

THE
STATUTES OF CALIFORNIA

PASSED AT THE

TWENTY-THIRD SESSION OF THE LEGISLATURE,

1880.

BEGAN ON MONDAY, JANUARY FIFTH, AND ENDED ON FRIDAY, APRIL
SIXTEENTH, ONE THOUSAND EIGHT HUNDRED AND EIGHTY.



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29	Relative to extending the time of adjournment <i>sine die</i> of the twenty-third session of the Legislature of California till twelve o'clock midnight, April sixteenth, eighteen hundred and eighty—adopted April 16th, 1880-----	A. C. R. 26.---	249
30	Asking Congressional aid in behalf of a large number of settlers upon Government land in what is known as the "Mussel Slough District," in Tulare County, California—adopted April 16th, 1880-----	J. R.-----	250
31	Relative to the Act of Congress enabling honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States—adopted April 16th, 1880 -----	A. C. R. 18.---	251

LIST OF OFFICERS.

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

STATE OFFICERS.

NAME.	OFFICIAL POSITION.	RESIDENCE.
Geo. C. Perkins	Governor	San Francisco.
John Mansfield	Lieutenant-Governor	Los Angeles.
D. M. Burns	Secretary of State	Yolo.
D. M. Kenfield	Controller	Tuolumne.
John Weil	Treasurer	Sacramento.
A. L. Hart	Attorney-General	Colusa.
J. W. Shanklin	Surveyor-General	Alameda.
Fred. M. Campbell	Superintendent Public Instruction	Alameda.
Jno. D. Young	Superintendent State Printing	Sacramento.
Samuel W. Backus	Adjutant-General	San Francisco.
R. O. Cravens	State Librarian	Sacramento.
Albert Hart	Governor's Private Secretary	Sacramento.

State Harbor Commissioners—W. Blanding, G. S. Evans, and W. A. Phillips.

State Board of Equalization—James L. King, M. M. Drow, Warren Dutton, T. O. Heiskell, and D. M. Kenfield
State Controller.

Railroad Commissioners—Joseph Cone, C. J. Beerstecher, and George Stoneman.

State Board of Examiners—The Governor, Secretary of State, and Attorney-General.

State Prison Directors—A. Chapman, J. H. Neff, W. A. McNutt, Wallace Everson, and George W. Scheil.

Warden of State Prison (San Quentin)—J. P. Ames.

Warden of Branch Prison (Folsom)—T. C. Pockman.

JUSTICES, CLERK, AND REPORTERS OF THE SUPREME COURT.

NAME.	OFFICIAL POSITION.	RESIDENCE.
R. F. Morrison	Chief Justice	San Francisco.
E. W. McKinstry	Associate Justice	San Francisco.
J. D. Thornton	Associate Justice	San Francisco.
S. B. McKee	Associate Justice	Alameda.
E. M. Ross	Associate Justice	Los Angeles.
J. R. Sharpstein	Associate Justice	San Francisco.
M. H. Myrick	Associate Justice	San Francisco.
Frank W. Gross	Clerk of Supreme Court	San Francisco.

SENATORS.

JOHN MANSFIELD

President.

NAME.	DISTRICT.	COUNTIES REPRESENTED.
Anderson, W. L.	Twentieth	Lake.
Baker, Geo. F.	Seventh	Santa Clara.
Brown, W. H.	Twenty-third	El Dorado and Alpine.
Burt, S. B.	Twenty-second	Placer.
Byrnes, James*	Eighth	San Francisco and San Mateo.
Carlock, A. B.	Twenty-eighth	Siskiyou, Modoc, Trinity, and Shasta.
Chase, Warren	Third	Ventura, Santa Barbara, and San Luis Obispo.
Cheney, W. A.	Twenty-sixth	Butte, Plumas, and Lassen.
Conger, C. C.	Ninth	San Francisco.
Davis, E. A.	Twenty-fifth	Yuba and Sutter.
Desty, Robert†	Eighth	San Francisco and San Mateo.
Dickinson, John H.	Tenth	San Francisco.
Enos, John S.	Thirtieth	San Francisco.
George, Wm.	Twenty-fourth	Nevada and Sierra.
Glascok, B. B.	Twenty-ninth	Colusa and Tehama.
Gorman, Jos. C.	Twelfth	San Francisco.
Harlan, J. H.	Nineteenth	Solano and Yolo.
Hill, W. J.	Sixth	Monterey, San Benito, and Santa Cruz.
Hittell, Theo. H.	Thirteenth	San Francisco.
Hudson, A. T.	Sixteenth	San Joaquin and Amador.
Johnson, Grove L.	Eighteenth	Sacramento.
Johnston, Wm.	Eighteenth	Sacramento.
Kane, Thomas	Eleventh	San Francisco.
Kelly, Martin	Twelfth	San Francisco.
Lampson, R. M.	Seventeenth	Calaveras and Tuolumne.
Langford, B. F.	Sixteenth	San Joaquin and Amador.
Moreland, W. W.	Twenty-first	Sonoma.
Nelson, T. K.	Eleventh	San Francisco.
Neumann, Paul	Tenth	San Francisco.
Nye, S. G.	Fourteenth	Alameda.
Pardee, E. H.	Fourteenth	Alameda.
Pool, D. M.	Fifth	Mariposa, Merced, and Stanislaus.
Rowell, Chester	Fourth	Fresno, Tulare, Kern, Mono, and Inyo.
Ryan, P. H.	Twenty-seventh	Del Norte, Humboldt, and Mendocino.
Satterwhite, J. W.	First	San Diego and San Bernardino.
Sears, W. H.	Fifteenth	Contra Costa and Marin.
Traylor, W. W.	Ninth	San Francisco.
Watson, B. J.	Twenty-fourth	Nevada and Sierra.
Wendell, J. T.	Nineteenth	Solano and Yolo.
West, J. P.	Second	Los Angeles.
Zuck, J. C.	Seventh	Santa Clara.

* Elected at a special election to fill vacancy caused by ineligibility of Robert Desty. † Not being a citizen when elected, never qualified as a Senator.

OFFICERS OF THE SENATE.

NAME.	OFFICIAL POSITION.
Marcus D. Boruck	Secretary.
J. R. Brierly	Assistant Secretary.
James A. Orr	Assistant Secretary.
Andrew Wasson	Sergeant at-Arms.
G. Meredith	Assistant Sergeant-at-Arms.
W. R. Lambert	Minute Clerk.
Charles H. Graham	Journal Clerk.
E. E. Ames	Engrossing Clerk.

LIST OF OFFICERS.

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MEMBERS OF ASSEMBLY.

J. F. COWDERY Speaker.

NAME.	COUNTIES REPRESENTED.
Adams, James	Sonoma.
Anthony, Elihu	Santa Cruz.
Bass, J. S. P.	Trinity and Shasta.
Bennett, A.	Solano.
Braunhart, S.	San Francisco.
Brooks, Max.	Butte.
Brown, H. R.	Sonoma.
Brown, J. P.	Yuba.
Bruner, Elwood	Sacramento.
Brusie, L.	Amador.
Burns, John	San Francisco.
Camron, W. W.	Alameda.
Carr, Seymour	Sacramento.
Carr, T. H.	Yuba.
Chamberlain, T. L.	Placer.
Chandler, A. L.	Sutter.
Coffman, W. F.	Mariposa.
Coleman, Cyrus	El Dorado and Alpine.
Cook, J. R.	Siskiyou and Modoc.
Cooper, L. F.	Del Norte.
Corcoran, H. J.	San Joaquin.
Cowdery, J. F.	San Francisco.
Cuthbert, W. W.	San Francisco.
Del Valle, R. F.	Los Angeles.
Dimond, D.	Tuolumne.
Downs, R. C.	Amador.
DuBrutz, A. B.	Tulare and Kern.
Durham, W. W.	Butte.
Estey, C. L.	Marin.
Felton, C. N.	San Mateo.
Finlayson, Jas. R.	San Francisco.
Fox, C. N.	Alameda.
Fraser, T.	El Dorado.
Frink, D.	Santa Clara.
Garibaldi, S. J.	San Francisco.
Gaffey, P. T.	San Francisco.
Gorley, H. A.	San Francisco.
Green, P. M.	Los Angeles.
Hardy, L. J., Jr.	San Francisco.
Harris, J. J.	San Benito.
Hartson, G. J.	Napa.
Hershey, D. N.	Yolo.
Hynes, James	Sonoma.
Josselyn, E. S.	Monterey.
Lane, Michael	San Francisco.
Leach, F. A.	Solano.
Leadbetter, W. R.	San Joaquin.
Levee, J.	Nevada.
Maguire, A. B.	San Francisco.
Mathews, W. P.	Colusa and Tehama.
May, W. B.	San Francisco.
Maybell, Stephen	San Francisco.
McCallion, J. J.	San Francisco.
McCarty, A. P.	Lake.
McCarthy, J. J.	San Francisco.
McComas, R.	Santa Clara.
McDade, J. J.	San Francisco.
McIntosh, E. J.	San Joaquin.
Merry, T. H.	San Francisco.
Messenger, H. A.	Calaveras.

* C. Hartson was elected at a special election to fill the vacancy of W. J. Maclay, who died prior to the assembling of the Legislature.

LIST OF OFFICERS.

NAME.	COUNTIES REPRESENTED.
Morse, L. G. ....	..... Mendocino.
Mulholland, Charles .....	..... Plumas and Lassen.
Nelson, James .....	..... Sierra.
Picket, G. ....	..... San Francisco.
Sayle, C. G. ....	..... Fresno.
Sinon, W. J. ....	..... San Francisco.
Sherburn, D. N. ....	..... Contra Costa.
Spencer, J. D. ....	..... Stanislaus.
Stanley, H. Y. ....	..... San Luis Obispo.
Stoddard, C. L. ....	..... Humboldt.
Streeter, H. M. ....	..... San Bernardino.
Sweetland, J. O. ....	..... Nevada.
Tyler, G. W. ....	..... Alameda.
Walker, A. M. ....	..... Nevada.
Ward, G. B. ....	..... San Francisco.
Wason, Milton .....	..... Santa Barbara and Ventura.
Wasson, Joseph .....	..... Mono.
Watson, C. G. ....	..... San Diego.
York, J. L. ....	..... Santa Clara.
Young, J. N. ....	..... Sacramento.

OFFICERS OF THE ASSEMBLY.

NAME.	OFFICIAL POSITION.
C. E. Gunn .....	..... Chief Clerk.
John G. Howell .....	..... Assistant Clerk.
J. M. Wright .....	..... Assistant Clerk.
F. N. Pauly .....	..... Minute Clerk.
Theodore Gray .....	..... Journal Clerk.
Calvin Edgerton .....	..... Assistant Journal Clerk.
T. H. McCarthy .....	..... Engrossing Clerk.
Robert W. Parker .....	..... Sergeant-at-Arms.
A. F. Jewett .....	..... Assistant Sergeant-at-Arms.
Rev. Robt. Bentley .....	..... Chaplain.

COMMISSIONERS OF DEEDS,

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

Extract from Political Code, in regard to Commissioners of Deeds: "§14. The official oaths of Commissioners of Deeds must be filed in the office of the Secretary of State within six months after they are taken." Commissioners hold office for four years.

ARKANSAS.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
March 12, 1878.....	R. A. Watkins.....	Little Rock.....	.....

ARIZONA.

June 9, 1876.....	Clarence F. Townsend.....	Tucson.....	.....
August 23, 1876.....	Wm. D. Southworth.....	Prescott.....	.....
February 28, 1877.....	H. A. Alexander.....	Yuma.....	March 31, 1877.
May 26, 1877.....	Santiago Ainsa.....	Tucson.....	.....
August 8, 1877.....	Peter Doll.....	Ehrenburg.....	.....
January 15, 1878.....	Gustavus A. Swasey.....	Globe City.....	August 30, 1878.
July 2, 1879.....	Manuel M. Corella.....	Tucson.....	.....
December 30, 1879.....	G. W. Spaulding.....	Tucson.....	January 9, 1880.
February 18, 1880.....	Wells Spicer.....	Tombstone.....	.....

CONNECTICUT.

June 9, 1876.....	David G. Gordon.....	Hartford.....	November 3, 1876.
February 20, 1877.....	John C. Hollister.....	New Haven.....	March 26, 1877.
February 24, 1877.....	Edward Goodman.....	Hartford.....	.....
April 16, 1877.....	S. Arthur Marsden.....	New Haven.....	June 4, 1877.

COLORADO.

February 13, 1877.....	E. Walden Brewster.....	Denver.....	.....
February 18, 1880.....	J. W. Schenck.....	Leadville.....	.....

DAKOTAH.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
February 8, 1877.....	John M. Murphy.....	Deadwood City.....	.....

DISTRICT OF COLUMBIA.

June 9, 1876.....	Joseph T. A. Plant.....	Washington.....	..... July 21, 1876.
September 30, 1876.....	John C. Starkweather.....	Washington.....	..... June 1, 1878.
January 8, 1879.....	J. Thomas Turner.....	Washington.....	.....

GEORGIA.

June 9, 1876.....	John W. Burroughs.....	Savannah.....	.....
July 19, 1877.....	Matt. R. Freeman.....	Macon.....	.....
August 30, 1877.....	Wm. B. Adams.....	Savannah.....	.....

ILLINOIS.

June 9, 1876.....	S. S. Willard.....	Chicago.....	.....
June 9, 1876.....	Simon W. King.....	Chicago.....	..... July 6, 1876.
August 17, 1877.....	Philip H. Hoyne.....	Chicago.....	.....

KENTUCKY.

May 30, 1876.....	Wm. B. Kerlin.....	Louisville.....	.....
February 25, 1880.....	Harry Stucky.....	Louisville.....	..... March 10, 1880.

LOUISIANA.

June 9, 1876.....	Andrew Hero, Jr.....	New Orleans.....	..... July 24, 1876.
December 22, 1877.....	J. G. Eustis.....	New Orleans.....	.....
May 10, 1879.....	A. Ingraham.....	New Orleans.....	..... December 24, 1879.
November 11, 1879.....	Charles J. Louiat.....	New Orleans.....	.....

MARYLAND.

June 9, 1876.....	Joseph T. Atkinson.....	Baltimore.....	..... July 20, 1876.
August 23, 1876.....	James S. Key.....	Baltimore.....	.....
August 23, 1876.....	Murray Hanson.....	Baltimore.....	..... January 13, 1877.
January 15, 1878.....	P. H. Hoffman.....	Baltimore.....	..... February 19, 1878.
March 12, 1878.....	George T. Beall, Jr.....	Baltimore.....	.....
March 18, 1878.....	John D. Lipscomb.....	Baltimore.....	.....
July 12, 1878.....	G. E. Reardon.....	Baltimore..... January 15, 1879.

COMMISSIONERS OF DEEDS.

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MASSACHUSETTS.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
February 1, 1877	James W. Chapman	Boston	
May 16, 1877	Alonzo V. Lynde	Boston	
November 8, 1877	James B. Bell	Boston	November 23, 1877.
March 19, 1878	Samuel Jennison	Boston	April 5, 1878
May 30, 1878	Daniel Sharp	Boston	July 5, 1878.
November 22, 1878	Charles Hall Adams	Boston	December 19, 1878.
January 22, 1879	George T. Angell	Boston	February 24, 1879.
November 25, 1879	Henry M. Meeke	Salem	February 28, 1880.
December 9, 1879	J. B. Brannan	Boston	December 29, 1879.
December 9, 1879	E. J. Jones	Boston	November 11, 1879.
March 23, 1880	Daniel B. Whittier	Boston	

MISSOURI.

December 23, 1876	John W. Hodgkin	St. Louis	January 9, 1877.
June 12, 1878	C. S. Charlot	St. Louis	
October 7, 1878	C. D. Green, Jr.	St. Louis	October 21, 1878.
November 22, 1878	Charles A. Lacoste	St. Louis	
June 12, 1879	Chapman S. Clark	St. Louis	June 22, 1879.
July 21, 1879	Daniel McGowan	St. Louis	September 13, 1879.

NEW HAMPSHIRE.

April 28, 1876	George Y. Sawyer	Nashua	May 8th, 1876.
December 9, 1879	William H. Hackett	Plymouth	

NEW JERSEY.

December 31, 1877	Henry J. Stratemeyer	Elizabeth City	January 19, 1878.
January 8th, 1879	Wm. L. Lyon	Jersey City	

NEW YORK.

June 9, 1876	Charles H. Smith	New York	
June 9, 1876	John H. Corner	New York	
June 9, 1876	William H. Clarkson	New York	
June 9, 1876	Thomas Kilvert	New York	
June 9, 1876	Moses E. Maclay	New York	September 13, 1876.
June 9, 1876	John Eadie	New York	August 5, 1876.
February 2, 1877	Jacob Shraday	New York	March 26, 1877.
February 8, 1877	Rufus K. McHarg	New York	March 21, 1877.
March 26, 1877	O. P. C. Billings	New York	April 30, 1877.
April 7, 1877	Henry Bischoff	New York	April 5, 1877.
April 16, 1877	Wm. Edwin Osborn	Brooklyn	May 2, 1877.
May 16, 1877	William H. Bowers	New York	July 26, 1877.
May 16, 1877	George W. Browne	New York	June 19, 1877.
July 5, 1877	Elisha E. Lombard	Brooklyn	August 9, 1877.
October 9, 1877	F. P. Burke	New York	November 7, 1877.
October 22, 1877	Edwin F. Corey	New York	
December 6, 1877	George M. Elwood	Rochester	
December 11, 1877	N. Pendleton Schenck	New York	December 29, 1877.
February 11, 1878	Frank Saunders	New York	May 9, 1878.
March 12, 1878	Monroe Crannell	Albany	March 29, 1878.

COMMISSIONERS OF DEEDS.

NEW YORK—CONTINUED.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
April 8, 1878	John A. Hillery	New York	February 23, 1878.
April 13, 1878	Aug. Buckingham	New York	June 15, 1878.
May 30, 1878	Thomas B. Clifford	New York	June 27, 1878.
May 30, 1878	Wm. R. Learn	New York	
July 8, 1878	Spencer C. Doty	New York	August 9, 1878.
July 8, 1878	Alexander Ostrander	New York	
August 20, 1878	Louis Beckharet	New York	June 20, 1879.
March 14, 1879	William Irwin	New York	April 10, 1879.
March 14, 1879	Charles Nettleton	New York	May 23, 1879.
March 14, 1879	E. B. Hart	New York	
March 22, 1879	Wm. Menzies Adams	New York	April 24, 1879.
August 25, 1879	Jacob DeBois	New York	September 10, 1879.
September 15, 1879	Eliazon Jackson	New York	October 1, 1879
October 6, 1879	William F. Lett	New York	
October 6, 1879	Charles Edgar Mills	New York	October 22, 1879.
October 10, 1879	George F. Lincoln	New York	November 6, 1879.
October 25, 1879	George R. Jaques	New York	October 31, 1879.
May 5, 1879	William H. Clarkson	New York	June 11, 1879.
October 1, 1879	J. Warren Lauston	New York	October 1, 1879.
December 9, 1879	Joseph B. Nones	New York	
January 7, 1880	F. A. Burnham	New York	March 3, 1880.
January 22, 1880	S. B. Goodale	New York	February 7, 1880.
February 13, 1880	William Grevel	New York	March 6, 1880.
March 6, 1880	Richard M. Bruno	New York	March 23, 1880.
March 13, 1880	Henry C. Banks	New York	

NEVADA.

June 9, 1876	Louis A. Hauck	Hamilton	
June 9, 1876	E. B. Stonehill	Virginia City	
February 13, 1877	E. Chenowith	Winnemucca	
May 28, 1877	George T. Gorman	Pioche	August 20, 1877.
August 8, 1877	H. H. Ricketts	Virginia City	August 16, 1877.
October 3, 1877	Isaac N. Farwell	Aurora	November 1, 1877.
December 22, 1877	W. G. Hyde	Gold Hill	
September 12, 1878	Thomas Laspeyre	Eureka	February 3, 1879.
November 23, 1878	John W. Grier	Silver City	December 2, 1878.
April 19, 1879	John W. Patterson	Virginia City	
July 31, 1879	V. J. Stearns	Virginia City	August 28, 1879.
November 17, 1879	Thomas E. Haydon	Reno	November 21, 1879.
March 19, 1880	D. J. Lewis	Aurora	

NEBRASKA.

August 25, 1879	Watson B. Smith	Omaha	October 7, 1879.
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OHIO.

July 12, 1878	Samuel Carpenter	Cincinnati	September 9, 1878.
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OREGON.

August 26, 1876	Joseph Simon	Portland	
April 16, 1877	O. F. Bell	Astoria	April 30, 1877.
October 3, 1877	W. J. Shipley	Portland	
May 30, 1877	Eugene D. White	Portland	
January 22, 1879	P. W. Gillette	Portland	

PENNSYLVANIA.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
June 9, 1876	William F. Robb	Pittsburgh	June 26, 1876.
June 9, 1876	H. E. Hindmarsh	Philadelphia	July 14, 1876.
February 8, 1877	Frank C. Fallon	Philadelphia	
April 27, 1877	Henry Reed	Philadelphia	January 23, 1878.
April 27, 1877	William H. Myers	Philadelphia	July 30, 1877.
November 15, 1877	Thomas J. Hunt	Philadelphia	
February 25, 1878	Samuel L. Taylor	Philadelphia	March 18, 1878.
February 25, 1878	Henry E. Garsed	Philadelphia	May 4, 1878.
May 30, 1878	J. S. Perot	Philadelphia	
December 24, 1878	Charles Chauncey	Philadelphia	January 11, 1879.
March 12, 1879	J. Paul Diver	Philadelphia	May 24, 1879.
May 5, 1879	Kinly S. Tener	Philadelphia	

RHODE ISLAND.

March 12, 1878	John C. Pinkes	Providence	
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TEXAS.

May 10, 1879	J. D. Stevenson	San Antonio	
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WISCONSIN.

February 2, 1877	Stephen F. Bishop	Fond du Lac	
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WASHINGTON TERRITORY.

January 30, 1879	John W. Rauch	Dayton	
November 11, 1879	John Leary	Seattle	February 2, 1880.
March 22, 1880	Robert Crawford	Spokane Falls	

GREAT BRITAIN.

June 9, 1876	John Lawlers	Dublin, Ireland	December 7, 1876.
March 19, 1878	William Grain	London, England	June 3, 1878.
December 28, 1878	John Henry Grain	London, England	February 13, 1879.
February 2, 1880	Hamilton Fulton	London, England	
March 6, 1880	Matthew H. Jacobs	London, England	



CONSTITUTION

OF THE

STATE OF CALIFORNIA.

ADOPTED IN CONVENTION, AT SACRAMENTO, MARCH THIRD, EIGHTEEN HUNDRED AND SEVENTY-NINE; RATIFIED BY A VOTE OF THE PEOPLE ON WEDNESDAY, MAY SEVENTH, EIGHTEEN HUNDRED AND SEVENTY-NINE.

PREAMBLE AND DECLARATION OF RIGHTS.

PREAMBLE.

We, the People of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

SEC. 3. The State of California is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained, nor confined in any room where criminals are actually imprisoned.

SEC. 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions three fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases, not amounting to felony, by the consent of both parties, expressed in open Court, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions, and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open Court.

SEC. 8. Offenses heretofore required to be prosecuted by indictment shall be prosecuted by information, after examination and commitment by a Magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. A grand jury shall be drawn and summoned at least once a year in each county.

SEC. 9. Every citizen may freely speak, write, and publish his sentiments, on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as

libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. Indictments found, or information laid, for publications in newspapers shall be tried in the county where such newspapers have their publication office, or in the county where the party alleged to be libeled resided at the time of the alleged publication, unless the place of trial shall be changed for good cause.

SEC. 10. The people shall have the right to freely assemble together to consult for the common good, to instruct their Representatives, and to petition the Legislature for redress of grievances.

SEC. 11. All laws of a general nature shall have a uniform operation.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace, and no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law.

SEC. 13. In criminal prosecutions, in any Court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the Court to compel the attendance of witnesses in his behalf, and to appear and defend, in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property without due process of law. The Legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses in criminal cases, other than cases of homicide, when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

SEC. 14. Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into Court for, the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money or ascertained and paid into Court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a Court of record, as shall be prescribed by law.

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud, nor in civil actions for torts, except in cases of willful injury to person or property, and no person shall be imprisoned for a militia fine in time of peace.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

SEC. 17. Foreigners of the white race or of African descent, eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of property as native-born citizens.

SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

SEC. 19. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue, but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open Court.

SEC. 21. No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature, nor shall any citizen, or class of citizens, be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens.

SEC. 22. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

SEC. 23. This enumeration of rights shall not be construed to impair or deny others retained by the people.

SEC. 24. No property qualification shall ever be required for any person to vote or hold office.

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queregaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law, *provided*, no native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, shall ever exercise the privileges of an elector in this State.

SEC. 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student at any seminary of learning, nor while kept at any almshouse or other asylum, at public expense; nor while confined in any public prison.

SEC. 5. All elections by the people shall be by ballot.

ARTICLE III.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the Government of the State of California shall be divided into three separate departments—the legislative, executive, and judicial, and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except as in this Constitution expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated The Legislature of the State of California, and the enacting clause of every law shall be as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

SEC. 2. The sessions of the Legislature shall commence at twelve o'clock *p.* on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year eighteen hundred and eighty, shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation. No pay shall be allowed to members for a longer time than sixty days, except for the first session after the adoption of this Constitution, for which they may be allowed pay for one hundred days. And no bill shall be introduced in either House, after the expiration of ninety days from the commencement of the first session, nor after fifty days after the commencement of each succeeding session, without the consent of two-thirds of the members thereof.

SEC. 3. Members of the Assembly shall be elected in the year eighteen hundred and seventy-nine, at the time and in the manner now provided by law. The second election of members of the Assembly, after the adoption of this Constitution, shall be on the first Tuesday after the first Monday in November, eighteen hundred and eighty. Thereafter, members of the Assembly shall be chosen biennially, and their term of office shall be two years, and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature.

SEC. 4. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State three years, and of the district for which he shall be chosen one year, next before his election.

