by an affidavit of one or more of the petitioners, stating that all the parties owning land along the line of the proposed road or trail, 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 such notice has 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 public road or highway are unknown, it shall be sufficient that the affidavit state that the parties occupying the same have been duly notified.

Objections. SEC. 21. 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 trail, 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 trail, or alterations, the Board of Supervisors shall, if they deem such proposed road or trail or alterations necessary, appoint three disinterested taxpayers, resi- Road Viewers. dents of the district in which the proposed road, or trail, or alterations is situated, who shall act as Viewers. The Supervisor of the district shall fix a day certain when they will view the same, and shall also cause to be notified the owners of lands over or through which such road or trail is proposed to be run, or the occupants thereof of the time of such meeting, by having written notices served on them personally, or by posting such notices at some conspicuous places on such lands.

Duties. SEC. 22. The Viewers, together with the Supervisor, shall, on the day set, visit, and after being duly sworn by the Supervisor, proceed to inspect the line of the proposed road or trail, and if in their judgment such proposed road, or trail, or alteration is advisable, they shall proceed to locate the same. They shall also estimate the actual damage to any land over which said road or trail will pass, taking such testimony therewith as they may deem pertinent thereto, or which persons claiming such damages may submit, and shall award the damages so found, to the person claiming them. If, after inspecting such line of proposed road or trail, they shall not deem the opening of the same advisable, they shall simply report such fact to the Board.

Report SEC. 23. When the Viewers shall have completed their labors, relative to the location of the proposed road, or trail, or alterations, they shall report the following facts to the Board of Supervisors: First—The beginning, general route, termination, and cost of construction of the proposed road or trail. Second—The estimate and award of damages to the owners of lands over which it is proposed to run the road or trail. Third—The names of land owners who consent to give the right of way, and present to the Board their written consent thereto. Fourth—The name of land owners who do not consent, and the amount of damages awarded to each, and: Fifth—The necessity for and public convenience to be subserved by the proposed road, or trail, or alteration.

Compensation. SEC. 24. The Viewers shall receive three dollars per day each, for their services, to be paid out of the "General Road Fund."

Proceedings to open. SEC. 25. On the coming in of the report, the Board of Supervisors must consider the same at their first regular meeting thereafter, and either approve or reject it. If they approve the report and it be in favor of the opening of the proposed road or trail, or alterations, and there are no non-consenting land owners, they must by order declare the same a public

highway, and direct the Roadmaster or Masters, if in more than one road district, to open the same to the public; if there are non-consenting land owners, the Board must appropriate from the "General Road Fund," and cause the Supervisor of the district to tender to such non-consenting land owners the amount of the awards for damages made by the Viewers. If the awards are all accepted, the road or trail must then be declared a public highway, and be opened as above provided.

Action for right of way.

SEC. 26. If any award of damages is rejected by the land owners, the Board must, by order, direct proceedings to procure the right of way, to be instituted by the District Attorney of the county under and as provided in "Title Seven, Part Third," of the Code of Civil Procedure, against all non-accepting land owners; and when thereunder the right of way is procured, the road or trail must be declared a public highway and opened as hereinbefore provided; all awards so found, to be paid out of the "General Road Fund."

Other Viewers.

SEC. 27. If the Board of Supervisors do not approve the report of the Viewers, they may appoint other Viewers who shall proceed in the same manner as if no previous action had been taken, or they may appoint a day certain when they will hear and determine the matter before the Board, in which case they shall cause all parties interested to be notified.

Complaints

SEC. 28. If any three or more resident taxpayers of a road district shall make a complaint in writing to the Supervisor of the district against the Roadmaster for neglect of duty, the Supervisor shall, on receipt thereof, proceed to investigate the same, and if he finds the complaint well founded, he shall direct the Roadmaster to remedy the evil so complained of. If the Roadmaster thereafter still neglect or refuse to remedy such evil, then the Supervisor may require any person or persons who are taxpayers of said district to perform such services, who shall receive the same per diem, and in the same manner, as is provided for the payment of the Roadmaster.

Repairs to bridges.

SEC. 29. The Supervisor of each Supervisor district shall have power to contract for the building or repair of any bridge in his district, the cost of which shall exceed one hundred and fifty dollars; and whenever ten or more resident taxpayers of a Supervisor district shall petition the Board for the building or repair of such bridge, they may, in their discretion, direct the Supervisor of such district to have the same done. In such case, he shall give notice, by posting written notices in at least three public places in the road district or districts in which said bridge is to be built or repaired, specifying, as nearly as practicable, the amount and kind of work to be done, and a day upon which he will receive and consider sealed proposals for the same. At the time named, he shall open all bids received, in public, and award the contract to the lowest responsible bidder. If no bids are received, then he may enter into a private contract for the same; the cost of construction or repairs of such bridge to be paid out of the "General Road Fund," by order of the Board of Supervisors.

Road tax.

SEC. 30. At the time of making the levy of State and county taxes for each year, the Board of Supervisors shall levy a property tax of not to exceed ten cents on each one hundred dol-

lars of taxable property, for the purpose of a "County General Road Fund," and which shall be collected the same as other county taxes, and applied to the payment of all warrants drawn against it in accordance with the provisions of this Act.

Purchase toll road.

SEC. 31. The Board of Supervisors shall have authority, whenever, in their judgment, the public interest so requires, to contract for and purchase any toll road in the County of Placer, the same to be paid for out of the General Road Fund.

Payment.

SEC. 32. Upon the purchase of any toll road, the Board of Supervisors may direct a warrant to be drawn, payable out of such "County General Road Fund," for the price thereof, and said warrant shall be paid by the County Treasurer; but if there is not sufficient money in said Fund to pay the full amount thereof, he shall pay whatever money there may be in said Fund, indorsing the amount on said warrant, and taking the receipt of the holder or owner thereof for the amount paid; and until the full amount of said warrant shall be paid, all money coming into said Fund shall be set apart for its payment.

Vacating roads.

SEC. 33. The Board of Supervisors may vacate or discontinue any public highway, when, in their opinion, the same shall have become useless, or burdensome, by an order to that effect duly entered in the "Record Book of Roads and Highways."

Compensation.

SEC. 34. The Supervisors shall receive four dollars per day, and ten cents per mile for the distance actually traveled, in the discharge of their duties as Road Supervisor of their respective districts; such accounts to be audited by the Board of Supervisors at their "regular meetings," and paid out of the "County General Fund;" *provided*, that the per diem of each Supervisor shall not exceed in the aggregate the sum of one hundred dollars in any one year.

Law.

SEC. 35. All matters pertaining to roads and highways, in the County of Placer, not provided for in this Act, shall be governed by the "general road law" of the State.

SEC. 36. All Acts and parts of Acts conflicting with this Act, so far as relates to the County of Placer, are hereby repealed.

SEC. 37. All parts of this Act not otherwise provided for, shall take effect and be in force from and after January first, eighteen hundred and seventy-five.

CHAPTER DXCVIII.

An Act to authorize the Trustees of the Town of Hollister to build a school house, to issue bonds therefor, and to provide for the payment of the same.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Bonds.

SECTION 1. The Trustees of the Town of Hollister are hereby authorized and empowered to issue the bonds of said town for any amount not exceeding ten thousand dollars, bearing interest at the rate of eight per ct. per annum. Coupons for semi-annual interest shall be attached to each bond, and said bond and coupons shall be signed by the President of the Board of Trustees and countersigned by the Town Treasurer and Town Clerk of said town.

Moneys.

SEC. 2. The money arising from the sale of said bonds shall be used for the building of a school house or houses in said town, and the purchase of lands on which to locate the same.

Issue and redemption

SEC. 3. The bonds authorized to be issued by the provisions of this Act, shall be due and payable in gold coin of the United States, at the Town of Hollister, on the first day of July, one thousand eight hundred and ninety-four; *provided*, that the Trustees of the Town of Hollister shall have power, and they are hereby authorized to redeem said bonds before their maturity, as hereinafter provided. The interest on said bonds shall be due and payable, in gold coin of the United States, on the first day of January and July in each year, at the Town of Hollister.

Canceled coupons.

SEC. 4. All coupons for interest, when paid, shall have the word "Canceled" written across the face of the same, with the date of said payment, by the Town Treasurer, who shall deliver them to the Town Clerk, taking his receipt therefor. Said Town Clerk shall file and preserve such coupons, and upon the books of his office record the transaction.

Interest tax.

SEC. 5. For the purpose of paying the interest on the bonds authorized to be issued by this Act, the Trustees of said Town of Hollister, at the time of levying town taxes in each year, shall levy a special tax on all real and personal property in said town, sufficient to pay the interest on the bonds outstanding, as said interest falls due. Said tax shall be assessed and collected in the same manner as other town taxes, and by the Town Treasurer set apart as a special Fund, to be known as the "School Bond Interest Fund;" and it shall be the duty of the Town Treasurer to pay said coupons out of said Fund as the same shall fall due.

If insufficient.

SEC. 6. If the special tax authorized by section five of this Act shall be insufficient to pay all the interest due in any one year, then the Town Treasurer shall pay the same out of the General Fund, and he shall retain on hand sufficient of such Fund to meet such payments. If there is a surplus produced

by such special tax, the Treasurer shall transfer the same to the "School Redemption Fund."

Redemption tax.

SEC. 7. In and for the year eighteen hundred and eighty, and annually thereafter, until all of said bonds are redeemed, the Trustees of the Town of Hollister shall levy and cause to be collected, annually, a tax sufficient to pay ten per cent on the amount of said bonds. The tax to be levied and collected under the provisions of this section, shall be assessed and collected as other city taxes, and by the Town Treasurer set apart as a special Fund, to be known as the "School Redemption Fund."

Redemption.

SEC. 8. Whenever there is in said Redemption Fund the sum of one thousand dollars or over, the Town Treasurer shall advertise in some newspaper, printed in Hollister, once a week for four consecutive weeks, that he is prepared to receive proposals for the redemption of an amount of said bonds equal to the money in said Fund, specifying the time and place for opening such proposals; said proposals shall be opened publicly in the presence of the Trustees and Town Clerk; *provided*, that no bid above par value shall be considered, and the bonds shall accompany all bids. In case of the proposals for the surrender of said bonds at par value, or less, should not absorb the whole amount in said Redemption Fund, then the Town Treasurer shall advertise (in the same manner as provided for in this section for advertising for proposals for redemption of bonds), that he is prepared to redeem at par value a certain amount of said bonds in the numerical order in which they were issued, stating the numbers. The interest upon the bonds so advertised by the Town Treasurer to be redeemed, shall cease from and after the date of said advertisement. On the redemption of any of said bonds the Town Treasurer shall cancel the same by writing across the face the word "Paid," with the date of redemption and the amount paid, and also sign said statement, deliver said bonds, and any coupons that may be thereto attached, the Town Clerk taking his receipt for the same, and the Town Clerk shall file said bonds and coupons in his office, and make a record of the same.

Sale.

SEC. 9. Before the sale of any of said bonds the Trustees shall, at a regular meeting, cause to be entered upon the records of the town, an order directing the sale of a specific amount of bonds, and shall cause to be inserted in a newspaper, published in Hollister, a notice that sealed proposals will be received by the Trustees for the purchase of said bonds; said notice to be published once a week for four successive weeks, and shall state the time and place for the opening of said proposals. At the time and place named in said notice the Trustees shall publicly open said proposals, and award the purchase of said bonds to the highest bidder; *provided*, the said Trustees may reject any and all bids; *and, provided further*, that no bond shall be sold for less than ninety cents on the dollar, par value.

SEC. 10. The Trustees may sell said bonds at not less than ninety-five cents on the dollar, par value, without the notice

Without notice. provided for in the preceding section; *and provided*, that nothing but gold coin of the United States shall be received for said bonds.

Record. SEC. 11. A full and complete record shall be kept, by the Trustees, of the number, date, and amount of such bonds, and all proceedings relating thereto.

Proceeds. SEC. 12. The proceeds of the sale of said bonds shall be paid into the Town Treasury, and used only for the purpose mentioned in section two of this Act.

Expenses. SEC. 13. The Trustees are hereby authorized to pay, out of the General Fund of said town, the necessary expenses attending the preparation, advertisement, and sale of said bonds.

SEC. 14. This Act shall take effect immediately.

CHAPTER DXCIX.

An Act to provide for the collection of certain unpaid taxes in the County of Modoc.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Collection of unpaid taxes. SECTION 1. The unpaid taxes for the fiscal years ending on the thirtieth day of June, eighteen hundred and seventy-three, and the thirtieth day of June, eighteen hundred and seventy-four, in that portion of the former territory of Siskiyou County which now constitutes the County of Modoc, must be collected by the Tax Collector of Modoc County.

Delinquent list. SEC. 2. The Auditor of Siskiyou County is hereby authorized and required to prepare a delinquent list of such unpaid taxes, and the Assessor of said county is authorized and required to assist said Auditor in preparing the same, and to correct any errors or imperfections in the descriptions of property on said list. Such descriptions, after being so corrected, shall be as effectual and valid as if they had been so made and corrected at the time of the original assessment. Said delinquent list shall be completed on or before the first day of May, eighteen hundred and seventy-four, and shall be thereupon delivered to the Tax Collector of Modoc County, who shall, within ten days after the receipt thereof, publish the same, and proceed with the collection of said taxes, and the sale of the delinquent property, in all respects conforming to the provisions of Title Nine of Part Third of the Political Code, except where such provisions are inconsistent with this Act.

Assets of Siskiyou. SEC. 3. The taxes collected under the provisions of this Act, and all other delinquent taxes for said fiscal years mentioned in the first section of this Act, in said County of Modoc, must be paid into the Treasury of said county, and the same, except the portion thereof due the State, shall be deemed and counted

as assets of Siskiyou County, within the meandering of the Act creating and organizing the said County of Modoc.

Auditor's compensation.

SEC. 4. The Board of Supervisors of Siskiyou County must audit the account of the Auditor of said county for the services required of him by this Act, and must allow him such compensation therefor as they shall deem just, which sum must be paid out of the General Fund of the county. Such sum as the Board of Supervisors may allow him for this service, shall be in addition to the fees now allowed him by law.

SEC. 5. This Act shall take effect immediately.

CHAPTER DC.

An Act supplementary to an Act entitled an Act to provide for the construction of a common wagon road from Healdsburg, in Mendocino Township, in Sonoma County, to Pine Flat, in said county, approved March eleventh, eighteen hundred and seventy-four.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Collection of tax.

SECTION 1. The Road District Assessor and Collector provided for in the Act entitled an Act to provide for the construction of a common wagon road from Healdsburg, in Mendocino Township, in Sonoma County, to Pine Flat, in said county, approved March eleventh, eighteen hundred and seventy-four, are hereby invested with the same powers, and may enforce the collection of the tax in said road district, as in said Act provided, in the same manner as other road district taxes are assessed and collected in the said County of Sonoma, and said tax shall be a lien on the property liable therefor, and be subject to be sold for delinquency under the same regulations and with the same force and effect as property in other road districts is sold for delinquent taxes.

Duties of Assessor and Collector.

SEC. 2. The Assessor shall commence assessing within fifteen days after his election and filing bonds, and on the corresponding day in each year thereafter, and shall complete his assessment and make his returns within sixty days, and the Board shall compensate him at the rate of four dollars per day for time actually employed. The first Monday after the return of the assessment, in each year, the Board shall meet as a Board of Equalization, to canvass the returns of the Assessor, and to fix the rate of tax to be collected, when all parties can appear and have their assessments equalized. The percentage levied shall be sufficient to raise the amount required, as also sufficient to compensate the Assessor and Collector, in addition thereto. The Board shall order the Tax Collector to proceed with the collection of said taxes within sixty days after action by the Board of Equalization, and the tax shall be collected in the

same manner as other county and State taxes are collected. All taxes not paid within three months from the time the Tax Collector begins collecting, shall be declared delinquent; and all delinquent taxes shall be collected as other delinquent taxes are by law enforced.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER DCI.

An Act relative to roads and highways in the County of Shasta.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Deputies.

SECTION 1. Each Road Overseer in said County of Shasta may appoint one or more deputies.

Poll tax lists, etc.

SEC. 2. Each person in said county charged with the collection of road poll tax, must keep a roll of the names of all persons subject or liable for road poll tax, and must note thereon the date and amount of each payment.

Return.

SEC. 3. On the second Monday in October, in each year, each of the persons mentioned in section two of this Act, must return to the Auditor a copy of the roll in said section provided for.

Note unpaid poll tax.

SEC. 4. If any person assessed for a property tax has not paid the road poll tax due from him, or for which he is liable, the Auditor must note the fact on the assessment roll before he delivers it to the Collector.

Lien and collection.

SEC. 5. The amount of such road poll tax, with fifty per cent addition thereto, constitutes, from the second Monday in October, a lien upon the property assessed to such person, and must be collected in the same manner, and at the same time, as taxes upon his property are collected.

SEC. 6. This Act shall be in force from and after its passage.

CHAPTER DCII.

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, eighteen hundred and sixty-six.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of "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 amended to read as follows:

Taking up animals.

Sec. 1. Any owner or occupant of any land or possessory claim, finding any horse, mare, mule, jack, jenny, horned cattle, goat, or hog, or any number of such animals, upon such land or possessory claim, having done or doing damage, whether the said claim be inclosed by a lawful fence or not, may take up and safely keep such animal or animals, at the expense of the owners, for ten days, and shall be allowed, for keeping said animal or animals, the following named sums: for each horse, mare, mule, jack, jenny, or horned cattle, the sum of twenty cents per day; and for each goat or hog, the sum of five cents per day.

SEC. 2. Sec. eleven of said Act is amended to read as follows:

Application.

Sec. 11. This Act shall only apply to the Counties of Solano, Marin, and so much of Sacramento County as lies west and south of the Sacramento and Jackson Road and the First Supervisor District in the County of Mono.

SEC. 3. This Act shall be in force from and after its passage.

CHAPTER DCIII.

An Act authorizing the City of Oakland to issue and sell bonds of the City of Oakland, and with the proceeds thereof to pay and cancel certain other bonds of said city.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Bonds.

SECTION 1. The City Council of the City of Oakland are hereby authorized to issue and sell bonds of the City of Oakland, to an amount not exceeding one hundred thousand dollars, in gold coin of the United States, payable at the office of the City Treasurer in the City of Oakland, on or before the first day of

July, one thousand nine hundred and five, and bearing interest not to exceed the rate of eight per cent per annum, payable quarterly on the second days of October, January, April, and July, in gold coin of the United States, at the office of the City Treasurer of said city; *provided, however*, that the first payment of interest shall be October second, eighteen hundred and seventy-five.

Same. SEC. 2. Said bonds shall be in sums of not less than five hundred dollars nor more than one thousand dollars, and in such quantity of each as said Council may elect, and shall be signed by the Mayor and Treasurer of said city, and shall have the seal of the city affixed thereto, attested by the City Clerk. Coupons for the interest shall be attached to each bond, signed by the Treasurer of said city, and shall be consecutively numbered.

Notice and sale. 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 place, day, and hour of such sale; and shall cause the order of such sale to be inserted and published in a newspaper printed and published in the City of Oakland, and in other newspapers, if the Council shall deem the same expedient and proper, for at least twenty days, together with a notice that sealed proposals will be received by said Council for the purchase of said bonds, in pursuance of said order. On the day and hour named in said order, the said Council shall open all sealed proposals received by them, and shall award the purchase of said bonds to the highest bidder; *provided*, that the Council may reject any or all bids; *provided further*, that no bonds shall be sold for less than ninety-five cents, in gold coin, on the dollar, par value.

Records. 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. SEC. 5. The proceeds of the sale of said bonds shall be paid into the City Treasury, and shall be denominated "The School Bond of March Thirteenth, Eighteen Hundred and Sixty-eight, and March Twenty-fourth, Eighteen Hundred and Seventy, Redemption Fund," and shall be used and expended for the purposes hereinafter named, and no other.

Sale and exchange. SEC. 6. Said bonds may be sold at private sale, by the City Council; *provided*, no bonds shall be sold at private sale for less than par value; and the Council of said city are hereby authorized to deliver said bonds in exchange and in payment and redemption of bonds issued by the City of Oakland under an Act entitled "An Act to provide funds for the school department of the City of Oakland, and to authorize the payment of certain present indebtedness," approved March thirteenth, eighteen hundred and sixty-eight, and an Act entitled "An Act to provide funds for the school department of the City of Oakland," approved March twenty-fourth, eighteen hundred and seventy; but in no case shall said bonds be so exchanged for less than par value.

SEC. 7. All the proceeds of the sales of said bonds shall be used and expended in the payment and redemption of bonds of

the City of Oakland issued under and by virtue of an Act entitled an Act to provide funds for the school department of the City of Oakland, and to authorize the payment of certain present indebtedness, approved March thirteenth, eighteen hundred and sixty-eight, and an Act entitled an Act to provide funds for the school department of the City of Oakland, in accordance with the provisions of said Acts. Proceeds, how used.

SEC. 8. For the payment within thirty years of the principal 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 said city sufficient to pay the interest on all bonds sold and redeemed, as hereinafter provided, 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 in the year one thousand eight hundred and ninety-five, and annually thereafter, in addition to the tax for the payment of interest as aforesaid, a tax not exceeding ten cents on each one hundred dollars shall be levied as aforesaid, to create a fund for the final redemption of said bonds; and the faith and credit of the city is hereby pledged for the payment of the bonds issued by said city as herein provided, and the final and complete redemption thereof, and any moneys received by taxation, as herein provided, shall not be applied or used for any other purpose than as herein provided. The money raised by taxation, as last aforesaid, shall be set apart and denominated the "Bond Redemption Fund." Redemption tax.

SEC. 9. At any time when there is money for that purpose in the Bond Redemption Fund under this Act, or by virtue of any Act hereafter enacted, the City Council of the City of Oakland shall have the right to pay and redeem any and all bonds under this Act, and whenever there is two thousand dollars, or any other sum larger than two thousand dollars, in the Bond Redemption Fund, the City Treasurer shall advertise in a newspaper printed and published in the City of Oakland, and in any other paper or papers printed and published in the State of California, as the City Council may direct, for the space of three months, for the surrender of bonds under this Act, which advertisement shall state the amount of money on hand in said Fund, set apart for the payment and redemption of said bonds, and also the numbers of said bonds, stating them in the order of their issuance, that said money will pay and redeem; and at the expiration of ten days after the publication of said notice, if said bonds are not presented for payment and redemption as herein provided, they shall cease to draw interest, and the money in said Fund may be used to pay and redeem any bond or bonds, under this Act, not included in said advertisement, which may be presented for payment. Redemption.

SEC. 10. The City Treasurer shall keep a full and particular account and record of his proceedings under this Act, of the bonds issued; sold, surrendered, redeemed, or exchanged as herein provided, and he shall transmit to the Council an abstract of all his proceedings under this Act, with his annual report. Account.

Payment of interest.

SEC. 11. It shall be the duty of the City Treasurer to pay the interest on said bonds, when the same falls due, out of the money provided for that purpose, and whenever said Interest Fund is deficient as herein provided, then to pay the same out of the General Fund; and it shall be the duty of the Treasurer to perform all duties under this Act assigned for him to do, under the direction of the City Council.

Provide bonds.

SEC. 12. Immediately on the passage of this Act, the City Attorney and City Treasurer shall provide suitable bonds under this Act, under the direction of the City Council, at the expense of the City of Oakland.

Interest tax.

SEC. 13. The City Council are hereby authorized by ordinance to levy a special tax, sufficient to pay the interest on said bonds, in the same manner as other city taxes are levied, but at a different time than now provided by law, when, in their judgment, the same is necessary and expedient.

SEC. 14. All Acts and parts of Acts, so far as they conflict or are inconsistent herewith, are hereby repealed.

SEC. 15. This Act shall take effect and be in full force on and after its approval.

CHAPTER DCIV.

An Act to authorize the Board of Supervisors of the City and County of San Francisco to lease a school lot in said city and county, and to authorize the issuance of school bonds for the purchase of sites and the erection of school buildings in said city and county.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Lease school lot.

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized to lease, for a term of twenty years, that portion of the one hundred vara school lot, number one hundred and twenty-eight, on the southeast corner of Market and Fifth streets, in said city and county, two hundred and seventy-five feet on Market street, by a uniform depth of one hundred feet, more particularly described as follows: Commencing at a point on the southeast corner of Fifth and Market streets, in said City of San Francisco; thence along the southeast line of Market street, in an easterly and northerly direction, two hundred and seventy-five feet; thence at right angles, parallel with Fifth street, in a southerly and easterly direction, one hundred feet; thence at right angles, parallel with the first mentioned bound, two hundred and seventy-five feet, to Fifth street; thence along Fifth street one hundred feet, to the point of beginning. Before leasing said lot of land, said Board shall advertise for a period of thirty days, in two daily newspapers in said city and county, soliciting sealed proposals for the use of said lot, either as a whole or divided into

Proposals.

smaller plots, as the said Board of Supervisors shall deem for the best interests of the said city and county for the time mentioned. Said proposals shall be received and opened in open session of said Board of Supervisors, and the lot shall be leased to the highest responsible bidder or bidders; *provided*, that said Board shall have the right to reject any or all proposals for said lease or leases, as the public good may require; *and, further provided*, that said Board shall not have authority to lease said lot on terms less than the following: For the first five years, at the average price of four dollars per front foot on Market street per month; for the second five years, at the average price of six dollars per front foot on Market street per month; for the third five years, at the average price of eight dollars per front foot on Market street per month; and for the fourth five years, at the average price of ten dollars per front foot on Market street per month. Said proposals shall state specifically the amount, per month, per front foot on Market street, that the bidder will pay for the use of said property, in accordance with the terms of the advertisement of the Board of Supervisors; and if the said Board of Supervisors shall offer said property in separate plots, said bidders shall state distinctly upon which of said plots their bids are made. Terms.

SEC. 2. The money accruing from the lease of the lot mentioned in the first section of this Act, shall be paid monthly, in United States gold coin, to the Board of Supervisors of the City and County of San Francisco, and shall be immediately deposited in the Treasury of said city and county, and shall constitute a special Fund, to be used for the sole purpose of paying the principal and interest of the school bonds authorized to be issued under the third section of this Act; and any surplus remaining after payment of said principal and interest, shall be a special School Fund, and the Board of Supervisors is hereby authorized to expend the same for the sole purpose of purchasing school sites and erecting school houses. Moneys, how used.

SEC. 3. The Mayor, Auditor, and Treasurer of the City and County of San Francisco, are hereby authorized and required to issue school bonds for school purposes, from time to time, in the total sum of two hundred thousand dollars. Said bonds shall be payable in twenty years from the first day of July, one thousand eight hundred and seventy-four, and shall bear interest at the rate of six per cent per annum; which interest shall be payable on the first days of July and January, in the City and County of San Francisco. Said bonds shall be signed by the Mayor, Auditor, and Treasurer of said city and county, and the coupons attached to said bonds shall be signed by said Treasurer. School bonds.

SEC. 4. 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 set forth in this Act. Same.

Sale. SEC. 5. 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, after having first advertised the same for four weeks, in two daily newspapers in said city and county, and the proceeds thereof shall be immediately placed in the Treasury of said city and county, and constitute a special School Fund; and the Board of Supervisors of the City and County of San Francisco is hereby authorized to expend the proceeds of said bonds for the sole purpose of purchasing school sites and erecting school buildings. The Mayor, Auditor, and Treasurer of said city and county are hereby authorized to reject any and all bids for said bonds as the public good may require.

How paid. SEC. 6. The principal and interest of said bonds shall be paid, when due, by the Treasurer of said City and County of San Francisco, from the moneys received from the lease of the school lot on the corner of Market and Fifth streets, in said city and county, as provided in the first and second sections of this Act; and if at any time, through default in the payment of rent, or from other causes, said special Fund shall be found insufficient to meet said interest or principal, it shall become the duty of the Board of Supervisors to pay the same out of the General Fund, and to levy a tax sufficient to meet the deficiency.

Redemption. SEC. 7. Whenever and as often as there shall be funds in the Treasury of said city and county, to the credit of the Sinking Fund provided in section two of this Act, amounting to ten thousand dollars, it shall be the duty of the Treasurer of said city and county to advertise, from time to time, for thirty days, in two daily newspapers published in the City and County of San Francisco, for proposals to surrender said bonds, upon the best terms, not exceeding their par value, and report the same to the Commissioners of the Sinking Fund, who shall immediately thereafter order paid the amount necessary to redeem the bonds 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 proposals to surrender bonds do not equal the amount of such Sinking Fund, then the Commissioners of the Sinking Fund 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.

SEC. 8. All Acts and parts of Acts, so far as they are inconsistent with the provisions of this Act, are, for the purposes of this Act, hereby repealed.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAPTER DCV.

An Act relating to the School Fund of Lee School District, in Sacramento County.

[Approved March 30, 1874.]

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 Superintendent of Common Schools of Sacramento County, to apportion to Lee School District, in said county, the money apportioned to said district in the year eighteen hundred and seventy-three, and forfeited by a failure to comply with the letter of the law, in keeping said school open during that year. The money thus apportioned, being about the sum of two hundred and twenty-three dollars and ten cents, shall be paid out of the Contingent Fund, and shall be allowed and paid by the several county officers, in the same manner as other school moneys are allowed and paid to the several school districts. Apportionment of school moneys.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DCVI.

An Act granting certain privileges to the North Beach and Mission Railroad Company.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the North Beach and Mission Railroad Company, the assignee of the franchises hereinafter mentioned, to lay and complete the several railroads which it is authorized to construct, equip, and maintain in the City and County of San Francisco, under the franchises granted by the Acts entitled as follows: An Act to provide for street railroads within the City and County of San Francisco, approved April the 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, approved April the seventeenth, eighteen hundred and sixty-one, and by the several Acts amendatory of and supplementary to said Acts, and each of them, is hereby extended for the period of one year and a half from and after the first day of September, eighteen hundred and seventy-four; and the right of said company to construct and maintain its tracks as now laid down, and all of Time extended.

its roads as defined in any of said Acts, is hereby ratified and confirmed; *provided*, the extension of time hereby granted shall not be construed to impair the rights of any other street railroad franchise heretofore granted.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DCVII.

An Act to pay J. E. Foulds for services rendered to the Assembly Committee on Corporations of the nineteenth session of the Legislature.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of two hundred dollars is hereby appropriated from any money in the General Fund not otherwise appropriated, and the Controller shall draw his warrant in favor of J E. Foulds for said amount, and the State Treasurer shall pay the same, for services rendered as phonographic reporter for the Assembly Committee on Corporations of the nineteenth session of the Legislature of the State of California.

SEC. 2. This Act shall take effect immediately.

CHAPTER DCVIII.

An Act to submit to the qualified electors of the City of Stockton the proposition to pay the claim of Henry Meyers.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Vote on claim.

SECTION 1. At the next municipal election to be held in the City of Stockton, the proposition to pay to Henry Meyers the sum of one thousand nine hundred and fifty-five dollars, in United States gold coin, with legal interest thereon from May, A. D. one thousand eight hundred and seventy, for balance due and uncollected on contract for grading Fremont street, in said city, in the years one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, shall be submitted to the qualified electors of said city.

Ballots.

SEC. 2. At such municipal election ballots shall be prepared indorsed, "Pay the claim of Henry Meyers—Yes," and "Pay the claim of Henry Meyers—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 City Council of said city shall thereupon order paid said amount of principal and interest, and the City Clerk of said city shall draw his warrant therefor, and the Treasurer of said city shall, upon presentation of said warrant, pay the same out of any moneys not otherwise appropriated, in the General Fund. If "yes."

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER DCIX.

An Act to protect agriculture, and to prevent the trespassing of animals, in Tehama County.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The owner or occupant of any land, whether the same is enclosed or not, may take up and safely keep, at the expense of the owner, any animal found trespassing upon said land. He shall be allowed for each day of keeping, from the time of taking up until sold or redeemed, as provided for in this Act, compensation as follows: for each animal other than sheep or hogs, twenty cents; for each hog, ten cents; and for each sheep, five cents. He shall also be allowed such damages as he may have sustained by the trespass. The taker-up shall furnish all animals so taken up a reasonable and sufficient amount of food and water, and any neglect so to do shall entitle the owner of the same to a reasonable deduction from the amount allowed to the taker-up, as provided in this section for the keeping thereof. Taking up animals, etc.

SEC. 2. The owner or occupant of the land, on taking up any animal, shall post a description of the animal, containing the color, kinds, and also marks and brands, if any, of the same, upon the public highway nearest said lands, and file a copy of said description with the Justice of the Peace, who shall forward the same to the Recorder of the county; but the Recorder shall [not] file the copy of said description until the payment of a fee of one dollar; to forthwith compare the marks and brands, if any, described in said description, with the record of the marks and brands in his office, and thereupon to notify the owner or owners of such marks and brands of the fact, and pendency of such action, and the Court and time when, and place where the same is set for hearing; and the taker-up shall, within five days after such seizure, after first posting and filing the description hereinbefore provided, file a complaint, verified by his affidavit, in the office of any Justice of the Peace of the township in which he resides, or in which the lands trespassed upon are Notices and proceedings.

situated, against the owner of the property seized, if known, and if unknown, he may be sued as "unknown owner;" all owners may be joined as defendants in one action.

