

ACTS AMENDATORY  
OF THE  
CODES OF CALIFORNIA

PASSED AT THE  
TWENTY-FIRST SESSION OF THE LEGISLATURE,

1875—6,

BEGAN ON MONDAY, DECEMBER SIXTH, EIGHTEEN HUNDRED AND  
SEVENTY-FIVE, AND ENDED ON MONDAY, APRIL THIRD,  
EIGHTEEN HUNDRED AND SEVENTY-SIX.



SACRAMENTO:  
STATE PRINTING OFFICE.  
1876.



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# POLITICAL CODE.

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ACTS AMENDATORY  
OF  
THE POLITICAL CODE

PASSED AT THE  
TWENTY-FIRST SESSION OF THE LEGISLATURE.

CHAP. CCCLXXXIII.—*An Act to amend section one hundred and thirty-two of Political Code, relating to judicial districts.*

[Approved March 29, 1876.]

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

SECTION 1. Section one hundred and thirty-two of the Political Code of the State of California is amended so as to read as follows:

Counties  
comprising  
Seventh  
Judicial  
District.

**132.** The Seventh, of the Counties of Napa, Lake, and Solano.

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

CHAP. DLXXI.—*An Act to amend an Act entitled an Act to establish the Political Code, approved March twelfth, eighteen hundred and seventy-two.*

[Approved April 3, 1876.]

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

SECTION 1. Title III., Part II., of said Code, is hereby amended so as to read as follows:

## SECTION 150. Legal distances.

151. Alameda County seat to Sacramento, Napa, Stockton, and San Quentin.
152. Alpine County seat to Sacramento, Napa, Stockton, and San Quentin.
153. Amador County seat to Sacramento, Napa, Stockton, and San Quentin.
154. Butte County seat to Sacramento, Napa, Stockton, and San Quentin.
155. Calaveras County seat to Sacramento, Napa, Stockton, and San Quentin.
156. Colusa County seat to Sacramento, Napa, Stockton, and San Quentin.
157. Contra Costa County seat to Sacramento, Napa, Stockton, and San Quentin.
158. Del Norte County seat to Sacramento, Napa, Stockton, and San Quentin.
159. El Dorado County seat to Sacramento, Napa, Stockton, and San Quentin.
160. Fresno County seat to Sacramento, Napa, Stockton, and San Quentin.
161. Humboldt County seat to Sacramento, Napa, Stockton, and San Quentin.
162. Inyo County seat to Sacramento, Napa, Stockton, and San Quentin.
163. Kern County seat to Sacramento, Napa, Stockton, and San Quentin.
164. Lake County seat to Sacramento, Napa, Stockton, and San Quentin.
165. Lassen County seat to Sacramento, Napa, Stockton, and San Quentin.
166. Los Angeles County seat to Sacramento, Napa, Stockton, and San Quentin.
167. Marin County seat to Sacramento, Napa, Stockton, and San Quentin.
168. Mariposa County seat to Sacramento, Napa, Stockton, and San Quentin.
169. Mendocino County seat to Sacramento, Napa, Stockton, and San Quentin.
170. Merced County seat to Sacramento, Napa, Stockton, and San Quentin.
171. Modoc County seat to Sacramento, Napa, Stockton, and San Quentin.
172. Mono County seat to Sacramento, Napa, Stockton, and San Quentin.
173. Monterey County seat to Sacramento, Napa, Stockton, and San Quentin.
174. Napa County seat to Sacramento, Napa, Stockton, and San Quentin.
175. Nevada County seat to Sacramento, Napa, Stockton, and San Quentin.
176. Placer County seat to Sacramento, Napa, Stockton, and San Quentin.
177. Plumas County seat to Sacramento, Napa, Stockton, and San Quentin.
178. Sacramento County seat to Sacramento, Napa, Stockton, and San Quentin.
179. San Benito County seat to Sacramento, Napa, Stockton, and San Quentin.
180. San Bernardino County seat to Sacramento, Napa, Stockton, and San Quentin.
181. San Diego County seat to Sacramento, Napa, Stockton, and San Quentin.
182. San Francisco County seat to Sacramento, Napa, Stockton, and San Quentin.
183. San Joaquin County seat to Sacramento, Napa, Stockton, and San Quentin.
184. San Luis Obispo County seat to Sacramento, Napa, Stockton, and San Quentin.
185. San Mateo County seat to Sacramento, Napa, Stockton, and San Quentin.
186. Santa Barbara County seat to Sacramento, Napa, Stockton, and San Quentin.
187. Santa Clara County seat to Sacramento, Napa, Stockton, and San Quentin.
188. Santa Cruz County seat to Sacramento, Napa, Stockton, and San Quentin.
189. Shasta County seat to Sacramento, Napa, Stockton, and San Quentin.
190. Sierra County seat to Sacramento, Napa, Stockton, and San Quentin.
191. Siskiyou County seat to Sacramento, Napa, Stockton, and San Quentin.

- SECTION 192. Solano County seat to Sacramento, Napa, Stockton, and San Quentin.  
 193. Sonoma County seat to Sacramento, Napa, Stockton, and San Quentin.  
 194. Stanislaus County seat to Sacramento, Napa, Stockton, and San Quentin.  
 195. Sutter County seat to Sacramento, Napa, Stockton, and San Quentin.  
 196. Tehama County seat to Sacramento, Napa, Stockton, and San Quentin.  
 197. Trinity County seat to Sacramento, Napa, Stockton, and San Quentin.  
 198. Tulare County seat to Sacramento, Napa, Stockton, and San Quentin.  
 199. Tuolumne County seat to Sacramento, Napa, Stockton, and San Quentin.  
 200. Ventura County seat to Sacramento, Napa, Stockton, and San Quentin.  
 201. Yolo County seat to Sacramento, Napa, Stockton, and San Quentin.  
 202. Yuba County seat to Sacramento, Napa, Stockton, and San Quentin.  
 203. Mileage, how computed.

**150.** The legal distances in this State are fixed as follows: Legal distances.

**151.** From the county seat of Alameda County to Sacramento, ninety-one (91) miles; to Napa, forty-six (46) miles; to Stockton, eighty-five (85) miles; to San Quentin, nineteen (19) miles.

**152.** From the county seat of Alpine County to Sacramento, two hundred and twenty-five (225) miles; to Napa, two hundred and eighty-six (286) miles; to Stockton, two hundred and seventy-three (273) miles; to San Quentin, three hundred and twenty-one (321) miles.

**153.** From the county seat of Amador County to Sacramento, fifty-nine (59) miles; to Napa, one hundred and ten (110) miles; to Stockton, fifty-seven (57) miles; to San Quentin, one hundred and forty-five (145) miles.

**154.** From the county seat of Butte County to Sacramento, seventy-eight (78) miles; to Napa, one hundred and thirty-nine (139) miles; to Stockton, one hundred and twenty-six (126) miles; to San Quentin, one hundred and seventy-four (174) miles.

**155.** From the county seat of Calaveras County to Sacramento, seventy-three (73) miles; to Napa, one hundred and thirty-four (134) miles; to Stockton, sixty (60) miles; to San Quentin, one hundred and sixty-four (164) miles.

**156.** From the county seat of Colusa County to Sacramento, eighty (80) miles; to Napa, one hundred and forty-one (141) miles; to Stockton, one hundred and twenty-eight (128) miles; to San Quentin, one hundred and seventy-six (176) miles.

**157.** From the county seat of Contra Costa County to Sacramento, eighty-nine (89) miles; to Napa, eighteen (18) miles; to Stockton, one hundred and twenty-one (121) miles; to San Quentin, forty-one (41) miles.

**158.** From the county seat of Del Norte County to Sacramento, three hundred and sixty-four (364) miles; to Napa, three hundred and nineteen (319) miles; to Stockton, three hundred and seventy-two (372) miles; to San Quentin, two hundred and ninety-two (292) miles.

**159.** From the county seat of El Dorado County to Sacramento, sixty-one (61) miles; to Napa, one hundred and twenty

Legal  
distances.

ty-two (122) miles; to Stockton, one hundred and nine (109) miles; to San Quentin, one hundred and fifty-seven (157) miles.

**160.** From the county seat of Fresno County to Sacramento, one hundred and sixty-nine (169) miles; to Napa, two hundred and thirty (230) miles; to Stockton, one hundred and thirteen (113) miles; to San Quentin, two hundred and seven (207) miles.

**161.** From the county seat of Humboldt County to Sacramento, three hundred and twelve (312) miles; to Napa, two hundred and sixty-seven (267) miles; to Stockton, three hundred and twenty (320) miles; to San Quentin, two hundred and forty (240) miles.

**162.** From the county seat of Inyo County to Sacramento, four hundred and seventy-one (471) miles; to Napa, five hundred and thirty-two (532) miles; to Stockton, four hundred and twenty-three (423) miles; to San Quentin, five hundred and eight (508) miles.

**163.** From the county seat of Kern County to Sacramento, two hundred and seventy-eight (278) miles; to Napa, three hundred and thirty-nine (339) miles; to Stockton, two hundred and thirty (230) miles; to San Quentin, three hundred and fifteen (315) miles.

**164.** From the county seat of Lake County to Sacramento, two hundred and four (204) miles; to Napa, one hundred and fifty-nine (159) miles; to Stockton, two hundred and twelve (212) miles; to San Quentin, one hundred and thirty-two (132) miles.

**165.** From the county seat of Lassen County to Sacramento, one hundred and eighty-three (183) miles; to Napa, two hundred and forty-four (244) miles; to Stockton, two hundred and thirty-one (231) miles; to San Quentin, two hundred and seventy-nine (279) miles.

**166.** From the county seat of Los Angeles County to Sacramento, four hundred and seventy-eight (478) miles; to Napa, four hundred and thirty-three (433) miles; to Stockton, four hundred and eighty-six (486) miles; to San Quentin, four hundred and six (406) miles.

**167.** From the county seat of Marin County to Sacramento, ninety-six (96) miles; to Napa, fifty-one (51) miles; to Stockton, one hundred and four (104) miles; to San Quentin, three (3) miles.

**168.** From the county seat of Mariposa County to Sacramento, one hundred and fifty-six (156) miles; to Napa, two hundred and seventeen (217) miles; to Stockton, one hundred and nine (109) miles; to San Quentin, one hundred and ninety-three (193) miles.

**169.** From the county seat of Mendocino County to Sacramento, two hundred and five (205) miles; to Napa, one hundred (100) miles; to Stockton, two hundred and thirteen (213) miles; to San Quentin, one hundred and thirty-three (133) miles.

**170.** From the county seat of Merced County to Sacramento, one hundred and fourteen (114) miles; to Napa, one hundred and seventy-five (175) miles; to Stockton, sixty-six



(66) miles; to San Quentin, one hundred and fifty-two (152) miles. Legal distances.

**171.** From the county seat of Modoc County to Sacramento, three hundred and seventy-nine (379) miles; to Napa, four hundred and forty (440) miles; to Stockton, four hundred and twenty-seven (427) miles; to San Quentin, four hundred and seventy-five (475) miles.

**172.** From the county seat of Mono County to Sacramento, two hundred and ninety-six (296) miles; to Napa, three hundred and fifty-seven (357) miles; to Stockton, three hundred and forty-four (344) miles; to San Quentin, three hundred and ninety-two (392) miles.

**173.** From the county seat of Monterey County to Sacramento, one hundred and ninety-six (196) miles; to Napa, one hundred and fifty-seven (157) miles; to Stockton, one hundred and forty-eight (148) miles; to San Quentin, one hundred and thirty (130) miles.

**174.** From the county seat of Napa County to Sacramento, sixty-one (61) miles; to Stockton, eighty-seven (87) miles; to San Quentin, fifty-one (51) miles.

**175.** From the county seat of Nevada County to Sacramento, seventy-one (71) miles; to Napa, one hundred and thirty-two (132) miles; to Stockton, one hundred and nineteen (119) miles; to San Quentin, one hundred and sixty-seven (167) miles.

**176.** From the county seat of Placer County to Sacramento, thirty-seven (37) miles; to Napa, ninety-eight (98) miles; to Stockton, eighty-five (85) miles; to San Quentin, one hundred and thirty-three (133) miles.

**177.** From the county seat of Plumas County to Sacramento, one hundred and thirty-six (136) miles; to Napa, one hundred and ninety-seven (197) miles; to Stockton, one hundred and eighty-four (184) miles; to San Quentin, two hundred and thirty-two (232) miles.

**178.** From the county seat of Sacramento to Napa, sixty-one (61) miles; to Stockton, forty-eight (48) miles; to San Quentin, ninety-six (96) miles.

**179.** From the county seat of San Benito County to Sacramento, one hundred and seventy-three (173) miles; to Napa, one hundred and thirty-four (134) miles; to Stockton, one hundred and twenty-five (125) miles; to San Quentin, one hundred and seven (107) miles.

**180.** From the county seat of San Bernardino County to Sacramento, five hundred and eighty-eight (588) miles; to Napa, five hundred and forty-three (543) miles; to Stockton, five hundred and thirty (530) miles; to San Quentin, five hundred and sixteen (516) miles.

**181.** From the county seat of San Diego County to Sacramento, five hundred and fifty-two (552) miles; to Napa, five hundred and seven (507) miles; to Stockton, five hundred and sixty (560) miles; to San Quentin, four hundred and eighty (480) miles.

**182.** From the county seat of San Francisco County to Sacramento, eighty-four (84) miles; to Napa, thirty-nine (39)

Legal  
distances.

miles; to Stockton, ninety-two (92) miles; to San Quentin, twelve (12) miles.

**183.** From the county seat of San Joaquin County to Sacramento, forty-eight (48) miles; to Napa, eighty-seven (87) miles; to San Quentin, one hundred and four (104) miles.

**184.** From the county seat of San Luis Obispo County to Sacramento, two hundred and ninety-three (293) miles; to Napa, two hundred and forty-eight (248) miles; to Stockton, two hundred and eighty-seven (287) miles; to San Quentin, two hundred and twenty-one (221) miles.

**185.** From the county seat of San Mateo County to Sacramento, one hundred and five (105) miles; to Napa, sixty (60) miles; to Stockton, one hundred and thirteen (113) miles; to San Quentin, thirty-three (33) miles.

**186.** From the county seat of Santa Barbara County to Sacramento, three hundred and sixty-nine (369) miles; to Napa, three hundred and twenty-four (324) miles; to Stockton, three hundred and seventy-seven (377) miles; to San Quentin, two hundred and ninety-seven (297) miles.

**187.** From the county seat of Santa Clara County to Sacramento, one hundred and twenty-eight (128) miles; to Napa, eighty-nine (89) miles; to Stockton, eighty (80) miles; to San Quentin, sixty-two (62) miles.

**188.** From the county seat of Santa Cruz County to Sacramento, two hundred and five (205) miles; to Napa, one hundred and sixty (160) miles; to Stockton, one hundred and fifty-one (151) miles; to San Quentin, one hundred and thirty-three (133) miles.

**189.** From the county seat of Shasta County to Sacramento, one hundred and seventy-seven (177) miles; to Napa, two hundred and thirty-eight (238) miles; to Stockton, two hundred and twenty-five (225) miles; to San Quentin, two hundred and seventy-three (273) miles.

**190.** From the county seat of Sierra County to Sacramento, one hundred and nineteen (119) miles; to Napa, one hundred and seventy (170) miles; to Stockton, one hundred and sixty-seven (167) miles; to San Quentin, two hundred and fifteen (215) miles.

**191.** From the county seat of Siskiyou County to Sacramento, two hundred and eighty-five (285) miles; to Napa, three hundred and forty-six (346) miles; to Stockton, three hundred and thirty-three (333) miles; to San Quentin, three hundred and seventy-one (371) miles.

**192.** From the county seat of Solano County to Sacramento, forty (40) miles; to Napa, twenty-one (21) miles; to Stockton, eighty-eight (88) miles; to San Quentin, fifty-six (56) miles.

**193.** From the county seat of Sonoma County to Sacramento, one hundred and forty-one (141) miles; to Napa, thirty-five (35) miles; to Stockton, one hundred and forty-nine (149) miles; to San Quentin, sixty-nine (69) miles.

**194.** From the county seat of Stanislaus County to Sacramento, seventy-seven (77) miles; to Napa, one hundred and thirty-eight (138) miles; to Stockton, thirty (30) miles; to San Quentin, one hundred and fourteen (114) miles.

195. From the county seat of Sutter County to Sacramento, fifty (50) miles; to Napa, one hundred and eleven miles; to Stockton, ninety-eight miles; to San Quentin, one hundred and forty-six miles. Legal distances.

196. From the county seat of Tehama County to Sacramento, one hundred and thirty-five miles; to Napa, one hundred and ninety-six miles; to Stockton, one hundred and eighty-three miles; to San Quentin, two hundred and thirty-one miles.

197. From the county seat of Trinity County to Sacramento, two hundred and seventeen miles; to Napa, two hundred and seventy-eight miles; to Stockton, two hundred and sixty-five miles; to San Quentin, three hundred and thirteen miles.

198. From the county seat of Tulare County to Sacramento, two hundred and eleven miles; to Napa, two hundred and seventy-two miles; to Stockton, one hundred and sixty-three miles; to San Quentin, two hundred and forty-nine miles.

199. From the county seat of Tuolumne County to Sacramento, one hundred miles; to Napa, one hundred and sixty-one miles; to Stockton, fifty-two miles; to San Quentin, one hundred and sixty-six miles.

200. From the county seat of Ventura County to Sacramento, three hundred and ninety-two miles; to Napa, three hundred and forty-seven miles; to Stockton, four hundred miles; to San Quentin, three hundred and twenty miles.

201. From the county seat of Yolo County to Sacramento, twenty miles; to Napa, forty-one miles; to Stockton, sixty-eight miles; to San Quentin, ninety-two miles.

202. From the county seat of Yuba County to Sacramento, fifty-two miles; to Napa, one hundred and thirteen miles; to Stockton, one hundred miles; to San Quentin, one hundred and forty-six miles.

203. When mileage is allowed by law to any person, the distance must be computed as herein fixed. When mileage.

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

SEC. 3. This Act shall take effect immediately.

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CHAP. CCCCXXVII.—*An Act to amend sections two hundred and forty-five, two hundred and forty-six, and two hundred and forty-seven of the Political Code, and to add additional sections thereto.*

[Approved March 31, 1876.]

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

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

Officers and  
employés of  
Senate.

**245.** The officers and employés of the Senate consist of a President, President pro tem., one Secretary, two Assistant Secretaries, one Sergeant-at-Arms, one Assistant Sergeant-at-Arms, one Minute Clerk, one Journal Clerk, one Enrolling Clerk, one Engrossing Clerk, three Pages, three Porters, and one Postmaster, who, without additional compensation, shall be Paper-folder.

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

Officers and  
employés of  
Assembly.

**246.** The officers and employés of the Assembly consist of a Speaker, Speaker pro tem., one Chief Clerk, two Assistant Clerks, one Sergeant-at-Arms, one Assistant Sergeant-at-Arms, one Minute Clerk, one Journal Clerk, one Enrolling Clerk, one Engrossing Clerk, four Porters, four Pages, and one Postmaster, who, without additional compensation, shall be Paper-folder.

SEC. 3. Section two hundred and forty-seven of said Code is hereby amended to read as follows:

Elections  
and appoint-  
ments.

**247.** All officers and employés of the Legislature, except the President of the Senate, Porters, and Pages, must be elected by the House to which such officers and employés are attached. The Porters and Pages shall be appointed by the presiding officers of their respective Houses.

SEC. 4. There shall be a new section added to the Political Code, to be known as section two hundred and forty-eight, which shall read as follows:

Assistant  
Engrossing  
and Enroll-  
ing Clerks.

**248.** The Engrossing Clerks and Enrolling Clerks of the Senate and Assembly shall have no power to appoint any assistants at a per diem, but shall have exclusive control of all engrossing and enrolling that may come into their respective offices, and shall be required to report all bills back within forty-eight hours after their reception, unless further time be granted. Should the amount of work in either of the above-named offices accumulate so that the Clerk cannot complete the same within the time specified, then the Engrossing or Enrolling Clerk may employ such assistance as may be necessary to complete the work within the time specified in this Act.

SEC. 5. There shall be added to the Political Code a new section, to be known as section two hundred and forty-nine, which shall read as follows:

Same, how  
paid.

**249.** All work performed by assistants in the Engrossing and Enrolling Clerks' offices, shall be paid for out of the Contingent Fund of the respective Houses in which the work is performed, as follows: For work performed in the Engrossing Clerks' office, not to exceed the sum of fifteen cents per folio of one hundred words; and for work performed in the Enrolling Clerks' offices, not to exceed the sum of twenty-five cents per folio of one hundred words. All bills for engrossing or enrolling shall be made out by the Clerk and presented, at the end of each week, to the Committee on Expenditures and Accounts, or such other committee as either House may designate, whose duty it shall be to audit and certify to the correctness of the same. Upon this certificate the Controller shall draw his warrant in favor of the

Clerk in whose office the work has been done, for the amount performed each week, and the Clerk shall receive and pay the same to his assistants, and shall become personally responsible to his assistants for their pay, and to their respective Houses for all bills received by them.

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

**268.** There must be paid to the Secretary, Assistant Secretaries, Minute, Journal, Enrolling, and Engrossing Clerks, and Sergeant-at-Arms of the Senate, the Chief Clerk, Assistant Clerks, Minute, Journal, Enrolling, and Engrossing Clerks, and Sergeant-at-Arms of the Assembly, each eight dollars per day ; to the Assistant Sergeant-at-Arms of the Senate and Assembly, each six dollars per day ; to the Porters of the Senate and Assembly, each four dollars per day ; to each Committee Clerk appointed by authority of either House, five dollars per day, except the Clerks of the Judiciary Committees, who must be paid eight dollars per day ; to the Pages and Postmasters of the Senate and Assembly, each three dollars per day.

Per diem of legislative officers.

SEC. 7. Section two hundred and fifty-eight (258) of said Code is hereby repealed.

CHAP. CXCI.—*An Act to amend an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two.*

[Approved March 11, 1876.]

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

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

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

Printing and distribution of official reports.

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

**334.** There must be printed :

Of the report of the Secretary of State, twelve hundred copies.

Of the report of the Controller of State, two thousand copies.

Of the report of the State Treasurer, two hundred and fifty copies.

Of the report of the Surveyor-General, two thousand five hundred copies.

Of the report of the Superintendent of Public Instruction, four thousand five hundred copies.

Of the report of the Attorney-General, one thousand copies.

Of the report of the Adjutant-General, six hundred copies.

Of the report of the State Librarian, six hundred copies.

Printing and  
distribution  
of official  
reports.

Of the report of the Fish Commissioners, twelve hundred copies.

Of the report of the Directors, Resident Physician, Visiting Physicians of the Insane Asylum, eighteen hundred copies.

Of the report of the Directors of the State Prison, eighteen hundred copies.

Of the report of the Insurance Commissioner, eight hundred copies.

Of the report of the State Board of Harbor Commissioners, twelve hundred copies.

Of the report of Regents of the University, twelve hundred copies.

Of the report of the Trustees of the Asylum for the Deaf, Dumb, and Blind, eight hundred copies.

Of the report of the State Board of Equalization, two thousand copies.

Of the report of the State Board of Health, one thousand copies.

Of the report of the State Agricultural Society, one thousand copies.

Of the report of the Commissioners to manage the Yosemite Valley and Mariposa Big Tree Grove, five hundred copies.

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

**335.** The reports must be delivered by the Superintendent of State Printing as follows:

To the Governor, fifty copies of each report.

To the State Librarian, ten copies of each report.

To the Secretary of State, thirty copies of each report.

To the Superintendent of Public Instruction, two thousand copies of his report, for distribution to School Trustees and teachers, and for exchange with other States.

To the Surveyor-General, one thousand copies of his report, for distribution to the County Surveyors, Assessors, and County Clerks of the several counties, and for exchange with other States.

To the Adjutant-General, two hundred and fifty copies of his report, to be distributed at his discretion.

To the Attorney-General, one hundred copies of his report, for distribution to the several District Attorneys of the State.

To the Controller, two hundred copies of his report.

To the Secretary of State, two hundred copies of his report.

To the State Treasurer, one hundred copies of his report.

To the State Librarian, one hundred and fifty copies of his report.

To the officers of each of the Insane Asylums, two hundred copies of their report.

To the Directors of the State Prison, one hundred copies of their report.

To the Insurance Commissioner, one hundred copies of his report.

To the Regents of the University, two hundred copies of their report.

To the Trustees of the Asylum for the Deaf, Dumb, and Blind, three hundred copies of their report.

To the Fish Commissioners, two hundred copies of their report.

To the State Board of Health, two hundred copies of their report.

To the officers of the State Agricultural Society, two hundred copies of their report.

To the Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, one hundred copies of their report.

And the remaining copies thereof: One-third to the order of Sergeant-at-Arms of the Senate, and two-thirds to the order of the Sergeant-at-Arms of the Assembly, to be by them distributed pro rata to the members of the Senate and Assembly next to convene. No report must contain more than one hundred pages of printed matter, except the report of the Controller of State.

Remainder,  
how disposed  
of.

CHAP. DLXXVII.—*An Act to amend and also to repeal certain sections of the Political Code, relating to the State Board of Equalization.*

[Approved April 1, 1876.]

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

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

**352.** The Governor, Controller, and Attorney-General constitute the State Board of Equalization. The Governor, and in his absence, the Controller, is Chairman of the Board.

SEC. 2. Section three thousand six hundred and fifty of said Code is amended so as to read as follows:

**3650.** The Assessor must prepare an assessment book, with appropriate headings, alphabetically arranged, in which must be listed all property within the county, and in which must be specified in separate columns, under the appropriate head:

Governor,  
Controller,  
and Attor-  
ney-General  
to be State  
Board of  
Equalization

Assessment  
books to  
show.