SEC. 5. The Senate shall consist of forty members, and the Assembly of eighty members, to be elected by districts, numbered as hereinafter provided. The seats of the twenty Senators elected in the year eighteen hundred and eighty-two from the odd numbered districts shall be vacated at the expiration of the second year, so that one half of the Senators shall be elected every two years, *provided*, that all the Senators elected at the first election under this Constitution shall hold office for the term of three years.

SEC. 6. For the purpose of choosing members of the Legislature, the State shall be divided into forty senatorial and eighty assembly districts, as nearly equal in population as may be, and composed of contiguous territory, to be called senatorial and assembly districts. Each senatorial district shall choose one Senator, and each assembly district shall choose one member of Assembly. The senatorial districts shall be numbered from one to forty, inclusive, in numerical order, and in the assembly districts shall be numbered from one to eighty, in the same order, commencing at the northern boundary of the State, and ending at the southern boundary thereof. In the formation of such districts, no county, or city and county, shall be divided, unless it contain a sufficient population within itself to form two or more districts, nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any district. The census taken under the direction of the Congress of the United States in the year one thousand eight hundred and eighty, and every ten years thereafter, shall be the basis of fixing and adjusting the legislative districts, and the Legislature shall, at its first session after each census, adjust such districts and re-appoint the representation so as to preserve them as near equal in population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law.

Sec. 7. Each House shall choose its officers, and judge of the qualifications, elections, and returns of its members.

Sec. 8. A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as each House may provide.

Sec. 9. Each House shall determine the rule of its proceeding, and may, with the concurrence of two thirds of all the members elected, expel a member.

Sec. 10. Each House shall keep a Journal of its proceedings, and publish the same, and the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present, be entered on the Journal.

Sec. 11. Members of the Legislature shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

Sec. 12. When vacancies occur in either House, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

Sec. 13. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.

Sec. 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which they may be sitting. Nor shall the members of either House draw pay for any recess or adjournment for a longer time than three days.

Sec. 15. No law shall be passed except by bill. Nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members, nor shall any bill become a law unless the same be read on three several days in each House, unless, in case of urgency, two thirds of the House where such bill may be pending shall, by a vote of yeas and nays, dispense with this provision. Any bill may originate in either House, but may be amended or rejected by the other; and on the final passage of all bills they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the Journal; and no bill shall become a law without the concurrence of a majority of the members elected to each House.

Sec. 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it, but if not, he shall return it, with his objections, to the House in which it originated, which shall enter such objections upon the Journal and proceed to reconsider it. If, after such reconsideration, it again pass both Houses, by yeas and nays, two thirds of the members elected to each House voting therefor, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevents such return, in which case it shall not become a law, unless the Governor, within ten days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as heretofore provided. If the Legislature be in session, the Governor shall transmit to the House in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor.

Sec. 17. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the members elected.

Sec. 18. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Chief Justice and Associate Justices of the Supreme Court, and Judges of the Superior Courts, shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

Sec. 19. No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which have been increased, during such term, except such offices as may be filled by election by the people.

Sec. 20. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State, provided, that officers in the militia, who receive no annual salary, local officers, or Postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed to hold lucrative offices.

Sec. 21. No person convicted of the embezzlement or defalcation of the public funds of the United States, or of any State, or of any county or municipality therein, shall ever be eligible to any office of honor, trust, or profit under this State, and the Legislature shall provide, by law, for the punishment of embezzlement or defalcation as a felony.

Sec. 22. No money shall be drawn from the treasury but in consequence of appropriations

made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State, *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to institutions conducted for the support and maintenance of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportional to the number of inmates of such respective institutions; *provided further*, that the State shall have, at any time, the right to inquire into the management, of such institutions, *provided further*, that whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town, shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

Sec. 23. The members of the Legislature shall receive for their services a per diem and mileage, to be fixed by law, and paid out of the public treasury; such per diem shall not exceed eight dollars, and such mileage shall not exceed ten cents per mile, and for contingent expenses not exceeding twenty-five dollars for each session. No increase in compensation or mileage shall take effect during the term for which the members of either House shall have been elected, and the pay of no attaché shall be increased after he is elected or appointed.

Sec. 24. Every Act shall embrace but one subject, which subject shall be expressed in its title. But if any subject shall be embraced in an Act which shall not be expressed in its title, such Act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be reenacted, and published at length as revised or amended; and all laws of the State of California, and all official writings, and the executive, legislative, and judicial proceedings shall be conducted, preserved, and published in no other than the English language.

Sec. 25. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say

First—Regulating the jurisdiction and duties of Justices of the Peace, Police Judges, and of Constables.

Second—For the punishment of crimes and misdemeanors.

Third—Regulating the practice of Courts of justice.

Fourth—Providing for changing the venue in civil or criminal actions.

Fifth—Granting divorces.

Sixth—Changing the names of persons or places

Seventh—Authorizing the laying out, opening, altering, maintaining, or vacating roads, highways, streets, alleys, town plats, parks, cemeteries, graveyards, or public grounds not owned by the State.

Eighth—Summoning and impaneling grand and petit juries, and providing for their compensation.

Ninth—Regulating county and township business, or the election of county and township officers.

Tenth—For the assessment or collection of taxes.

Eleventh—Providing for conducting elections, or designating the places of voting, except on the organization of new counties

Twelfth—Affecting estates of deceased persons, minors, or other persons under legal disabilities.

Thirteenth—Extending the time for the collection of taxes.

Fourteenth—Giving effect to invalid deeds, wills, or other instruments.

Fifteenth—Refunding money paid into the State treasury.

Sixteenth—Releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation therein.

Seventeenth—Declaring any person of age, or authorizing any minor to sell, lease, or encumber his or her property.

Eighteenth—Legalizing, except as against the State, the unauthorized or invalid act of any officer.

Nineteenth—Granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity.

Twentieth—Exempting property from taxation.

Twenty-first—Changing county seats.

Twenty-second—Restoring to citizenship persons convicted of infamous crimes.

Twenty-third—Regulating the rate of interest on money.

Twenty-fourth—Authorizing the creation, extension, or impairing of liens.

Twenty-fifth—Chartering or licensing ferries, bridges, or roads.

Twenty-sixth—Remitting fines, penalties, or forfeitures.

Twenty-seventh—Providing for the management of common schools.

Twenty-eighth—Creating offices, or prescribing the powers and duties of officers in counties, cities, cities and counties, townships, election or school districts.

Twenty-ninth—Affecting the fees or salary of any officer.

Thirtieth—Changing the law of descent or succession.

Thirty-first—Authorizing the adoption or legitimation of children.

Thirty-second—For limitation of civil or criminal actions.

Thirty-third—In all other cases where a general law can be made applicable.

SEC. 26. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery. The Legislature shall pass laws to regulate or prohibit the buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange, or stock market under the control of any association. All contracts for the sale of shares of the capital stock of any corporation or association, on margin or to be delivered at a future day, shall be void, and any money paid on such contracts may be recovered by the party paying it by suit in any Court of competent jurisdiction.

SEC. 27. When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more Congressmen, but the Legislature may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county, containing a population greater than the number required for one congressional district, shall be formed into one or more congressional districts, according to the population thereof, and any residue, after forming such district or districts, shall be attached by compact adjoining assembly districts, to a contiguous county or counties, and form a congressional district. In dividing a county, or city and county, into congressional districts, no assembly district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts.

SEC. 28. In all elections by the Legislature the members thereof shall vote *in vacuo*, and the votes shall be entered on the Journal.

SEC. 29. The general appropriation bill shall contain no item or items of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the government, and of the institutions under the exclusive control and management of the State.

SEC. 30. Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, county and county, town, or other municipal corporation for any religious creed, church, or sectarian purpose whatever, *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article.

SEC. 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township, or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever, *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article, and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever.

SEC. 32. The Legislature shall have no power to grant, or authorize any county or municipal authority to grant, any extra compensation or allowance to any public officer, agent, servant, or contractor, after service has been rendered, or a contract has been entered into and performed, in whole or in part, nor to pay, or to authorize the payment of, any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void.

SEC. 33. The Legislature shall pass laws for the regulation and limitation of the charges for services performed and commodities furnished by telegraph and gas corporations, and the charges by corporations or individuals for storage and wharfage, in which there is a public use; and where laws shall provide for the selection of any person or officer to regulate and limit such rates, no such person or officer shall be selected by any corporation or individual interested in the business to be regulated, and no person shall be selected who is an officer or stockholder in any such corporation.

SEC. 34. No bill making an appropriation of money, except the general appropriation bill, shall contain more than one item of appropriation, and that for one single and certain purpose to be therein expressed.

SEC. 35. Any person who seeks to influence the vote of a member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of lobbying, which is hereby declared a felony, and it shall be the duty of the Legislature to provide, by law, for the punishment of this crime. Any member of the Legislature who shall be influ-

enced in his vote or action upon any matter pending before the Legislature by any reward, or promise of future reward, shall be deemed guilty of a felony, and, upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever disqualified from holding any office or public trust. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his vote or action, as a member of the Legislature, by reward, or promise of future reward, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.

SEC. 2. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday after the first day of January subsequent to his election, and until his successor is elected and qualified.

SEC. 3. No person shall be eligible to the office of Governor who has not been a citizen of the United States and a resident of this State five years next preceding his election, and attained the age of twenty-five years at the time of such election.

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but, in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of such persons so having an equal and the highest number of votes for Governor.

SEC. 5. The Governor shall be Commander-in-Chief of the militia, the army and navy of this State.

SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information, in writing, from the officers of the executive department, upon any subject relating to the duties of their respective offices.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it, and when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation, but may provide for the expenses of the session and other matters incidental thereto.

SEC. 10. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 11. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 12. No person shall, while holding any office under the United States or this State, exercise the office of Governor except as hereinafter expressly provided.

SEC. 13. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

SEC. 14. All grants and commissions shall be in the name and by the authority of the People of the State of California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 15. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner as the Governor; and his term of office and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy be filled or the disability shall cease. The Lieutenant-Governor shall be disqualified from holding any other office, except as specially provided in this Constitution, during the term for which he shall have been elected.

SEC. 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

SEC. 17. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant-Governor, and their terms of office shall be the same as that of the Governor.

SEC. 18. The Secretary of State shall keep a correct record of the official acts of the Legislative and executive departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers for the two terms next ensuing the adoption of this Constitution, as follows: Governor, six thousand dollars per annum; Lieutenant-Governor, the same per diem as may be provided by law for the Speaker of the Assembly, to be allowed only during the session of the Legislature; the Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General, three thousand dollars each per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however,* that the Legislature, after the expiration of the terms hereinbefore mentioned, may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding sixteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

SEC. 20. The Governor shall not, during his term of office, be elected a Senator to the Senate of the United States.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The Judicial power of the State shall be vested in the Senate sitting as a Court of Impeachment, in a Supreme Court, Superior Courts, Justices of the Peace, and such inferior Courts as the Legislature may establish in any incorporated city or town, or city and county.

SEC. 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The Court may sit in departments and in bank, and shall always be open for the transaction of business. There shall be two departments, denominated, respectively, Department One and Department Two. The Chief Justice shall assign three of the Associate Justices to each department, and such assignment may be changed by him from time to time. The Associate Justices shall be competent to sit in either department, and may interchange with each other by agreement among themselves or as ordered by the Chief Justice. Each of the departments shall have the power to hear and determine causes and all questions arising therein, subject to the provisions hereinafter contained in relation to the Court in bank. The presence of three Justices shall be necessary to transact any business in either of the departments, except such as may be done at Chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment. The Chief Justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the Court to be heard and decided by the Court in bank. The order may be made before or after judgment pronounced by a department; but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment, and concurred in by two Associate Justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four Justices may, either before or after judgment by a department, order a case to be heard in bank. If the order be not made within the time above limited the judgment shall be final. No judgment by a department shall become final until the expiration of the period of thirty days aforesaid, unless approved by the Chief Justice, in writing, with the concurrence of two Associate Justices. The Chief Justice may convene the Court in bank at any time, and shall be the presiding Justice of the Court when so convened. The concurrence of four Justices present at the argument shall be necessary to pronounce a judgment in bank; but if four Justices, so present, do not concur in a judgment, then all the Justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrence of four Judges shall be necessary. In the determination of causes, all decisions of the Court in bank or in departments shall be given in writing, and the grounds of the decision shall be stated. The Chief Justice may sit in either department, and shall preside when so sitting, but the Justices assigned to each department shall select one of their number as presiding Justice. In case of the absence of the Chief Justice from the place at which the Court is held, or his inability to act, the Associate Justices shall select one of their own number to perform the duties and exercise the powers of the Chief Justice during such absence or inability to act.

SEC. 3. The Chief Justice and the Associate Justices shall be elected by the qualified electors of the State at large at the general State elections, at the times and places at which State officers are elected; and the term of office shall be twelve years, from and after the first Monday after the first day of January next succeeding their election; *provided,* that the six Associate Justices elected at the first election shall, at their first meeting, so classify themselves, by lot, that two of

them shall go out of office at the end of four years, two of them at the end of eight years, and two of them at the end of twelve years, and an entry of such classification shall be made in the minutes of the Court in bank, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. If a vacancy occur in the office of a Justice, the Governor shall appoint a person to hold the office until the election and qualification of a Justice to fill the vacancy, which election shall take place at the next succeeding general election, and the Justice so elected shall hold the office for the remainder of the unexpired term. The first election of the Justices shall be at the first general election after the adoption and ratification of this Constitution.

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity, except such as arise in Justices' Courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; also, in cases of forcible entry and detainer, and in proceedings in insolvency, and in actions to prevent or abate a nuisance, and in all such probate matters as may be provided by law; also, in all criminal cases prosecuted by indictment, or information in a Court of record on questions of law alone. The Court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any Superior Court in the State, or before any Judge thereof.

SEC. 5. The Superior Court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage, and of all such special cases and proceedings as are not otherwise provided for. And said Court shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in Justices' and other inferior Courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the State; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof affected by such action or actions, is situated. Said Courts, and their Judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.

SEC. 6. There shall be in each of the organized counties, or cities and counties of the State, a Superior Court, for each of which at least one Judge shall be elected by the qualified electors of the county, or city and county, at the general State election; *provided*, that until otherwise ordered by the Legislature, only one Judge shall be elected for the Counties of Yuba and Sutter, and that in the City and County of San Francisco there shall be elected twelve Judges of the Superior Court, any one or more of whom may hold Court. There may be as many sessions of said Court, at the same time, as there are Judges thereof. The said Judges shall choose from their own number a presiding Judge, who may be removed at their pleasure. He shall distribute the business of the Court among the Judges thereof, and prescribe the order of business. The judgments, orders, and proceedings of any session of the Superior Court, held by any one or more of the Judges of said Courts, respectively, shall be equally effectual as if all the Judges of said respective Courts presided at such session. In each of the Counties of Sacramento, San Joaquin, Los Angeles, Sonoma, Santa Clara, and Alameda, there shall be elected two such Judges. The term of office of Judges of the Superior Courts shall be six years from and after the first Monday of January next succeeding their election; *provided*, that the twelve Judges of the Superior Court, elected in the City and County of San Francisco at the first election held under this Constitution, shall at their first meeting, so classify themselves, by lot, that four of them shall go out of office at the end of two years, and four of them shall go out of office at the end of four years, and four of them shall go out of office at the end of six years, and an entry of such classification shall be made in the minutes of the Court, signed by them, and a duplicate thereof filed in the office of the Secretary of State. The first election of Judges of the Superior Courts shall take place at the first general election held after the adoption and ratification of this Constitution. If a vacancy occur in the office of Judge of a Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a Judge to fill the vacancy, which election shall take place at the next succeeding general election, and the Judge so elected shall hold office for the remainder of the unexpired term.

SEC. 7. In any county, or city and county, other than the City and County of San Francisco, in which there shall be more than one Judge of the Superior Court, the Judges of such Court may hold as many sessions of said Court at the same time as there are Judges thereof, and shall apportion the business among themselves as equally as may be.

SEC. 8. A Judge of any Superior Court may hold a Superior Court in any county, at the request of a Judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in a Superior Court may be tried by a Judge pro tempore,

who must be a member of the bar, agreed upon in writing by the parties litigant or their attorneys of record, approved by the Court, and sworn to try the cause.

SEC. 9. The Legislature shall have no power to grant leave of absence to any judicial officer; and any such officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office. The Legislature of the State may at any time, two thirds of the members of the Senate and two thirds of the members of the Assembly voting therefor, increase or diminish the number of Judges of the Superior Court in any county, or city and county in the State; *provided*, that no such reduction shall affect any Judge who has been elected.

SEC. 10. Justices of the Supreme Court, and Judges of the Superior Courts, may be removed by concurrent resolution of both Houses of the Legislature, adopted by a two thirds vote of each House. All other judicial officers, except Justices of the Peace, may be removed by the Senate on the recommendation of the Governor, but no removal shall be made by virtue of this section, unless the cause thereof be entered on the Journal, nor unless the party complained of has been served with a copy of the complaint against him, and shall have had an opportunity of being heard in his defense. On the question of removal, the ayes and noes shall be entered on the Journal.

SEC. 11. The Legislature shall determine the number of Justices of the Peace to be elected in townships, incorporated cities and towns, or cities and counties, and shall fix by law the powers, duties, and responsibilities of Justices of the Peace; *provided*, such powers shall not in any case trench upon the jurisdiction of the several Courts of record, except that said Justices shall have concurrent jurisdiction with the Superior Courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of the liens nor the value of the property amounts to three hundred dollars.

SEC. 12. The Supreme Court, the Superior Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record.

SEC. 13. The Legislature shall fix by law the jurisdiction of any inferior Courts which may be established in pursuance of section one of this article, and shall fix by law the powers, duties, and responsibilities of the Judges thereof.

SEC. 14. The Legislature shall provide for the election of a Clerk of the Supreme Court, and shall fix by law his duties and compensation, which compensation shall not be increased or diminished during the term for which he shall have been elected. The County Clerks shall be ex officio Clerks of the Courts of record in and for their respective counties, or cities and counties. The Legislature may also provide for the appointment, by the several Superior Courts, of one or more Commissioners in their respective counties, or cities and counties, with authority to perform Chamber business of the Judges of the Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.

SEC. 15. No judicial officer, except Justices of the Peace and Court Commissioners, shall receive by his own use any fees or perquisites of office.

SEC. 16. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient, and all opinions shall be free for publication by any person.

SEC. 17. The Justices of the Supreme Court and Judges of the Superior Court shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salaries of the Justices of the Supreme Court shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; the other half thereof shall be paid by the county for which he is elected. During the term of the first Judges elected under this Constitution, the annual salaries of the Justices of the Supreme Court shall be six thousand dollars each. Until otherwise changed by the Legislature, the Superior Court Judges shall receive an annual salary of three thousand dollars each, payable monthly, except the Judges of the City and County of San Francisco, and the Counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Yuba and Sutter combined, Sacramento, Butte, Nevada, and Sonoma, which shall receive four thousand dollars each.

SEC. 18. The Justices of the Supreme Court and Judges of the Superior Courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected.

SEC. 19. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

SEC. 20. The style of all process shall be, "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

SEC. 21. The Justices shall appoint a Reporter of the decisions of the Supreme Court, who shall hold his office and be removable at their pleasure. He shall receive an annual salary not to exceed twenty-five hundred dollars, payable monthly.

SEC. 22. No Judge of a Court of record shall practice law in any Court of this State during his continuance in office.

SEC. 23. No one shall be eligible to the office of Justice of the Supreme Court, or to the office of Judge of a Superior Court, unless he shall have been admitted to practice before the Supreme Court of the State.

SEC. 24. No Judge of a Superior Court nor of the Supreme Court shall, after the first day of July, one thousand eight hundred and eighty, be allowed to draw or receive any monthly salary unless he shall take and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his Court remains undecided that has been submitted for decision for the period of ninety days.

ARTICLE VII.

PARDONING POWER.

SECTION 1. The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. The Governor shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same. Neither the Governor nor the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of felony, unless upon the written recommendation of a majority of the Judges of the Supreme Court.

ARTICLE VIII.

MILITIA.

SECTION 1. The Legislature shall provide, by law, for organizing and disciplining the militia, in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

SEC. 2. All military organizations provided for by this Constitution, or any law of this State, and receiving State support, shall, while under arms either for ceremony or duty, carry no device, banner, or flag of, any State or nation, except that of the United States or the State of California.

ARTICLE IX.

EDUCATION.

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.

SEC. 2. A Superintendent of Public Instruction shall, at each gubernatorial election after the adoption of this Constitution, be elected by the qualified electors of the State. He shall receive a salary equal to that of the Secretary of State, and shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election.

SEC. 3. A Superintendent of Schools for each county shall be elected by the qualified electors thereof at each gubernatorial election; *provided*, that the Legislature may authorize two or more counties to unite and elect one Superintendent for the counties so uniting.

SEC. 4. The proceeds of all lands that have been or may be granted by the United States to this State for the support of common schools which may be, or may have been, sold or disposed of, and the five hundred thousand acres of land granted to the new States under an Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as may be granted, or may have been granted, by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

SEC. 5. The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.

SEC. 6. The public school system shall include primary and grammar schools, and such high schools, evening schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority; but the entire revenue derived from the State School Fund, and the State school tax, shall be applied exclusively to the support of primary and grammar schools.

SEC. 7. The local Boards of Education, and the Boards of Supervisors, and County Superintendents of the several counties which may not have County Boards of Education, shall adopt

a series of text-books for the use of the common schools within their respective jurisdictions; the text-books so adopted shall continue in use for not less than four years; they shall also have control of the examination of teachers and the granting of teachers' certificates within their several jurisdictions.

SEC. 8. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.

SEC. 9. The University of California shall constitute a public trust, and its organization and government shall be perpetually continued in the form and character prescribed by the organic Act creating the same, passed March twenty-third, eighteen hundred and sixty-eight (and the several Acts amendatory thereof), subject only to such legislative control as may be necessary to insure compliance with the terms of its endowments, and the proper investment and security of its funds. It shall be entirely independent of all political or sectarian influence, and kept free therefrom in the appointment of its Regents, and in the administration of its affairs; *provided*, that all the moneys derived from the sale of the public lands donated to this State by Act of Congress, approved July second, eighteen hundred and sixty-two (and the several Acts amendatory thereof), shall be invested as provided by said Acts of Congress, and the interest of said moneys shall be inviolably appropriated to the endowment, support, and maintenance of at least one College of Agriculture, where the leading objects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and the mechanic arts, in accordance with the requirements and conditions of said Acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the State shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. No person shall be debarred admission to any of the collegiate departments of the University on account of sex.

ARTICLE X.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

SECTION 1. There shall be a State Board of Prison Directors, to consist of five persons, to be appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years, except that the first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies occurring shall be filled in like manner. The appointee to a vacancy, occurring before the expiration of a term, shall hold office only for the unexpired term of his predecessor. The Governor shall have the power to remove either of the Directors for misconduct, incompetency, or neglect of duty, after an opportunity to be heard upon written charges.

SEC. 2. The Board of Directors shall have the charge and superintendance of the State Prisons, and shall possess such powers, and perform such duties, in respect to other penal and reformatory institutions of the State, as the Legislature may prescribe.

SEC. 3. The Board shall appoint the Warden and Clerk, and determine the other necessary officers of the Prisons. The Board shall have power to remove the Wardens and Clerks for misconduct, incompetency, or neglect of duty. All other officers and employes of the Prisons shall be appointed by the Warden thereof, and be removed at his pleasure.

SEC. 4. The members of the Board shall receive no compensation other than reasonable traveling and other expenses incurred while engaged in the performance of official duties, to be audited as the Legislature may direct.

SEC. 5. The Legislature shall pass such laws as may be necessary to further define and regulate the powers and duties of the Board, Wardens, and Clerks, and to carry into effect the provisions of this article.

SEC. 6. After the first day of January, eighteen hundred and eighty-two, the labor of convicts shall not be let out by contract to any person, copartnership, company, or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

ARTICLE XI.

CITIES, COUNTIES, AND TOWNS.

SECTION 1. The several counties, as they now exist, are hereby recognized as legal subdivisions of this State.

SEC. 2. No county seat shall be removed unless two thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

SEC. 3. No new county shall be established which shall reduce any county to a population of less than eight thousand; nor shall a new county be formed containing a less population than five thousand; nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

Sec. 4. The Legislature shall establish a system of county governments which shall be uniform throughout the State; and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county, voting at a general election, shall so determine; and, whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein shall be managed and transacted in the manner prescribed by such general laws.

Sec. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of Boards of Supervisors, Sheriffs, County Clerks, District Attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession.

Sec. 6. Corporations for municipal purposes shall not be created by special laws; but the Legislature, by general laws, shall provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, shall be subject to and controlled by general laws.

Sec. 7. City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or not prohibited to cities, shall be applicable to such consolidated government. In consolidated city and county governments, of more than one hundred thousand population, there shall be two Boards of Supervisors or houses of legislation—one of which, to consist of twelve persons, shall be elected by general ticket from the city and county at large, and shall hold office for the term of four years, but shall be so classified that after the first election only six shall be elected every two years; the other, to consist of twelve persons, shall be elected every two years, and shall hold office for the term of two years. Any vacancy occurring in the office of Supervisor, in either Board, shall be filled by the Mayor or other chief executive officer.

Sec. 8. Any city containing a population of more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of such city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive officer of such city, and the other to the Recorder of deeds of the county. Such proposed charter shall then be published in two daily papers of general circulation in such city for at least twenty days, and within not less than thirty days after such publication it shall be submitted to the qualified electors of such city at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment, and if approved by a majority vote of the members elected to each House, it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and all special laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors and its ratification by them, shall be made in duplicate and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of the Recorder of deeds of the county, among the archives of the city; all Courts shall take judicial notice thereof. The charter so ratified may be amended at intervals of not less than two years, by proposals thereof, submitted by legislative authority of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Sec. 9. The compensation of any county, city, town, or municipal officer, shall not be increased after his election or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

Sec. 10. No county, city, town, or other public or municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

Sec. 11. Any county, city, town, or township, may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.