Complaint. SEC. 3. The form of the complaint shall be substantially as follows: "A. B., plaintiff, vs. C. D., defendant. In Justice's Court, before E. F., J. P. A. B. complains and says, that he is a resident of —— Township, in the County of Tehama, that he has posted a notice containing a description of the animal (their marks and brands, if any), and has forwarded a copy of said notice for filing with the County Recorder, and that C. D. is the owner thereof (or that the owner or owners are unknown), and that said animal, on the —— day of ——, A. D. 18——, was seized by plaintiff while trespassing upon land owned by —— (or in the occupancy of ——) the plaintiff, situated in —— Township, county aforesaid (or had trespassed, and afterwards, on the —— day of ——, 18——, was seized), that the said animal damaged the plaintiff as follows: (here describe the nature of the damage,) committed to the plaintiffs damage in the sum of —— dollars. The following is a description of the animal (giving the color of and the marks and brands on the same sufficient to identify it), wherefore plaintiff prays judgment for the amount allowed him by section one, for the keeping of the animals (without naming the amount, and if damages are claimed), and for the damage, in the sum of —— dollars, and costs of suit.

Same. SEC. 4. If more than five animals of any one kind have the same mark or brand, they may be described in one lot as so many animals (naming the kind) bearing the marks and brands (describing the same). No objection shall be made to the form of the complaint, if it be sufficiently intelligible and the animals can be sufficiently identified thereby.

Summons. SEC. 5. The Justice shall issue a summons directed to the defendant by name, if known, or if unknown, then to "unknown owner," requiring him to appear before the Justice, at his office, at a specified time, to answer the complaint of the plaintiff; the form of the summons shall be substantially as follows: "A. B. vs. C. D., in Justice's Court, before E. F., J. P. The People of the State of California to C. D., defendant: You are commanded to appear before me, at my office in —— Township, in the County of Tehama, at —— o'clock — M., on the —— day of ——, A. D. 18——, to answer to the complaint of A. B., who claims to recover against you the amount allowed by law, for the keeping of certain trespassing animals from the —— day of ——, 18——, (or, if damages are claimed), and damages in the sum of —— dollars, when, if you fail to appear, judgment will be rendered accordingly. E. F., Justice." The Justice shall also deliver to the officer serving the summons a copy of the description of the animals as contained in the complaint.

Service. SEC. 6. The summons shall be returnable in not less than two nor more than ten days from its date, and shall be served at least two days before the time of appearance, and, except as provided for in the next section, shall be served by the Sheriff, or any Constable of the county, as summons in civil actions in Justice's Courts are served. The officer shall, not later than one day after receipt of summons, post a description of the

animals on the outside of the Justice's office; such posting is not essential to the service of the summons, but if the officer fails to post such copy, he shall not be allowed any fees for any services in the action prior to judgment.

By publication.

SEC. 7. When the defendant cannot be found, and such fact shall appear by affidavit, or otherwise, or when the defendant, or owner, is unknown to the plaintiff, and the Justice is satisfied that the name of the owner cannot be ascertained from the mark and brand book, the Justice shall order that the service of the summons be made by publication in some newspaper published in the county, for two weeks, at least once a week, or if there be no newspaper published in the county, then by posting a copy of said summons, and a copy of a description of the animal or animals, for two weeks, in two conspicuous places in the township, and also at the County Court House. The publication of the summons in the newspaper shall be accompanied by a description of the animal or animals, as nearly correct as possible. The service of summons shall be complete at the time prescribed for publication, or posting, as the case may be.

Judgment.

SEC. 8. If the judgment be for the plaintiff, the amount of the judgment shall be computed according to the provisions of section one, from the time of the trespass, for each day of such trespass and keeping, until the day of judgment, and shall be also for such damages as he shall have sustained, with his costs of suit.

Execution and sale.

SEC. 9. The plaintiff may have execution issued upon the judgment, and property seized belonging to the judgment debtor, may be levied upon, and sold as other personal property is sold under execution. Before the sale of the property notice shall be given of the sale by posting written notices of the time and place of sale, in three public places in the township where the sale is to take place, as follows: First—In the case of animals other than hogs or sheep, for not less than thirty nor more than forty successive days. Second—In the case of other property, for not less than five nor more than ten successive days.

Keeping property.

SEC 10. The officers charged with the levy of the execution may, at his discretion, leave the property first by the plaintiff seized, in the possession of the plaintiff until the day of sale, if the plaintiff consents; and for the keeping of the same he shall be allowed the amount provided for in section three, to be collected on execution as accruing costs.

Title and delivery.

SEC. 11. Upon the sale of any personal property, the officer shall deliver the same to the purchaser, with a bill of sale thereof, containing a description of the property sold, the amount of the purchase price, the title of the action, and a statement that the property was sold in pursuance of this Act; and the property shall be particularly described by color, kinds, marks, and brands. The delivery of the property and the bill of sale vests to the same, absolutely in the purchaser.

Surplus.

SEC. 12. Any proceeds of the sale, after satisfying the judgment and costs, shall be paid by the Justice to the owner and defendant, upon demand, if demanded within six months after

date of sale, otherwise it shall be paid into the County Treasury for the use of the County School Fund of the county.

When owner may demand.

SEC. 13. The owner of animal or animals seized under this Act may, previous to the sale, demand and have possession of the same, or of so many as he may claim, upon making proof of ownership and paying his proportion of the fees, charges, allowances, and damages. He shall give the plaintiff one day's notice of the time when the said proof is to be taken by the Justice, and shall pay all the costs of such proceeding and hearing. The only question under this section shall be that of ownership, and the order of the Justice directing the plaintiff to surrender possession of the animal to the claimant, shall be a bar to any action therefor by any other claimant.

Bond on surrender.

SEC. 14. If the claimant, under the proceedings provided for in the preceding section, shall deny any of the material allegations of the complaint, and shall desire the surrender of the animal or animals, he shall first file with the Justice an undertaking, to be approved by the Justice, with two or more sureties, in the sum of double the amount for which the action is brought, and the estimated costs of the suit, or such further sum as the Justice may order, conditioned that the defendant will pay all of the judgment, damages, and costs recovered in said action by the plaintiff, or his proportion thereof, when the same is ascertained.

Justice's records.

SEC. 15. The Justice shall keep a book, open to public inspection, in which he shall record all sales made under this Act, a description of the animals sold, the price paid, name of purchaser, amount of costs, fees, and charges, and any surplus remaining after such sale. If any surplus be received by the owner of the animal, he shall receipt for the same on the margin of the book. The book, with any surplus money in his hands, must be delivered by the Justice to his successor.

Fees.

SEC. 16. The fees of the Justice, or Constable, or Sheriff, for services under this Act, shall be the same as are allowed by law to such officers for similar services; but the Board of Supervisors may annually, at its first meeting in the year, fix the fees of such officers for the services rendered under this Act.

Construction.

SEC. 17. Nothing in this Act shall be so construed as to prohibit any person from driving any stock over any public highway, or from watering stock at any natural watering place not fenced in on said public highway; *and, provided*, such person so driving such stock shall have a reasonable number of persons to aid and assist in the driving, and shall not be guilty of negligence, and unreasonable waste or injury to land or crops.

Misdemeanor.

SEC. 18. Any person who shall drive any animal from land other than their own on to any other land or possessory claim, for the purpose of taking advantage of any provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished as provided by law, and shall be liable in damages to any person injured thereby.

Same.

SEC. 19. Any person who shall unlawfully drive off or lead away any animal, seized under this Act, from the possession of any person who lawfully seized the same, or from its place of keeping, is guilty of a misdemeanor, and shall be punished as provided by law.

SEC. 20. Any person who shall tear down, deface, or destroy any summons or any notice required by this Act to be posted, shall be guilty of a misdemeanor, and, upon conviction, shall be punished as provided by law. Same.

SEC. 21. All charges, damages, costs, and expenses, and fees provided for in this Act, shall be paid in the gold coin of the United States. Coin.

SEC. 22. The words "animal" or "animals," used in this Act, shall include the words "turkey" and "turkeys," and for the allowance for keeping the same, and the time of posting notice of sale under execution, shall be the same as is provided for sheep. "Animal" defined.

SEC. 23. Each Justice of the Peace shall make quarterly returns to the Board of Supervisors of all money remaining in his hands, or paid into the County Treasury, during the preceding three months, under the provisions of this Act. Returns of Justice.

SEC. 24. The provisions of the Code of Civil Procedure regulating proceedings in civil cases, Justices' Courts, shall be applicable to proceedings under this Act when the provisions of the same are not inconsistent with the provisions of this Act. Code.

SEC. 25. This Act shall apply only to Tehama County, and all Acts and parts of Acts in conflict with this Act, so far as they are in conflict with this Act, are hereby repealed; *provided*, that this repeal does not include or affect any Act or parts of Acts requiring railroads to be fenced, and all such Acts shall remain in force. Where to apply.

SEC. 27. This Act shall take effect and be in force on and after the first day of June, eighteen hundred and seventy-four.

CHAPTER DCX.

[See volume of Amendments to the Codes.]

CHAPTER DCXI.

An Act supplementary to and amendatory of 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; also, an Act approved April first, eighteen hundred and seventy.

[Approved March 30, 1874.]

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 survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight, and an Act amendatory thereof, approved April first, eighteen hundred and seventy, is hereby repealed, in so far as it provides for a Board of Tide Land Commissioners; and the said Board of Tide Land Commissioners are hereby required Transfer. and directed to turn over to the State Board of Tide Land Commissioners all books, papers, maps, and charts, belonging to the Commission.

Tide Land Commissioners. SEC. 2. The State Board of Tide Land Commissioners are hereby invested with all the duties and powers heretofore vested by law in the Board of Tide Land Commissioners. They shall keep an office in the City of San Francisco, which shall be kept open between the hours of ten o'clock A. M., and four o'clock P. M., each business day in the year.

Clerk and duties. SEC. 3. Within five days after the approval of this Act, the State Board of Tide Land Commissioners shall meet and elect a Clerk, who shall take charge of the books and papers of the office. He shall keep a clear and distinct record of the proceedings of the Board, which shall be open for inspection of the public during business hours. The salary of the Clerk shall be two hundred dollars per month, payable monthly. The said Clerk shall enter into a bond in the sum of ten thousand dollars, for the faithful performance of his duties; said bond to be approved by the Governor.

Compromise. SEC. 4. The Commissioners, or a majority of them, shall have the power to compromise with any adverse claimants to any portion or portions of tide lands under their control, whensoever and on such terms as they may deem most conducive to the interests of the State; all such compromises to be by the advice of the Attorney General of the State.

Sales. SEC. 5. All sales shall hereafter be made for cash, and lands upon which payments shall have been delinquent for ninety days after the passage of this Act, shall be forfeited to the State, and resold.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAPTER DCXII.

[See volume of Amendments to the Codes.]

CHAPTER DCXIII.

[See volume of Amendments to the Codes.]

CHAPTER DCXIV.

[See volume of Amendments to the Codes.]

CHAPTER DCXV.

An Act to prevent the trespassing of animals upon private property in the County of El Dorado.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be lawful for any person or persons who may be the owner, owners, or managers of any horses, cattle, mules, jacks, sheep, or goats, and not the owner or legal occupants of sufficient uninclosed grazing land to pasture and maintain the same, to turn at large, drive, or herd such stock upon the land or possessory claim of any owner or legal occupant thereof, without consent of such owner or occupant; and should such stock be found upon such lands, they must be considered trespassing, and the owner, owners, or managers of such animals must, upon notice given by the owner or occupant of the land so trespassed upon, remove said animals without delay; and if not so removed, then the owner or occupant of lands so trespassed upon may make complaint, on oath, before any Justice of the Peace of the county, who must, upon proof being made of trespass and notice, order such animals to be forthwith removed, and if not removed as ordered, then the owner, owners, or managers of any such stock shall be deemed guilty of a misdemeanor, and upon conviction, shall, in the discretion of the Court, be fined in a sum not less than ten nor more than two hundred dollars and costs; and if the trespass be repeated by the neglect of the owner, owners, or managers

Animals trespassing.

If not removed.

Penalty. of such animals, he or they must for the second and every subsequent offense, be subjected to double such fine; *provided*, that

If owners unknown. when the owner or owners of such animals are unknown to the owner or occupant of the lands or possessory claims on which it is found trespassing, the owner or occupant thereof may take up and safely keep such animal or animals, at the expense of

Cost of keeping. the owner, for ten days, and shall be allowed therefor the following sums: for horses, cattle, or mules, twenty-five cents each per day; for sheep or goats, six cents each per day. Writ-

Notices. ten notices containing a description of the animals, their marks and brands, and stating the cause of detention, shall immediately be posted conspicuously in three of the most public places in the township, and a copy delivered to a Justice of the Peace of the township.

Complaint before Justice. SEC. 2. At the expiration of ten days, if the animal or animals have not been applied for, and sooner, if they have, and the parties cannot agree on the amount of damages and compensation found or assessed by three disinterested persons selected by the parties aforesaid as arbitrators (are selected), the taker-up, when the damages and compensation claimed shall be less than three hundred dollars, shall file a written complaint, verified by his oath with a Justice of the Peace of the township, setting forth the facts, location, and nature of the alleged damages, and stating the amount he claims against said animal or animals, and that he has actually sustained the damages claimed.

Action. SEC. 3. The action shall be against the property in rem, and any action thus commenced shall include all the animals thus found doing damage, whether of one or more brands, and no judgment shall be entered up under the provisions of this Act, by default or otherwise, as to the damage done, except upon the testimony of two creditable witnesses, whose names shall be entered in the Justice's docket. The summons shall be

Service of summons, etc. served by posting a copy of the same conspicuously on the outside of the door of the Justice's office, and in three other public places in the township, and shall be returnable in not less than ten days from such posting; the return of the officer certifying such posting, or of any person qualified to be a juror, who did it justifying to the same, shall be evidence of a sufficient service thereof; if judgment be in favor of the plaintiff, the

Levy and sale. property may be levied upon and sold as other personal property seized on execution; if the judgment be for the defendant, the plaintiff shall pay such damages and costs as may be awarded by the Court or jury. The officer selling shall give a bill of sale to the purchaser, describing the animal or animals sold, the price paid therefor, and stating that the sale was by authority of this Act. Any overplus of the proceeds of such

Overplus. sale, after satisfying the judgment, shall be paid by the Justice to the owner of the property upon demand, if demanded within three months from the date of sale, otherwise it shall, at the expiration of that time, be immediately paid into the County Treasury, for the benefit of the County School Fund; also, all fines collected under the provisions of section one of this Act must be paid into the Common School Fund of the county.

SEC. 4. The Justice shall keep a book, which shall be open to public inspection, and shall make a record therein of all sales made by his order, under this Act, a description of the animal sold, the price paid, the name of the purchaser, amount of fees and charges, and the amount of surplus money, if any, arising from such sale; and if such surplus money shall be received by the owner of any animal, he shall receipt for it on the margin opposite such record; and the Justice shall, without fee, give this book over to his successor in office, and also any surplus money in his hands arising from any sale made by authority of this Act; and the receipt of his successor shall be a legal discharge of the retiring Justice for all such sums paid. Record of sales.

SEC. 5. The fees of Justices and Constables, for services under this Act, shall be the same as allowed by the general fee bill for similar services in other civil actions. Fees.

SEC. 6. When any animal seized, under this Act, is believed to be worth forty dollars or more, the Justice shall, in addition to the notice of sale hereinbefore provided for, publish, at least ten days before the sale, in a newspaper of the county, if one is published therein, a notice of the proposed sale, with a description of the animal, the cost of which shall be allowed in addition to the fees and charges hereinbefore allowed, and, if the notice be so made, this sum shall be paid whether the animal be redeemed or sold. Notice of sale.

SEC. 7. Any owner or owners of any animal or animals, seized under the provisions of this Act, may, at any time previous to the sale, demand, and shall be entitled to the possession of such animal or animals, or of so many as he may claim, upon his making satisfactory proof of ownership, and paying his proportion of the fees, charges, and damages; and after the sale may, at any time within three months, redeem said animal or animals, by producing satisfactory proof of his right thereto, and paying the purchaser the amount of the purchase money, with interest at the rate of one per cent per month. When owner may demand.

SEC. 8. Any person who shall drive stock from lands other than his own, on to any lands or possessory claim, for the purpose of taking advantage of any provisions of this Act, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished accordingly. Misdemeanor.

SEC. 9. This Act must not apply to persons traveling with or driving animals to market, or to other points for pasturage; *provided*, that no owner, owners, or managers of such stock shall stop on such lands for more than one night, and that for camping only; nor shall it apply to the owner, owners, or legal occupants of uninclosed grazing lands, when such lands are adjacent to the lands on which their stock may be running at large, and are proportionate to the number of their animals which may be herded or running at large; the maximum number of cattle or horses not to exceed twenty to each one hundred acres, nor more than one sheep or goat to one acre. Application.

SEC. 10. This Act shall not be constructed to prevent the owner, owners, or legal occupants of lands trespassed upon, from recovering, by civil suit, from the known owner, owners, or managers of animals committing such trespass, all damages Act construed.

that such owner or occupant may have sustained by reason of such trespass.

SEC. 11. This Act shall only apply to Mud Springs Township, in El Dorado County.

SEC. 12. This Act shall take effect thirty days from and after its passage.

CHAPTER DCXVI.

An Act to appropriate money to pay for services rendered the State by William Hale.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. Such an amount as the State Board of Examiners may allow, not to exceed the sum of twenty-five hundred dollars, is hereby appropriated out of any money in the General Fund in the State Treasury not otherwise appropriated, to pay Mrs. William Hale for services rendered by her husband, William Hale, deceased, as counsel of the State in the action of the People of the State of California vs. Wm. E. Dennis, B. Davidson, and others.

Warrant.

SEC. 2. The Controller of State is hereby directed to draw his warrant on the State Treasurer for such an amount as shall be allowed by the Board of Examiners, in favor of Mrs. William Hale.

SEC. 3. This Act shall be in force from and after its passage.

CHAPTER DCXVII.

[See volume of Amendments to the Codes.]

CHAPTER DCXVIII.

An Act to regulate the fees of Justices of the Peace and Constables in the County of Sacramento.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Justices of the Peace and Constables in the County of Sacramento, are hereby allowed to charge and receive for their official services, respectively, the same fees now allowed to those offices 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 Joaquin, San Mateo, San Luis Obispo, Shasta, Santa Barbara, Sutter, Tehama, Fresno, Trinity, Yolo, Tuolumne, and Tulare, by an Act entitled "An Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in violation thereto," approved March fifth, eighteen hundred and seventy. Fees.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DCXIX.

An Act to authorize the Board of Supervisors of the City and County of San Francisco to appoint a Messenger to the Board of Fire Commissioners of said city and county.

[Approved March 30, 1874.]

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 is hereby authorized and empowered to appoint a suitable person to act as Messenger and Janitor to the Board of Fire Commissioners and Chief Engineer's office of the Paid Fire Department of the City and County of San Francisco, who shall receive a salary not exceeding one hundred dollars per month, payable as the salaries of other employés of the said fire department. Messenger.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DCXX.

[See volume of Amendments to the Codes.]

CHAPTER DCXXI.

[See volume of Amendments to the Codes.]

CHAPTER DCXXII.

An Act to provide for the payment of certain Controller's warrants.

[Approved March 30, 1874.]

Preamble. Whereas, it appears from information furnished by the Controller and Surveyor General, that Controller's warrants have been drawn upon the State Treasury against the funds of Swamp Land Districts numbered One, Two, Five, and Eighteen, in excess of assets of said districts, which warrants are in the hands of innocent purchasers in good faith, and cannot be paid because of the deficiency in the assets of said districts;

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Swamp lands and warrants. SECTION 1. Controller's warrants now outstanding, drawn upon the funds of Swamp Land Districts numbered One, Two, Five, and Eighteen, shall be received in payment of any swamp lands in this State, except such lands as are at the date of this Act being reclaimed by works of reclamation as provided by law, or have been so reclaimed; *provided*, that if any land, which has been paid for in such warrants, shall hereafter be included in a swamp land district requiring reclamation, such land shall pay its proper proportion of such reclamation in coin, without regard to the payments in warrants; *provided further*, that no warrant shall be received in payment until the legality of its issue has first been examined by the Attorney General, and his certificate that it was legally issued attached thereto, for each of which certificates he shall be entitled to charge and receive from the holder of such warrant the sum of one dollar.

SEC. 2. This Act shall take effect from and after its passage, and all Acts and parts of Acts in conflict with its provisions are hereby repealed.

CHAPTER DCXXIII.

[See volume of Amendments to the Codes.]

CHAPTER DCXXIV.

[See volume of Amendments to the Codes.]

CHAPTER DCXXV.

[See volume of Amendments to the Codes.]

CHAPTER DCXXVI.

An Act to repeal an Act supplementary to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and seventy-four.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act entitled an Act supplementary to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and seventy-four, is hereby repealed. Repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER DCXXVII.

An Act for the better protection of the stockholders in corporations, formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Books of mining corporations.

SECTION 1. It shall be the duty of the Secretary of every corporation formed under the laws of the State of California, for the purpose of mining, to keep the books of such corporation as prescribed by its by-laws; *provided*, such by-laws are not inconsistent with the laws of this State. The books of such corporation shall be produced for examination and inspection during the hours of business every day in the year, Sundays and legal holidays excepted, upon the demand of any stockholder holding and presenting a certificate of stock in such corporation, either in his own name or properly endorsed; and the Secretary of such corporation shall be required, upon the demand of any stockholder holding stock in such corporation to the amount of five hundred dollars, par value, to have the books of the corporation written up at the end of each month, and shall make out a balance sheet, showing the correct financial condition of the corporation; and on or before the tenth day of January and July, of each year, he shall make out a written statement, showing all the business and financial transactions of the corporation for the six months preceding, which statement shall also contain a full description of all property of the corporation, and the character and extent of the same; and such statements, together with all papers and records of the corporation, shall be open to examination and inspection upon any demand by such stockholder. All demands of stockholders, as specified in this section, shall be made to the Secretary, at the office of the corporation where its principal place of business is located.

Statements

Examination of grounds, etc.

SEC. 2. Any owner of stock of the par value of five hundred dollars, in any of the corporations mentioned in section one of this Act, shall, at all hours of business or labor on or about the premises or property of such corporation, have the right to enter upon such property and examine the same, either on the surface or under ground. And it is hereby made the duty of any and all officers, managers, agents, superintendents, or persons in charge, to allow any such stockholder to enter upon and examine any of the property of such corporation at any time during the hours of business or labor; and the presentations of certificates of stock in the corporation of the par value of five hundred dollars, to the officer or person in charge, shall be prima facie evidence of ownership and right to enter upon or into, and make examinations of the property of the corporation.

SEC. 3. The violations of any of the provisions of sections one and two of this Act shall subject the Trustees of the corporation to a fine of two hundred dollars, and costs of suit, and the expenses of the stockholders so refused, in traveling to and from the property, which may be recovered in any Court of competent jurisdiction, either in the county where the property is situated or in the county where the office and principal place of business of the corporation is situated, which said fine shall be imposed and collected for and paid over to the person so refused, together with all moneys collected for the said traveling expenses. Penalty.

SEC. 4. All Acts in conflict with the provisions of this Act are hereby repealed.

CHAPTER DCXXVIII.

[See volume of Amendments to the Codes.]

CHAPTER DCXXIX.

An Act in relation to the formation of a new swamp land district.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Immediately after the passage of this Act the owners of land in Swamp Land District Number One Hundred and Fifty, consisting of what is known as Merrit Island, in Yolo County, may proceed to elect Trustees, and make and record by-laws, as provided in sections thirty-four hundred and fifty-two and thirty-four hundred and fifty-three of the Political Code, and they shall thereafter proceed in the work of reclamation, as provided in said Code, with the modifications herein contained. May organize.

SEC. 2. Immediately after the passage of this Act the owners of the land in said district shall proceed to elect Trustees, and make and record by-laws, as provided in sections thirty-four hundred and fifty-two and thirty-four hundred and fifty-three of the Political Code, and they shall thereafter proceed in the work of reclamation as provided in said Code, modified by this Act. Shall organize.

SEC. 3. All assessments for reclamation purposes in said district shall be made as provided in the Political Code. Assessments.

SEC. 4. The Trustees shall employ a competent engineer, and shall proceed to adopt a plan for the reclamation of the Engineer

district, and may adopt as a part of said plan, any work heretofore accomplished.

Work done. SEC. 5. If any part of such work heretofore done shall be adopted in making such reclamation, the amount of work done by said land owners shall be estimated by the engineer, and the value thereof shall be credited to such owner on the assessment roll; and any payments in money by any land owner, which has been expended in such works, shall be properly credited.

Debt. SEC. 6. If it shall be hereafter ascertained that at law or in equity the land described in section one of this Act ought to bear, or sustain, or pay any of the debt outstanding against Swamp Land District Number Eighteen, such proportion of such debt shall be paid by Swamp Land District Number One Hundred and Fifty, notwithstanding anything in this Act contained.

SEC. 7. This Act shall take effect immediately.

CHAPTER DCXXX.

An Act to authorize the Board of Supervisors of Solano County to levy a road tax.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Road tax. SECTION 1. The Board of Supervisors of Solano County are hereby authorized and empowered, at the time and place that other county taxes are levied and assessed, to levy a road 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; shall be paid into the Road Fund of Solano County, and shall be subject to the payment of warrants heretofore registered, upon said Fund, in their proper order, as provided by law. All expenses for repairing roads and bridges, laying out new roads, and for general road purposes, shall not exceed one third of the amount collected each year, and the other two thirds shall be applied to the payment of the outstanding registered warrants drawn on the Road Fund, and be paid out of said Road Fund.

How applied.

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 DCXXXI.

An Act granting leave of absence to the County Surveyor of Butte County.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. James McGann, County Surveyor of the County of Butte, is hereby granted leave of absence from the State for a period of time not exceeding two months, during his present term of office; *provided*, he shall leave a competent deputy in his place. Leave of absence.

SEC. 2. This Act shall be in force on and after its passage.

CHAPTER DCXXXII.

An Act to regulate official salaries in the County of Solano.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The annual salaries of the officers of Solano County, hereinafter named, shall be as follows: First—Sheriff, four thousand dollars. Second—Clerk, three thousand dollars. Third—Recorder, three thousand dollars. Fourth—Treasurer, three thousand five hundred dollars. Fifth—Auditor, fifteen hundred dollars. Sixth—Assessor, three thousand three hundred dollars. Seventh—School Superintendent, twelve hundred dollars. Salaries.

SEC. 2. No compensation shall be allowed to any officer named in section one, for deputies or assistants, or for the performance of any duties devolved upon him by virtue of his office; but the compensation fixed in said section shall be in full for all services rendered, except that: First—The Sheriff may retain for his own use the mileage received by him in civil cases, the sums received by him for conveying prisoners to the State Prison, and patients to the Insane Asylum, the fees for collecting licenses, and the amount allowed by the Board of Supervisors for feeding prisoners confined in the County Jail, not exceeding fifty cents per day for each prisoner. Second—The Assessor may retain for his own use, the percentage allowed by law for collecting poll taxes, and the property tax on personal property. In full. Except.

SEC. 3. For all services performed by said officers, their deputies or assistants, except such services as may be performed

Collect fees. for the county, such officers shall charge and collect the fees allowed by law, and after deducting therefrom the amount of any fees collected under subdivisions one and of section two, must pay the balance into the County Treasury.

Fund. SEC. 4. The fees so paid into the County Treasury shall constitute the "Salary Fund" of said county.

Fee book. SEC. 5. Each of said officers, from and after the first Monday in March, 1876, must keep a fee book, open to the public inspection during office hours, in which must be entered at once, in detail, all fees or compensation of whatever nature or kind, collected or chargeable; in one column, the fees or compensation belonging to the county, and in another column, the fees or compensation retained by the officer under this Act.

Sum. SEC. 6. On the first Monday in April, 1876, and on the Monday in each month thereafter, the officer must add up each column in his book to the first of the month, and set down the totals.

Pay over. SEC. 7. The fees and compensation collected and chargeable for the county in each month, shall be paid to the County Treasurer on the first Monday of the following month, and must be accompanied by a detailed statement of fees and compensation chargeable or received by the officer. Such statement must be verified by the affidavit of the officer making it,

Affidavit. which affidavit must be in the following form: "I, A. B., Sheriff (or other officer, as the case may be), do swear that the entire fees and compensation for official services rendered by me and my deputies and assistants for the preceding month, is fully and fairly set out in this statement, and that the portion belonging to the county is $——, and that said amount is the full amount received or chargeable since my last payment, and that neither myself, nor, to my knowledge or belief, any of my deputies or assistants, have rendered any service, except for the county, which is not fully set out in said statement."

Credits. SEC. 8. Any officer named in section two hereof, who gives credit for any fees or compensation for official services, does it at his own risk, and must account for and return the same in like manner as if such fee or compensation had been paid to him.

Payment of salaries. SEC. 9. Salaries provided for in this Act shall be paid monthly on the first Monday of each month, but no warrant shall be drawn in favor of any officer for his salary until the settlement and payment provided for in section seven has been made; when such settlement and payment has been made, the Auditor must draw his warrant in favor of the officer for the amount of the salary due such officer for the preceding month.

Warrants. SEC. 10. Warrants so drawn shall be payable out of the Salary Fund, and if there is not sufficient money in said Fund to pay the whole of said warrants, a sufficient sum for that purpose shall be transferred to said Fund from the "General Fund" of the county.

Offices separate. SEC. 11. From and after the first Monday in March, 1876, the office of Auditor shall be separate from that of Recorder.

Election of Auditor. SEC. 12. At the general election in 1875, and at the general election every two years thereafter, an Auditor shall be elected for said county, who shall enter upon his office on the first

Monday in March next after his election, and shall hold for the term prescribed by law.

Duties. SEC. 13. In addition to the duties prescribed by law, the Auditor of said county must audit all demands against said county, save for salaries; and every claim against said county, except for salaries, must, before it is presented to the Board of Supervisors, be presented to the Auditor for his action thereon.

Same. SEC. 14. The Auditor must endorse upon such claims his action thereon, and must transmit them to the Board of Supervisors at the next regular meeting of said Board after they are presented to him.

Recorder to perform. SEC. 15. Until the first Monday in March, 1876, the Recorder must perform the duties imposed upon the Auditor by sections thirteen and fourteen of this Act.

Treasurer. Tax Collector. SEC. 16. From and after the first Monday in March, 1876, the Treasurer of said county shall be ex officio Tax Collector thereof, but his compensation as Treasurer shall be in full for all duties performed in either office, and the fees allowed by law to the Tax Collector shall be paid into and become part of the Salary Fund.

Superintendent. SEC. 17. The School Superintendent must properly grade the common schools of said county, and must visit each school at least twice in each year.

When to take effect. SEC. 18. This Act shall be in force from and after the —— day of March, 1876, except sections thirteen, fourteen, fifteen, and sixteen, which shall be in force from and after the first day of March, 1874.

CHAPTER DCXXXIII.

An Act to authorize the Board of Supervisors of San Joaquin to audit and allow a certain claim.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

May audit claim. SECTION 1. The Board of Supervisors of San Joaquin County are hereby authorized in their discretion to audit and allow the claim against said county, for printing the Great Register of said county for the year eighteen hundred and seventy-two; *provided*, said claim is presented within thirty days from the passage of this Act.

Amount. SEC. 2. The said Board of Supervisors shall have no power to audit and allow for printing the said Great Register for the year eighteen hundred and seventy-two, a sum to exceed in the aggregate eight hundred dollars.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER DCXXXIV.

An Act to organize the Board of Supervisors and define their duties in the County of El Dorado.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Board of Supervisors.

SECTION 1. The Board of Supervisors of El Dorado County shall be composed of three members; the term of office shall be three years, and shall take office on the first Monday in January next after their election.

Powers.

SEC. 2. In addition to the powers and duties imposed by the Political Code of the State of California, the Board of Supervisors in and for said county, shall have power and it is hereby made the duty of said Board to advertise, for a period of at least three and not more than four weeks, in some newspaper published in said county, for proposals to do the county printing, including the Great Register of said county, for not less than six months nor more than one year at any one time, and to let the same to the lowest responsible bidder; *provided*, said Board shall have power to reject any bid which is deemed by them to be too high.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as the same relate to the County of El Dorado.

SEC. 4. This Act shall be in force from and after its passage.

CHAPTER DCXXXV.

[See volume of Amendments to the Codes.]

CHAPTER DCXXXVI.

[See volume of Amendments to the Codes.]

CHAPTER DCXXXVII.

An Act to regulate fees of office and salaries of certain officers in the County of Colusa, and to repeal all Acts now in force in relation thereto.

[Approved March 30, 1874.]

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.

Duties without fees.

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.

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. 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. 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 voir 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

Same. 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.

Clerk of. SEC. 4. For filing all papers on appeal from Justices' Courts, for each case, one dollar and fifty cents. When the Court is setting 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.

Same. SEC. 5. 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 clerks fees shall be charged. No fees shall be allowed Probate Judges.

SEC. 6. 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. Same.

SEC. 7. For recording any instrument, paper, or notice, for each folio, twenty cents. 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 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 incumbrance 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 [es]tray 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. Same.

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 Notarial fees.

cents. For every certificate under seal, to include the writing the same, fifty cents.