1. The name of the person to whom the property is assessed.
2. Land by township, range, section, or fractional section; and when such land is not a congressional division or subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres, locality, and the improvements thereon.
3. City and town lots, naming the city or town, and the number, block, according to the system of numbering in such city or town, and improvements thereon.
4. All personal property, showing the number, kind, amount, and quality; but a failure to enumerate in detail such personal property does not invalidate the assessment.
5. The cash value of real estate, other than city or town lots.





3. To make out, prepare, and enforce the use of forms in relation to the assessment of property.

4. To hold such special meetings as the Chairman may direct.

5. To meet at any time between the first and third Mondays in September in each year, and at such meetings to fix the rate of State taxation.

6. To appoint a clerk when necessary, prescribe and enforce his duties.

7. To report to the Governor annually a statement showing:

*First*—The acreage of each county in the State that is assessed. Report to contain.

*Second*—The amount assessed per acre.

*Third*—The aggregate value of all town and city lots.

*Fourth*—The aggregate value of all real estate in the State.

*Fifth*—The kinds of personal property in each county, and the value of each kind.

*Sixth*—The aggregate value of all personal property in the State.

*Seventh*—Any information relative to the assessment of property and the collection of revenue.

*Eighth*—Such further suggestions as it shall deem proper.

8. To keep a record of all its proceedings.

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

**3694.** If the County Auditor fails to forward to the State Board of Equalization the statement provided for in section three thousand seven hundred and twenty-eight, the Board must obtain the statement, or so much thereof as is necessary, from other and reliable sources. Failure of County Auditors to make statement.

SEC. 6. Section three thousand six hundred and ninety-six of said Code is amended so as to read as follows:

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

SEC. 7. Section three thousand seven hundred and two of said Code is amended so as to read as follows:

**3702.** All necessary expenses in carrying into effect the provisions of this title must be allowed the Board, not to exceed annually one thousand dollars; the amount thereof to be audited and allowed by the Board of Examiners, and paid out of the State treasury. Expenses of Board

SEC. 8. Section three thousand seven hundred and thirty of said Code is amended so as to read as follows:

**3730.** The Auditor must disregard any action of the Board of Supervisors which is prohibited by section three thousand six hundred and thirty-three of this Code. Duties of Auditor.

SEC. 9. Section three thousand seven hundred and thirty-one of said Code is amended so as to read as follows:

Duties of Auditor.

**3731.** The Auditor must compute and enter in a separate money column in the assessment book 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 foot up the column, showing the total amount of such taxes.

SEC. 10. Section three thousand and seven hundred and thirty-two of said Code is amended so as to read as follows:

Same.

**3732.** On or before the fourth Monday of October he must deliver a copy of the assessment book, to be styled "duplicate assessment book," to the Tax Collector, with an affidavit attached thereto, and by him subscribed, as follows:

"I, ———, Auditor of the County of ———, do swear that I received the assessment book of the taxable property of the county from the Clerk of the Board of Supervisors, with his affidavit thereto affixed; that I have reckoned the respective sums due as taxes, and have added up the columns of valuations, taxes, and acreage, as required by law, and that the copy to which this affidavit is affixed is a full, true, and correct copy thereof, made in the manner prescribed by law."

Unfinished business of former State Board.

SEC. 11. The Board is empowered and directed to complete the unfinished business, if any there is, of the former State Board of Equalization; which said Board is directed to deliver to the Board created by this Act, all the maps, papers, and records of the office.

Copies of revenue laws

SEC. 12. The State Board of Equalization, if it deem it necessary, may have printed five hundred copies of the whole or any part of Title IX. of the Political Code, and transmit five copies thereof to the County Clerk of each county, for distribution to the revenue officers thereof.

Sections repealed.

SEC. 13. Sections three thousand six hundred and ninety-three, three thousand six hundred and ninety-five, three thousand seven hundred, three thousand seven hundred and one, three thousand seven hundred and three of the Political Code are hereby repealed.

SEC. 14. This Act takes effect immediately after its passage.

CHAP. VIII.—*An Act to repeal sections three hundred and sixty-three and seven hundred and two of the Political Code.*

[Approved January 13, 1876.]

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

Sections repealed.

SECTION 1. Sections three hundred and sixty-three and seven hundred and two of the Political Code are hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAP. XLIX.—*An Act to abolish the State Board of Tide Land Commissioners, and to repeal sections three hundred and sixty-five and six hundred and ninety-eight of the Political Code.*

[Approved February 4, 1876.]

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

SECTION 1. The State Board of Tide Land Commissioners is hereby abolished. State Board abolished.

SEC. 2. All books, maps, papers, and documents belonging to the archives of said Board, and all other property of the State under its custody or control, must be deposited with and kept and preserved by the Surveyor-General of the State. Books, papers, etc.

SEC. 3. Sections three hundred and sixty-five and six hundred and ninety-eight of the Political Code are hereby repealed. Sections repealed.

SEC. 4. An Act entitled "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 thirtieth, eighteen hundred and seventy-four, is hereby repealed. Acts repealed.

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

CHAP. DXXV.—*An Act to add a new section to the Political Code, to be numbered section four hundred and seventy-four, relative to the duties of the Attorney-General.*

[Approved April 1, 1876.]

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

SECTION 1. The following new section is hereby added to the Political Code, to be numbered section four hundred and seventy-four :

474. It shall be the duty of the Attorney-General to institute investigation for the discovery of all real and personal property which may have or should escheat to the State, and for that purpose shall have full power and authority to cite any and all persons before any of the Probate Courts of this State to answer investigations and render accounts concerning said property, real or personal, and to examine all books and papers of any and all corporations. When any real or personal property shall be discovered which should escheat to the State, the Attorney-General must institute suit in the District Court where said property shall be situated, for the Attorney-General to ascertain and bring action for recovery of property that should escheat to the State.

May employ  
counsel.

Counsel,  
how paid.

recovery, to escheat the same to the State. The proceedings in all such actions shall be those provided for in Title VIII, Part III, Code of Civil Procedure. The Attorney-General may, for the purposes and objects of this section, employ counsel to act in his place and stead for the discovery and recovery of both personal and real property, and in such proceedings, both in investigation for discovery or proceedings for recovery, such counsel so employed shall have the power and authority of the Attorney-General. The compensation for services of such counsel shall be determined by the Board of Examiners and paid out of the sums so found to be escheated and recovered to the State, and not otherwise; *provided*, that the State of California shall in no case be responsible for any charges for attorney fees for suits prosecuted under this Act, but the Attorney-General is hereby authorized to pay to the person or persons discovering the same the costs and charges of prosecuting any suit or suits under this Act, a sum not in any case exceeding ten per cent. of the sums actually received as provided in this Act.

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

CHAP. DLXXVIII.—*An Act to amend the Political and Penal Codes, concerning public printing, and for other purposes.*

[Approved April 3, 1876.]

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

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

Duties of  
Superin-  
tendent of  
State  
Printing.

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

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

*Two*—To publish, prefixed to each volume of the laws, the names and place of residence of the Governor, and other executive officers of the State, Lieutenant-Governor, Senators and Representatives in the Legislature, the presiding officers of the Senate and Assembly, and of Commissioners of the State of California residing out of the State and in office at the time of such publication.

*Three*—To perform the duties required by the provisions of Article Twelve, Chapter Two, Title One, Part Three, of

this Code, and such other duties as are imposed upon him by law.

Duties of  
Superintendent of  
State  
Printing.

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

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

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

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

**528.** There must be printed of the laws of each session of the Legislature, twenty-two hundred and fifty copies in English, to be deposited with the Secretary of State, who, after retaining a sufficient number of said volumes for distribution, in accordance with the provisions of section four hundred and nine of the Political Code, shall deposit one hundred and fifty copies with the State Librarian; the re-

Printing and  
disposition  
of laws,  
journals, and  
appendices.

maining copies to be sold at a price not to exceed three dollars per bound volume; the moneys thus received to be paid into the State treasury at the end of each month, as other fees are paid, by the said Secretary of State, and for the same purposes; and of such laws, resolutions, and memorials as may be designated by the Legislature, two hundred and forty copies in Spanish. Of the journals of the Senate and Assembly, there must be printed four hundred and eighty copies, in one volume or two, as may be required by the size thereof. The appendices to the journals of both Houses must be printed in one volume.

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

Superintendent to be appointed by Governor.

Qualifications of Superintendent

**530.** The Superintendent of State Printing shall be appointed and commissioned by the Governor of the State, and shall hold office during the pleasure of the Governor, and until his successor is appointed and qualified. He shall be a competent practical printer, and before entering upon the discharge of the duties of his office, shall give a good and sufficient bond to the people of the State of California, in the sum of ten thousand dollars, with two or more sureties, to be approved by the Governor, for the faithful performance of his duties, which bond shall be filed in the office of the Secretary of State. The present Superintendent of State Printing may hold the position without a reappointment or the giving of a new bond, and his said appointment and bond shall be held and treated as if made and given under this Act, and be subject to all its provisions; and the office of Superintendent of State Printing heretofore created is hereby continued under this Act.

SEC. 4. Section five hundred and thirty-one of the Political Code is hereby amended to read as follows:

Other duties and responsibilities of Superintendent.

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

employ more compositors or assistants than the absolute necessities of the State printing may demand, and he shall not permit any other than State work to be done in the State Printing Office. The Superintendent of State Printing shall, on or before the first day of September of each year, make a report in writing to the Governor, embracing a record of the complete transactions of his office, which report shall show in detail all the items of expense attending the State printing, and all the expenses of the office, including repairs and the purchase of materials of all kinds. Said report shall also state the number of reams and various kinds of paper delivered to him, and the amount and quality remaining on hand; which report shall be printed for the use of the Legislature.

SEC. 5. There is hereby added two new sections to the Penal Code, to be known and numbered sections ninety-nine and one hundred, and to read as follows:

*Penal Code*

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

Superintendent to have no interest in any printing business or printing stock

100. If the said Superintendent of State Printing shall corruptly collude with any person or persons furnishing paper or materials, or bidding therefor, or with any other person or persons, or have any secret understanding with him or them, by himself or through others, to defraud the State, or by which the State shall be defrauded or made to sustain a loss, contrary to the true intent and meaning of this Act, he shall, upon conviction thereof, in any Court of competent jurisdiction, forfeit his office, and be subject to imprisonment in the State Prison for a term of not less than two years, and to a fine of not less than one thousand dollars nor more than three thousand dollars, or both such fine and imprisonment.

Penalty for collusion.

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

532. In July of each year, the Superintendent of State Printing shall submit to the State Board of Examiners samples of the various kinds, sizes, and qualities of paper that will probably be required in his office during the year commencing on the then next first Monday in October, an estimate of the probable quantity of each kind, size, and quality that will be so required. Upon being satisfied that the kind, sizes, quantities, and qualities of paper so suggested will be required, they shall direct the Superintendent of State Printing to advertise for thirty days in one daily newspaper published in the City of San Francisco, one in

Supplies for State Printing Office to be furnished by contract.

New York City, and one daily newspaper published in the City of Sacramento, for proposals to furnish such paper, or so much thereof as may be required during the year commencing as aforesaid, which bids shall be opened in his office at twelve o'clock m. on the day appointed, in the presence of the said Superintendent, and at least two of the State Board of Examiners; and the State Board of Examiners and the said Superintendent of State Printing shall constitute a Board to award the contract to the lowest responsible bidder. No bid shall be considered unless accompanied by a certified check, in the sum of two thousand dollars gold coin, payable to the Governor for the use of the people of the State of California, conditioned that if the bidder receives the award of the contract, he will, within thirty days, enter into bonds in the sum of ten thousand dollars, with two or more sureties, to be approved by the Governor of the State, that he will faithfully perform the conditions of his contract; all bids must be for the furnishing and delivery of the paper and materials at the State Printing Office, in the City of Sacramento, so that the State shall not be charged with any cost of transportation or delivery, which must be specified in the advertisement for bids. If all the bids opened shall be deemed too high by said Board, they may decline them, and advertise again. If the second set of bids are considered too high, the said Board may again decline them, and may purchase said paper in open market. The prices paid by the Board shall, in no case, be higher than the lowest price at which such paper was offered to be furnished by the bids so rejected.

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

Ruling,  
binding, etc.,  
contracts for.

**533.** All ruling, folding, and folding and stitching, and binding required to be executed for the State shall be done under the supervision of said Superintendent. He shall advertise for thirty days in one daily newspaper published in the City of San Francisco and one daily newspaper published in the City of Sacramento, specifying the character of the binding, folding, and stitching to be bid upon, for proposals to do all such folding, folding and stitching, ruling and binding, all of which work shall be done in the City of Sacramento, and on the day appointed he shall, in the presence of the Board of Examiners, open the bids that may be received, and said Superintendent of State Printing and said Board of Examiners shall award said contract to the lowest responsible bidder or bidders therefor.

SEC. 8. Section five hundred and thirty-four of the Political Code is hereby amended to read as follows:

Salary of  
Superin-  
tendent.

**534.** 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. 9. Section five hundred and thirty-five of the Political Code is hereby amended to read as follows:

Repairs and  
machinery.

**535.** Whenever any appropriation is made for the support of the State Printing Office, a sum not exceeding one thou-



sand dollars thereof shall be applied, when necessary, to and used for the purpose of repairing the present and purchasing new machinery of the State Printing Office, in each fiscal year for which the appropriation is made.

SEC. 10. Section five hundred and thirty-six of the Political Code is hereby amended to read as follows:

**536.** Whenever any money is appropriated for the support of the State Printing Office, a sum not exceeding the sum of one thousand dollars thereof shall, in each fiscal year for which the appropriation is made, be applied to and used for the purpose of paying wages to employes temporarily employed, when the amount due any employe shall be for less than a week's work, and other contingent expenses of the State Printing Office. The Superintendent of Printing shall keep an itemized account of all expenditures chargeable against the sum of money mentioned in this and the next preceding section, and none of said money shall be drawn from the treasury except upon the warrant of the Controller. The Controller, so long as there is any of the money remaining, in any one year, in the treasury, upon the presentation to him of an itemized claim, verified by the oath of the Superintendent of Printing, shall draw his warrant on the Treasurer for the same, specifying in said warrant that it is payable out of the fund provided in this or the preceding section, and the Treasurer shall pay the same on presentation.

Wages of employes, etc.; appropriations, how applied

SEC. 11. Section five hundred and thirty-seven of the Political Code is hereby amended to read as follows:

**537.** The State Treasurer is hereby authorized, when the General Fund is exhausted, to advance the money on the Controller's warrants, drawn for wages and salaries of the employes in the State Printing Office, out of any public funds in the treasury, which warrants shall be his vouchers until there is money in the General Fund to cancel them; *provided*, that this section shall not apply to any fund against which there are any warrants then due, or to become due, or so as to keep claimants out of their just demands. Any sum of money remaining unexpended of the appropriation heretofore made for the purchase of materials for the State Printing Office is hereby appropriated to the payment of claims due for the construction of the State Printing Office.

Treasurer may advance funds for wages and salaries.

SEC. 12. An additional section is hereby added to the Political Code, to be known and numbered section five hundred and thirty-eight, to read as follows:

**538.** When any chart, map, diagram, or other engraving shall be required to illustrate any document ordered to be printed, such chart, map, diagram, or engraving shall be procured by the Superintendent of State Printing, under the direction of the Board of Examiners. No bills for engraving or lithographing, or lithograph printing, other than the above, shall be allowed by the Board of Examiners, and the Superintendent of State Printing shall ascertain the whereabouts, and obtain all lithograph and other property of a similar nature belonging to the State, and preserve them. All State printing shall be done in the State Printing Office.

Charts, maps, engraving, etc., how procured

SEC. 13. An Act entitled "An Act to provide for the fitting

Acts  
repealed.

up and use of the Governor's Mansion as a State Printing Office and State Armory," approved March thirtieth, eighteen hundred and seventy-four, and also 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, are hereby repealed. This Act shall take effect and be in force from and after its passage.

CHAP. DXXIX.—*An Act to amend sections five hundred and eighty and five hundred and eighty-one of the Political Code.*

[Approved April 1, 1876.]

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

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

Powers and  
duties of  
Inspector of  
Gas Meters.

**580.** He must, whenever requested, inspect and test the accuracy of any gas meters used or intended to be used for measuring the quantity of gas furnished by any gas company in this State, and when he finds the same correct, seal the same with his seal. No meter shall be accounted correct which registers an amount more than three per cent. greater or less than the amount actually passed through it, but the Inspector may seal meters registering more than three per cent. against the gas company, when requested by the company to do so. Reasonable notice shall be given to the applicant, and also the individual or gas company furnishing or proposing to furnish the gas, of the time and place of the inspection of the meter, and opportunity afforded them, their servants or agents, to be present at and witness the inspection.

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

Unsealed  
meters, mis-  
demeanor.

**581.** Any individual or gas company placing or using for measuring gas a meter which has not been inspected by the State Inspector, and does not bear his seal, shall be guilty of a misdemeanor, nor shall any charge for gas supplied through such a meter be legally collectable; nor shall the refusal of a consumer to pay the same give authority to the company to refuse to supply him with gas. When a meter, properly sealed, is once placed for the use of a consumer, an inspection may be had as often as the consumer may request the same in writing, he to pay the fee therefor whenever the meter is found not to register too fast. When the meter is found to register too fast, the gas company must pay the fee, together with the costs of removing and resetting the meter, and the Inspector shall remove the seal if there be one upon it; *provided*, that when any meter found incorrect shall be corrected, it shall be sealed by the Inspector without additional charge, if presented to him for reinspection within one month.

SEC. 3. This Act shall take effect immediately.

CHAP. XVI.—*An Act to amend sections seven hundred and fifty-one and seven hundred and fifty-six of the Political Code, in regard to deputies for the Clerk of the Supreme Court.*

[Approved January 20, 1876.]

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

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

**751.** He may appoint two deputies.

Deputies.

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

**756.** The annual salary of the Deputy Clerks is eighteen hundred dollars each. The salary of one of said deputies shall be paid by the City and County of San Francisco. Salaries of.

SEC. 3. This Act shall take effect immediately.

CHAP. CCXXIV.—*An Act to amend section eight hundred and forty-three of the Political Code.*

[Approved March 15, 1876.]

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

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

**843.** No county officer must be appointed or act as the deputy of another officer of the same county, except in cases where the pay of the officer so appointed amounts to a sum less than seventy-five dollars per month. County officers as deputies.

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

CHAP. CCCCLXXIV.—*An Act to amend section one thousand and one of the Political Code.*

[Approved April 1, 1876.]

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

[SECTION 1.] Section one thousand and one of the Political Code is hereby amended to read as follows:

**1001.** A vacancy in the office of either the Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, or Clerk of the Supreme Court, must be filled by a person appointed by the Governor, who shall hold his office for the balance of the unexpired term. Vacancies in State offices.

CHAP. CCXXI.—*An Act to amend section ten hundred and fifty-five of the Political Code.*

[Approved March 15, 1876.]

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

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

Publication  
of election  
proclamation.

**1055.** The Board of Supervisors, upon receipt of such proclamation, may, in their discretion, cause a copy of the same to be published in some newspaper printed in the county (if any), and to be posted at each place of election, at least ten days before the election, or may cause written or printed notices of the election to be posted at each election precinct, at least ten days before the election.

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

CHAP. CCCXXXIII.—*An Act to amend sections one thousand one hundred and fifteen and one thousand one hundred and sixteen of the Political Code.*

[Approved March 24, 1876.]

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

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

Clerk to have  
copies printed  
within  
fifteen days

How  
distributed.

Duties of  
County  
Clerk of City  
and County  
of San Francisco in  
relation  
thereto

**1115.** Within fifteen days after making such list, the Clerk must have printed a sufficient number of copies thereof to supply each election precinct in the county with not less than ten copies thereof, and fifty additional for every one thousand votes cast in the county at the next preceding general election, except that in the City and County of San Francisco the County Clerk must have printed a sufficient number of copies of each ward register, to supply two hundred and fifty copies thereof for the first one thousand votes, or fraction thereof, cast in the ward at the next preceding general election, and fifty additional copies for each additional one thousand votes, or fraction thereof above five hundred ; but in all the counties of this State, other than those of the first class, as classified by this Code, the Clerk of each of such counties, if the Board of Supervisors, in their discretion, so order, must, if there is a sufficient number of the register last printed on hand to provide not less than four copies for each precinct in such county, cancel the names of all persons thereon required to be canceled, and furnish the same to each precinct, together with the same number of copies of a supplement, containing the uncanceled entries made upon the Great Register subsequent to the last publication thereof.

SEC. 2. Section one thousand one hundred and sixteen is amended so to read as follows:

**1116.** The Clerk must, as soon as such copies of the Great Register, or ward, or township registers are printed:

*First*—Post one copy in some public place in the Court-house. Copy to be posted.

*Second*—Deliver, upon demand, one copy to each county and township officer in the county. To whom to be delivered

*Third*—Transmit and cause to be delivered not less than ten copies to each Board of Election in the county; but in cases where ward registers are printed, ten copies shall be delivered to each Board of Election in the respective wards, and one copy of all the registers to each Board of Election in the county. Number to Boards of Election.

*Fourth*—Preserve five copies in the office for the inspection of the public. To preserve copies.

*Fifth*—Transmit to the State Library, Mercantile Library, Mechanics' Institute, and Odd Fellows' Library, of San Francisco, one copy each. To transmit copies.

*Sixth*—Deliver one copy to each elector of the county, or respective ward, applying therefor, until the remainder of the edition printed is exhausted; *provided*, that nothing in this section, except the first, third, and fourth subdivisions thereof, shall apply to counties other than of the first class. Each elector to receive copy. Subdivisions that apply only to counties of first class.

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

CHAP. CLI.—*An Act to amend section eleven hundred and sixty of the Political Code.*

[Approved March 8, 1876.]

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

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

**1160.** The polls must be opened at one hour after sunrise on the morning of the election, and must be kept open until sunset, when the same must be closed, except in the City and County of San Francisco, wherein the polls must be opened at sunrise, and be kept open continuously until six o'clock and thirty minutes of the evening of the same day, when the same shall be closed. Election polls to be kept open.

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

CHAP. DXXXVI.—*An Act to amend sections twelve hundred and twenty-five and twelve hundred and twenty-six of the Political Code.*

[Approved April 3, 1876.]

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

Depositing  
of ballots.

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

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

Duties of  
Inspector.

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

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

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

CHAP. CXCVIII.—*An Act to amend and renumber section fifteen hundred and fifty-two, added to the Political Code by an Act approved March thirteenth, eighteen hundred and seventy-four, entitled "An Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code of the State of California."*

[Approved March 11, 1876.]

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

Section  
renumbered.

SECTION 1. Section one thousand five hundred and fifty-two, added to the Political Code by the Act of March thirteenth, eighteen hundred and seventy-four, entitled "An Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code of the State of California, is hereby numbered one thousand five hundred and fifty-three, and further amended to read as follows:

School  
Superin-  
tendents,  
when they  
be teachers.

**1553.** No School Superintendent who receives an annual salary of fifteen hundred dollars or more must follow the profession of teaching or any other avocation that can con-

flict with his duties as Superintendent; but those receiving less than fifteen hundred dollars per annum may teach in the public schools of this State.

SEC. 2. This Act shall take effect and be in force immediately.

CHAP. CCLXXII.—*An Act to amend section fifteen hundred and seventy-seven of the Political Code, in relation to the change of boundaries in school districts.*

[Approved March 20, 1876.]

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

SECTION 1. Section fifteen hundred and seventy-seven is amended so as to read as follows:

1577. No new district can be formed unless the parents or guardians of at least fifteen census children, resident of such proposed new district, and residing at a greater distance than two miles from any district school-house, present a petition to the County Superintendent, setting forth the boundaries of the new district asked for. The boundaries of any district cannot be changed unless at least ten heads of families, residing in the district, present a petition to the County Superintendent, setting forth the change of boundaries desired and the reasons for the same.

When new district may be formed

Change of boundaries.

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

CHAP. CCCCLXX.—*An Act to repeal certain sections of the Political Code, relating to public schools.*

[Approved April 1, 1876.]

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

SECTION 1. Section one thousand seven hundred and twenty-six, section one thousand seven hundred and twenty-seven, section one thousand seven hundred and twenty-eight, section one thousand seven hundred and twenty-nine, section one thousand seven hundred and thirty, and section one thousand seven hundred and thirty-one of the Political Code are hereby repealed.

Sections repealed

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

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

[Approved January 20, 1876.]

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

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

Renewal of  
certificates.

**1753.** The Board may, at the expiration of the time for which they are granted, renew diplomas or certificates for a like period for which they were originally granted.

SEC. 2. This Act shall take effect immediately.

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

[Approved February 14, 1876.]

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

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

Boards of  
Examina-  
tion, how  
composed

**1768.** Each County Board of Examination is composed of the County School Superintendent of such county, except as provided in section seventeen hundred and sixty-nine, and not less than three teachers, who follow the profession of teaching at the time they are chosen, and holding a certificate of fitness for teaching, not less than a first grade county certificate, appointed by the County School Superintendent.

SEC. 2. Section seventeen hundred and sixty-nine of said Code is hereby amended so as to read as follows :

Chairman of  
Board.

**1769.** When the County School Superintendent is the holder of a certificate equal to a first grade county certificate in full force and effect, he shall be the Chairman of the County Board of Examination; and in case the County Superintendent is not the holder of a certificate equal to a first grade county certificate in full force and effect, the County Superintendent of the county shall designate and appoint the Principal of the school having the greatest number of pupils therein, as the Chairman of said Board of Examination, to serve as such Chairman not more than one year and not less than one term of said Board, in the discretion of such Superintendent.

SEC. 3. Section seventeen hundred and seventy-two is hereby amended so as to read as follows :

Granting of  
certificates,  
qualifica-  
tions of  
teachers.

**1772.** Certificates must be granted only to those who have passed a satisfactory examination in all the studies required



for a State certificate of corresponding grade, and upon the questions prepared by the State Board of Examination, and reached the percentage prescribed by the State Board of Education; *provided*, that applicants for second grade county certificates shall be required to pass an examination only in arithmetic, grammar, geography, composition, history of the United States, orthography, defining, penmanship, reading, and method of teaching; and *provided further*, that applicants for third grade county certificates shall be required to pass an examination only in arithmetic, grammar, geography, orthography, defining, reading, and method of teaching.