SEC. 12. The Legislature shall have no power to impose taxes upon counties, cities, towns, or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

SEC. 13. The Legislature shall not delegate to any special commission, private corporation, company, association, or individual, any power to make, control, appropriate, supervise, or in any way interfere with, any county, city, town, or municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or assessments, or perform any municipal functions whatever.

SEC. 14. No State office shall be continued or created in any county, city, town, or other municipality, for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity; but such county, city, town, or municipality may, when authorized by general law, appoint such officers.

SEC. 15. Private property shall not be taken or sold for the payment of the corporate debt of any political or municipal corporation.

SEC. 16. All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer, or other legal depository, to the credit of such city, town, or other corporation respectively, for the benefit of the funds to which they respectively belong.

SEC. 17. The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

SEC. 18. No county, city, town, township, Board of Education, or school district, shall incur any indebtedness or liability in any manner, or for any purpose, exceeding in any year the income and revenue provided for it for such year, without the assent of two thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void.

SEC. 19. No public work or improvement of any description whatsoever shall be done or made, in any city, in, upon, or about the streets thereof, or otherwise, the cost and expense of which is made chargeable or may be assessed upon private property by special assessment, unless an estimate of such cost and expense shall be made, and an assessment, in proportion to the benefits, on the property to be affected or benefited, shall be levied, collected, and paid into the city treasury before such work or improvement shall be commenced, or any contract for letting or doing the same authorized or performed. In any city where there are no public works owned and controlled by the municipality, for the supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose under and by authority of the laws of this State, shall, under the direction of the Superintendent of Streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof.

ARTICLE XII.

CORPORATIONS.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special Act. All laws now in force in this State concerning corporations, and all laws that may be hereafter passed pursuant to this section, may be altered from time to time or repealed.

SEC. 2. Dues from corporations shall be secured by such individual liability of the corporations and other means as may be prescribed by law.

SEC. 3. Each stockholder of a corporation, or joint stock association, shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred, during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock, or shares of the corporation or association. The directors or trustees of corporations and joint-stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation or joint stock association during the term of office of such director or trustee.

SEC. 4. The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships; and all corporations shall have the right to sue and shall be subject to be sued, in all Courts, in like cases as natural persons.

SEC. 5. The Legislature shall have no power to pass any Act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under

general laws. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

SEC. 6. All existing charters, grants, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

SEC. 7. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of this State.

SEC. 8. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals, and the exercise of the police power of the State shall never be so abridged or construed as to permit corporations to conduct their business in such manner as to infringe the rights of individuals or the general well-being of the State.

SEC. 9. No corporation shall engage in any business other than that expressly authorized in its charter, or the law under which it may have been or may hereafter be organized; nor shall it hold for a longer period than five years any real estate except such as may be necessary for carrying on its business.

SEC. 10. The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges.

SEC. 11. No corporation shall issue stock or bonds, except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, at a meeting called for that purpose, giving sixty days' public notice, as may be provided by law.

SEC. 12. In all elections for directors or managers of corporations, every stockholder shall have the right to vote, in person or by proxy, the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner, except that members of cooperative societies formed for agricultural, mercantile, and manufacturing purposes, may vote on all questions affecting such societies in manner prescribed by law.

SEC. 13. The State shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation.

SEC. 14. Every corporation other than religious, educational, or benevolent, organized or doing business in this State, shall have and maintain an office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for inspection by every person having an interest therein, and legislative committees, books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them respectively; the amount of stock paid in, and by whom; the transfers of stock; the amount of its assets and liabilities, and the names and places of residence of its officers.

SEC. 15. No corporation organized outside the limits of this State shall be allowed to transact business within this State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this State.

SEC. 16. A corporation or association may be sued in the county where the contract is made or is to be performed, or where the obligation or liability arises, or the breach occurs; or in the county where the principal place of business of such corporation is situated, subject to the power of the Court to change the place of trial as in other cases.

SEC. 17. All railroad, canal, and other transportation companies are declared to be common carriers, and subject to legislative control. Any association or corporation, organized for the purpose, under the laws of this State, shall have the right to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad, and shall receive and transport each the other's passengers, tonnage, and cars, without delay or discrimination.

SEC. 18. No president, director, officer, agent, or employé of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company, except such interest in the business of transportation as lawfully flows from the ownership of stock therein.

SEC. 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in this State; and the acceptance of any such pass or ticket, by a member of the Legislature or any public officer, other than Railroad Commissioner, shall work a forfeiture of his office.

SEC. 20. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be

shared by the other not doing the carrying. And whenever a railroad corporation shall, for the purpose of competing with any other common carrier, lower its rates for transportation of passengers or freight from one point to another, such reduced rates shall not be again raised or increased from such standard without the consent of the governmental authority in which shall be vested the power to regulate fares and freights.

SEC. 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State, or coming from or going to any other State. Persons and property transported over any railroad, or by any other transportation company or individual, shall be delivered at any station, landing, or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port, or landing. Excursion and commutation tickets may be issued at special rates.

SEC. 22. The State shall be divided into three districts as nearly equal in population as practicable, in each of which one Railroad Commissioner shall be elected by the qualified electors thereof at the regular gubernatorial elections, whose salary shall be fixed by law, and whose term of office shall be four years, commencing on the first Monday after the first day of January next succeeding their election. Said Commissioners shall be qualified electors of this State and of the district from which they are elected, and shall not be interested in any railroad corporation, or other transportation company, as stockholder, creditor, agent, attorney, or employe; and the act of a majority of said Commissioners shall be deemed the act of said Commission. Said Commissioners shall have the power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies, and publish the same from time to time, with such changes as they may make; to examine the books, records, and papers of all railroad and other transportation companies, and for this purpose they shall have power to issue subpoenas and all other necessary process; to hear and determine complaints against railroad and other transportation companies, to send for persons and papers, to administer oaths, take testimony, and punish for contempt of their orders and processes, in the same manner and to the same extent as Courts of record, and enforce their decisions and correct abuses through the medium of the Courts. Said Commissioners shall prescribe a uniform system of accounts to be kept by all such corporations and companies. Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by such Commissioners, or shall charge rates in excess thereof, or shall fail to keep their accounts in accordance with the system prescribed by the Commission, shall be fined not exceeding twenty thousand dollars for each offense, and every officer, agent, or employe of any such corporation or company, who shall demand or receive rates in excess thereof, or who shall in any manner violate the provisions of this section, shall be fined not exceeding five thousand dollars, or be imprisoned in the county jail not exceeding one year. In all controversies, civil or criminal, the rates of fares and freights established by said Commission shall be deemed conclusively just and reasonable, and in any action against such corporation or company for damages sustained by charging excessive rates, the plaintiff, in addition to the actual damage, may in the discretion of the Judge or jury, recover exemplary damages. Said Commission shall report to the Governor, annually, their proceedings, and such other facts as may be deemed important. Nothing in this section shall prevent individuals from maintaining actions against any of such companies. The Legislature may, in addition to any penalties herein prescribed, enforce this article by forfeiture of charter or otherwise, and may confer such further powers on the Commissioners as shall be necessary to enable them to perform the duties enjoined on them in this and the foregoing section. The Legislature shall have power, by a two thirds vote of all the members elected to each House, to remove any one or more of said Commissioners from office, for dereliction of duty, or corruption, or incompetency; and whenever, from any cause, a vacancy in office shall occur in said Commission, the Governor shall fill the same by the appointment of a qualified person thereto, who shall hold office for the residue of the unexpired term, and until his successor shall have been elected and qualified.

SEC. 23. Until the Legislature shall divide the State, the following shall be the railroad districts: The First District shall be composed of the Counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Humboldt, Lake, Lassen, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba, from which one Railroad Commissioner shall be elected. The Second District shall be composed of the Counties of Marin, San Francisco, and San Mateo, from which one Railroad Commissioner shall be elected. The Third District shall be composed of the Counties of Alameda, Contra Costa, Fresno, Inyo, Kern, Los Angeles, Mariposa, Merced, Mono, Monterey, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ventura, from which one Railroad Commissioner shall be elected.

SEC. 24. The Legislature shall pass all laws necessary for the enforcement of the provisions of this article.

ARTICLE XIII.

REVENUE AND TAXATION.

SECTION 1. All property in the State, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "prop-

erty," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, shall be exempt from taxation. The Legislature may provide, except in case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

SEC. 2. Land, and the improvements thereon, shall be separately assessed. Cultivated and uncultivated land, of the same quality, and similarly situated, shall be assessed at the same value.

SEC. 3. Every tract of land containing more than six hundred and forty acres, and which has been sectionized by the United States Government, shall be assessed, for the purposes of taxation, by sections or fractions of sections. The Legislature shall provide by law for the assessment, in small tracts, of all lands not sectionized by the United States Government.

SEC. 4. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi public corporations, in case of debts so secured, the value of property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and to the extent of such payment a full discharge thereof; *provided*, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

SEC. 5. Every contract hereafter made, by which a debtor is obligated to pay any tax or assessment on money loaned, or on any mortgage, deed of trust, or other lien, shall, as to any interest specified therein, and as to such tax or assessment, be null and void.

SEC. 6. The power of taxation shall never be surrendered or suspended by any grant or contract to which the State shall be a party.

SEC. 7. The Legislature shall have the power to provide by law for the payment of all taxes on real property by installments.

SEC. 8. The Legislature shall by law require each taxpayer in this State to make and deliver to the County Assessor, annually, a statement, under oath, setting forth specifically all the real and personal property owned by such taxpayer, or in his possession, or under his control, at twelve o'clock meridian, on the first Monday of March.

SEC. 9. A State Board of Equalization, consisting of one member from each congressional district in this State, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight hundred and seventy-nine, whose term of office after those first elected shall be four years, whose duty it shall be to equalize the valuation of the taxable property of the several counties in the State for the purposes of taxation. The Controller of State shall be ex officio a member of the Board. The Boards of Supervisors of the several counties of the State shall constitute Boards of Equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such State and County Boards of Equalization are hereby authorized and empowered, under such rules of notice as the County Boards may prescribe, as to the county assessments, and under such rules of notice as the State Board may prescribe, as to the action of the State Board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll.

SEC. 10. All property, except as hereinafter in this section provided, shall be assessed in the county, city, and county, town, township, or district in which it is situated, in the manner prescribed by law. The franchise, roadway, road-bed, rails, and rolling stock of all railroads operated in more than one county in this State shall be assessed by the State Board of Equalization, at their actual value, and the same shall be apportioned to the counties, cities and counties, cities, towns, townships, and districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties, cities and counties, cities, towns, townships, and districts.

SEC. 11. Income taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident or doing business in this State, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law.

SEC. 12. The Legislature shall provide for the levy and collection of an annual poll tax of not less than two dollars on every male inhabitant of this State, over twenty-one and under sixty years of age, except paupers, idiots, insane persons, and Indians not taxed. Said tax shall be paid into the State School Fund.

SEC. 13. The Legislature shall pass all laws necessary to carry out the provisions of this article.

ARTICLE XIV.

WATER AND WATER RIGHTS.

SECTION 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law; *provided*, that the rates or compensation to be collected by any person, company, or corporation in this State for the use of water supplied to any city and county, or city or town, or the inhabitants thereof, shall be fixed, annually, by the Board of Supervisors, or city and county, or City or Town Council, or other governing body of such city and county, or city or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Any Board or body failing to pass the necessary ordinances or resolutions fixing water rates, where necessary, within such time, shall be subject to peremptory process to compel action at the suit of any party interested, and shall be liable to such further processes and penalties as the Legislature may prescribe. Any person, company, or corporation collecting water-rates in any city and county, or city or town in this State, otherwise than as so established, shall forfeit the franchises and water-works of such person, company, or corporation to the city and county, or city or town, where the same are collected, for the public use.

SEC. 2. The right to collect rates or compensation for the use of water supplied to any county, city and county, or town, or the inhabitants thereof, is a franchise, and cannot be exercised except by authority of and in the manner prescribed by law.

ARTICLE XV.

HARBOR FRONTAGES, ETC.

SECTION 1. The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State.

SEC. 2. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

SEC. 3. All tide lands within two miles of any incorporated city or town in this State, and fronting on the waters of any harbor, estuary, bay, or inlet used for the purpose of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations.

ARTICLE XVI.

STATE INDEBTEDNESS.

SECTION 1. The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel an invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years of the time of the contracting thereof, and shall be irrevocable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same.

ARTICLE XVII.

LAND, AND HOMESTEAD EXEMPTION.

SECTION 1. The Legislature shall protect, by law, from forced sale, a certain portion of the homestead and other property of all heads of families.

SEC. 2. The holding of large tracts of land, uncultivated and unimproved, by individuals or corporations, is against the public interest, and should be discouraged by all means not inconsistent with the rights of private property.

SEC. 3. Lands belonging to this State, which are suitable for cultivation, shall be granted only to actual settlers, and in quantities not exceeding three hundred and twenty acres to each settler, under such conditions as shall be prescribed by law.

ARTICLE XVIII.

AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if two thirds of all the members elected to each of the two Houses shall vote in favor thereof, such proposed amendment or amendments shall be entered in their Journals, with the yeas and nays taken thereon; and it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner, and at such time, and after such publication as may be deemed expedient. Should more amendments than one be submitted at the same election they shall be so prepared and distinguished, by numbers or otherwise, that each can be voted on separately. If the people shall approve and ratify such amendment or amendments, or any of them, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of this Constitution.

SEC. 2. Whenever two thirds of the members elected to each branch of the Legislature shall deem it necessary to revise this Constitution, they shall recommend to the electors to vote at the next general election for or against a Convention for that purpose, and if a majority of the electors voting at such election on the proposition for a Convention shall vote in favor thereof, the Legislature shall, at its next session, provide by law for calling the same. The Convention shall consist of a number of delegates, not to exceed that of both branches of the Legislature, who shall be chosen in the same manner, and have the same qualifications, as members of the Legislature. The delegate so elected shall meet within three months after their election at such place as the Legislature may direct. At a special election to be provided for by law, the Constitution that may be agreed upon by such Convention shall be submitted to the people for their ratification or rejection, in such manner as the Convention may determine. The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the returns so certified to him; and it shall be the duty of the Executive to declare, by his proclamation, such Constitution, as may have been ratified by a majority of all the votes cast at such special election, to be the Constitution of the State of California.

ARTICLE XIX.

CHINESE.

SECTION 1. The Legislature shall prescribe all necessary regulations for the protection of the State, and the counties, cities, and towns thereof, from the burdens and evils arising from the presence of aliens who are or may become vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious or infectious diseases, and from aliens otherwise dangerous or detrimental to the well-being or peace of the State, and to impose conditions upon which persons may reside in the State, and to provide the means and mode of their removal from the State, upon failure or refusal to comply with such conditions; *provided*, that nothing contained in this section shall be construed to impair or limit the power of the Legislature to pass such police laws or other regulations as it may deem necessary.

SEC. 2. No corporation now existing or hereafter formed under the laws of this State, shall, after the adoption of this Constitution, employ directly or indirectly, in any capacity, any Chinese or Mongolian. The Legislature shall pass such laws as may be necessary to enforce this provision.

SEC. 3. No Chinese shall be employed on any State, county, municipal, or other public work, except in punishment for crime.

SEC. 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature shall discourage their immigration by all the means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the Legislature may prescribe. The Legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this Constitution. This section shall be enforced by appropriate legislation.

ARTICLE XX.

MISCELLANEOUS SUBJECTS.

SECTION 1. The City of Sacramento is hereby declared to be the seat of government of this State, and shall so remain until changed by law; but no law changing the seat of government

shall be valid or binding unless the same be approved and ratified by a majority of the qualified electors of the State voting therefor at a general State election, under such regulations and provisions as the Legislature, by a two thirds vote of each House, may provide, submitting the question of change to the people.

SEC. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this Constitution.

SEC. 3. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation :

"I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of —, according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

SEC. 4. All officers or Commissioners whose election or appointment is not provided for by this Constitution, and all officers or Commissioners whose offices or duties may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

SEC. 5. The fiscal year shall commence on the first day of July.

SEC. 6. Suits may be brought against the State in such manner and in such Courts as shall be directed by law.

SEC. 7. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

SEC. 8. All property, real and personal, owned by either husband or wife before marriage, and that acquired by either of them afterwards by gift, devise, or descent, shall be their separate property.

SEC. 9. No perpetuities shall be allowed except for eleemosynary purposes.

SEC. 10. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 11. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

SEC. 12. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

SEC. 13. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

SEC. 14. The Legislature shall provide, by law, for the maintenance and efficiency of a State Board of Health.

SEC. 15. Mechanics, material men, artisans, and laborers of every class, shall have a lien upon the property upon which they have bestowed labor or furnished material for the value of such labor done and material furnished; and the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens.

SEC. 16. When the term of any officer or Commissioner is not provided for in this Constitution, the term of such officer or Commissioner may be declared by law; and, if not so declared, such officer or Commissioner shall hold his position as such officer or Commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years.

SEC. 17. Eight hours shall constitute a legal day's work on all public work.

SEC. 18. No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession.

SEC. 19. Nothing in this Constitution shall prevent the Legislature from providing, by law, for the payment of the expenses of the Convention framing this Constitution, including the per diem of the Delegates for the full term thereof.

SEC. 20. Elections of the officers provided for by this Constitution, except at the election in the year eighteen hundred and seventy-nine, shall be held on the even numbered years next before the expiration of their respective terms. The terms of such officers shall commence on the first Monday after the first day of January next following their election.

ARTICLE XXI.

BOUNDARY.

SECTION 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of the forty-second degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred and twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line, in a southeasterly direction, to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down

the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west and along said boundary line to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly direction and following the direction of the Pacific Coast to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, including all the islands, harbors, and bays along and adjacent to the coast.

ARTICLE XXII.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

SECTION 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force and effect until altered or repealed by the Legislature; and all rights, actions, prosecutions, claims, and contracts of the State, counties, individuals, or bodies corporate, not inconsistent therewith, shall continue to be as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon the adoption thereof, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them shall remain in full force until the first day of July, eighteen hundred and eighty, unless sooner altered or repealed by the Legislature.

SEC. 2. That all recognizances, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to this State, or to any subdivision thereof, or any municipality therein, and all fines, taxes, penalties, and forfeitures due or owing to this State, or any subdivision or municipality thereof, and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments or informations which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in this Constitution.

SEC. 3. All Courts now existing, save Justices' and Police Courts, are hereby abolished; and all records, books, papers, and proceedings from such Courts, as are abolished by this Constitution, shall be transferred on the first day of January, eighteen hundred and eighty, to the Courts provided for in this Constitution; and the Courts to which the same are thus transferred shall have the same power and jurisdiction over them as if they had been in the first instance commenced, filed, or lodged therein.

SEC. 4. The Superintendent of Printing of the State of California shall, at least thirty days before the first Wednesday in May, A. D. eighteen hundred and seventy-nine, cause to be printed at the State Printing Office, in pamphlet form, simply stitched, as many copies of this Constitution as there are registered voters in this State, and mail one copy thereof to the post-office address of each registered voter; *provided*, any copies not called for ten days after reaching their delivery office, shall be subject to general distribution by the several Postmasters of the State. The Governor shall issue his proclamation, giving notice of the election for the adoption or rejection of this Constitution, at least thirty days before the said first Wednesday of May, eighteen hundred and seventy-nine, and the Boards of Supervisors of the several counties shall cause said proclamation to be made public in their respective counties, and general notice of said election to be given at least fifteen days next before said election.

SEC. 5. The Superintendent of Printing of the State of California shall, at least twenty days before said election, cause to be printed and delivered to the Clerk of each county in this State five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "For the new Constitution." He shall likewise cause to be so printed and delivered to said Clerks five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "Against the new Constitution." The Secretary of State is hereby authorized and required to furnish the Superintendent of State Printing a sufficient quantity of legal ballot paper, now on hand, to carry out the provisions of this section.

SEC. 6. The Clerks of the several counties in the State shall, at least five days before said election, cause to be delivered to the Inspectors of Elections, at each election precinct or polling place in their respective counties, suitable registers, poll-books, forms of return, and an equal number of the aforesaid ballots, which number, in the aggregate, must be ten times greater than the number of voters in the said election precincts or polling places. The returns of the number of votes cast at the Presidential election in the year eighteen hundred and seventy-six shall serve as a basis of calculation for this and the preceding section; *provided*, that the duties in this and the preceding section imposed upon the Clerk of the respective counties shall, in the City and County of San Francisco, be performed by the Registrar of Voters for said city and county.

SEC. 7. Every citizen of the United States, entitled by law to vote for members of the Assembly in this State, shall be entitled to vote for the adoption or rejection of this Constitution.

SEC. 8. The officers of the several counties of this State, whose duty it is, under the law, to receive and canvass the returns from the several precincts of their respective counties, as well

as of the City and County of San Francisco, shall meet at the usual places of meeting for such purposes on the first Monday after said election. If, at the time of meeting, the returns from each precinct in the county in which the polls were opened have been received, the Board must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from time to time until all the returns are received, or until the second Monday after said election, when they shall proceed to make out returns of the votes cast for and against the new Constitution; and the proceedings of said Boards shall be the same as those prescribed for like Boards in the case of an election for Governor. Upon the completion of said canvass and returns, the said Board shall immediately certify the same, in the usual form, to the Governor of the State of California.

SEC. 9. The Governor of the State of California shall, as soon as the returns of said election shall be received by him, or within thirty days after said election, in the presence and with the assistance of the Controller, Treasurer, and Secretary of State, open and compute all the returns received of votes cast for and against the new Constitution. If, by such examination and computation, it is ascertained that a majority of the whole number of votes cast at such election is in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California, and that it shall take effect and be in force on the days hereinafter specified.

SEC. 10. In order that future elections in this State shall conform to the requirements of this Constitution, the terms of all officers elected at the first election under the same shall be, respectively, one year shorter than the terms as fixed by law or by this Constitution; and the successors of all such officers shall be elected at the last election before the expiration of the terms as in this section provided. The first officers chosen, after the adoption of this Constitution, shall be elected at the time and in the manner now provided by law. Judicial officers and the Superintendent of Public Instruction shall be elected at the time and in the manner that State officers are elected.

SEC. 11. All laws relative to the present judicial system of the State shall be applicable to the judicial system created by this Constitution until changed by legislation.

SEC. 12. This Constitution shall take effect and be in force on and after the fourth day of July, eighteen hundred and seventy-nine, at twelve o'clock meridian, so far as the same relates to the election of all officers, the commencement of their terms of office, and the meeting of the Legislature. In all other respects, and for all other purposes, this Constitution shall take effect on the first day of January, eighteen hundred and eighty, at twelve o'clock meridian.

Attest: EDWIN F. SMITH, Secretary.

J. P. HOGGE, President.

A. R. ANDREWS,
 JAMES J. AYERS,
 CLITUS BARBOUR,
 EDWARD BARRY,
 JAMES N. BARTON,
 C. J. BEERSTECHEER,
 ISAAC S. BELCHER,
 PETER BELL,
 MARION BIGGS,
 E. T. BLACKMER,
 JOSEPH C. BROWN,
 SAML. B. BURT,
 JOSIAH BOUCHER,
 JAMES CAPLES,
 AUG. H. CHAPMAN,
 J. M. CHARLES,
 JOHN D. CONDON,
 C. W. CROSS,
 HAMLET DAVIS,
 JAS. E. DEAN,
 P. T. DOWLING,
 LUKE D. DOYLE,
 W. L. DUDLEY,
 JONATHAN M. DUDLEY,
 PRESLEY DUNLAP,
 JOHN EAGON,
 THOMAS H. ESTEY,
 HENRY EDGERTON,
 M. M. ESTEY,
 EDWARD EVEY,
 J. A. FILCHER,
 SIMON J. FARRELL,
 ABRAHAM CLARK FREEMAN,
 JACOB RICHARD FREUD,
 J. B. GARVEY,
 B. B. GLASCOCK,

DAVID LEWIS,
 J. P. LINDOW,
 JNO. MANSFIELD,
 EDWARD MARTIN,
 J. WEST MARTIN,
 RUSH MCOMAS,
 JOHN G. McCALLUM,
 THOMAS MCCONNELL,
 JOHN MCCOY,
 THOMAS B. McFARLAND,
 HIRAM MILLS,
 WM. S. MOFFATT,
 JOHN FLEMING McNUTT,
 W. W. MORELAND,
 L. D. MORSE,
 JAMES E. MURPHY,
 EDMUND NASON,
 THORWALD KLAUDIUS NELSON,
 HENRY NEUNABER,
 CHS. C. O'DONNELL,
 GEORGE OHLEYER,
 JAMES O'SULLIVAN,
 JAMES MARTIN PORTER,
 WILLIAM H. PROUTY,
 M. R. C. PULLIAM,
 CHAS. F. REED,
 PATRICK REDDY,
 JNO. M. RHODES,
 JAS. S. REYNOLDS,
 HORACE C. ROLFE,
 CHAS. S. RINGGOLD,
 JAMES McM. SHAFTER,
 GEO. W. SCHELL,
 J. SCHOMP,
 RUFUS SHOEMAKER,
 E. O. SMITH,

JOSEPH C. GORMAN,
 W. P. GRACE,
 WILLIAM J. GRAVES,
 V. A. GREGG,
 JNO. S. HAGER,
 JOHN B. HALL,
 THOMAS HARRISON,
 JOEL A. HARVEY,
 T. D. HEISKELL,
 CONRAD HEROLD,
 D. W. HERRINGTON,
 S. G. HILBORN,
 J. R. W. HITCHCOCK,
 J. E. HALE,
 VOLNEY E. HOWARD,
 SAM. A. HOLMES,
 W. J. HOWARD,
 WM. PROCTOR HUGHEY,
 W. F. HUESTIS,
 G. W. HUNTER,
 DANIEL INMAN,
 GEORGE A. JOHNSON,
 L. F. JONES,
 PETER J. JOYCE,
 J. M. KELLEY,
 JAMES H. KEYES,
 JOHN J. KENNY,
 C. R. KLEINE,
 T. H. LAINE,
 HENRY LARKIN,
 R. M. LAMPSON,
 R. LAVIGNE,
 H. M. LARUE,

BENJ. SHURTLEFF,
 GEO. VENABLE SMITH,
 H. W. SMITH,
 JOHN C. STEDMAN,
 E. P. SOULE,
 D. C. STEVENSON,
 GEORGE STEELE,
 CHAS. V. STUART,
 W. J. SWEASEY,
 CHARLES SWENSON,
 R. S. SWING,
 D. S. TERRY,
 S. B. THOMPSON,
 F. O. TOWNSEND,
 W. J. TINNIN,
 DANIEL TUTTLE,
 P. B. TULLY,
 H. K. TURNER,
 A. P. VACQUEBEL,
 WALTER VAN DYKE,
 WM. VAN VOORHIES,
 HUGH WALKER,
 JNO. WALKER,
 BYRON WATERS,
 JOSEPH R. WELLER,
 J. V. WEBSTER,
 JOHN P. WEST,
 PATRICK M. WELLIN,
 JOHN T. WICKES,
 WM. F. WHITE,
 H. C. WILSON,
 JOS. W. WINANS,
 N. G. WYATT.