Sheriff. SEC. 9. 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 traveling, 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 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 traveled 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, 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 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 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 traveled, 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. 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. For conveying a prisoner when under arrest, the necessary expenses incurred in the transportation. The Sheriff shall be allowed a deputy and jailer, whose compensation shall be fixed by the Board of Supervisors, and paid out of the County General Fund. The Sheriff shall be Business License Collector, and shall 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 said County of Colusa, 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; ten per cent. on the amount of foreign miners' licenses, and for the collection of State and county taxes, except taxes for school purposes, he shall receive three per cent on the first ten thousand dollars, two per cent on all over ten thousand and under twenty thousand dollars, and one per cent on all over twenty thousand dollars; *provided*, that said Tax Collector shall not be obliged to go out of his office for the purpose of collecting said taxes. The Clerk of the Board of Supervisors shall receive a salary of four hundred dollars per annum, and in addition thereto he shall be allowed to demand and receive, for issuing each bridge or ferry license, one dollar; for copy of any paper or record, twenty cents per folio; for each certificate, fifty cents. There shall be allowed by the State to the County of Colusa, in lieu of all allowances for salaries and fees authorized by law to be made by the State to the Assessor and Auditor of said county, and for all services for 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

Same.

Clerk of Board of Supervisors.

Assessor and Auditor.

Same. State Treasury during any fiscal year. 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 Assessors' 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: 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 in 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. And the sum of eight cents per folio for all figures necessarily made in computing the totals of taxes on the assessment roll; *provided,* that he shall not receive any percentage on moneys paid into the County Treasury for school purposes; *and, provided further,* that the said County Auditor shall not be obliged to make a duplicate of said assessment roll, unless so directed by the Board of Supervisors, in which case he shall be allowed the same rate of fees as in computing totals in the original assessment roll. 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 the Auditor's compensation, to the payment of such allowance.

TREASURER.

Treasurer. SEC. 10. The County Treasurer shall receive an annual salary of two thousand dollars, in full for all the services required of him by law, payable monthly.

ASSESSOR.

Assessor. SEC. 11. The Assessor shall receive such compensation for each day's services performed by him or his deputies as the Board of Supervisors may fix, not exceeding six dollars per day for each day necessarily employed in making assessments; and the Board of Supervisors shall determine the number of Deputy

Assessors. The Assessor shall be ex officio Collector of poll taxes.

DISTRICT ATTORNEY.

SEC. 12. The District Attorney shall receive for his services the sum of two thousand dollars per annum, payable monthly out of the County General Fund. District Attorney.

COUNTY JUDGE.

SEC. 13. The County Judge shall receive an annual salary of twenty-four hundred dollars, payable monthly out of the County General Fund. County Judge.

COUNTY SUPERINTENDENT OF SCHOOLS.

SEC. 14. The County Superintendent of Schools shall receive an annual salary of seven hundred dollars, payable monthly out of the County General Fund, for all the services required of him by law. Superintendent.

FEES OF COUNTY CORONER AND PUBLIC ADMINISTRATOR.

SEC. 15. The County Coroner shall be ex officio Public Administrator, and shall receive for his services as Coroner, compensation as follows: For general services in holding an inquest, ten dollars. For each witness subpœnaed, twenty-five cents. For each mile necessarily traveled 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. For swearing each witness or juror, twenty-five cents. For writing down testimony, twenty-five cents per folio. Coroner.

FEES OF PUBLIC ADMINISTRATOR.

SEC. 16. The Public Administrator shall 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.

SEC. 17. 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 as are prescribed in said Act. Constables.

FEES OF COUNTY SURVEYOR.

Surveyor. SEC. 18. 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 traveling 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 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, twenty-five 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 case of survey ordered by the Court, or Board of Supervisors, such compensation as shall be by them allowed.

FEES OF JUSTICES OF THE PEACE.

Justices of the Peace. SEC. 19. 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, 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 transmiting 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 pro-

ceedings 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 Court, three dollars; for entering every motion, sale, 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, 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. Same.

SEC. 20. 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 traveling to and from their residences 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. Supervisors.

SEC. 21. Grand and trial jurors shall receive two dollars per day for attendance upon a Court of record, and twenty-five cents per mile for traveling 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 causes, the party in whose favor verdict is rendered, before the same be entered, shall pay the jury fees; but the same may be received 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 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 obtains 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 Jurors.

party losing the suit. 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 the county 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 allowance shall be made to any Clerk, for any services performed by him, until the statement required by this section shall have been filed as aforesaid.

Court Commissioners.

SEC. 22. The Court Commissioners shall be entitled to charge and receive for their services the following fees, viz: 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.

Witnesses.

SEC. 23. 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 traveling to the place of trial, for each mile, twenty cents. In cases of impeachment and contested elections, for traveling 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 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 a 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 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.

Election officers.

SEC. 24. 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 by them performed.

Interpreters.

SEC. 25. 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.

Penalty. SEC. 26. 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. 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 defense, 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 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.

When fees payable.

Table of fees. SEC. 27. 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 county.

Publication. SEC. 28. When, by any 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. SEC. 29. 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 defined. SEC. 30. 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 where there shall be an excess over the last folio exceeding one half, shall be computed as a folio.

Mileage. SEC. 31. When the 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 most distant service.

SEC. 32. Every officer, upon receiving any fees for official duty or services, may be required by the person paying the

Items of fees. 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. No fees shall be charged by any officer for administering and certifying the oath of office.

State witnesses. SEC. 33. 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.

Certificate. SEC. 34. 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.

Application. SEC. 35. 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.

Finishing business. SEC. 36. 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. 37. 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 books. SEC. 38. 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.

Statements.

Abstract to Secretary of State. The Clerk of the Board of Supervisors of the county is hereby required 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.

Penalty. SEC. 39. If any officer named in this Act shall refuse or willfully 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 county, who shall, without delay, proceed to enforce the provisions of this Act.

Duty of Secretary of State.

Repealed. SEC. 40. So much of the Act to regulate fees of office and salaries of certain officers, approved March fifth, eighteen hundred and seventy, and so much of sections four thousand three hundred and twenty-nine of the Political Code as relate to the County of Colusa, an Act to authorize the Board of Supervisors of Colusa County to levy a special tax, approved February thirteenth, eighteen hundred and seventy-two, and all laws or parts of laws now in force, and in conflict with the provisions of this Act, are hereby repealed.

SEC. 42. This Act shall take effect and be in force on and after the first day of January, eighteen hundred and seventy-six.

CHAPTER DCXXXVIII.

An Act to provide for the collection of delinquent reclamation assessments in Sacramento County.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Delinquent reclamation assessments. SECTION 1. The District Attorney of Sacramento County shall be entitled to charge and collect upon all delinquent reclamation assessments or taxes in the various swamp land districts of Sacramento County, ten per centum upon all amounts by him collected; *provided*, that such percentage shall be taxed as costs, and collected from the defendant in each case, and shall not in any manner be a charge against any swamp land district, or Sacramento County.

SEC. 2. This Act shall take effect immediately.

CHAPTER DCXXXIX.

An Act to legalize and confirm certain ordinances passed and contracts made by the Board of Supervisors of the City and County of San Francisco, relative to the removal of dead animals from the city limits.

[Approved March 28, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Preamble. SECTION 1. Whereas, the Board of Supervisors of the City and County of San Francisco made and entered into a certain agreement with G. Witzlar, and his associates and assigns, relative to the removal of dead animals in the City and County of San Francisco, for the term of twenty years from the twenty-ninth day of May, eighteen hundred and sixty-six; and, whereas, on the tenth day of April, eighteen hundred and sixty-six, Ordinance Number Six Hundred and Ninety-two, relative to the removal of dead animals from the city limits, was passed by the said Board of Supervisors of the said City and County of San Francisco, and on the seventh day of May, eighteen hundred and sixty-seven, Order Number Seven Hundred and Seventy-seven, also in relation to the removal of dead animals, was passed by the said Board of Supervisors of the City and County of San Francisco; and, whereas, on the nineteenth day of October, eighteen hundred and sixty-eight, Order Number Eight Hundred and Thirty-eight, also in relation to the removal of dead animals, was passed by the said Board of Supervisors of the City and County of San Francisco; now, therefore, be it enacted, that the said contract and the said ordinances are hereby legalized and made of full force, virtue, and effect. The said Board of Supervisors are hereby authorized and empowered, in their discretion, to enter into any further contract or engagement with the original parties to the contract hereinbefore referred to and set out, or their assigns, the more effectually to carry out the same, and to effect the objects of the parties thereto, for the unexpired term of the original contract.

Legalized.

Further contracts.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DCXL.

An Act authorizing the State Board of Examiners to allow certain claims against the State.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Board of Examiners are hereby authorized to allow and order paid to W. P. Dougherty & Co., who furnished materials for the State Normal School building, by authority of the Board of Trustees of the State Normal School, and whose contracts were made upon the basis of cash payments, and who were paid in scrip for such materials, such sums of money as will equal the discount upon such scrip; but such allowance shall not exceed the sum of two thousand one hundred and fifty-four dollars. The Controller shall draw a warrant on the General Fund, which shall be paid by the State Treasurer, for such amount as the said Board of Examiners may allow to W. P. Dougherty & Co. Allowance for discount

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DCXLI.

An Act to incorporate the Town of Sutter Creek, in Amador County.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The inhabitants of the Town of Sutter Creek, Amador County, shall be and are hereby declared a corporation, under the name and style of "The Town of Sutter Creek," and by that name they and their successors shall be known in law, and have perpetual succession, and may make and use a common seal; *provided*, that said corporation shall neither have nor exercise any powers not expressly authorized in this Act. Corporate name.

SEC. 2. The boundaries of the Town of Sutter Creek shall be those on file in the office of the County Recorder of Amador County, with the plat, map, and field notes of the survey of said town, filed with said Recorder, except that portion of said territory, hereinafter excepted, as follows: that is to say, all of section seven, except those certain lots marked and designated on said map as "Lincoln Two M," "North Mahoney Two M," "Wiley Two M," and "South Mahoney Two M," and the south half of section six, except that certain lot of land marked and designated on said map as "Amador Mine," in township num- Boundaries

ber six north, of range number eleven east, Mount Diablo meridian.

Officers. SEC. 3. The government of said town shall be vested in a Board of Trustees, to consist of five members, a Town Marshal, Town Treasurer, and a Town Recorder. 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.

Qualifications and elections. SEC. 4. The Trustees and officers shall be qualified electors of said town, and the elections held under this Act shall be conducted in the same manner as elections held under the general election laws of the State.

Notices. SEC. 5. Two weeks' notice of the said election for Trustees and officers shall be given by the President of the Board of Trustees, by publication in a newspaper published in Sutter Creek, or by posting at least five notices in conspicuous places, within the limits of said town; said notices shall designate the time and place of holding said election, and shall name one Inspector and two Judges of said election; *provided, however*, that if the President of the Board of Trustees fail to publish or post such notices, the electors of said town may meet at any time before twelve o'clock M., on the day of the election, at the office of the Justice of the Peace of Township Number Four, Amador county, in said town, and appoint two Judges and one Inspector to hold such election, and the same shall be as valid and binding as if said notices had been published and posted.

Qualification. SEC. 6. Before entering on 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 Clerk of the Board of Trustees.

Powers of Board of Trustees. SEC. 7. The Board of Trustees shall have power to pass such ordinances, not inconsistent with the laws and Constitution of the United States and of this State, as they may deem necessary. To determine what are nuisances, and to prevent and remove the same. To prevent any and all domestic animals from running at large within the corporate limits. To prohibit and punish disorderly conduct. To provide for licensing shows and lawful games. To license 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 license hawkers and peddlers. To keep open and repair the streets and alleys and public squares, and other public grounds of the town. To purchase or lease such real estate and personal property, for the interests of said town, or the safekeeping of prisoners. To levy and collect annually, a poll tax, not exceeding two dollars, on each male inhabitant over the age of twenty-one years, and a property tax, not exceeding one per cent upon the assessed value of the real and personal property; *provided*, that in the assessment of mines, nothing shall be assessed except the improvements above ground, and the personal property belonging to the mine. The Board of Trustees shall have power and it shall be their duty

to appoint a Clerk, who may be one of their own number, who shall receive no salary for his services. The 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 taxes levied under the provisions of this Act are 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. The Board of Trustees shall have no power to create any debt exceeding five hundred 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 is sufficient money to meet the same. The Board of Trustees shall elect one of their number President, who shall preside at their meetings; and the Board of Trustees may make such rules and regulations as may be necessary to provide for their own government. The taxes provided for by this Act, shall be levied and collected in the same manner as provided by law for the levying and collection of taxes for State and county purposes; *provided*, that the Board of Trustees may, by ordinance, fix the time for the assessment and collection of taxes. All property sold for taxes shall be subject to redemption upon the same conditions as property sold for State and county taxes. The Town Trustees shall have power to fix a fine, not exceeding fifty dollars, and a term of imprisonment not exceeding thirty days, as a penalty for a violation of any ordinance or ordinances. 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 holding their regular meetings shall be fixed by ordinance. Same.

SEC. 8. It shall be the duty of the Town Treasurer to receive all moneys due the town, to pay all warrants drawn by order of the Board of Trustees, signed by the Clerk of the Board, and countersigned by the President, and to keep an accurate account of all receipts and expenditures, and to 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, conditional for the faithful discharge of his duties, in the sum of four thousand dollars, which bond shall be approved by the Board of Trustees. He shall receive, as commission, one half of one per cent upon all moneys received. Duties of Treasurer.

SEC. 9. 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 over to the Treasurer, and take his receipt therefor(e); 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, he shall have the power conferred by law upon Constables; he shall arrest all persons against whom a warrant Marshal.

directed to him shall be issued by the Town Recorder, and may arrest, without a warrant, any person actually engaged, in his presence, in any violation of an ordinance; he shall receive for his services, as ex officio Assessor and Collector, the sum of seventy-five dollars per annum, and for his other official duties, a sum not exceeding one hundred dollars per month; he shall receive for his services no other compensation than that provided in this Act; he shall give a bond, conditioned for the faithful performance of his duties, in the sum of four thousand dollars, which bond shall be approved by the Board of Trustees.

Quorum. SEC. 10. A majority of the Board of Trustees shall be a quorum to transact business.

Recorder. SEC. 11. The Town Recorder, as to offenses committed within the town, shall have like jurisdiction as now is, or may hereafter be, conferred upon Justices of the Peace by the laws of this State, and he shall also have jurisdiction over all violations of the town ordinances, and may, according to the provisions of such ordinances, hold to bail, fine, or commit by prison, any person found guilty of any violation thereof. All fines collected by the Town Recorder for the violation of town ordinances, shall be paid over by him to the Town Treasurer, taking his receipt therefor. The Town Recorder shall give a bond in the sum of one thousand dollars, conditioned for the faithful performance of his duties, which bond shall be approved by the Board of Trustees.

Ordinances. SEC. 12. All ordinances passed by the Board of Trustees shall be signed by the President and Clerk of the Board, and published for four weeks in a newspaper printed in the Town of Sutter Creek, or written or printed copies of such ordinances shall be posted for a like period in three conspicuous places in the limits of the corporation.

Malfeasance. SEC. 13. 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 malfeasance 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 elected to fill such vacancy shall hold office until the next annual election.

Actions. SEC. 14. 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 offense 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, an adjournment shall be had. In all cases the defendant shall, upon demand, be entitled to trial by jury composed of six electors of the town.

Interest in contracts. SEC. 15. No member of the Board of Trustees shall be directly or indirectly interested in any contract or sale of anything belonging 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.

Sentence and costs.

SEC. 16. Whenever sentence of imprisonment is passed upon any offender, the Town Recorder 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. He may also, in any suit, tax the costs thereof against the person so convicted.

Elections and terms of officers.

SEC. 17. 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-four, or until their successors under this Act shall be qualified; and the President and Clerk of said Board of Trustees shall publish a notice for the first annual election of town officers, in the manner prescribed in section five in 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 Clerk of the Board the poll list and tally list of said election.

Returns.

SEC. 18. 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 Clerk of the Board of Trustees, together with the poll list and tally list.

Canvass.

SEC. 19. 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 Clerk shall issue certificates to the persons so declared elected. The persons holding such certificates shall be installed into office at the next succeeding regular meeting, unless their election be contested within two weeks after such election, in the manner provided in the Code of Civil Procedure for contesting elections.

Act construed.

SEC. 20. Nothing contained in this Act shall be deemed to repeal or in any 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 valid debts and liabilities in favor of or against said town, shall remain in full force for or against said town, as organized under this Act.

Same.

SEC. 21. The provisions of this Act shall not be construed to 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 the Town of Sutter Creek 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. 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. 22. This Act shall be in force and take effect from and after its passage.

CHAPTER DCXLII.

An Act to authorize the City of Oakland to obtain a supply of water.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Water franchise.

SECTION 1. The City of Oakland may exercise the right of eminent domain by taking for public use, in order to supply said city and adjacent towns, and the people therein, with water, any flowing stream or streams of water, lake or lakes, or artificial reservoir or reservoirs, or places for the construction of the same, within the County of Alameda, and the land over which the stream or streams flow, or which the lake or lakes cover, and all riparian rights connected therewith, and sufficient land to build dams, and for reservoirs to hold such water, and the right of way to lay pipes to conduct such water, and any waterworks now or hereafter conducting water to said city, with the water pipes, reservoirs, rights to water, rights of way for pipes, and lands, and appurtenances of every kind connected with or belonging to such waterworks, or the person or persons, corporation or corporations, owning or claiming the same.

Board of Public Works.

SEC. 2. A Board of Public Works is hereby created, to be called the Board of Public Works of Oakland, consisting of five persons, who shall be citizens of Oakland, and who shall be appointed by the Governor of the State for the term of four years. They shall receive no compensation for their services. Said Board shall meet on the third Tuesday of May, eighteen hundred and seventy-four, and at such other times as they may appoint. A journal of their proceedings shall be kept. They shall appoint one of their number President, and one to act as Secretary, in the absence of the City Clerk or his assistant. They shall provide for calling special meetings. A majority of the Board shall constitute a quorum. They shall adopt rules for their proceedings, and have power to fill vacancies occurring in their body. Their meetings shall be public. On all questions requiring the concurrent action of the City Council, or the delegation of authority, the vote shall be by yeas and nays, and be recorded in the journal of their proceedings, and a majority of

all the members shall be necessary to carry any proposition on which they may vote, except a motion to adjourn, which may be carried by a majority of the members present. Before entering upon their duties they shall each take and subscribe to the oath of office, as members of the Board.

Powers. SEC. 3. The City Council of Oakland, and the Board of Public Works, shall have authority to do all things consistent with law, and recited in this Act, and relating to preliminary examinations with reference to obtaining a supply of water for the City of Oakland, and the Towns of San Leandro, Alameda, and adjacent neighborhoods; and the terms of purchase of water rights or works, and condemnation of the same; and the employment of counsel, and of engineers; and the letting of contracts; and the issuing of bonds, and the sale thereof; and the construction of works, and maintaining of the same; and the expenditure of money, and the incurring of any debt or obligation of indebtedness in obtaining said supply of water; and in the appointment of agents or commissioners to represent the city in any work or duty connected with the work aforesaid; and in defining their duties; but neither the City Council nor the Board of Public Works shall have any authority as aforesaid, unless by the separate and concurrent action of both bodies.

Commissioners. SEC. 4. At any time when the City Council and the Board of Public Works may deem it expedient, three Commissioners shall be appointed, one by the City Council and two by said Board, who shall have power, under instructions from said bodies, to act for and represent the city in all matters and proceedings necessary and incident to the procuring of a supply of water for the city, by purchase or condemnation, or otherwise, as provided in section one of this Act; and the grant, or purchase, or acquisition of any rights or property obtained under this Act, shall be made to and for the city. Said Commissioners shall give bonds, payable to the city, and to be approved by the Council, for the faithful performance of their duties, in such amounts as the City Council and the Board of Public Works may require, and shall receive such compensation as the Council and the Board may fix.

Authority. SEC. 5. In all matters relating to the condemnation of lands and water rights, and rights of way, and obtaining and supplying the City of Oakland and adjacent towns with water, as set forth in this Act, and where the Board of Public Works has no concurrent power with the City Council, the Council shall have full authority to do all things consistent herewith and necessary to carry into effect the provisions of this Act.

Purchase property. SEC. 6. Before proceeding to condemn any property mentioned in section one of this Act, said Board shall endeavor to purchase the same from the owner or owners, and if the parties cannot agree on the terms of sale and purchase, said Board may proceed to condemn the same.

Code. SEC. 7. In condemning said property, the proceedings must be taken under Title Seven, Part Three, of the Code of Civil Procedure, and all the sections of said Title are made applicable to and a part of this Act, and in such proceedings the said Board of Public Works shall be the plaintiff.

Bonds. SEC. 8. For the purpose of paying for any lands or property required to be purchased, or condemned, under the provisions of this Act, and for the purpose of carrying out any of the provisions of this Act, the Board of Public Works shall have power to issue bonds of the City of Oakland, payable on the first day of July, A. D. eighteen hundred and ninety-six, unless previously redeemed, as is herein provided, to an amount not exceeding eight hundred thousand dollars. Said bonds shall be of denominations not less than five hundred dollars, and shall have coupons attached, for the interest thereon, which interest shall be at the rate of seven per cent per annum, payable semi-annually, on the second day of January and the first day of July, of each year; and said principal and interest shall be made payable at the office of the Treasurer of the said City of Oakland. Said bonds shall be signed by the Mayor and the Treasurer of said city, and countersigned by the President of the Board of Public Works, and the coupons shall be signed by said Treasurer, and said bonds shall be numbered consecutively from one to the last number issued. For the purpose of liquidating the bonds issued as aforesaid, the City Council of Oakland is hereby authorized to levy annually a special tax, from and after the year eighteen hundred and eighty-six, in sufficient amounts to redeem ten per cent annually of the outstanding bonds (the redemption of which may not otherwise have been provided for), and until all of said bonds shall have been redeemed, and the money arising from said tax shall be used for no other purpose than the redemption of said bonds.

Sell bonds. SEC. 9. Whenever said Board of Public Works require money to pay for said property, whether obtained by purchase or condemnation, they may sell said bonds to obtain said money, or they may make payment for said property in said bonds, at the par value thereof, if they can make a contract to that effect and think it for the pecuniary interest of said city to do so.

Moneys, from bonds SEC. 10. The money thus obtained shall be kept by the City Treasurer, subject to the order of said Board, and shall be used for no other purpose than to pay for said property, and the costs of legal proceedings, and to construct the necessary works to bring the water into said city and distribute the same, and the purchase of materials therefor, and all expenses connected therewith, and the interest on said bonds, until the receipts from the sale of water will pay said interest; and the money obtained by the sale of water from the said waterworks shall be (be) called the "Waterworks Fund."

From water. SEC. 11. The money received from the sale of water from said waterworks shall be kept by the City Treasurer, subject to the order of said Board of Public Works, and shall be used for no other purpose than to pay the expense of the care and management of and repairs to said waterworks, and the interest on and redemption of said bonds, until the same are all paid.

Bids for redemption SEC. 12. Whenever there is in said Waterworks Fund not less than fifteen thousand dollars, not required for the care and management of and repairs to said waterworks, said Board of Public Works shall require the said Treasurer to publish a notice, in one daily paper published in Oakland and one in San

Francisco, for the period of thirty days, that a certain sum (naming the same) is in said Fund for the redemption of said bonds, and that he will receive bids for the redemption of the same, at not more than their par value, with the interest due, until a day named, which must be thirty days after the last publication of the notice aforesaid.

Redemption.

SEC. 13. On the day named, the bids shall be opened by the Treasurer and Mayor of the city, and the bids offering to surrender bonds at the lowest sums, not more than their par value and interest due, shall be accepted. If enough bonds to consume all the funds are not redeemed, the Treasurer shall advertise as before, to redeem bonds at par value and interest, commencing with the lowest numbers outstanding, to the amount of money on hand, and thirty days after the last day of publication, the bonds named shall cease to bear interest. The Treasurer, on the order of said Board, shall pay the bonds redeemed either under the bids or by the second notice.

Duty of Board.

SEC. 14. Said Board of Public Works shall manage and control said waterworks, and employ all labor, and purchase all materials, and appoint all agents for the care and management of and repairs to the same.

Mains.

SEC. 15. The pipes to conduct said water may be laid down in any road, street, or alley, but said road, street, or alley shall, when injured by laying said pipes, be repaired by said Board.

Rates.

SEC. 16. Said Board shall fix the rates at which water shall be sold, and make such rules and regulations in relation to the water as they may deem best.

Construction.

SEC. 17. In all cases where the terms "Board of Public Works" are "Board" are used in sections from six to sixteen inclusive of this Act, the City Council, acting separately and concurrently, is included and meant.

SEC. 18. This Act shall take effect immediately.

CHAPTER DCXLIII.

[See volume of Amendments to the Codes.]

CHAPTER DCXLIV.

[See volume of Amendments to the Codes.]

CHAPTER DCXLV.

An Act to legalize the assessment of a street tax, in the City of Sacramento.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tax legalized.

SECTION 1. The assessment upon all lots fronting upon Tenth street, between J and N streets, in the City of Sacramento, levied on the twentieth day of December, A. D. eighteen hundred and sixty-nine, for the purpose of planking Tenth street, between J and N streets, is hereby made legal and valid, and all Acts of the Board of Trustees of said city, in relation thereto, shall have full force and effect, and said tax so levied upon said lots, shall be a lien thereon until paid.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DCXLVI.

An Act prescribing the manner of apportioning school moneys in Siskiyou, Modoc, and Sonoma Counties.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Maximum school districts.

SECTION 1. All school districts in Siskiyou, Modoc, and Sonoma Counties, which contain one hundred or more school census children, shall be known as maximum school districts.

Apportionment of moneys.

SEC. 2. The School Superintendents of said counties must apportion the State and county school moneys belonging to the counties, respectively, to the school census children of the several school districts of the counties, respectively, in the manner following, to wit: First—To each school census child in maximum districts there must be apportioned an equal amount. Second—To each school census child in districts having ninety such children and less than one hundred, there must be apportioned once and one tenth times the amount apportioned to each such child in maximum districts. Third—To each school census child in districts having eighty such children and less than ninety, there must be apportioned once and two tenth times the amount appropriated to each such child in maximum districts. Fourth—To each school census child in districts having seventy such children and less than eighty, there must be apportioned once and three tenth times the amount apportioned to each such child in maximum districts. Fifth—To each school cen-

sus child in districts having sixty such children and less than seventy, there must be apportioned once and four tenth times the amount apportioned to each such child in maximum districts. Sixth—To each school census child in districts having fifty such children and less than sixty, there must be apportioned once and five tenth times the amount apportioned to each such child in maximum districts. Seventh—To each school census child in districts having forty such children and less than fifty, there must be apportioned once and six tenth times the amount apportioned to each such child in maximum districts. Eighth—To each school census child in districts having thirty such children and less than forty, there must be apportioned once and seven tenth times the amount apportioned to each such child in maximum districts. Ninth—To each school census child in districts having twenty such children and less than thirty, there must be apportioned once and eight tenth times the amount apportioned to each such child in maximum districts. Tenth—To each school census child in districts having less than twenty such children, there must be apportioned double the amount apportioned to each such child in maximum districts. Same.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed, so far as they conflict.

SEC. 4. This Act shall take effect immediately.

CHAPTER DCXLVII.

An Act making appropriations for benevolent purposes.

[Approved March 30, 1874.]

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 for the objects and purposes herein expressed: Magdalen Asylum, San Francisco, five thousand dollars; San Francisco Female Hospital, six thousand dollars; Ladies' Protection and Relief Society, San Francisco, seven thousand five hundred dollars; California State Woman's Hospital, four thousand dollars; San Francisco Lying-in and Foundling Hospital, six thousand dollars; Protestant Episcopal Church Home, San Francisco, one thousand dollars; Old Woman's Home, Rincon Hill, San Francisco, one thousand dollars; Sisters of Mercy Hospital, Los Angeles, one thousand five hundred dollars; Howard Benevolent Association, Sacramento, two thousand five hundred dollars; Stockton Ladies' Benevolent Association, one thousand dollars; St. Luke's Hospital, San Francisco, one thousand dollars; Marysville Benevolent Association, one thousand Benevolent appropriations.

dollars; Napa Ladies' Relief and Protection Society, one thousand dollars; Placerville Ladies' Relief Society, one thousand dollars; Grass Valley Ladies' Relief Society, one thousand dollars; Vallejo Ladies' Benevolent Association, one thousand dollars; Oakland Ladies' Relief Society, one thousand dollars; San José Ladies' Benevolent Society, one thousand dollars; Nevada City Benevolent Society, one thousand dollars; San Diego Benevolent Society, one thousand dollars.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER DCXLVIII.

An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

General appropriations.

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 government of this State for the twenty-sixth and twenty-seventh fiscal years:

For per diem and mileage of Lieutenant Governor and Senators, fifty-two thousand dollars.

For per diem and mileage of Assemblymen, one hundred and one thousand five hundred dollars.

For pay of officers and clerks of the Senate, thirteen thousand six hundred and eighty dollars.

For pay of officers and clerks of the Assembly, fourteen thousand five hundred and twenty dollars.

For contingent expenses of the Senate, twenty-two thousand dollars.

For contingent expenses of the Assembly, thirty-three thousand dollars.

For salary of Governor, fourteen thousand dollars.

For salary of Private Secretary for the Governor, four thousand eight hundred dollars.

For salary of Executive Clerk for the Governor, four thousand eight hundred dollars.

For pay of Porter in office of Governor, twelve hundred dollars.

For special contingents for the Governor's office, five thousand dollars—to be drawn at his discretion; *provided*, that this amount shall be used for secret service, and for no other purpose whatever.

For postage, expressage, and telegraphing, in the office of the Governor, one thousand dollars.

For salary of Secretary of State, eight thousand dollars.

General appropriations.

For salary of Deputy Secretary of State, four thousand eight hundred dollars.

For salaries of clerks for the Secretary of State, seventeen thousand seven hundred dollars.

For pay of Porter in office of Secretary of State, six hundred dollars.

For postage and expressage in office of Secretary of State, two thousand eight hundred dollars.

For contingent expenses in office of Secretary of State, three hundred dollars.

For salary of Controller, eight thousand dollars.

For salary of Deputy Controller, six thousand dollars.

For salary of Bookkeeper for the Controller, four thousand eight hundred dollars.

For salaries of Clerks in the office of Controller, eighteen thousand dollars.

For prosecution of delinquents for infractions of the revenue laws, two thousand dollars.

For pay of Porter in office of Controller, six hundred dollars.

For contingent expenses in office of Controller, four hundred dollars.

For postage and expressage in office of Controller, one thousand dollars.

For printing and engraving Controller's warrants, one thousand dollars.

For salary of Treasurer, eight thousand dollars.

For salary of clerks for the Treasurer, eight thousand four hundred dollars.

For salaries of Watchmen in office of Treasury, four thousand eight hundred dollars.

For pay of Porter in office of Treasurer, six hundred dollars.

For postage and expressage in office of Treasurer, three hundred dollars.

For salary of Attorney General, eight thousand dollars.

For salary of clerk for the Attorney General, three thousand six hundred dollars.

For pay of Porter in office of Attorney General, four hundred dollars.

For costs and expenses of suits wherein the State is a party in interest, eight thousand dollars.

For postage and contingent expenses in the office of the Attorney General, three hundred dollars.

For salary of Surveyor General, four thousand dollars.

For salary of Deputy Surveyor General, four thousand eight hundred dollars.

For salaries of clerks for the Surveyor General, ten thousand eight hundred dollars.

For pay of Porter in office of Surveyor General, six hundred dollars.

For binding books, and contingent expenses in office of Surveyor General, two hundred dollars.

For postage and expressage in office of Surveyor General, five hundred dollars.

For purchase of maps in office of Surveyor General, six hundred dollars.

General appropriations.

For copying maps in office of Surveyor General, three hundred dollars.

For salary of Register of Land Office, four thousand dollars.

For salaries of clerks for Register of Land Office, seven thousand two hundred dollars.

For postage and expressage for Register of Land Office, five hundred dollars.

For binding books, and contingent expenses for Register of Land Office, two hundred dollars.

For salary of Superintendent of Public Instruction, six thousand dollars.

For salary of Deputy Superintendent of Public Instruction, three thousand six hundred dollars.

For salary of clerk for Superintendent of Public Instruction, three thousand dollars.

For pay of Porter in office of Superintendent of Public Instruction, four hundred dollars.

For postage and expressage in office of Superintendent of Public Instruction, one thousand six hundred dollars.

For traveling expenses of Superintendent of Public Instruction, three thousand dollars.

For contingent expenses in office of Superintendent of Public Instruction, four hundred dollars.

For salary of Secretary of State Board of Health, five thousand dollars.

For mileage and contingent expenses of State Board of Health, three thousand dollars.

For salaries of the two members of State Board of Equalization appointed by the Governor, nine thousand six hundred dollars.

For salary of Clerk of the Board of Equalization, three thousand six hundred dollars.

For postage, expressage, and contingent expenses of Board of Equalization, one thousand dollars.

For salary of clerk for the State Board of Examiners, two thousand four hundred dollars.

For salary of Printing Expert for the State Board of Examiners, one thousand two hundred dollars.

For contingent expenses of State Board of Examiners, five hundred dollars.

For salary of State Librarian, six thousand dollars.

For salaries of deputies for State Librarian, seven thousand two hundred dollars.

For pay of Porter in State Library, one thousand two hundred dollars.

For postage and expressage for State Library, eight hundred dollars.

For salary of Adjutant General, six thousand dollars.

For salary of Assistant Adjutant General, four thousand dollars.

For pay of Porter in office of Adjutant General, six hundred dollars.

For salary of State Armorer, three thousand six hundred dollars.

General appropriations.

For rent of Armory, two thousand four hundred dollars.

For postage and expressage in office of Adjutant General, four hundred dollars.

For cleaning, repairing, and transporting arms, one thousand five hundred dollars.