SEC. 4. Section seventeen hundred and seventy-five is amended so as to read as follows:

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

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

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CHAP. DXXIII.—*An Act to amend section seventeen hundred and seventy-one of the Political Code.*

[Approved April 1, 1876.]

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

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

**1771.** The County Board of Examination has power to grant certificates of three grades: Grades of certificates.

*First*—County certificates, first grade, valid for three years, and authorizing the holder to teach a grammar school, or a school of the first grade in the county.

*Second*—County certificates, second grade, valid for two years, and authorizing the holder to teach a second grade school in the county.

*Third*—County certificates of the third grade, valid for one year, and authorizing the holder to teach a third grade in the county.

*Fourth*—Third grade certificates are granted only to females.

*Fifth*—The Board may also grant to the holders of certificates granted by the Boards of Examination of the various counties of this State, certificates of like grade and standing as those held by such applicants, without examination.

CHAP. XIV.—*An Act to amend section one thousand seven hundred and ninety-two of the Political Code, relating to teachers' certificates.*

[Approved January 20, 1876.]

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

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

Duplicate  
certificates,  
revocation.

**1792.** The Board may, without examination, grant certificates of like grade to holders of certificates granted in other cities, and renew all certificates granted by it, and revoke any certificate for immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCXVI.—*An Act to amend the Political Code, and to reduce the expense of the National Guard.*

[Approved March 30, 1876.]

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

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

National  
Guard, how  
composed.

**1912.** The organized uniformed militia of the State are known as the National Guard. This force shall not exceed thirty-six companies, as follows: thirty-one companies of infantry, three companies of cavalry, and two of artillery; and must be located throughout the State with reference to the military wants thereof, means of concentration, and other military requirements.

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

Armory  
rents, ex-  
penses, etc.

**2094.** There must be audited and allowed by the Board of Military Auditors, and paid out of the General Fund, upon the warrant of the State Controller, to the commanding officer of each company of cavalry or infantry of the National Guard, for armory rent and incidental expenses of an armory, care and cleaning of arms and military property in charge of such company, the sum of fifty dollars per month; to the commanding officer of each light battery, the sum of twenty-five dollars per month for each gun under their command; and to the commanding officer of each regiment or battalion, for incidental expenses, the sum of three dollars per month for each company under their command; to each Brigadier-General, the sum of three dollars per month for each company in his brigade.

SEC. 3. Section two thousand and ninety-nine of said Code is hereby amended so as to read as follows :

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

<sup>1</sup>  
Annual allowance to companies.

SEC. 4. This Act shall take effect from and after the first day of July, A. D. eighteen hundred and seventy-six.

CHAP. XVIII.—*An Act to amend section two thousand one hundred and seven, and to repeal section two thousand one hundred and twelve of the Political Code of the State of California.*

[Approved January 20, 1876.]

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

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

**2107.** It is the duty of the Adjutant-General :

Duties of Adjutant-General.

*First*—To keep and preserve the arms, accoutrements, ammunition, and other military property belonging to the State.

*Second*—To keep on file in his office all returns and reports made to him.

*Third*—To keep an account, in a manner directed by the Commander-in-Chief, of all moneys received or disbursed by him.

*Fourth*—To prepare and keep all blank forms required for the service.

*Fifth*—To attest all commissions issued to military officers.

*Sixth*—To authenticate, with his official seal, all papers issued from his office.

*Seventh*—To make out and transmit the annual military returns prescribed by the Act of Congress of March second, eighteen hundred and three.

*Eighth*—To perform such other duties as are required by the provisions of this title.

SEC. 2. Section two thousand one hundred and twelve of the Political Code is hereby repealed.

Section repealed.

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

CHAP. CIV.—*An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a certain new section thereto.*

[Approved February 28, 1876.]

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

SECTION 1. A new section is hereby added to said Code, to be numbered twenty-five hundred and twenty, and to read as follows:

Governor to  
appoint  
Harbor Com-  
missioners.

**2520.** As soon as may be after the passage of this Act, the Governor, by and with the consent of the Senate, shall appoint three State Harbor Commissioners, who shall hold office, one for two years, one for three years, and one for four years, from the date of their respective commissions. The Governor shall, in like manner, at the expiration of their respective terms, appoint and commission their successors, for a full term of four years, excepting in case of a vacancy occurring in the Board by resignation, or otherwise, to fill which he shall appoint a Commissioner for the unexpired portion of the term.

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

Powers and  
duties of  
Commission-  
ers; bonds,  
etc.

**2521.** The Governor shall issue commissions to each member of the State Board of Harbor Commissioners, which commissions shall take effect immediately after such Commissioners shall have filed bonds and qualified, as in this article provided. Each Commissioner shall, before entering upon the duties of his office, and within fifteen days after his appointment, give a bond in the sum of fifty thousand dollars, conditioned for the faithful performance of his duties, required by this article, which bond shall be approved by the Governor and State Treasurer, by writing indorsed thereon, and filed in the office of Secretary of State. No bond shall be required of the ex officio members of the Board. The Commissioners shall not be sureties for each other, nor shall any officer of the State Government, nor officer or member of the Legislature, be accepted as surety on said bonds. The Commissioners shall take and subscribe an official oath, which oath shall be attached to and filed with said bonds respectively. The Commissioners shall be known as the Board of State Harbor Commissioners; and after being qualified, shall choose, by ballot, one of their own number President of the Board. The Commissioners shall appoint as Secretary of the Board some suitable person, who is not one of their own number, who, before entering upon the duties of his office, shall give a bond, with two or more sureties, in the sum of twenty thousand dollars, conditioned for the faithful performance of his duties; which bond must be approved by the Commissioners, by writing indorsed thereon, and he shall also take and subscribe to an official oath, which oath shall be attached to and filed with his bond with the Secretary of State. The Commissioners shall appoint an Assistant

Secretary.

Assistant  
Secretary.

Secretary, who shall give a bond in the sum of ten thousand dollars, with two or more sureties, conditioned for the faithful performance of his duties, which bond shall be approved by the Commissioners, in writing indorsed thereon, and shall also take and subscribe an official oath, which oath shall be attached to and filed with his bond, with the Secretary of State. The Secretary of the Board shall keep the office of the Board open every day, from nine o'clock A. M. till four o'clock P. M., Sundays and holidays excepted. He shall attend the meetings of the Board, and record the names of all the Commissioners present, and shall keep a clear and distinct record of all their proceedings at every meeting. He shall keep in suitable books a record of all moneys received and disbursed by the Commissioners, and of all agreements and contracts entered into by them, which record shall be open to the inspection of the public during the usual business hours. The Secretary shall forward to the Controller of State, as often as once in each month, a statement, under oath, in the form of a balance sheet, containing a full exhibit of all moneys received and disbursed; the sources from which the same were received, and the purposes for which the same were paid out. He shall, also, in the first week in January, April, July, and October, in each year, file in the office of the Secretary of State a report, in the form of a balance sheet, under oath, of the receipts and disbursements for each preceding three months. He shall keep in separate books a record of all the personal property, and the cost of the same, purchased by the Commissioners in behalf of the State, and the disposition made of the same, when any shall have been sold, and the price received therefor. He shall perform such other duties properly pertaining to those of Secretary as may be required of him by the Board. The Assistant Secretary shall perform such service pertaining to the duties of his office as the Secretary or Commissioners may require during business hours.

Secretary to  
file balance  
sheets

SEC. 3. Section two thousand five hundred and twenty-two of said Code is amended to read as follows:

**2522.** The Commissioners may appoint a Chief Engineer, whose duty it shall be to superintend the construction of all embankments and sea-walls, the dredging of slips and docks, the building of wharves, piers, quays and landings, thoroughfares, and other necessary structures, upon the premises and under the control of said Commissioners, by virtue of this article. They may also, in their discretion, employ assistant engineers and draughtsmen, who shall be under the control and subject to the directions of the Chief Engineer, and pay a reasonable compensation for such services. They may appoint an attorney-at-law, who shall attend to the prosecution and defense of all suits and other matters requiring his professional services, and give counsel and advice when required by the Board. They shall appoint as Chief Wharfinger a competent man, who must, before entering upon the duties of his office, file, in the office of the Board, a bond, with two or more sureties, in a sum sufficient to cover any

Chief Engineer, duties  
of

Attorney

Chief Wharf-  
inger, duties  
of.

amount of money that shall come into his hands, conditioned for the faithful performance of his duties as such Chief Wharfinger, which bond, if satisfactory, shall be approved by the Board by writing indorsed thereon. Such Chief Wharfinger shall, under the direction of the Commissioners, furnish to all ship-masters, consignees, and pilots of all ships and other water craft, a printed copy of the harbor regulations of the Harbor of San Francisco, which shall contain the rates of dockage, wharfage, and tolls, and such other matters as said Commissioners shall deem proper to furnish to ship-masters, consignees, and pilots, to give them a correct knowledge of the regulations of said harbor; such printed copies of harbor regulations to be furnished to said Chief Wharfinger by said Commissioners. The Chief Wharfinger shall also, subject to the directions of the Board, superintend and direct the removal of all incumbrances and obstructions from the docks, slips, wharves, landings, and thoroughfares, and shall have, subject to the directions of the Commissioners, as aforesaid, authority to station, berth, and regulate the position of all classes of water craft navigating said harbor, and to remove, from time to time, and from place to place, such water craft as the wants of commerce and good order may require; *provided, however*, that said Chief Wharfinger shall have no control over such portions of the water front of said city and county as are held by grantees or lessees, or their assigns, under valid leases. Said Commissioners may also appoint an Assistant Chief Wharfinger, who shall perform such duties pertaining to his office as shall be required of him by said Commissioners, and by said Chief Wharfinger. Said Assistant Chief Wharfinger must, before entering upon the duties of his office, file, in the office of the Board, a bond, with two or more sureties, in a sum sufficient to cover all moneys that may come into his hands, conditioned for the faithful performance of his duties as Assistant Chief Wharfinger, which bond shall be approved by the Board by writing indorsed thereon. Said Commissioners shall also appoint a sufficient number of persons Wharfingers, to collect the revenue arising from dockage, wharfage, crantage, rents, and tolls, by authority of this article, and may also appoint a sufficient number of persons Toll Collectors, to collect the tolls authorized to be collected by virtue of this article; each of which Wharfingers and Toll Collectors must, before entering upon the duties of their respective offices, file, in the office of the Board, a bond, with two or more sureties, in a sum sufficient to cover any moneys that may come into their hands, conditioned for the faithful performance of their duties as such Wharfingers and Toll Collectors, which bonds shall be approved by said Commissioners by writing indorsed thereon. Every Wharfinger and Toll Collector appointed by authority of this article must make and subscribe to an official oath, which oath must be attached to and filed with his bond. The Secretary of the Board is hereby authorized to administer to each Wharfinger and Toll Collector the oaths required by this article to be made by such Wharfingers and Toll Collectors. Each Wharfinger and Toll Col-

Wharfingers  
and Toll  
Collectors,  
duties of.

lector shall keep, in suitable books to be furnished by the Commissioners, an account of all moneys by him collected, which books shall be open to the inspection of the public at all reasonable times, and such Wharfingers and Toll Collectors shall pay to the Commissioners all the moneys collected by them, at least once in each week, and as much oftener as the Commissioners shall require. The Wharfingers appointed by authority of this article shall have authority, respectively, and they are hereby authorized, to require the captain, consignees, agents, or owners of any water craft, or the owners, agents, managers, or conductors of any railroad car or train of cars, or the consignees of any goods, wares or merchandise, or animals, to be landed, loaded, or unloaded upon the premises described in this article, on or before the landing, loading, or unloading thereof, to furnish to any such Wharfingers, when required to do so, the number of tons, or number of hundred, or number of feet, or number of cords, or number of animals, any such water craft, or car, or train of cars, contains; and it shall be the duty of every captain, consignee, agent, or owner of any water craft, or the owners, agents, managers, or conductors of every railroad car or train of cars, the consignee of any goods, wares, merchandise, or animals, upon any railroad car or train of cars, which goods, wares, merchandise, or animals are to be landed, loaded, or unloaded within or upon the premises described in this article, to furnish to such Wharfingers a correct account of the number of tons, or the number of hundreds, or number of feet of goods, wares, or merchandise, or number of animals, when required to do so by any Wharfinger; and every captain, consignee, agent, or owner of any water craft, or any owner, agent, manager, or conductor of any railroad car or train of cars, or any consignee of any goods, wares, merchandise, or animals, upon any railroad car or train of railroad cars, who shall neglect or refuse to furnish the information required to be given to the Wharfingers by this section, or who shall, designedly, give false information, shall be guilty of a misdemeanor, and, upon conviction thereof before any Court of competent jurisdiction, shall be fined not less than twenty nor more than one hundred dollars, or by imprisonment in the jail of the City and County of San Francisco not less than ten nor more than fifty days, or by both such fine and imprisonment.

Wharfingers  
and Toll  
Collectors,  
duties of.

SEC. 4. Section two thousand five hundred and twenty-three of said Code is hereby amended to read as follows:

**2523.** The Commissioners may institute and prosecute to final judgment, actions in the name of the people of the State of California, for the possession of any portion of the premises described in this article, situate between the inshore line, or line nearest the main-land, and the line offshore six hundred and fifty feet therefrom, and parallel therewith, or for the annulling of any lease or contract entered into by the Commissioners in behalf of the State, by virtue of any general or special law, or for the collection of any money due, or that may become due the State by authority of this article; and the Commissioners may also institute and prosecute to final judgment, actions for the removal of all unlawful

Commis-  
sioners may  
bring actions  
in certain  
cases

obstructions in or upon said premises, or for the removal of all unlawful obstructions in or upon the streets through the center of which the inshore line, or line nearest the mainland, bounding said premises, runs. They may also remove any unlawful obstructions thereon after the owner, possessor, or occupant of such obstructions shall have five days' notice, in writing, to remove the same, either served on such owner, possessor, or occupant, or posted upon said obstruction by the Chief Wharfinger, Assistant Wharfinger, or Wharfinger.

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

Jurisdiction  
of Commis-  
sioners.

**2524.** The Commissioners shall have possession and control of that portion of the Bay of San Francisco, together with the improvements, rights, privileges, easements, and appurtenances connected therewith, or in any wise appertaining thereto, for the purposes in this article provided (excepting such parcels thereof as are held by the lessees, or their assigns, of valid leases, which parcels so held it is hereby made the duty of the Commissioners to take possession of, together with the improvements thereon, as soon as said leases terminate, and also to see that the lessees, or their successors or assigns, do not exercise rights and privileges that are not conferred by said leases), bounded as follows, to wit: Commencing at the point where the easterly line of the Presidio Reservation intersects the water-line front, as established by the Board of State Tide Land Commissioners; thence easterly along said water-line front to the center of Webster Street; thence southerly along the center of Webster Street to the center of Lewis Street; thence easterly along the center of Lewis Street to the center of Polk Street; thence southerly along the center of Polk Street to the center of Tonquin Street; thence easterly along the center of Tonquin Street to the center of Larkin Street; thence southerly along the center of Larkin Street to the center of Jefferson Street; thence easterly along the center of Jefferson Street to the center of Powell Street; thence southerly along the center of Powell Street to the center of Beach Street; thence easterly along the center of Beach Street to the center of Dupont Street; thence southerly along the center of Dupont Street to the center of North Point Street; thence easterly along the center of North Point Street to the center of Kearny Street; thence southerly along the center of Kearny Street to the center of Francisco Street; thence easterly along the center of Francisco Street to the center of Montgomery Street; thence along the center of Montgomery Street to the center of Chestnut Street; thence easterly along the center of Chestnut Street to the center of Sansome Street; then southerly along the center of Sansome Street to the center of Lombard Street; thence easterly along the center of Lombard Street to the center of Battery Street; thence southerly along the center of Battery Street to the center of Greenwich Street; thence easterly along the center of Greenwich Street to the center of Front Street; thence southerly along the center of Front Street to the center of Vallejo Street; thence easterly along the center of Val-



lejo Street to the center of Davis Street; thence south-  
 erly along the center of Davis street to the center of Pacific Street; thence easterly along the center of Pacific Street to the center of East Street; thence southerly along the center of East Street to the center of Folsom Street; thence westerly along the center of Folsom Street to the center of Stuart Street; thence southerly along the center of Stuart Street to the center of Harrison Street; thence southerly on a direct line with said Stuart Street, two hundred and fifty-three feet nine inches, to the center of a street the name of which is not on a map; thence at right angles, westerly, along the center of said street to the center of Spear Street; thence southerly along the center of Spear Street to the center of Bryant Street; thence westerly along the center of Bryant Street to the center of Beale Street; thence southerly along the center of Beale Street to the center of Brannan Street; thence westerly along the center of Brannan Street to the center of First Street; thence southerly along the center of First Street to the center of Townsend Street; thence westerly along the center of Townsend Street five hundred and fifty feet, to the center of a street the name of which is not on a map; thence at right angles southerly along the center of said street to the center of King Street; thence along the center of King Street to the center of Second Street; thence southerly along the center of Second Street to the center of Berry Street; thence westerly along the center of Berry Street to the center of Third Street; thence southerly along the center of Third Street to the northerly line of Channel Street; thence westerly along the last-mentioned line to the easterly line of Fifth Street; thence southerly along said last-mentioned line to the southerly line of said Channel Street; thence easterly along said mentioned line to the center of Kentucky Street; thence southerly along the center of Kentucky Street to the center of Fourth Street; thence along the center of Fourth Street to the center of Louisiana Street; thence southerly along the center of Louisiana Street to the center of El Dorado Street; thence along the center of El Dorado Street to the center of Illinois Street; thence southerly along the center of Illinois Street to the center of Solano Street; thence easterly along the center of Solano Street to the water-front line established by the Board of State Tide Land Commissioners; thence southerly along said last-mentioned line to the center of Tulare Street; thence westerly along the center of Tulare Street to the center of Texas Street; thence southerly along the center of Texas Street to the center of Islais Street; thence easterly along the center of Islais Street to the center of Water-front Street; thence southerly along the center of Water-front Street to the center of India Street; thence westerly, southerly, and easterly, along the center of said India Street to the center of Water-front Street, to the center of China Street; thence westerly along the center of China Street to the center of Third Avenue; thence southerly along the center of Third Avenue to the northerly line of the property of the California Dry Dock Company; thence

Jurisdiction  
of Commis-  
sioners.

Harbor embankments  
or sea-walls.

easterly along said last-mentioned line to the water front established by the Board of State Tide Land Commissioners; thence southerly along and around said Dry Dock Company's land to the southeasterly corner thereof; thence westerly along the line of said land to the center of Water-front Street; thence southerly along the center of Water-front Street to the center of Nineteenth Avenue; thence westerly along the center of Nineteenth Avenue to the center of Dock Street; thence southerly along the line of Dock Street to the center of Twenty-third Avenue; thence westerly along the center of Twenty-third Avenue to the center of H Street; thence southerly along the center of H Street to the center of Twenty-fourth Avenue; thence easterly along the center of Twenty-fourth Avenue to the center of Water-front Street, and thence southerly along the center of said Water-front Street to the southern boundary of the County of San Francisco; thence along the southerly, easterly, and northerly boundary lines of said county, to a point due north of the place of commencement, and thence south to the place of commencement. But no harbor embankment or sea-wall shall be constructed outside of the following-named points and lines, to wit: Commencing at the point where the eastern boundary line of the Presidio Reservation, extended in a northerly direction, intersects the three-fathom contour line, shown upon the charts of the United States survey, and running thence in an easterly and southerly direction upon straight or curved lines, in such manner as to approach as near as practicable the extreme outer projections of the water-line front as described in an Act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, A. D. eighteen hundred and fifty-one, to a point at or near the intersection of Second and Berry Streets; thence continuing southerly, upon straight or curved lines, in such a manner as to approach as near as practicable, the extreme outer projections of the water-line front, as established by the Board of State Tide Land Commissioners, to the southern boundary of said City and County of San Francisco. And said Commissioners; in addition to a general control over said premises, shall have authority to use, for loading and landing merchandise, with a right to collect dockage, wharfage and tolls thereon, such portion of the streets of the City and County of San Francisco ending or fronting upon the waters of said bay as may be used for such purposes without obstructing the same as thoroughfares, and authority to rent an office in the City and County of San Francisco, between Montgomery, Market, and Pacific Streets, and the city front; and purchase from time to time suitable books for the records of the Secretary and accounts of the Wharfingers, together with such stationery as may be required by the Board, and to fix and regulate from time to time the rates of dockage, wharfage, cranage, tolls, and rents, and collect such an amount of revenue therefrom as will enable the Commissioners to perform the duties required of them by authority of this article. And the Commissioners and Mayor of San Francisco may so modify and establish such

Rates of  
dockage and  
wharfage

rates of dockage and wharfage as will produce a revenue not to exceed in amount the moneys collected in the year eighteen hundred and seventy-five, collecting as near as possible equal amounts from dockage and wharfage. When such modification has been made, the collection of tolls must be abolished, and the Toll Collectors discharged. The Commissioners shall construct such number of wharves as the wants of commerce shall require, and shall locate such wharves, at such points and upon such lines, as the Board may deem most suitable for the best interest of commerce, and shall repair and maintain all the wharves, piers, quays, landings, and thoroughfares the want of commerce may require, and generally to erect all such improvements as may be necessary for the safe landing, loading, and unloading, and protection of all classes of merchandise, and for the safety and convenience of passengers passing into and out of the City and County of San Francisco by water. But no wharf shall be extended into the bay more than six hundred feet beyond the inside line, or line nearest the shore of the City and County of San Francisco, described in this article, or more than six hundred feet beyond the permanent water-front line when established under the provisions of this article, nor shall any such wharf be constructed upon such place or line as will cause any slip or dock to be less than one hundred and thirty-six feet wide at the most narrow point between the wharves. When they determine that a new wharf shall be erected, or any other necessary improvement constructed or repairs made, or dredging machines, scows, steam-tugs, and any necessary machinery, the cost of which shall exceed three thousand dollars, they shall advertise for sealed proposals, for a period of not less than ten days, in one or more of the daily newspapers in the City and County of San Francisco. Every proposal shall be accompanied by a certified check for an amount equal to five per cent. of the amount of such proposal, such check to be made payable to the order of the Secretary of said Board, conditioned, if the proposal [is] accepted and the contract awarded, and if the bidder shall fail or neglect to execute the contract and give the bond required within six days after the award is made, in that case said sum mentioned in said check shall be paid into the State treasury, by said Secretary, as liquidated damages for such failure and neglect, as a portion of San Francisco Harbor Improvement Fund. Such advertisement shall contain a general description of the work to be done, the materials to be used, the place where to be used, and must refer to specifications, which must contain a full and accurate description of the work to be performed, the material to be used, and where to be used, which specifications shall be kept in the office of the Secretary of the Board in such manner that all persons may inspect the same during the usual business hours of all days except Sundays and holidays. On a day named in the advertisement, the Commissioners shall open the bids in the presence of such bidders as are present, and award the contract to the lowest bidder who shall furnish sufficient sureties to guarantee the performance of

Construction  
of wharves.

When to be  
let by  
contract.

Sealed  
proposals.

Opening  
of bids.

Dredging.

Liabilities of  
vessels and  
owners.Commis-  
sioners to  
make and  
publish rules  
and regu-  
lations

the work. If, in the opinion of the Commissioners, the bids are too high, they may reject them and advertise anew, in like manner as before. If, in the opinion of the Commissioners, the second bids are too high, they may reject them likewise, and enter into contract with responsible parties without giving further notice. Any contract entered into without giving public notice and receiving bids, must be at least ten per cent. lower than the lowest rejected bid. The Board may construct such harbor embankment or sea-wall as shall be necessary to protect the Harbor of San Francisco, and dredge such number of slips and docks as the commerce of the Port of San Francisco may require, to a depth that will admit of the easy and free ingress and egress of all classes of water craft that load and discharge cargoes at the wharves, piers, quays, landings, and thoroughfares in the Harbor of San Francisco; to perform which dredging, the Board of State Harbor Commissioners are hereby authorized and empowered to purchase or construct dredging machines, scows, steam-tugs, and the necessary machinery, and employ men for operating the same. When any portion of the premises described in this article shall be dredged, the sand, mud, or other substance shall be deposited in a place designated by the Board, in not less than fifteen fathoms of water.