STATUTES.



STATUTES OF CALIFORNIA

PASSED AT THE

TWENTY-THIRD SESSION OF THE LEGISLATURE.

CHAPTER I.

An Act to repeal an Act entitled an Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose, approved March twenty-seventh, eighteen hundred and seventy-six.

[Approved January 23d, 1880.]

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

SECTION 1. The Act entitled an Act to authorize the City ^{Repealing.} and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose, approved April twenty-seventh, A. D. one thousand eight hundred and seventy-six, is hereby repealed.

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

CHAPTER II.

An Act to authorize the Controller and Treasurer of State to transfer certain funds.

[Approved January 23d, 1880.]

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

SECTION 1. The Controller and Treasurer of State are hereby authorized and directed to transfer from the General ^{Transfer of funds.} Fund of the State to the credit of the School Fund, the sum of three hundred and fifty dollars.

SEC. 2. This Act shall take effect immediately.

CHAPTER III.

An Act making an appropriation for the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty.

[Approved February 2d, 1880.]

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

Superintendent State Printing to purchase material. SECTION 1. The Superintendent of State Printing is hereby authorized, under the advice and superintendence of the State Board of Examiners, to purchase such printing presses, type, and other material as may be necessary for the carrying on of the State Printing Office.

Appropriation for. SEC. 2. The sum of forty-five thousand dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purchase of a press, type, and other printing material, and for the payment of salaries and wages of the employés, and other incidental expenses of the State Printing Office, for the fiscal year ending June thirtieth, eighteen hundred and eighty.

SEC. 3. This Act shall take effect immediately.

CHAPTER IV.

An Act to transfer the records, papers, and business of the Courts existing on the thirty-first day of December, eighteen hundred and seventy-nine, in this State, to the Courts now existing therein.

[Approved February 4th, 1880.]

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

Supreme Court, successor of Court of same name. SECTION 1. The Supreme Court shall, for all purposes, be considered the successor of the Court of the same name which was abolished on the first day of January, eighteen hundred and eighty, and to have succeeded to all its unfinished business. It shall have jurisdiction of, and shall hear and determine, or otherwise dispose of, all causes, proceeding, appeals, motions, and matters pending on said day in the Court superseded by it; and also, of all appeals taken to such Court, before or after said day, from judgments or orders of any of the inferior Courts abolished by the Constitution. From and after the first day of January, eighteen hundred and eighty, the Supreme Court shall have the custody of all records, books, and papers of the former Supreme Court, and the same jurisdiction over its judgments, orders, and proceedings as if they had in the first instance been rendered, made, or commenced in the present Court. All laws relating to the former Court shall, as far as applicable,

be considered as applying to the present Court. All rules of the former Court which were in force on the first day of January, eighteen hundred and eighty, and not inconsistent with the Constitution, shall continue in force as rules of the present Court until altered, abolished, or superseded by the order of the Court.

Rules of Court in force.

Sec. 2. The Superior Court of each county in this State shall, for all purposes, be considered the successor of the District, County, and Probate Courts thereof, and, in the City and County of San Francisco, of the Municipal Criminal Court and Municipal Court of Appeals, and shall be deemed to have succeeded to all the unfinished business of said Courts. The Superior Courts shall hear, determine, or otherwise dispose of, all causes and proceedings which were pending on the first day of January, eighteen hundred and eighty, in the said Courts superseded by them, and every motion or proceeding then pending or thereafter made or taken in such causes and proceedings, and of which said Courts would have had jurisdiction had they not been abolished; and also, all appeals taken or perfected, before or after said day, from all orders or judgments of Justices' and Police Courts which by law are declared to be appealable. From and after the first day of January, eighteen hundred and eighty, the Superior Courts shall have the custody of all the records, books, and papers of the said Courts superseded by them, and shall have jurisdiction thereof, and of the judgments, orders, and process of said Courts; and shall enforce the same and issue process thereon in like manner, and with the same effect, as if they had in the first instance been filed, commenced, rendered, made, or issued in or by the Superior Court. The Superior Court of the City and County of San Francisco shall have jurisdiction of, and shall try and dispose of, all indictments for misdemeanor pending in the City Criminal Court of said city and county, on the first day of January, eighteen hundred and eighty; and such indictments, and all papers and records relating thereto, shall be transferred to the said Superior Court and become records thereof. Any application, motion, or proceeding, set by the District, County, or Probate Court of any county, or by the Judge thereof, to be heard by such Court or Judge after the first day of January, eighteen hundred and eighty, may be heard in the Superior Court of such county, upon the same notice that was required to authorize the hearing thereof in such District, County, or Probate Court, or by the Judge thereof. Any process issued out of any District, County, or Probate Court of this State before the first day of January, eighteen hundred and eighty, may be served, or the service thereof completed, after said day, in the same manner, and with like effect, as if such Courts had not been abolished; *provided*, that such process shall be returned to the Superior Court of the county in which it was issued, and any appearance or answer required by such process shall be made or filed in such Court.

Superior Courts, successor of what Courts.

Superior Court of San Francisco, jurisdiction of.

Police Court of San Francisco; transfer of cases to.

SEC. 3. All prosecutions which were transferred or certified for trial to the City Criminal Court of the City and

County of San Francisco, by the Police Court thereof, and were pending or undetermined on the first day of January, eighteen hundred and eighty, shall be tried and disposed of in the said Police Court; and all the papers, pleadings, and records relating to such prosecutions shall be transferred to, and deposited with, said Police Court, and become records and papers thereof.

SEC. 4. This Act shall take effect immediately.

CHAPTER V.

An Act to continue in force school teachers' certificates, State educational diplomas, and life diplomas.

[Approved February 5th, 1880.]

State school certificates and educational diplomas, continued in force.

SECTION 1. All teachers' city, city and county, county, and State certificates, State educational diplomas, life diplomas, and all other teachers' certificates and diplomas issued in the State of California, under and, in pursuance of the laws thereof, on or before the thirty-first day of December, A. D. eighteen hundred and seventy-nine, shall be and the same are hereby continued in full force and effect, and shall be deemed valid for all purposes and to the full extent of time that the same were and were intended respectively to be under the said laws, on and before the said thirty-first day of December, A. D. eighteen hundred and seventy-nine.

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

CHAPTER VI.

An Act to amend an Act entitled "An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof," approved March sixteenth, eighteen hundred and seventy-four.

[Approved February 7th, 1880.]

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

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

Election of members of Assembly.

Section 32. At the general election to be held in the year eighteen hundred and eighty, and every two years thereafter, members of the Assembly shall be elected in the several districts and counties of the State, as is provided in this Act.

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

CHAPTER VII.

An Act in relation to certain deputies and assistants of County Clerks.

[Approved February 13th, 1880.]

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

SECTION 1. In all cases in which by statutes in force on the thirty-first day of December, eighteen hundred and seventy-nine, the County Clerk of any county, or city and county, is authorized to appoint deputies or assistants, to whom duties are assigned by such statutes, in, or in connection with any of the Courts which were abolished by the Constitution, the Clerk may assign to such deputies or assistants duties in, or in connection with the Superior Court of his county, or city and county, and they shall be entitled to the same compensation as is provided in said statutes, and the same shall be audited and paid at the same time and in the same manner and from the same source as is provided therein.

Relating to County Clerks.

Assignment of deputies and compensation.

SEC. 2. This Act shall take effect immediately.

CHAPTER VIII.

An Act making appropriation for the salaries of the Chief Justice and Associate Justices of the Supreme Court of the State of California, for the balance of the thirty-first fiscal year, ending June thirtieth, eighteen hundred and eighty.

[Approved March 1st, 1880.]

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

SECTION 1. The sum of twenty thousand five hundred and forty-eight dollars and fifty cents is hereby appropriated, payable out of any money in the General Fund not otherwise appropriated, for the salaries of the Chief Justice and Associate Justices of the Supreme Court, for the balance of the thirty-first fiscal year, ending June thirtieth, eighteen hundred and eighty.

Appropriation for salaries of Justices of Supreme Court.

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

CHAPTER IX.

An Act making appropriation for the State's portion of the salaries of the Superior Judges of the counties of the State of California for the balance of the thirty-first fiscal year, ending June thirtieth, eighteen hundred and eighty.

[Approved March 1st, 1880.]

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

Appropriation, salaries of Superior Judges.

SECTION 1. The sum of fifty-six thousand five hundred and eight dollars and fifty cents (\$56,508 50) is hereby appropriated, payable out of any moneys in the General Fund not otherwise appropriated, for the State's portion of the salaries of the Superior Judges of the counties of the State of California, for the balance of the thirty-first fiscal year, ending June thirtieth, eighteen hundred and eighty.

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

CHAPTER X.

An Act to appropriate money for the payment of the deficiency in the appropriation for the support of the State Printing Office for the thirtieth fiscal year.

[Approved March 1st, 1880.]

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

Appropriation deficiency State Printing Office.

SECTION 1. The sum of thirty-one thousand one hundred and fifty-four dollars and eleven cents is hereby appropriated out of the General Fund of the State Treasury for the payment of the deficiency in the appropriation for the support of the State Printing Office for the thirtieth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER XI.

An Act to appropriate money for the payment of the deficiency in the appropriation for the support of the State Printing Office for the twenty-ninth fiscal year.

[Approved March 1st, 1880.]

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

Appropriation deficiency State Printing Office.

SECTION 1. The sum of one hundred and twelve dollars is hereby appropriated out of any money in the General

Fund in the State Treasury, for the payment of the deficiency in the appropriation for the support of the State Printing Office for the twenty-ninth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER XII.

An Act to repeal an Act entitled "An Act to provide for the extermination of squirrels in certain counties," approved March thirtieth, eighteen hundred and seventy-eight.

[Approved March 6th, 1880.]

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

SECTION 1. An Act entitled an Act to provide for the extermination of squirrels in certain counties, approved March thirtieth, eighteen hundred and seventy-eight, is hereby repealed. Repealing.

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

CHAPTER XIII.

An Act to continue in operation the public schools of this State.

[Approved March 6th, 1880.]

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

SECTION 1. The County Superintendent of Schools of each and every county in this State is hereby empowered to issue a temporary certificate to any teacher whose certificate has expired or shall expire between the first day of January, eighteen hundred and eighty, and the first day of June, eighteen hundred and eighty. The certificate so granted shall be of the same grade as the one in place of which it is issued, and shall be valid only until the first meeting of the Board which shall be competent to issue teachers' certificates. Temporary certificates of teachers, who shall issue.

SEC. 2. This Act shall take effect immediately.

CHAPTER XIV.

An Act in relation to the currency of the United States.

[Approved March 12th, 1880.]

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

Legal tender
notes to be
received at
par.

SECTION 1. All legal tender notes heretofore issued, or which may hereafter be issued by the Government of the United States of America, as legal tender notes, shall be received at par in payment for all taxes due or to become due to this State, or to any county or municipal corporation thereof, and such notes shall be a legal tender for all debts, dues, and demands between citizens of this State.

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

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

CHAPTER XV.

An Act to repeal an Act entitled "An Act for the appointment of Inspector of Stationary Steam Boilers and Steam Tanks, and for the better security of life and property in the City and County of San Francisco," approved March twenty-seventh, eighteen hundred and seventy-six.

[Approved March 12th, 1880.]

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

Repealing.

SECTION 1. An Act entitled "An Act for the appointment of Inspector of Stationary Steam Boilers and Steam Tanks, and for the better security of life and property in the City and County of San Francisco," approved March twenty-seventh, eighteen hundred and seventy-six, is hereby repealed.

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

CHAPTER XVI.

An Act to amend section four of an Act entitled an Act to authorize the Board of Trustees of the Town of Colusa to issue bonds for road purposes, approved March twentieth, eighteen hundred and seventy-eight.

[Approved March 12th, 1880.]

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

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

Section 4. Said bonds shall bear the date of their issuance, and the first coupons shall be for the interest from such date up to the first day of January, eighteen hundred and seventy-nine. Interest coupons.

SEC. 2. This Act shall take effect immediately.

CHAPTER XVII.

An Act granting relief to taxpayers whose lands have been sold to the State.

[Approved March 15th, 1880.]

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

SECTION 1. In all cases where real estate has been sold for delinquent taxes, and the State has become the purchaser, and has not disposed of the same, the person whose estate has been sold, or his heirs, executors, administrators, or other successors in interest, shall, within one year after the passage of this Act, have the right to redeem such real estate by paying to the County Treasurer of the county wherein the real estate is situated, the amount of taxes due thereon at the time of said sale, with interest thereon at the rate of seven per cent. per annum, and also all taxes that were a lien upon said real estate at the time said taxes became delinquent, and also for each year since the sale for which taxes on said land have not been paid, an amount equal to the percentage of State and county tax for that year upon the value of the said real estate assessed for the year of the sale, with interest from the first day of January of each of said years, respectively, at the same rate; and also, all costs and expenses, and fifty per cent. penalty, which may have accrued by reason of such delinquency and sale, and the costs and expenses of such redemption, as hereinafter specified. Redemption of real estate sold for delinquent taxes.

DUTY OF AUDITOR.

Duty of Auditor. The County Auditor shall, on the application of the person desiring to redeem, make an estimate of the amount to be paid, and shall give him triplicate certificates of the amount, specifying the several amounts thereof, which certificates shall be delivered to the County Treasurer, together with the money, and the County Treasurer shall give triplicate receipts, written or indorsed upon said certificates, to the redemptioner, who shall deliver one of said receipts to the State Controller and one to the County Auditor, taking their receipts therefor. The County Treasurer shall settle for the moneys received as for other State and county moneys.

FEE.

Fee of County Auditor. The County Auditor shall be paid by the redemptioner for making out said estimates, the sum of two dollars. Upon the payment of the money specified in said certificate and the giving of the receipts aforesaid by the Treasurer, Controller, and Auditor, any deed that may have been made to the State shall become null and void, and all right, title, and interest acquired by the State under or by the virtue of the tax sale shall cease and determine. The receipts of the County Treasurer, Controller, and County Auditor may be recorded in the Recorder's office of the county in which said real estate is situated, in the book of deeds, and the record thereof shall have the same effect as that of a deed of reconveyance. This Act shall not apply to school lands, when the full amount of one dollar and twenty-five cents per acre has not been paid to the State thereof.

When not applicable to school lands.

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

CHAPTER XVIII.

An Act to amend section six of an Act entitled "An Act concerning the water front of the City and County of San Francisco," approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the Board of State Harbor Commissioners.

[Approved March 17th, 1880.]

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

SECTION 1. Section six of the Act entitled "An Act concerning the water front of the City and County of San Francisco," approved March fifteenth, eighteen hundred and seventy-eight, is hereby amended to read as follows:

Dedication to public use of streets and blocks.

Section 6. The blocks and parts of blocks formed by the change of the water front and the extension of streets to the

thoroughfare aforesaid, are hereby set apart and dedicated to public use as open spaces, to be used in connection with said thoroughfare, and for the same purposes, and the said Commissioners shall put the same in proper condition for such use. Said spaces, when prepared for use, shall be on a level with said thoroughfare, and the sidewalks shall be constructed with proper openings for the passage of vehicles. The Commissioners shall have the same jurisdiction and control thereof as over said thoroughfare and the wharves.

SEC. 2. The said Commissioners are authorized to set apart and use that portion of the water front and thoroughfare situated between the west line of Powell Street and north line of Francisco Street for the landing and loading of grain and other merchandise, and may erect thereon such sheds and structures as may be necessary for sheltering the same; *provided*, that a roadway of not less than seventy-five feet on the inner side of the thoroughfare shall be left open for the passage of vehicles. They may, from time to time, fix the rates and prescribe the terms and conditions on which such sheds and structures may be used, and shall have the same control over them as over the wharves and other part of the water front; *provided*, that they shall assume or incur none of the duties or obligations of warehousemen.

To set apart a portion of water front for landing of merchandise.

Roadway.

Fixing rates.

SEC. 3. The said Commissioners are authorized to set apart spaces on the water front as depots for the landing of the passenger and freight cars of railroad companies, and may construct such docks, wharves, and sheds as may be needed for that purpose. They must require a proper rent to be paid for such spaces and structures, and the dockage on the steamers transporting such cars, and the wharfage on merchandise put on or off such cars or passing through such depots shall be the same as prescribed by the general regulations of the Board.

Depots.

Rent to be paid.

SEC. 4. As soon as practicable the rates of wharfage on merchandise and other articles must be adjusted and classified upon such system, and be collected in such manner and by such officers as the Commissioners may determine and direct. The duties of such officers, their compensation and amount of bond for faithful performance of duty, shall be fixed by the Commissioners. When such system is put in force, no tolls must be collected by the load or vehicle, on any merchandise passing on or off the wharves, and the system of collection by toll collectors must cease.

Adjustment of rates of wharfage.

SEC. 5. No wharfage shall be collected on any merchandise or other article loaded on any vessel or railroad car in the City and County of San Francisco for the purpose of being transported to any port or place in the State of California, nor on any merchandise or other article loaded on any vessel or railroad car at any port or place in the State of California and arriving in the City and County of San Francisco.

When wharfage not collectable.

SEC. 6. The master, owner, or consignee of every vessel, and the owner, agent, or manager of every railroad car, at the time of the arrival and before the departure of any such vessel or car, must deliver to the Wharfinger, or other proper officer of

Duties of masters, owners, or consignees.

the Commission, a full and correct statement, signed by him as such master, owner, consignee, agent, or manager, of all merchandise of every kind intended to be discharged from or received on such vessel or car, other than such as is referred to in section five of this Act, specifying in detail the character and quantity of each kind of such merchandise, and in the case of an arriving vessel or car the names of the consignees or owners thereof, and also the port or place from which such merchandise is brought or to which it is to be carried. In case any person shall neglect or refuse to deliver such statement as above provided, or shall willfully make a statement false in any of the above recited particulars, he shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding fifty days, or by both such fine and imprisonment.

Misdemeanor.

Misdemeanor.

SEC. 7. In case the master, agent, or owner of any vessel, or the owner, agent, or manager of any railroad car, shall discharge from or receive on or allow to be discharged from or received on such vessel or car any merchandise or other article other than such as is referred to in section five of this Act, before the wharfage thereon has been paid, of which payment the only evidence shall be a receipt signed by the Wharfinger, or other proper officer of the Commission, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one hundred days, or by both such fine and imprisonment; *provided*, that the warrant of arrest may be discharged at any time before trial by the payment of the wharfage on such merchandise or other articles wrongfully discharged or received, together with the costs of the legal proceedings.

Commissioners may release parties from obligations.

Guaranty to Commissioners.

SEC. 8. The said Commissioners may, by written permits, release parties from the obligation to deliver the statement required by section six, or to pay wharfage before the discharge or receipt of merchandise or other articles as required by section seven; *provided*, that before any part of such merchandise or other articles are discharged or received a proper and sufficient guaranty in writing shall be given to the said Commissioners for the payment of all wharfage thereon. Such guaranty shall be deemed an original obligation on the part of the guarantor, and no other consideration therefor need exist or be expressed than the acceptance of the said permit.

Discriminations in fixing rates of dockage.

Lessees of State, what rates of dockage and wharfage to collect.

SEC. 9. In fixing the rates of dockage the said Commissioners may make such discriminations as they deem advisable between American and foreign vessels, and between vessels engaged in coastwise trade and those navigating exclusively the Bay of San Francisco and its tributary waters.

SEC. 10. The lessees of the State or the Commissioners shall charge and collect the same rates of dockage and wharfage as may be established by the said Commissioners in pursuance of this Act; *provided*, that this section shall not be deemed to confer any new or additional rights on any of said lessees.

SEC. 11. Nothing in this Act shall be deemed to divest the said Commissioners of the lien on merchandise and other articles for its wharfage, or of the right to enforce such lien as is provided by existing statutes.

SEC. 12. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

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

CHAPTER XIX.

An Act to appropriate money for the support of orphans, half orphans, and abandoned children.

[Approved March 25th, 1880.]

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

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated, to each and every institution in this State conducted for the support and maintenance of minor orphans, half orphans, or abandoned children, and to each and every county, city and county, city, or town maintaining such orphans, half orphans, or abandoned children, or any or all of such classes of persons, aid as follows: For each whole orphan supported and maintained in any such institution, the sum of one hundred dollars per annum; for each half orphan supported and maintained in any such institution, the sum of seventy-five dollars per annum; for each abandoned child supported and maintained in any such institution, the sum of seventy-five dollars per annum; *provided*, such abandoned child shall have been an inmate thereof for one year prior to receiving any support as provided in this Act. Appropriation.

SEC. 2. The aid herein granted shall commence on the first Monday in July, eighteen hundred and eighty, and shall be paid in semi-annual installments, commencing on the first Monday in January, eighteen hundred and eighty-one. How paid.

SEC. 3. *First*—It shall be the duty of every institution entitled to aid under this Act to keep a book in which shall be entered the date of admission, name, age, sex, and place of birth, of each and every orphan, half orphan, and abandoned child, who is and may hereafter be received or admitted in such institution, and the date of discharge of any such child, when such discharge is made, the parentage, if known, the estate, if any, to which the child is heir, and the insurance, if any, on father's or mother's life, so far as can be ascertained, the place where either parent or both died, nativity of the parents, where married, the marriage certificate, where recorded, when they came to California, or Books to be kept.

Nevada, place of residence in California, and habits of sobriety.

Second—Every such institution shall also keep a book entitled Monthly Accounts. In it shall be entered, on the debtor side, all the moneys received from any and all sources, segregated under the proper heads; on the credit side shall be entered all disbursements made, specifying for what purposes made, and the amount entered in detail so disbursed, segregated under their proper heads.

Third—A pay-roll shall also be kept of the employés, and the amounts disbursed to each.

Fourth—Every such institution shall also keep a book in which shall be entered in detail the amounts paid for the specific support of any orphan, half orphan, or abandoned child, and the date of such payments.

Fifth—A transcript of the books and pay-roll, verified under oath by the manager or person in charge of such institution entitled to or claiming State aid under this Act, shall be made and forwarded to the State Board of Examiners at the time of making demand or presenting claim for State aid, covering the time for which such claim or demand for State aid is made.

Sixth—Also, a list of all the inmates other than employés or orphans supported wholly or in part by any institution presenting a claim for State aid under this Act shall be forwarded with such claim for aid.

Seventh—These books shall be open at all times to the inspection of the State Board of Examiners, or by any person authorized by them to examine the same, or by any committee of the Legislature, or clerk thereof, duly authorized so to do.

State Board
of Exam-
iners to
inquire into
manage-
ment.

SEC. 4. The State Board of Examiners are authorized, in behalf of the State, at any time to inquire, either in person or by authorized agent, into the management of any such institution; and any institution refusing upon due demand to permit such inquiry, shall not thereafter receive any aid under this Act. All expenses incurred in visiting said asylums shall be audited and allowed by the State Board of Examiners out of the appropriations for the support of orphans, half orphans, and abandoned children.

Claims to be
audited and
allowed,
what to
contain.

SEC. 5. Every claim for aid under this Act shall be presented to and audited and allowed by the State Board of Examiners. Such claim shall contain:

1. The name and location of the institution making the claim.
2. The name of the person or persons having charge or control thereof.
3. The number of orphans, half orphans, or abandoned children therein.
4. The date of admission and age of each.
5. The amount, if any, that the institution is receiving for the specific support of any orphan, half orphan, or abandoned child therein.

Claim,
verification
of.

Such claim, and the statements therein contained, shall be verified by the oath of the person or persons, or some of

them, in charge of such institution, and the Board of Examiners may, in their discretion, require the production of the books of such institution in support of such claim.

SEC. 6. If such claim be audited and allowed, in whole or in part, by said Board, it shall be the duty of the Controller to draw his warrant for the amount thereof in favor of the person or persons in charge of such institutions, and it shall be the duty of the Treasurer to pay the same on presentation.

Controller and Treasurer, duties of.

SEC. 7. In order that the provisions of this Act shall not be abused, it is hereby declared:

Number of inmates necessary to claim support.

1. That no institution which has less than twenty inmates of either or all of the classes mentioned in section one hereof, shall be deemed an institution for the support and maintenance of minor orphans, half orphans, or abandoned children, within the intent and meaning of this Act.

2. That no child over the age of fourteen years shall be deemed a minor orphan, half orphan, or abandoned child, within the intent and meaning of this Act.

Whom entitled.

3. That no child for whose specific support there is paid to any such institution the sum of ten dollars or more per month shall be deemed a minor orphan, half orphan, or abandoned child, within the intent and meaning of this Act.

SEC. 8. No money appropriated by the State to any institution claiming aid under this Act shall be expended either in improvements or in the erection of new buildings by such institutions.

Appropriation, how expended.

CHAPTER XX.

An Act to promote emigration from the State of California.

[Approved March 28th, 1880.]