For salaries of Justices of Supreme Court, sixty thousand dollars.

For salary of Reporter of Supreme Court, twelve thousand dollars.

For salary of Clerk of Supreme Court, eight thousand dollars.

For salary of Deputy Clerk of Supreme Court, three thousand six hundred dollars.

For salary of Phonographic Reporter for the Supreme Court, six thousand dollars.

For salary of Secretary of Justices of Supreme Court, six thousand dollars.

For salary of Bailiff and Porter of Supreme Court, two thousand four hundred dollars.

For pay of Porter in office of Clerk of Supreme Court, five hundred dollars.

For postage and contingent expenses of Supreme Court, one thousand dollars.

For postage and contingent expenses of Clerk of Supreme Court, two hundred and forty dollars.

For salaries of District Judges, two hundred and ten thousand five hundred dollars.

For payment of rewards offered by the Governor, four thousand dollars.

For arresting criminals without the limits of the State, three thousand dollars.

For contingent expenses of Lieutenant Governor as Warden of State Prison, four hundred dollars.

For traveling expenses of Surveyor General, Attorney General, and United States Surveyor General, one thousand five hundred dollars.

For services of State Board of Examination, sixteen hundred dollars.

For traveling expenses of State Board of Education, one thousand dollars.

For purchase of books for State Normal School, one thousand dollars.

For salary of Guardian of Yosemite Valley, one thousand dollars.

For incidental expenses of Commissioners to manage Yosemite Valley, one thousand dollars.

For transportation of prisoners to the State Prison, forty-five thousand dollars.

For transportation of insane to the Insane Asylum, thirty thousand dollars.

For support of State Prison, two hundred thousand dollars.

For support of Insane Asylum, four hundred and twenty thousand dollars.

For support of State Normal School, thirty-five thousand dollars.

General appropriations.

For the education and care of the indigent deaf, dumb, and blind, seventy-two 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 the improvement of the grounds of the Deaf, Dumb, and Blind Asylum, five thousand dollars.

For care of State Burial Grounds, six hundred dollars.

For services of Registers and Receivers of United States Land Offices, six thousand dollars.

For printing, paper, and official advertisements, one hundred thousand dollars.

For stationery, fuel, lights, blank books, etc., for the Legislature and State officers, twenty-five thousand dollars.

For erection of State printing building and purchase of material, thirty-two thousand dollars.

For traveling expenses of Superintendent of Insane Asylum, eight hundred dollars.

For salary of Insurance Commissioner, six thousand dollars.

For salary of clerk to Insurance Commissioner, thirty-six hundred dollars.

For rent of offices, printing, and contingent expenses in office of Insurance Commissioner, ten thousand dollars.

For purchase of burial ground for the Insane Asylum, three thousand dollars.

For improvement of the grounds of the Insane Asylum, ten thousand dollars.

For aid to the State University, eighty thousand dollars; of which sum fifteen thousand dollars per annum shall be devoted exclusively to agricultural and mechanical improvements and purposes.

For the support of the State University Library, four thousand eight hundred dollars.

Also, seventy-five dollars for each orphan and fifty dollars for each half orphan, in any of the asylums, entitled to benefits of the Act of the Legislature of this State entitled "An Act to appropriate funds for the relief of the several orphan asylums of this State," approved April first, eighteen hundred and seventy-two, which amount shall be paid to the officers of said asylum, under the provisions of said Act.

There is appropriated to each abandoned child in the State, who has been taken care of by any orphan asylum of this State, for one year, under the provisions of an Act in relation to the care of orphan and abandoned children, approved March seventh, eighteen hundred and seventy-four, the sum of fifty dollars.

For pasting and canceling coupons in the office of the Treasurer of State, one thousand dollars.

For indexing the laws and journals in the office of the Secretary of State, four hundred and fifty dollars.

For the use of the Fish Commissioners, five thousand dollars.

For binding documents in office of Superintendent of Public Instruction, three hundred dollars.

To the Saint Vincent (College) Orphan Asylum, of Santa Barbara, for the purpose of rebuilding the college building, two thousand dollars.

For the payment of armory rents and other expenses of the National Guard, as provided by law, sixty thousand dollars.

Furnishing stationery, etc.

SEC. 2. All stationery, blank books, light and fuel required by 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, lights, and fuel furnished by the Secretary of State shall be procured by him as is required by law for the stationery, lights, and fuel for the Legislature.

Disbursement.

SEC. 3. The sums herein appropriated for contingent expenses 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 Treasurer," approved April twenty-first, eighteen hundred and fifty-eight.

Officers' reports.

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.

Appropriations, how drawn.

SEC. 5. No more than one half of the respective appropriations made under this Act shall be drawn during the twenty-sixth fiscal year, unless expressly authorized by law.

CHAPTER DCXLIX.

An Act to provide for the fitting up and use of the Governor's Mansion as a State Printing Office and State Armory.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fitting up Governor's Mansion.

SECTION 1. The Board of State Capitol Commissioners shall set apart such portions of the building known as the "Governor's Mansion" as may be deemed necessary for use as a "State Printing Office" and a "State Armory," and are hereby authorized and empowered to make such changes and alterations in said building as may by them be deemed necessary for use for such purposes.

Appropriation.

SEC. 2. The sum of eight thousand dollars is hereby appropriated out of any money in the General Fund not otherwise appropriated, for the purpose of fitting up said building as a State Armory. Said changes and alterations shall be made prior to the first day of July, eighteen hundred and seventy-four, and all the armaments and munitions of every kind now or that may hereafter be in possession of the State Armorer shall, on or before the first day of July, eighteen hundred and seventy-four, be removed thereto.

Use former appropriation.

SEC. 3. Said Board of State Capitol Commissioners are hereby authorized and empowered to use such portions of the sum of twelve thousand dollars appropriated by section twelve of an Act entitled "An Act to establish a State Printing Office, and to create the office of Superintendent of State Printing," approved March twenty-sixth, eighteen hundred and seventy-two, as shall be found necessary for the fitting up of the portions of said building set apart for a "State Printing Office."

Debts.

SEC. 4. The Board of State Capitol Commissioners are hereby prohibited from expending any sum in excess of the appropriations herein specified, and any debts or liabilities contracted in excess of the sums herein named, for the purposes specified, shall be deemed null and void.

Salary Superintendent State Printing.

SEC. 5. The Superintendent of State Printing shall receive a salary of twenty-four hundred dollars per annum, payable monthly, out of any money in the General Fund not otherwise appropriated.

SEC. 6. All Acts and parts of Acts in conflict 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 DCL.

An Act to prevent hogs running at large on certain lands in this State.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Hogs.

SECTION 1. It shall be unlawful for hogs to run at large upon lands included in any town site in this State, which has received or may hereafter receive patents under "An Act of Congress of the United States," granting town sites to unincorporated towns upon the public lands.

Constables to take up.

SEC. 2. It shall be the duty of the Constables of the townships within which any of the town sites, named in the first section of this Act, to take up all hogs found running at large upon any of the lands described in section one of this Act.

SEC. 3. The Constables shall proceed to sell all hogs taken up, under the provisions of this Act, at public auction to the

highest bidders, by giving at least five days notice of such sale, by posting notices in at least three public places within the limits of the town site on which such hogs were found, stating time and place of sale; all moneys arising from such sale, after paying the expenses of taking up, keeping, and selling, are paid, shall be paid to the owner or owners of such hogs, upon demand and proof of ownership, if such demand and proof are made within thirty days from the date of sale; otherwise it shall be paid into the County Treasury to the credit of the school district in which such town site is situated. Notice, sale, etc.

SEC. 4. Any Constable purposely neglecting or refusing to take up any hog or hogs running at large, as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction, must be punished by a fine of not less than ten dollars nor more than twenty-five dollars, and the costs of the prosecution. All fines collected under the provisions of this Act shall be paid into the County Treasury, and be placed to the credit of the School Fund of the district in which town site is situated. Penalty for neglect.

SEC. 5. Nothing in this Act shall be construed to prevent persons from driving hogs through or along any of the public thoroughfares of said town sites. Construction.

SEC. 6. This Act shall apply to and be in force in the County of El Dorado.

SEC. 7. This Act shall take effect and be in force from and after the first day of May, Anno Domini eighteen hundred and seventy-four.

CHAPTER DCLI.

[See volume of Amendments to the Codes.]

CHAPTER DCLII.

An Act to prevent hogs and goats running at large in Amador City, Amador County.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be unlawful for hogs or goats to run at large in Amador City, Amador County. Hogs, etc.

SEC. 2. It shall be the duty of the Constables of Township Number Four, Amador County, to take up all hogs and goats found running at large within the limits of the town site of Amador City. Constables to take up.

Sale, etc. SEC. 3. The Constables shall proceed to sell all such animals taken up under the provisions of this Act, by giving at least five days public notice of such sale, by posting notices in three public places within the town site where such animals are so taken up, and all moneys arising from such sale shall, after the expenses of taking up, keeping, and selling are paid, be paid by the Constables to the owner or owners of the animal or animals, upon demand, if demanded within thirty days from the date of sale, otherwise it shall, at the expiration of the said thirty days, be paid into the County Treasury of Amador County, and placed to the credit of Amador City School District, and become a part of the Fund of said district.

Penalty for neglect. SEC. 4. Any Constable purposely refusing or neglecting to take up all hogs or goats running at large within the limits of the town site of Amador City, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars and not more than twenty-five dollars.

Construction. SEC. 5. Nothing in this Act shall be construed to prevent persons from driving such animals through any of the public thoroughfares of said town.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAPTER DCLIII.

An Act supplementary to an Act entitled "An Act to establish a Police Court in the City of Oakland, and define its jurisdiction, duties, and fees of Court, and its officers," approved March tenth, eighteen hundred and sixty-six.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Police Court. SECTION 1. The Police Court of the City of Oakland shall have a Clerk and seal, and shall have jurisdiction over the following public offenses committed within the limits of the City of Oakland: all misdemeanors under the statutes of this State punishable by fine or by imprisonment, or by both fine and imprisonment.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER DCLIV.

An Act supplementary to an Act entitled "An Act to amend the Political Code in relation to highways," approved March thirtieth, eighteen hundred and seventy-four.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Applicable

SECTION 1. An Act entitled "An Act to amend the Political Code," approved March thirtieth, eighteen hundred and seventy-four, is hereby made applicable to the County of San Mateo.

SEC. 2. This Act shall be in force and effect from and after its passage.

CHAPTER DCLV.

An Act relative to the City Hall Commissioners of San Francisco.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Actions against City Hall Commissioners.

SECTION 1. All actions prosecuted against either or any of the City Hall Commissioners of the City and County of San Francisco, to recover money or damages, the claim for which is based upon any act done by such person or persons, in an official capacity as City Hall Commissioners, except for fraud or willful and corrupt misfeasance in office, shall be defended in the same manner as suits against the said city and county are defended, and all costs incurred in said actions, and any and all judgments finally obtained therein, or that may have been heretofore recovered, shall be paid in the same manner, and out of the same Fund, as other claims against the said Board of City Hall Commissioners are provided to be paid, to the intent, and so that P. H. Cannavan, I. G. Eastland, and Chas. E. McLane, present members of the City Hall Commissioners, shall not be individually or personally liable therefor.

SEC. 2. This Act shall take effect immediately.

CHAPTER DCLVI.

An Act amendatory of and supplementary to an Act entitled "An Act in relation to Coroners in the City and County of San Francisco," approved March sixteenth, eighteen seventy-two.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Amend section twenty of said Act, so as to read as follows:

Burial of indigent dead.

Section 20. When the inquest shall be held by the Coroner, and there shall be no friends to take charge of the body of the deceased, it shall be the duty of the Coroner, after the same has been viewed by him and the jury, to see that it is properly buried, and for that purpose, he shall immediately give notice to the person or firm having the contract for the burial of the indigent dead, for burial of the body, and it shall be buried by him, under the provisions of said contract.

SEC. 2. Amend section twenty-one of said Act, so as to read as follows:

Money and valuables.

Section 21. It shall be the duty of the Coroner to take charge of all money and other valuable things which may be found with or upon the bodies of persons on whom inquests shall be held, when there is no other persons legally entitled to take charge of the same; and he shall forthwith make out and enter in a book to be kept in his office, open to public inspection, a full a[n]d complete inventory of all money, and every article or thing of value found with or upon said deceased, and he shall also make an entry in said book, of any note or memorandum found upon said deceased, that may tend, in any way, in the future, to identify said person. Said Coroner shall, within thirty days after the holding of such inquest, deliver over to the Treasurer of said city and county, all such money or valuable things which have not been claimed by legal representatives of the deceased or the Public Administrator. Said Coroner shall also keep in his office another book, open to public inspection, in which he shall enter a full description of every article and thing, and all money found with or upon the bodies of deceased persons, or belonging to said deceased persons, that may come into his possession, before he delivers up, or permits the same to go out of his possession; and no money, article, thing, or property of any nature or kind, shall be delivered to any person, until the same shall have been entered in said book as aforesaid, and signed in the presence of said Coroner, by the person receiving the same.

SEC. 3. This Act shall be in force and take effect from and after its passage.

CHAPTER DCLVII.

[See volume of Amendments to the Codes.]

CHAPTER DCLVIII.

An Act in relation to the government of the County of Sacramento.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Election of Sheriff.

SECTION 1. At the general election in September, A. D. 1875, there shall be elected by the qualified electors of Sacramento County, one Sheriff, who shall be ex officio Tax Collector, one Auditor, who shall be ex officio Recorder, and such other county officers as are now provided for by law.

Salary.

SEC. 2. The Sheriff of Sacramento County, elected under the provisions of this Act, shall receive an annual salary of eleven thousand eight hundred dollars for services as such Sheriff, and an annual salary of fifteen hundred dollars for services as ex officio Tax Collector, and five per cent for commissions upon all delinquent taxes by him collected, and the per cent now allowed the Tax Collector for collection of licenses, which shall be in full for all services rendered by him or his deputies as such Sheriff or Tax Collector.

Auditor.

SEC. 3. The Auditor of Sacramento County, elected under the provisions of this Act, shall receive an annual salary of four thousand five hundred dollars, which shall be in full compensation for all services rendered by him or his deputies, as either Auditor or Recorder.

Assessor.

SEC. 4. The Assessor of Sacramento County, elected under the provisions of this Act, shall receive an annual salary of fifteen hundred dollars, and ten per cent commissions on all poll taxes by him collected. He shall be allowed the same number of deputies at the same salary as is provided for by law.

Treasurer.

SEC. 5. The Treasurer of Sacramento County, elected under the provisions of this Act, shall receive an annual salary of twenty-five hundred dollars per annum.

Clerk.

SEC. 6. The County Clerk of Sacramento County, elected under the provisions of this Act, shall receive an annual salary of seven thousand dollars per annum, which shall be in full compensation for all services rendered by him or his deputies as such County Clerk, or as Clerk of any Court, Clerk of the Board of Supervisors, whether as Supervisors or as Swamp Land Commissioners, or as Commissioner.

District Attorney.

SEC. 7. The District Attorney of Sacramento County, elected under the provisions of this Act, shall receive an annual salary of forty-two hundred dollars per annum.

Provisions applied.

SEC. 8. The provisions of the Act entitled "An Act to regulate the fees of office, and to fix the compensation of the county officers in the County of Sacramento," approved February 28, 1874, as to the collection of fees by the county officers of Sacramento County, their reports and payments into the County Treasury, and the payment of their salaries, shall apply to the officers elected under the provisions of this Act.

Salaries not fixed.

SEC. 9. The county officers of Sacramento County, elected under the provisions of this Act, whose salaries are not fixed by this Act, shall receive the compensation now provided by law.

SEC. 10. All Acts and parts of Acts inconsistent herewith are hereby repealed, and this Act shall take effect from and after its passage.

CHAPTER DCLIX.

An Act concerning the State Harbor Commissioners, and for other purposes.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Harbor of San Francisco.

SECTION 1. The Harbor of San Francisco is hereby placed under the control of the Board of State Harbor Commissioners, and they are authorized to regulate the position of ships, their moorings and anchorage, and generally to make rules and regulations concerning them, with power to enforce the same as fully as that formerly used and exercised by the Harbormaster of the City and County of San Francisco.

Routes of ferry boats.

SEC. 2. The Commissioners shall keep the routes of the ferry boats, passing in and out of said harbor, free and open at all times, so that ferry boats can conveniently make their trips without impediment on the part of vessels at anchor, or other obstacles.

Harbormaster.

SEC. 3. The present Harbormaster of the City and County of San Francisco shall continue in office as such until the end of the term for which he was elected, and draw the salary allowed him by law. He shall, during such term, perform such services in and about the management and regulation of said harbor, as the Commissioners may require of him. At the end of said term said office shall become extinct, and all laws requiring the election of such an officer shall be deemed to be repealed and abolished, and thereafter all harbor regulations and management shall be performed by the Commissioners as hereinafter provided.

Duties, how performed

SEC. 4. At the end of the term of office of the present Harbormaster of San Francisco, either by lapse of time, resignation, or otherwise, the State Harbor Commissioners shall require said duties to be performed by the Chief Wharfinger, or

other executive officer of said Board, as they may deem most advantageous to the public interests, but no special office shall be created for that purpose alone.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAPTER DCLX.

An Act providing for the removal of civil officers for a violation of official duties.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Violations of official duty.

SECTION 1. Any member of any Board of Directors, Board of Commissioners, or other Board of officers, State, city, county, or district, or other person who has been elected or appointed, or who shall hereafter be elected or appointed to hold, control, build, or manage any public building of this State, or of any county, city, or city and county, in this State, or to hold, control, manage, or disburse any of the public funds of this State, or of any county, city, or city and county, in this State, or any person acting by, through, or under the authority of any such Board of Directors, Board of Commissioners, or other Board of officers, or other person as aforesaid, or any other officer in the State who shall be guilty of a willful violation of any of the provisions of the statute under which he or they were or may be hereafter elected or appointed, or of any other statute or statutes of this State prescribing or defining their duties and powers, or passed for their government and control, or who shall be guilty of any other willful violation of official duty, shall be deprived of his office and otherwise punished, in accordance with the provisions of section two of this Act.

Citations and penalty

SEC. 2. Whenever any complaint in writing, duly verified by the oath of any complainant, shall be presented to the District Court, alleging that any of the officers or other persons referred to in section one of this Act, have, within the jurisdiction of said Court, been guilty of a violation of the provisions of said section, or of any other statute or statutes of this State, which have been or may hereafter be passed for their government and control, or prescribing or defining their duties and powers, it shall be the duty of said Court to cite the party or parties charged to appear before him on a certain day, not more than ten nor less than five days from the time when said complaint shall be presented, and on that day, or some subsequent day not more than twenty days from that on which said complaint is presented, shall proceed to hear, in a summary manner, the complaint and evidence offered in support of the same, and the evidence offered by the party or parties complained of; and if

on such hearing, it shall appear that the charge or charges contained in said complaint are sustained, the Court shall enter a decree that said party or parties complained of shall be deprived of his or their office or position, and shall enter judgment for one hundred dollars in favor of the complainant, and for such costs as are allowed in civil cases.

Construction.

SEC. 3. This Act shall not be construed to repeal or impair the provisions of any other Act concerning officers, in force at the time of the passage hereof, but shall be construed to be a cumulative remedy for the enforcement of official duty and not otherwise.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER DCLXI.

An Act granting further powers to the Board of State Harbor Commissioners.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Dredging.

SECTION 1. The Board of State Harbor Commissioners are hereby authorized and empowered to do the dredging necessary to be done under the operations of said department, and for that purpose, to build or purchase such dredgers, barges, and other engines, machinery, and appliances as may be necessary to do and perform said work, and to employ all necessary men and means therefor, and to pay for the same out of the funds in the State Treasury to the credit of said Board, or any moneys arising from the revenues of the wharves and docks under their charge.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DCLXII.

[See volume of Amendments to the Codes.]

CHAPTER DCLXIII.

An Act to permanently locate the county seat of Fresno County.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first day of October, A. D. 1874, the county seat of Fresno County shall be located at the Town of Fresno; *provided*, the Board of Supervisors may have power to move said county seat to the said Town of Fresno at any time prior to said first day of October, A. D. 1874, if in their judgment they may deem it necessary and advisable. County seat.

SEC. 2. The Board of Supervisors of Fresno County are authorized to forthwith proceed to erect suitable buildings in the Town of Fresno for county purposes. Buildings.

SEC. 3. This Act shall take effect immediately.

CHAPTER DCLXIV.

[See volume of Amendments to the Codes.]

CHAPTER DCLXV.

Proposed amendments to the Constitution of the State of California.

[Approved March 30, 1874.]

The Legislature of the State of California, at its twentieth session, proposes the following amendments to the Constitution of said State:

Amend Article One of said Constitution to read as follows:

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. Personal rights.

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. Political rights.

Trial and verdict.

SEC. 3. The right of trial 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. In civil cases, if three fourths agree upon a verdict, it shall be taken as the verdict of the jury.

Religious liberty.

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.

Habeas corpus.

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.

Bail.

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.

Bailable offenses.

SEC. 7. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great.

Indictment.

SEC. 8. No person, without his written consent, 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. The Legislature may fix, at not less than twelve, the number of Grand Jurors to form a panel, or to find an indictment. No person shall be subject to

Personal and property rights.

be twice put in jeopardy for the same offense; 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 or damaged for public use, without just compensation first made. The presentment or indictment mentioned in this section may be amended by the Court in matter of form in such manner as the Legislature may by statute provide.

Freedom of speech and of the press.

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.

Assembling and petitioning.

SEC. 10. The people shall have the right freely to assemble together to consult for common good, to instruct their rep-

resentatives, and to petition the Legislature for redress of grievances.

Operation of law.

SEC. 11. All laws of a general nature shall have a uniform operation upon the same class of subjects.

Military.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be maintained by this State in time of peace.

Quartering soldiers.

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.

Imprisonment.

SEC. 14. 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.

Ex post facto, etc.

SEC. 15. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall be passed.

Rights of foreigners.

SEC. 16. 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.

Servitude.

SEC. 17. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

Seizures and searches.

SEC. 18. 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 for probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

Treason.

SEC. 19. 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.

Construction.

SEC. 20. This enumeration of rights shall not be construed to impair or deny others retained.

Amend Article Two of said Constitution to read as follows:

ARTICLE TWO—RIGHT OF SUFFRAGE AND ELECTIONS.

Electors.

SECTION 1. Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote all all elections:

First—He shall have been a citizen of the United States at least one month.

Second—He shall have resided in the State six months immediately preceding the election.

Third—He shall have resided in the election precinct where he shall offer to vote, one month immediately preceding the election.

No electors.

SEC. 2. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

Residence. SEC. 3. 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, nor 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; nor shall any person in the military, naval, or marine service of the United States, by reason of being stationed in any military or naval station within the State, be considered a resident of this State.

Rights on election day. SEC. 4. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

Same. SEC. 5. 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.

General election. SEC. 6. The general election shall be held on the Tuesday next following the first Monday in November, A. D. one thousand eight hundred and seventy-seven, and every two years thereafter, unless the Legislature, by statute, fix a different time.

Elections by people. SEC. 7. All elections by the people shall be by ballot. All elections by persons in a representative capacity, shall be viva voce.

Plurality a choice. SEC. 8. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

Bribery, etc. SEC. 9. Any person who shall give, or promise or offer to give, to any elector, any money, reward, or other valuable consideration, for his vote at an election, or for withholding the same, or who shall give, or promise to give, such consideration to any other person or party for such elector's vote, or for the withholding thereof, and any elector who shall receive, or agree to receive, for himself or for another, any money, reward, or other valuable consideration, for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election; and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received.

Penalty. SEC. 10. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or willful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this State; and any person convicted of willful violation of the election laws, shall, in addition to any penalty provided by law, be deprived of the right of suffrage absolutely for a term of four years.

Contested elections. SEC. 11. In trials of contested elections, and proceedings for the investigations of elections, no person shall be permitted to withhold his testimony upon any grounds; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

NOTE.—Article III of the present Constitution is not amended in any particular.

Amend Article IV of said Constitution to read as follows:

ARTICLE IV—LEGISLATIVE DEPARTMENT.

Legislative power.

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.

Enacting clause.

SEC. 2. The enacting clause of every statute shall be: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

Sessions of Legislature

SEC. 3. The sessions of the Legislature shall be biennial, and shall commence on the Tuesday next after the first Monday of January, in the year following the election of its members. No session shall continue longer than one hundred and twenty days.

Members of Assembly.

SEC. 4. Members of the Assembly shall be chosen biennially, at the general election in the year eighteen hundred and seventy-seven, and every two years thereafter, by the qualified electors of there respected Assembly District; and their terms of office shall be two years from the day of their election.

Senators.

SEC. 5. Senators shall be chosen at the same time and place as members of the Assembly, by the qualified electors of their respective Senatorial Districts. The term of Senators shall be four years from the day of their election.

Qualifications.

SEC. 6. Senators and members of the Assembly shall be electors in the district which each shall represent respectively, and each shall be a resident of his district for one year next before the election at which he shall be chosen.

Number of Assemblymen.

SEC. 7. The number of members of the Senate shall be forty, and the Assembly, eighty. After the population of the State exceeds one million, the Legislature may, by statute, increase the number of members of the Assembly not to exceeding one hundred and twenty. When the number shall be increased, the rule of apportionment herein prescribed shall not apply to the excess over eighty until each county in the State shall be allowed one member of the Assembly.

Senatorial districts.

SEC. 8. The Legislature, at its sessions in the year eighteen hundred and eighty-two, must divide the State into Senatorial Districts of compact contiguous territory, as nearly equal in population as may be. At the next general election thereafter, forty Senators shall be elected, one half of whom shall hold office for the term of four years, and the other half for the term of two years, to be determined by lot at the first session of the Legislature thereafter.

Assembly districts.

SEC. 9. At the same time, the Legislature must divide the State into eighty Assembly Districts of compact contiguous territory, as nearly equal in population as may be.

No county divisions.

SEC. 10. In forming a Congressional, Senatorial, or Assembly District, a county shall not be divided so as to attach one portion of a county to another county.

Change and reapportionment.

SEC. 11. The Senatorial and Assembly Districts formed in eighteen hundred and eighty-two, must be changed, and the representation reapportioned by the Legislator in the year eighteen hundred and ninety-two, and every ten years thereafter; and if any Legislature upon which is devolved the duty of making such change and reapportionment, fails to perform it, the Governor of the State, within sixty days after the adjournment of such Legislature, must make such change and reapportionment, and declare it by proclamation.

Basis of apportionment.

SEC. 12. Every apportionment shall be based upon the number of votes cast at the Presidential election which occurred next before such apportionment.

Vacancies.

SEC. 13. When vacancies occur in either House, the Governor shall issue a proclamation calling an election to fill the same, unless a general election will intervene between the vacancy and the next session of the Legislature.

Privileges of legislators.

SEC. 14. The members of both Houses shall, in all cases, except for treason, felony, violation of oath of office, or surety of the peace, be privileged from arrest during the session of the Legislature, and for fifteen days before and after; and no member of either House shall be punished criminally, or be made to pay damages for words spoken in debate or speech in such House.

Compensation.

SEC. 15. Members of the Legislature and its officers shall receive such salary, or per diem and mileage, for regular and special sessions, as shall be previously fixed by statute, and no other compensation whatever, whether for services on committee or otherwise, shall be allowed. No member of either House, or officer or employé of either House, shall, during the term for which he may have been elected or appointed, receive any increase of salary or mileage under any law or resolution passed during such term.

Sessions.

SEC. 16. The session of the Legislature shall be public, but either House may, by rule, exclude from the floor of such House persons other than its members.

Quorum.

SEC. 17. 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 it may prescribe.

Powers of Legislatures.

SEC. 18. The Senate and Assembly respectively, shall choose its own officers, judge of the qualifications and election of its members, have power to determine the rules of its proceedings, to punish for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence, to punish its members and others for bribery, or offers to bribe a member in the discharge of his duties as such, with the concurrence of two thirds to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption, shall not thereafter be eligible to an election as a member of either House, and punishment for bribery, contempt, or disorderly behavior, shall not bar an indictment for the same offense.

Testimony in contests for seats.

SEC. 19. The Legislature shall provide, by statute, for the taking the testimony in contests for seats in either House;

such statutes must prescribe that all testimony shall be taken before the time fixed for the regular meeting of the Legislature. All such contests must be finally determined within one week after the organization of the two Houses.

Employés. SEC. 20. The Legislature shall prescribe, by law, the number, duties, and compensation of the officers and employés of each House, and no payment shall be made from or authorized to be made out of the State Treasury for services connected with the sessions of the Legislature, unless such services be first authorized and the compensation fixed by statute.

President of Senate. SEC. 21. The Senate, at the beginning of the regular sessions, and at such other times as may be necessary, shall elect one of its members President pro tempore, who may preside over the Senate during the absence of the Lieutenant Governor.

Journal. SEC. 22. Each House shall keep a journal of its proceedings, and publish the same. Three members may call for the yeas and nays on any question, and when so called, the vote of each member voting shall be recorded in the journal.

Yeas and nays.

Bills and amendments. SEC. 23. Any bill may originate in either House of the Legislature, and all bills passed by one House may be amended in the other.

Printing bills. SEC. 24. No bill shall be passed into a statute until it has been printed in the House where it originated, for the use of both Houses, and referred to and returned from a committee in each House, and read once at length in each House.

Subject. SEC. 25. No statute shall embrace more than one subject, and that shall be expressed in its title.

Amendments. SEC. 26. No statute shall be amended by reference to its title; but, in such case, the statute or section amended shall be reënacted and published at length.

After passage. SEC. 27. Every bill which may pass the Legislature shall, before it becomes a statute, be presented to the Governor, and such further proceedings had thereon, as provided for in section fourteen of Article Five of this Constitution.

Lotteries. SEC. 28. Lotteries and the sale of lottery policies or tickets within this State are unlawful. All lottery policies or tickets, or prizes drawn in lotteries within this State, are forfeited to the State, to be recovered by action brought in the name of the people of the State by the Attorney General.

Embezzlement. SEC. 29. No person who shall have been or who shall be convicted for embezzlement of public funds, or defalcation in any public office, shall be eligible to any civil office of trust or profit in this State; and the Legislature shall pass statutes providing for the punishment of such embezzlement and defalcation as a felony.

Restrictions as to local enactments. SEC. 30. The Legislature shall not pass any local or special statute authorizing the creation, extension, or impairing of liens regulating the affairs of counties, cities, townships, road or school districts; changing the names of persons or places; changing the place of trial in civil or criminal cases; authorizing the laying out, opening, altering, or maintaining roads, highways, streets, alleys, or sewers; relating to ferries or bridges; vacating roads, town plats, streets, or alleys; relating to cemeteries or other public grounds; authorizing the adoption or legitimation of children; locating or changing county seats; incorpo-

Same. rating towns or cities; for opening and conducting elections, or fixing or changing places of voting; granting divorces; confirming the deeds or certificates of acknowledgment of married women; confirming any void judicial proceeding, tax, or assessment, or any grant founded thereon; erecting new townships, or other territorial divisions in a county; creating offices, or prescribing the powers and duties of officers in counties, cities, townships, or districts; changing the laws of succession or descent; regulating the practice or production of, or rules of evidence in any judicial proceeding or inquiry before the Courts or other tribunals, or providing for or changing methods for the collection of debts or enforcing of judgments; regulating fees of office; affecting the estates of minors, or others under disabilities, except after notice to all parties in interest, which shall be recited in the special Act; remitting fines, penalties, or forfeitures, or refunding of moneys legally paid into the Treasury; regulating labor, trade, mining, or manufacturing; creating corporations, or amending, renewing, or extending their charters; granting to any corporation, association, or person, any special or exclusive privilege or immunity, or the right to make a railroad.

Additional pay. SEC. 31. No Act shall be passed giving extra or additional pay, or relief, or compensation to any public officer, servant, employé, or agent of, or contract under, this State, or any department thereof, or of or under any county or city in this State.

Term of office. SEC. 32. No Act shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.

Injuries to person or property. SEC. 33. No Act of the Legislature shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property. In cases of death from injuries received by or through the carelessness, negligence, or willful misconduct of any person or corporation, the right of action shall survive, and the Legislature shall prescribe by and for whose benefit such shall be prosecuted. Until the Legislature shall so prescribe, such right of action shall survive to and may be prosecuted by the personal representatives of the deceased. No Act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons.

Inspection of commodities. SEC. 34. No State office shall be continued or created for the inspection or measurement of any merchandise, or manufacture, or commodity; but the Legislature may, by general law, provide for such inspection and measurement by municipal or county officers.

Loaning credit of State. SEC. 35. The Legislature shall pass no statute agreeing to pay, or providing for the payment from the State Treasury, or by any municipal corporation, of any bonds or other obligation of any person or corporation, or to provide for the payment of any interest on such bonds or obligation; and shall pass no statute concerning or authorizing the loan of the credit of the State, or any municipal corporation, to any person or corporation.

Extra compensation.

SEC. 36. The Legislature shall never grant, or authorize extra compensation, fee, or allowance to any public officer, agent, or servant, or contractor, after service has been rendered or contract made, nor authorize the payment of any claim or part thereof hereafter created against the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements shall be null and void, provided this section shall not extend to and prevent appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

Impairing obligations.

SEC. 37. The Legislature shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to this State, or to any municipal corporation therein.

Homesteads.

SEC. 38. The Legislature shall protect by statute, from forced sale, a certain portion of the homestead and other property of all heads of families.

Property exempt.