All classes of water craft that uses or makes fast to any wharf, pier, quay, landing, or thoroughfare, and lands upon or loads therefrom any goods, wares, or merchandise, shall be liable, and must pay to the Commissioners such rates of dockage as shall be fixed by authority of this article; and all such water craft as shall discharge or receive any goods, wares, or merchandise, while moored in any slip, dock, or basin within the jurisdiction of the Commissioners, shall pay one-half the regular rates of dockage. Any water craft that shall leave any wharf, pier, quay, landing, thoroughfare, slip, dock, or basin, unless forced to do so by stress of weather, without first paying the dockage due from such vessel, shall be liable to pay double the regular rates. The charge for wharfage and tolls shall be a lien upon all goods, wares, and merchandise landed upon any of the wharves, piers, quays, landings, or thoroughfares, upon the premises described in this article; and the Commissioners, their agents or lessees, may hold possession of any such goods, wares, or merchandise, so landed as aforesaid, to secure the payment of such wharfage and tolls; and for the purpose of such lien, are deemed to have possession of such goods, wares, and merchandise, so landed, until such charges for wharfage and tolls are paid. The Commissioners shall have power to make reasonable rules and regulations concerning the control and management of the property of the State, which is intrusted to them by virtue of this article, and said Commissioners are hereby authorized and required to make, without delay, and from time to time, and publish, not less than thirty days, in a daily newspaper of general circulation, published in the City and County of San Francisco, all needful rules and regulations, not inconsistent with the laws of the State or of the United

States, in relation to the moving and anchoring of vessels in said harbor, providing and maintaining free, open, and unobstructed passage-ways for steam ferry-boats and other steamers navigating the waters of the Bay of San Francisco and the fresh-water tributaries of said bay, so that such steamers can conveniently make their trips without impediment from vessels at anchor or other obstacles. And said Commissioners may also make all needful rules and regulations governing the removal of such vessels from the wharves and other landings, and from slips and docks, as are not engaged in receiving or discharging cargo, prescribing the time during which goods, wares, and merchandise, landed upon any wharf, pier, quay, landing, or thoroughfare, shall be permitted to remain thereon, and may divide the same into several classes, and may, by such rules and regulations, provide that in case any such goods, wares, or merchandise remain upon any wharf, pier, quay, landing, or thoroughfare beyond the term so prescribed, the respective Wharfinger may, under the order of the Commissioners, remove and deposit the same in a suitable place, at the charge, risk, and expense of the owner thereof. When any goods, wares, or merchandise shall have remained upon any wharf, pier, quay, landing, or thoroughfare more than twenty-four hours, the Commissioners may, in their discretion, charge such additional rates for each subsequent day as in their opinion is just and equitable. The Commissioners may, in their discretion, set apart and assign, for the exclusive use of the water craft used by the officers of the Federal Government, such convenient and safe landings as such officers may require, together with suitable premises near such landings as may be set apart and assigned for their use, upon which premises such officers may cause to be erected offices and store-houses to suit their convenience, and the Commissioners shall charge a reasonable compensation per month for the use of such landings and office and store-house premises; set apart and assign a suitable and proper locality for the use of the Harbor Police of the City and County of San Francisco; and, also, a suitable place for a boat-house station for the exclusive use of the Quarantine and Health Officers of said city and county, without compensation; set apart and assign for the exclusive use of steam ferry-boats suitable slips, in which such structures may be erected as will secure the safe and convenient landing of passengers, and safe landing and delivery of freight; set apart and assign suitable wharves, berths, or landings for the exclusive use of sea-going steamers, to construct suitable sheds, gates, and other temporary structures as may be necessary for the safe and convenient landing of passengers, and safe landing and delivery of freight; and set apart and assign for the sole and exclusive use of the fishermen of the City and County of San Francisco such place or places as the said Commissioners shall deem proper, sufficient, and adapted for the requirements and necessities of said fishermen; *provided*, the premises so set apart by said Commissioners shall be used only for the legitimate business of said fishermen, and for no

Federal  
Government  
vessels.

Harbor  
police, quar-  
antine  
officers, etc.

Fishermen.

Live stock.

Dry docks,  
lease of  
premises forGoods not to  
be removed  
without per-  
mission.Obstruc-  
tions.

other purpose; and *provided*, said Commissioners shall not charge therefor more than the following rates: For boats over twenty-two feet and under forty feet long, one dollar per week; for boats from sixteen to twenty-two feet long, seventy-five cents per week; and for all boats less than sixteen feet long, twenty-five cents per week. The Commissioners may assign suitable places for the landing of horses, cattle, sheep, and swine, and when such places have been assigned, it shall be a misdemeanor for a commander of any water craft to land any greater number than ten at any one time from any water craft at any other place. The Commissioners may set apart, for the uses and purposes of dry docks and marine railways, such portions of the water front northwesterly of the northerly end of Kearny Street, and southerly of the easterly end of Solano Street, as the wants of commerce may require, and lease the same for a period not to exceed ten years. When the Commissioners lease premises for marine railways and dry dock purposes, as provided in this section, they shall advertise for sealed proposals, for a period of not less than ten nor more than twenty days, in one of the daily newspapers of the largest circulation, printed in the City and County of San Francisco, which advertisement shall contain a description of the premises to be leased. On the day named in the advertisement the Commissioners shall open the bids in the presence of such of the bidders as are present, and award the premises to be leased to the highest responsible bidder that shall furnish sufficient sureties to guarantee the payment of the rent, and may negotiate for, and accept, and cancel any lease of any portion of the premises described in this article, and pay a reasonable compensation for any structures upon any such leased premises as, in the opinion of the Board and Engineer, may be useful for such commercial purposes as this article is intended to promote. No person or company shall, without the consent of the Board of State Harbor Commissioners, land or remove any goods, wares, or merchandise, or other thing, upon or from any wharf, pier, quay, landing, or thoroughfare, situate upon the premises described in this article, unless authorized to do so by virtue of valid lease; nor shall any person collect dockage, wharfage, crantage, rent, or toll within the boundaries of the premises described in this article, except by virtue of valid leases, without first obtaining permission to do so from said Commissioners; nor shall any person or company place, or cause to be placed, any obstructions in that portion of the Bay of San Francisco described in this article, nor upon any wharf, pier, quay, landing, or thoroughfare, without the consent of the Board. Whenever any wharf, pier, quay, landing, or thoroughfare in the Harbor of San Francisco shall be incumbered, or their free use interfered with by goods, wares, merchandise, or other substance, whether loose or built upon, or fixed to any such wharf, pier, quay, landing, or thoroughfare, it shall be the duty of the Commissioners to notify, in writing (which notice may be served by a Wharfinger, or by the Secretary, or Assistant Secretary of the Board), the owner, agent, occupant, or person placing or keeping such obstructions thereon, to

remove the same within twenty-four hours after the serving of such notice; and in case of failure to comply with such notice, and remove such obstructions, the owner, agent, occupant, or person so notified shall be liable to pay the Commissioners the sum of twenty-five dollars for each and every day during which such obstruction shall remain upon any such wharf, pier, quay, landing, or thoroughfare; and the Commissioners shall have power, in their discretion, to remove any such incumbering substance, and store the same in any suitable, convenient, and safe place, and a sum equal to the amount of the expenses of the removal, together with all other necessary charges, shall be paid by the owner of such incumbering substance to the Commissioners, and such sum and necessary charges shall be a lien on such substance until paid. The rates of dockage, wharfage, and tolls shall not exceed those established by the Board of State Harbor Commissioners, July first, eighteen hundred and seventy-four, and dockage shall not be collected on any vessel lying at anchor outside of dock, wharf, or slip.

Rates of dockage, etc.

SEC. 6. Section two thousand five hundred and twenty-five of said Code is hereby amended to read as follows:

**2525.** If, in the opinion of the Board of State Harbor Commissioners, the Engineer of the Board, Governor, and Mayor of the City and County of San Francisco, the public good demands that that portion of East Street, not now one hundred and fifty feet wide, should be widened either out-shore or inshore to a width of one hundred and fifty feet, which opinion shall be in writing, signed by such Commissioners, Engineer, Governor, and Mayor, and shall describe with a reasonable degree of certainty the land or real estate to be condemned and taken for public use, as in this section provided, and be recorded in the records of said Board by the Secretary thereof, and it shall be necessary to condemn the land or real estate of individuals, for the purpose of widening said street, the Commissioners are hereby authorized to institute, and prosecute to final determination, proceedings for that purpose, in conformity with the provisions of Part Third, Title Seven, of the Code of Civil Procedure. The inshore seventy-five feet of East Street shall be constructed and kept in repair by the owners of the lots abutting thereon and the City and County of San Francisco, and the outshore seventy-five feet of said street shall be constructed and kept in repair by the Harbor Commissioners; and said Commissioners are authorized to construct across said out-shore seventy-five feet an extension of the sewers of the streets that unite with said East Street.

Condemnation of real estate

SEC. 7. Section two thousand five hundred and twenty-six of said Code is hereby amended to read as follows:

**2526.** No greater amount of money shall, in the main, ever be collected, by the collection of dockage, wharfage, tolls, rents, and crantage, than shall be necessary to construct and keep in repair such number of wharves, piers, landings, and thoroughfares, construct sheds, dredge such number of slips and docks, construct a sea-wall and harbor embankment, and pay incidental expenses allowed to be paid by this article.

Collections to be limited.

SEC. 8. Section two thousand five hundred and twenty-seven of said Code is hereby amended to read as follows:

Contracts,  
etc., validity  
of

**2527.** No contract or obligation entered into by the Harbor Commissioners, which creates a liability or authorizes the payment of money, shall be valid or of binding force, unless signed by all three of the Commissioners, and countersigned by the Secretary of the Board; and no obligation or contract of any kind, incurring the expenditure of money, shall be entered into by the Commissioners, unless there is money in the State treasury to the credit of the San Francisco Harbor Improvement Fund sufficient to pay the same.

SEC. 9. Section two thousand five hundred and twenty-eight of said Code is hereby amended to read as follows:

Collections  
how applied

**2528.** All moneys collected by virtue of this article shall be paid by the Commissioners into the State treasury, to the credit of the San Francisco Harbor Improvement Fund, at least as often as once in each month, in like currency as received, excepting so much thereof as may be necessary to pay the salaries of the Commissioners, Secretary, Assistant Secretary, Engineers, Attorney-at-law, Wharfingers, Toll Collectors, office rent, cost of office furniture, books, stationery, lights, fuel, legal and other incidental expenses, and three thousand dollars per month for urgent repairs; which last-mentioned sum the Commissioners are hereby authorized to expend monthly in making repairs of wharves, piers, landings, thoroughfares, and other structures required by urgent necessity, without advertising for sealed proposals therefor. And said Commissioners are authorized to remit such moneys to the State Treasurer by express.

SEC. 10. Section two thousand five hundred and twenty-nine of said Code is hereby amended to read as follows:

Vouchers.

**2529.** The Commissioners shall take vouchers for all sums of money by them expended under the authority of this article, excepting fifty dollars per month for postage stamps, express, and other incidental expenses, and safely keep the same on file in the office of the Board. For all sums of money paid by the Commissioners, excepting those mentioned in section twenty-five hundred and twenty-eight, drafts shall be drawn by them on the Controller of State, countersigned by the Secretary of the Board, and the Controller of State shall draw his warrant on the State Treasurer, who shall pay the same out of any money in said treasury credited to the San Francisco Harbor Improvement Fund. No warrant shall be drawn by the Controller upon the Treasurer of the State, as provided in this section, unless the order bears the signatures of all three Commissioners, and of the Secretary of the Board.

Warrants,  
how drawn

SEC. 11. Section two thousand five hundred and thirty of said Code is hereby amended to read as follows:

Payments  
into State  
treasury

**2530.** On the payment into the State treasury of any sum of money, as provided in this article, the State Treasurer and State Harbor Commissioners shall report to the State Controller the amount so paid; and the State Treasurer shall give to the Commissioners a receipt for all sums so paid. The Commissioners shall report to said State Controller the



amount of money paid into said treasury by them during each month, and shall also report to said Controller the amount received and disbursed by the Board every three months, and during the period for which such report is made.

SEC. 12. Section two thousand five hundred and thirty-one of said Code is hereby amended to read as follows:

**2531.** The Governor of the State and the Mayor of the City and County of San Francisco are hereby made ex officio additional members of the Board of State Harbor Commissioners, for the special purposes herein mentioned, and shall take part in the action of the Board as hereinafter provided.

Governor and Mayor to be ex officio members.

SEC. 13. Section two thousand five hundred and thirty-two of said Code is hereby amended to read as follows:

**2532.** The Board of State Harbor Commissioners are hereby authorized and empowered and directed, within six months from and after the passage of this Act, to employ two consulting civil engineers, to act in concert with the engineers of the Board, to make a survey, select and locate a new line for a harbor embankment or sea-wall, and make a report of their doings to said Commissioners, who shall, after receiving the same, appoint a time for holding at the office of the Board a special meeting of the Board to consider the question of the adoption or rejection of the same. The Board shall, at least ten days previous to said meeting, notify the Governor of the State and the Mayor of the City and County of San Francisco of the time, place, and object of said meeting of said Board, and shall request them to be present and take part in the consideration of the question; and at said meeting, or any adjourned meeting thereof, the Governor and Mayor shall be deemed additional members of said Board, with like powers and rights as the other members thereof. If they are not present at the meeting, the Board shall adjourn to a day certain, and notify them anew as before; and if either be present at the adjourned meeting, with three Commissioners, action may be had, and an affirmative vote of all four present shall determine the question; any less vote shall be a negative vote. But the Board may order new surveys and locations, which may be adopted or rejected in like manner as before. If the vote is in the affirmative, the line adopted shall be thenceforth the line of the harbor embankment and sea-wall of the Port of San Francisco.

New embankment or sea-wall, surveys for.

SEC. 14. Section two thousand five hundred and thirty-three of said Code is hereby amended to read as follows:

**2533.** On and after the passage of this Act the Treasurer of the State shall keep the money remitted to him by the Board of State Harbor Commissioners, to the credit of a fund to be known as the San Francisco Harbor Improvement Fund; all moneys in the State treasury to the credit of the State Wharf and Dock Fund shall be transferred by the State Treasurer to the San Francisco Harbor Improvement Fund, and the State Wharf and Dock Fund account shall be closed, and the State Treasurer shall notify the Board of such transfer, after which all drafts drawn by the Board

State Treasurer to transfer certain funds.

shall be paid by the Treasurer out of the San Francisco Harbor Improvement Fund.

SEC. 15. Section two thousand five hundred and thirty-four of said Code is hereby amended to read as follows:

Costs of  
monthly  
collections.

**2534.** No greater sum than two hundred dollars per month shall be paid, on an average, for the collecting of dockage, wharfage, and tolls on any wharf and the bulkhead adjacent thereto, and for the cleaning of the same, excepting at the bulkheads between Market and Mission, and Howard-street Wharves, at which bulkheads one hundred dollars per month may be paid until wharves have been constructed between said wharves.

SEC. 16. Section two thousand five hundred and thirty-five of said Code is hereby amended to read as follows:

Payments by  
State Treas-  
urer.

**2535.** The State Treasurer shall receive all moneys paid by the State Harbor Commissioners, and keep the same in a separate fund, to be known as the San Francisco Harbor Improvement Fund, and pay out the same as provided for in this article, and shall keep an accurate account of all moneys received by him and paid out under the authority of this article, in books kept solely for that purpose; which said books shall be open at all times to the inspection of the Governor and Controller of State, and of any committee appointed by the Legislature, or by either branch thereof.

SEC. 17. Section two thousand five hundred and thirty-six of said Code is hereby amended to read as follows:

Continua-  
tion of sea-  
wall to be let  
by contract

**2536.** When the Commissioners shall determine to commence the construction of a continuation of the harbor embankment or sea-wall, they must advertise for sealed proposals, for a period of not less than sixty days, in not less than two of the daily newspapers published in the City and County of San Francisco. The advertisement must contain a full and accurate description of the work to be performed, the material to be used, and the place where to be used. On a day named in the advertisement, the Commissioners must open the bids in the presence of such bidders as are present, and award the contract to the lowest bidder, who shall furnish a bond, with two or more responsible sureties, to be approved by the Commissioners, which approval shall be by writing, indorsed upon said bond, conditioned for the due performance of the contract. If, in the opinion of the Commissioners, the bids are too high, they shall reject them and advertise anew in like manner as before. And if, in the opinion of the Commissioners, the second bids are also too high, they shall reject them likewise, and may enter into a contract with responsible parties without giving further notice. The parties entering into a private contract with the Commissioners must give a bond, with two or more responsible persons as sureties, to be approved by the Commissioners, which approval shall be by writing, indorsed upon said bond, conditioned for the faithful performance of the contract. But the consideration agreed to be paid in any contract entered into without giving public notice must be five per cent. lower than the lowest responsible bid rejected. The work to be performed under any one contract shall not

May make  
private  
contracts

exceed one thousand lineal feet of harbor embankment or sea-wall. But the Commissioners may enter into as many contracts at the same time as they may deem the public good shall require, provided the sum total of the sums agreed to be paid shall not exceed the amount of money to the credit of the San Francisco Harbor Improvement Fund in said treasury, not required to pay for the erection of the necessary wharves and the repairing of wharves and other wooden structures upon the city front, the dredging of slips and docks, and incidental expenses. Separate contracts may be entered into for the dredging of a channel for the reception of the rock required for the construction of a harbor embankment; *provided*, that the advertising for sealed proposals, the receiving and opening of bids, and the awarding of contracts required in this section, shall be complied with, in the letting of such work in separate contracts. The Commissioners may, if in their opinion it will be more economical, dredge, with the dredge belonging to the State, the channel necessary for the reception of the stone used in the construction of the harbor embankment or sea-wall, provided they advertise for the stone work of the embankment or sea-wall as above set forth. No contractor who enters into a contract to construct any portion of said harbor embankment or sea-wall, shall be required to commence the work in less than thirty days after the awarding of the contract. The Board shall, at least ten days previous to the holding of any meeting as provided in this section, notify the Governor of the State and Mayor of the City and County of San Francisco, of the time, place, and object of the meeting, and request them to be present and take part therein; and at said meetings the Governor of the State and said Mayor shall be deemed additional members of said Board, with like powers and rights as the other members thereof; and no contract shall be entered into under the authority of this article, without the consent of either the said Governor or said Mayor. Neither of the Commissioners, nor their appointees, shall be interested in any contract for the erection or repairing of any work upon the premises described in this article. Any Commissioner or appointee who shall be so interested is guilty of a felony. Every proposal shall be accompanied by a certified check for an amount equal to five per cent. of the amount of such proposal, such check to be made payable to the order of the Secretary of said Board, conditioned, if the proposal [is] accepted and the contract awarded, and if the bidder shall fail or neglect to execute the contract and give the bond required, within six days after the award is made, in that case said sum mentioned in said check shall be paid into the State treasury by said Secretary, liquidated damages for such failure and neglect, as a portion of San Francisco Harbor Improvement Fund.

Contracts  
for dredging.

Notice to  
Governor  
and Mayor  
of meetings

Commissioners not  
to be interested in  
contracts.

SEC. 18. Section two thousand five hundred and thirty-seven of said Code is hereby amended to read as follows:

**2537.** The Commissioners shall, on or before the first day of November, A. D. eighteen hundred and seventy-seven, and every two years thereafter, make to the Governor a full

Biennial  
report of  
Commissioners.

report of all moneys by them received and disbursed, stating, specifically, for what the same was received and for what purpose expended, and shall give a concise account of all improvements made, and the general condition of the property under their charge.

SEC. 19. Section two thousand five hundred and thirty-eight of said Code is hereby amended to read as follows:

Official  
maps

**2538.** In case the lines of the water-front of the City and County of San Francisco, or the lines of any of the streets of said city and county ending at said water-line, shall be changed by authority of this article, the Commissioners shall cause to be made two accurate maps of survey, showing such change, which maps shall be dated, certified, and signed by the Engineer of the Board and Commissioners, and one filed in the office of the Recorder of said city and county and the other in the office of the Board. After being so filed, they shall be considered and treated as official maps by all the Courts of record in the State.

SEC. 20. Section two thousand five hundred and thirty-nine of said Code is hereby amended to read as follows:

Powers and  
duties of  
Chief  
Wharfinger.

**2539.** The Chief Wharfinger shall keep an office in some convenient place upon the city front, between Market and Pacific Streets, which shall be kept open every day (Sundays and holidays excepted), from seven A. M. till six P. M. The Commissioners shall furnish a suitable building for an office, for the exclusive use of said Chief Wharfinger and Assistant Chief Wharfinger, with suitable office furniture. It shall be the duty of the Chief Wharfinger to execute and enforce the rules and regulations which may be established by said Board of State Harbor Commissioners pursuant to the provisions of this article. And it shall be the duty of all pilots, masters of tug-boats, masters, owners, and consignees of vessels, to obey all lawful orders and directions of the Chief Wharfinger in relation to the stationing, anchoring, and removing of vessels under and pursuant to such rules and regulations. The Chief Wharfinger is empowered to determine cases of collision, by consent of all parties interested, and where damages do not exceed three hundred dollars the decision is final.

SEC. 21. Section two thousand five hundred and forty of said Code is hereby amended to read as follows:

Same.

**2540.** In addition to the duties required to be performed by the Chief Wharfinger, by any section in this article preceding this section, he shall take in charge all abandoned water craft and all boats picked up adrift, and secure the same, after which he shall advertise, for one week, in one of the daily newspapers printed in the City and County of San Francisco, giving the full particulars pertaining to the same, and request all parties interested to appear and establish their title or claim thereto, within twenty days from the last publication. If claimed within said period, such property shall be delivered to the owner on payment of all costs of removing, securing, and advertising the same. If not claimed within said period, or if the owner fails to pay the charges, such property shall be sold by the Chief Wharfinger, to the highest bidder, at public auction, and the proceeds, less the

costs, shall be paid the owner, if claimed by him, or, if not claimed by the owner, shall be paid to the Board of State Harbor Commissioners; but the owner shall be entitled to receive from said Board the amount so paid, if he shall claim the same within one year from the date of said payment. For the purposes of this section the Harbor of San Francisco shall be the tide waters of the City and County of San Francisco, and the jurisdiction of the Chief Wharfinger shall, when performing the duties required by this section, be co-extensive with such tide waters.

SEC. 22. Section two thousand five hundred and forty-one of said Code is hereby amended to read as follows:

**2541.** If any master, agent, or owner of any water craft, shall refuse or neglect to obey the lawful orders or directions of the Chief Wharfinger in any matter pertaining to the regulations of said harbor, or the removal or stationing of any water craft, such master, agent, or owner, so refusing or neglecting, is guilty of a misdemeanor, and upon conviction thereof before any Court of competent jurisdiction shall be punished by a fine not to exceed three hundred dollars, or by imprisonment not to exceed one hundred days in the jail of the City and County of San Francisco. Penalty for non-compliance with rules.

SEC. 23. Section two thousand five hundred and forty-two of said Code is hereby amended to read as follows:

**2542.** All persons are forbidden to deposit, or cause to be deposited, in the waters of the Harbor of San Francisco, as described in the preceding sections, any substance that will sink and form an obstruction to navigation, without first obtaining permission, in writing, of the Board of State Harbor Commissioners, which permission shall describe, with an ordinary degree of certainty, the place where such deposit may be made, and the Secretary of the Board shall record such permission. Any person violating the prohibition contained in this section is guilty of a misdemeanor, and upon conviction thereof before a Court of competent jurisdiction, shall be fined not less than one hundred or more than five hundred dollars, or imprisoned in the jail of the City and County of San Francisco not less than thirty nor more than ninety days; *provided*, that nothing herein shall be construed to prevent or interfere with the construction of works now in progress in connection with the Oakland Harbor. Penalty for obstructing.

SEC. 24. Section two thousand five hundred and forty-three of said Code is hereby amended to read as follows:

**2543.** It shall not be lawful for any person to drive a horse, or mule, or any vehicle drawn by one or more horses or mules, used in the removal of merchandise upon any wharf, pier, quay, landing, or thoroughfare, faster than a walk. Any person violating the prohibition in this section contained is guilty of a misdemeanor, and upon conviction thereof in any Court of competent jurisdiction, shall be fined not less than twenty dollars, or imprisoned in the County Jail of the City and County of San Francisco not less than ten days. a Penalty for fast driving on wharves.

SEC. 25. Section two thousand five hundred and forty-four of said Code is hereby amended to read as follows:

**2544.** The Police Judge's Court of the City and County of San Francisco shall have jurisdiction to try all cases of misdemeanor arising under this article.

Police Judge  
to have  
jurisdiction.

SEC. 26. Section two thousand five hundred and forty-five of said Code is hereby amended to read as follows:

Eligibility  
to office.

**2545.** No person shall be appointed to any office by authority of this article who is not a qualified elector of the State; and no person shall be eligible to any office by virtue of this article who is interested in any class of water craft sailing into and out of the Bay of San Francisco, as owner, mortgagee, or consignee.

SEC. 27. Section two thousand five hundred and forty-six of said Code is hereby amended to read as follows:

Official  
bonds

**2546.** All official bonds required to be given by authority of this article shall be to the people of the State of California.

SEC. 28. Section two thousand five hundred and forty-seven of said Code is hereby amended to read as follows:

**2547.** The Board of State Harbor Commissioners shall procure and adopt a seal.

SEC. 29. Section two thousand five hundred and forty-eight of said Code is hereby amended to read as follows:

Exemption  
from tolls.

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

SEC. 30. Section two thousand five hundred and forty-nine of said Code is hereby amended to read as follows:

Revenues to  
be in coin.

**2549.** The revenue collected and disbursed by authority of this article shall be gold and silver coin of the United States.

SEC. 31. Section two thousand five hundred and fifty of said Code is hereby amended to read as follows:

Special  
policemen.

**2550.** It is hereby made the duty of the Board of Police Commissioners of the City and County of San Francisco to appoint such number of Wharfingers and Toll Collectors special policemen as such Commissioners shall request, in writing, such Police Commissioners to appoint, and also shall furnish such special policemen the usual badge of office, which shall be paid for by the Commissioners; such appointments must be renewed once in each year. The jurisdiction of such special policemen shall be co-extensive with the premises described in this article, and their terms of office as such Wharfingers and Toll Collectors.

SEC. 32. Section two thousand five hundred and fifty-one of said Code is hereby amended to read as follows:

Article,  
how con-  
strued.

**2551.** Nothing in this article shall be taken or deemed to affect any action or suit now pending, or any right of action accrued, or any contract or obligation existing under the provisions of the statutes hereby amended; but such suits or actions may be prosecuted in the name in which they have been instituted, and such rights of action, contract, or obligation shall remain unimpaired, and may be prosecuted and

enforced in all respects the same as if this amendment had not been made.

SEC. 33. Section two thousand five hundred and fifty-two of said Code is hereby amended to read as follows:

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

SEC. 34. Section two thousand five hundred and fifty-three of said Code is hereby amended to read as follows:

**2553.** The Attorney-General of the State must give such Attorney-General  
legal advice and render such legal services as may from time to time be required of him by the Commissioners, in connection with their duties, without further compensation.

SEC. 35. Section two thousand five hundred and fifty-four of said Code is hereby repealed.

SEC. 36. This Act shall take effect and be in force from and after its passage.

CHAP. DII.—*An Act to amend section two thousand five hundred and twenty-five of the Political Code.*

[Approved April 3, 1876.]