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

SECTION 1. It shall be unlawful for the owners, officers, agents, or employes of any steamship company, sailing vessel, or railroad company, or firm, or corporation that may be engaged in this State in the transportation of passengers to and from any foreign port, to withhold or refuse any person or persons the right to purchase a passage ticket or tickets to any foreign country, for the reason that he or they have not presented a certificate, card, or other document whatsoever, showing that such person has paid in full, or in part, any or all dues, debts, or demands, or otherwise, or any sum whatsoever, to any society, company, corporation, association, or individual, or firm; and any person or corporation who shall violate the provisions of this section, or in pursuance of any agreement, oral or written, refuse to sell a passage ticket to any person to any foreign country, shall be guilty of a misdemeanor, and, upon conviction, shall be punished

To promote emigration from the State.

by a fine of not less than one hundred nor more than five hundred dollars; *provided*, that nothing in this section shall be construed in any manner to apply to any passport or other document required by law to be presented, having the signature or seal of any foreign Consul resident within this State.

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

CHAPTER XXI.

An Act authorizing the Boards of Supervisors of the counties in which water is sold for the purpose of irrigation, to fix the rates at which water shall be sold.

[Approved March 26th, 1880.]

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

Supervisors
to fix rates.

SECTION 1. The Boards of Supervisors of the several counties of this State in which water is appropriated, furnished, and sold principally for the purposes of irrigation, are hereby authorized and required to fix the maximum rates at which such water shall be furnished and sold, at a meeting to be held in the month of February of each year; *provided*, that in the year eighteen hundred and eighty such rates shall be fixed at the first meeting after the passage of this Act. The rates so fixed and established shall be in force from and after the first day of July, after the date of fixing said rates, and shall continue in force for the period of one year; *provided*, that nothing in this section shall apply to water furnished within the limits of any incorporated city and county, city, or town.

Forfeiture of
franchise.

SEC. 2. Any person, company, or corporation collecting rates for water furnished for irrigation in any county in this State in excess of the rates as provided in section one of this Act, shall forfeit for the public use the franchise and water-works of such person, company, or corporation to the county in which such excessive rates were charged.

Action to
enforce
forfeiture.

SEC. 3. Upon affidavit being made by any interested party, setting forth that any such company, person, or corporation has charged rates for water furnished for irrigating purposes in excess of the rates established by the Board of Supervisors, the said Board of Supervisors shall cause the District Attorney to commence an action in the Superior Court of the county, within thirty days from the receipt by them of such affidavit, to enforce the forfeiture of the franchise and water-works of such person, company, or corporation.

To compel
the perform-
ance of the
duties of
Supervisors.

SEC. 4. If the Board of Supervisors fail or neglect to fix the rates, as provided in section one of this Act, or if the Board of Supervisors fail or neglect to commence the action provided for in section three of this Act, as therein provided,

any interested person may commence proceedings to compel the performance of such duties.

SEC. 5. No person, company, or corporation selling water for irrigation, shall be permitted to exercise any control as to the use of the water after its delivery to the purchaser. Control of use of water prohibited.

SEC. 6. This Act shall take effect immediately.

CHAPTER XXII.

An Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California.

[Approved March 31st, 1880.]

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

SECTION 1. The State Board of Examiners are hereby authorized and directed to enter into a contract with E. B. Willis and P. K. Stockton, for the transcription into long-hand writing of the short-hand notes taken by the said E. B. Willis and P. K. Stockton, of the proceedings, transactions, and debates of the Constitutional Convention which assembled on the twenty-eighth day of September, A. D. eighteen hundred and seventy-eight, in the City of Sacramento. Contract.

SEC. 2. The contract entered into by and between the said Board of Examiners and the said E. B. Willis and P. K. Stockton, shall stipulate for the immediate, consecutive, full, and accurate transcription into long-hand writing of the transactions and debates had in the Constitutional Convention and in the Committee of the Whole of said Convention. And the compensation to be paid to the said E. B. Willis and P. K. Stockton for such transcription shall be twenty cents per folio of one hundred words; *provided*, that the entire amount to be paid for transcribing the entire transactions and debates of the said Convention, and of the Committee of the Whole of said Convention, shall not exceed the sum of eighteen thousand dollars; *and provided further*, that the said Board of Examiners shall not be required to receive and examine manuscripts covering less than five thousand folios, or audit any claim for less than one thousand dollars at one time, and shall not authorize the payment of more than seventy-five per cent. of any claim audited or allowed, until the entire work of transcription shall have been completed and placed in their hands. Stipulation.

SEC. 3. The transcription of the said short-hand notes shall be made of the proceedings of consecutive days of the said Convention, beginning with the first day, and all installments of manuscripts delivered to the said Board of Examiners shall be of continuous and consecutive days' proceedings, in plain, legible, long-hand copy, properly prepared for the printer; *provided*, that either house of the Legislature Transcription, how made.

shall, upon the passage of this bill, be entitled to call for a transcription of such parts of the transactions and debates of the said Constitutional Convention, and of the Committee of the Whole thereof, as may be designated in a resolution calling for such transcription, and the transcription called for by either House shall be made and furnished without delay; but the manuscript of transcription called for by either House shall be returned to said Willis and Stockton, but shall not be by them presented to the Board of Examiners until they are reached in their proper connection by a consecutive transcription of the short-hand notes.

Verification
of transcript.

SEC. 4. Said Willis and Stockton shall verify the transcription of the report presented by them to said Board of Examiners, by an oath to be administered by the Governor.

Power of
Board of
Examiners.

SEC. 5. The said Board of Examiners shall have such power and authority as may be necessary to carry out, in good faith, the purposes and objects of this bill.

Superin-
tendent of
Printing to
print.

SEC. 6. The State Board of Examiners shall cause to be printed, at the State Printing Office, such numbers of copies of the said reports of the proceedings, transactions, and debates of said Convention as may be by them deemed advisable, under the direction of the Superintendent of Public Printing, at a cost which shall not exceed the sum of eighteen thousand dollars. The Board of Examiners shall copyright said publication, to the end that the State may be protected. Such copies, when printed, shall be placed in the hands of the Secretary of State, who shall dispose of them as follows, to wit: Ten full sets of volumes shall be filed in the State Library, for the use of members of the Legislature; one set shall be sent to the State Library of each of the States which have furnished the State Library of this State with volumes of the transactions and debates of the Constitutional Conventions held in such States; one full set of the volumes to each of the Justices of the Supreme Court; one full set of the volumes to each Judge of a Superior Court in this State. The remainder of the volumes shall be sold at a sum to be fixed by said Board of Examiners, but which shall not exceed fifteen dollars per set of the volumes.

Distribution.

Price of
volumes.

SEC. 7. This Act shall take effect immediately.

CHAPTER XXIII.

An Act to repeal an Act entitled "An Act to compel the County Clerk of the City and County of San Francisco to keep open his office upon all election days," approved March seventh, eighteen hundred and seventy-six.

[Approved March 31st, 1880.]

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

Repealed.

SECTION 1. An Act entitled "An Act to compel the County Clerk of the City and County of San Francisco to

keep open his office upon all election days," approved March seventh, eighteen hundred and seventy-six, is hereby repealed.

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

CHAPTER XXIV.

An Act to declare valid writs, process, and certificates issued by the Superior Courts of this State, or the Clerks thereof, before such Courts shall have been legally provided with seals.

[Approved March 31st, 1880.]

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

SECTION 1. No writ, process, or certificate issued by any Superior Court, or the Clerk thereof, before such Court shall have been legally provided with a seal, shall be invalid, if in other respects valid, by reason of the absence of a lawful seal; but every such writ, process, or certificate, whether under the seal of one of the Courts abolished on the first day of January, eighteen hundred and eighty, or under the private seal of the Clerk, or under any other seal, or issued without a seal, shall have the same validity as if it had been authenticated by a legally adopted seal of the Court out of which or by whose Clerk it was issued.

Writs,
process, etc.,
declared
valid.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXV.

An Act to repeal an Act entitled "An Act relative to execution from Courts of Justices of the Peace of the several townships of the County of Alameda, approved February twenty-fifth, eighteen hundred and seventy-eight."

[Approved April 1st, 1880.]

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

SECTION 1. An Act entitled "An Act relative to executions from Courts of Justices of the Peace in the several townships of the County of Alameda, approved February twenty-fifth, eighteen hundred and seventy-eight," is hereby repealed.

Repealed.

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

CHAPTER XXVI.

An Act in relation to certain Deputies, Assistants, and Copyists, of County Clerks.

[Approved April 2d, 1880.]

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

County
Clerks to
appoint
deputies, etc.

SECTION 1. In all cases in which, by statutes in force on the thirty-first day of December, eighteen hundred and seventy-nine, the County Clerk of any city and county having over one hundred thousand inhabitants, is authorized to appoint deputies, assistants, and copyists, in, or in connection with the Courts which are abolished by the Constitution now in force, the County Clerk may appoint four competent persons as such deputies, assistants, and copyists for each Superior Court; and where by law such Superior Court is entitled to more than one Judge, he may appoint four competent persons as such deputies, assistants, and copyists for each additional Judge; and such deputies, assistants, and copyists, so appointed, shall be entitled to the same compensation as is provided in said statutes, and the same shall be audited and paid at the same time and manner and from the same source as is provided therein. He may also appoint such additional number of copyists as the business of his office shall, in his discretion, from time to time require, (*provided*, said number shall not exceed, at any one time, three copyists for each Judge of the Superior Court), at a compensation not to exceed three dollars per day each, for the days of actual service rendered; such additional copyists shall be paid at the same time and manner as is provided for such deputies, assistants, and copyists.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXVII.

An Act to provide for the receipt and appropriation of donations to the State, or counties, or cities and counties, or cities or towns therein.

[Approved April 3d, 1880.]

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

Donations of
money to
State, etc.

SECTION 1. Whenever any individual or corporation shall donate to the State, or to either of the counties, or cities and counties, or cities or towns, of this State, any money, the State Treasurer, and the Treasurer of such county, city and county, or city or town, is hereby authorized to receive the same; and, in case the individual or corporation making the same

shall designate, at the time of making such donation, in writing, the fund he desires to benefit thereby, the said donation shall be appropriated accordingly; but in case no such designation be made, then all such donations shall be paid into the Common School Fund.

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

CHAPTER XXVIII.

An Act permitting and authorizing railway and other corporations, organized under the laws of this State, or of any State or Territory of the United States of America, or any Act of Congress of the United States of America, to do business in this State on equal terms.

[Approved April 3d, 1880.]

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

SECTION 1. That every railway corporation, and every corporation organized for the purpose of carrying freights or passengers, which has or may be created or organized under or by virtue of any of the laws of any State or Territory of the United States of America, or any Act of Congress of the United States of America, may hereafter build railways, exercise the right of eminent domain, and do or transact any other business which such corporation might if the same had been created or organized under or by virtue of the laws of this State, having the same rights, privileges, and immunities, and subject to the same laws, penalties, and obligations, and burdens, as though said corporations had been created by or organized under the laws of the State of California.

Corporations to do business in this State.

SEC. 2. Railroad corporations doing business in this State and organized under any law of this State, or the United States, or of any State or Territory thereof, have power to enter into contracts with one another, whereby the one may lease of the other the whole or any part of its railroad, or may acquire of the other the right to use, in common with it, the whole or any part of its railroad.

Railroad corporations to enter into contracts.

SEC. 3. All laws inconsistent with this Act are hereby repealed.

CHAPTER XXIX.

An Act to provide for the removal of Chinese, whose presence is dangerous to the well being of communities, outside the limits of cities and towns in the State of California.

[Approved April 3d, 1880.]

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

Chinese,
removal of
outside of
city limits.

SECTION 1. The Board of Trustees or other legislative authority of any incorporated city or town, and the Board of Supervisors of any incorporated city and county, are hereby granted the power, and it is hereby made their duty, to pass and enforce any and all acts, or ordinances, or resolutions necessary to cause the removal without the limits of such cities and towns, or city and county, of any Chinese now within or hereafter to come within such limits; *provided*, that they may set apart certain prescribed portions of the limits of such cities, or towns, or city and county, for the location therein of such Chinese.

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

CHAPTER XXX.

An Act to declare the Mokelumne River navigable.

[Approved April 3d, 1880.]

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

Navigable
river.

SECTION 1. The Mokelumne River is hereby declared navigable from the point of confluence of said river with the San Joaquin River to a point on said Mokelumne River one mile below the point where Dry Creek flows into said Mokelumne River, and no further.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER XXXI.

An Act to confer upon the Superior Court of each county and the Judge thereof the powers heretofore possessed by the District, County, and Probate Courts of such county, and the Judges thereof.

[Approved April 3d, 1880.]

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

SECTION 1. In all cases in which, on the first day of January, one thousand eight hundred and eighty, any authority or jurisdiction was by law vested in the County or Probate Court of any county, or in the Judge thereof, or in any District Court of such county, or in the Judge thereof, such jurisdiction and authority shall hereafter, while such law continues in force, be vested in and exercised by the Superior Court of such county, or by a Judge thereof.

Conferring
power upon
Superior
Court.

SEC. 2. If any Judge of the Superior Court of any county was the Judge of the County, Probate, or District Court, in and for said county, on the first day of January, eighteen hundred and eighty, and any cause, proceeding, or motion, wholly or partially tried before him, remains undecided, the Superior Court, when presided over by him, may resume the consideration or trial of such cause, proceeding, or motion, at the stage where it was suspended in such Probate, County, or District Court, and may complete such trial or hearing, or determine such cause, motion, or proceeding, as if the same had first been brought or made in such Superior Court.

SEC. 3. This Act shall take effect immediately.

CHAPTER XXXII.

An Act relating to the appointment of aliens to positions under State, county, city and county, city or town officials.

[Approved April 3d, 1880.]

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

SECTION 1. No person shall be employed as a deputy or clerk in any public office of the State, or of any county or municipality therein, who is not a citizen of the United States.

Aliens not to
be employed
as deputies
or clerks.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXIII.

An Act to repeal an Act entitled "An Act to change the orthography of the name of a town in Shasta County."

[Approved April 3d, 1880.]

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

Repealed. SECTION 1. An Act entitled "An Act to change the orthography of the name of a town in Shasta County," approved January twenty-third, eighteen hundred and seventy-four, is hereby repealed.

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

CHAPTER XXXIV.

An Act to provide for the taking of appeals from judgments or orders given or made in the Courts existing on and before the first day of January, eighteen hundred and eighty.

[Approved April 3d, 1880.]

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

Appeals from judgments existing before January, 1880. SECTION 1. In any case where judgment had been rendered, given, or made, or an appealable order had been made or entered, before twelve o'clock noon of the first day of January, eighteen hundred and eighty, in or by any Court which was in existence on and before the first day of January, eighteen hundred and eighty, from which any party interested had at and immediately before the Constitution went into effect a right of appeal to the Supreme Court, or the County Court, the party so interested shall have the right to appeal from such judgment or order to the present Supreme Court, or to the Superior Court of the county, in the same manner and within the same time after the passage of this Act as was before authorized and provided by law for appeal to the then existing Supreme Court or County Court; and upon such appeal the appellate Court shall have the same jurisdiction to hear and determine the matter or cause as the former Court did have in like cases.

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

CHAPTER XXXV.

An Act to amend an Act entitled "An Act relating to mutual, beneficial, and relief associations," approved March twenty-eighth, eighteen hundred and seventy-four.

[Approved April 6th, 1880.]

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

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

4. Such association by its name may sue and be sued, and may loan such funds as it may have on hand, and may own sufficient real estate for its business purposes, and such other real estate as it may be necessary to purchase on foreclosure of its mortgages; *provided*, such real estate so obtained through foreclosure shall be sold and conveyed within five years from the day title is obtained, unless the Superior Court of the proper county shall, upon petition and good cause shown, extend the time.

Mutual, etc.,
associations,
powers of.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXVI.

An Act to repeal an Act entitled "An Act to create and organize Reclamation District Number Two Hundred and Five, and to define its boundaries and provide for its government," approved April first, eighteen hundred and seventy-eight.

[Approved April 6th, 1880.]

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

SECTION 1. An Act entitled "An Act to create and organize Reclamation District Number Two Hundred and Five, and to define its boundaries and provide for its government," approved April first, eighteen hundred and seventy-eight, is hereby repealed.

Repealed.

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

CHAPTER XXXVII.

An Act to amend an Act entitled an Act regulating the sale of mineral lands belonging to the State, approved March twenty-eighth, eighteen hundred and seventy-four.

[Approved April 6th, 1880.]

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

SECTION 1. Section three of "An Act regulating the sale of mineral lands belonging to the State, approved March twenty-eighth, eighteen hundred and seventy-four," is hereby amended so as to read as follows:

Contest as to
character of
land to be
decided by
Superior
Court.

SECTION 3. When a contest shall arise as to the mineral character of the lands applied for, or from any other cause, the Surveyor-General, or the Register before whom the contest is made, must, within thirty days after the adverse application is filed, unless sooner referred, at the request of either claimant, make an order referring such contest to the Superior Court of the county within which the land is situated, and must enter such order in the proper book of his office and forward a copy thereof to the Clerk of the Court to which the reference is made. Upon the filing of a copy of such order with the Clerk of the Court, either party may commence an action in said Court to determine the conflict, and the Court shall have full and complete jurisdiction to hear and determine the same. Unless an action shall be commenced within ninety days after the copy of the order of reference shall have been filed with the Clerk of the Court, the party making such demand, or the adverse claimant, if the case is referred without demand, shall be deemed to have waived and surrendered his or her right to purchase, and the Surveyor-General or Register shall proceed as though his or her application had not been made.

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

CHAPTER XXXVIII.

An Act to repeal an Act entitled "An Act in relation to the office of Court Commissioner of San Joaquin County," approved March twelfth, eighteen hundred and seventy.

[Approved April 9th, 1880.]

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

Repealed.

SECTION 1. The Act entitled "An Act in relation to the office of Court Commissioner of the County of San Joaquin,"

approved March twelfth, eighteen hundred and seventy, is hereby repealed.

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

CHAPTER XXXIX.

An Act to encourage the planting of jute.

[Approved April 9th, 1880.]

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

SECTION 1. That the President of the State Agricultural College shall cause to be planted to jute not less than one nor more than five acres of ground, for the purpose of testing the practicability of its successful cultivation in this State. Planting of jute.

SEC. 2. The amount of money expended in carrying out the provisions of section one of this Act, shall be taken from the fund appropriated for the support of said Agricultural College. Expenses, how paid.

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

CHAPTER XL.

An Act to enable Boards of Supervisors to authorize the employment of a deputy in certain cases.

[Approved April 9th, 1880.]

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

SECTION 1. The Board of Supervisors of any county now of the first class, under the provisions of section four thousand and six of the Political Code, in which the ex officio Auditor and Recorder is not authorized by law to employ a deputy, may, by resolution, authorize the said ex officio Auditor and Recorder to employ a deputy, and to fix the compensation such deputy shall receive, not to exceed one hundred and twenty-five dollars per month. Supervisors to authorize Auditor to employ deputy.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLI.

An Act to amend an Act entitled "An Act relating to apprentices and masters," approved April third, eighteen hundred and seventy-six.

[Approved April 9th, 1880.]

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

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

Minors may
be appren-
ticed, by
whom.

2. Minors, at or above the age of fourteen years, may be bound by the father, or, in case of his death, incompetency, or where he shall have willfully abandoned his family for one year, without making suitable provision for their support, or has become an habitual drunkard, vagrant, etc., then by their mother, or by their legal guardian; and if illegitimate, they may be bound by their mother; and if they have no parent competent to act, and no guardian, they may bind themselves, with the approbation of the Superior Court of the county where they reside; but the power of a mother to bind her children, whether legitimate or illegitimate, shall cease upon her subsequent marriage, and shall not be exercised by herself or her husband, at any time during her marriage, without the approval of the Superior Court of the county wherein she or he resides.

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

Indentures.

4. Indentures shall be signed, sealed, and delivered, in duplicate copies, in the presence of all the parties concerned, and when made with the approbation of the Superior Court, or the Judge thereof, in vacation, such approbation shall be certified in writing, indorsed upon each copy of the indenture. One copy of the indenture shall be kept for the use of the minor by his parent or guardian (when executed by them respectively), but when made with the approbation of the Court, it shall be deposited in the safe keeping of the Clerk of said Court for the use of the minor. The other copy shall be held by the master, and delivered up by him to the apprentice at the expiration of his term of service.

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

Same.

6. Facts of incapacity, desertion, drunkenness, vagrancy, etc., shall be decided in the said Court by a jury, before the indenture shall take effect, and an indorsement on the indenture, under seal of the Court, that the charge or charges are proved, shall be sufficient evidence of the mother's power to give such consent; but if the jury do not find the charge or charges to be true, the person at whose instance such proceedings may have been had shall pay all costs attending the same.

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

8. When any minor who is poor, homeless, chargeable to the county, or an outcast, has no visible means of obtaining an honest livelihood, it shall be lawful for the said Court to bind such apprentice until, if a male, he arrives at the age of twenty-one, and if a female, to the age of eighteen.

Superior Court may bind.

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

9. It shall be unlawful for any master to remove an apprentice out of this State; and in all indentures by the said Court for binding out an orphan, or homeless minor, as an apprentice, there shall be inserted among other covenants a clause to the following effect: That the master to whom such minor shall be bound shall cause the same to be taught to read and write, and the ground rules of arithmetic, and the ratio and proportion, and shall give him requisite instruction in the different branches of his trade or calling, and at the expiration of his term of service shall give him two full new suits of clothes and the sum of fifty dollars, gold; and if a female, she shall have two fine new suits of clothes and the sum of fifty dollars, gold; the two new suits in either case to be worth at least sixty dollars, gold.

obligations of masters.

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

11. Parents and guardians and the said Court shall, from time to time, inquire into the treatment of the children bound by them, respectively, or with their approbation; and the Judges of the said Courts shall be responsible for the charge of indentured apprentices bound by the approbation of their predecessors in office, and defend them from all cruelty, neglect, breach of contract, or misconduct on the part of their masters.

Treatment of apprentices.

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

13. The Superior Court shall hear the complaints of apprentices, who reside within the county, against their masters, alleging undeserved or immoderate correction, insufficient allowance of food, raiment, or lodging, want of instruction in the different branches of their trade or calling, or that they are in danger of being removed out of the State, or any violation of the indenture of apprenticeship; and the Court may hear and determine such cases, and make such order therein as will relieve the party in the future.

Court to hear complaints.

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

14. The Superior Court shall have power, where circumstances require it, to discharge an apprentice from his apprenticeship, and in case any money, or other thing, has been paid or contracted to be paid by either party in relation to such apprenticeship, the Court shall make such order concerning the same as shall seem just and reasonable. If the apprentice so discharged shall have been originally bound by the Superior Court, it shall be the duty of the Court, if found necessary, again to bind such apprentice, if under age.

Court may discharge apprentice.

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

Action
against ap-
prentice for
neglect, mis-
demeanor,
etc.

16. An apprentice who shall be guilty of any gross misbehavior, or refusal to do his duty, or willful neglect thereof, shall render himself liable to the complaint of the master in the Superior Court of the county wherein he resides, which complaint shall set forth the circumstances of the case; and to said complaint shall be attached a citation, signed by the Clerk of said Court, requiring the apprentice, and all persons who have covenanted in his behalf, to appear and answer to such complaint, which complaint and citation shall be served on them in the usual manner of serving civil process.

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

When mas-
ter removes
from this
State.

20. Whenever any master of an apprentice shall wish to remove out of this State, or to quit his trade or business, he shall appear with his apprentice before the Superior Court of the proper county, and if the Court be satisfied that the master has done justice to the said apprentice for the time he has had charge of the same, such Court shall have power to discharge such apprentice from the service of such master, and again bind him, if necessary, to some other person.

SEC. 11. This Act takes effect immediately.

CHAPTER XLII.

An Act to empower the Directors of Levee District Number One, of Sutter County, to issue bonds for the payment or funding of the unfunded indebtedness of said levee district, and to provide for the redemption of such bonds by taxing the property in the district.

[Approved April 9th, 1880.]

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

Bonds.

SECTION 1. The Board of Directors of Levee District Number One, of Sutter County, are hereby authorized and empowered to prepare and provide bonds of said levee district, not exceeding the aggregate amount of seventy-eight thousand dollars, for the purpose of providing funds for the payment or funding the unfunded indebtedness of said levee district.

How issued.

SEC. 2. The bonds shall designate the levee district by its corporate name, shall be issued in sums of not less than five hundred dollars, shall be made payable twenty years after date, and shall bear interest at the rate of seven per cent. per annum, payable semi-annually, on the first day of

Where paid.

January and July of each year. The principal and interest shall be payable in United States gold coin at the office of the County Treasurer of Sutter County. The bonds shall be numbered consecutively and bear the same date, although issued at different times, and shall be signed by the Chairman of the Board of Directors, countersigned by the Auditor of Sutter County, and authenticated by having the seal of

the Board of Supervisors of said county affixed thereto, and shall express on their face that they are issued by authority of this Act, stating its title and date of approval. Coupons Coupons. for the interest shall be so attached to each bond that they may be detached without mutilating the bond, each of which coupons shall be signed by the Chairman of the Board of Directors.

SEC. 3. The bonds, or any part thereof, may be sold under Bonds, how sold. the direction of the Board of Directors to the person or persons who will pay the highest price therefor; *provided*, that no bond shall be sold for less than par in gold coin, and the purchaser, whose bid shall be accepted, shall pay to the County Treasurer, to the credit of said district, the amount of such bid in gold coin, and the Treasurer shall receipt for the same, and such purchaser shall, upon delivery of such receipt to the County Auditor, be entitled to receive the bonds so purchased; *provided*, that before delivery of such bonds the Auditor shall detach therefrom all coupons for accrued interest; *provided further*, that the Board of Directors are hereby authorized and required to apply said bonds, valued at par, to the funding by receiving in exchange, at par, all outstanding warrants which have been legally issued upon the order of the Board of Supervisors of Sutter County, or of the Board of Directors upon the funds of said levee district, with the legal interest on such warrants from the date of their registration. In such funding interest shall be estimated on such warrants to the first of January or July next succeeding, and the Auditor shall remove from the bond, before delivery, all coupons for accrued interest to that date. All coupons detached for accrued interest before delivery of the bond shall be canceled as in case of paid coupons, but adding the word "Unpaid."