SEC. 39. The Legislature shall by statute protect the wages of labor, provide for liens of mechanics and laborers, and for the exemption of a reasonable amount of property from execution and forced sale.

Concerning corporations.

SEC. 40. Any statute concerning corporations may at any time be altered, amended, or repealed, and all corporations shall, if required by statute, conform to any such alteration or amendment, or be dissolved by such repeal.

Banking corporations.

SEC. 41. The Legislature shall not pass any statute under which any corporation for banking purposes shall be established; but associations and corporations may be formed under general laws for the deposit and loan of gold and silver; but no such association or corporation shall make, issue, or put in circulation, any bill, check, certificate, ticket, promissory note, or other paper, or the paper of any bank, to circulate as money; and the Legislature shall prohibit by law the creation of paper to circulate as money.

"Corporation" defined.

SEC. 42. The term "corporation," as used in this Constitution, shall be construed to include all associations and joint stock companies having any of the powers or privileges of the corporations not possessed by individuals or partnership. All corporations shall have the right to sue and be subject to action in all Courts in like case as natural persons.

Special sessions.

SEC. 43. When the Legislature is convened in special session by proclamation of the Governor, there shall be no legislation on subjects not designated in such proclamation.

Signing bills.

SEC. 44. The presiding officer of each House shall, in the presence of the House over which he presides, sign bills and joint resolutions passed in such House, immediately after the titles of such bills have been publicly read. The fact of signing shall be entered in the Journal.

Adjournments.

SEC. 45. Neither House, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which they may be sitting. 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.

Warrants and appropriations.

SEC. 46. No money shall be drawn from or paid out of the Treasury of the State, except it be pursuant to and in accordance with a specific appropriation for a particular purpose made by statute, and then only on warrants drawn by the proper officer; and no appropriation shall be made for more than two years.

General appropriation bill.

SEC. 47. All general appropriation bills shall be sent to the Governor for his signature, at least ten days before the close of the session.

Impeachment.

SEC. 48. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, Superintendent of Public Instruction, the Justices of the Supreme Court, and District Judges, shall be liable to impeachment for misdemeanor in office. All other officers under the Constitution may be tried by jury, or indictment for misdemeanor in office, and, if convicted, be removed from office and disqualified from holding any office of honor or profit.

Same and trials.

SEC. 49. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. Each Senator, at the time the Senate shall resolve itself into a Court of Impeachment, shall swear (or affirm) that he will do impartial justice between the accuser and the accused, uninfluenced by party feeling. No person shall be convicted on such impeachment without the concurrence of two thirds of the Senators elected, and the judgment on conviction shall extend only to removal from office and disqualification to hold office thereafter. A majority of the Senators elected may affix the penalty, but such judgment on impeachment shall not be a bar to indictment for the same offense.

Legislators and civil officers.

SEC. 50. No Senator or member of the Assembly shall be elected or appointed to any civil office of profit in this State during the term for which he shall have been elected, or for one year thereafter, which office shall have been created, or the emoluments of which shall have been increased during his term of office.

Bribery.

SEC. 51. Any member of the Legislature who shall solicit, demand, receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, or person, any money, office, appointment, employment, testimonial, reward, thing of value, enjoyment, or of personal advantage, or promise thereof, or the influence of another to obtain for himself any office of honor or profit, for his vote or official influence, or for withholding the same, or with an understanding, express or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter, or thing aforesaid for another as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter, or thing to another, shall be held guilty of bribery within the meaning of this Constitution and the Penal Code, and shall incur the penalties provided in such

Code, and be subject to such further punishment as shall be provided by statute.

Bribing.

SEC. 52. Any person who shall directly or indirectly offer, give, or promise any money, thing of value, testimonial, privilege, or personal advantage, to any officer, legislative, executive, or judicial, to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and punished as provided by statute.

Lobbying.

SEC. 53. The offense of corrupting members of the Legislature, or public officers of this State, or of any municipal division thereof, and any occupation or practice of solicitation of such member or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

Bribery investigation.

SEC. 54. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding, except for perjury in giving such testimony; and any person convicted of either of the offenses aforesaid, shall, as part of the punishment therefor, be disqualified from holding any office of honor or profit in this State.

U. S. constitutional amendments.

SEC. 55. The Legislature shall not act upon any amendment proposed to the Constitution of the United States, until at least one general election intervene between the time such amendment is proposed and the time of action thereon.

Amend Article Fifth of said Constitution to read as follows:

ARTICLE FIFTH—EXECUTIVE DEPARTMENT.

Executive department.

SECTION 1. The Executive Department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, and Superintendent of Public Instruction, who shall each be independent of the other, and have and exercise the powers prescribed for him in this Constitution and by statutes.

Election of Governor.

SEC. 2. The Governor shall be elected by the qualified electors of the State, at the general election in the year eighteen hundred and seventy-nine, and every four years thereafter.

Eligibility.

SEC. 3. No person shall be eligible to the office of Governor who is not over the age of twenty-five years, and who has not been a citizen of the United States, and a resident of the State, for four years next preceding his election.

Term of office.

SEC. 4. The Governor shall hold his office during four years from the first Tuesday after the first Monday in January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

SEC. 5. The returns of every election for Governor shall be sealed up, indorsed "Election returns for Governor," and by

Election returns for Governor. the County Clerks of the different counties be transmitted to the Secretary of State, who shall safely keep the same unopened, and deliver them to the Speaker of the Assembly. The Speaker shall, in the presence of both Houses of the Legislature, on the day next after the organization of both Houses, open such returns and publish them. 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 for Governor.

Governor. SEC. 6. The Governor shall be Commander-in-Chief of the Army, Navy, and Militia of this State, except when they are called into actual service of the United States.

Same. SEC. 7. The Governor shall transact all executive business with the officers of the Federal Government, and with Governors of other States. He shall see that the laws are faithfully executed, and he may require information in writing from all other executive officers of this State upon any subject relating to the business of their respective offices.

Vacancies. SEC. 8. When any State executive office (other than Governor or Lieutenant Governor) shall become vacant, the Governor shall fill such vacancy for the unexpired term by appointment; and if a vacancy occur in any judicial office in this State, other than Justice of the Peace, the Governor shall fill such vacancy by appointment, as prescribed in Art. Sixth of this Constitution. In other cases the Legislature may provide, by statute, for filling vacancies in office, and if no such provision shall exist, and a vacancy occur, the Governor shall fill the same by appointment for the unexpired term. The Governor shall report to the Senate all appointments for State offices and all appointments to judicial offices, for its confirmation, at the earliest practicable time, and if the Senate shall refuse to confirm such appointment, a vacancy shall then occur, to be filled as provided in this section.

Special sessions of Legislature SEC. 9. The Governor may, on extraordinary occasions, convene the Legislature in special session, by proclamation, which proclamation shall designate the subject upon which legislation is desired.

Governor's message. SEC. 10. The Governor shall communicate by message to the Legislature at every session the condition of the State, and from time to time recommend to its consideration such measures as he may deem expedient.

Powers. SEC. 11. The Governor shall have power to remit fines and forfeitures imposed as a punishment for crimes, to grant reprieves, commutations of sentences, and pardons, except in cases of impeachment, and cases of disqualifications from holding office, or enjoying the right of suffrage, declared by this Constitution as a punishment for crime. But no pardon shall be granted,

Pardons. or sentence commuted, except upon the recommendation, in writing, of the Lieutenant Governor, Secretary of State, and Attorney General, or a majority of them, after full hearing, upon due public notice of time and place; and such recommendations, and the reasons therefor, shall be filed in the office of the Secretary of State.

Great Seal.

SEC. 12. There shall be a seal of this State kept in the office of the Secretary of State, to be used by him and the Governor to authenticate papers and documents issued by them, or either of them, to be called "The Great Seal of the State of California;" and all grants and commissions shall be in the name and by the authority of the people of the State of California, sealed with said seal, signed by the Governor, and countersigned by the Secretary of State.

Lieutenant Governor.

SEC. 13. 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 power 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 forces of the State, not in the actual service of the United States.

Veto and approval.

SEC. 14. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve, he shall sign it; but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large upon their Journal, and proceed to reconsider it. If, after such reconsideration, two thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House, by which likewise it shall be reconsidered, and if approved by two thirds of all the members elected to that House, it shall be a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the Journals of each House respectively. If any bill shall not be returned by the Governor within ten days 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 Legislature, by their adjournment, by limitation, or otherwise, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of State, and give notice thereof, by public proclamation, within thirty days after such adjournment.

Disapproval of appropriations.

SEC. 15. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Qualification and election.

SEC. 16. The Lieutenant Governor, Treasurer, and Attorney General, shall each have the same qualifications as the Governor; each shall be elected at the same time and places, and their terms of office shall be the same as that of the Governor.

Same.

SEC. 17. The Controller, Secretary of State, Surveyor General, and Superintendent of Public Instruction, shall each have the same qualifications as the Governor, and shall be elected at

the general election in the year eighteen hundred and eighty-one, and every four years thereafter.

Terms of office. SEC. 18. Each of the officers mentioned in the preceding section, shall hold his office during four years from the first Tuesday after the first Monday in January next ensuing after his election.

Lieutenant Governor. SEC. 19. The Lieutenant Governor shall be President of the Senate, but shall only have a vote therein when the Senate is equally divided, and he shall perform such other duties as may be prescribed by statute. In case of the death, conviction on impeachment, absence from the State, failure to qualify, resignation, or other disability of the Governor, the powers, duties, obligations, and emoluments of the office for the remainder of the term, or until the disability be removed, shall devolve on the Lieutenant Governor.

Vacancy. SEC. 20. In case of a vacancy in the office of Lieutenant Governor, by his death, assumption of the office of Governor, conviction on impeachment, or from any other cause, the powers, duties, and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the President pro tempore of the Senate; and the President pro tempore of the Senate shall in like manner become Governor, if a vacancy or disability shall occur in the office of Governor while he is acting Lieutenant Governor; but his seat in the Senate shall become vacant whenever he shall become Governor.

Secretary of State. SEC. 21. The Secretary of State shall keep a record of all official acts of the Governor, preserve the archives and papers pertaining to the office of Governor and the Legislature, and shall perform such other duties as may be prescribed by statute.

Emoluments. SEC. 22. The emoluments of all State officers shall be fixed prior to the election to such office, and such emoluments shall not be increased or diminished during such term, nor shall any additional pay be allowed for additional services required of such officer.

Amend Article Six of said Constitution to read as follows:

ARTICLE SIX—JUDICIAL DEPARTMENT.

Judicial power. SECTION 1. The judicial power of this State shall be vested in a Supreme Court, District Courts, Courts of Justice of the Peace, and in such municipal Courts as shall be established by statute for cities, or consolidated cities and counties.

Supreme Court. SEC. 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The presence of four Justices shall be necessary for the transaction of business in Court, and the concurrence of four Justices shall be necessary to pronounce a judgment.

Justices, election, terms, etc. SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at the general election next after the adoption of these amendments, and each shall take his seat on the first Tuesday after the first Monday in January next after his election. The full term of a Justice of

the Supreme Court is fourteen years. At the meeting of such Justices on the said Tuesday next after the first Monday of January, they shall so classify themselves by lot that the term of one Justice shall expire every two years, and his successor shall be elected at the general election next preceding the expiration of such term.

Number to be voted for

SEC. 4. At the election for Justices of the Supreme Court, next after the adoption of these amendments, no elector shall vote for more than four persons for Justices of the Supreme Court.

Vacancies.

SEC. 5. If a vacancy occur in the office of Justice of the Supreme Court from other causes than the expiration of a full term, the Governor shall fill such vacancy by appointment, and the appointee shall hold until the election and qualification of his successor. At the next general election after such vacancy, it shall be filled by election, and the person so elected shall hold office from the first Tuesday after the first Monday in January next ensuing until the expiration of the unexpired term.

Chief Justice.

SEC. 6. No Justice appointed or elected to fill an unexpired term, shall be Chief Justice. The Justice not so appointed or elected, having the shortest term to serve, shall be Chief Justice.

Jurisdiction.

SEC. 7. The jurisdiction of the Supreme Court is of two kinds:

One—Original; and,

Two—Appellate.

Original.

SEC. 8. The original jurisdiction of the Supreme Court extends to the issuance of writs of mandate, review, prohibition, and habeas corpus.

Appellate.

SEC. 9. The appellate jurisdiction of the Supreme Court extends:

One—To all civil cases and special proceedings arising in the District Courts;

Two—To all criminal actions amounting to a felony;

Three—To the issuance of all writs necessary to the exercise of its appellate jurisdiction; and,

Four—To such other cases and proceedings as the Legislature may by general statute prescribe.

Districts and District Judges.

SEC. 10. Each county is a Judicial District. District Judges shall be elected by the qualified electors of their respective districts, at the general election next after the adoption of these amendments, and shall hold their respective offices for the term of six years, and until their successors shall be elected and qualified.

Vacancies.

SEC. 11. If a vacancy occur in the office of District Judge from causes other than the expiration of a full term, the Governor shall fill such vacancy by appointment, and the appointee shall hold until the election and qualification of his successor. At the next general election after such vacancy, it shall be filled by election, and the person so elected shall hold office from the Tuesday after the first Monday in January next ensuing, for the term of six years.

SEC. 12. Every county, containing less [than] twenty thousand inhabitants, shall elect one District Judge; counties con-

Number, counties to elect.

taining more than twenty thousand inhabitants may elect such further number of District Judges as shall be prescribed by statute, not exceeding one for every twenty thousand inhabitants, and one for such fraction as shall exceed ten thousand.

Presiding Judge.

SEC. 13. In districts where there shall be more than one District Judge, a presiding Judge shall be elected by lot, who shall distribute the labor to be performed by each.

District Courts.

SEC. 14. Each District Court shall be held by one District Judge; and when two or more Judges are selected for one county, Courts shall be held separate, but the judgments and orders of each shall be entered and enforced, as of the District Court of such county.

Jurisdiction.

SEC. 15. The jurisdiction of the District Courts is of two kinds:

One—Appellate; and,

Two—Original.

Appellate.

SEC. 16. The appellate jurisdiction of the District(s) Courts extends:

One—To all cases arising in Justices' Courts;

Two—To such cases and proceedings arising in Municipal Courts as the Legislature may prescribe.

Original.

SEC. 17. The original jurisdiction of District(s) Courts extends:

One—To all civil actions for relief formerly given in Courts of equity;

Two—To all civil actions in which the subject of litigation is not capable of pecuniary estimation;

Three—To all civil actions in which the subject of litigation is capable of pecuniary estimation, 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;

Four—To actions to prevent or abate a nuisance;

Five—To actions of forcible entry and detainer;

Six—To proceedings in insolvency;

Seven—To probate cases and proceedings;

Eight—To all other special proceedings;

Nine—To inquiring, by the intervention of a Grand Jury, of all public offenses committed or triable within the district;

Ten—To the trial of all indictments;

Eleven—To such other cases and proceedings as the Legislature may prescribe.

Justices of the Peace.

SEC. 18. 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; but such powers shall not, in any case, trench upon the jurisdiction of the several Courts of record. The Supreme Court, and District Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record.

Jurisdiction of Municipal Courts.

SEC. 19. The jurisdiction of municipal Courts established by statute for cities, and consolidated cities and counties, shall extend only to the trial of misdemeanors, and to the trial of cases arising under ordinances of such cities, or cities and counties.

Elections of officers, etc.

SEC. 20. The Legislature shall provide for the election of a Clerk of the Supreme Court, of County Clerks, District Attorneys, Sheriffs, and other necessary officers, and shall fix by law their duties and compensations. 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 Courts of record, of one or more Commissioners, with authority to perform Chamber business, and also to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by statute.

Supreme and District Courts.

SEC. 21. The time and place of holding the terms of the Supreme Court shall be provided for by statute. The District Courts shall always be open for the transaction of business.

Fees.

SEC. 22. No judicial officer, except Justices and Commissioners, shall receive to his own use any fees or perquisites of office.

Publication of opinions.

SEC. 23. 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.

Compensations.

SEC. 24. The Justices of the Supreme Court and District Judges shall, severally, at stated times during their continuance in office, receive for their services, out of the State Treasury, a compensation which shall not be increased or diminished after their election, or during the term for which they shall have been elected.

Ineligible to other offices.

SEC. 25. The Justices of the Supreme Court and the District Judges shall be ineligible to any other office than a judicial office during the term for which they shall have been elected, and shall, before entering upon their offices, in addition to the oath of office, take and subscribe an oath that they will not, during such term, accept any Federal office.

Charges.

SEC. 26. Judges shall not charge juries with respect to matters of fact, but they may state the testimony and declare the law.

Style of process.

SEC. 27. 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.

Powers present Supreme Court.

SEC. 28. The Supreme Court now in existence is continued until the first Monday in January, eighteen hundred and seventy-nine; but after the first Monday in January, eighteen hundred and seventy-eight, its power shall only extend to the determination of such cases or proceedings pending therein as may have been submitted for decision prior to that time.

Term of present Justices.

SEC. 29. The Justices of said Court in commission at the time these amendments take effect, may hold their offices as Justices thereof until the first Monday in January, eighteen hundred and seventy-nine.

If elected under this Act.

SEC. 30. If any Justice of said Court is elected a Justice of the Supreme Court created by this Article, his office as a Justice of the Supreme Court now in existence shall become vacant on the first Monday in January, eighteen hundred and

seventy-eight, and the Governor shall, by appointment, fill the vacancy.

Article Eight is amended to read as follows:

ARTICLE EIGHT—TAXATION AND FINANCE.

Taxation.

SECTION 1. Taxation shall be equal and uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and taxes shall be levied and collected under general laws. All property subject to taxation shall be listed for that purpose at its cash value, to be ascertained as provided by statute. All things, and choses in action, subject to ownership, sale, devise, descent, distribution, or assignment, shall be deemed property, for purposes of taxation. Property owned by the United States, by this State, or by a municipal corporation under the laws of this State, shall be exempt from taxation.

Property defined.

Bonded State debt.

SEC. 2. The present bonded debt of the State is valid, and the Legislature shall provide by statute for the payment thereof.

Limit of indebtedness.

SEC. 3. The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall singly, or in the aggregate, with all previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war, to repel invasion, or suppress insurrection, or for the purposes of carrying out a general system of irrigation, or to provide the means of payment, if it becomes necessary to condemn to the use of the State the railroads within its limits.

Estimates of moneys needed.

SEC. 4. The Governor, Controller, and Treasurer shall, jointly, during the first week after the organization of the Legislature, exhibit to the Assembly detailed estimates of the sums of money necessary to be raised and expended during the two years next after the first day of July of that year.

Controller's duty as to public debt.

SEC. 5. The Controller shall determine, and publish, when the limit of the public debt, allowed by this Constitution, has been reached, and all other or further obligations of the State shall be void.

Loaning credits.

SEC. 6. Neither the credit of the State, nor of any municipal corporation authorized under the laws thereof, shall be pledged or loaned to any individual, company, corporation, or association; nor shall the State, or any municipal corporation, become a joint owner of or a stockholder in any company, association, or corporation; nor shall the State, or any municipal corporation, become bound to pay any bond, or interest on any bond, or other obligation, of any individual, association, or corporation; and no county, or other municipal corporation under the laws of this State, shall incur any obligation to raise money for the construction of any work not exclusively under the control of public officers.

State Board of Equalization.

SEC. 7. The Legislature must, by statute, provide for a State Board of Equalization, and fix its powers and duties.

Amend said Constitution by inserting therein a new Article, to be known as Article Nine, and to read as follows:

ARTICLE NINE—MUNICIPAL CORPORATIONS.

Municipal corporations.

SECTION 1. Municipal corporations under the laws of this State are:

One—Counties;

Two—Cities; and,

Three—Consolidated cities and counties.

County and city governments.

SEC. 2. The Legislature shall establish a system of county and city governments, which shall be as nearly uniform as practicable.

Boundaries of counties.

SEC. 3. The boundaries of counties shall be established by statute, and no statute shall be passed changing a county boundary, until it be shown to the Legislature that a notice was published in some newspaper of general circulation in the counties to be affected by such change, at least thirty days before the last general election, stating that application would be made to the Legislature for such change.

Salaries.

SEC. 4. The compensation of county officers shall be regulated by law. Salaries of county officers and pay allowed by law shall not be increased or diminished during the time for which they shall be elected.

Accountability.

SEC. 5. The Legislature shall provide by statute for a strict accountability of all county, township, and city officers for all public moneys coming into their hands.

Township officers.

SEC. 6. Township officers are Justices of the Peace and Constables, and each shall have such power and be subject to such duties and obligations as are prescribed in this Constitution or by statute.

Other officers.

SEC. 7. The Legislature shall provide by statute for such offices as may be necessary in administering the affairs of school districts, road districts, swamp land districts, or other division created by statute.

Cities.

SEC. 8. Cities with charters already given, shall remain such under their present charters, subject to amendment, or shall become incorporate under general laws.

Debts of corporations.

SEC. 9. No debt shall be incurred by any municipal corporation, except in pursuance of an order or ordinance, previously made therefor, by the municipal authorities, which order or ordinance shall provide for the payment thereof.

Private property not liable.

SEC. 10 Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

Powers vested in corporations.

SEC. 11. The Legislature may vest the corporate authorities of cities, or consolidated cities and counties, with power to make local improvements, by special assessment or by special taxation of contiguous property, or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform, in respect to persons and property, within the jurisdiction of the body imposing the same.

Amend said Constitution by inserting therein a new Article, to be known as Article Ten, and to read as follows:

ARTICLE TEN—PRIVATE CORPORATIONS.

General corporation laws.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special Act. All general laws passed pursuant to this section, may be altered from time to time, or repealed.

Liability of stockholders.

SEC. 2. Each stockholder shall be individually and personally liable for his proportion of all debts and liabilities of a corporation created or incurred while he remains such stockholder.

Eminent domain and police power.

SEC. 3. The exercise of the right of eminent domain shall never be abridged, or so construed as to prevent the Legislature from taking the property and franchises of corporations, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged, or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well-being of the State.

Votes at elections.

SEC. 4. In all elections for Directors or Managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

Business.

SEC. 5. No corporation shall engage in any business other than that expressly authorized in its charter; nor shall it take or hold any real estate, except such as may be necessary and proper for its legitimate business.

Stocks.

SEC. 6. No corporation shall issue stocks or bonds, except for money, labor done, or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the two thirds in value of the stock, first obtained at a meeting to be held after sixty days' notice given in pursuance of law.

Consolidations.

SEC. 7. No railroad or telegraph company shall consolidate with or hold an interest in the stock or bonds of any other railroad or telegraph company; nor shall the same persons be officers in corporations owning competing lines of railroads or telegraphs.

Leases.

SEC. 8. No railroad or telegraph company shall lease, or in any manner manage or control the railroad or telegraph line of another company.

Discriminations.

SEC. 9. All individuals, associations, and corporations shall have equal right to have persons and property transported over railroads; and no undue or unreasonable discrimination shall be made in charges for or in facilities for transportation of freight or passengers within the State, or coming from or going to any other State. Persons and property transported over any railroad shall be delivered at any station, at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more

distant station; but excursion and commutation tickets may be issued at special rates.

Fares and freights.

SEC. 10. The Legislature shall pass statutes to correct abuses, and prevent unjust discrimination and extortion in the rates of freights and fares on the railroads in the State, and provide for the enforcement of such statutes by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of property and franchises.

Books of record.

SEC. 11. Every railroad corporation organized in this State shall maintain an office therein where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which books shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock, and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

Rights.

SEC. 12. All railroads shall be public highways, and all railroad companies shall be common carriers. Any corporation organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads in other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad; and shall receive and transport each other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination, in such manner as may be prescribed by general statute.

Interest of officers.

SEC. 13. No President, Director, officer, or employé of any railroad company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company.

Passes.

SEC. 14. No railroad, railway, or other transportation company, shall grant free passes, or passes at a discount, to any public officers.

Foreign corporations.

SEC. 15. No foreign corporation shall do any business in this State without having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served.

ARTICLE ELEVEN—EDUCATION.

Public schools.

SECTION 1. The Legislature shall provide for the maintenance of and support of a thorough and efficient system of public schools, wherein all the children within the State may be educated.

School property.

SEC. 2. All public moneys raised for school purposes, all moneys, lands, and other property, which have heretofore or shall hereafter come to the State for school purposes, and the proceeds, rents, issues, and profits of such lands and other property, shall be appropriated exclusively to the support of the common school system of this State.

SEC. 3. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have

School lands.

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 on 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 the Legislature shall, as soon as may be, provide effectual means for the improvement and permanent security of the funds of said University.

ARTICLE TWELVE.

Amendments.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if the same are 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 ayes and noes taken thereon, and shall be published for three months before the next general election. In his proclamation calling such election, the Governor shall submit such proposed amendments to the qualified electors of the State for adoption or rejection, and if a majority of the votes cast shall be for the adoption of such amendment or amendments, it or they shall become part of this Constitution.

ARTICLE THIRTEEN—MISCELLANEOUS PROVISIONS.

Duels.

SECTION 1. 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.

Oath of office.

SEC. 2. 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 ——— 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.

Election and appointment.

SEC. 3. All officers whose election or appointment is not provided for by this Constitution, and all officers whose office may

hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

Qualifications. SEC. 4. No person shall be elected or appointed to, or hold any office created by this Constitution, who is not an elector and resident of this State. No person shall be elected or appointed to, or hold any district, county, or local office created by this Constitution, unless he is an elector and resident of the district, county, or other political division for which he is elected or appointed. And every judicial officer must reside at the place where the sessions of the Court of which he is a member are held.

Duration. SEC. 5. 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 fixed by this Constitution ever exceed four years.

Fiscal year SEC. 6. The fiscal year shall commence on the first day of July.

Support of officers. SEC. 7. Each county, city, and incorporated town shall make provision for the support of its own officers, subject to such restrictions and regulations as the Legislature may prescribe.

Suits. SEC. 8. Suits may be brought against the State in such manner and in such Courts as shall be directed by law.

Seat of government. SEC. 9. The seat of government shall not be removed from Sacramento, except by operation of a statute enacted for that purpose, and ratified by a majority of the votes cast at the general election after the passage of such statute.

Property of wife. SEC. 10. 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.

Marriage. SEC. 11. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

Perpetuities. SEC. 12. No perpetuities shall be allowed, except for eleemosynary purposes.

Disqualification. SEC. 13. 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.

Eligibility. SEC. 14. No person holding a lucrative office under the United States, or any other power, shall be eligible to any office of honor, trust, or profit in this State; but officers in the militia who receive no annual salary, and local officers and Postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed persons holding lucrative offices.

Exclusion from rights. SEC. 15. 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 pen-

alties, all undue influence thereon from power, bribery, tumult, or other improper practice.

Residence. SEC. 16. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

Meeting of Legislature SEC. 17. If these amendments are approved and ratified by the people, the Legislature of which the members of the Assembly are elected at the general election in the year eighteen hundred and seventy-seven, shall meet on the first Monday in December, eighteen hundred and seventy-seven.

Laws. SEC. 18. The Legislature, at its first session, or as soon as may be after the adoption of this Constitution, shall pass such laws as may be necessary to carry the same into full force and effect.

Terms of incumbents SEC. 19. All persons in office in this State, at the time of the adoption of these amendments, shall hold their respective offices until the term for which they have been elected or appointed shall expire, and until their successor shall be duly qualified, unless otherwise provided in this Constitution.

General election San Francisco. SEC. 20. At the general election next after the adoption of these amendments, there shall be elected, in the City and County of San Francisco, seven Judges of the District Court of said city and county.

Compensations. SEC. 21. The Legislature, at the first session after the adoption and ratification of these amendments, shall fix and determine the compensation of the Justices of the Supreme Court, and of the Judges of the several Judicial Districts of the State, and the provisions of section twenty-four, of Article Six, shall not be deemed inconsistent herewith.

Existing Courts. SEC. 22. All existing Courts shall continue in existence until the first Tuesday after the first Monday in January, eighteen hundred and seventy eight, without abridgment of their present jurisdiction and powers.

Actions pending. SEC. 23. All actions and proceedings pending in the District, County, and Probate Courts of the several counties of this State, and in the Municipal Criminal Court of San Francisco, on the first Tuesday after the first Monday in January, eighteen hundred and seventy-eight, shall be transferred to, and tried and determined in the District Court of the county in which such actions or proceedings are pending.

Same. SEC. 24. All actions or proceedings pending and undetermined in the Supreme Court now in existence, on the first Monday in January, eighteen hundred and seventy-nine, must be transferred for determination to the Supreme Court created by these amendments.

Existing rights, etc. SEC. 25. All rights, prosecutions, claims, and contracts existing, and all laws in force, at the time of the adoption of these amendments, and not inconsistent therewith, until altered or repealed by the Legislature, shall continue as if these amendments had not been adopted.

Laws. SEC. 26. In all laws which shall be in force on the Tuesday after the first Monday in January, eighteen hundred and seventy-eight, in which the words "Probate Court," "Probate Judge," "County Court," "County Judge," "Municipal Criminal Court of San Francisco," and "Judge of the Municipal Crimi-

nal Court of San Francisco," appear, such words shall have the same effect as if written "District Court," and "Judge of the District Court," respectively.

CHAPTER DCLXVI.

An Act authorizing the appointment of certain permanent employés of the State Capitol, and fixing their compensation.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Employés State Capitol.

SECTION 1. The Superintendent of the State Capitol is hereby authorized and empowered to appoint the following employés of the building, and who shall serve during his pleasure: one Janitor, one Engineer, one Fireman, three Porters, three Watchmen.

Duty of janitor.

SEC. 2. It shall be the duty of the Janitor to take general charge of the State Capitol building, and to secure and preserve the furniture, carpets, curtains, and all other property therein. He shall superintend the lighting of the building, note the state of the gas meter, and the correctness of the bill for gas each month, before the same is presented for payment. He shall check the delivery of supplies of wood and coal, and become satisfied that the quantity delivered corresponds with the amount ordered by the Superintendent. He shall exercise general supervision of the Porters and Watchmen, have full power to make arrests for disorderly conduct about the building or grounds, and do and perform such other duties as may be required of him by the Superintendent.

Employés of Capitol grounds.

SEC. 3. The Board of State Capitol Commissioners are hereby authorized and empowered to appoint the following employés of the Capitol grounds, and who shall serve during the pleasure of said Board: One gardener, four laborers. The gardener shall have general control of the Capitol grounds, and shall superintend and direct the planting and culture of the trees, shrubbery, plants, and grasses thereof, and preserve in order the walks, grass plats, and fountains of said grounds. He shall exercise direction and control over the laborers employed under this Act to aid in taking charge of said grounds. He shall have full power to make arrests within the Capitol grounds for criminal or disorderly conduct, and to perform such other duties as may be required of him by the said State Capitol Commissioners.

Duty of gardener.

SEC. 4. The following salaries shall be paid to said employés, to wit: Janitor, one hundred and twenty-five dollars per

Salaries. month; Engineer, one hundred and twenty-five dollars per month; Fireman, seventy-five dollars per month; Porters, seventy-five dollars each per month; Watchmen, seventy-five dollars each per month; Gardener, one hundred and twenty-five dollars per month; Laborers, seventy-five dollars each per month.

Appropriation. For the payment of the above salaries, the sum of twenty-eight thousand eight hundred dollars is hereby appropriated out of any moneys in the General Fund not otherwise appropriated. Said salaries shall be paid monthly, as salaries of State officers are paid; and the Controller of State is hereby authorized to draw his warrant on the Treasurer of State in accordance with the provisions of this Act.

SEC. 5. This Act shall take effect immediately.

CHAPTER DCLXVII.

An Act to prevent discrimination against female teachers.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Compensation female teachers. SECTION 1. Females employed as teachers in the public schools of this State, shall in all cases receive the same compensation as is allowed male teachers for like services, when holding the same grade certificates.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DCLXVIII.

[See volume of Amendments to the Codes.]

CHAPTER DCLXIX.

An Act to provide for the execution and delivery of deeds to purchasers of City Hall lots in the City and County of San Francisco.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Deeds City Hall lots.

SECTION 1. The deeds to lots sold by the "Board of City Hall Commissioners," under the provisions of an Act entitled "An Act to provide for the erection of a City Hall in the City and County of San Francisco," approved April fourth, eighteen hundred and seventy, shall be prepared by and under the supervision of the City and County Attorney, and upon full payment of the purchase price, and interest, as provided in section five of said Act, shall be signed, executed, and delivered by the Mayor and Auditor of the City and County of San Francisco to the purchasers of said lots and lands with the force and effect provided in said Act, and all Acts supplementary thereto.

SEC. 2. This Act shall take effect immediately.

CHAPTER DCLXX.

An Act relative to the proposed amendments to the Constitution.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amendments Constitution.

SECTION 1. The amendments to the State Constitution, proposed in the Senate and Assembly, and agreed to by a majority of the members elected to each of the two Houses, and entered on the Journal with the yeas and nays taken thereon, at the present session, are hereby referred to the Legislature next to be chosen.

Publication.

SEC. 2. The Governor must cause such amendments to be published once a week, for at least three months next preceding the next general election for members of the Legislature, in three daily papers published in this State.

CHAPTER DCLXXI.

An Act to encourage the planting and cultivation of oysters.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Planting oysters.

SECTION 1. Any citizen of the United States may lay down and plant oysters in any of the bays, rivers, or public waters of this State; and the ownership of and the exclusive right to take up and carry off the same shall be continued and remain in such person or persons who shall have laid down and planted the same.

Beds to be staked off.