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

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

**2525.** The Board of State Harbor Commissioners are Harbor Com-  
missioners  
may extend  
certain  
streets.  
authorized to extend any of the streets lying along the waterfront of said city and county, to a width not exceeding one hundred and fifty feet, where they have not been already so extended. The outer half of such streets must be constructed or built and maintained in good repair by the State Harbor Commissioners, or parties holding under them, and may be used as a landing-place or pier, on which dockage, wharfage, and tolls may be collected. And until such extensions are made, the Commissioners may have and use as a landing-place, with full power to collect dockage, wharfage, and tolls thereon, so much of the streets now fronting upon the waterfront as may be used for such purpose without obstructing

the same as a thoroughfare. The inner half of such streets shall be constructed and maintained in good repair by the owners of the lots abutting thereon, and the City and County of San Francisco. The Commissioners are authorized to construct, across the outer half of said streets, an extension of the sewers of the said city and county. If it be necessary to take any land for the purpose of widening any such street, the Commissioners are hereby authorized to institute and prosecute to final determination, proceedings therefor, in conformity with the provisions of Part Third, Title Seven, of the Code of Civil Procedure, and to pay such compensation as may be assessed for such land taken. When it becomes necessary for the Commissioners to construct any wharves on the line of the water-front, they are authorized to adopt and pay for any structures which would form part of such wharves, and which have been constructed along such line by private parties, prior to the passage of this Act.

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

CHAP. II.—*An Act to repeal Article Eleven, of Chapter One, Title Six, of the Political Code.*

[Approved December 22, 1875.]

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

Article  
repealed

SECTION 1. Article Eleven, of Chapter One, Title Six, of the Political Code, is hereby repealed.

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

CHAP. CCCXXXII.—*An Act to amend section two thousand nine hundred and sixteen of the Political Code of this State, relating to wharves.*

[Approved March 24, 1876.]

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

SECTION 1. Section two thousand nine hundred and sixteen of the Political Code of this State is amended to read as follows:

Supervisors  
to fix rates.  
Same not to  
exceed.

**2916.** The Board of Supervisors must fix the rate of tolls or wharfage for the use of the wharf, chute, or pier, annually, which must not produce an income of less than fifteen per cent. per annum, nor more than twenty-five per cent. per annum on the fair cash value of the wharf, chute, or pier, and on the cost of repair and maintenance thereof, exclusive



of the amount paid for license imposed by the next section; such value and cost of repair and maintenance to be fixed by the Board of Supervisors when levying the rates of tolls or wharfage, by hearing evidence and examining the assessment rolls of the county. When fixed, the rates must be furnished the owner, and a printed or written copy thereof conspicuously posted on the wharf, chute, or pier.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCXL.—*An Act to amend sections two thousand nine hundred and fifty, two thousand nine hundred and fifty-two, and two thousand nine hundred and sixty-eight of the Political Code of California, and to add a new section thereto, to be numbered section two thousand nine hundred and fifty-five.*

[Approved March 25, 1876.]

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

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

**2950.** The report must state:

*One*—The name, place of birth, last residence, age, and occupation of all such passengers who are not citizens, or who shall have, within the last preceding twelve months, arrived from any country out of the United States, and who have not been examined, bonded, or paid commutation money, as provided in this chapter, or have been landed from any such vessel at any place during her last voyage, or who have gone on board of any vessel with the intention of coming into this State, or who may have died during the last voyage of such vessel; and,

*Two*—Whether any of the passengers so reported are lunatic, idiotic, deaf, dumb, blind, crippled, infirm; or are lepers, or persons affected with any of the diseases known as leprosy or elephantiasis.

*Three*—The names and residences of the owners of such vessel.

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

**2952.** It shall not be lawful for lepers or persons affected with leprosy or elephantiasis to live in ordinary intercourse with the population of this State; but all such persons shall be compelled to inhabit such lazarettos or lepers' quarters as may be assigned to them by the Board of Supervisors of the city or county in which they shall be domiciled or settled, and the Board of Supervisors are vested with power and are required to make all necessary provisions for the separation, detention, and care of lepers or persons affected with leprosy or elephantiasis, settled or domiciled in their respective cities or counties. The Superintendent or manager of all

lepers' quarters under this chapter shall forward quarterly statements, showing the name, age, sex, and birth-place of each leper in such quarter, to the Secretary of State, who shall keep a proper record of such matters for the information of the public.

SEC. 3. Section twenty-nine hundred and fifty-five of the Political Code is hereby reenacted and amended so as to read as follows:

Commissioner to examine foreign passengers.

**2955.** The Commissioner of Immigration must satisfy himself whether or not any person who shall arrive in this State, by vessel from any foreign port or place, is a leper, or affected with the disease known as leprosy or elephantiasis, before such person shall mingle with the population of this State. For the purpose of ascertaining said fact the Commissioner is vested with the power and authority to detain all such persons on board any such vessel so arriving, and to assign the vessel to a berth or anchorage separate and apart from other vessels, and at a safe and suitable distance from the shore, if in his judgment it shall be necessary, until such fact can be fully ascertained by him. Such fact shall be ascertained by personal inspection and examination of each and every person on board such vessel; and the Commissioner of Immigration is authorized, empowered, and required to make such personal inspection and examination of all persons so arriving by any such vessel, the same to be made at such berth or anchorage as he shall, in his discretion, assign to such vessel for that purpose, and shall be made before the landing of any person thereupon. All of such persons who, upon inspection and examination, are found to be lepers, or affected with the disease known as leprosy or elephantiasis, shall be taken in charge by the Commissioner of Immigration, and placed in a suitable lazaretto, or lepers' quarter, to be provided or designated by the Board of Supervisors, whenever necessary for that purpose, as hereinbefore prescribed, and there detained and properly cared for, separate and apart from the general population of this State, so long as they, the said lepers, shall elect to remain in the State of California, or until they shall have recovered from said disease, and no longer. All of such persons as shall be found to be free from said disease shall be allowed to depart and go at their will, without unnecessary detention or delay, and shall be entitled to receive a certificate of the fact of their freedom from said disease from said Commissioner. For his services in making such examination and inspection the Commissioner of Immigration shall demand and collect from the master, owner, or consignee of such vessel the sum of seventy cents in U. S. gold or silver coin, for each and every person so examined or inspected, which sum, except four thousand dollars a year and expenses of office, shall, when required for such purpose, be paid by the Commissioner into the State treasury, to be used in the maintenance, when necessary, of such lazarettos or lepers' quarters as shall be constructed under this law. Any master, owner, or consignee of any vessel arriving at any port of this State who shall fail or refuse to

Fees of Commissioner.

Penalty for failure on part of master or owner.

perform, or permit the performance of, any of the acts or things required by this chapter, or to take and occupy with his vessel the berth or anchorage assigned for the same by the Commissioner, pending the examination and inspection herein provided for, or who shall permit or allow any person arriving in such vessel to depart therefrom, and to communicate, mingle, or associate with the population of this State or any part thereof, until after such examination and inspection by the Commissioner is had, shall, for every such act or omission, forfeit to the Commissioner of Immigration the sum of one thousand dollars in U. S. gold coin, to be sued for and recovered by suit in any Court of competent jurisdiction, and to be applied in like manner with the fees. And any master, owner, or consignee of any such vessel so arriving, who shall refuse or neglect to pay or cause to be paid to said Commissioner the fee of seventy cents for the examination and inspection of each and every person so arriving in such vessel, shall forfeit to said Commissioner, for each case, the sum of five hundred dollars in U. S. gold coin, to be recovered and applied as above. And the Commissioner shall have a lien upon the vessel, and the same shall be sold to pay any judgment recovered under this Act. The Commissioner shall have the power to call in the aid of the Sheriff and all police authorities to assist in enforcing this law. And he may appoint one or more deputies under him, who shall be invested with all the powers of the Commissioner and may discharge his official duties when required by him. The Commissioner of Immigration must prepare and transmit to the Secretary of State quarterly statements, certified under his hand and seal, showing the name, age, sex, birth-place, and present residence of every leper, or person affected with leprosy or elephantiasis, examined or inspected by him, as well as any other information or fact touching the character and prevalence of said disease within his knowledge.

Deputies.

Commissioner's report.

SEC. 4. Section twenty-nine hundred and sixty-eight of the Political Code is hereby amended so as to read as follows: **2968.** The Commissioner of Immigration for the Port of San Francisco must execute an official bond in the sum of twenty-five hundred dollars.

Official bond.

SEC. 5. This Act shall take effect immediately.

CHAP. CCLXXIII.—*An Act to amend section three thousand three hundred and eighty-four of the Political Code.*

[Approved March 20, 1876.]

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

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

Peddlers'  
license.

**3384.** Every traveling merchant, hawker, or peddler, who carries a pack and vends goods, wares, or merchandise of any kind other than the manufactures or productions of this State, must pay for a license five dollars per month; and every such traveling merchant, hawker, or peddler, who uses a wagon, or one or more animals, for the purpose of vending such goods, wares, or merchandise of any kind, must pay for a license fifteen dollars per month; and every traveling merchant, hawker, or peddler, who uses a trading boat or other water craft only, shall pay a merchant's license according to the provisions and classifications of section three thousand three hundred and eighty-two of this Code.

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

CHAP. CXLI.—*An Act to amend section three thousand three hundred and eighty-five of the Political Code.*

[Approved March 7, 1876.]

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

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

License

**3385.** Every person who keeps a stallion, jack, or bull, and who permits the same to be used for the purpose of propagation for hire, must annually obtain a license therefor from the Tax Collector, and pay therefor as follows:

1. Horses that are hired for the purpose of propagation, by the season, at one hundred dollars or more, constitute the first class, and require a license of seventy-five dollars.

2. At seventy-five dollars and less than one hundred dollars, constitute the second class, and require a license of sixty dollars.

3. At fifty dollars and less than seventy-five dollars, constitute the third class, and require a license of forty dollars.

4. At thirty dollars and less than fifty dollars, constitute the fourth class, and require a license of twenty-five dollars.

5. At fifteen dollars and less than thirty dollars, constitute the fifth class, and require a license of fifteen dollars.

6. All at less than fifteen dollars, constitute the sixth class, and require a license of ten dollars.

7. For each jack, ten dollars.

8. For each bull, ten dollars.

A license so obtained from the Tax Collector, under the provisions of this Act, shall entitle the holder thereof [to] the right to go into any county of this State for the purposes of propagation, without further license or expense.

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

CHAP. DL.—*An Act to repeal section three thousand four hundred and eight of the Political Code.*

[Approved April 3, 1876.]

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

SECTION 1. All of section three thousand four hundred and eight of the Political Code is hereby repealed. Section repealed.

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

CHAP. DIV.—*An Act to amend section three thousand four hundred and sixty-five of the Political Code.*

[Approved April 3, 1876.]

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

SECTION 1. Section three thousand four hundred and sixty-five of said Code is hereby amended to read as follows:

**3465.** The lists thus prepared and filed must remain in the office of the Treasurer for thirty days, or longer, if ordered by the Board of Trustees; and during the time they so remain any person may pay the amount of the charge assessed against any tract of land to the Treasurer, in gold coin of the United States, or in warrants of the district drawn by order of the Trustees thereof and approved by the Board of Supervisors of the county. Where payment is made in the warrants of the district, legal interest must be computed thereon from the date thereof to the time of such payment, when said warrants must be surrendered to the Treasurer and by him canceled. Payment of assessments

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

CHAP. LXIX.—*An Act to amend section thirty-five hundred and seventy-four of the Political Code, concerning the fees of the State Land Office.*

[Approved February 10, 1876.]

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

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

**3574.** Each application for lands must be accompanied by a fee of five dollars, and no application shall be received, Fees for applications.

Purchase of  
maps.

filed, or noted in any way until such fee is paid. The Surveyor-General shall charge the same fees as are allowed the Register for like services; and all fees collected by either the Surveyor-General or Register shall be paid into the State treasury on the first Monday of each and every month, and placed to the credit of the General Fund; and said officers shall, on the first Monday of each month, make a written report to the State Controller, stating the amount of fees so paid, together with the sources from which they were derived, and the several amounts, by items. The Surveyor-General and Register, whenever it may be necessary, may purchase such maps and records as the needs of their office may demand, but all claims against the State, authorized by this section, shall be certified to the State Board of Examiners, and if the same be allowed, the Board shall direct the Controller of State to draw his warrant in payment of the same, payable out of the General Fund.

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

CHAP. DVIII.—*An Act to amend the Political Code, and to repeal a certain Act relating to the revenue.*

[Approved April 3, 1876.]

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

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

**3617.** Whenever the terms mentioned in this section are employed in this title, they are employed in the senses hereafter affixed to them.

"Real estate"  
defined

*First*—The term "real estate" includes:

1. The ownership of, claim to, possession of, or right to the possession of land.
2. All mines, minerals, and quarries in and under the land, and all rights and privileges appertaining thereto.
3. Improvements.

"Improvements."

*Second*—The term "improvements" includes:

1. All buildings, structures, fixtures, fences, and improvements erected upon or affixed to the land.
2. All fruit, nut-bearing, or ornamental trees and vines not of natural growth.

"Personal  
property "

*Third*—The term "personal property" includes everything which is the subject of ownership, not included within the meaning of the term "real estate."

"Full cash  
value."

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

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

**3746.** Within ten days after the receipt of the "Duplicate Assessment Book," the Tax Collector must publish a notice specifying: Notice must specify.

*One*—That taxes will be delinquent on the first Monday in January next thereafter, and that unless paid prior thereto, five per cent. will be added to the amount thereof.

*Two*—The time and place at which payment of taxes may be made.

SEC. 3. Sections three thousand seven hundred and ninety-nine and three thousand eight hundred and eighty-one of said Code are amended to read as follows:

**3799.** The Auditor must then foot up the amount of taxes remaining unpaid, and credit the Tax Collector with the amount, and have a final settlement with him; and the delinquent list must remain on file in the Auditor's office. In the City and County of San Francisco, the Auditor must charge the Collector with the amount due on such list, and must return to such Collector the copy of the assessment book. Auditor to settle with Collector.

**3881.** Omissions, errors, or defects in form in any original or duplicate assessment book, when it can be ascertained therefrom what was intended, may, with the written consent of the District Attorney, be supplied or corrected by the Assessor at any time prior to the sale for delinquent taxes, and after the original assessment was made. In the City and County of San Francisco, the written consent of the City and County Attorney shall have the same force and effect as the written consent of the District Attorney. Errors, etc., correction of

SEC. 4. Section three thousand seven hundred and sixty-four of the Political Code is hereby amended so as to read as follows:

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

SEC. 5. Section three thousand eight hundred and two of said Code is hereby repealed.

SEC. 6. An Act entitled "An Act in relation to solvent debts other than those secured by mortgages or other liens," approved March twenty-eighth, eighteen hundred and seventy-four, is hereby repealed. Act repealed.

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

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

[Approved April 3, 1876.]

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

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

Board to fix  
ad valorem  
tax.

**3713.** The State Board of Equalization must, for State purposes, for the twenty-eighth and twenty-ninth fiscal years, fix such an ad valorem rate of taxation upon each one hundred dollars of taxable property of this State as will raise for the twenty-eighth fiscal year, first, for the General Fund, two millions two hundred and twenty thousand dollars; second, for the School Fund, one million two hundred and one thousand dollars; third, for the Interest and Sinking Fund, three hundred and fifteen thousand dollars; and for the twenty-ninth fiscal year, first, for the General Fund, one million six hundred and eight thousand dollars; second, for the School Fund, one million three hundred thousand dollars; third, for the Interest and Sinking Fund, three hundred and fifteen thousand dollars.

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

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

[Approved January 12, 1876.]

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

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

When taxes  
are delin-  
quent.

**3756.** On the first Monday in January of each year, at six o'clock P. M., all unpaid taxes are delinquent, and thereafter the Tax Collector must collect thereon, for the use of the county, an addition of five per cent.

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



CHAP. XII.—*An Act to amend sections three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-four, and three thousand seven hundred and ninety of the Political Code.*

[Approved January 15, 1876.]

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

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

**3758.** On the third Monday in January of each year, in each of the counties other than San Francisco, and on the first Monday in February of each year, in the City and County of San Francisco, the Tax Collector must attend at the office of the Auditor with the duplicate assessment book, and carefully compare the duplicate with the original assessment book, and every item marked "Paid" in the former must be marked "Paid" in the latter.

Collector and Auditor to compare assessment books.

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

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

Publication of delinquent list.

SEC. 3. Section three thousand seven hundred and ninety of said Code is hereby amended so as to read as follows :

**3790.** The Tax Collector may, after the first Monday in February in each year, in each of the counties of this State, except in the City and County of San Francisco, and may, after the first Monday in March in each year, in said City and County of San Francisco, collect the taxes due on personal property, except when real estate is liable therefor, by seizure and sale of any personal property owned by the delinquent.

Collection of taxes.

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

CHAP. CCXLI.—*An Act to amend the Political Code of the State of California.*

[Approved March 16, 1876.]

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

SECTION 1. Section thirty-seven hundred and sixty-eight of the Political Code of the State of California is hereby amended so as to read as follows, viz :

Time and  
place of sale.

**3768.** The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication, and the place must be in front of the County Court-house, or, if in the City and County of San Francisco, in or in front of the Tax Collector's office, for all State and county taxes ; and for all other taxes, in front of the Tax Collector's offices in their respective towns, cities, and local districts.

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

CHAP. IX.—*An Act to amend the Political Code of the State of California, concerning the redemption of property sold for taxes.*

[Approved January 13, 1876.]

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

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

Redemption  
of property.

**3780.** A redemption of the property sold may be made by the owner, or any party in interest, within twelve months from the date of the purchase.

SEC. 2. This Act shall take effect and be in force immediately.

CHAP. LXXVIII.—*An Act to amend section thirty-seven hundred and eighty-five of the Political Code of the State of California.*

[Approved February 15, 1876.]

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

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

Collector to  
make deed

**3785.** If the property is not redeemed within the time allowed by law for its redemption, the Collector, or his successor in office, must make to the purchaser or his assignee a

deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption. In counties where no fee for making said deeds is provided by law, the Collector shall be entitled to receive from the purchaser three dollars for making such deed. No charge must be made by the Collector for the making of any such deed where the State is the purchaser; and the acknowledgment of all of said deeds, as provided in section thirty-seven hundred and seventy-three, shall be taken by the County Clerk free of charge.

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

CHAP. CLXII.—*An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the disposal of lands purchased by the State at tax sales.*

[Approved March 9, 1876.]

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

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

**3788.** The deed conveys to the grantee the absolute title to the lands described therein, free of all incumbrances, except when the land is owned by the United States or this State, in which case it is prima facie evidence of the right of possession. Deeds to the State, of State lands sold for delinquent taxes, shall be recorded by the Recorders of the several counties as prescribed in section three thousand eight hundred and sixteen of this Code, and a copy of said deeds, duly certified by the County Recorder and acknowledged before the County Clerk, shall without delay be filed in the office of the Surveyor-General, and thereupon the land shall again become subject to entry and sale, in the same manner and subject to the same conditions as apply to other State lands of like character, except that the former possessors of lands thus deeded to the State, their heirs or assigns, shall be preferred purchasers thereof for three months after the deeds are filed with the Surveyor-General, as prescribed in this section, but the Surveyor-General shall not permit an entry, nor make a sale of any lands thus deeded to the State, except upon the previous payment into the State treasury, in addition to the price of said land as compared with the price fixed for other State lands of a like character, by the person or persons proposing to make the entry or purchase, of a sum equal to the delinquent taxes, costs, and penalties, by virtue whereof the State became a purchaser of the lands thus sought to be entered or purchased. The money thus paid into the State treasury shall be distributed in the manner

Deed to convey absolute title.

Deeds to State.

prescribed in section three thousand eight hundred and sixteen of this Code.

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

CHAP. CCCCXV.—*An Act to amend section thirty-eight hundred and sixty-six of the Political Code.*

[Approved March 30, 1876.]

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

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

Treasurers  
to pay over  
funds to  
State  
Treasurer

**3866.** The Treasurers of the Counties of Amador, Alameda, Contra Costa, Calaveras, El Dorado, Nevada, Placer, Sierra, Solano, Yolo, San Francisco, Sacramento, San Joaquin, Santa Clara, Tuolumne, and Yuba, respectively, must, between the fifteenth and thirtieth days of January, April, June, and October of each year, and the County Treasurers of the Counties of Humboldt, Del Norte, and Modoc must, between the fifteenth and thirtieth days of October and April in each year, and the County Treasurers of other counties of this State must, between the fifteenth and thirtieth days of January and June, respectively, in each year, proceed to the State Capital and settle in full with the Controller of State, and pay over, in cash, to the Treasurer of State, all funds which have come into their hands, as County Treasurers, before the close of business at the end of the previous month. If sufficient property tax has not been reported by the Auditor to pay all charges and commissions allowed by law, the Controller shall defer the settlement until the next regular settlement. No mileage shall be allowed any Treasurer for any deferred settlement.

CHAP. XLVI.—*An Act to amend section three thousand nine hundred and eighty-five of the Political Code, relating to the removal of county seats.*

[Approved February 3, 1876.]

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

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

Removal of  
county seat.

**3985.** When the county-seat of a county has been once removed, by a popular vote of the people of the county, it may be again removed from time to time in the manner pro-

vided by this chapter; but no election must be ordered to effect any such subsequent removal, unless a petition praying an election is signed by qualified electors of the county equal in number to at least three-fourths of all the votes cast at the next preceding general election; nor unless at such election, when ordered, two-thirds of all the votes cast are in favor of some other place as the county seat of the county; and such election, when so ordered, shall take place at the first general election held thereafter, nor must two elections to effect such removal be held within four years.

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

CHAP. CCCCLXXXIV.—*An Act to amend section four thousand and seventy-one of the Political Code.*

[Approved April 1, 1876.]

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

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

**4071.** No county officer shall, except for his own service, present any claim, account, or demand for allowance against the county, nor in any way advocate the relief asked on the claim or demand made by another. Any citizen and taxpayer of the county in which he resides may appear before the Board and oppose the allowance of any claim or demand made against the county. Claims of officers.

CHAP. LXX.—*An Act to amend section four thousand one hundred and twenty of the Political Code.*

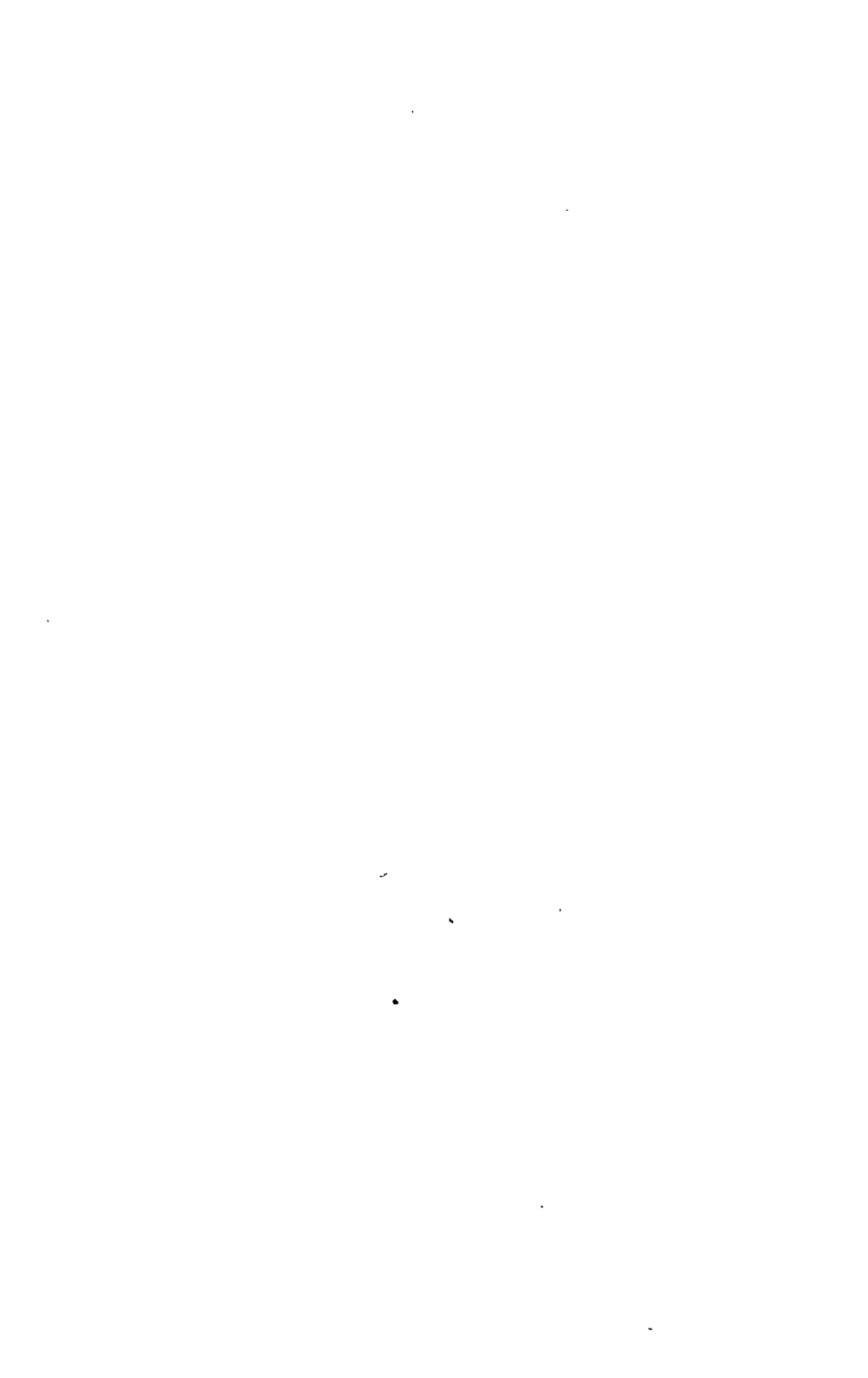
[Approved February 10, 1876.]

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

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

**4120.** A county officer shall, in no case, absent himself from the State for a period of more than sixty days, and for no period without the consent of the Board of Supervisors of his county. Absence from State.

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



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# CIVIL CODE.