SEC. 4. It shall be the duty of the Auditor and Treasurer Duties of Auditor and Treasurer. each to keep a separate record of all bonds issued under the authority of this Act, showing the date of issue, the number, amount, to whom issued, and whether for coin or for funding, with a description of the warrants funded.

SEC. 5. In addition to the tax imposed by the Act of the Assessment. Legislature entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District Number One, of Sutter County," approved March twentieth, eighteen hundred and seventy-four, a tax is hereby levied and assessed upon and against all the taxable property within said levee district, sufficient to raise the amount necessary to pay the interest and principal of the bonds hereby authorized as the same become due, which rate shall be ascertained and determined as follows: At the time and in the manner provided in the Act aforesaid for levying taxes in said district, the Board of Directors are hereby required to include in the amount necessary to pay the interest and any part of the principal that may become due for the current year on the funded debt of said district, a rate of tax which shall be sufficient to raise, over and above delinquencies and expenses of collection, the annual interest on the outstanding bonds

hereby authorized for the first ten years from the date of such bonds; and for the ensuing ten years the rate shall be such as shall be sufficient, in addition to such annual interest, to raise the following percentage of the principal of the whole amount of bonds issued, to wit: for the eleventh year, five per cent.; for the twelfth year, six per cent.; for the thirteenth year, seven per cent.; for the fourteenth year, eight per cent.; for the fifteenth year, nine per cent.; for the sixteenth year, ten per cent.; for the seventeenth year, eleven per cent.; for the eighteenth year, thirteen per cent.; for the nineteenth year, fifteen per cent.; for the twentieth year, sixteen per cent. Should the Board of Directors neglect or fail to levy the tax herein provided, it is hereby made the duty of the County Auditor to make such levy and add it to the assessment roll of such levee district, and the same shall be collected in the manner provided in the Act of the Legislature aforesaid.

Tax to be used for no other purpose.

SEC. 6. All moneys derived from the tax hereby imposed shall be by the Treasurer held and appropriated to the payment of the principal and interest on the bonds hereby authorized, and shall not be used for any other purpose whatever.

Redemption.

SEC. 7. Whenever there shall be in the Interest or Redemption Fund of said district a surplus of two thousand dollars or more, over and above the interest to be paid in the current year, the Treasurer shall give notice for ten days, in one or more daily newspapers of general circulation in the State, stating the amount of such surplus, and that, on a day and hour named in such notice, sealed proposals will be received at his office for the surrender of the bonds of the district, and shall, at the time and place named, open the proposals and accept the lowest bid, at a rate not exceeding par and accrued interest; *provided*, that if proposals are not offered at par, or less, sufficient to exhaust the amount on hand applicable to redemption, the Treasurer shall publish for ten days, in a daily newspaper published in San Francisco, having general circulation in the State, that he will redeem bond or bonds of said district, commencing with the highest number and giving the amounts, and that at the expiration of thirty days from the date of the notice, if said bonds are not presented for redemption, the interest thereon will cease, from and after which time no interest shall be allowed on such bonds.

Cancellation.

SEC. 8. When any bond or coupon is paid, the Treasurer shall write the date of its payment on its face, sign his name thereto, and deliver the same to the Auditor for cancellation.

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

CHAPTER XLIII.

An Act to amend an Act entitled "An Act to provide for the building of a school house in Modesto School District, in the County of Stanislaus, in the State of California," approved January ninth, eighteen hundred and seventy-four.

[Approved April 9th, 1880.]

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

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

9. Within three months after the issuance of any bonds under the provisions of this Act, and thereafter in every second year, until all the bonds and the interest thereon are fully paid, the qualified electors of said Modesto School District may elect one District Assessor and one District Tax Collector; *provided*, that it shall be competent for said electors at such election to elect to such offices any elector of said county. The first election of said officers shall be held at such time and place as may be designated by the Board of Trustees; all subsequent elections must be held at the same time as is or may be hereafter by law appointed for the election of District Trustees, and notice of election must be given, officers to conduct the same must be appointed, and the same must be conducted in all respects as the law requires or may hereafter require for the election of District Trustees, except in this, that the officers conducting said election must, within three days thereafter, make return thereof to said Board of Trustees, and said Board must canvass said election returns and must issue thereupon certificates of election to the persons having received the highest number of votes cast. The District Assessor and District Tax Collector shall hold their respective offices for the term of two years from the first Monday in March after their election or appointment, and until their successors are elected, or appointed and qualified. The persons elected or appointed to said offices, within ten days after receiving their certificates of election or appointment, must qualify, by taking the oath of office and executing and filing with the District Clerk an official bond in such sum as may be fixed by the order of said Board of Trustees. Said bond must be executed in the same manner as other official bonds, and before filing must be approved in the same manner as other official bonds of county and township officers are now or may hereafter by law be required to be approved; *provided*, that the present incumbents of said offices shall hold over and continue in office until the first Monday in March, eighteen hundred and eighty-one; and *provided further*, that if the electors of said district fail to hold any election as herein provided, or if any of the officers herein authorized to be elected fail to qualify within the time prescribed, or if

Election of Assessor and Collector.

Term of office.

Qualification.

from any other cause a vacancy occurs in the said offices of District Assessor or District Collector, or either, the Board of Trustees of said district shall appoint a person or persons to fill such office or offices, and such appointee or appointees shall hold the said office or offices for the full or unexpired term, as the case may be; *and provided further*, that if either the County Assessor, County Collector, or County Treasurer, is elected or appointed to fill either or both of said offices, no additional bond shall be required of them, but they shall be liable upon their official bonds as County Assessor, County Collector, or County Treasurer, for the faithful discharge of the duties devolving upon them under the provisions of this Act.

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

Duties of
Assessor.

10. It shall be the duty of the District Assessor, on the first Monday in March in each year during his continuance in office, to commence making an assessment of all the property, of every description, in said district, liable to taxation. Such assessment shall be made in the same manner as the assessment for State and county purposes is now or may hereafter be required to be made by law; and the said District Assessor shall, within his district, have and exercise all the powers by law conferred upon County Assessors. Said assessment in each year shall be finished and the assessment roll delivered to the Board of Trustees of said district within ten days after the time required by law for the completion and delivery by the County Assessor of the county assessment roll.

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

Equalization
of taxes.

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

the property upon which the same has been assessed rests absolutely in a purchaser under a valid sale for the satisfaction of such taxes.

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

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

Funds, how kept and paid.

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

16. The District Assessor and the District Tax Collector, for the services required of them under the provisions of this Act, shall each receive a salary of fifty dollars per annum, which shall be payable semi-annually on the first Monday in January and on the first Monday in July, out of surplus moneys in the "Modesto School District Bond Redemption Fund," not then actually required for the payment of bonds or interest. On the days in this section named, in each year, the Trustees of said Modesto School District shall audit the salary then due the said Assessor and Collector, as well as all other expenses incurred by them under the provisions of this Act, and order the same paid; and upon the filing of a duly certified copy of such order with him, the County Auditor shall issue his warrant for the amount specified therein to the person entitled thereto, in the same manner as he is required to issue warrants for demands against the county, and upon presentation of such warrant or warrants the County Treasurer shall pay the same, as authorized and required by section fifteen of this Act.

Salaries.

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

CHAPTER XLIV.

An Act to amend an Act concerning the selection and sale of University lands, approved March thirteenth, eighteen hundred and seventy-four.

[Approved April 9th, 1880.]

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

SECTION 1. Section one of an Act concerning the selection and sale of University lands, approved March thirteenth, eighteen hundred and seventy-four, is hereby amended so as to read as follows:

Land
contests,
how
determined.

1. In all cases when a contest shall arise between two or more persons concerning the right of such persons to purchase any portion of the one hundred and fifty thousand acres of land granted to the State for the use of an Agricultural College, if either party shall demand a trial in the Courts of the State, the Land Agent of the University, as the agent of the State, shall make an order, referring said contest to the Superior Court of the county in which the land involved is situated, and shall enter said order in the proper record book of his office; *provided*, that the party making such demand shall prosecute his contest to judgment within six months from the date of such demand, unless for cause satisfactory to the Court. Either party may bring an action in the Superior Court of the county in which the land in question is situated, to determine such conflict; and the proffer of a certified copy of the entry, made by the said agent, shall give the said Superior Court full and complete jurisdiction to hear and determine said conflict; and upon the filing, with the said agent, of a copy of the final judgment of said Court, he shall issue the certificate of purchase, or other evidence of title, in accordance with said final judgment.

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

CHAPTER XLV.

An Act for the better protection of fruit trees and vines.

[Approved April 9th, 1880.]

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

Commission. SECTION 1. The Board of Supervisors in the several counties of this State are hereby authorized, when application is made in writing by five legal voters of any voting precinct in the county, to appoint a Commission of such number as they shall deem necessary, to inspect fruit trees and vines within the district for which they shall have been appointed; and in case disease of any kind be found among said trees or vines, which is extending and likely to extend

to neighboring vineyards or orchards, said Commission may order such action taken by the removal of such trees and vines, or otherwise, as they may deem necessary for the public good; *provided*, such Commission shall serve without compensation, and the labor necessary to comply with their recommendations shall be at the expense of the owner of the property.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLVI.

An Act to appropriate money to the California Artificial Stone Paving Company, to pay the balance due the company for laying down the stone walks and avenues about the Capitol grounds.

[Approved April 9th, 1880.]

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

SECTION 1. The sum of sixteen hundred and fifty-four dollars and thirteen cents is hereby appropriated out of the General Fund in the State treasury to pay the claim of the California Artificial Stone Paving Company, a balance due upon its contract for laying the stone walks and avenues about the Capitol. Appropriation.

SEC. 2. The Controller of State is directed to draw his warrant on the State treasury in favor of the California Artificial Stone Paving Company for the sum of sixteen hundred and fifty-four and thirteen one-hundredths dollars.

SEC. 3. This Act takes effect immediately.

CHAPTER XLVII.

An Act to provide for the erection of buildings and improvements for the Deaf and Dumb and Blind Asylum.

[Approved April 9th, 1880.]

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

SECTION 1. The sum of seventy-three thousand dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to be paid to the Directors of the Deaf and Dumb and Blind Asylum, and to be expended as follows: To erect an additional home, fifty-one thousand five hundred dollars; to complete the dining room, kitchen, and culinary offices, thirteen thousand five hundred dollars; Appropriation.

to make brick foundation beneath the shop building, three thousand dollars; to increase water supply, five thousand dollars.

SEC. 2. All buildings erected under the provisions of this Act shall be constructed by day's labor, and not by contract.

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

CHAPTER XLVIII.

An Act to provide a contingent fund for the use of the Senate.

[Approved April 10th, 1880.]

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

Appropriation.

SECTION 1. The sum of fifty-five hundred (\$5,500) dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, to defray the contingent expenses of the Senate at the twenty-third session of the Legislature, and said amount shall be subject to its order.

SEC. 2. The moneys hereby appropriated shall be exempt from the provisions of section six hundred and seventy-two of the Political Code.

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

CHAPTER XLIX.

An Act to amend sections one and three of an Act entitled "An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employ them," approved March thirtieth, A. D. one thousand eight hundred and seventy-eight.

[Approved April 12th, 1880.]

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

SECTION 1. Section one of an Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employ them, approved March thirtieth, eighteen hundred and seventy-eight, is hereby amended so as to read as follows:

Labor with logs, lien upon.

Section 1. A person who labors at cutting, hauling, rafting, or driving logs or lumber, or who performs any labor in or about a logging camp necessary for the getting out or transportation of logs or lumber, shall have a lien thereon for the amount due for his personal services, which shall take pre-

cedence of all other claims, to continue for thirty days after the logs or lumber arrive at the place of destination, for sale or manufacture, except as hereinafter provided.

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

Section 3. All liens hereby provided for shall cease and determine unless suit to foreclose the same shall be commenced in the proper Court within twenty-five days from the time the same are filed. Suits to commence in proper Courts.

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

CHAPTER L.

An Act to provide for the speedy completion of the Branch State Prison at Folsom.

[Approved April 12th, 1880.]

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

SECTION 1. There is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, the sum of forty thousand dollars, to be used by the State Board of Prison Directors in completing as speedily as possible the Branch State Prison at Folsom. Appropriation.

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

CHAPTER LI.

An Act to prohibit the issuance of licenses to aliens not eligible to become electors of the State of California.

[Approved April 12th, 1880.]

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

SECTION 1. No license to transact any business or occupation shall be granted or issued by the State, or any county, or city, or city and county, or town, or any municipal corporation, to any alien not eligible to become an elector of this State. Licenses prohibited to aliens not eligible to become electors.

SEC. 2. A violation of the provisions of section one of this Act shall be deemed a misdemeanor, and be punished accordingly. Misdemeanor.

CHAPTER LII.

An Act to provide for the erection of a building for the use of the Normal School.

[Approved April 12th, 1886.]

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

Appropriation.

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated out of the General Fund for the erection of a building for the use of the Normal School. One-half of the said sum shall be payable immediately, and the remaining half during the fiscal year ending June thirtieth, eighteen hundred and eighty-one. The Controller of State shall draw warrants from time to time, as the work shall progress, in favor of the Board of Trustees of the Normal School, upon their requisition for the same; *provided*, that the cost to this State of the erection of said Normal School building shall not exceed the amount herein appropriated, in addition to the insurance money, when completed.

How expended.

SEC. 2. The said building shall be erected, and the moneys hereby appropriated therefor expended under the direction of the Board of Trustees of the Normal School. All labor upon the said building shall be done by day's work. All policies of insurance ever procured on any building erected under this Act, or upon the furniture therein, shall be payable to the State Treasurer for the use of the people of the State of California.

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

CHAPTER LIII.

An Act to amend an Act entitled "An Act to provide for increasing the law library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the bar, the city and county government, and the people of the City and County of San Francisco," approved March ninth, eighteen hundred and seventy.

[Approved April 12th, 1880.]

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

SECTION 1. Section one of "An Act to provide for increasing the law library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the bar, the city and county government, and the people of the City and County of San

Francisco," approved March ninth, eighteen hundred and seventy, is hereby amended so as to read as follows:

Section 1. The San Francisco Law Library, from and after the acceptance of the provisions of this Act in the mode hereinafter provided, shall be under the direction and control of a Board of Trustees, consisting of the Mayor of the City and County of San Francisco, the four Judges of the Superior Court of the City and County of San Francisco having the shortest term to serve, all of whom shall be ex officio members of said Board, and seven other Trustees, who shall be elected by the shareholders, as hereinafter provided, at the regular annual meeting of the shareholders, or at such other meeting as may be called for the purpose by the President of the Board of Trustees. Any six members of said Board of Trustees herein provided for, shall constitute a quorum for the transaction of business.

Board of
Trustees,
how
constituted.

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

Section 6. On the commencement in or removal to said Superior Court of the City and County of San Francisco of any civil action or proceeding, on filing the first papers therein, the party instituting the proceeding or filing the said first papers shall pay to the Clerk of said Court the sum of one dollar, as costs, for a fund which shall be designated the "Library Fund," to be expended by the Trustees of the San Francisco Law Library in the purchase of such books and periodicals as they may select for such library, and for such other purposes connected with said library as they may deem necessary; and before the filing of the papers in the case the Clerk shall demand and collect said sum, for which sum so required to be collected the said Clerk and his sureties shall be responsible on his official bond; the Clerk shall keep a true and accurate account of all such sums so received and required to be collected, and shall pay over the same at the end of each month to the Treasurer of the said San Francisco Law Library, taking duplicate receipts therefor, one of which shall be filed by the Clerk in his office, and the other, together with a certificate of the true number of causes and civil proceedings commenced in said Court, or removed thereto, during the preceding month subject to such payment, under his hand and seal, shall be delivered to the Recording Secretary of the said San Francisco Law Library, and be filed by him and kept as a part of the records of his office; and all moneys collected by the said Clerk on proceedings instituted in said Superior Court since January first, eighteen hundred and eighty, in pursuance of the terms of said section six, shall be accounted for and paid over to the Treasurer of said San Francisco Law Library in the manner provided in this section for funds hereafter to be collected.

Library
Fund.

SEC. 3. This Act shall take effect as soon as its provisions shall have been accepted by the said San Francisco Law Library at a meeting of the shareholders thereof, to be called by the President thereof by notice of ten days, published in two daily papers published in the City and County of San

To take
effect.

Francisco (specifying the object of such meeting), and a certificate of such acceptance signed by the President and Secretary of said library filed in the office of the Clerk of said city and county. But so far forth as to authorize the calling of such meeting, the same shall take effect immediately.

CHAPTER LIV.

An Act making an appropriation for the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty.

[Approved April 12th, 1880.]

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

Appropriation.

SECTION 1. The sum of twelve thousand dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the support of the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty.

SEC. 2. This Act shall take effect immediately.

CHAPTER LV.

An Act to repeal an Act entitled "An Act to prevent changes in the text-books in use in the public schools," approved December thirteenth, eighteen hundred and seventy-five.

[Approved April 12th, 1880.]

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

Repealed.

SECTION 1. An Act entitled "An Act to prevent changes in the text-books in use in the public schools," approved December thirteenth, eighteen hundred and seventy-five, is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER, LVI.

An Act concerning the payment of the expenses and costs of the trial of convicts for crimes committed in the State Prison, and to pay the costs of the trial of escaped convicts, and to pay for the expenses of Coroner inquests in said prison.

[Approved April 12th, 1880.]

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

SECTION 1. The costs and expenses of all trials which have heretofore been had in the county in this State where the State Prison is situated, for any crime committed by any convict in the State Prison, and the costs of guarding and keeping such convict, and the execution of the sentence of said convict by said county, and the costs and expenses of all trials heretofore had for the escape of any convict from the State Prison, and the costs and expenses of all Coroner inquests heretofore had of any convict at the State Prison by the county where said prison has been situated, shall be certified to by the County Clerk of said county wherein said trials and inquests have been held to the Board of State Prison Directors for their approval, and after such approval they shall pay the same out of the money appropriated for the support of the State Prison to the County Treasurer of said county where said trials have been had; *provided*, that this Act shall not apply to any costs or expenses incurred since January first, eighteen hundred and seventy-three.”

Costs and expenses of trials of convicts for crimes committed in State Prison.

Proviso.

SEC. 2. This Act shall only apply to cases which have not been settled for by the State.

Where applicable.

SEC. 3. This Act shall take effect immediately.

CHAPTER LVII.

An Act to compel railroad corporations, or individuals owning railroads, to operate their roads.

[Approved April 15th, 1880.]

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

SECTION 1. From and after the completion of any railroad, or the completion of such portion thereof capable of being operated, it shall be the duty of the corporation, or individual owning the same, to operate it; and upon the failure of said corporation or individual so owning said road to keep the same, or any part thereof, in full operation for the period of six months, its or his right to operate the same in whole or in part, as the case may be, shall be forfeited;

Operation of railroads.

and the lands occupied for the purposes of its or his road, so far as the same shall not be operated, shall revert to the original owners, or their successors in interest. A railroad shall be deemed to be in full operation when one passenger train, or one mixed train, is run over it once each day in each direction and a sufficient number of freight trains to accommodate the traffic on said road.

SEC. 2. This Act shall not be construed to apply to a case where the operation of the road is prevented by the act of God, nor to a case where the operation of said road, together with its branch or trunk lines, does not yield income sufficient to defray the expenses of maintaining and operating the same in connection with its said branch or trunk lines.

Duty of
Railroad
Commission-
ers.

SEC. 3. The Railroad Commissioners of the State of California shall have the power to examine and determine the question whether said road, together with its said branch and trunk lines, does or does not yield income sufficient to operate the same.

SEC. 4. This Act shall take effect immediately.

CHAPTER LVIII.

An Act to provide for the management of the "Yosemite Valley and the Mariposa Big Tree Grove."

[Approved April 15th, 1880.]

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

Commission-
ers.

SECTION 1. The Governor of the State of California and the eight other Commissioners appointed by him, in accordance with the Act of Congress entitled "An Act authorizing a grant to the State of California of the Yosemite Valley and the land embracing the Mariposa Big Tree Grove," approved June thirteenth, eighteen hundred and sixty-four, shall constitute a Board to manage such premises, and the Governor shall be ex officio member of the Commission and President of the Board. The term of office of said Commissioners shall be four years; *provided*, that the eight first appointed shall so classify themselves that four shall go out of office in two years, and four in four years; and hereafter the appointments shall be made four each two years. Vacancies occurring in said Commission from death, resignation, or other causes, shall be filled by appointment by the Governor, to serve for the unexpired term only.

Terms.

Vacancies.

Title and
powers.

SEC. 2. The Commissioners shall be known as the "Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove," and they and their successors shall have power to sue and be sued, and have full power to manage and administer the grant made and the trust created by said Act of Congress, and to make and adopt all rules, regulations, and

by-laws for their own government, and government, improvement, and preservation of such premises.

SEC. 3. The principal place of business shall be in the said Yosemite Valley, in the County of Mariposa, and they shall meet at their office in said valley on the first day of June of each year, and may meet thereat oftener when a majority of the Commissioners deem it expedient to do so. The said Commissioners shall receive no compensation, other than necessary traveling expenses incurred in performing the duties of the Board as prescribed in this Act.

Principal place of business.

Compensation.

SEC. 4. Such Commissioners shall meet on the twentieth day of April, eighteen hundred and eighty, at the State Capitol, for organization, and at such meeting they shall elect a suitable person to act as guardian of said Yosemite Valley and Mariposa Big Tree Grove, and shall not be one of said Commissioners. Said guardian shall be at the office of the Commissioners in the said county at all times, unless it shall be otherwise ordered by a majority of the Commissioners, and shall hold his position during the pleasure of the Commissioners electing him. Such guardian shall receive the sum of one hundred and twenty-five dollars per month, payable monthly, which salary shall be paid from the State treasury in the same manner as the salaries of State officers are paid. All moneys, rents, or profits derived from said grant and premises shall be expended in improvements in said valley by order of the Commissioners, and under the supervision of said guardian.

Meetings.

Guardian.

Salary.

Moneys, etc., how expended.

SEC. 5. The said Commission shall, immediately after organizing, demand from the Commissioners now acting all the books, papers, and documents of any and every kind pertaining to the business of said Board, and it shall be the duty of the Commissioners now acting to immediately comply with said demand.

Delivery of books, papers, etc.

SEC. 6. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed, and this Act shall take effect from and after its passage.

CHAPTER LIX.

An Act to organize and define the powers of the Board of Railroad Commissioners.

[Approved April 15th, 1880.]

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

SECTION 1. The three persons elected Railroad Commissioners, pursuant to the provisions of section twenty-two, of article twelve, of the Constitution of this State, constitute, and shall be known and designated as the "Board of Railroad Commissioners of the State of California." They shall have power to elect one of their number President of said

Board.

Appointment.

Board, to appoint a Secretary, to appoint a Bailiff, who shall perform the duties of Janitor; also, to employ a Stenographer, whenever they may deem it expedient.

Salaries.

SEC. 2. The salary of each Commissioner shall be four thousand dollars per annum; the salary of the Secretary shall be twenty-four hundred dollars per annum; the salary of the Bailiff shall be twelve hundred dollars per annum, such salaries to be paid by the State of California in the same manner as the salaries of State officers are paid. The Stenographer shall receive a reasonable compensation for his services, the amount to be fixed by the State Board of Examiners, and paid by the State. Said Commissioners, and the persons in their official employment when traveling in the performance of their official duties, shall have their traveling expenses other than transportation paid, the amounts to be passed on by the State Board of Examiners, and paid by the State. Said Board of Railroad Commissioners shall be allowed one hundred dollars per month for office rent, and fifty dollars per month for fuel, lights, postage, expressage, subscription to publications upon the subject of transportation, and other incidental expenses, to be paid by the State; *provided*, that all moneys remaining unexpended at the expiration of each fiscal year shall be returned to the State treasury. Said Board is further authorized to expend not to exceed four hundred dollars for office furniture and fixtures, to be paid by the State. The State shall furnish said Board with all necessary stationery and printing, upon requisitions signed by the President of said Board.

Expenses.

Free passes

SEC. 3. Said Commissioners and the persons in their official employment, shall, when in the performance of their official duties, have the right to pass free of charge on all railroads, steamers, ships, vessels, and boats, and on all vehicles employed in or by any railroad or other transportation company engaged in the transportation of freight and passengers within this State.

Duties of Attorney-General and District Attorney.

SEC. 4. It shall be the duty of the Attorney-General, and the District Attorney in every county, on request of said Board, to institute and prosecute, and to appear and to defend for said Board, in any and all suits and proceedings which they or either of them shall be requested by said Board to institute and prosecute, and to appear in all suits and proceedings to which the Board is a party, shall have precedence over all other business except criminal business; *provided*, that said Board shall have the power to employ additional counsel to assist said Attorney-General, or said District Attorney, or otherwise, when in their judgment the exigencies of the case may so require. The fees and expenses of said additional counsel to be determined by the State Board of Examiners, and paid by the State.

Additional counsel.

Location of office.

SEC. 5. The office of said Board shall be in the City of San Francisco. Said office shall always be open (legal holidays and non-judicial days excepted). The Board shall hold its sessions at least once a month in said City of San Francisco, and at such other times and such other places within this State as may be expedient. The sessions of said

Board shall be public, and when held at a place other than the office in the City of San Francisco, notice thereof shall be published once a week for two successive weeks before the commencement of such session, in a newspaper published in the county where such session is to be held; and if no newspaper is published in such county, then in a newspaper published in an adjacent county. Such publication to be paid by the State in the manner as other publications authorized by law are paid. Sessions.

SEC. 6. The Board shall have a seal, to be devised by its members, or a majority thereof. Such seal shall have the following inscription surrounding it: "Railroad Commission, State of California." The seal shall be affixed only to, first, writs; second, authentications of a copy of a record or other proceeding, or copy of a document on file in the office of said Commission. Seal.

SEC. 7. The process issued by said Board shall extend to all parts of the State. The Board shall have power to issue writs of summons and of subpoena in like manner as Courts of record. The summons shall direct the defendant to appear and answer within fifteen days from the day of service. The necessary process issued by the Board may be served in any county in this State by the Bailiff of the Board, or by any person authorized to serve process of Courts of record. Powers of Board.