SEC. 2. Any person or persons who now have or who may hereafter lay down and plant oysters, as hereinbefore provided, shall stake or fence off the land on which the same is or hereafter may be laid down and planted, and such stakes or fences shall be sufficient marks of the boundaries and limits, and entitle such person or persons to the exclusive use and occupation thereof for the purposes prescribed in this Act; *provided*, that nothing herein contained shall be deemed to authorize any impediments or obstructions to the navigation of any channels.

Records.

SEC. 3. Parties planting or laying down such oyster beds, shall record a full description of said bed or beds, in the County Recorder's office in the county where the same is situated. The Recorder shall record the description so furnished, in a book to be kept by him for that purpose, to be entitled a "Record of Oyster Beds."

Misdemeanor.

SEC. 4. Any person or persons who shall enter upon any lot of land, in which there shall be oysters laid down and planted, and which at the time of such entry, shall be fenced or staked off pursuant to the provisions of this Act, and who shall take up and carry off therefrom such oysters, without the consent or permission of the occupants and owners thereof, and shall willfully destroy or remove, or cause to be removed or destroyed, any stakes, marks, or fences intended to designate the boundaries and limits of any land claimed and staked or fenced off pursuant to the provisions of this Act, shall be guilty of a misdemeanor.

Penalty.

SEC. 5. The penalties of the Penal Code relative to misdemeanors are hereby made applicable to any violation of the provisions of this Act.

Fund.

SEC. 6. All fines and penalties collected for a violation of any of the provisions of this Act, over and above the costs of suit, shall be paid into the Common School Fund of the county where the offense was committed.

Sign.

SEC. 7. All parties availing themselves of the provisions of this Act, shall erect or cause be erected, on some conspicuous part of the grounds devoted to the planting of oysters, a sign, not less than six feet in length and one foot in width, on which shall be painted in black letters upon a white ground the words: "Oyster beds."

SEC. 8. All Acts and parts of Acts in conflict with the provisions of this Act, and especially an Act entitled "An Act concerning oysters," passed April twenty-eight, one thousand eight hundred and fifty-one, as also the Act entitled "An Act concerning oyster beds," approved April second, one thousand eight hundred and sixty-six, are hereby repealed. Repealed.

SEC. 9. This Act shall not apply to any tide lands which the State may have sold to private parties; *provided, further*, that nothing herein shall be so construed as to interfere with the right of the State to sell and dispose of any of the tide lands, nor to affect in any manner the rights of purchasers at any sale of tide lands by the State. Construction.

SEC. 10. This Act shall take effect and be in force from and after its passage.

CHAPTER DCLXXII.

[See volume of Amendments to the Codes.]

CHAPTER DCLXXIII.

[See volume of Amendments to the Codes.]

CHAPTER DCLXXIV.

An Act to provide for the disposition of the proceeds of poll taxes in the County of El Dorado.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All proceeds of poll taxes received into the County Treasury of El Dorado County, must be placed to the credit of the School Fund of said county. Poll taxes.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DCLXXV.

[See volume of Amendments to the Codes.]

CHAPTER DCLXXVI.

An Act providing for a paid fire department in the City and County of San Francisco.

[Approved March 30, 1874.]

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 and County of San Francisco shall consist of such engine, hook and ladder, and hose companies, as shall be recommended by the Board of Fire Commissioners, and be determined by the Board of Supervisors of said city and county, with the approval of the Mayor, to be necessary to afford protection against fire; *provided*, that as auxiliary thereto, patent fire extinguishers may also be purchased and employed, if, in the judgment of said Board, deemed advisable; *provided*, that no hand engines shall hereafter be purchased for the use of said department: but those now in possession of said city and county may be used in such localities and under such regulations as the Board of Fire Commissioners, with the approval of the Board of Supervisors, may prescribe.

Officers.

SEC. 2. The officers of said fire department shall be a Board of Fire Commissioners, a Chief Engineer, four Assistant Engineers, one Clerk (who shall be Clerk of the Board of Fire Commissioners and Chief Engineer), one Superintendent of Steam Fire Engines, and one Assistant Superintendent of Steam Fire Engines.

Employés and members.

SEC. 3. The employés and members of said fire department shall be as follows, viz: One veterinary surgeon, one corporation yard keeper, one corporation yard drayman, two hydrant men, and such foremen, assistant foremen, engineers, drivers, firemen, hosemen, tillermen, stewards, clerks, and such volunteer companies and members as shall be organized and authorized to perform duty under the provisions of this Article. The companies of said department shall be organized as follows: Each steam fire engine company shall consist of one foreman, one engineer, one driver, one fireman, and eight hosemen; one of whom shall act as assistant foreman, and one as clerk. Each hook and ladder company shall consist of one foreman, one driver, one tillerman, and twelve hook and ladder men; one of whom shall act as assistant foreman, and one as clerk. Each hose company shall consist of one foreman, one driver, one steward, and six hosemen; one of whom shall act as assistant foreman, and one as clerk. The clerk of each company shall receive the sum of five dollars per month, extra.

Furnishings.

SEC. 4. The companies composing said fire department shall be furnished with all the horses, hose, hooks, ladders, apparatus, and appurtenances necessary and proper, in the opinion of the Board of Fire Commissioners and Board of Supervisors, to place said department in the most effective condition for service; and should it hereafter, in the judgment of said Board of

Supervisors and Board of Fire Commissioners, be deemed advisable and necessary to organize and establish any company or companies to operate and manage any patent fire extinguisher, or appliance for extinguishing fire, that may be purchased for the use and more effectual working of said fire department, said company or companies shall be organized, officered, and manned, as said Boards may, by regulation or order, direct. Volunteer companies may be organized for outside districts of said city and county, upon the recommendation of the Board of Fire Commissioners, and approval of the Board of Supervisors, and when so organized, they shall be under the provisions of this Article, and subject to such rules and regulations as the Board of Fire Commissioners may prescribe; but none of the members thereof, except the steward of the company, shall receive any salary, which salary shall be fixed by the Board of Supervisors, upon the application of the Board of Fire Commissioners. Same. Volunteer companies.

SEC. 5. The Clerk, Chief Engineer, and Assistant Engineers, shall be appointed by the Board of Fire Commissioners, each for a term of two years, from and after their appointment, subject, however, to removal at the pleasure of said Board, under such rules and regulations as may be established by said Board, and approved by the Board of Supervisors. And all subordinate officers, employés, and members, shall be appointed by said Board of Fire Commissioners, and be removable at its pleasure, under like rules and regulations; but no officer or member of said fire department shall be removed for political reasons. The first term of two years, above mentioned, shall be deemed to mean from the first Monday in December, one thousand eight hundred and seventy-three, and then every two years thereafter, but the terms of office of the persons now entitled to the above named offices, shall not be deemed to be altered, changed, or affected by the provisions of this Article. Appointments and terms.

SEC. 6. All the paid members of said fire department, except the veterinary surgeon, foreman, assistant foreman, company clerks, hosemen, hook and ladder men, and stewards of volunteer companies, shall give their undivided attention to their respective duties; but the foreman, assistant foreman, company clerks, hosemen, hook and ladder men, and stewards of volunteer companies, shall perform such duties as may be prescribed from time to time by said Board of Fire Commissioners, and ordered to be executed by the Chief Engineer. Duties.

SEC. 7. The Board of Supervisors of said city and county, shall have power to contract for and locate all cisterns, hydrants, engine, hose, and hook and ladder houses required; to contract for and furnish all supplies; to direct and control all alterations and repairs; and to [?] all orders for the government and control of said fire department, as they shall deem for the best interest thereof. And said Board of Fire Commissioners shall have power to prescribe the duties of the officers and members of said fire department, and to adopt rules and regulations for the management and discipline thereof; *provided*, that such rules and regulations shall first be approved by said Board of Supervisors. And said Board of Supervisors are authorized and required to provide and furnish, Powers of Board of Supervisors.

for the use of said Board of Fire Commissioners, a suitable room or rooms, in some of the public buildings of said city and county, to serve as an office for their meetings, and the transaction of business relating to said fire department, in which their Clerk shall be in attendance daily, during office hours. The Chief and Assistant Engineers of said department shall also make it their headquarters daily, during office hours, when not otherwise engaged in official duties.

Fire Commissioners.

SEC. 8. The persons composing the present Board of Fire Commissioners shall continue in office as such Commissioners until the expiration of their present terms of office respectively, except in the case of the person elected or appointed to fill the vacancy occasioned by the resignation of John C. Merrill, who shall continue in office only until the first Monday in December, eighteen hundred and seventy-five, when he shall be succeeded by the person elected by the people of said city and county at the general election to be held that year, as hereinafter provided. At the general election to be held in said city and

Election.

county in the year one thousand eight hundred and seventy-five, there shall be elected by the qualified electors thereof three persons as Fire Commissioners, to hold office for the term of four years each, from the first Monday of December of said year, who shall enter upon the discharge of their duties as such Fire Commissioners upon that date, and shall hold office until their successors are elected and qualified. At the general election to be held in the year one thousand eight hundred and seventy-seven, there shall be elected by the qualified voters of said city and county two persons as Fire Commissioners, to hold office for the term of four years each, from the first Monday of December next ensuing, and until their successors are elected and qualified; and at every general election thereafter there shall be elected by the qualified voters of said city and county, one or more persons (as the case may be) as Fire Commissioners, to fill vacancies then existing in unexpired terms, or for full terms of four years each, or for both such terms as may be found necessary. Should any vacancy occur in the office of Fire Com-

Vacancy.

missioner by death, resignation, or otherwise, the Board of Supervisors of said city and county shall appoint some suitable person to fill the same until the next general election, when a person shall be elected as Fire Commissioner for the unexpired term, by the qualified electors of said city and county.

Duties.

SEC. 9. Said Board of Fire Commissioners shall supervise and control said fire department, its officers and members, subject to the laws governing the same, and shall see that the officers and members thereof faithfully discharge their duties, and that the laws, orders, and regulations relating thereto are carried into operation and effect. They shall not, nor shall either

Contracts.

of them, or the Chief or Assistant Engineers of said fire department, be interested in any contract, pertaining in any manner to said department, or in the sale or furnishing of apparatus or supplies for the same; and all contracts in violation of this section are declared void, and any of said persons violating the provisions of this section, shall be deemed guilty of felony, and, upon conviction, may be punished accordingly.

Chief Engineer.

SEC. 10. The Chief Engineer shall be the executive officer of said fire department, and it shall be his duty (and that of the Assistant Engineers) to see that the laws, orders, rules, and regulations concerning the same, are carried into effect; and also to attend to such duties as Fire Wardens as may be required, and to see that all laws, orders, and regulations, established in said city and county to secure protection against fire, are enforced. It shall also be his duty to enforce the rules and regulations, made from time to time, to secure discipline in said fire department, and he shall have power to suspend any officer or member for a violation of the same, and shall forthwith report the same to the Board of Fire Commissioners, for their action. He shall diligently observe the condition of the apparatus and working of said department, and shall, from time to time, report to said Board of Fire Commissioners upon the same, and make such recommendations and suggestions respecting it, and for securing its greater efficiency, as he may deem proper.

Clerk of Board.

SEC. 11. The person elected as Clerk by said Board of Fire Commissioners shall, before entering upon the discharge of his duties, execute a bond with two or more sureties, in the penal sum of ten thousand dollars, for the faithful discharge of his duties, which shall be approved by said Board of Fire Commissioners and the Mayor of said city and county, and when so approved shall be filed in the office of the Auditor. The amount of said bond may be increased from time to time, when directed by the Board of Supervisors, should they deem it necessary for the public good. Said Clerk shall attend daily, during office hours, at the office of the Board of Fire Commissioners (which shall be the office of the Chief and Assistant Engineers), shall perform the duties of Clerk to said Board and Chief Engineer, and perform such other duties as from time to time said Board may prescribe.

Power of sale.

SEC. 12. The Mayor of said city and county is hereby authorized to sell at private or public sale, from time to time, with the approval of the Board of Supervisors, any or all of the engines, hose carriages, engine houses, lots on which such houses stand, or parts of lots (or exchanging any of said lots when in their judgment demanded by the public good), or other property which shall not be required for the use of the department, and to execute, acknowledge, and deliver good and sufficient deeds or bills of sale for the same, paying the proceeds of such sales into the General Fund of said city and county; such proceeds to be appropriated to the purchase of lots and erection of engine houses thereon, as the same may be required.

Salaries.

SEC. 13. The Assistant Engineers of said fire department, and Clerk, shall be allowed and paid a monthly salary of one hundred and fifty dollars each.

SEC. 14. This Act shall take effect and be in force from and after its passage.

CHAPTER DCLXXVII.

An Act to amend and revise an Act entitled an Act to incorporate the Town of Redwood City, approved March twenty-seventh, A. D. eighteen hundred and sixty-eight, and the several Acts amendatory thereof and supplementary thereto, and for other purposes.

[Approved March 30, 1874.]

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:

Corporate name.

Section 1. The Town of Redwood City, in the County of San Mateo, State of California, shall be a body corporate and politic in name and in fact, by the name of the Town of Redwood City, and by that name shall have perpetual succession, may sue and defend in all Courts and places and in all matters and proceedings whatever, and may have and may use a common seal, and the same may alter at pleasure, and may purchase, receive, hold, and enjoy real and personal property, and may sell, convey, mortgage, and dispose of the same for the common benefit. All streets and alleys laid down on the several maps of survey of said town, on file in the County Recorder's office of said county, that have been dedicated to public use, or which shall hereafter be dedicated to public use, are hereby declared to be open public streets and alleys. All public squares or grounds laid out and dedicated to public use, appearing upon the maps of said town above mentioned, and squares and grounds that shall hereafter be laid out and dedicated to public use, are hereby declared to be vested in the town for such public use.

Public streets and grounds.

Boundaries

SEC. 2. The boundaries of said Town of Redwood City shall be as follows: Beginning at a point in the center of section seventeen, township five south, of range three west, Mount Diablo meridian; thence running west, following the quarter section line to and through the center of section eighteen, township and range above mentioned, to a point where the northerly line of Seventeenth street, if extended, would intersect said quarter section line; thence in a straight line to the northerly line of Seventeenth street, and thence continuing on said line to its intersection with the easterly line of the San Francisco and San José county road; thence along the easterly line of said county road to its intersection with the northwesterly line of the lands of John O. Earl; thence along the northwesterly line of said Earl's land, in a northeasterly direction, to the southerly line of the lands of Myles D. Sweeney; thence northerly across the lands of Myles D. Sweeney, intersecting with quarter section line dividing the fractional southeast and southwest quarters of said section seventeen at a point where said quarter section line intersects the patent line of the Pulgas Ranch; thence north, following said quarter section line to the center of said section seventeen, the place of beginning.

Officers. SEC. 3. The government of said town shall be vested in a Board of Trustees, consisting of five members, a Marshal, Assessor, Treasurer, and Police Justice, and such other officers as are hereafter authorized to be appointed by said Board of Trustees.

Elections. SEC. 4. There shall be an election held in said town on the first Monday in May, A. D. eighteen hundred and seventy-four, and each succeeding year thereafter, at which election there shall be elected by the qualified electors of said town, Trustees, a Marshal, Assessor, Treasurer, and Police Justice, who shall hold their terms of office as hereinafter provided. Said election shall be held and conducted according to the election laws now and hereafter governing general elections. Electors. No person shall be allowed to vote at any election in said town unless he be qualified by the laws of the State, nor unless he be at the time he offers his vote a bona fide resident of said town for at least thirty days prior to said election; and any person voting or attempting to vote who is not legally qualified, shall be liable and punished in the same manner as illegal or fraudulent voting is punished by the laws of this State. The Trustees shall cause at least twenty days' notice to be given of elections, by posting notices in three or more public places in said town, or by publication in any newspaper, and shall appoint one Inspector and two Judges, who shall appoint two Clerks of said election. The Inspector, Judges, and Clerks shall each take an oath, which may be administered by either of said Judges or Inspector, to truly and faithfully perform the duties as officers of said election. Should those appointed by the Board to act as Judges and Inspectors fail or refuse to act, others may be appointed by the electors present at the polls, and any person so appointed shall certify to the returns of said election, and said certificate shall be of the same effect as if made by those appointed by said Board of Trustees. Notice and officers. All election returns shall be certified to by the officers conducting the election, and returned to the Clerk of the Board of Trustees under seal, who shall retain the same in his custody until the Board of Trustees meet to canvass the same, when he shall open the said returns in the presence of said Board. The Board of Trustees shall meet on the next Monday succeeding the election and canvass the returns; and the persons having the highest number of votes for any office voted for shall be declared elected. Should two or more persons voted for for the same office have an equal number of votes, the Trustees shall order a new election for said office at any time within ten days, upon five days' notice previously given in the manner hereinbefore provided. Returns and canvass. The Clerk of the Board shall issue certificates of election, with the oath of office indorsed thereon, to officers declared elected by the Board of Trustees, and the persons so elected shall, before entering upon the duties of their office, take and subscribe an oath on their certificate of election, which shall be filed in the office of the Clerk of said Board, to support the Constitution of the United States, the Constitution of the State of California, and to faithfully perform the dutes of such office. Certificates, qualifications, and bonds. The Assessor, Treasurer, Marshal, Police Justice, and the officers hereinafter named, shall

each file a bond with sufficient sureties, in such amount as the Board of Trustees shall, by ordinance, require.

Trustees. SEC. 5. The Trustees shall hold their office for the term of three years, and until their successors shall be elected and qualified; *provided*, the next Board of Trustees elected under this Act shall so classify themselves when they organize as a Board, that two of them shall hold office only for one year, and two of them for two years, so that thereafter, at each general election for town officers, there shall be two members of the Board of Trustees elected, except every third election, there shall be only one Trustee elected. All vacancies in the office Vacancies. of Trustee shall be filled by a special election, which the Board of Trustees shall call for that purpose, which shall be held and conducted in manner provided in section three of this Act. All other vacancies in office shall be filled by appointment by the Board of Trustees. The Marshal, Assessor, and Treasurer shall Other officers. hold office for the term of one year, and until their successors are elected and qualified. The Trustees shall enter upon their duties on the third Monday of May subsequent to their election. Officers appointed by the Board of Trustees, as hereinafter provided for, shall take the oath of office as required in section four of this Act, and hold office during the pleasure of the Board.

Organization, meetings, etc. SEC. 6. The Board of Trustees shall organize by electing one of their members Chairman, who shall preside at all meetings of the Board, and some competent person as Clerk, who shall keep a correct journal of their proceedings, and perform such other duties as the Board shall, by order or ordinance, require. The Board shall hold regular meetings for the transaction of business on the third Monday of each month, and may adjourn their meetings from day to day until all business coming before them is completed. All meetings of the Board shall be public; a majority of the Board shall constitute a quorum to do business; a less number may adjourn from day to day and may compel the attendance of absent members by such process and under such penalties as the Board shall, by ordinance, enact. They shall establish rules for their government, punish any member or other person for disorderly conduct in their presence when in session, keep a journal of their proceedings, and at the request of any member, the Clerk shall record the ayes and noes upon any question voted upon. In all cases three affirmative votes shall be necessary to carry a measure.

Powers of Board of Trustees. SEC. 7. The Board of Trustees shall have power, within the limits of said time:

First—To make by-laws and ordinances not repugnant to the Constitution and laws of this State.

Second—To purchase, or receive by donation, and hold real estate and personal property, water rights, and privileges necessary for supplying a sufficient quantity of pure fresh water for the use of the inhabitants of said town and the extinguishment of fires, whether said real estate, personal property, water rights, and privileges are situated within or without the limits of said town; to construct reservoirs, aqueducts, lay water pipes, and do and perform all other acts and things within or without the limits of said town necessary in the premises.

Third—To condemn lands necessary for water rights and privileges, for the purpose of supplying the inhabitants of said town with pure fresh water; and shall have power, in the name of said town, to institute and maintain condemnation proceedings in Courts of justice, in the same manner provided by law for condemnation of lands for water rights and privileges as are provided by law for incorporated water companies, and to permit the laying down of street railroad tracks, water and gas pipes within the limits of said town. Same.

Fourth—To lay out and alter and open new streets and alleys, establish the grade and width of roadway of streets and alleys, and the grade and width of all sidewalks on all streets and alleys of said town, and to condemn lands necessary for such purposes.

Fifth—To order the whole or any portion of said streets or alleys graded or regraded to the established grade, macadamized or remacadamized, paved or repaved, and to order sidewalks, sewers, cesspools, manholes, culverts, curbing, and crosswalks to be constructed therein, and to order any other work to be done which they may deem necessary to make or complete the whole or any portion of said streets or alleys, sidewalks, sewers, cesspools, manholes, culverts, curbing, and crosswalks, or for the preservation thereof by sprinkling or otherwise; *provided*, the Board shall not have the power to order any street or alley, or portion thereof, to be paved or macadamized, or to order sidewalks constructed of a greater width than six feet, without a petition being presented therefor, signed by the owners or agents of at least a majority of the front feet of the lots and lands fronting thereon.

Sixth—To levy and assess and collect a pro rata front-foot assessment upon the lots and lands fronting upon any street or alley in said town, sufficient for the improvement or repair of the same, or for the preservation thereof by sprinkling or otherwise.

Seventh—To levy and collect annually, not to exceed one per cent on the assessed valuation of all property, both real and personal, within the limits of said town.

Eighth—To impose and collect a poll tax of not exceeding one dollar per annum, upon every male inhabitant of said town of the age of twenty-one years and upwards.

Ninth—To impose and collect a tax of not exceeding five dollars per annum, upon the owner of every dog kept within the limits of said town.

Tenth—To appoint an Inspector to examine and inspect all fire furnaces, stoves, stovepipes, and flues, and to provide such means as they may deem necessary to protect the town from injuries by fire.

Eleventh—To provide for lighting the streets of said town.

Twelfth—To appoint a Board of Health and health officers, to prevent the spread of contagious diseases, and to define their powers and duties.

Thirteenth—To establish a police force, and fix their compensation and regulations necessary to preserve the peace and quietude of the inhabitants of the town, and fix amount of fines

Same. and punishments for violation of the laws and ordinances of said town.

Fourteenth—To take charge of, improve, and keep in order and repair, the public squares and property of said town.

Fifteenth—To prevent animals from running at large upon the streets and commons of said town.

Sixteenth—To appoint a Poundmaster, and fix his fees and compensation as such, and define his duties.

Seventeenth—To appoint a Superintendent of Streets, and define his duties.

Eighteenth—To impose and collect a license tax upon all persons doing business within the limits of said town who are liable to pay a county license under the laws of this State, not exceeding the rate imposed by law for county licenses, and issue licenses therefor; and all licenses collected from persons doing business within said town, shall be paid into the Town Treasury by the License Tax Collector, for town purposes; and all persons paying such license shall be exempt from paying a county license.

Nineteenth—To issue bonds upon the faith and credit of the town, or borrow money for the purpose of making public improvements in said town, or for the purpose of supplying the inhabitants thereof with water; *provided*, that the Board of Trustees shall not have power to issue any bonds, or borrow any money, or create any debt or liability against the town for any purpose whatever, without first calling an election, upon at least thirty days' notice, by publication in a newspaper, and posting notices in at least three public places in said town, submitting the proposition to the qualified electors of said town at such election, to issue bonds of the town, or borrow money upon the faith and credit of the town; which notice of said election shall state what kind of improvement is proposed to be made, the amount of bonds proposed to be issued, or money borrowed for such purpose. Such election shall be conducted in all respects as hereinbefore provided for holding elections. The ballots used at such elections shall have written or printed thereon: "For issuing bonds or borrowing money—Yes." "For issuing bonds or borrowing money—No" The Board of Trustees shall meet, within three days after such election, open and canvass the returns thereof, and if it shall appear from said election returns that a majority of all the votes cast are in favor of issuing bonds or borrowing money as proposed in said proposition, they shall, by an order entered in the journal of their proceedings, declare the proposition carried; but if a majority of all the votes cast shall be against such proposition, they shall declare it defeated, and no futher proceedings shall be had until another election is called. If the proposition to issue bonds or borrow money on the faith and credit of the town is carried by a majority of all the votes cast at such election, and after it is so declared by the Board of Trustees, the Board of Trustees shall have power to issue bonds or borrow money upon the faith and credit of the town, to the amount stated in the proposition submitted and voted upon at such election; *provided*, that no bonds issued or money borrowed shall bear a greater rate of interest than ten per cent per annum.

Said bonds shall be issued in the amount of one thousand dollars each, payable to bearer in five, ten, fifteen, or twenty years after date, as the Board of Trustees, by order, shall determine, with interest coupons attached. All bonds or obligations shall be signed by the Chairman of the Board of Trustees, attested by the Clerk, with the seal of the town affixed. The Board shall have power to levy and collect annually, at the time and in the manner of levying and collecting other taxes for town purposes, a sufficient rate of tax upon the taxable property of said town to pay the interest accruing on all the bonds issued or money borrowed, and to provide a Sinking Fund sufficient for the final redemption of all outstanding bonds or indebtedness against said town, at maturity. Same.

Twentieth—To make and enter into all contracts necessary on the part of said town for the improvement or repairs of streets, public grounds, buildings, or other property of said town, and for the execution of any power herein conferred, and to pass all ordinances necessary to carry the foregoing powers into effect.

SEC. 8. Upon receiving a petition for the opening of any new street in said town, or for such an extension or alteration of any existing street, lane, or alley, as will require the taking of private property therefor, the Board of Trustees shall determine, by resolution, whether or not, in their judgment, such proposed new street extension or alteration is one that ought to be made, and if they shall decide this proposition in the affirmative, that such proposed improvements shall be made, they shall, by resolution, fix, determine, and specifically describe the private property necessary to be taken therefor, and shall also fix, determine, and specifically describe the exterior limits of the property, which, in their judgment, will be benefited by such improvement, and which shall be assessed for the cost thereof. They shall then apply to the County Court of said county, in term or vacation, by petition, reciting all the proceedings had in the premises, and giving the descriptions so fixed and determined by them, of property to be taken and of property to be assessed, with a map annexed thereto, showing the same, for the appointment of three Commissioners, to assess the compensation which shall be paid to the owners thereof for the property sought to be taken for such public use, and to assess upon the property within the district to be benefited thereby, the cost of such improvement. Upon the filing of such petition, the Judge of said Court shall, by order, fix a day for the hearing thereof, which may be in term time or vacation, but shall be not less than twenty nor more than thirty days from the date of such order; and thereupon, notice shall be given of such application, and the time and place fixed for the hearing thereof, by the Clerk of said Court, by publication in some newspaper printed and published in said town, for a period of not less than two weeks before said day of hearing. At the time fixed in such order, or at such other time as the hearing may have been adjourned to, the Court shall hear any of the parties interested, touching the regularity of the proceedings, and if satisfied that the proceedings have been regular, and that due notice has been given, as herein required, it shall, Proceedings to open street.

Same. by order, appoint three competent and disinterested persons Commissioners, for the purpose herein provided. The Commissioners so appointed shall subscribe and file with the Clerk an oath faithfully and impartially to perform the duties assigned them, and prescribed in this section, and shall thereafter proceed to and make in writing an exact description of each separate piece of property necessary to be taken for public use for the improvement so to be made, and to fix, determine, and assess the compensation which shall be paid therefor. They shall also ascertain, determine, and report as near as may be the entire costs of all proceedings had, or to be had, in and about the proceedings for the opening, extension, or alteration aforesaid, including the costs of Court and of the Commissioners. They shall then assess upon the property within the district to be benefited, the entire costs of such proceedings, including the compensation so allowed for the property to be taken, assessing each lot in proportion to the benefit it will receive therefrom, and in so doing shall make out a full and complete description of each separate lot, with a statement of the amount assessed against it set opposite thereto. Such determination of compensation, and of costs and assessment, shall be embodied in a report signed by such Commissioners, and filed in the Court, and thereupon the Court shall fix a day when the hearing upon such report shall be had, of which the Clerk shall give two weeks notice by publication in the manner and form aforesaid, and at such hearing the Court shall hear any of the parties interested, upon any question touching the regularity of proceedings, the sufficiency of compensation awarded, or the justice or equality of the assessment, and may affirm said report or set the same aside, or remand the same for correction or alteration in any particular. If the report be set aside the matter may be in like manner referred to the same, or new Commissioners, who shall proceed as if no commission had been before appointed; if it be remanded it shall be corrected or altered in any particular required by the Court, and when a report has been finally made, which the Court upon a hearing had, as herein provided, finds to be regular, just, and equal, it shall affirm the same and enter final judgment, appropriating to the public use therein named the property so to be taken, and which shall be in such judgment specifically described, upon payment of the compensation so awarded therefor, and also against each separate piece of property so benefited by the such improvement, for the amount assessed against the same. Any party aggrieved thereby may appeal from said judgment to the Supreme Court, as in other cases. The judgment of assessment so made shall be a lien upon the property against which such assessment is made, and if not paid within sixty days after the judgment becomes final, may be enforced by sale, to be made by the Sheriff of said county, under a certified copy of such judgment, and in the manner provided by law for the sale of property upon decree of foreclosure. The Court shall, in such instance, in its own judgment, or if the matter be at the time in dispute, then by subsequent order and judgment, in the case, determine to whom the compensation awarded for property taken shall be paid; and at any

time after entering the judgment of appropriation, upon filing for record in the office of the County Recorder of a copy of such judgment, with an acknowledgment of payment of the award made, by the party in whose favor the award was made, or of the County Clerk, that the amount has been paid into Court, the Board of Trustees shall be authorized to take possession of such property, and to appropriate the same to the public use aforesaid. Commissioners appointed under this section shall be allowed their necessary expenses, and such compensation as may be fixed by the Court, and if after payment of the compensation for the property taken, and all costs of proceedings had hereunder, any money should be left out of the fund raised by assessment hereunder, the same shall be used for the improvement of the street so opened, extended, or changed, and not otherwise. Same.

SEC. 9. Whenever the Board of Trustees order any street or alley, or portion of the same, to be graded, paved, or macadamized, or any sidewalk to be constructed thereon, sewer or culvert therein, or any other improvement whatever in and about any street or alley as authorized by subdivision five of section seven, they shall cause to be drawn up plans and specifications for said improvement or repairs of whatsoever kind or nature, and cause the same to be entered in the journal of their proceedings, specifying the kind and quality of material to be used with particularity, and furnish the Superintendent of Streets with a certified copy thereof, which shall be his authority for the execution of said improvement or repairs. They shall estimate the cost of such improvement or repairs so ordered to be made, including the per diem or compensation of said Superintendent, and levy an assessment pro rata per front foot upon the lots and lands fronting upon such street or portion of such street or alley to be improved or repaved as aforesaid, and deliver a certified copy of said assessment to the Tax Collector, which shall be his authority for collecting the same, which assessment shall become a lien upon the lots and lands so assessed, until paid. Each lot or subdivision of lot shall be separately assessed in the name of the owner, if known, and if the name of the owner is not known, to an unknown owner. Each lot must be described by street, number, block, and range, when practicable, showing the rate per front foot, and the total amount of assessment; and in case the amount so assessed is insufficient to pay the entire cost and expense of any such improvement or repairs, the Board shall levy an additional assessment, as above provided, to meet such deficiency; and in case there shall be any surplus money left of any assessment, above provided for, after paying all costs and expenses of any such improvements, it shall remain in the Treasury, to the credit of the street or alley upon which it was assessed, and be afterwards used for the improvements or repairs of such street when required; and no moneys raised by an assessment upon one street shall ever be used or applied in any other manner or for any other purpose than for the improvement or repairs of the street or alley assessed therefor. Grading, paving, etc.

Sprinkling streets.

SEC. 10. When the Board of Trustees deem it necessary, for the preservation of any street or portion thereof, to water or sprinkle the same during the dry season, they may let and make contracts therefor, and assess the cost thereof pro rata to the lots and lands fronting on any such street or alley, or portion thereof, watered or sprinkled, and make such assessment payable by monthly installments; and any assessment so made, in the manner provided in section nine, shall be a lien on the lots and lands so assessed until paid; *provided*, that all contracts for watering or sprinkling streets shall be let to the lowest responsible bidder, after at least five days notice being given in such manner as the Trustees shall order.

Equalization.

SEC. 11. The Board of Trustees shall each year, between the first Monday of and the fifteenth day of September, after giving ten days previous notice by posting in three public places in said town, or publication in a newspaper, sit as a Board of Equalization, to hear and determine all complaints and equalize the assessment roll, and as such Board of Equalization, shall proceed in the same manner and be governed by the same laws, rules, and regulations governing Boards of Supervisors in equalizing State and county assessments; and as soon as they shall have completed the equalization of the assessment roll, they shall levy a tax upon the taxable property of the town for current expenses thereof, not exceeding one dollar on every one hundred dollars value for any one year, and a poll tax not exceeding one dollar per head upon each male inhabitant of said town of the age of twenty-one years and upwards; also a tax upon the owner or keeper of every dog owned or kept within the limits of said town, of not exceeding five dollars per head for every one year.

Levy of tax.

Tax roll.

SEC. 12. As soon as the assessment roll is equalized, the Clerk shall commence and carry out the amount of taxes opposite each assessment, and shall complete the same on or before the first Monday in October, and deliver said assessment roll to the Tax Collector, charging him with the gross amount of the taxes appearing thereon.

Marshal.