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ACTS AMENDATORY  
OF  
THE CIVIL CODE

PASSED AT THE

TWENTY-FIRST SESSION OF THE LEGISLATURE.

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CHAP. CCXVII.—*An Act to add another article to Chapter One, Title One, of Part Three of the Civil Code, to be designated as Article Three.*

[Approved March 15, 1876.]

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

SECTION 1. There is hereby added to Chapter One, Title One, of Part Three of the Civil Code, another article, to be designated as Article Three, and to be styled "Judicial Determination of Void Marriages," to read as follows:

New article.

ARTICLE III.—JUDICIAL DETERMINATION OF VOID MARRIAGES.

80. Either party to an incestuous or void marriage may proceed by action in the District Court, to have the same so declared.

Void marriages.

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

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CHAP. LVII.—*An Act to amend section two hundred and twenty-six of the Civil Code, in regard to adoption of children.*

[Approved February 9, 1876.]

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

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

Consent  
necessary to  
adoption  
of child

**226.** The person adopting a child, and the child adopted, and the other persons, if within or residents of this State, whose consent is necessary, must appear before the County Judge of the county where the person adopting resides, and the necessary consent must thereupon be signed, and an agreement be executed by the person adopting, to the effect that the child shall be adopted and treated in all respects as his own lawful child should be treated. If the persons whose consent is necessary are not within, or are not residents of this State, then their written consent, duly proved or acknowledged according to sections eleven hundred and eighty-two and eleven hundred and eighty-three of this Code, shall be filed in said County Court at the time of the application for adoption.

SEC. 2. This Act shall take effect immediately

CHAP. CCCCXC.—*An Act to amend section two hundred and ninety of the Civil Code, concerning corporations.*

[Approved April 1, 1876.]

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

SECTION 1. Section two hundred and ninety of the Civil Code is hereby amended so as to read as follows

Articles of  
incorpora-  
tion must  
contain

**290.** Articles of incorporation must be prepared, setting forth :

*First*—The name of the corporation.

*Second*—The purpose for which it is formed.

*Third*—The place where its principal business is to be transacted.

*Fourth*—The term for which it is to exist, not exceeding fifty years.

*Fifth*—The number of its Directors or Trustees, and the names and residences of those who are appointed for the first year ; *provided*, at any time during the existence of the corporation the number of the Directors may be increased, in corporations for profit, by a majority of the stockholders of the corporation, to any number not exceeding eleven, who must be members of the corporation, whereupon a certificate, stating the number of Directors, must be filed as provided for in section two hundred and ninety-six for the filing of the original articles of incorporation.

*Sixth*—The amount of its capital stock and the number of shares into which it is divided.

*Seventh*—If there is a capital stock, the amount actually subscribed, and by whom.

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

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

[Approved April 3, 1876.]

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

SECTION 1. A new section is hereby added to the Civil Code, to be known as section two hundred and ninety-nine (299), to read as follows.

299. No corporation hereafter formed under the provisions of this chapter shall purchase, locate, or hold property in any county of this State, without filing a certified copy of the certificate of its articles of incorporation in the office of the County Clerk of the county in which such property is situated, within sixty days after such purchase or location is made, and every corporation now in existence must, within ninety days after the passage of this Act, file a certified copy of the certificate of its articles of incorporation as provided in this section, and a certified copy of such copy shall, as evidence, have the same force and effect as a certified copy of the original. Any corporation failing to comply with the provisions of this section shall not maintain or defend any action or proceeding in relation to such property.

Corporations to file certified copy of articles, in order to maintain action

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

CHAP. XVII.—*An Act to amend section three hundred and five of the Civil Code, relating to corporations.*

[Approved January 20, 1876.]

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

SECTION 1. That section three hundred and five of the Civil Code of the State of California be and the same is hereby amended to read as follows:

305. The corporate powers, business, and property of all corporations formed under this title must be exercised, conducted, and controlled by a Board of not less than five nor more than eleven Directors, to be elected from among the holders of stock; or where there is no capital stock, then from the members of such corporations; except that corporations formed, or to be formed, for the purpose of erecting and managing halls and buildings for the meetings and accommodation of several Lodges or societies of any benevolent or charitable order or organization, and in connection therewith the leasing of stores and offices in such building or buildings for other purposes, the corporate powers, business, and property thereof may be conducted, exercised, and controlled by a Board of not less than five nor more than

Powers of Directors of corporations

fifty Directors, to be chosen from among the stockholders of such corporation or from among the members of such order or organization. A majority of the Directors must be in all cases citizens of this State. Directors of corporations for profit must be holders of stock therein in an amount to be fixed by the by-laws of the corporation. Directors of all other corporations must be members thereof. Unless a quorum is present and acting no business performed or act done is valid as against the corporation. Whenever a vacancy occurs in the office of Director, unless the by-laws of the corporation otherwise provide, such vacancy must be filled by an appointee of the Board.

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

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CHAP. XLII.—*An Act to add another section to the Civil Code, relating to corporations.*

[Approved January 29, 1876.]

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

SECTION 1. An additional section is hereby added to the Civil Code, to be known as section three hundred and twenty-one, and to read as follows:

Certain  
books to be  
open for  
inspection

**321.** Every corporation doing a banking business in this State must keep in its office, in a place accessible to the stockholders, depositors, and creditors thereof, and for their use, a book containing a list of all stockholders in such corporation, and the number of shares of stock held by each, and every such corporation must keep posted in its office, in a conspicuous place, accessible to the public generally, a notice, signed by the President or Secretary, showing:

*First*—The names of the Directors of such corporation.

*Second*—The number and value of shares of stock held by each Director.

The entries on such book and such notice shall be made and posted within twenty-four hours after any transfer of stock, and shall be conclusive evidence against each Director and stockholder of the number of shares of stock held by each. The provisions of this section shall apply to all banking corporations formed or existing before twelve o'clock noon of the day on which this Code took effect, as well as to those formed after such time.

CHAP. DCVIII.—*An Act to amend the Civil Code by adding a new section thereto, to be numbered three hundred and twenty-one, and to repeal section five hundred and eighty-four of the same Code, concerning corporations.*

[Approved April 3, 1876.]

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

SECTION 1. The Civil Code is amended by adding a new section thereto, to be numbered three hundred and twenty-one, to read as follows:

**321.** Every corporation that has been or may be created under the general laws of this State, may change its principal place of business from one place to another in the same county, or from one city or county to another city or county, within this State. Before such change 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 corporation. When such consent is obtained and filed, notice of the intended removal or change must be published at least once a week for three successive weeks, in some newspaper published in the county wherein said principal place of business is situated, if there is one published therein, if not, in a newspaper of an adjoining county, giving the name of the county or city where it is situated, and that to which it is intended to remove it.

Removal of  
place of  
business.

SEC. 2. Section five hundred and eighty-four of the Civil Code is repealed.

Section  
repealed.

SEC. 3. This Act takes effect immediately.

CHAP. CCXVIII.—*An Act to amend the Civil Code.*

[Approved March 15, 1876.]

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

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

**322.** Each stockholder of a corporation is individually and personally liable for such proportion of its debts and liabilities as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock or shares of the corporation and for a like proportion only of each debt or claim against the corporation. Any creditor of the corporation may institute joint or several actions against any of its stockholders for the proportion of his claim, payable by each, and in such action the Court must ascertain the proportion of the claim or debt for which each defendant is liable, and a several judgment must be rendered against each, in conformity therewith.

Liability of  
stock-  
holders

Liability of  
stockholders

If any stockholder pays his proportion of any debt due from the corporation, incurred while he was such stockholder, he is relieved from any further personal liability for such debt; and if an action has been brought against him, upon such debt, it shall be dismissed, as to him, upon his paying the costs, or such proportion thereof as may be properly chargeable against him. The liability of each stockholder is determined by the amount of stock or shares owned by him at the time the debt or liability was incurred; and such liability is not released by any subsequent transfer of stock. The term stockholder, as used in this section, shall apply not only to such persons as appear by the books of the corporation to be such, but, also, to every equitable owner of stock, although the same appear on the books in the name of another, and, also, to every person who has advanced the installments or purchase money of stock in the name of a minor, so long as the latter remains a minor; and, also, to every guardian or other trustee who voluntarily invests any trust funds in the stock. Trust funds in the hands of a guardian or trustee shall not be liable under the provisions of this section by reason of any such investment, nor shall the person for whose benefit the investment is made be responsible in respect to the stock, until he becomes competent and able to control the same; but the responsibility of the guardian or trustee making the investment shall continue until that period. Stock held as collateral security, or by a trustee, or in any other representative capacity, does not make the holder thereof a stockholder, within the meaning of this section, except in the cases above mentioned, so as to charge him with any proportion of the debts or liabilities of the corporation; but the pledgor, or person, or estate represented, is to be deemed the stockholder, as respects such liability. In corporations having no capital stock, each member is individually and personally liable for his proportion of its debts and liabilities, and similar actions may be brought against him, either alone or jointly with other members, to enforce such liability as by this section may be brought against one or more stockholders, and similar judgments may be rendered. The liability of each stockholder of a corporation formed under the laws of any other State or territory of the United States, or of any foreign country, and doing business within this State, shall be the same as the liability of a stockholder of a corporation created under the Constitution and laws of this State.

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

[Approved March 20, 1876]

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

SECTION 1. An additional section is added to the Civil Code, to be known as section three hundred and sixty-one, and to read as follows

**361.** It shall be lawful for two or more corporations formed, or that may hereafter be formed, under the laws of this State for mining purposes, which own or possess mining claims or lands adjoining each other, or lying in the same vicinity, to consolidate their capital stock, debts, property, assets, and franchises, in such manner and upon such terms as may be agreed upon by the respective Boards of Directors or Trustees of such companies so desiring to consolidate their interests; but no such consolidation shall take place without the written consent of the stockholders representing two-thirds of the capital stock of each company, and no such consolidation shall, in any way, relieve such companies, or the stockholders thereof, from any and all just liabilities; and in case of such consolidation, due notice of the same shall be given by advertising for one month, in at least one newspaper in the county and State where the said mining property is situated, if there be one published therein, and also in one newspaper published in the county, or city and county, where the principal place of business of any of said companies shall be. And when the said consolidation is completed, a certificate thereof, containing the manner and terms of said consolidation, shall be filed in the office of the County Clerk of the county in which the original certificate of incorporation of any of said companies shall be filed, and a copy thereof shall be filed in the office of the Secretary of State. Such certificate shall be signed by a majority of each Board of Trustees or Directors of the original companies, and it shall be their duty to call, within thirty days after the filing of such certificate, and after at least ten days' public notice, a meeting of the stockholders of all of said companies so consolidated, to elect a Board of Trustees or Directors for the consolidated company for the year thence next ensuing. The said certificate shall also contain all the requirements prescribed by section two hundred and ninety of said Civil Code.

Consolidation of mining corporations owning adjoining claims

SEC 2. This Act shall apply to all corporations formed under the laws of this State, whether formed under the said Civil Code, or prior thereto.

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

CHAP. CCCCLXXXVIII.—*An Act to amend section four hundred and seventy-one of the Civil Code, relative to railroad corporations.*

[Approved April 1, 1876.]

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

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

Conveyance  
of passen-  
gers within  
city limits.

**471.** No railroad corporation other than street railroads, availing itself of the provisions of the preceding section, and acquiring right of way from city authorities, must ever use their road for street railroad purposes, or for the purpose of carrying passengers for a consideration, from any point to another in the same city, except such roads as are or may be built on the prismoidal or other elevated railroad plan, and chartered for street railroad purposes; *provided*, that such elevation shall be not less than fourteen feet above the street level.

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

CHAP. CXXV.—*An Act to amend section four hundred and ninety-seven of the Civil Code, in relation to street railroads.*

[Approved March 3, 1876.]

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

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

Operation  
of street  
railroads.

**497.** Authority to lay railroad tracks through the streets and public highways of any incorporated city or town may be obtained for a term of years not exceeding fifty, from the Trustees, Council, or other body to whom is intrusted the government of the city or town, under such restrictions and limitations, and upon such terms and payment of license tax, as the city or town authority may provide. In no case must permission be granted to propel cars upon such tracks otherwise than by horses, mules, or by wire ropes running under the streets and moved by stationary steam engines, unless for special reasons as hereinafter provided.

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



CHAP. CCCCXCVII.—*An Act to amend section four hundred and ninety-eight of the Civil Code, relative to railroad corporations.*

[Approved April 3, 1876.]

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

SECTION 1. Section four hundred and ninety-eight of the Civil Code is hereby amended so as to read as follows, viz :

498. The city or town authorities, in granting the right of way to street railroad corporations, in addition to the restrictions which they are authorized to impose, must require a strict compliance with the following conditions, except in the cases of prismoidal or other elevated railways. In such cases, said railway shall be required to be constructed in such a manner as will present the least obstruction to the freedom of the streets on which it may be erected, when allowed by the granting power :

Manner of  
constructing  
tracks.

*First*—To construct their tracks on those portions of streets designated in the ordinance granting the right, which must be as nearly as possible in the middle thereof.

*Second*—To plank, pave, or macadamize the entire length of the street, used by their track, between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, and to keep the same constantly in repair, flush with the street, and with good crossings.

*Third*—That the tracks must not be more than five feet wide within the rails, and must have a space between them sufficient to allow the cars to pass each other freely.

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

CHAP. CCCCXCIX.—*An Act to add another section to the Civil Code and numbered section five hundred and fifty-two.*

[Approved April 3, 1876.]

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

SECTION 1. Another section is added to the Civil Code, numbered section five hundred and fifty-two, and reads as follows :

552. Whenever any corporation, organized under the laws of this State, furnishes water to irrigate lands which said corporation has sold, the right to the flow and use of said water is and shall remain a perpetual easement to the land so sold, at such rates and terms as may be established by said corporation in pursuance of law. And whenever any person who is cultivating land on the line and within the flow of any ditch owned by such corporation, has been furnished water by it with which to irrigate his land, such person shall

Right of  
purchasers  
to use water  
for irri-  
gating

be entitled to the continued use of said water, upon the same terms as those who have purchased their land of the corporation.

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

CHAP. CLXVII.—*An Act to reenact section nine hundred and forty-six of the Civil Code, relating to personal property.*

[Approved March 9, 1876.]

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

SECTION 1. Section nine hundred and forty-six of the Civil Code is reenacted to read as follows:

Personal  
property.

**946.** If there is no law to the contrary, in the place where personal property is situated, it is deemed to follow the person of its owner, and is governed by the law of his domicile.

CHAP. CCCCLXXXVI.—*An Act to add three new sections to the Civil Code, to be numbered sections eighteen hundred and sixty-one, eighteen hundred and sixty-two, and eighteen hundred and sixty-three.*

[Approved April 1, 1876.]

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

SECTION 1. There are hereby added to the Civil Code three new sections, to be numbered eighteen hundred and sixty-one, eighteen hundred and sixty-two, and eighteen hundred and sixty-three, to read as follows:

Hotel  
charges to  
be a lien  
upon bag-  
gage.

**1861.** Hotel, inn, boarding-house and lodging-house keepers shall have a lien upon the baggage and other property of value of their guests, or boarders, or lodgers, brought into such hotel, inn, or boarding or lodging-house, by such guests, or boarders, or lodgers, for the proper charges due from such guests, or boarders, or lodgers, for their accommodation, board and lodging, and room rent, such extras as are furnished at their request, with the right to the possession of such baggage or other property of value, until all such charges are paid.

Unclaimed  
baggage  
may be sold  
at auction,  
notice of.

**1862.** Whenever any trunk, carpet-bag, valise, box, bundle, or other baggage has heretofore come, or shall hereafter come into the possession of the keeper of any hotel, inn, boarding or lodging-house, as such, and has remained or shall remain unclaimed for the period of six months, such keeper may proceed to sell the same at public auction, and out of

the proceeds of such sale may retain the charges for storage, if any, and the expenses of advertising and sale thereof; but no such sale shall be made until the expiration of four weeks from the first publication of notice of such sale in a newspaper published in or nearest the city, town, village, or place in which said hotel, inn, boarding or lodging-house is situated. Said notice shall be published once a week, for four successive weeks, in some newspaper, daily or weekly, of general circulation, and shall contain a description of each trunk, carpet-bag, valise, box, bundle, or other baggage, as near as may be, the name of the owner, if known, the name of such keeper, and the time and place of sale; and the expenses incurred for advertising shall be a lien upon such trunk, carpet-bag, valise, box, bundle, or other baggage, in a ratable proportion, according to the value of such piece of property, or thing, or article sold, and in case any balance arising from such sale shall not be claimed by the rightful owner within one week from the day of said sale, the same shall be paid into the treasury of the county in which such sale took place, and if the same be not claimed by the owner thereof, or his legal representatives, within one year thereafter, the same shall be paid into the General Fund of said county.

**1863.** Every keeper of a hotel, inn, boarding or lodging-house, shall post in [a] conspicuous place in the office or public room, and in every bed-room of said hotel, boarding-house, inn, or lodging-house, a printed copy of this section, and a statement of charge or rate of charges by the day, and for meals or items furnished, and for lodging. No charge or sum shall be collected or received by any such person for any service not actually rendered, or for any item not actually delivered, or for any greater or other sum than he is entitled to by the general rules and regulations of said hotel, inn, boarding or lodging-house. For any violation of this section, or any provision herein contained, the offender shall forfeit to the injured party three times the amount of the sum charged in excess of what he is entitled to.

Keepers to  
post rates  
of charges

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

CHAP. DC.—An Act to amend section twenty-nine hundred and fifty-five of the Civil Code.

[Approved April 3, 1876]

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

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

**2955.** Mortgages may be made upon, first, locomotives, engines, and other rolling stock of a railroad, second, steam-boat machinery, the machinery used by machinists, foun-

Property  
upon which  
mortgage  
may be  
made

Property  
upon which  
mortgage  
may be  
made

drymen and mechanics; third, steam engines and boilers; fourth, mining machinery; fifth, printing presses and material; sixth, professional libraries; seventh, instruments of a surgeon, physician, or dentist; eighth, upholstery and furniture used in hotels, lodging or boarding-houses, when mortgaged to secure the purchase money of the articles mortgaged; ninth, growing crops; tenth, vessels of more than five tons burthen; eleventh, instruments, negatives, furniture, and fixtures of a photograph gallery.

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# CODE OF CIVIL PROCEDURE.

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ACTS AMENDATORY  
OF  
THE CODE OF CIVIL PROCEDURE

PASSED AT THE  
TWENTY-FIRST SESSION OF THE LEGISLATURE.

CHAP. XIX.—*An Act to amend section fifty-eight of the Code of Civil Procedure.*

[Approved January 20, 1876.]

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

SECTION 1. Section fifty-eight of the Code of Civil Procedure is hereby amended so as to read as follows:

58. In the First Judicial District terms of the District Court must be held as follows: "In the County of San Luis Obispo, on the second Monday of January, May, and September. In the County of Ventura, on the first Monday of March, July, and November. In the County of Santa Barbara, on the fourth Monday of March, July, and November."

Terms of  
Court, First  
District.

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

CHAP. CCXXVIII.—*An Act to amend the fifty-ninth section of the Code of Civil Procedure, fixing the terms of Court of the Second Judicial District.*

[Approved March 15, 1876.]

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

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

Terms of  
Court, Sec-  
ond District.

**59.** In the Second Judicial District terms of the District Court must be held as follows: In the County of Tehama, on the first Monday of January, on the first Monday of April, on the first Monday of July, and on the first Monday of October. In the County of Butte, on the first Monday of February, on the first Monday of May, and on the first Monday of November.

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

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CHAP. CCCLXXXII.—*An Act to amend section sixty-four of the Code of Civil Procedure.*

[Approved March 29, 1876.]

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

SECTION 1. Section sixty-four of the Code of Civil Procedure of the State of California is amended so as to read as follows:

Terms of  
Court, Sev-  
enth District

**64.** In the Seventh Judicial District terms of the District Court must be held as follows: In the County of Napa, on the first Mondays of February, June, and October. In the County of Solano, on the third Mondays of January, May, and September; and in the County of Lake, on the first Monday of April, and third Monday of June and November.

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

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CHAP. CXLV.—*An Act to amend section sixty-eight of the Code of Civil Procedure.*

[Approved March 7, 1876.]

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

SECTION 1. Section sixty-eight of the Code of Civil Procedure is hereby amended so as to read as follows:

Terms of  
Court,  
Eleventh  
District.

**68.** In the Eleventh Judicial District the Judge, or any other District Judge, upon his written request, may open and hold Court at any time, but the regular terms of the District Court shall be deemed to commence as follows: In the County of Amador, on the second Tuesday of January, May, and September. In the County of Calaveras, on the first Tuesday of January, May, and September. In the County of El Dorado, on the second Tuesday of March, June, October, and December.

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



CHAP. CXCIX.—*An Act to amend section one hundred and seventeen of the Code of Civil Procedure.*

[Approved March 11, 1876.]

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

SECTION 1. Section one hundred and seventeen of said Code is hereby amended to read as follows:

117. These Courts have jurisdiction of the following public offenses committed within the respective counties in which such Courts are established: Jurisdiction of Justices' Courts.

*First*—Petit larceny.

*Second*—Assault and battery, or either, not charged to have been committed upon a public officer in the discharge of his duties, or to have been committed with such intent as to render the offense a felony.

*Third*—Breaches of the peace, riots, affrays, committing a willful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment.

SEC. 2. This Act shall be in force from and after the first day of June, eighteen hundred and seventy-six.

CHAP. CLXV.—*An Act to amend section one hundred and sixty of the Code of Civil Procedure.*

[Approved March 9, 1876.]

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

SECTION 1. Section one hundred and sixty of the Code of Civil Procedure shall be amended so as to read as follows:

160. A District Judge may hold a Court in any county in this State, upon the request of the Judge of the district in which such Court is to be held; and when, by reason of sickness or absence from the State, or from any other cause, a Court cannot be held in any county in a district, by the Judge thereof, a certificate of that fact must be transmitted by the Clerk to the Governor, who may thereupon direct some other District Judge to hold such Court. A District Judge may hear and determine motions in actions pending in any district, upon the request of the Judge of the district in which the action is pending, and the stipulation of the parties to the action. All decisions of such motions shall be filed and entered by the Clerk of the Court in which such action is pending. District Judges may hold Court in other districts.

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

CHAP. DXIV.—*An Act to amend the Code of Civil Procedure.*

[Approved April 3, 1876.]

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

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

Grand Jury.

**192.** A Grand Jury is a body of men, nineteen in number, returned in pursuance of law, from the citizens of the county, before a Court of competent jurisdiction, and sworn to inquire of public offenses committed or triable within the county.

SEC. 2. Section two hundred of said Code is amended to read as follows:

Exemption  
from jury  
duty.**200.** A person is exempt from liability to act as a juror, if he be:*One*—A judicial, civil, or military officer of the United States, or of the State of California.*Two*—A person holding a county office.*Three*—An attorney-at-law.*Four*—A minister of the gospel, or a priest of any denomination, following his profession.*Five*—A teacher in a college, academy, or school.*Six*—A practicing physician.*Seven*—An officer, keeper, or attendant of an almshouse, hospital, asylum, or other charitable institution.*Eight*—Engaged in the performance of duty as officer or attendant of a county jail, or the State Prison.*Nine*—Employed on board of a vessel navigating the waters of this State.*Ten*—An express agent, mail-carrier, superintendent, employé, or operator of a telegraph line doing a general telegraph business in the State, or keeper of a public ferry or toll-gate.*Eleven*—An active member of a fire department of any city, town, or village in the State, or an exempt member of a duly organized fire company, who has become exempt from jury duty before the passage of this Act.*Twelve*—A superintendent, engineer, or conductor on a railroad.*Thirteen*—A person who served as a juror in any Court of record in this State, for a term thereof which has expired within a year; but this exemption shall not extend to a person who is summoned as a juror for the trial of a particular case.

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

Juries in San  
Francisco,  
how drawn.**204.** The District Judges of the several judicial districts within or embracing part of the City and County of San Francisco, and the County Judge, Probate Judge, and Judge of the Municipal Criminal Court of said city and county, or a majority of such Judges, must meet in said city and county in the month of December of each year, at the time and

place designated by the County Judge, and select a list of persons to serve as grand jurors in the County Court, and another list of persons to serve as trial jurors in the Courts of record held in said city and county for the ensuing year. And the Board of Supervisors of each of the other counties of the State must, at its first regular meeting in each year, or at any other meeting, if neglected at the first, make a list of persons to serve as jurors in the Courts of record, in their respective counties, until a new list is provided. <sup>Juries, how drawn.</sup>

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

**206.** The lists to be made by the Board of Supervisors shall contain not less than one hundred names and not more than one thousand names, and the Grand Jury list for the City and County of San Francisco shall contain not less than one hundred and fifty names and not more than one hundred and eighty names, and the trial jury list for said city and county shall contain not less than eight hundred names and not more than twelve hundred names; and within the limits above prescribed, the said lists shall contain the names of as many persons as will, in the judgment of the Judges, or the Board of Supervisors, be required as jurors in the county during the year next ensuing. The names for all such lists shall be selected from the different wards or townships of the respective counties, in proportion to the number of inhabitants therein, as nearly as the same can be estimated by the persons making such lists. <sup>Same.</sup>

SEC. 5. Section two hundred and seven of said Code is repealed.

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

**209.** On receiving such lists, the Clerk must file the same in his office, and write down the names contained therein on separate pieces of paper, of the same size and appearance, and fold each piece so as to conceal the name thereon; and, in the City and County of San Francisco, he shall deposit the pieces having on them the names of persons selected to serve as grand jurors, in a box to be called the "Grand Jury Box," and those having on them the names of persons selected to serve as trial jurors, in a box to be called the "Trial Jury Box," and in the other counties of the State he shall deposit the said pieces in a box to be called the "Jury Box." <sup>Same.</sup>

SEC. 7. The following is added as a new section to said Code, and must be inserted in said Code after section two hundred and ten, and designated as section two hundred and eleven:

**211.** In the City and County of San Francisco, the names of persons for grand jurors shall be drawn from the "Grand Jury Box," and the names of persons for trial jurors shall be drawn from the "Trial Jury Box," and in the other counties of the State, the names of persons, whether for grand jurors or trial jurors, shall be drawn from the "Jury Box." <sup>Same.</sup>

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

Judge to notify Clerk to draw jury.