SEC. 8. The Secretary of said Board shall issue all process and notices required to be issued, and do and perform such other duties as the Board may prescribe. The Bailiff shall preserve order during the sessions of said Board, and shall have authority to make arrests for disturbances. He shall also have authority, and it shall be his duty, to serve all process, orders, and notices issued by said Board when directed by the President, and make return of the same. Powers of officers.

SEC. 9. All complaints before said Board shall be in writing and under oath. All decisions of said Board shall be given in writing, and the grounds of the decisions shall be stated. A record of the proceedings of said Board shall be kept, and the evidence of persons appearing before said Board shall be preserved. Complaints and decisions to be in writing.

SEC. 10. Whenever the Board shall render any decision within the purview and pursuant to the authority vested in said Board by section twenty-two, of article twelve, of the Constitution, said Board, or the person, copartnership, company, or corporation making the complaint upon which such decision was rendered is authorized to sue upon such decision in any Court of competent jurisdiction in this State. When may sue.

SEC. 11. Whenever said Board in the discharge of its duties shall establish or adopt rates of charges for the transportation of passengers and freight, pursuant to the provisions of the Constitution, said Board shall serve a printed schedule of such rates, and of any changes that may be made in such rates, upon the person, copartnership, company, or corporation affected thereby; and upon such service, it shall be the duty of such person, copartnership, company, or corporation to immediately cause copies of the same to be posted Rates.

in all its offices, station houses, warehouses, and landing offices affected by such rates, or change of rates, in such manner as to be accessible to public inspection during usual business hours. Said Board shall also make such further publication thereof as they shall deem proper and necessary for the public good. If the party to be served, as hereinbefore provided, be a corporation, such service may be made upon the President, Vice-President, Secretary, or managing agent thereof, and if a copartnership, upon any partner thereof. The rates of charges established or adopted by said Board, pursuant to the Constitution and this Act, shall go into force and effect on the twentieth day after service of said schedule of rates, or changes in rates, upon the person, copartnership, company, or corporation affected thereby, as hereinbefore provided.

Jurisdiction. SEC. 12. When jurisdiction is, by the Constitution, conferred on the Board of Railroad Commissioners, all the means necessary to carry it into effect are also conferred on said Board, and when in the exercise of jurisdiction within the purview of the authority conferred on said Board by the Constitution the course of proceeding be not specifically pointed out, any suitable process or mode of proceeding may be adopted by the Board which may appear most conformable to the spirit of the Constitution.

Demand from Transportation Commissioners, under Act of April 1st, 1878. SEC. 13. The said Board shall, immediately after entering upon the performance of its duties, demand and receive from the Transportation Commissioner, appointed under an Act approved April first, eighteen hundred and seventy-eight, section nine, chapter one, all public property belonging to the office of said Transportation Commissioner, in his possession, or under his control, and it is hereby made his duty to deliver the same to the said Board.

Definition of term "transportation companies." SEC. 14. The term "transportation companies" shall be deemed to mean and include:

First—All companies owning and operating railroads (other than street railroads) within this State.

Second—All companies owning and operating steamships engaged in the transportation of freight or passengers from and to ports within this State.

Third—All companies owning and operating steamboats used in transporting freight or passengers upon the rivers or inland waters of this State.

The word "company," as used in this Act, shall be deemed to mean and include corporations, associations, partnerships, trustees, agents, assignees, and individuals. Whenever any railroad company owns and operates in connection with its road and for the purpose of transporting its cars, freight, or passengers, any steamer or other water craft, such steamer or other water craft shall be deemed part of its said road. Whenever any steamship or steamboat company owns and operates any barge, canal boat, steamer, tug, ferry boat, or lighter, in connection with its ships or boats, the things so owned and operated shall be deemed to be part of its main line.

SEC. 15. The salaries of the Commissioners, Secretary, Bailiff, and all other officers and attachés in any manner employed by the Board of Commissioners, and all expenses of every kind created under this act, shall be paid out of any money in the General Fund not otherwise appropriated, and the Controller of State is hereby authorized and directed to draw his warrants from time to time for such purposes, and the State Treasurer is hereby authorized and directed to pay the same.

SEC. 16. This Act shall take effect immediately.

CHAPTER LX.

An Act to provide for the management and control of the State Agricultural Society by the State.

[Approved April 15th, 1880.]

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

SECTION 1. The State Agricultural Society is hereby declared to be a State institution.

SEC. 2. Within ten days after the passage of this Act, the Governor shall appoint twelve resident citizens of the State who shall, when organized, constitute a State Board of Agriculture, who shall, except as hereinafter provided, hold office for the term of four years, and until their successors are appointed and qualified. Vacancies occurring from any cause in the Board shall be filled by appointment of the Governor for the unexpired term of the office vacated.

SEC. 3. Within ten days after their appointment, the persons so appointed shall qualify, as required by the Constitution, and shall meet at the office of the State Agricultural Society and organize by the election of one of their number as President of the Board and said Society, who shall hold said office of President for the term of one year, and until his successor is elected and qualified. The Board shall also elect a Secretary and Treasurer, not of their number, who shall each hold office at the discretion of the Board.

SEC. 4. At the same meeting the members of the Board shall, by lot or otherwise, classify themselves into four classes of three members each. The terms of office of the first class shall expire at the end of the first fiscal year; of the second class, of the second year; of the third class, of the third year; of the fourth class, at the end of the full term of four years. The fiscal year shall be from the first of February to the first of February.

SEC. 5. The State Board of Agriculture shall be charged with the exclusive management and control of the State Agricultural Society as a State institution; shall have pos-

session and care of its property, and be intrusted with the direction of its entire business and financial affairs. They shall define the duties of the Secretary and Treasurer, fix their bonds and compensation, and shall have power to make all necessary changes in the Constitution and rules of the Society; to adapt the same to the provisions of this Act, and to the management of the Society, its meetings, and exhibitions. They shall provide for an annual fair or exhibition by the Society of all the industries and industrial products of the State, at the City of Sacramento; *provided*, that in no event shall the State be liable for any premium awarded or debt created by said Board of Agriculture.

Same.

SEC. 6. The Board shall have power to appoint all necessary Marshals and police to keep order and preserve peace at the annual fairs of the Society, and the officers so appointed shall be vested with the same authority for the preservation of order and peace, on the grounds and in the buildings of the Society, that executive peace officers are vested with by law.

Report to Governor.

SEC. 7. Said Board shall use all suitable means to collect and disseminate all kinds of information calculated to educate and benefit the industrial classes, develop the resources, and advance the material interests of the State, and shall, on or before the first day of February of each year, report to the Governor a full and detailed account of their transactions, statistics, and information gained, and also a full financial statement of all funds received and disbursed. They shall also make such suggestions and recommendations as experience and good policy may dictate for the improvement and advancement of the agricultural and kindred industries.

Printing reports.

SEC. 8. The Superintendent of State Printing shall, each year, print and bind in cloth four thousand volumes of said transactions, and deliver the same to said Board of Agriculture for distribution and exchange. He shall also do such job printing as said Board may require to carry out the provisions of this Act.

County and district agricultural societies.

SEC. 9. The Directors or Boards of Managers of each county and district agricultural society or association, and of each county, district, or State horticultural and stock-breeding association or society, organized and acting under the laws of this State, shall report annually, on or before the first day of April, to the State Board of Agriculture, the name and post-office address of each officer of such society or association; and on or before the first day of December shall report to said Board of Agriculture the transactions of said society, including the premiums offered, the list of stock and articles exhibited, and the premiums paid; the amount of receipts and expenditures for the year, the new industries inaugurated, and any and all facts and statistics showing the development and extent of the industries, products, and resources of the county or district embraced within the management of such society or association; *provided*, that the provisions of this Act shall not apply to any Board of Commissioners or other body organized under the laws of this State, the object of which is

to promote vinicultural industries, unless such Board or body shall voluntarily request the privilege of making such reports as are called for by this Act, in which case such Board or body shall enjoy equal privileges as are accorded to other institutions devoted to agriculture.

SEC. 10. To facilitate such reports, the State Board of Agriculture shall have prepared, and shall furnish such societies with necessary schedules and blanks for such reports, and said State Board shall include such reports from societies and associations, or so much thereof as they may deem advisable, in their report to the Governor.

To furnish blanks, etc.

SEC. 11. When said State Board of Agriculture shall have been organized and classified as provided herein, the Secretary of the Board shall report such organization and classification to the Governor. He shall also report any vacancy that may occur in said Board at any time.

To notify Governor of organization and report vacancies.

SEC. 12. All laws and parts of laws in conflict with this Act are hereby repealed.

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

CHAPTER LXI.

An Act to provide for the payment of the salaries and traveling expenses of the State Board of Equalization, and the Clerk thereof, and for postage and contingent expenses of said Board, for the thirty-first fiscal year, ending June thirtieth, eighteen hundred and eighty.

[Approved April 15th, 1880.]

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

SECTION 1. There is hereby appropriated out of the General Fund of the State treasury, for the following object, for the thirty-first fiscal year: For the salaries of the State Board of Equalization, five thousand eight hundred and sixty-six dollars and sixty-eight cents; for the salary of the Clerk of the State Board of Equalization, four hundred and fifty dollars; for the traveling expenses of the members and Clerk of said Board, two thousand dollars; for postage and contingent expenses of said Board, one hundred dollars.

Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXII.

An Act for the promotion of the viticultural industries of the State.

[Approved April 15th, 1880.]

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

Board, how constituted.

SECTION 1. There shall be appointed by the Governor a Board of State Viticultural Commissioners, to consist of nine members, two to be appointed from the State at large, and one to be appointed from each of the seven viticultural districts, which shall be constituted as follows:

First—The Sonoma District, which shall include the Counties of Sonoma, Marin, Lake, Mendocino, Humboldt, Del Norte, Trinity, and Siskiyou.

Second—The Napa District, which shall include the Counties of Napa, Solano, and Contra Costa.

Third—The San Francisco District, which shall include the City and County of San Francisco, and the Counties of San Mateo, Alameda, Santa Clara, Santa Cruz, San Benito, and Monterey.

Fourth—The Los Angeles District, which shall include the Counties of Los Angeles, Ventura, Santa Barbara, San Luis Obispo, San Bernardino, and San Diego.

Fifth—The Sacramento District, which shall include the Counties of Sacramento, Yolo, Sutter, Colusa, Butte, Tehama, and Shasta.

Sixth—The San Joaquin District, which shall include the Counties of San Joaquin, Stanislaus, Merced, Fresno, Tulare, and Kern.

Seventh—The El Dorado District, which shall include the Counties of El Dorado, Amador, Calaveras, Tuolumne, Mariposa, Placer, Nevada, Yuba, Sierra, Plumas, Lassen, Modoc, Alpine, Mono, and Inyo.

Residence.

SEC. 2. The Commissioners, excepting the two appointed from the State at large, shall be residents of the districts from which they are appointed, and shall be specially qualified by practical experience and study in connection with the industries dependent upon the culture of the grapevine in this State. They shall each hold office for the term of four years, excepting that, of the nine first appointed, four, to be determined by lot, shall retire at the end of two years, when their successors shall be appointed by the Governor.

Terms.

Officers.

SEC. 3. The Board shall elect from among their own number a President, a Vice-President, and a Treasurer, and they shall appoint a Secretary, who shall not be one of their number, and whose salary shall not exceed one hundred dollars per month. And the Board shall determine and fix the amount of bonds that shall be given by the Treasurer and Secretary for the faithful performance of their duties.

SEC. 4. It shall be the duty of the Board to meet semi-annually to consult and to adopt such measures as may promote the progress of the viticultural industries of the State. It shall be their duty to select and appoint competent and qualified persons to deliver at least one lecture each year in each of the viticultural districts named in section one of this Act, for the purpose of illustrating practical viticultural topics, and imparting instruction in methods of culture, pruning, fertilizing, fermenting, distilling, and rectifying, treating diseases of the vine, raisin drying, etc., for the better instruction of the people interested therein, as the requirements of each district may show to be necessary and important, and to disseminate all such useful knowledge relating to viticulture by printed documents or correspondence as may be within their power to do. The Board shall devote especial attention to the study of the phylloxera and other diseases of the vine, and shall make such recommendations in their semi-annual reports as they may deem best for the protection of vineyards.

Duties.

SEC. 5. The Commissioners constituting the Board shall serve without compensation, and shall be allowed only their actual transportation expenses to and from their places of residence when attending the semi-annual meetings of the Board.

Compensation.

SEC. 6. The office of the Board shall be in the City of San Francisco, and shall be kept open to the public, subject to the rules of the Board, every day, excepting legal holidays, and shall be in charge of the Secretary during the absence of the Board.

Location of office.

SEC. 7. It shall be the duty of the Secretary to attend all regular meetings of the Board, and to preserve records of proceedings and correspondence; to collect books, pamphlets, periodicals, and other documents containing valuable information relating to viticulture, and to preserve the same; to collect statistics and other information, showing the actual condition and progress of viticulture in this State and elsewhere; to collect information concerning lands suitable for viticulture, and to impart to the public, upon proper demands being made, information concerning the localities of such lands, prices, cost of cultivation, and means of transportation; *provided*, that he shall receive no fees for such services; to correspond with agricultural and viticultural societies, colleges, and schools of agriculture, and other persons and bodies, political or private, and to disseminate information, printed or otherwise, as he may be directed by the Board of Commissioners; and to prepare, as required by the Board, semi-annual reports for publication.

Duties of Secretary.

SEC. 8. And for the further promotion of viticultural interests, it shall be the duty of the Board of Regents of the University of California to provide for special instruction to be given by the Agricultural Department of the University in the arts and sciences pertaining to viticulture, the theory and practice of fermentation, distillation, and rectification, and the management of cellars, to be illustrated by practical experiments with appropriate apparatus; also, to direct the Professor of Agriculture, or his assistant, to make personal

Duty of Board of Regents of University of California.

examinations and reports upon the different sections of the State adapted to viticulture; to examine and report upon the woods of the State procurable for cooperage, and the best methods of treating the same; and to make analysis of soils, wines, brandies, and grapes, at the proper request of citizens of the State; also, to prepare a comprehensive analysis of the various wines and spirits produced from grapes, showing their alcoholic strength and other properties, and especially any deleterious adulterations that may be discovered. The Regents shall also cause to be prepared, printed, and distributed to the public, quarterly reports of the Professor in charge of this work relating to experiments undertaken, scientific discoveries, the progress and treatment of the phylloxera and other diseases of the vine, and such other useful information as may be given for the better instruction of viticulturists.

Donations. SEC. 9. The Board of Regents of the University shall be authorized to receive and accept donations of lands suitable for experimental vineyards and stations, and shall submit in their next annual report an economical plan for conducting such vineyards, and for the propagation and distribution of specimens of all known and valuable varieties of grape vines.

Appropriation. SEC. 10. There is hereby appropriated, for the purposes mentioned in this Act, the sum of seven thousand dollars, to be apportioned as follows: For the necessary and contingent expenses of the Board of State Viticultural Commissioners, four thousand dollars, and for the University of California, three thousand dollars; and the State Controller shall draw his warrants upon the State Treasurer in favor of the Treasurers of the said Board of State Viticultural Commissioners, and of the University of California, for the amounts of four thousand and three thousand dollars respectively, as hereby appropriated, upon proper demand being made for the same; *provided*, that the said Board of State Viticultural Commissioners shall, in the month of December, submit to the Governor annual statements, duly verified by the oaths of the President and Treasurer, and attested by the Secretary of said Board, showing in detail the manner in which moneys received from the State have been expended, and also the amount remaining unexpended, together with an estimate of expenses for the ensuing year, beginning on the first day of July next thereafter.

Annual statements.

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

CHAPTER LXIII.

An Act entitled an Act to provide for the protection of lands from overflow other than lands recognized as swamp lands.

[Approved April 15th, 1880.]

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

SECTION 1. Whenever the owners of any land other than lands recognized as swamp lands susceptible of protection from overflow, shall wish to have the same organized into a protection district, they shall present a petition, signed by the owners of more than one half the acres of such land, to the Board of Supervisors of the county in which the larger portion of such land may be situated. Said petition shall define the boundaries of the proposed district, and as nearly as practicable shall state the number of acres and town or city lots included therein, and that no part of the same is included in any other protection or reclamation district, together with the names of the owners thereof, and ask the same to be set apart and erected into a protection district under the provisions hereinafter contained. Should a town or city be included in any such district, each lot of less than an acre in such town or city shall be deemed equivalent to an acre for the purposes of this petition.

Protection district, how organized.

Boundaries defined.

SEC. 2. Upon the receipt of the petition contemplated in section one of this Act, the Board of Supervisors shall order such petition published in some newspaper printed in the county in which the larger portion of the district may be situated, and if there be no newspaper published in such county then in some newspaper having a general circulation in the proposed district, for thirty days prior to any further action being taken. They shall also fix a day for the hearing of such petition, and publish the same in connection with the petition, notifying all persons interested of such proposed action.

Publication.

Hearing.

SEC. 3. Upon the day appointed for the hearing of said petition, the Board of Supervisors shall consider the same, and should they find that any lands are improperly included in or excluded from the proposed district, they shall make, upon satisfactory evidence of such fact, such changes in the proposed boundaries as may by them be deemed just and proper. Should the Board of Supervisors make any changes in said boundaries, they shall note the same on the petition, and organize or reject the district with the boundaries they have fixed, and their action in that respect shall be conclusive; such action shall be entered in the journal of their proceedings, together with the petition, the names of the signers thereto, and the evidence of publication. If the Board shall order a district to be organized, they shall, in such order, direct an election to be held within the boundaries thereof, and within twenty days from the date of such

Hearing.

Election.

order, for three Trustees, who must be resident land owners of the district, one of whom shall be elected for one year, one for two years, and one for three years; and there shall be an annual election held each year thereafter, at which one Trustee shall be elected for three years. At the time of ordering the election for Trustees, the Board of Supervisors shall appoint one Inspector and two Judges for said election, in each voting precinct in the district, who, upon the day appointed, shall keep correct account of the number of acres voting, and for whom, and report the result of the same to the said Board of Supervisors at their next meeting, who shall order the Clerk to notify the persons so elected of their election. No one shall be permitted to vote at such election unless he is a land owner of the district; and in voting each voter shall be entitled to cast one vote for each acre, and for each town and city lot, the title to which is shown by the records of the county in which the district is situated, to be in him.

Who entitled to vote.

Trustees, organization.

Powers.

SEC. 4. Within twenty days after being notified of their election, the persons so elected shall meet and organize a Board of Trustees by the election from their number of a Chairman and Secretary, and enter upon the discharge of their duties. When organized as aforesaid, the Board of Trustees shall have power to acquire, by donation or purchase, any real or personal property needed for the district, and hold the same for the uses of such district, and, when necessary, may exercise the right of eminent domain, as provided by law. They shall have charge of all works of protection, and superintend the construction or repair of the same, and shall have power to do all other acts necessary for the accomplishment of the objects for which such district was organized. They shall provide proper books, in which they shall keep a correct record of all their proceedings, which shall be kept at some place within the district, and shall be subject to inspection by all persons during business hours. They may employ competent engineers, and shall proceed to survey, mark out, and locate the necessary works of protection for their district, and provide plans and specifications for the same, and estimates of costs of construction, and submit the same to the Board of Supervisors by whom the district was formed, for their approval, modification, or rejection.

Commissioners, duties of.

SEC. 5. Upon the adoption of a plan of protection, said Board of Supervisors shall appoint three disinterested persons, residing in any county in which some part of the district is situated, as Commissioners, who shall, on being notified, in writing, of their appointment by the Clerk of such Board of Supervisors, proceed to view each forty-acre tract or fraction thereof, and each town lot or parcel of land within the district, and levy and fix against each such sum for protection purposes in proportion to the whole expense and to the benefits to be derived from such proposed works of protection, in gold coin of the United States, and report to said Board of Supervisors as follows:

First—A description by the smallest legal subdivisions or

natural boundaries of each tract, and number and block of each town lot in the district.

Second—The number of acres in each tract or parcel of land, and the size of each town lot.

Third—The names of the owners of each tract or lot, if known; and if not, as unknown.

Fourth—The sum levied or fixed against each tract, parcel of land, or town lot.

Said Commissioners shall be entitled to receive a sum not to exceed five dollars per day each while performing said duties, to be paid out of the proper protection fund. Compensation.

SEC. 6. Upon the filing of the report of the Commissioners, as aforesaid, with the Clerk of the Board of Supervisors, said Board shall give notice, in some newspaper printed in the county, that they will, upon a day named in such notice, which day shall not be less than five days from the date of publication, meet and review, correct, and adopt said report; and upon the day thus fixed, the Board of Supervisors shall meet, review, correct, and adopt said report; and their decisions in the premises shall be final. The sums thus fixed against each tract, parcel of land, or town lot, in said report as adopted, shall be the basis of all assessments within the district for a term of ten years thereafter, unless legally changed as hereinafter provided. The words, tract or parcel of land, shall include all railroad beds within the district. Report of Commissioners.

SEC. 7. The Board of Trustees of any protection district formed under this Act, shall have power to levy assessments on or against each tract or parcel of land or town lot in the approved report of the Commissioners for such district. On making such assessment, said Trustees shall make a list of the sums assessed against each tract or parcel of land or town lot in the district, and file the same with the County Treasurer of the county in which the district was organized; and from and after the filing thereof, the charges against any tract or parcel of land or town lot contained therein shall become a lien thereon; *provided*, that if any such land be situated in different counties, the Trustees shall cause the same to be filed in each county where the land is situated. Assessments.

SEC. 8. The list thus prepared and filed with the County Treasurer shall remain in his office for thirty days, or longer if so ordered by the Board of Trustees; and during the time it may so remain any person may pay the charges assessed against any tract, parcel of land, or town lot, to the Treasurer, in United States gold coin, or warrants of the district, drawn by order of the Trustees and signed by the Auditor of the county. If in warrants, such warrants must be at once canceled by the Treasurer. Assessed list filed with County Treasurer.

SEC. 9. Upon the filing of said list with the County Treasurer, he shall give notice, by publication in a newspaper printed in the county, that the assessment list of District No. — has been filed in his office, with the date of filing; that the amounts entered thereon are due and payable; that if not paid on or before the first Monday in January next ensuing, the same will become delinquent, and will be turned Treasurer to publish notice of filing.

Delinquent assessment. over to the Tax Collector of the county for collection. He shall note on said lists all assessments paid, and shall, on the day above named, turn said list over to the Tax Collector of the county, who shall proceed to collect such delinquent assessments, with five per cent. added thereon, and pay the same, including the five per cent. so collected, over to the County Treasurer, in the same manner as State and county taxes are collected and paid over. All moneys paid into the county treasury for protection purposes, for any district organized under this Act, including said five per cent., shall be placed by the Treasurer to the credit of such district, and shall be paid out only for the benefit of such district, upon warrants drawn according to law.

Money, how paid. SEC. 10. No money shall be paid out of any funds belonging to any protection district contemplated in this Act, except upon the order of the Board of the particular district, and upon warrants signed by the County Auditor; said warrants, in order to draw interest, must be presented to the County Treasurer and by him registered, and they shall bear interest from the date of such registration, and shall be paid in the order of their registration.

Compensation of Treasurer, Auditor, and Tax Collector. SEC. 11. The County Treasurer shall be entitled to receive one per cent. of the amount received by him for assessments paid under this Act, and the Auditor and Tax Collector such sums as may be allowed by law for such services, to be paid out of the funds of the district as other claims against the same are paid. The District Attorney is hereby required, when called upon, to act as legal adviser of all Boards of Trustees in his county, without compensation other than his regular salary.

District Attorney legal adviser. SEC. 12. Nothing in this Act affects the provisions of any statute in relation to levee districts now in force; but whenever any levee district formed under such statute desires to reorganize under this Act, or whenever any such statute is repealed, or becomes null and void, in either event a levee district may bring itself within the provisions of this Act by its Trustees notifying, in writing, the Board of Supervisors that they have elected so to do. In all such cases the original district officers shall continue in office until the new organization is perfected. When so perfected, the Trustees thereof shall be deemed the successors and legal representatives of the district so reorganized and consolidated; *provided*, that when a levee district is without Trustees, the same may be placed under and within the provisions of this Act by said Board of Supervisors, whenever there shall be presented to them a petition signed by persons holding a majority of the acres in said district asking to be so placed; *provided, also*, that any such reorganization shall in no manner impair any obligation heretofore legally incurred by such reorganized levee district.

Effect of Act. SEC. 13. Should any protection district, formed or organized under this Act, be endangered by overflow from any lands lying contiguous thereto, not embraced in any other district, the Trustees of the district so endangered may petition the Board of Supervisors of the county in which the

Districts endangered by overflow.

endangered district is situated, stating the cause of danger, and asking that such changes be made in the exterior boundaries of such endangered-district as will enable it to protect itself from the actual or threatened injury. Notice of such petition shall be given as required in this Act for the formation of districts, and upon a showing satisfactory to said Board of Supervisors, they shall make such order in the premises as may seem to them just and proper. Should said Board grant such a petition, in whole or in part, they shall make such changes as they may deem necessary; and if, in doing so, they make an addition of territory to the endangered district, the added territory shall become an integral part of said district, and the Board shall appoint three Commissioners to fix a basis of assessment, as provided in section five of this Act. When the levees of a protection district, formed under this or other Acts, are insufficient to protect such district from overflow, and thereby endanger the lands embraced in a contiguous district, the Trustees of the endangered district may present a petition to the Board of Supervisors setting forth the fact, and showing in what manner such insufficient levees or works endanger the district represented by the petitioners, and asking that the Trustees of the former district be required to perfect its levees so as to abate the threatened danger. Upon the filing of such petition with the Clerk of the Board, said Clerk shall notify, in writing, the Trustees of the district complained of; the notice must set out the substance of the petition, and the relief asked for, and must require said Trustees to show cause, on the day therein named, which shall not be less than thirty days from the date of the service to said Board, why the petition should not be granted. If there be no Trustees, then such notice shall be published not less than thirty days before the day of hearing the same, in the manner herein provided for the publication of notice for the formation of a district. If, at the hearing of said petition, the matter and things therein contained shall be proven to the satisfaction of the Board, and they shall also be satisfied that the petitioners are entitled to the relief prayed for, they shall, if there are Trustees of a district complained of, require them, by an order entered on the minutes of the Board of Supervisors, to perfect the levees of their district as aforesaid. A copy of such order shall be served on at least two of said Trustees, and if such Trustees shall fail to obey such order, for the space of six months from the day they have notice thereof, said Board are hereby empowered to execute said order by proceeding to perfect said levees, and for that purpose shall have all the powers which are conferred by this Act upon the Boards of Trustees of protection districts. If there be no Trustees of the district complained of, the Board of Supervisors are hereby made ex officio Trustees thereof, with all the powers possessed by virtue of this Act by the District Trustees of each protection district, and shall retain such power until Trustees are elected for such district in the manner in this Act provided.