SEC. 13. The Marshal shall be Chief of the police department, preserve order, arrest or cause to be arrested, persons committing public offenses in his presence, or disturbing the peace, execute or cause to be executed all warrants of arrest issued by a magistrate, placed in his hand for that purpose. The Marshal shall be ex officio Tax Collector, and as such shall be vested with the same power and authority conferred on Tax Collectors of State and county taxes, and shall be governed by the laws of this State now or hereafter in force, except in so far as his duties shall be regulated or modified by ordinance. He shall keep a true and accurate account of all moneys collected by him, and from what source and what account received, and report the same to the Treasurer on the first Monday of each month, which report shall be duly verified under oath. He shall give a receipt for all taxes or assessments, showing a description of the property, to the party paying the same.

Assessor.

SEC. 14. It shall be the duty of the Assessor to assess all taxable property within the limits of said town, between the first Monday of June and the first Monday of September in each

year, and in making such assessments he shall be governed by the same laws, rules, and regulations now or hereafter applicable to County Assessors for State and county taxes, and shall deliver the assessment roll to the Board of Town Trustees on the first Monday of September, but may afterwards add any additional assessment therein, which may have been omitted, or correct any error made by him in making up the assessment roll, and perform such other duties pertaining to his office as the Board of Trustees shall by ordinance enact.

Treasurer.

SEC. 15. It shall be the duty of the Treasurer to receive, safely keep, and disburse all moneys and revenues of said town, and only disburse the same in payment of legal and proper claims against the town, or for the improvement or repairs of streets of said town, upon warrants drawn therefor by order of the Board of Trustees, signed by the Chairman, attested by the Clerk, with the seal of the town affixed thereto. Said warrants shall distinctly specify the nature of the demand, when it accrued, on what account, and the Fund out of which it is payable. All warrants drawn upon the Town Treasury shall be paid in the order of presentation, if there is money in the Fund sufficient therefor; if not, it shall be indorsed "Not paid for want of funds," with the date of presentation, signed by the Treasurer, and registered in a book to be kept by him for that purpose, and afterwards paid when the Fund is supplied, in the order of its presentation. Each warrant shall be numbered consecutively, commencing on the third Monday of May of each year. The Treasurer shall keep a separate account of all receipts and disbursements, and of the Fund to which they belong; also keep separate account of the funds assessed and collected of each and every street, portion of street, or alley, and shall only pay out the funds collected by assessment upon such street, portion of street, or alley, upon warrants drawn, as above provided, against the Fund belonging to such street, portion of street, or alley. The Treasurer shall make a monthly report, showing the financial condition of the Treasury, which report shall specify the amount of money therein to the credit of each Fund, the number and amount of unpaid warrants outstanding, and out of what Fund payable. The Treasurer shall be liable on his official bond for any illegal use or appropriation of any of the funds received by him as such, and shall be liable to prosecution in the same manner, and subject to the same penalties applicable to County Treasurers. He shall not deposit any of the moneys belonging to the Treasury of said town, intrusted to him, with any person, bank, trust company, corporation, or association, or use or let the same in any manner, except in the payment of warrants, as above provided, except he may deposit the same in any bank for safe keeping, by an order of the Board of Trustees, but not otherwise.

Street Superintendent.

SEC. 16. The Street Superintendent shall execute all orders of the Board of Trustees placed in his hands for the construction or repairs of streets or alleys, sidewalks, or other improvements on the streets or alleys, or public property of said town, of whatever kind or nature. He shall keep the streets, gutters, drains, sidewalks, public squares and grounds, of said town,

Same. free and clear of obstructions. He shall keep a strict account of all street work done by him or under his supervision, keeping an account of all labor, materials used, and the cost thereof, upon each street or alley, and record the same in a record book, which he shall keep for that purpose; and upon the completion of each and every improvement or repairs ordered by the Board upon any street or alley, he shall render a detailed report, duly verified under oath, to the Board of Trustees, at their first regular meeting after the completion of said improvements or repairs. He shall have power to employ a competent surveyor, to ascertain and establish the line of any street or alley, grade of street or sidewalk, culvert, sewer, or drain; and the compensation of such surveyor shall be allowed by the Board, and payable out of the General Fund. The Superintendent shall perform such other duties as the Board of Trustees shall, by order or ordinance, require.

Culverts, sewers, bridges, etc. SEC. 17. Any culvert or sewer now, or that shall hereafter be constructed, leading from the side of any street into the slough, necessary for the purpose of draining said streets, shall be a charge upon the property fronting on said street drained thereby, and the cost and expenses of keeping such culvert or sewer in repair, shall be assessed and collected in the same manner provided in section nine of this Act. The expense of constructing or keeping in repair any bridge across the Main Slough, or either branch thereof, within the limits of said town, shall be paid out of the General Fund. No street improvement or repairs provided for in section seven, subdivision five, or any other kind of improvement mentioned in subdivision five, section seven, or repairs, shall ever be a charge against the General Fund of said town, but all such work shall be paid for by a front foot assessment, as provided in section nine of this Act; *provided*, the Board shall have power to pay one fourth of the cost of macadamizing any new street or alley, out of the General Fund of the town.

Police Justice. SEC. 18. The Police Justice shall have the same jurisdiction and powers conferred upon Justices of the Peace by the laws of the State, both in civil and criminal cases, within the limits of said town. He shall have jurisdiction of all actions arising out of the laws and ordinances of said town within the limits of the Constitution of this State. All judgments and proceedings had in the Police Justice's Court shall be of equal validity and received in all Courts and places as judgments and proceedings of Justices of the Peace under the laws of this State.

Fees. The Police Justice shall be entitled to charge and collect the same fees allowed Justices of the Peace in said county; *provided*, that he shall not be allowed or paid any fees out of the Town Treasury. All fines imposed by him and collected shall be paid into the Town Treasury, which shall constitute a Fee Fund, out of which the Police Justice, Marshal, and police shall be paid the fees allowed by law in criminal cases. Any excess of said Fund at the expiration of the term of office of the Police Justice, may be transferred to the General Fund. The Police Justice shall hold his office for two years, and until his successor is elected and qualified.

SEC. 19. The Trustees shall not receive any compensation for their services; the Marshal shall receive a salary of two hundred dollars per year; the Assessor shall receive a salary of one hundred dollars per year; the Treasurer shall receive a salary of fifty dollars per year; the Clerk of the Board shall receive a salary of three hundred dollars per year—payable out of the General Fund. The Street Superintendent shall receive for his services, when actually employed in the performance of his duties under the orders of the Board, such compensation as the Board of Trustees shall allow, payable out of the Street Assessment Fund, upon which he performs such service, not exceeding three dollars per day, when actually employed as such. Salaries.

SEC. 20. All persons neglecting or refusing to pay their street assessments, after receiving notice, shall be liable therefor in any Court of competent jurisdiction, and for costs and counsel fees in such amount as the Judge of the Court trying the cause shall allow, and the judgment shall be a lien on the lot or land assessed, and foreclosed and sold subject to redemption, in the same manner as mortgaged property in civil cases. All street work or improvements of any kind done in front of the County Court House grounds, shall be apportioned and assessed to the county, the same as an individual, and allowed by the Board of Supervisors, and audited and paid out of the County Treasury. Street assessments.

SEC. 21. All Acts and parts of Acts relative to the incorporation of said town, not embodied in this Act, are hereby repealed. This Act shall take effect and be in force from and after its passage.

CHAPTER DCLXXVIII.

An Act to legalize certain proceedings in Reclamation District Number One Hundred and Twenty-four.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Reclamation District Number One Hundred and Twenty-four, as formed by the Board of Supervisors of Colusa County, is hereby legalized and made valid. Legalized.

SEC. 2. This Act shall take effect immediately.

CHAPTER DCLXXIX.

[See volume of Amendments to the Codes.]

RESOLUTIONS.

CONCURRENT AND JOINT RESOLUTIONS.

NUMBER I.—*Senate Joint Resolution No.* 3.

[Adopted December 18, 1873.]

WHEREAS, It is desirable that the people of the State of California shall have and enjoy the right and power to use and control the waters now flowing in streams which are not navigable upon the unappropriated public lands within this State for agriculture, mining, and manufacturing purposes; and whereas, application has been made to the Congress of the United States by a private corporation for a franchise to use and control the waters aforesaid, therefore be it Preamble.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence to induce the Congress of the United States to enact a law which shall grant to the people of the State of California the exclusive right to use and control all of the unappropriated waters that are not navigable within this State, for agriculture, mining, and manufacturing purposes, and to use their influence to prevent the passage of all laws which are intended to grant water rights in this State to private corporations or individuals. Unappropriated, not navigable waters.

Resolved, That the Governor be and he is hereby requested to cause a copy of the foregoing preamble and resolution to be transmitted to our Senators and Representatives at Washington, without delay.

No. II.—*Assembly Concurrent Resolution No.* 6, *relative to mail route from Happy Camp, Del Norte County, to Orleans Bar, in Klamath County.*

[Adopted December 23, 1873.]

Resolved by the Assembly, the Senate concurring, That our Senators in Congress are instructed and our Representatives requested to procure the establishment of a weekly mail route Mail route.

from Happy Camp, Del Norte County, State of California, to Orleans Bar, in the County of Klamath, State aforesaid, via Klamath River.

Resolved, That his Excellency the Governor be requested to forward a copy of the above resolution to each of our delegation in Congress.

No. III.—*Senate Joint Resolution No.* 12.

[Adopted January 7, 1874.]

Preamble. WHEREAS, The commerce and carrying trade of the State of California is seriously impaired by the obstructions which have accumulated in our navigable rivers, thus depriving producers of the natural avenues to tide water; and whereas, if said obstructions are not removed, the railway companies will have a complete monopoly of the carrying trade of the State; therefore, be it

Removal of obstructions from navigable rivers. *Resolved by the Senate and Assembly*, That our representatives in Congress be requested and instructed to use all honorable means to secure an appropriation from the General Government sufficient to remove said obstructions, so that these rivers may be made the competing avenues of commerce, and thereby afford additional facilities for the transportation of the products of the State.

Resolved, That the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress, immediately.

No. IV.—*Senate Joint Resolution No.* 13.

[Adopted January 8, 1874.]

Preamble. WHEREAS, On the thirtieth day of July, A. D. one thousand eight hundred and sixty-six, Congress passed an Act entitled "An Act granting aid in the construction of a railroad and telegraph line from the Town of Folsom to the City of Placerville, in the State of California," in pursuance of which Act all the odd numbered sections within twenty miles of the line of said railroad were withdrawn by letter of the Commissioner of the General Land Office, dated August twenty-ninth, eighteen hundred and sixty-seven, from "sale or location, preëmption, or homestead entries;" and whereas, by the terms of said Act, it is provided to the effect that in case of failure to commence said railroad within one year from the passage of said Act, or of failure to complete the whole of said railroad by the fourth day of July, A. D. eighteen

hundred and sixty-nine, that the title to all of said lands so granted should revert to the United States; and whereas, since the passage of said Act said railroad has not been completed, nor has any portion of the same been constructed for more than six years last past, nor since the passage of the Act of Congress making the grant; and whereas, by letter dated November twenty-second, A. D. eighteen hundred and sixty-nine, the Commissioner of the General Land Office decided that said grant could not be restored to the public domain without further legislation by Congress; therefore, be it Preamble.

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives in Congress be requested to introduce and use their influence to procure the passage of such joint resolution or Act of Congress, as may be necessary to secure the immediate restoration to the public domain of all lands withdrawn for the purpose of aiding the construction of said railroad. Restoration of lands.

Resolved, That his Excellency the Governor be and he is hereby requested to forward a duly certified copy of these resolutions to each of our Senators and Representatives in Congress.

No. V.—*Joint Resolution No. 9.*

[Adopted January 9, 1874.]

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 tri weekly mail route from the Town of Middletown, in Lake County, via Glenbrook, to Uncle Sam, in the same county, State of California. Mail route.

Resolved, That the Governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

No. VI.—*Senate Concurrent Resolution No. 22.*

[Adopted January 10, 1874.]

WHEREAS, The great services rendered by Gen. George Crook, to settlers on the frontier, in protecting life and property from destruction by hostile Indians, and in giving security to both, have highly commended him to the people of the Pacific Coast as a most efficient and worthy officer; and whereas, reports have reached us that obstacles are thrown in the way of his confirmation, by the Senate of the United States, to the position of Brigadier General, to which he has been appointed by the President; therefore, Preamble.

Confirmation of Gen. Crook.

Resolved by the Senate, the Assembly concurring, That we cordially approve of the appointment of Gen. George Crook to the position of Brigadier General, and respectfully ask the Senate of the United States to confirm the same.

Resolved, That his Excellency the Governor be requested to transmit by telegraph to the President of the Senate a copy of this resolution.

No. VII.—*Assembly Concurrent Resolution No.* 2.

[Adopted January 10, 1874.]

The Memorial of the Legislature of the State of California to the Congress of the United States, respectfully represents:

Memorial.

That the harbor of Crescent City, in Del Norte County, and State of California, is one of the most important on the coast line of said State north of San Francisco, and the only place suitable for a harbor of refuge between San Francisco and Puget Sound. The business of said port is increasing every year, being the outlet for the large and rapidly extending trade of nearly the whole of Southern Oregon and part of Northern California; and whereas, the construction of a breakwater in the said harbor of Crescent City would greatly increase the safety and facility of said harbor, enabling vessels to receive and discharge cargo to the great reduction of expense and saving of time, and affording a refuge for vessels in case of storms and high winds; and whereas, Chiefs of the Engineering Corps of the Pacific Coast, the Chamber of Commerce of San Francisco, and practical Engineers, have represented in their official reports and resolutions, the said harbor to be a proper place for the construction of a breakwater for the protection of commerce; therefore, be it

Breakwater at Crescent City.

Resolved by the Assembly, the Senate 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 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 to each of our Representatives and Senators, with a request that they take speedy action in the matter.

No. VIII.—*Senate Concurrent Resolution No.* 14.

[Adopted January 12, 1874.]

WHEREAS, The morning papers give a synopsis of a bill intro- Preamble.
duced into Congress by the Hon. H. F. Page, to prohibit the employment of coolie labor under the pernicious system of contract, whereby large numbers are shipped to our shores in violation of our laws, to the injury of society and the best interests of our people; therefore, be it

Resolved by the Senate, the Assembly concurring, That we Importation of coolies.
hereby heartily indorse the action of our Representative in Congress, and will cordially coöperate with our Congressional delegation in the passage of any constitutional measure that will tend to relieve us of this class of people, and prevent their further immigration to our shores.

No. IX.—*Senate Joint Resolution No.* 20.

[Adopted January 13, 1874.]

Preamble and Resolutions relating to an appropriation by Congress, for the removal of the wreck of the ship "Patrician," and the rock known as "The Noonday Rock," near the entrance to the harbor of San Francisco.

WHEREAS, On the twenty-eighth day of February, eighteen hun- Preamble.
dred and seventy-three, the ship "Patrician," when leaving the harbor of San Francisco, on crossing the Bar, struck upon a shoal and sunk upon that portion of the Bar known as the "Four-Fathom Bank," in the direct and ordinary course of all coasting vessels bound out of the harbor of San Francisco to the northward, on [or] to San Francisco from the northward; that the lower masts of said wreck are visible at low water in the trough of the sea, but at high water are not visible; that said sunken ship forms a very serious danger to navigation; that owing to the hull being firmly imbedded in the shoal, the danger to navigation is constantly becoming greater, as the said wreck will doubtless form a nucleus of deposit for shoaling the bank; that the position of the wreck has been ascertained by the Coast Survey, and a buoy has been placed near it by the Light House Board, but this buoy is liable to be carried away by heavy weather and cannot therefor be relied upon as a sufficient protection against so serious a danger; and whereas, "Noonday Rock" is a sunken sharp pointed rock having only three and a quarter fathoms of water upon it, and lying in the fairway approaches to San Francisco, between the North Farallones and Point Reyes; that it lies over three miles from the North Farallones, and in

Preamble. foggy, thick, and heavy weather vessels bound to San Francisco from the westward and northwestward, are compelled, in order to avoid this rock, either to go to the southward of the Farallones or else to keep close under the rocky head of Point Reyes—in the former case, greatly lengthening the voyage, in the latter, running the risk of a dangerous coast; that on the twenty-eighth day of December, eighteen hundred and sixty-two, the ship "Noonday" struck upon this rock, until then unknown, and sunk in twenty-five fathoms water, with all sail set, in twenty minutes, involving a pecuniary loss in vessel and cargo, estimated at four hundred thousand dollars, and with great risk to the lives of the crew; that in the opinion of the officers of the Coast Survey and of engineers of the army, so much of this rock can be removed that the remainder will not constitute a danger to navigation; and whereas, all authorities agree that both these dangers to navigation can be removed at a moderate cost; therefore, be it

Wreck of "Patrician," and "Noonday Rock."

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence to secure from Congress the appropriation of such a sum of money as shall be necessary to remove the wreck of the ship "Patrician" and the rock known as "Noonday Rock"—said wreck and said rock being serious dangers to navigation.

Resolved, that the Governor be requested to forward a copy of the foregoing preamble and resolution to our Senators and Representatives in Congress.

No. X.—*Substitute for Assembly Concurrent Resolution No.* 5.

[Adopted January 19, 1874.]

Subsidies to water companies.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to use their best endeavors to prevent the granting by Congress of any subsidies to the San Joaquin and King's River Canal and Irrigation Company, or any other water company, for the purpose of enabling them to carry out and perfect their system or systems of canals and ditches for water purposes. We protest against it, believing that the inevitable tendency of their plans and projects, by the parties who now claim the water rights, will be to reduce the tillers of the soil in the great interior valleys of California to a state of dependence and practical serfdom.

Resolved, That his Excellency the Governor be requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

No. XI.—*Assembly Concurrent Resolution No.* 13.

[Adopted January 20, 1874.]

Preamble. WHEREAS, The Congress of the United States did, on or about the —— day of ——, A. D. 1855, establish by Act a daily mail route from Lincoln, California, via Red Bluffs, Shasta City, Trinity Centre, Callahan's Ranch, and Fort Jones, to Yreka, and the said daily mail was carried over said route until the year 1871—about sixteen years—during which time delays of not more than three days at one time ever occurred; and whereas, a change was made from the route above described to the "Sacramento River Route," about the month of May, 1871, as there has been no mail whatever carried between Trinity Centre and Callahan's Ranch, as it was contracted for by the company now carrying the mails, since said twenty-eighth day of May, 1871, and a party desiring to send a letter from Trinity Centre to Callahan's Ranch, a distance of thirty-two miles, must send such letter south seventy miles; thence northeast, one hundred and sixty miles, to Yreka; thence southwest forty-five miles to Callahan's Ranch, a total distance of two hundred and seventy-five miles; and whereas, the census report shows a population of about twenty-five thousand inhabitants in the Counties of Shasta, Trinity, Humboldt, Del Norte, Klamath, and Siskiyou, who heretofore have received their mails over the route which was established as a daily route in 1855; and whereas, the increase of travel and of business make it necessary for public convenience to have a daily mail reëstablished on the route from Redding, via Shasta City, Trinity Valley, Callahan's Ranch, and Fort Jones, to Yreka; therefore, be it

Mail route. *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 their influence to procure the reëstablishment of a daily mail from the Town of Redding, via Shasta City, Whiskytown, Tower House, French Gulch, Mountain House, Trinity Valley, Trinity Centre, Carr's Ranch, New York House, Callahan's Ranch, McBride's Ranch, Etna Mills, Crystal Creek, Scott Valley, Fort Jones, Gordon's Mills, and Forest House, to Yreka.

Resolved, That his Excellency, Governor Newton Booth, be requested to forward a copy of these resolutions to the Postmaster General of the United States and to each of our Senators and Representatives in Congress.

No. XII.—*Substitute for Senate Joint Resolution No. 4, to promote the interests of agriculture.*

[Adopted January 20, 1874.]

Preamble. WHEREAS, The burden of taxation for the support of the General Government should be borne equally by the whole people of the United States; and whereas, any tax which discriminates against the people of one State and is borne by them alone, while it does not directly affect the citizens of other States, is manifestly unjust; and whereas, it is shown that the value of wheat exported from San Francisco during the last fiscal year, was ten million four hundred and fifty-three thousand four hundred and fourteen dollars; that the value of jute bags and jute cloth imported in San Francisco to carry away said wheat, was one million four hundred and forty-nine thousand five hundred and seventy-five dollars, upon which importation there was collected, as customs duties, five hundred and seventy-nine thousand eight hundred and six dollars; that the value of said sacks, their freight and insurance from England to San Francisco, together with the duty collected thereon, is a heavy tax on the wheat growers of California; that the tax is the more unjust because the sacks so imported are not consumed in the country, but are immediately exported back to Europe, without the benefit of "drawback" of duties allowed in other instances; that while the surplus grain of the States east of the Rocky Mountains is moved to the seaboard and shipped "in bulk" to Europe, the farmers of the Pacific Coast are compelled, because of inexorable custom, or of the alleged impracticability of shipping grain "in bulk" around Cape Horn, to put theirs in sacks, for which they get no returns whatever; and whereas, the duties collected on said sacks and materials as above enumerated, amount to a direct tax of more than five per cent on the export of wheat, which tax is unjust, and discriminates against the agricultural interests of the Pacific Coast; and whereas, the customs duty of forty per cent on jute bags, and thirty per cent on the raw material of which such bags are made, is excessive, having almost an entirely local bearing, to the great prejudice and injury of the farmers of the Pacific Coast, and more especially of California, and inasmuch as neither the raw material is produced nor the sacks manufactured in the United States, and hence, as no section thereof will be affected or injured by the repeal on the jute sacks, or manufactured burlaps, gunny cloth, and gunny bags; therefore

Imposts on jute. *Resolved by the Senate, the Assembly concurring*, That our Representative in Congress be requested and our Senators instructed to urge upon the Congress of the United States the necessity of repealing the said import duty.

Resolved, That the Governor be requested to forward a copy of the above preamble and resolution to each of our Representatives and Senators in Congress.

No. XIII.—*Senate Concurrent Resolution No.* 29.

[Adopted January 23, 1874.]

WHEREAS, The Government of the United States did survey and declare open for entry certain land in Solano County, California, known as township five N., R. One W.; and whereas, A. P. Jackson, James Woods, C. S. Fay, A. B. Meacham, J. M. Gapen, James McCoy, M. B. Sackett, C. H. Graham, W. H. Turner, N. W. Richardson, and Philip Palmer did enter upon the same for settlement; and whereas, thereafter, on the sixteenth day of September, eighteen hundred and fifty-seven, the President of the United States did, by proclamation, notify the public that said land was open for sale; and whereas, said parties did pay for the same and obtain patents of the United States therefor; and whereas, in November, eighteen hundred and sixty-eight, said parties, or their successors in interest, were sued in ejectment, and afterwards duly ejected therefrom by virtue of a superior title, to wit: a Mexican grant; and whereas, there is no relief given by the Courts for losses thus occasioned, but the remedy is by Act of the Federal Congress; and whereas, the said claimants have petitioned Congress for relief and the appointment of a commission for ascertaining and adjusting said losses; and whereas, equity and good faith require that the actual losses caused by the acts of the Federal Government's agents should be paid to the claimants; therefore, be it Preamble.

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 diligence in order to secure the formation of a commission to adjust, settle, and fix the losses which the above claimants have sustained, and to secure the payment of the same. Claims in Solano County.

Resolved, That his Excellency the Governor be and he is hereby requested to transmit a copy of the preamble hereto and this resolution to each of our Senators and Representatives in Congress.

No. XIV.—*Assembly Concurrent Resolution No.* 10, *asking Congressional appropriation to improve the navigation of the San Joaquin River.*

[Adopted January 23, 1874.]

WHEREAS, It has been the custom of the Government of the United States to grant aid to the several States, for the purpose of improving the navigable waters of said States; and whereas, the San Joaquin River is navigated with great difficulty, and being the only water outlet of ten counties of this Preamble.

State, said counties paying taxes on near six million acres of land, and near fifty millions of property, a section of country larger than many of the States, capable of sustaining its millions of population, that does now export its millions of produce, and will in the near future export its tens of millions; and whereas, said counties never having asked or received any aid from the Government; therefore, be it

Improvement of San Joaquin River.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed and our Representatives be requested to urge upon Congress the necessity and justness of making an appropriation to improve the navigation of said river.

Resolved, That his Excellency the Governor be requested to transmit to each of our Representatives in Congress a copy of the foregoing preamble and resolution.

No. XV.—*Assembly Concurrent Resolution No. 7, to Representatives in Congress to use their influence in the passage of an Act granting pensions to the soldiers of the Mexican War of eighteen hundred forty-six–seven–eight.*

[Adopted January 23, 1874.]

Pensions of soldiers of Mexican war.

Resolved by the Assemby, the Senate concurring, That our Representatives in Congress be requested and our Senators be and they are hereby instructed to use their best endeavors to procure the passage of an Act granting pensions to the soldiers of the Mexican War of eighteen hundred forty-six–seven–eight.

Resolved, That his Excellency the Governor of the State of California be requested to transmit a copy of this resolution to our Representatives and Senators, respectively.

No. XVI.—*Assembly Concurrent Resolution, No. 20, relative to turning the San Diego River.*

[Adopted January 23, 1874.]

Preamble.

WHEREAS, General Humphreys, Chief of United States Engineers, in his annual report to the United States Government on the harbors of the Pacific Coast, points out the great danger to which the harbor of San Diego is subject, by reason of the San Diego River having changed its course and discharging into said bay; and whereas, the Chief Engineer shows that it is necessary for the protection of said harbor that the San Diego River be turned into its old channel, making it again discharge into False Bay; therefore,

Resolved by the Assembly, the Senate concurring, That our Senators be instructed and our Representatives in Congress be requested to use their endeavors to obtain the necessary appropriation for turning said river. Turning San Diego River.

Resolved, That the Governor of the State is hereby requested to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

No. XVII.—*Senate Joint Resolution No. 30, relative to the establishment of an Indian Reservation in Siskiyou County.*

[Adopted January 27, 1874.]

WHEREAS, There are a large number of Indians, aggregating some seven or eight hundred, in Siskiyou County, in this State, who are in a destitute condition, and unable to support themselves by hunting, fishing, and gathering roots and herbs of spontaneous growth, their customary sources of food prior to the settlement of the country by the whites, and who now rely for a precarious subsistence, partly on the charity of their white neighbors, partly on petty thieving, and still more on an illicit and immoral commerce between their females and the most degraded of the white population; and whereas, the interests, if not the safety, of the white population, as well as the welfare of the Indians, demand that the latter should no longer be permitted to roam at will through the settlements, and be compelled to resort, as at present, to questionable or illegal and immoral methods for obtaining a livelihood; be it Preamble.

Resolved by the Senate and Assembly, That our Senators in Congress be instructed and our Representatives requested to use their influence with the proper officers of the Federal Government to procure the establishment of a Reservation in Quartz Valley, in said Siskiyou County, and to have the Indians, now roaming at large over the country, collected on such Reservation, and there provided for and protected by the Federal Government. Indian Reservation in Siskiyou.

Resolved, further, That his Excellency the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

No. XVIII.—*Senate Concurrent Resolution No. 32, instructing our Senators and Representatives in Congress to oppose the passage of a certain bill pending in the House of Representatives of the United States.*

[Adopted January 30, 1874.]

Opposing passage of Congressional mining bill.

Resolved by the Senate of the State of California, the Assembly concurring, That our Senators in the Congress of the United States are hereby instructed and our Representatives requested to vote against and oppose the passage of the bill introduced into the House of Representatives by the Hon. J. D. Ward, of Illinois, and known as an Act supplemental to and amendatory of the Act entitled "An Act to promote the development of the mining resources of the United States," approved May tenth, eighteen hundred and seventy-two.

Resolved, That the Governor is hereby requested to transmit copies of these resolutions to each of our Senators and Representatives in Congress.

No. XIX.—*Assembly Concurrent Resolution No. 8, relative to lands granted the Stockton and Copperopolis Railroad.*

[Adopted February 4, 1874.]

Preamble.

WHEREAS, The Act of Congress approved March second, eighteen hundred and sixty-seven, entitled "An Act granting lands to aid in the construction of a railroad from the City of Stockton to the Town of Copperopolis, in the State of California," a large amount of land was granted to said company to aid in the construction of said road; these lands were withdrawn in eighteen hundred and sixty-seven from homestead and preëmption settlement and entry, and still remain so withdrawn; but, by the provisions of the aforesaid Act, all rights of franchise and grants of land became forfeited by the company in case said road was not completed by July fourth, eighteen hundred and seventy-two, and, inasmuch as the road was not so completed; therefore, be it

Restoration of lands.

Resolved by the Assembly, the Senate concurring, That our Senators be instructed and our Representatives requested to ascertain by resolution in Congress, or otherwise, if any legislation be needed to have these lands restored for the immediate benefit of the settlers thereon, and to take such steps as are necessary to carry out this object.

Resolved, That his Excellency the Governor be requested to forward a copy of the foregoing preamble and resolution to each of our members in Congress.

No. XX.—*Assembly Concurrent Resolution No. 9, relative to the election of United States Senators.*

[Adopted February 4, 1874.]

Resolved by the Assembly, the Senate concurring. That our Representatives in Congress be requested and our Senators instructed to use their best efforts to secure the passage of a law in Congress submitting to the Legislatures of the several States of the Union for their ratification, an amendment to the Constitution of the United States, providing for the election of United States Senators by a direct vote of the people, and that the Legislature of the State of California send greeting to her sister States of the Union, and request their coöperation in calling the attention of their Representatives and Senators in Congress to the importance of this subject, and securing their action upon the same. Election of United States Senators.

Resolved, That the Governor of this State be requested to transmit a copy of this resolution to each of our Representatives and Senators in Congress, and also to the Governor and Secretary of State of each of the States of the Union.

No. XXI.—*Assembly Concurrent Resolution No. 15, relative to survey of public lands in California.*

[Adopted February 4, 1874.]

WHEREAS, A large amount of public land in the State of California is unsurveyed; and whereas, a large number of persons have settled upon said lands, and are desirous of obtaining title to the same; therefore, be it Preamble.

Resolved by the Assembly, the Senate concurring, That our Representatives in Congress be requested and our Senators instructed to endeavor to secure an appropriation of money sufficient to survey all of said lands now unsurveyed in the State of California. Survey of public lands.

Resolved, That the Governor be requested to transmit copies of this resolution to the Senators and members of Congress from this State, and to the Commissioner of the General Land Office at Washington.

No. XXII.—*Assembly Concurrent Resolution No.* 12, *relative to establishing the boundary line between Del Norte County, California, and Curry County, Oregon.*

[Adopted February 5, 1874.]

Preamble. WHEREAS, A dispute exists between the county officials of Del Norte County, in California, and Curry County, in Oregon, relative to the position of the lawful boundary line between said counties, and each county claims jurisdictional rights to certain lands; therefore,

Boundary lines. *Resolved by the Assembly, the Senate concurring,* That our Senators in Congress be instructed and our Representatives requested to use their influence and all honorable means in their power to have the proper United States authority to determine and mark said boundary line with a suitable and prominent monument.

No. XXIII.—*Assembly Concurrent Resolution No.* 32, *instructing our Senators and requesting our Representatives in Congress to oppose the passage of the Santillion land grant bill, now pending in Congress.*

[Adopted February 6, 1874.]

Against passage of Santillion land grant bill. *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 proper efforts against the passage of the Santillion land grant bill, now pending in Congress.

Resolved, That his Excellency the Governor be and he is hereby requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

No. XXIV.—*Assembly Concurrent Resolution No.* 21, *asking Congressional relief for A. B. Gilbert.*

[Adopted February 12, 1874.]

Preamble. WHEREAS, Heretofore, to wit, in the month of March, in the year (1858) eighteen hundred and fifty-eight, A. B. Gilbert, then and now a citizen of the United States, and resident of the State of California, settled upon eighty acres of land, being the east half of the northeast quarter of section (15) fifteen, township (8) eight, range (5) five east, Mount Diablo meridian, as a preemptor, and thereafter, on the (4) fourth day of August, in the year (1865) eighteen hundred and sixty-

five, filed his declaratory statement, No. Three Thousand One Hundred and Forty-four, therefor, and in good faith did and performed every act and thing necessary to make himself a preëmptor of said tract of land, and made improvements thereon to the value of two thousand dollars, or thereabouts; and whereas, said land was a portion of the New Helvetia or Sutter grant, as surveyed, until the year (1865) eighteen hundred and sixty-five, when said grant was so finally located as to exclude, and did exclude, said preëmption claim of the said Gilbert; and whereas, the grant to John A. Sutter of said land was recognized by the officers and authorities of the United States, to whom was committed the disposition of the lands of the United States; and whereas, after said tract of eighty acres of land was determined to be without the exterior boundaries of said New Helvetia grant, the title thereto was claimed by the Central Pacific Railroad Company, under a grant made to said company by the Congress of the United States to aid in the construction of the Pacific Railroad; and whereas, after litigation, it was adjudged and decreed that said railroad company had the title to said eighty acres of land, and recovered the possession thereof from the said Gilbert; and whereas, said Gilbert was, in good faith, an honest preëmptor, and faithfully endeavoring to procure the title to said land, under the laws of the United States made for the benefit of actual settlers, and has been, without any default or neglect of his own, deprived of his land; and whereas, the improvements placed on said land by said Gilbert actually amounted to the sum of two thousand dollars, and the land itself is now of the value of eight thousand dollars; or, in other words, is worth one hundred dollars per acre; and whereas, by the judgment of a Court of competent jurisdiction, the said Gilbert has been deprived of his said land, and has been thereby damaged in the sum of eight thousand dollars: Now, therefore, our Senators in Congress are hereby instructed, and our Representatives are requested, to procure such legislation by the Congress of the United States as may be necessary to reimburse said Gilbert, either in restoring to him the title and possession of said tract of land, or appropriating to him the sum of eight thousand dollars, the actual cash value of said land. Preamble.