**214.** Before the commencement of any term of Court the Judge thereof, if a jury will be required therefor, must make and file with the County Clerk an order that one be drawn. The number to be drawn must be named in the order. If to form a Grand Jury, it must be not less than twenty-five and not more than thirty; and if to form a trial jury, such number as the Judge may direct; and the time must be designated at which the drawing will take place.

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

Ballots to be preserved.

**220.** After a drawing of persons to serve as jurors, the Clerk must preserve the ballots drawn; and at the close of the term of the Court for which the drawing was had, must replace in the box from which they were taken, all ballots which have on them the names of persons who did not serve as jurors for the term, and who were not excused because they were exempt or incompetent.

SEC. 10. The following is added as a new section to said Code, and must be inserted in said Code after section two hundred and twenty-seven, and designated as section two hundred and twenty-eight:

Service of summons.

**228.** An elisor who shall, by the order of a Court of record, summon persons to serve as jurors, shall be entitled to a reasonable compensation for his services, which must be fixed by the Court, and paid out of the county treasury.

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

Number to constitute Grand Jury.

**242.** When, of the jurors summoned and not excused, nineteen are present, they shall constitute the Grand Jury. If more than nineteen of such persons are present, the Clerk must write their names on separate ballots, which he must fold so that the names cannot be seen, place them in a box, and draw out nineteen of them; and the persons whose names are on the ballots so drawn shall constitute the Grand Jury. If less than nineteen of such persons are present, the panel may be filled as provided in section two hundred and twenty-six. And whenever, of the persons summoned to complete a Grand Jury, more shall attend than are required, the requisite number shall be obtained by writing the names of those summoned and not excused, on ballots, depositing them in a box, and drawing as above provided.

SEC. 12. During the year one thousand eight hundred and seventy-six, the names of persons to serve, either as grand or trial jurors, in the Courts of record of this State, shall be drawn from the "Jury Boxes" of the several counties in which names may have been placed, in accordance with law, prior to the time when this Act shall take effect.

SEC. 13. This Act shall take effect on the first day of May, one thousand eight hundred and seventy-six.

CHAP. CCCVI.—*An Act to amend section one hundred and ninety-eight of the Code of Civil Procedure.*

[Approved March 23, 1876.]

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

SECTION 1. Section one hundred and ninety-eight of the Code of Civil Procedure is amended to read as follows:

**198.** A person is competent to act as a juror, if he be: Qualifications of jurors.

*First*—A citizen of the United States, an elector of the county (whether his name be enrolled on the Great Register of the county, or not), and a resident of the township at least three months before being selected and returned.

*Second*—In possession of his natural faculties, and not decrepit.

*Third*—Possessed of sufficient knowledge of the language in which the proceedings of the Courts are had.

*Fourth*—Assessed on the last assessment roll of his county, on property belonging to him.

CHAP. XXIX.—*An Act to amend section three hundred and forty of the Code of Civil Procedure.*

[Approved January 27, 1876.]

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

SECTION 1. Section three hundred and forty of the Code of Civil Procedure is hereby amended so as to read as follows:

**340.** Within one year:

*First*—An action upon a statute for a penalty or forfeiture, when the action is given to an individual, or to an individual and the State, except when the statute imposing it prescribes a different limitation. Periods of limitation for commencing actions.

*Second*—An action upon a statute, or upon an undertaking in a criminal action, for a forfeiture or penalty to the people of this State.

*Third*—An action for libel, slander, assault, battery, false imprisonment, or seduction.

*Fourth*—An action against a Sheriff, or other officer, for the escape of a prisoner arrested or imprisoned on civil process.

*Fifth*—An action against a municipal corporation for damages or injuries to property caused by a mob or riot.

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

CHAP. CXVII.—*An Act to amend section three hundred and ninety-two of the Code of Civil Procedure.*

[Approved March 2, 1876.]

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

SECTION 1. Section three hundred and ninety-two shall be amended to read as follows:

Actions to  
be tried  
where  
subject is  
located.

**392.** Actions for the following causes must be tried in the county in which the subject of the action, or some part thereof, is situated, subject to the power of the Court to change the place of trial, as provided in this Code:

*First*—For the recovery of real property, or of an estate or interest therein, or for the determination, in any form, of such right or interest, and for injuries to real property.

*Second*—For the partition of real property.

*Third*—For the foreclosure of all liens and mortgages on real property.

Where the real property is situated partly in one county and partly in another, the plaintiff may select either of the counties, and the county so selected is the proper county for the trial of such action.

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

CHAP. LXXXV.—*An Act to amend section four hundred and eight of the Code of Civil Procedure, relative to the issue of summons.*

[Approved February 15, 1876.]

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

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

Alias sum-  
mons, when  
may issue

**408.** If the summons is returned without being served on any or all of the defendants, or if it has been lost, the Clerk, upon the demand of the plaintiff, may issue an alias summons, in the same form as the original.

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

CHAP. CXXII.—*An Act to amend section five hundred and fifty-nine of Code of Civil Procedure, relating to the release of attachments on real property.*

[Approved March 3, 1876.]

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

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

559. The Sheriff must return the writ of attachment with the summons, if issued at the same time; otherwise, within twenty days after its receipt, with a certificate of his proceedings indorsed thereon or attached thereto; and whenever an order has been made discharging or releasing an attachment upon real property, a certified copy of such order may be filed in the offices of the County Recorders in which the notices of attachment have been filed, and be indexed in like manner.

Return of writ of attachment.

CHAP. DVI.—*An Act to repeal section six hundred and thirty-five of the Code of Civil Procedure.*

[Approved April 3, 1876.]

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

SECTION 1. Section six hundred and thirty-five of the Code of Civil Procedure is hereby repealed.

Section repealed.

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

CHAP. DXVII.—*An Act to amend section six hundred and forty-six, six hundred and forty-seven, six hundred and forty-eight, six hundred and forty-nine, and nine hundred and fifty-six of the Code of Civil Procedure.*

[Approved April 3, 1876.]

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

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

646. An exception is an objection upon a matter of law to a decision made, either before or after judgment, by a Court, tribunal, Judge, or other judicial officer, in an action or proceeding. The exception must be taken at the time the decision is made, except as provided in section six hundred and forty-seven.

"Exception" defined

When taken.

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

What  
deemed to  
have been  
excepted to.

**647.** The verdict of the jury, the final decision in an action or proceeding, an interlocutory order or decision finally determining the rights of the parties, or some of them, an order or decision from which an appeal may be taken, an order sustaining or overruling a demurrer, allowing or refusing to allow an amendment to a pleading, striking out a pleading or a portion thereof, refusing a continuance, an order made upon ex parte application, and an order or decision made in the absence of a party, are deemed to have been excepted to.

SEC. 3. Section six hundred and forty-eight of said Code is amended so as to read as follows:

Exception,  
form of.

**648.** No particular form of exception is required, but when the exception is to the verdict or decision, upon the ground of the insufficiency of the evidence to justify it, the objection must specify the particulars in which such evidence is alleged to be insufficient. The objection must be stated, with so much of the evidence or other matter as is necessary to explain it, and no more. Only the substance of the reporter's notes of the evidence shall be stated. Documents on file in the action or proceeding may be copied, or the substance thereof stated, or a reference thereto sufficient to identify them may be made.

SEC. 4. Section six hundred and forty-nine of said Code is amended so as to read as follows:

Filing of  
bill of  
exceptions.

**649.** A bill containing the exception to any decision may be presented to the Court or Judge for settlement, at the time the decision is made, and after having been settled, shall be signed by the Judge and filed with the Clerk. When the decision excepted to is made by a tribunal other than a Court, or by a judicial officer, the bill of exceptions shall be presented to, and settled, and signed by such tribunal or officer.

SEC. 5. Section nine hundred and fifty-six of said Code is amended so as to read as follows:

Appeals,  
what may be  
reviewed

**956.** Upon an appeal from a judgment the Court may review the verdict or decision, and any intermediate order or decision excepted to, which involves the merits or necessarily affects the judgment, except a decision or order from which an appeal might have been taken.

SEC. 6. This Act shall be in force and effect from and after the first day of June, eighteen hundred and seventy-six.



CHAP. DV.—*An Act to amend section six hundred and fifty-three of the Code of Civil Procedure.*

[Approved April 3, 1876.]

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

SECTION 1. Section six hundred and fifty-three of the Code of Civil Procedure is amended to read as follows:

**653.** When the decision excepted to was made by any judicial officer, other than a Judge, the bill of exceptions shall be presented to such judicial officer, and be settled and signed by him in the same manner as it is required to be presented to, settled, and signed by a Court or Judge. A Judge or judicial officer may settle and sign a bill of exceptions after, as well as before, he ceases to be such Judge or judicial officer. If such Judge or judicial officer, before the bill of exceptions is settled, dies, is removed from office, becomes disqualified, is absent from the State, or refuses to settle the bill of exceptions, or if no mode is provided by law for the settlement of the same, it shall be settled and certified in such manner as the Supreme Court may, by its order or rules, direct. Judges, judicial officers, and the Supreme Court shall respectively possess the same power, in settling and certifying statements, as is by this section conferred upon them in settling and certifying bills of exceptions. Settlement of bill of exceptions.

SEC. 2. This Act shall be in force and effect from and after the first day of June, eighteen hundred and seventy-six.

CHAP. CLXVIII.—*An Act to amend section six hundred and seventy of the Code of Civil Procedure of California.*

[Approved March 9, 1876.]

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

SECTION 1. Section six hundred and seventy of the Code of Civil Procedure of California is hereby amended so as to read as follows:

**670.** Immediately after entering the judgment, the Clerk must attach together and file the following papers, which constitute the judgment roll: Judgment roll to constitute.

*First*—In case the complaint be not answered by any defendant, the summons, with the affidavit or proof of service, and the complaint, with a memorandum indorsed thereon, that the default of the defendant in not answering was entered, and a copy of the judgment.

*Second*—In all other cases, the pleadings, a copy of the verdict of the jury, or finding of the Court or referee, all bills of exceptions taken and filed, and a copy of any order

made on demurrer, or relating to a change of parties, and a copy of the judgment. If there are two or more defendants in the action, and any one of them has allowed judgment to pass against him by default, the summons, with proof of its service upon such defendant, must also be added to the other papers mentioned in this subdivision.

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

CHAP. CCCCLXXXIII.—*An Act to amend section six hundred and ninety of the Code of Civil Procedure, and for other purposes.*

[Approved April 1, 1876.]

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

SECTION 1. Section six hundred and ninety of the Code of Civil Procedure is hereby amended to read as follows :

Property  
exempt from  
execution.

**690.** The following property is exempt from execution, except as herein otherwise specially provided :

*First*—Chairs, tables, desks, and books to the value of two hundred dollars, belonging to the judgment debtor.

*Second*—Necessary household, table, and kitchen furniture, belonging to the judgment debtor, including one sewing machine, stoves, stove-pipes, and stove-furniture, wearing apparel, beds, bedding, and bedsteads, provisions actually provided for individual or family use sufficient for three months, and three cows and their sucking calves, four hogs with their sucking pigs, and food for such cows and hogs for one month.

*Third*—The farming utensils or implements of husbandry of the judgment debtor ; also, two oxen, or two horses, or two mules, and their harness, one cart or wagon, and food for such oxen, horses, or mules for one month ; also, all seed, grain, or vegetables actually provided, reserved, or on hand for the purpose of planting or sowing at any time within the ensuing six months, not exceeding in value the sum of two hundred dollars.

*Fourth*—The tools or implements of a mechanic or artisan, necessary to carry on his trade ; the notarial seal, records, and office furniture of a Notary Public ; the instruments and chest of a surgeon, physician, surveyor, or dentist, necessary to the exercise of their profession, with their professional libraries and necessary office furniture ; the professional libraries of attorneys, judges, ministers of the gospel, editors, school teachers, and music teachers, and their necessary office furniture ; also, the musical instruments of music teachers actually used by them in giving instructions.

*Fifth*—The cabin or dwelling of a miner, not exceeding in value the sum of five hundred dollars ; also, his sluices, pipes, hose, windlass, derrick, cars, pumps, tools, implements, and appliances necessary for carrying on any mining opera-

tions, not exceeding in value the aggregate sum of five hundred dollars, and two horses, mules, or oxen, with their harness, and food for such horses, mules, or oxen for one month, when necessary to be used in any whim, windlass, derrick, car, pump, or hoisting gear; and, also, his mining claim, actually worked by him, not exceeding in value the sum of one thousand dollars.

Property  
exempt from  
execution.

*Sixth*—Two horses, two oxen, or two mules, and their harness, and one cart or wagon, one dray or truck, one coupé, one hack, or carriage, for one or two horses, by the use of which a cartman, drayman, truckman, buckster, peddler, hackman, teamster, or other laborer habitually earns his living, and one horse, with vehicle and harness, or other equipments, used by a physician, surgeon, or minister of the gospel in making his professional visits, with food for such oxen, horses, or mules for one month.

*Seventh*—Poultry not exceeding in value twenty-five dollars.

*Eighth*—The earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution or attachment, when it appears by the debtor's affidavit, or otherwise, that such earnings are necessary for the use of his family residing in this State, supported in whole or in part by his labor, but where debts are incurred by any such person, or his wife or family, for the common necessities of life, the one-half of such earnings above mentioned are, nevertheless, subject to execution, garnishment, or attachment to satisfy debts so incurred.

*Ninth*—The shares held by a member of a homestead association duly incorporated, not exceeding in value one thousand dollars, if the person holding the shares is not the owner of a homestead under the laws of this State. All the nautical instruments and wearing apparel of any master, officer, or seaman of any steamer or other vessel.

*Tenth*—All moneys, benefits, privileges, or immunities accruing or in any manner growing out of any life insurance on the life of the debtor, made in any company incorporated under the laws of this State, if the annual premiums paid do not exceed five hundred dollars.

*Eleventh*—All fire engines, hooks, and ladders, with the carts, trucks, and carriages, hose, buckets, implements, and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under any law of this State.

*Twelfth*—All arms, uniforms, and accoutrements required by law to be kept by any person, and also one gun, to be selected by the debtor.

*Thirteenth*—All Court-houses, jails, public offices and buildings, lots, grounds, and personal property; the fixtures, furniture, books, papers, and appurtenances belonging and pertaining to the jail and public offices belonging to any county, or to any city and county of this State, and all cemeteries, public squares, parks, and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging

and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament, or public use, or for the use of any fire or military company organized under the laws of this State. No article, however, or species of property mentioned in this section, is exempt from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage thereon.

Act repealed.

SEC. 2. An Act entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, approved April first, eighteen hundred and seventy-two, is hereby repealed.

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

CHAP. LXXXIV.—*An Act to amend section seven hundred and two of the Code of Civil Procedure.*

[Approved February 15, 1876.]

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

SECTION 1. Section seven hundred and two of the Code of Civil Procedure is hereby amended to read as follows :

When property may be redeemed

702. The judgment debtor or redemptioner may redeem the property from the purchaser any time within six months after the sale, on paying the purchaser the amount of his purchase, with two per cent. per month thereon in addition up to the time of redemption, together with the amount of any assessment or taxes which the purchaser may have paid thereon after purchase, and interest on such amount. And if the purchaser be also a creditor, having a prior lien to that of the redemptioner, other than the judgment under which such purchase was made, the amount of such lien, with interest.

CHAP. DXIII.—*An Act to amend section seven hundred and sixty-four of the Code of Civil Procedure of the State of California.*

[Approved April 3, 1876.]

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

SECTION 1. Section seven hundred and sixty-four of the Code of Civil Procedure of the State of California is hereby amended to read as follows :

Partition of real property, how made

764. In making partition the referees must divide the property and allot the several portions thereof to the respective parties, quality and quantity relatively considered, according to the respective rights of the parties as determined by the Court, pursuant to the provisions of this chapter, designating the several portions by proper landmarks,

and may employ a surveyor, with the necessary assistance, to aid them. Before making partition or sale, the referees may, whenever it will be for the advantage of those interested, set apart a portion of the property for a way, road, or street, and the portion so set apart shall not be assigned to any of the parties or sold, but shall remain an open and public way, road, or street, unless the referees shall set the same apart as a private way, for the use of the parties interested or some of them, their heirs and assigns, in which case it shall remain such private way. Whenever the referees have laid out on any tract of land roads sufficient, in the judgment of said referees, to accommodate the public and private wants, they shall report that fact to the Court, and upon the confirmation of their report all other roads on said tract shall cease to be public highways. Whenever it shall appear in an action for partition of lands, that one or more of the tenants in common, being the owner of an undivided interest in the tract of land sought to be partitioned, has sold to another person a specific tract by metes and bounds, out of the common land, and executed to the purchaser a deed of conveyance, purporting to convey the whole title to such specific tract to the purchaser in fee and in severalty, the land described in such deed shall be allotted and set apart in partition to such purchaser, his heirs or assigns; or in such other manner as shall make such deed effectual as a conveyance of the whole title to such segregated parcel, if such tract or tracts of land can be so allotted or set apart without material injury of the rights and interests of the other co-tenants who may not have joined in such conveyance; *provided*, that in all cases the Court shall direct the referees, in making partition of land, to allot the share of each of the parties owning an interest in the whole or in any part of the premises sought to be partitioned, and to locate the share of each co-tenant so as to embrace, as far as practicable, the improvements made by such co-tenant upon the property; and the value of the improvements made by the tenants in common must be excluded from the valuation in making allotments, and the land must be valued without regard to such improvement, in case the same can be done without material injury to the rights and interests to the other tenants in common, owning such land.

Partition of  
real prop-  
erty, how  
made.

CHAP. XLVIII.—*An Act to add an additional section to the Code of Civil Procedure.*

[Approved February 4, 1876.]

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

SECTION 1. Chapter Four of Title Ten of Part Two of the Code of Civil Procedure is hereby amended by adding thereto an additional section, as follows:

Apportionment of expenses of litigation.

' **798.** If it appear that other actions or proceedings have been necessarily prosecuted or defended by any one of the tenants in common, for the protection, confirmation, or perfecting of the title, or setting the boundaries, or making a survey or surveys of the estate partitioned, the Court shall allow to the parties to the action, who have paid the expense of such litigation or other proceedings, all the expenses necessarily incurred therein, except counsel fees, which shall have accrued to the common benefit of the other tenants in common, with interest thereon from the date of making the said expenditures, and in the same kind of money expended or paid, and the same must be pleaded and allowed by the Court, and included in the final judgment, and shall be a lien upon the share of each tenant respectively, in proportion to his interest, and shall be enforced in the same manner as taxable costs of partition are taxed and collected.

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CHAP. CLXXXII.—*An Act to amend section eight hundred and thirty-nine of the Code of Civil Procedure.*

[Approved March 11, 1876.]

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

SECTION 1. Eight hundred and thirty-nine of the Code of Civil Procedure is amended to read as follows:

Action, how commenced.

**839.** An action in a Justice's Court is commenced by filing a complaint.

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

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CHAP. CCCCXCVIII.—*An Act to amend sections eight hundred and forty-four, eight hundred and forty-five, eight hundred and forty-eight, eight hundred and fifty, eight hundred and seventy-one, and eight hundred and seventy-three of the Code of Civil Procedure.*

[Approved April 3, 1876.]

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

SECTION 1. Section eight hundred and forty-four of the Code of Civil Procedure is amended so as to read as follows:

What summons must contain.

**844.** The summons must be directed to the defendant and signed by the Justice, and must contain:

*First*—The title of the Court, name of the county and city or township in which the action is commenced, and the names of the parties thereto.

*Second*—A sufficient statement of the cause of action in

general terms, to apprise the defendant of the nature of the claim against him.

*Third*—A direction that the defendant appear and answer before the Justice, at his office, as specified in section eight hundred and forty-five.

*Fourth*—In an action arising on a contract for the recovery of money, or damages, only a notice that unless the defendant so appear and answer, the plaintiff will take judgment for the sum claimed by him (stating it).

*Fifth*—In other actions, a notice that unless defendant so appear and answer, the plaintiff will apply to the Court for the relief demanded. If the plaintiff has appeared by attorney, the name of the attorney must be indorsed upon the summons.

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

**845.** The time specified in the summons for the appearance of the defendant must be as follows:

*First*—If an order of arrest be indorsed on the summons, forthwith.

*Second*—In all other cases the summons must contain a direction that the defendant must appear and answer the complaint within five days, if the summons be served in the township in which the action is brought; within ten days, if served out of the township, but in the county in which the action is brought; and within twenty days, if served elsewhere.

SEC. 3. Section eight hundred and forty-eight of said Code is amended so as to read as follows:

**848.** The summons cannot be served out of the county of the Justice before whom the action is brought, except when the action is brought upon a joint contract or obligation of two or more persons who reside in different counties, and the summons has been served upon the defendant resident of the county, in which case the summons may be served upon the other defendant out of the county; and except, also, when an action is brought against a party who has contracted to perform an obligation at a particular place, and resides in a different county, in which case summons may be served in the county where he resides; and except, also, where an action is brought for injury to person or property, and the defendant resides in a different county, in which case summons may be served in the county where the defendant resides.

Service of  
summons  
outside of  
county.

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

**850.** When all the parties served with process shall have appeared, or some of them have appeared, and the remaining defendants have made default, the Justice must fix a day for the trial of said cause, and notify the plaintiff, and the defendants who have appeared, thereof. The parties are entitled to one hour in which to appear after the time fixed in the said notice, but are not bound to remain longer than that time unless both parties have appeared, and the Justice being present, is engaged in the trial of another cause.

Justice to fix  
day of trial.

Appearance  
of parties.

SEC. 5. Section eight hundred and seventy-one of said Code is amended so as to read as follows:

Judgment,  
when by  
default.

**871.** If the defendant fails to appear and answer, or demurs at the time specified in the summons, then, upon proof of service of summons, the following proceedings must be had:

*First*—If the action is based upon a contract, and is for the recovery of money, or damages only, the Court must render judgment in favor of plaintiff for the sum specified in the summons.

*Second*—In all other actions, the Court must hear the evidence offered by the plaintiff, and must render judgment in his favor for such sum (not exceeding the amount stated in the summons) as appears by such evidence to be just.

SEC. 6. Section eight hundred and seventy-three of said Code is amended so as to read as follows:

When trial  
must com-  
mence.

**873.** Unless postponed, as provided in this chapter, or unless transferred to another Court, the trial of the action must commence at the expiration of one hour from the time specified in the notice mentioned in section eight hundred and fifty, and the trial must be continued, without adjournment for more than twenty-four hours at any one time, until all the issues therein are disposed of.

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CHAP. CLXXXVI.—*An Act to amend section eleven hundred and eleven of the Code of Civil Procedure.*

[Approved March 11, 1876.]

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

SECTION 1. Section eleven hundred and eleven (1111) of the Code of Civil Procedure is hereby amended so as to read as follows:

Contest,  
grounds of.

**1111.** Any elector of a county, city and county, city, or of any political subdivision of either, may contest the right of any person declared elected to an office to be exercised therein, for any of the following causes:

*First*—For malconduct on the part of the Board of Judges, or any member thereof.

*Second*—When the person whose right to the office is contested was not, at the time of the election, eligible to such office.

*Third*—When the person whose right is contested has given to any elector or Inspector, Judge, or Clerk of the election, any bribe or reward, or has offered any such bribe or reward for the purpose of procuring his election, or has committed any other offense against the elective franchise defined in Title Four, Part One, of the Penal Code.

*Fourth*—On account of illegal votes.



CHAP. CCII.—*An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, concerning unlawful holding over.*

[Approved March 13, 1876.]

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

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

**1161.** A tenant of real property, for a term less than life, is guilty of an unlawful detainer: When tenant becomes unlawful detainer.

*First*—When he continues in possession, in person or by sub-tenants, of the property, or any part thereof, after the expiration of the term for which it is let to him, without the permission of his landlord; but in case of a tenancy at will, it must first be terminated by notice, as prescribed in the Civil Code.

*Second*—Where he continues in possession, in person or by sub-tenants, without permission of his landlord, after default in the payment of rent, pursuant to the lease or agreement under which the property is held, and three days' notice, in writing, requiring its payment, stating the amount which is due, or possession of the property, shall have been served upon him, and if there be a sub-tenant in actual occupation of the premises, also upon such sub-tenant. Such notice may be served at any time within one year after the rent becomes due. In all cases of tenancy upon agricultural lands, when the tenant has held over and retained possession for more than sixty days after the expiration of his term without any demand of possession or notice to quit by the landlord, he shall be deemed to be holding by permission of the landlord, and shall be entitled to hold, under the terms of the lease, for another full year, and shall not be guilty of an unlawful detainer during said year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of the tenant to hold for another year.

*Third*—When he continues in possession, in person or by sub-tenants, after a neglect or failure to perform other conditions or covenants of the lease or agreement under which the property is held, than the one for the payment of rent, and three days' notice, in writing, requiring the performance of such conditions or covenants, or the possession of the property, shall have been served upon him, and if there be a sub-tenant in actual occupation of the premises, also upon such sub-tenant. Within three days after the service of the notice the tenant, or any sub-tenant, in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform the conditions or covenants of the lease, or pay the stipulated rent, as the case may be, and thereby save the lease from forfeiture. A tenant may take proceedings, similar to those prescribed in this chapter, to obtain possession of the premises let to an under-

tenant, in case of his unlawful detention of the premises under-let to him. .

CHAP. CCCCXXXV.—*An Act to amend section one thousand three hundred and sixty-five of the Code of Civil Procedure.*

[Approved March 31, 1876.]

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

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

Who entitled to act as administrator.

**1365.** Administration of the estate of a person dying intestate must be granted to some one or more of the persons hereinafter mentioned, and they are respectively entitled thereto, in the following order:

*First*—The surviving husband or wife, or some competent person whom he or she may request to have appointed.

*Second*—The children.

*Third*—The father or mother.