Resolved by the Senate and Assembly of the State of California, That this memorial be duly certified by his Excellency the Governor, and transmitted to our Senators and Representatives in the Congress of the United States. Relief of A. B. Gilbert.

No. XXV.—*Assembly Concurrent Resolution No.* 41, *relative to the Central Pacific, the Western Pacific, and the California and Oregon Railway Companies.*

[Adopted February 13, 1874.]

Preamble. WHEREAS, A resolution with a preamble has been introduced, and is now pending in the Congress of the United States, in which preamble it is specifically charged that the Central Pacific, the Western Pacific, and the California and Oregon Railway Companies, have received donations and subsidies from the United States and from the State of California, and certain counties and municipalities within that State, and also from the State of Nevada, and the Territory of Utah, amounting in the aggregate to the sum of one hundred and fifty-six millions eight hundred and twenty-five thousand dollars ($156,825,000), which donations and subsidies were granted to said railway companies for the sole purpose of aiding them in the construction, equipment, and maintenance of their railways, and that the Directors of said railroad companies corruptly entered into contracts with themselves for the construction of said railways under the name of Charles Crocker & Co., and the name of the Contract and Finance Co., whereby a large portion of said subsidies and donations has been unlawfully diverted from the legitimate object for which they were granted, by said Directors, and fraudulently converted by them to their own individual use and emolument; and whereas, said resolution provides for the appointment of a committee by Congress, invested with ample powers, to inquire into said alleged fraudulent contracts, and also to inquire into and report to Congress upon all matters and transactions touching the construction and management of said railways, and all the affairs and transactions of said Charles Crocker & Co., and the said Contract and Finance Co., in connection therewith; and whereas, it is the opinion of the Legislature of the State of California now in session, that such investigation should be made; therefore, be it

Railroad investigation. *Resolved by the Assembly, the Senate concurring,* That our Representatives in Congress be requested and our Senators instructed to use all honorable efforts to secure, at the earliest practicable moment, the passage of said resolution by Congress, and that the Governor be requested to transmit forthwith a copy of this resolution to each of our Representatives and Senators.

No. XXVI.—*Senate Concurrent Resolution No.* 16, *on the adoption of a treaty of reciprocity between the United States and Mexico.*

[Adopted February 13, 1874.]

WHEREAS, Mexico and the United States produce, in great abundance, commodities which, to promote the best interests of their inhabitants, should be exchangeable under the provisions of a reciprocity treaty; and whereas, the river system which unites both republics, will soon be supplemented by the construction of railways, to bring into closer commercial intercourse the population, aggregating, in both countries, fifty million; and whereas, Mexico possesses a water line of communication that, by a moderate expenditure of capital, may be converted into an inter-oceanic canal to subserve the purposes of commerce between the old and the new world, and lessen the delay and cheapen transportation on voyages around Cape Horn, to and from the markets of the world; advantages which, in the future, will amply repay the United States for any concessions made to Mexico by a reciprocity treaty; therefore, be it Preamble.

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives requested to use their best efforts to procure the adoption of a treaty of reciprocity, to promote commercial intercourse between the people of the United States and Mexico. Reciprocity treaty with Mexico.

Resolved, That his Excellency Governor Booth be requested to transmit of [a] copy of this preamble and resolution to our Senators and Representatives, with as little delay as possible.

No. XXVII.—*Senate Joint Resolution No.* 35, *asking for the repeal of the Act of Congress fixing the time for the election of Representatives from the State of California to the forty-fourth Congress.*

[Adopted February 18, 1874.]

WHEREAS, An Act of Congress entitled an Act fixing the time for the election of Representatives from the State of California to the forty-fourth Congress, approved March third, eighteen hundred and seventy-three, requires an election to be held on the first Wednesday of September, in the year one thousand eight hundred and seventy-four, in each Congressional District in this State, for the election of a representation to the forty-fourth Congress for the district; and whereas, such election cannot be held except at a heavy cost to the several counties of the State—not less in the aggregate than one hundred or one hundred and fifty thousand Preamble.

Preamble. dollars—and will, besides, be a source of trouble, annoyance, and great inconvenience and expense to the people, outside of the additional taxes they will have to pay in consequence of increased county expenditures caused by such election; and whereas, the members elected at such election will not take their seats till December, one thousand eight hundred and seventy-five (unless Congress should be convened in extra session), before which time, to wit: on the first Wednesday of September, one thousand eight hundred and seventy-five, a general election will be held in the State, at which members to said forty-fourth Congress can be elected without additional cost to the counties, or extra trouble or expense to the people; and whereas, it is not probable that an extra session of Congress will be held between the fourth of March, eighteen hundred and seventy-five, and the first Wednesday in September of the same year, the period California will be without Representatives in Congress if the election of members to the forty-fourth Congress be postponed till the general election of eighteen hundred and seventy-five, through absence of representation in which the interests of the State might suffer; be it

Congressional elections. *Resolved by the Senate and Assembly*, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to secure the repeal of said Act of Congress fixing the time for the election of Representatives from the State of California to the forty-fourth Congress.

Resolved, That his Excellency, the Governor of the State, be requested to transmit a copy of the above preamble and resolution to each of our Senators and Representatives in Congress.

No. XXVIII.—*Assembly Concurrent Resolution No. 27, relative to the survey of the mountain grazing lands of this State.*

[Adopted February 21, 1874.]

Survey of mountain grazing lands. *Resolved by the Assembly, the Senate concurring*, That our Senators and Congressmen in the National Legislature at Washington, District of Columbia, be, and they are hereby requested, to use their influence for the passage of an Act, at an early day, providing for the survey by the General Government of the mountain grazing lands of this State, and for the placing of the same in market; also, that settlers on such lands may prove up their claims, as provided by law, and each settler may enter or take up six hundred and forty acres of mountain grazing land; *provided*, that all claims shall be governed by the law that now governs settlers; *and provided*, that where the land is covered with timber fit for lumber, only three hundred and twenty acres shall be allowed to any one person; nor shall any person be allowed to enter or prove up more than one such claim, as herein recommended.

Resolved, That his Excellency, Newton Booth, forward a copy of these resolutions to each of our Senators and Congressmen at Washington.

No. XXIX.—*Senate Concurrent Resolution No. 25, on Chinese immigration.*

[Adopted February 26, 1874.]

Preamble. WHEREAS, The great influx of Chinese into the State of California has proved detrimental to the moral and material well-being of our industrial classes, by forcing on them a competition at wages below the cost of subsistence to men of our own origin, who have families depending on their labor for support and education; and whereas, Article Five of the treaty of eighteen hundred and sixty-eight, between the United States and the Chinese Empire—the former containing forty millions of inhabitants, and the latter nearly four hundred millions—provided that the parties thereto shall impose no obstacle to the emigration of their citizens and subjects, from the one country to the other, for the purposes of curiosity, of trade, or as permanent residents; under which stipulation, it is notorious that large numbers of persons, frequently aggregating over one thousand in a single vessel, are brought into the port of San Francisco by companies of associated Chinese capitalists, under contract, made in China, to perform labor at low wages for their masters for a series of years, within the United States, which contracts are enforced by the edicts of secret tribunals, which inflict, in defiance of our laws, cruel and arbitrary punishment; and whereas, it is against public policy and the future welfare of our people, that, under any pretext whatever, encouragement should be given by treaty stipulation, or otherwise, to the emigration, free or involuntary, of a servile laboring element, whose low standard of living and morality menaces the communities in which it may reside with pestiferous disease; and whereas, Mongolian labor has driven from employment large numbers of our people, by a competition which has been prolific of idleness, vice, and suffering among our people, thereby assisting to fill our jails, poorhouses, and hospitals, with unwilling inmates; therefore, be it

Chinese immigration. *Resolved by the Senate, the Assembly concurring*, That our Senators be instructed and our Representatives requested to use their influence to have Articles Five and Six of our treaty with China modified, so as to discourage the further immigration of Chinese to our shores, by appropriate action on the part of the Federal Government.

Resolved, That his Excellency the Governor be requested to forward a copy of the foregoing preamble and resolutions to our Senators and Representatives in Congress, at as early a day as possible.

No. XXX.—*Senate Joint Resolution No. 45, relative to the mail route from Shasta City, Shasta County, to Lake City, in Siskiyou County.*

[Adopted February 26, 1874.]

Mail route. *Resolved by the Senate, the Assembly concurring,* That our Senators in Congress be instructed and our Representatives requested to use their influence to procure an increase in the mail service from Redding, in Shasta County, via Millville, Round Mountain, Berny Valley, Fall River Valley, Bergotsville, Pitt River Valley, Big Valley, Goose Lake Valley, Surprise Valley, to Lake City, in Siskiyou County, from a semi-weekly to a tri-weekly service.

Resolved, That his Excellency the Governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

No. XXXI.—*Senate Joint Resolution No. 17.*

[Adopted February 26, 1874.]

Preamble. WHEREAS, The Congress of the United States, on the twenty-seventh day of July, eighteen hundred and sixty-six, granted to the Atlantic and Pacific Railroad Company the right to lay out, construct, furnish, maintain, and enjoy a continuous railroad line from the Town of Springfield, in the State of Missouri, by the most practicable and eligible route, to the Pacific, and granted to said company the odd numbered sections of public lands on each side of said road, for a certain distance, and in the same Act granted to the Southern Pacific Railroad Company the right to connect with the said road at a point near the boundary line of California, and construct a railroad to the City of San Francisco, with similar grants of land; and whereas, there was a reservation made in eighteen hundred and sixty-six for the said Southern Pacific Railroad Company, and a portion of said road has been built and a portion of the lands have been listed to said road; and whereas, the survey of the Atlantic and Pacific Railroad touches the Pacific Ocean at the Town of Santa Barbara; and whereas, a reservation of land for the said Atlantic and Pacific Railroad has been made, withdrawing the odd sections from the City of San Francisco to or about township twenty-three south, Mount Diablo meridian, thus withdrawing hundreds of thousands of acres of land from settlement, and increasing the price of the even numbered sections to two dollars fifty cents per acre, to the great injury of the settlers and the State; and whereas, the Atlantic and Pacific Railroad Company, after the expiration of seven years from the date of their grant, have not completed a single mile of railroad in this State; and whereas, it was not the intention of

Congress to make two separate grants of land from the Colorado River to San Francisco; therefore, be it

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives in Congress be requested to use their influence to have the odd sections so reserved for the Atlantic and Pacific Railroad, north of the Town of Santa Barbara, and in the Counties of San Luis Obispo, Monterey, Santa Cruz, Santa Clara, San Mateo, and San Francisco, restored to preëmption and homestead entry. Restoration of lands.

No. XXXII.—*Senate Concurrent Resolution No.* 39, *asking Congress to establish a mail route in Sonoma County; also, to establish a Post Office at Donahue, in said county.*

[Adopted February 28, 1874.]

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence to secure the establishment of a mail route from the Town of Healdsburg to Pine Flat; also, a Post Office at Donahue, in Sonoma County. Mail route and Post Office.

Resolved, That his Excellency, the Governor of the State, be requested to transmit a copy of the above resolution to each of our Senators and Representatives in Congress.

No. XXXIII.—*Senate Concurrent Resolution No.* 43, *asking Congress to declare the meaning of the joint resolution of Congress of June twenty-eight, one thousand eight hundred and seventy, in reference to the reserve for a land grant to the Southern Pacific Railroad Company in California, and to restore certain lands in said reserve to the public domain.*

[Adopted March 2, 1874.]

WHEREAS, The Government of the United States, through the proper authorities, by plats and instructions duly filed in the United States Land Office at Visalia, California, on the twenty-first day of May, Anno Domini one thousand eight hundred and sixty-seven, caused to be reserved for the purposes of a grant to the Southern Pacific Railroad Company, under the provisions of the Act of Congress approved July twenty-seventh, one thousand eight hundred and sixty-six, the odd numbered sections of Government lands for thirty miles in width on each side of the designated line of said Southern Pacific Railroad, as indicated on the plat then and there filed in said Visalia United States Land Office, which Preamble.

Preamble. plat was filed in the General Land Office at Washington City, District of Columbia, January third, one thousand eight hundred and sixty-seven, and which reserve extended through the entire Visalia land district, composed of the Counties of Fresno, Tulare, and Kern, as well as through the other land districts from the Bay of San Francisco to the State line, and the said Southern Pacific Railroad Company having neglected and failed to build a railroad upon the designated line, or within the exterior boundaries of said reserve between the ranges eleven (11) and twenty-three (23) east, Mount Diablo base and meridian; and whereas, the original certificate of incorporation of said Southern Pacific Railroad Company, or any subsequent certificate of incorporation, consolidation, or association, now on file in the office of the Secretary of State, does not show that said railroad company ever did or does now intend to build or cause to be built a railroad upon or near the designated line, or within the exterior lines of said reserve, between the ranges eleven and twenty-three east, above named; therefore, be it

Against granting subsidies. *Resolved by the Senate, the Assembly concurring,* That our Senators be instructed and our Representatives in Congress requested to exert their influence: *First*—To prevent any and all other or further reserves or grants of public lands being made to railroad or other corporations within the State of California, and to insist that the conditions of the grants heretofore made shall be strictly complied with on the part of such corporations before patent issues. *Second*—To induce Congress to declare the intent and meaning of the joint resolution of June twenty-eight, one thousand eight hundred and seventy (United States Statutes at Large, volume sixteen, page three hundred and eighty-two.) Does the resolution "mean, as near as may be" within the reserve, or does it mean in some other valley and some other land district? Does it mean to "protect actual settlers within the reserve prior and up to June twenty-eighth, one thousand eight hundred and seventy, or prior to May twenty-first, one thousand eight hundred and sixty-seven, or only prior to January third, one thousand eight hundred and sixty-seven?" *Third*—To have all the odd numbered sections of land within said reserve, between the ranges eleven and twenty-three east, of Mount Diablo base, restored to the public domain, to be disposed of with the even numbered sections in the same district, at one dollar and twenty-five cents per acre, to actual settlers, under the provisions of the homestead and preëmption laws.

Meaning of resolution.

Restoration of lands.

Resolved, That his Excellency, Governor Newton Booth, be and he is hereby requested to cause a copy of these resolutions to be transmitted to each of our Representatives in Congress, without delay.

No. XXXIV.—*Assembly Concurrent Resolution No. 49, providing for the relinquishment of a portion of the Presidio Reservation, for a public park, to the City and County of San Francisco.*

[Adopted March 2, 1874.]

Resolved by the Assembly, the Senate concurring, That our Senators be instructed and our Representatives requested to advocate and use their best efforts to secure the passage by Congress of the bill introduced by the Hon. J. S. Hager, providing for relinquishing the use of a portion of the Presidio Reservation, for the purpose of a public park, to the City and County of San Francisco. Public park San Francisco.

Resolved, That the Governor be requested to forward a copy of this resolution to our Senators and Representatives in Congress.

No. XXXV.—*Senate Concurrent Resolution No. 42, relating to furnishing arms by the General Government.*

[Adopted March 5, 1874.]

WHEREAS, Under section eight, paragraph fifteen, of the Constitution of the United States, power has been conferred upon the Federal Congress to provide for organizing, arming, and disciplining the militia of the States; and, in accordance therewith, Congress, on the twenty-third day of April, one thousand eight hundred and eight, passed a law whereby arms to the value of two hundred thousand dollars have annually been apportioned among the several States of the Union; and whereas, since that time the number of States has increased from seventeen to thirty-seven, the population growing from eight to over forty millions of souls, the cost of labor and materials required in the manufacture of ordnance and ordnance stores of more recent models so advancing as to materially reduce the quotas of the several States, those quotas, at this time, being entirely inadequate to effectively arm the "whole body of the militia" and carry out the expressed wishes of Congress; and whereas, a certain quantity of arms, valued at nearly three hundred thousand dollars, was issued to the State of California by the General Government, during the late civil war, and charged to the account of annual quota of arms due the State under the Act of Congress hereinbefore cited; the same arms having been issued for the maintenance and preservation of the Union, are properly chargeable to the United States; therefore, be it Preamble.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed and our Representatives requested to urge and vote for the passage of the bill now before Congress, entitled a bill making provisions for arming Arming militia.

and equipping the whole body of the militia of the United States, and for other purposes.

Resolved, That the Governor be and he is hereby requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

No. XXXVI.—*Assembly Concurrent Resolution No.* 34, *relative to increase of service on Mail Route Number Forty-six Thousand Two Hundred and Sixty-five.*

[Adopted March 6, 1874.]

Preamble. WHEREAS, There is at present but one mail per week over United States Mail Route Number Forty-six Thousand Two Hundred and Sixty-five, extending from Fort Jones to Petersburg, in the County of Siskiyou, in the State of California; and whereas, the rapidly increasing population, and the necessities of business, demand a more frequent communication; therefore, be it

Mail service. *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 their influence for the establishment of a tri-weekly mail service over so much of said Mail Route Number Forty-six Thousand Two Hundred and Sixty-five, as extends from Etna Mills to Black Bear, by the way of Sawyer's Bar and Klamath Mines; that Etna Mills be made the distributing office for said route, and that said tri-weekly service continue for eight months in each year, to wit: from the first day of April until the first day of December, and that the present weekly service continue during the remaining four months of each year.

Resolved, That his Excellency, the Governor of the State of California, be requested to forward a copy of these resolutions to the Postmaster General of the United States, and to each of our Senators and Representatives in Congress.

No. XXXVII.—*Senate Concurrent Resolution No.* 47.

[Adopted March 7, 1874.]

Preamble. WHEREAS, The Pacific Mail Steamship Company are seeking an additional subsidy from the Government of the United States for their line of steamers to China; and whereas, there is now ample communication with the empire by other lines of steamers, which find the trade sufficiently remunerative without any subsidy; and whereas, the additional subsidy

asked, if granted, will be used (as the present one is) to attempt to crush out fair competition on this coast, and to further the interest of stock jobbers and speculators in Wall street, New York; and whereas, said Pacific Mail Company steamers are engaged in importing Chinese coolies to this State; and that, moreover, said steamers are almost wholly manned by said class of Mongolians, to almost the entire exclusion of free white labor; and whereas, the Pacific Mail Steamship Company are now in receipt of subsidy of half a million dollars per annum, by which they are given an unjust advantage over other persons engaged in the same business, who have, as taxpaying citizens of this State, contributed to the payment of the same; and whereas, we consider the granting of subsidy to corporations, if not vicious, a very doubtful policy; therefore Preamble.

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives requested to use all their influence to defeat the granting of said subsidy, as being an unjust and improper appropriation of public money. Subsidy Pacific Mail Steamship Company.

Resolved, That his Excellency, the Governor of the State, be requested to transmit a copy of the above preamble and resolution to each of our Senators and Representatives in Congress.

No. XXXVIII.—*Senate Concurrent Resolution No. 46, in relation to mail service between San Diego and Julian Mining District.*

[Adopted March 11, 1874.]

WHEREAS, There are now nearly or quite one thousand persons dependent for postal facilities upon the Post Office at Julian, San Diego; and whereas, since the settlement of the Cuyamaca grant case against the claimants and in favor of the miners, the rapid increase of population, both mining and otherwise, is assured; therefore, be it Preamble.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed and our Representatives requested to use their utmost influence to have a tri-weekly mail service on the route between San Diego and Julian, instead of the present semi-weekly service. Mail service.

Resolved, That his Excellency the Governor be requested to forward this resolution immediately.

No. XXXIX.—*Assembly Concurrent Resolution No.* 48, *asking for the establishment of a lighthouse and fog bell on Yerba Buena Island.*

[Adopted March 13, 1874.]

Preamble. WHEREAS, There is now existing between the City and County of San Francisco and the City of Oakland, in the County of Alameda, State of California, a steam ferry, upon which two boats are daily plying to and from said City of San Francisco and the said City of Oakland, averaging thirty trips each way daily; and whereas, two million local passengers and sixty-seven thousand overland passengers yearly pass over said route; and whereas, almost in the direct line of travel between said City of San Francisco and the City of Oakland, there is in the Bay of San Francisco an island known as Yerba Buena, or Goat Island, which is without a lighthouse or fog bell, so essential to the safety and security of the large numbers traveling between San Francisco and Oakland; therefore, be it

Light-house, etc., Yerba Buena Island. *Resolved by the Assembly, the Senate concurring,* That our Senators in Congress be instructed and our Representatives requested to communicate with the Secretary of the Treasury as speedily as possible, and endeavor to secure such legislation as will cause to be erected on Yerba Buena or Goat Island, as aforesaid, a suitable lighthouse and fog bell.

Resolved, That his Excellency the Governor be respectfully requested to transmit the foregoing to our Senators and Representatives in Congress, forthwith.

No. XL.—*Assembly Concurrent Resolution No.* 39, *to abolish tariff on quicksilver.*

[Adopted March 16, 1874.]

Tariff on quicksilver *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 abolition of the tariff on quicksilver.

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. XLI.—*Assembly Concurrent Resolution No. 31, relative to the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean.*

[Adopted March 16, 1874.]

WHEREAS, It is provided by section three of the Act of Congress entitled "An Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July first, eighteen hundred and sixty-two, that all such lands so granted by this section, which shall not be sold or disposed of by said company within three years after the entire road shall have been completed, shall be subject to settlement and preëmption like other lands, at a price not exceeding one dollar and twenty-five cents per acre, to be paid the said company; and whereas, said road has been completed more than three years; therefore, Preamble.

Resolved by the Assembly, the Senate concurring, That our Representatives in Congress be requested and our Senators instructed to use their best efforts to procure the passage of an Act requiring the railroad company, to whom said lands were granted under said Act, to report to the Secretary of the Interior the quantity and description of the lands sold and disposed of by said company within three years after the completion of said road, and to whom sold; and that all lands not sold and disposed of in good faith shall be open to settlement and preemption, as provided in said Act, and said lands shall be particularly described by the proper officer in the Interior Department, so as to carry out the true intent and meaning of said Act, and for such other and further legislation as may be necessary effectually to accomplish said purpose. Railroad and telegraph.

Resolved, That his Excellency the Governor be requested to forward a copy of this resolution to our Senators and Representatives in Congress.

No. XLII.—*Assembly Concurrent Resolution No. 44, relative to the establishment of a mail route from Reno, in the State of Nevada, to Quincy, in the County of Plumas, in this State.*

[Adopted March 20, 1874.]

Resolved by the Assembly of the State of California, the Senate concurring, That our Senators in Congress are instructed and our Representatives requested to use their efforts to procure the establishment of a mail route, with tri weekly service thereon, from the Town of Reno, in the State of Nevada, by way of the Summit, Red Clover Valley, and Taylorville, to the Town of Quincy, in California, and to make the Post Office at Quincy, in California, a distributing and postal order office. Mail route.

No. XLIII.—*Senate Joint Resolution No. 31, relative to the appointment of a Commissioner to ascertain and report the amount of property destroyed by Captain Jack's band of Modocs, and to whom it belonged.*

[Adopted March 20, 1874.]

Preamble. WHEREAS, There were large amounts of property, belonging to citizens of the State of California and Oregon, destroyed by Captain Jack's band of Modoc Indians, during the late difficulties between said band and the United States; and whereas, a bill has been introduced into Congress providing for the appointment of a Commission to ascertain the amount of such losses, preparatory to such action as Congress in its wisdom may determine on behalf of the sufferers:

Modoc damages. *Resolved by the Senate and Assembly*, That our Senators in Congress be instructed and our Representatives requested to use their influence to secure the appointment of such Commission as is contemplated in the Act now pending before Congress.

Resolved, That his Excellency the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

No. XLIV.—*Senate Concurrent Resolution No. 54, in behalf of Charles M. Beake, late Chaplain of the United States Army.*

[Adopted March 21, 1874.]

Investigation. *Resolved by the Senate, the Assembly concurring*, That our Senators and Representatives in Congress be and they are hereby requested to urge upon the proper department a speedy and full investigation into the case of Charles M. Beake, late Chaplain of the United States Army, with a view to his restoration to rank and pay.

No. XLV.—*Senate Concurrent Resolution No. 60.*

[Adopted March 21, 1874.]

PREAMBLE AND RESOLUTION.

Preamble. WHEREAS, The Committees of the Senate and Assembly on State Prison have unanimously reported the names of certain convicts, now in confinement in the State Prison at San Quentin, as entitled to executive clemency, viz:

No. XLV—Continued.

Date of Imprisonment.	Name of convict.	Crime committed.	Term of sentence.
February eighth, eighteen hundred and seventy-three	K. H. Keeny	Murder in first degree	Imprisonment for life.
February twenty-first, eighteen hundred and seventy-one	Thomas Haley	Robbery	Imprisonment for fifteen years.
January tenth, eighteen hundred and seventy	Cicero Stevens	Accessory to highway robbery	Imprisonment for six years.
December sixteenth, eighteen hundred and seventy-two	W. A. Hart	Murder in first degree	Imprisonment for life.
February fourteenth, eighteen hundred and seventy-three	Frank Anderson	Manslaughter	Imprisonment for two years.
	James Smith	Robbery	Imprisonment for fifteen years.
June fourth, eighteen hundred and seventy-two	B. F. Krenkle, (specially recommended)	Felony	Imprisonment for three years.
May eighteenth, eighteen hundred and seventy-three	William Hayes	Burglary	Imprisonment for four years.
	Richard Thompson	Murder	Imprisonment for life.
May thirteenth, eighteen hundred and sixty-nine	M. J. Melon	Grand larceny	Imprisonment for six years.
November twenty-fifth, eighteen hundred and seventy-two	Timothy Hall	Grand larceny	Imprisonment for two years.
July first, eighteen hundred and seventy-one	S. W. Senedecker	Manslaughter	Imprisonment for ten years.
June nineteenth, eighteen hundred and sixty-nine	Alfred McAllister	Murder in second degree	Imprisonment for twenty years.
September nineteenth, eighteen hundred and seventy	Martin Noon	Manslaughter	Imprisonment for ten years.
January fifteenth, eighteen hundred and seventy	Richard Fellows	Robbery and assault to murder	Imprisonment for eight years.
December ninth, eighteen hundred and sixty-eight	Christian Scholtz	Manslaughter	Imprisonment for ten years.
May thirteenth, eighteen hundred and sixty-nine	I. B. Hawkins	Grand larceny	Imprisonment for six years.
May twenty-fourth, eighteen hundred and seventy-one	Patrick Lanigan	Robbery	Imprisonment for four years.
February second, eighteen hundred and seventy-one	Jesse O. Collins	Assault to rape	Imprisonment for seven years.
January fourteenth, eighteen hundred and seventy	Thomas Campbell	Robbery	Imprisonment for eleven years.
August, eighteen hundred and sixty-nine	Frank Lopez	Murder second degree	Imprisonment for twelve years.
December, eighteen hundred and seventy	W. W. Walker	Manslaughter	Imprisonment for ten years.
August, eighteen hundred and seventy	Michael Harrington	Robbery	Imprisonment for twenty-one years.
April twenty-fifth, eighteen hundred and seventy-one	William Shaddoch	Arson second degree	Imprisonment for seven years.
December nineteenth, eighteen hundred and sixty-eight	Charles O'Neil	Manslaughter	Imprisonment for seven years.

Names of prisoners entitled to executive clemency.

Names of prisoners entitled to executive clemency.

No. XLV—Continued.

DATE OF IMPRISONMENT.	Name of convict.	Crime committed.	Term of sentence.
August sixteenth, eighteen hundred and sixty-six	M. I. Price	Robbery	Imprisonment for twelve and one half years.
	Jerome Johnson Newman McFay, to be restored to citizenship when term expires		
December twenty-third, eighteen hundred and sixty-four	Raman Colihuita	Murder second degree	Imprisonment for thirteen years.
March ninth, eighteen hundred and seventy-one	C. W. Smith	Manslaughter	Imprisonment for six years.
Oct. thirtyth, eighteen hundred and seventy-two	John Nuise	Arson	Imprisonment for four years.
March eleventh, eighteen hundred and seventy-one	J. P. Sullivan	Burglary	Imprisonment for four years.
	John Dorsey	Murder second degree	Imprisonment for thirteen years.
August eighteenth, eighteen hundred and seventy	Patrick Carmody	Murder second degree	Imprisonment for ten years.
April twenty-third, eighteen hundred and seventy	B. G. Johnson (to be sent to insane asylum)	Murder second degree	Imprisonment for ten years.
September twenty-fourth, eighteen hundred and seventy	George Lowry	Robbery	Imprisonment for five years.
July twenty-fifth, eighteen hundred and seventy	Jaun de Dois	Rape	Imprisonment for ten years.
January fourteenth, eighteen hundred and seventy-two	James McLaughlin	Murder second degree	Imprisonment for ten years.
January twenty-ninth, eighteen hundred and sixty-two	Thomas Carroll	Assault to murder	Imprisonment for four years.
	James O'Hara	Robbery	
	George Duncan (U. S. prisoner)	Forgery	Recommended for pardon by President of United States.
April seventh, eighteen hundred and seventy-three	Henry McCausland	Manslaughter	Imprisonment for two years.
September first, eighteen hundred and seventy-three	W. J. Bryan	Manslaughter	Imprisonment for two years.
	Peter Quigley	Murder second degree	Imprisonment for twenty years.
September, eighteen hundred and seventy-three	John Haggerty	Arson	

We also find an error in the list of those names already presented, and in the printed report, which inadvertently crept in, and which we beg leave to strike out from the same as an error: On page seventeen of the printed report, the second name from the top of the column, A. E. Manning, attempt at mayhem, imprisonment for thirteen years, March tenth, eighteen hundred and sixty-eight. Commutations recommended: Hiram Nickery, grand larceny, commute to five years; William Ludgate, grand larceny, commute to six years; John Green, grand larceny, commute to five years; Gioviana Rienoso, assault to murder, commute to seven years; H. E. Brown, robbery, commute to seven years; Benjamin Edwards, murder, commute to five years; Benjamin Reed, manslaughter, commute to five years; now, therefore, be it Preamble.

Resolved by the Senate, the Assembly concurring, That all that part of the report of said committees relating to such recommendation and the same is hereby adopted; and all persons included in such recommendation are hereby recommended to the Governor for pardon and commutation of sentence, as therein provided. Pardons recommended.

No. XLVI.—*Senate Concurrent Resolution No. 6, to cheapen telegraphic facilities.*

[Adopted March 23, 1874.]

WHEREAS, The electric telegraph is one of the great agencies of civilization, performing the functions of a common carrier in promoting commercial and social intercourse among the people of the United States and Territories of the Union; and whereas, Congress has power to regulate commerce between the States, by passing laws on subjects connected therewith to promote the general welfare; and whereas, it is inexpedient and contrary to the spirit of the Federal Constitution that the Government should exercise any pursuit that can be followed by individuals or associations, it is recommended that in exercising its powers to afford the people telegraphic facilities at reasonable rates of compensation, the Government shall do so, not by the purchase or erection of lines, to be operated by its employés, but by the enactment of a law, compelling companies owning telegraphic lines to adopt rules and regulations, which shall prevent discrimination in charges, and afford the public guarantees that the price charged for the transmission of dispatches shall not exceed a reasonable percentage over the actual cost of sending a message to a near or distant locality; therefore, be it Preamble.

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives requested to use their earnest endeavors to procure the passage of a law, to so reduce the charges for transmitting messages by telegraph, as Telegraph facilities.

to pay only a fair profit over working expenses, and a reasonable rate of interest on the appraised value of the lines now in operation throughout the Union.

Resolved, That his Excellency, Governor Booth, be requested to forward to the Senators and Representatives of California, a copy of these resolutions, as soon as possible.

No. XLVII.—*Senate Joint Resolution No. 50, concerning the improvement of the harbor at Oakland.*

[Adopted March 23, 1874.]

WHEREAS, It has been the established policy of the Government of the United States to promote the trade and commerce of the country by the improvement of our bay and seacoast harbors; and whereas, the increasing commerce of California demands an increase of facilities for the shipment of our products; therefore,

Improvement Oakland Harbor.

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives in Congress be requested to use their utmost exertions to obtain from Congress an appropriation for the improvement of the harbor at Oakland, in the Bay of San Francisco.

Resolved, That his Excellency the Governor be requested to transmit a copy of the foregoing preamble and resolution to our Senators and Representatives at Washington.

No. XLVIII.—*Assembly Concurrent Resolution No. 60, requesting Professor Whitney to return to California all specimens collected by him.*

[Adopted March 25, 1874.]

Geological specimens.

Resolved by the Assembly, the Senate concurring, That Professor Whitney, late State Geologist, be and he is hereby requested to return to the State of California all specimens collected by him during his official term as such State Geologist, and that they be placed in possession of the Faculty of the State University, for the use and benefit of said University.

No. XLIX.—*Senate Concurrent Resolution No. 64.*

[Adopted March 27, 1874.]

Resolved by the Senate, the Assembly concurring, That the portrait of Governor Manuel Mitcheltorena, presented by Samuel J. Bridge, Esq., to the State of California, be, and the same is hereby accepted, and the thanks of the Legislature are hereby tendered to him for his liberal and graceful donation to the State, so valuable as a memorial of its early history. Acceptance and thanks

Resolved, That the Governor be requested to forward a copy of this resolution to Mr. Bridge, and that the correspondence accompanying the resolutions be spread upon the Journals of the Senate and Assembly.

NOTE.

Words in brackets [ ] in the text of the printed statutes are not in the enrolled laws; words in parenthesis ( ) are in the originals.

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