*Fourth*—The brothers.

*Fifth*—The sisters.

*Sixth*—The grand-children.

*Seventh*—The next of kin entitled to share in the distribution of the estate.

*Eighth*—The Public Administrator.

*Ninth*—The creditors.

*Tenth*—Any person legally competent.

If the decedent was a member of a partnership at the time of his decease, the surviving partner must in no case be appointed administrator of his estate.

SEC. 2. This Act shall take effect immediately.

CHAP. LXXXII.—*An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure.*

[Approved February 15, 1876.]

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

SECTION 1. Section one thousand four hundred and sixty-nine of the Code of Civil Procedure is hereby amended so as to read as follows:

Administration when estate does not exceed fifteen hundred dollars

**1469.** If, upon the return of the inventory of the estate of an intestate, it appears that the value of the whole estate does not exceed the sum of fifteen hundred dollars, the Probate Court must appoint a day for the hearing, and cause

notice to be given and proceedings had, in the same manner as provided in sections one thousand six hundred and thirty-three, one thousand six hundred and thirty-five, and one thousand six hundred and thirty-eight of Article Two, of Chapter Ten, of Title Two, of the Code of Civil Procedure, relating to the settlement of accounts. If, upon the hearing, the Court finds that the value of the estate does not exceed the sum of fifteen hundred dollars, the Probate Judge, by a decree for that purpose, must assign for the use and support of the widow and minor child or children, if there be a widow or minor child; and if no widow, then for the children, if there be any, the whole of the estate, after the payment of the expenses of his last illness, funeral charges, and expenses of administration. And there must be no further proceedings in the administration, unless further estate be discovered; and when it appears, on the return of the inventory, that the value of the whole estate does not exceed the sum of three thousand dollars, it is in the discretion of the Probate Court to dispense with the regular proceedings, or any part thereof, prescribed in this title, except as herein provided, and there must be had a summary administration of the estate, and an order of distribution thereof at the end of six months after the issuing of letters. The notice to creditors must be given to present their claims within four months after the first publication of such notice, and those not so presented are barred, as in other cases.

Administration when estate does not exceed fifteen hundred dollars.

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

CHAP. CCXXIII.—*An Act to amend section fifteen hundred of the Code of Civil Procedure.*

[Approved March 15, 1876.]

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

SECTION 1. Section fifteen hundred of the Code of Civil Procedure is hereby amended so as to read as follows:

1500. No holder of any claim against an estate shall maintain any action thereon, unless the claim is first presented to the executor or administrator, except in the following case: An action may be brought by any holder of a mortgage or lien to enforce the same against the property of the estate subject thereto, where all recourse against any other property of the estate is expressly waived in the complaint, but no counsel fees shall be recovered in such action unless such claim be so presented.

Claims and mortgages.

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

CHAP. CLXXVIII.—*An Act to amend sections one thousand six hundred and twenty-eight, one thousand six hundred and thirty-four, and one thousand six hundred and forty-seven of the Code of Civil Procedure.*

[Approved March 11, 1876.]

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

SECTION 1. Section one thousand six hundred and twenty-eight of the Code of Civil Procedure is amended so as to read as follows :

Executor to  
render  
account.

**1628.** Within thirty days after the expiration of the time mentioned in the notice to creditors within which claims must be exhibited, every executor or administrator must render a full account and report of his administration. If he fails to present his account the Court or Judge must compel the rendering of the account by attachments, and any person interested in the estate may apply for and obtain an attachment; but no attachment must issue unless a citation has been first issued, served and returned, requiring the executor or administrator to appear and show cause why an attachment should not issue. Every account must exhibit all debts which have been presented and allowed during the period embraced in the account.

SEC. 2. Section one thousand six hundred and thirty-four of the Code of Civil Procedure is amended so as to read as follows :

Final distri-  
bution.

**1634.** If the account mentioned in the preceding section be for a final settlement, and a petition for the final distribution of the estate be filed with said account, the notice of the settlement must state those facts, which notice must be given by posting or publication, as the Court may direct, and for such time as may be ordered. On the settlement of said account, distribution and partition of the estate to all entitled thereto may be immediately had, without further notice or proceedings.

SEC. 3. Section one thousand six hundred and forty-seven of the Code of Civil Procedure is amended so as to read as follows :

Discharge of  
adminis-  
trator.

**1647.** Upon the settlement of the accounts of the executors or administrator as required in this chapter, the Court must make an order for the payment of the debts, as the circumstances of the estate require. If there is not sufficient funds in the hands of the executor or administrator, the Court must specify in the decree the sum to be paid to each creditor. If the whole property of the estate be exhausted by such payment or distribution, such account must be considered as a final account, and the executor or administrator is entitled to his discharge on producing and filing the necessary vouchers and proof, showing that such payments have been made, and that he has fully complied with the decree of the Court.

SEC. 4. This Act shall take effect ninety days after its passage.

CHAP. CCXXXV.—*An Act to amend section eighteen hundred and nineteen of the Code of Civil Procedure.*

[Approved March 16, 1876.]

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

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

1819. When the judgment is made and entered, and a copy thereof, with the affidavit provided for in section eighteen hundred and eighteen, duly recorded, the person therein named is entitled to carry on the business specified, in her own name, and the property, revenues, moneys, and credits so by her invested, and the profits thereof, belong exclusively to her, and are not liable for any debts of her husband, and she thereafter has all the privileges of, and is liable to all legal processes provided for debtors and creditors, and may sue and be sued alone, without being joined with her husband; *provided, however,* that she shall not be at liberty to carry on said business in any other county than that named in the notice provided for in section eighteen hundred and twelve, until she has recorded in such other county a copy of said judgment and affidavit.

a. Rights and liabilities of sole traders.

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

CHAP. CVII.—*An Act to repeal section eighteen hundred and eighty-two of the Code of Civil Procedure.*

[Approved February 28, 1876.]

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

SECTION 1. Section one thousand eight hundred and eighty-two of the Code of Civil Procedure of the State of California is hereby repealed.

Section repealed.

SEC. 2. This Act shall take effect immediately.

CHAP. CCXX.—*An Act to amend section two thousand and twenty-one of the Code of Civil Procedure.*

[Approved March 15, 1876.]

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

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

Testimony  
when taken  
within the  
State.

**2021.** The testimony of a witness in this State may be taken by deposition, in an action, at any time after the service of the summons or the appearance of the defendant, and in a special proceeding, after a question of fact has arisen therein, in the following cases:

*First*—Where the witness is a party to the action or proceeding, or an officer or member of a corporation which is a party to the action or proceeding, or a person for whose immediate benefit the action or proceeding is prosecuted or defended.

*Second*—Where the witness resides out of the county in which his testimony is to be used.

*Third*—Where the witness is about to leave the county where the action is to be tried, and will probably continue absent when the testimony is required.

*Fourth*—Where the witness, otherwise liable to attend the trial, is, nevertheless, too infirm to attend.

*Fifth*—Where the testimony is required upon a motion, or in any other case where the oral examination of the witness is not required.

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

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# PENAL CODE.

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ACTS AMENDATORY  
OF  
THE PENAL CODE

PASSED AT THE  
TWENTY-FIRST SESSION OF THE LEGISLATURE.

CHAP. DLXXVIII.—*An Act to amend the Political and Penal Codes, concerning public printing, and for other purposes.*

[Approved April 3, 1876.]

[Adds two new sections to the Penal Code, to be numbered sections ninety-nine and one hundred. See *Amendments to the Political Code*, page 16.]

CHAP. DX.—*An Act to amend section one hundred and seventy-two of the Penal Code.*

[Approved April 3, 1876.]

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

SECTION 1. Section one hundred and seventy-two of said Code is hereby amended so as to read as follows:

172. Every person who, within two miles of the land belonging to this State, upon which the State Prison is situated, or within one mile of the Insane Asylum at Napa, or within one mile of the grounds belonging and adjacent to the University of California, in Alameda County, or in the State Capitol, or within the limits of the grounds adjacent and belonging thereto, sells, gives away, or exposes for sale, any vinous or alcoholic liquors, is guilty of a misdemeanor.

Liquors not to be kept within two miles of certain buildings.

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

CHAP. CCXC.—*An Act to amend section two hundred and forty-three of the Penal Code.*

[Approved March 21, 1876.]

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

SECTION 1. Section two hundred and forty-three of the Penal Code is hereby amended to read as follows:

Battery, how punishable.

**243.** A battery is punishable by fine not exceeding one thousand dollars, or by imprisonment in the County Jail not exceeding six months, or if committed upon the wife of the assailant, it shall be in the discretion of the Court to punish the offender by the infliction of not less than twenty-one lashes on the bare back, to be administered by the Sheriff of the county or any Constable of the township.

SEC. 2. This Act shall be in force thirty days after its passage.

CHAP. CXXIX.—*An Act to add another section to the Penal Code. (Chapter II., Title IX., Part I.)*

[Approved March 3, 1876.]

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

SECTION 1. The following is added as a new section to the Penal Code, to be known as section two hundred and seventy-two, and to read as follows:

Employment of children as mendicants, musicians, etc

**272.** Any person, whether as parent, relative, guardian, employer, or otherwise, having in his care, custody, or control any child under the age of sixteen years, who shall sell, apprentice, give away, let out, or otherwise dispose of any such child to any person, under any name, title, or pretense, for the vocation, use, occupation, calling, service, or purpose of singing, playing on musical instruments, rope-walking, dancing, begging, or peddling, in any public street or highway, or in any mendicant or wandering business whatsoever; and any person who shall take, receive, hire, employ, use, or have in custody any child for such purposes, or either of them, is guilty of a misdemeanor.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCV.—*An Act to amend section three hundred and seventy-four of the Penal Code.*

[Approved March 23, 1876.]

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

SECTION 1. Section three hundred and seventy-four of the Penal Code is hereby amended so as to read as follows :

**374.** Every person who puts the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop, into any river, creek, pond, reservoir, stream, street, alley, public highway, or road in common use, or who attempts to destroy the same by fire within one-fourth of a mile of any city, town, or village, and every person who puts the carcass of any dead animal, or any offal of any kind, in or upon the borders of any stream, pond, lake, or reservoir from which water is drawn for the supply of the inhabitants of any city, city and county, or any town in this State, so that the drainage from such carcass or offal may be taken up by or in such stream, pond, lake, or reservoir, or who allows the carcass of any dead animal, or any offal of any kind, to remain in or upon the borders of any such stream, pond, lake, or reservoir within the boundaries of any lands owned or occupied by him, or who keeps any horses, mules, cattle, swine, sheep, or live stock of any kind, penned, corraled, or housed on, over, or on the borders of any such stream, pond, lake, or reservoir, so that the waters thereof shall become polluted by reason thereof, is guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed in section three hundred and seventy-seven of this Code.

Depositing  
dead animals  
in streets, etc.

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

CHAP. LVI.—*An Act to amend sections four hundred and fifty-nine, four hundred and sixty, and four hundred and sixty-one, and to repeal section four hundred and sixty-two of the Penal Code.*

[Approved February 9, 1876.]

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

SECTION 1. Section four hundred and fifty-nine of the Penal Code is amended to read as follows :

**459.** Every person who enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse, or other building, tent, vessel, or railroad car, with intent to commit grand or petit larceny, or any felony, is guilty of burglary.

Burglary  
defined.

SEC. 2. Section four hundred and sixty of the Penal Code is amended to read as follows:

Burglary  
defined.

**460.** Every burglary committed in the night time is burglary of the first degree, and every burglary committed in the day time is burglary of the second degree.

SEC. 3. Section four hundred and sixty-one of the Penal Code is amended to read as follows:

Same, pen-  
alty for.

**461.** Burglary of the first degree is punishable by imprisonment in the State Prison for not less than one nor more than fifteen years. Burglary of the second degree is punishable by imprisonment in the State Prison for not more than five years.

SEC. 4. Section four hundred and sixty-two of the Penal Code is repealed.

SEC. 5. Nothing in this Act shall affect any act committed, or verdict or judgment rendered or entered before it takes effect, but all acts committed before it takes effect shall be inquired of, prosecuted, and punished in the same manner as if this Act had not been passed.

SEC. 6. This Act shall be in force from and after twelve o'clock noon, on the first day of May, eighteen hundred and seventy-six.

CHAP. LXXXIII.—*An Act to add a new section to the Penal Code, in relation to false weights and measures.*

[Approved February 15, 1876.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered five hundred and fifty-five, and to read as follows :

Sellers to  
give full  
weights.

**555.** In all sales of coal, hay, and other commodities, usually sold by the ton or fractional parts thereof, the seller must give to the purchaser full weight, at the rate of two thousand pounds to the ton; and in all sales of articles which are sold in commerce by avoirdupois weight, the seller must give to the purchaser full weight, at the rate of sixteen ounces to the pound; and any person violating this section is guilty of a misdemeanor.

CHAP. XXV.—*An Act to amend section five hundred and sixty-four of the Penal Code, relating to crimes and punishments.*

[Approved January 27, 1876.]

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

SECTION 1. Section five hundred and sixty-four of the Penal Code is hereby amended to read as follows :

**564.** Every director, officer, or agent of any corporation or joint stock association, who knowingly concurs in making, publishing, or posting any written report, exhibit, or statement of its affairs or pecuniary condition, or book or notice containing any material statement which is false, or refuses to make any book or post any notice required by law, in the manner required by law, other than such as are mentioned in this chapter, is guilty of a felony. Fraudulent reports.

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CHAP. XXX.—*An Act to amend section six hundred and twenty-six of the Penal Code.*

[Approved January 27, 1876.]

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

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

**626.** Every person who, in the Counties of San Bernardino or Los Angeles, between the first day of April of any year and the first day of August of the same year, or who in any other of the counties of this State, except the Counties of Lassen, Plumas, and Sierra, between the fifteenth day of March and the fifteenth day of September in each year, takes, kills, or destroys quail, partridge, or grouse, mallard, wood, teal, spoonbill, or any kind of broadbill ducks, is guilty of a misdemeanor. Destruction of game.

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

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CHAP. LXXXVI.—*An Act to amend section six hundred and twenty-seven of the Penal Code.*

[Approved February 15, 1876.]

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

SECTION 1. Section six hundred and twenty-seven of the Penal Code is hereby amended to read as follows:

**627.** Every person who, in the Counties of Plumas, Lassen, or Sierra, between the fifteenth day of March and the first day of September in each year, takes, kills, or destroys quail, partridges, or grouse, or who, in either of such counties, between the fifteenth day of March and the fifteenth day of August in each year, takes, kills, or destroys mallard, wood, teal, spoonbill, or any kind of broadbill ducks, is guilty of a misdemeanor. Destruction of game.

CHAP. CXLII.—*An Act to amend section six hundred and twenty-eight of the Penal Code.*

[Approved March 7, 1876.]

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

SECTION 1. Section six hundred and twenty-eight of the Penal Code is hereby amended so as to read as follows :

Destruction  
of deer, etc.

**628.** Every person who, between the first day of January and the first day of September in each year, takes, kills, or destroys any elk, deer, mountain sheep, or antelope, is guilty of a misdemeanor; and every person who shall take, kill, or destroy any of the animals herein mentioned at any time, unless the carcass of such animal is used or preserved by the person slaying it, or is sold for food, is guilty of a misdemeanor.

CHAP. CCCCLI.—*An Act to amend section six hundred and thirty-two of the Penal Code.*

[Approved March 31, 1876.]

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

SECTION 1. Section six hundred and thirty-two of the Penal Code is hereby amended so as to read as follows :

Taking of  
trout.

**632.** Every person who, in the Counties of Santa Clara, Alpine, Santa Cruz, Lake, San Mateo, Monterey, Sonoma, Tuolumne, Alameda, Marin, Placer, Nevada, Plumas, Sierra, San Luis Obispo, Solano, Mariposa, Mendocino, or Napa, at any time takes or catches any trout, except with hook and line, is guilty of a misdemeanor.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCLVII.—*An Act to amend sections six hundred and thirty-four, six hundred and thirty-five, and six hundred and thirty-six of the Penal Code.*

[Approved April 1, 1876.]

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

SECTION 1. Section six hundred and thirty-four of the Penal Code is hereby amended to read as follows :

Taking of  
salmon and  
shad, when  
prohibited.

**634.** Every person who, between the first day of August and the first day of November in each year, takes, or catches,

buys, sells, or has in his possession any fresh salmon, is guilty of a misdemeanor. Any person catching, or having in possession, or offering for sale shad, at any time prior to the first Monday of December, A. D. eighteen hundred and seventy-seven, is guilty of a misdemeanor. The following counties are exempted from the provisions of the first section of this bill: Del Norte, Humboldt, Shasta, and Mendocino.

SEC. 2. Section six hundred and thirty-five of the Penal Code is hereby amended so as to read as follows:

**635.** Every person who places, or allows to pass into any of the waters of this State, any lime, gas, tar, coculus indicus, or any other substance deleterious to fish, is guilty of a misdemeanor. And every person who uses any poisonous or explosive substances for the purpose of taking or destroying fish, is guilty of a misdemeanor; *provided*, that saw-dust shall not be deemed a deleterious substance. Any person who shall catch, take, or carry away any trout, or other fish, from any stream, pond, or reservoir, belonging to any person or corporation, without the consent of the owner thereof, which stream, pond, or reservoir has been stocked with fish by hatching therein eggs or spawn, or by placing the same therein, is guilty of a misdemeanor.

Explosives  
prohibited.

SEC. 3. Section six hundred and thirty-six of the Penal Code is hereby amended so as to read as follows:

**636.** Any person who shall set, use, or continue, or who shall assist in setting, using, or continuing any pound, weir, set-net, stake-net, trap, or other fixed or permanent contrivance for catching fish in any of the waters of this State, is guilty of a misdemeanor. Any person who shall hereafter close or keep closed, or in condition to catch or ensnare any shrimp, or cause to be closed or kept closed, or in condition to catch or ensnare any shrimp, any pound, weir, set-net, stake-net, trap, or other fixed or permanent contrivance for catching the same, placed in the waters aforesaid, is guilty of a misdemeanor. Any person who shall draw or shall assist in setting or drawing any net or seine for the purpose of taking shrimp in any of the waters of this State, at any time between the setting of the sun on the evening of each Saturday and the rising of the sun on the morning of the succeeding Monday, is guilty of a misdemeanor. Any person who shall draw or who shall assist in drawing any net or seine, for the purpose of taking fish in any of the waters of this State, the meshes of which are less than one and one-half inches in size, is guilty of a misdemeanor; *provided*, that nets with a mesh of a smaller size may be used in the catching of shrimps. Any person who shall cast, extend, or set any seine or net of any kind, for the catching of fish in any river, stream, or slough of this State, which shall extend more than one-third across the width of said river, stream, or slough, at the time and place of such fishing, is guilty of a misdemeanor. Any person who, by seines, or any other means, shall catch any fish so small as to be able to escape through a mesh of one and one-half inches in size, or the young of fish of any species, but which, at the time of capture, are too small to be marketable, and who shall not

Use of nets,  
weirs, etc.,  
for taking  
fish.

return the same to the water immediately and alive, or who shall sell or offer for sale any such fish, is guilty of a misdemeanor. One-third of all penalties received under this section shall be paid to the informer; one-third to the District Attorney of the county in which the case is prosecuted, and one-third to the School Fund of said county; *provided*, that nothing in this section shall be construed to affect any special laws now in force in this State for the preservation of fish; *provided*, that in the waters of Carquinez Straits and Napa River set-nets and stake-nets may be set and used of meshes not less than two and a half inches.

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

CHAP. XXXI.—*An Act to amend section seven hundred and eighty-three of the Penal Code, relative to offenses committed on railroads and vessels.*

[Approved January 28, 1876.]

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

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

Offenses on  
ships or cars,  
jurisdiction  
of.

**783.** When an offense is committed in this State, on board a vessel navigating a river, bay, slough, lake, or canal, or lying therein, in the prosecution of her voyage, the jurisdiction is in any county through which the vessel is navigated in the course of her voyage, or in the county where the voyage terminates; and when the offense is committed in this State, on a railroad train or car prosecuting its trip, the jurisdiction is in any county through which the train or car passes in the course of her trip, or in the county where the trip terminates.

CHAP. LXXX.—*An Act to amend section twelve hundred and seventy-three of the Penal Code.*

[Approved February 15, 1876.]

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

SECTION 1. Section twelve hundred and seventy-three of the Penal Code is amended so as to read as follows:

Nature of  
bail.

**1273.** If the offense is bailable, the defendant may be admitted to bail before conviction:

*First*—For his appearance before the magistrate, on the examination of the charge, before being held to answer.

*Second*—To appear at the Court to which the magistrate is



required to return the depositions and statement, upon the defendant being held to answer after examination. Nature of bail.

*Third*—After indictment, either before the bench warrant is issued for his arrest, or upon any order of the Court committing him, or enlarging the amount of bail, or upon his being surrendered by his bail to answer the indictment in the Court in which it is found, or to which it may be transferred for trial.

And after conviction, and upon an appeal :

*First*—If the appeal is from a judgment imposing a fine only, on the undertaking of bail that he will pay the same, or such part of it as the appellate Court may direct, if the judgment is affirmed or modified, or the appeal is dismissed.

*Second*—If judgment of imprisonment has been given, that he will surrender himself in execution of the judgment, upon its being affirmed or modified, or upon the appeal being dismissed, or that in case the judgment be reversed, and that the cause be remanded for a new trial, that he will appear in the Court to which said cause may be remanded, and submit himself to the orders and process thereof.

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CHAP. CLIV.—*An Act to amend section one thousand three hundred and twenty-nine of the Penal Code.*

[Approved March 8, 1876.]

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

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

1329. When a person attends before a magistrate, Grand Jury, or Court, as a witness in a criminal case, upon a subpoena or in pursuance of an undertaking, and it appears that he has come from a place outside of the county, or that he is poor and unable to pay the expenses of such attendance, the Court, at its discretion, if the attendance of the witness be upon a trial, by an order upon its minutes, or, in any other case, the Judge, at his discretion, by a written order, may direct the County Auditor to draw his warrant upon the County Treasurer in favor of witness for a reasonable sum, to be specified in the order, for the necessary expenses of the witness. Fees of witnesses, when from without county.



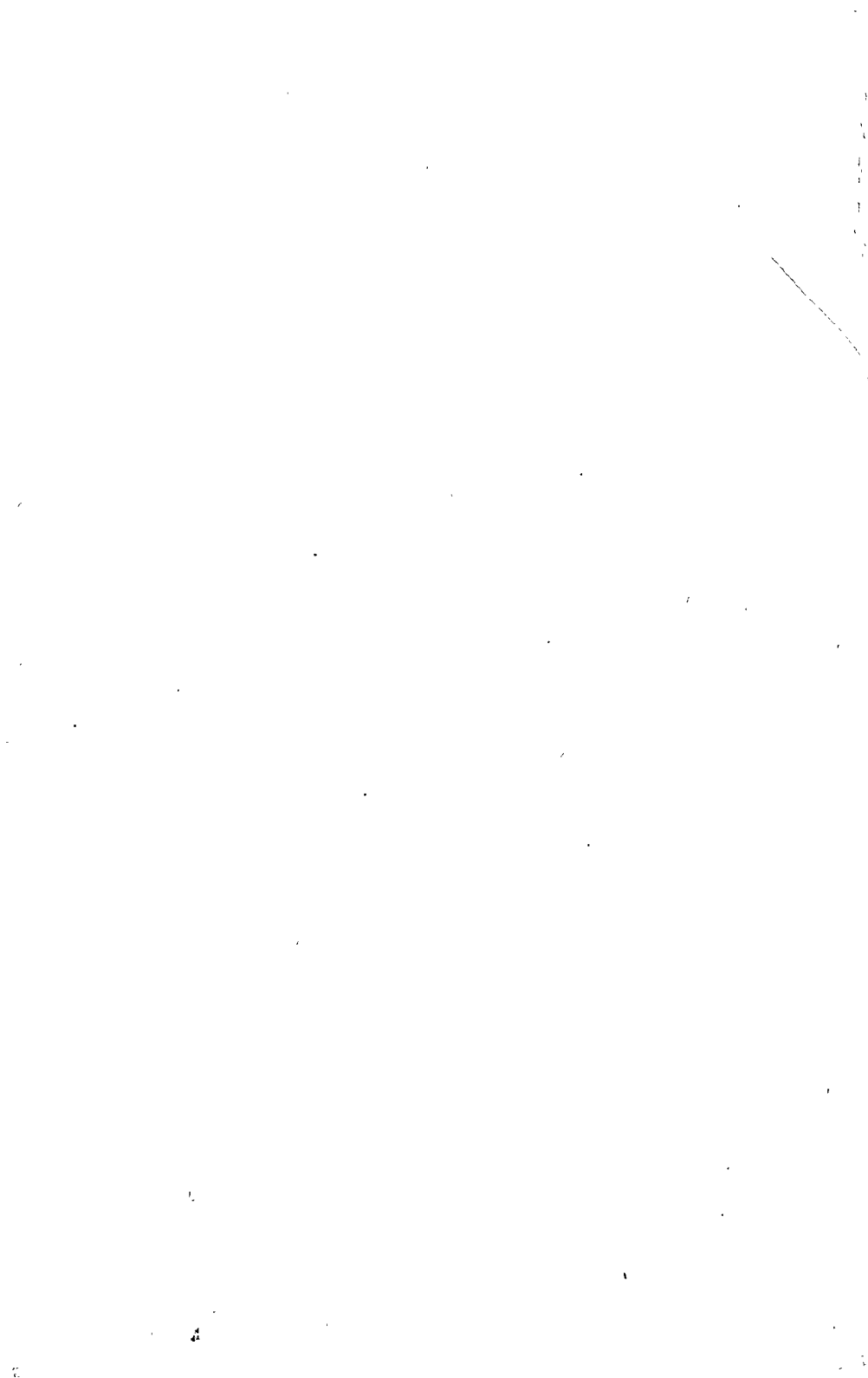
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1730. Repealed	27	both inclusive	52
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2112. Repealed	31	3651. Amended	12
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