Districts endangered by overflow.

SEC. 15. The Supervisors of any county in which the greater portion of any protection district, organized under

Appointment of new Commissioners.

this Act, is situated, shall, upon the presentation of a petition to them, signed by the owners of a majority of the acres in such district, asking for the appointment of a new Commission to review and change the basis of assessment in such district, appoint such new Commission, which shall be governed by section five of this Act.

Compensation of Trustees.

SEC. 16. The Trustees of any district, organized by authority of this Act, shall be entitled to receive each, for their services while actually employed in the business of the district, a sum not exceeding three dollars per day, to be paid out of the funds of their particular district.

SEC. 17. This Act shall take effect immediately.

CHAPTER LXIV.

An Act making appropriation for deficiency in the appropriation for the permanent improvement of the State Capitol grounds lying east of the State Capitol building.

[Approved April 15th, 1880.]

WHEREAS, The appropriation made by the Legislature of the twenty-second session for the permanent improvement of the State Capitol grounds lying east of the State Capitol building, having become exhausted, and the Board of State Capitol Commissioners, in view of the necessity of preserving the work that had already been done from destruction, employed laborers for such purpose; therefore,

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

Appropriation.

SECTION 1. The sum of one thousand four hundred and seventeen dollars and thirteen cents (\$1,417 13) is hereby appropriated out of any money in the State treasury not otherwise appropriated, for deficiency in the permanent improvement of the State Capitol grounds lying east of the State Capitol building; and the State Controller is hereby directed to draw his warrant in favor of such persons who have performed labor on said grounds, and received from the Board of State Capitol Commissioners certificates for the amount due them for such labor, not exceeding the sum hereby appropriated.

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

CHAPTER LXV.

An Act to provide for the erection of a building for the insane at the State Insane Asylum at Stockton.

[Approved April 15th, 1880.]

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

SECTION 1. The sum of eighty-five thousand dollars is hereby appropriated out of the General Fund for the erection of a building for the insane at the State Insane Asylum at Stockton. The Controller of State shall draw warrants from time to time, as the work shall progress, in favor of the Board of Directors of said Asylum, upon their requisition for the same. Appropriation.

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

CHAPTER LXVI.

An Act to confer power upon Supervisors of cities and counties containing more than one hundred thousand inhabitants, to extend and complete all main intercepting sewers heretofore partially constructed.

[Approved April 15th, 1880.]

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

SECTION 1. The Supervisors of any city and county in this State containing a population of more than one hundred thousand inhabitants, shall have power, and it shall be the duty of said Supervisors, to promote the sanitary condition of such city and county, to complete all main intercepting sewers heretofore constructed, or partially constructed, at the expense of such city and county, and to extend the same to a suitable and proper outlet, deemed necessary for sanitary purposes in the judgment of said Supervisors, the expense thereof to be chargeable to and to be paid out of the General Fund of the treasury of such city and county. The said work to be performed under the charge and supervision of an experienced engineer, to be appointed by said Board or Boards. The expense of said work is not to exceed one hundred and fifty thousand dollars. To complete intercepting sewers partially constructed.
How performed.
Expense.

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

CHAPTER LXVII.

An Act to provide for the deficiency in the appropriation "for payment of rewards offered by the Governor," during the thirtieth fiscal year.

[Approved April 15th, 1880.]

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

Appropriation.

SECTION 1. The sum of three hundred (300) dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the deficiency in the appropriation "for payment of rewards offered by the Governor," during the thirtieth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXVIII.

An Act to provide for the deficiency in the appropriation "for arresting criminals without the limits of the State," during the thirtieth fiscal year.

[Approved April 15th, 1880.]

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

Appropriation.

SECTION 1. The sum of two hundred and fifty-two dollars and seventy cents (\$252 70) is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the deficiency in the appropriation "for arresting criminals without the limits of the State," during the thirtieth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXIX.

An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State.

[Approved April 15th, 1880.]

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

Districts.

SECTION 1. The Counties of Alameda, Contra Costa, and San Francisco, shall constitute Agricultural District No. 1.

SEC. 2. The Counties of San Joaquin, Calaveras, Fresno, Kern, Merced, Mariposa, Stanislaus, Tulare, and Tuolumne, shall constitute Agricultural District No. 2.

SEC. 3. The Counties of Sutter, Yuba, Butte, Colusa, Tehama, Yolo, and Sacramento, shall constitute Agricultural District No. 3.

SEC. 4. The Counties of Sonoma, Marin, Solano, Napa, and Lake, shall constitute Agricultural District No. 4.

SEC. 5. The Counties of Santa Clara and San Mateo shall constitute Agricultural District No. 5.

SEC. 6. The Counties of Los Angeles, San Diego, San Bernardino, Santa Barbara, Ventura, and Inyo, shall constitute Agricultural District No. 6.

SEC. 7. The Counties of Monterey, Santa Cruz, San Luis Obispo, and San Benito, shall constitute Agricultural District No. 7.

SEC. 8. The Counties of Nevada, Placer, El Dorado, Amador, Alpine, and Mono, shall constitute Agricultural District No. 8.

SEC. 9. The Counties of Mendocino, Humboldt, and Del Norte, shall constitute Agricultural District No. 9.

SEC. 10. The Counties of Siskiyou, Trinity, and Shasta, shall constitute Agricultural District No. 10.

SEC. 11. The Counties of Plumas, Lassen, Modoc, and Sierra, shall constitute Agricultural District No. 11.

SEC. 12. Any fifty or more persons representing a majority of the counties within any one of the districts above constituted, may form an association for the improvement of the material industries within such district, and when so formed the association shall be known and designated by the name of — Agricultural Association, and by such name and style shall have perpetual succession, and shall have power and authority to contract and be contracted with, to sue and be sued, to have and use a common seal, to purchase and hold and lease real estate, with such buildings and improvements as may be erected thereon, and may sell and lease and dispose of the same at pleasure. The said real estate shall be used by such association for the purposes of holding exhibitions of horses, cattle, and other stock, of the agricultural, horticultural, viticultural, mechanical, manufacturing, and domestic products of such district, with view to the improvement of all the industries in the same.

Who may form.

Title; powers.

SEC. 13. The officers of such association shall consist of eight Directors, who shall constitute a District Board of Agriculture for District Number —, a President, who shall be one of their number, and a Secretary and Treasurer not of their number.

Officers.

SEC. 14. Within ten days after the formation of an agricultural association within any of the districts above constituted, in accordance with the provisions of this Act, and notice of such formation to the Governor, the Governor shall appoint eight resident citizens of such district as members of a District Board of Agriculture for said district, whose term of office shall be four years, except as hereinafter provided.

Governor to appoint members.

Organization. SEC. 15. Within ten days after their appointment, the persons so appointed shall qualify as required by the Constitution, and shall meet at a place within the district and organize by the election of one of their number as President of the Board and association who shall hold said office of President one year, and until his successor is elected; they shall also elect a Secretary and Treasurer.

Terms. SEC. 16. At the same meeting the members of the Board shall, by lot or otherwise, classify themselves into four classes of two members each. The terms of office of the first class shall expire at the end of the first fiscal year; of the second class, of the second fiscal year; of the third class, of the third fiscal year, and of the fourth class, at the end of the full term of four years. The fiscal year shall be from December first to December first.

State institution. SEC. 17. Each association so formed and organized is hereby declared and shall be recognized a State institution, and the Board so appointed and qualified shall have the exclusive control and management of such institution for and in the name of the State, and shall have the possession and care of all the property of the association, and shall fix the terms of office, and the bonds of the Secretary and Treasurer, and determine their salaries and duties. They shall have power to make all necessary by-laws, rules, and regulations for the government of the association and the management of its prudential and financial affairs. They shall provide for an annual fair or exhibition by the association of all the industries and industrial products in the district at such time and place as they deem advisable; *provided*, that no district fair shall be held in any of the districts at the same time of the State Fair; *and provided further*, that the State shall in no event be liable for any premium offered, or award, or for any debt contracted by any District Board of Agriculture, or Agricultural Association.

Report to State Board of Agriculture. SEC. 18. When any District Board of Agriculture shall have been classified and organized as herein provided, the Secretary of the Board shall report such classification and organization to the State Board of Agriculture; he shall also report the same to the Governor, and shall report any vacancy that may occur in the Board to the Governor, who shall fill the same by appointment for the unexpired term.

SEC. 19. All laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 20. This Act shall take effect from and after its passage.

CHAPTER LXX.

An Act to amend an Act entitled an Act to organize Levee District Number One, of Sacramento County, and to provide for its government, approved March thirtieth, eighteen hundred and seventy-eight.

[Approved April 15th, 1880.]

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

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

Section 1. All that portion of Sacramento County bounded as follows: Commencing at low water mark on the east bank of the Sacramento River, at south line of Y Street, of Sacramento City, and running thence easterly along the south line of Y Street (excluding the City Cemetery of Sacramento City therefrom) to the northwest corner of the Catholic Cemetery on the east side of Freeport Road, and running thence S. 19° 30' W., one thousand two hundred and ninety-seven feet, to line between Sprague and Fuhrman; thence S. 70° 30' E., eight hundred and forty feet; thence S. 19° 30' W., to the Sutter grant line; thence west along said line 13.73 chains to the Freeport Road; thence along the high water line of eighteen hundred and seventy-seven, S. 14° 30' W., 7.11 chains, S. 40° 30' E., 11 chains, S. 57° 30' E., 9.26 chains, S. 45° 30' E., 9.40 chains to line between Curtis and Sprague, S. 43° E., 10.10 chains, S. 57° 45' E., 9 chains, S. 54° 15' E., 9 chains, S. 60° 45' E., 9.34 chains to the west side of the lower Stockton road; thence S. 52° E., 10 chains, S. 79° 45' E., 5 chains, S. 73° 15' E., 8 chains, S. 55° 30' W., 1.90 chains; thence west to the east side of the Stockton, 17.87 chains, continue west to west side of said road; thence N. 89° 15' W., 8.25 chains, N. 73° W., 10.61 chains, N. 43° 15' W., 9.89 chains, N. 48° W., 6.29 chains, N. 52° 15' W., 9.12 chains, N. 40° W., 9.86 chains, to fence between Edwards and Brockway; thence N. 42° 30' W., 4.24 chains, N. 66° 30' W., 11.57 chains, to the east side of the Freeport road; thence N. 43° W., 1.56 chains to a cross road; thence N. 14° 30' E., 60 links, to line between Brockway and Sprague; thence N. 78° 30' W., 4.28 chains, S. 12° W., 3.06 chains, S. 56° 30' W., 6.02 chains, S. 20° 15' W., 3.50 chains, S. 3.91 chains, S. 32° 15' W., 3.67 chains, N. 71° W., 6.04 chains, S. 29° 30' W., 65 links, S. 16° W., 2.38 chains, S. 42° 15' E., 6.73 chains, S. 40° 30' W., 2.40 chains, N. 64° 30' W., 4.62 chains, S. 42° 30' W., 2.12 chains, S. 2° 30' W., 2.93 chains, S. 86° 30' E., 8.17 chains, S. 28° 45' E., 6.78 chains, S. 61° W., 6.65 chains, to line between Brockway and Caruthers; thence S. 50° W., 7.69 chains, S. 26° 45' W., 11.28 chains, N. 31° 15' W., 7.75 chains, S. 70° W., 4.38 chains, S. 23° 30' E., 11.88 chains, S. 28° W., 6.20 chains, N. 80° W., 2.97 chains, N. 16° 15' W., 17 chains, N. 38° 15' W., 3.84 chains, S. 80° 30' W., 11.52 chains, to fence between Caruthers and Lake; thence S. 87° W., 6.61 chains,

Boundaries. S. 74° 30' W., 3.96 chains, to fence on lower line of Lake's land; thence S. 60° 45' W., 2.49 chains, S. 21° 30' W., 3.36 chains, S. 21° 30' E., 3.66 chains, S. 79° W., 5.31 chains, to north side of road; thence S. 35° 30' W., 3.10 chains, S. 9° 15' E., 3.19 chains, S. 51° 45' W., 3.50 chains, S. 7° W., 3.37 chains, S. 6° E., 3.07 chains, S. 52° E., 4.23 chains, S. 59° W., 4.16 chains, S. 8° 15' E., 4.74 chains, N. 75° 30' W., 1.38 chains, S. 62° W., 1.37 chains, S. 35° 30' E., 4.24 chains, S. 18° 30' W., 3.42 chains, to the center of Main Street in the Town of Sutter; thence S. 18° 30' W., 87 links, S. 80° 30' W., 1.20 chains, S. 53° 30' W., 2.36 chains, S. 36° W., 4.83 chains, S. 12° 30' W., 3.31 chains, S. 71° W., 2.52 chains, S. 54° 30' W., 2.36 chains, S. 17° 15' W., 3.16 chains, S. 16° E., 7.85 chains, S. 21° 30' W., 5.12 chains, S. 90° E., 4.16 chains, to line between Rocco and Burke; thence S. 90° E., 2 chains, S. 67° 30' E., 6.13 chains, S. 85° 15' W., 6.66 chains, S. 3° 45' E., 3.75 chains, S. 15° E., 1.35 chains, S. 18° 30' E., 4.51 chains, S. 22° 30' E., 1.10 chains, to south line of Sutter grant; thence S. 13° 30' E., 7.34 chains, S. 38° 30' E., 8.82 chains, to line between Burke and Winters; thence S. 62° 30' W., 9 chains, S. 26° 15' W., 7.20 chains, S. 60° E., 6.13 chains, S. 49° 45' E., 4.24 chains, S. 38° 30' W., 3.30 chains, S. 15° E., 13.77 chains, S. 54° 45' W., 2.83 chains, N. 33° 30' W., 14.58 chains, N. 69° 45' W., 5 chains, S. 49° 45' W., 4.54 chains, S. 24° W., 3 chains, S. 32° W., 9.15 chains, S. 20° W., 4 chains, S. 17° 30' E., 8.47 chains, S. 29° 30' E., 3.63 chains, S. 18° 15' W., 6.26 chains, S. 71° W., 1.18 chains, N. 37° 30' W., 9.69 chains, S. 14° 30' W., 6.10 chains, S. 10° 30' E., 14.97 chains, S. 68° 45' E., 14 chains, S. 6° 30' E., 8.75 chains, S. 35° E., 11.70 chains, S. 30° E., 7.89 chains, S. 12° W., 2.82 chains, S. 84° W., 5.26 chains, S. 35° 30' E., 5.40 chains, S. 47° 15' E., 6.70 chains, N. 57° 15' E., 8.78 chains, S. 65° E., 10.60 chains, N. 22° E., along west side of Freeport road 27.44 chains, S. 89° 15' E., 42.08 chains, N. 65° 15' E., 2.63 chains, to line between Winters and Ranc; thence N. 65° 15' E., 6.93 chains, S. 59° E., 8.55 chains, S. 9° 30' E., 6.32 chains, S. 84° 45' E., 5.20 chains, to line between Ranc and Johns; thence S. 57° 30' E., 21.12 chains, S. 10° E., 22 chains, to line between Johns and Foster; thence S. 4° E., 10.25 chains, S. 39° E., 13.18 chains, S. 15° 30' E., 10.48 chains, S. 84° 45' E., 3.04 chains, N. 19° 30' E., 11.21 chains, N. 66° 30' E., 4.36 chains, S. 64° 45' E., 16.53 chains, to line between Foster and Jubb; thence S. 74° 30' E., 5.25 chains, S. 54° 15' E., 18.03 chains, S. 2° E., three chains, to center of road on township line 60 chains east from township corner, and on line of Jubb and Hite; thence S. 26.77 chains, S. 48° 30' E., 19.97 chains, W. 9.41 chains, N. 81° 15' W., 8.84 chains, S. 73° 30' W., 4.45 chains, to line between Johnson and Peterson; thence S. 34° 30' W., 14.30 chains, S. 21° 15' W., 9.32 S., 14° 15' E., 20.60 chains, to line between Peterson and Stone; thence S. 58° 30' E., 11.20 chains, to embankment of old Freeport Railroad; thence in a southwesterly direction along said Freeport Railroad to the Sacramento River, at line between Kelly and O'Toole; thence westerly along line between Kelly and O'Toole to low water in the Sacramento River; thence up and along the said river, at low water mark, to the place of

beginning, is hereby set apart and created a levee district, to be known as "Levee District Number One, of Sacramento County;" and under such name it shall have power to contract, and sue, and be sued, and to exercise all other authority by this Act conferred.

CHAPTER LXXI.

An Act to define, regulate, and govern the State Prisons of California.

[Approved April 15th, 1880.]

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

SECTION 1. The Prison heretofore known as the "Branch State Prison" shall be known hereafter and designated as the "State Prison at Folsom," and all its finances and other accounts shall be kept separate from those of the State Prison at San Quentin, and it shall have an official staff conformable to the laws of the State in relation to State Prisons; and it shall be lawful for Courts to sentence convicts to the State Prison at San Quentin, or to the State Prison at Folsom, in their discretion, and the Board of Directors shall have power to transfer prisoners from either prison to the other one, when, in their judgment, such transfer is for the best interests of the State.

State Prison at Folsom.

SEC. 2. For the government and management of the California State Prisons there shall be appointed by the Governor, by and with the advice and consent of the Senate, on or before the second Monday in January, A. D. eighteen hundred and eighty, five Directors, who shall hold their office for the term of ten years from and after said second Monday in January, A. D. eighteen hundred and eighty, and until their successors are appointed and qualified; *provided*, that said Directors so appointed shall, at their first meeting after the passage of this Act, so classify themselves by lot, that one of them shall go out of office in two years, one of them in four years, one of them in six years, one of them in eight years, and one of them in ten years after said second Monday in January, A. D. eighteen hundred and eighty; and an entry of such classification shall be made in the minutes of said Directors, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. And on or before the second Monday in January, A. D. eighteen hundred and eighty-two, and at the same time biennially thereafter, the Governor shall appoint, by and with the advice and consent of the Senate, one Director, whose term of office shall be for a period of ten years, commencing with said second Monday in January. And each Director shall subscribe an oath of office, which shall be indorsed on his commission.

Directors, how appointed.

Classification.

SEC. 3. At the first meeting of the Directors after the pas-

Election of President.

sage of this Act, and at their meeting in January, biennially thereafter, they shall elect one of their number President of the Board.

Quorum.

SEC. 4. A majority of the Board shall constitute a quorum for the transaction of business, but no order of the Board shall be valid unless it is entered on the journal, and is concurred in by three members.

Duty of Directors.

SEC. 5. It shall be the duty of the Directors :

First—To determine the necessary officers of the prisons, other than those of Wardens and Clerks, specifying their duties severally, and fixing their salaries; to prescribe rules and regulations for the government of the prisons, and to revise and change the same from time to time as circumstances may require; *provided*, the Warden may make such temporary rules and orders as he may deem proper, to be in force until the next meeting of the Board. At least three of said Directors shall visit the prison in company on the first Tuesday in each month, or as soon thereafter as may be practicable, and examine all the different departments, and audit all claims against the prisons. The Directors shall cause an inspection of the prisons to be made by one of their number at least once in each month.

Second—The Directors shall meet at the State Prisons within the first ten days in January, April, July, and October of each year, and, in addition to the duties above described, they shall examine the books and accounts of the Wardens and Clerks.

Third—To enter on their journal the result of all examinations, and of all other official acts, which shall be signed by the members present.

Fourth—On or before the first day of November, A. D. eighteen hundred and eighty, and annually thereafter, to report to the Governor the condition of the prisons, together with a detailed statement of their receipts and expenditures, and such suggestions as their interests may require.

Office.

SEC. 6. The Board of Directors shall have power to establish an office in San Francisco, and employ a Secretary.

Appointment of Warden.

SEC. 7. The Directors shall appoint a Warden for each prison, who shall take and subscribe on oath or affirmation faithfully to discharge the duties of his office, and enter into a bond to the State of California in the sum of twenty-five thousand dollars, with two or more sureties, to be approved by the Directors and the Attorney-General of the State, conditioned for the faithful performance of the duties which may devolve upon him as such officer, and he shall hold his office for four years.

Residence of Wardens.

SEC. 8. The Wardens shall reside at the State Prisons to which they are respectively assigned, in houses provided and furnished at the expense of the State; and it shall be their duty :

Duties,

First—To fill all subordinate positions that may be created by order of the Board of Directors, by appointment of suitable persons thereto.

Second—To supervise the government, discipline, and police of the prison.

Third—To give all needful directions to the inferior officers, and secure from each a faithful discharge of their several duties.

Fourth—To make frequent examinations into the state of the prisons, the health, condition, and safety of the convicts.

Fifth—To report as often as they may be required to the Directors, the number of guards employed, their names and duties, and such other matters as may be required.

Sixth—To have general charge of all departments of the prisons, and of the officers.

Seventh—To bring any and all suits at law or in equity arising in his department that may be necessary to protect the rights of the State in matters connected with the prisons and their management, in the name of the Board of State Prison Directors, and to prosecute the same with the consent of the Board of Directors.

SEC. 9. The Board of Directors shall appoint a Clerk for each prison, who shall take an oath of office, and enter into a bond to the State, with sureties satisfactory to the Board, in the sum of five thousand dollars, that they will faithfully discharge the duties which devolve upon them. The Clerks shall hold their office for the period of four years, unless sooner removed by the Board for misconduct, incompetency, or neglect of duty. Appoint-
ment of
Clerk.

SEC. 10. The Clerks shall keep the accounts of the prisons to which they are severally appointed in such manner as to exhibit clearly all its financial transactions. A register of convicts shall be kept, in which shall be entered the name of each convict, the crime of which he is convicted, the period of his sentence, from what county, by what Court sentenced, his nativity, to what degree educated, at what institution, and under what system; an accurate description of his person, and whether he has been previously confined in a State Prison in this or any other State, and if so, when and how he was discharged. The Clerks shall also act as Secretaries of the Board while in session at the prisons. Duty of.

SEC. 11. The Board of Directors are hereby authorized and required to contract for provisions, clothing, medicines, forage, fuel, and all other supplies needed for the support of the prisons for any period of time not exceeding one year, and such contracts shall be limited to bona fide dealers in the several classes of articles contracted for; such contracts shall be given to the lowest bidder, at a public letting thereof, if the price bid is a fair and reasonable one, and not greater than the usual market value and prices. Each bid shall be accompanied by such security as the Board may require, conditioned upon the bidder entering into contract upon the terms of his bid, on notice of the acceptance thereof, and furnishing a penal bond, with good and sufficient sureties, in such sum as the Board may direct, and to their satisfaction, that he will faithfully perform his contract. Notice of the time, place, and conditions of the letting of each contract shall be given for at least two consecutive weeks in two daily newspapers printed and published in the City of San Francisco, and one newspaper printed and published in the City Contracts.

Bids.

of Sacramento. If all the bids made at such letting are deemed unreasonably high, the Board may, in their discretion, decline to contract, and may again advertise for proposals, and may so continue to renew the advertisement until satisfactory contracts are made, and in the meantime the Board may contract with any one whose offer is regarded just and equitable; but no contract thus made shall run more than sixty days, nor in any case extend beyond the public letting. No bid shall be accepted, nor a contract entered into in pursuance thereof, when such bid is higher than any other bid made at the same letting for the same class or schedule of articles, and when a contract can be had at such lower bid. When two or more bids for the same article or articles are equal in amount, the Board may select the one which, all things considered, may by them be thought best for the interests of the State; or they may divide the contract between the bidders, as in their judgment may seem proper and right.

Purchase
lands for
brick
making.

SEC. 12. The Board of Directors shall have power, in their discretion, to purchase any clay lands suitable for brick making that may lie contiguous to the San Quentin Prison grounds, not to exceed in value the sum of fifteen thousand dollars.

Employés.

SEC. 13. No person shall be appointed to any office, or be employed in the prisons on behalf of the State, who is a contractor, or the agent or employé of a contractor, or who is interested directly or indirectly in any business carried on therein; and no male person who is not a qualified elector of the State of California shall be appointed by the Wardens to any office in or about the prisons, nor shall any one be employed or appointed by virtue of this Act who is in the habit of intemperate use of intoxicating liquors. A single act of intoxication shall justify discharge or removal.

Removal of
Directors.

SEC. 14. The Governor shall have the power to remove either of the Directors for misconduct, incompetency, or neglect of duty, upon proper notice to him or them, accompanied by copies of written charges, he or they having an opportunity to be heard thereon.

Vacancy.

SEC. 15. If the office of Director shall become vacant by death, resignation, removal by the Governor, or any other cause, the vacancy shall be filled for the unexpired term by the Governor, by and with the advice and consent of the Senate.

Removal of
Wardens
and Clerks.

SEC. 16. The Wardens and Clerks may be removed by the Board of Directors at any time for misconduct, incompetency, or neglect of duty; and all other officers and employés may be removed at any time at the pleasure of the Warden.

Compensa-
tion.

SEC. 17. The Directors shall receive no salary or compensation for their services, but shall be paid for traveling and other expenses while engaged in the discharge of their duties, twenty cents per mile for the number of miles actually traveled. The Wardens shall receive twenty-four hundred dollars per annum; the Clerks fifteen hundred dollars per annum; and all other officers and employés shall receive such compensation as the Board of Directors may deem just

and equitable in each case. And the salaries of all officers and employés shall be paid monthly out of the treasury of the State, on the warrant of the Controller.

SEC. 18. No money shall be drawn from the treasury except upon accounts, certificates, or vouchers, duly certified by the Wardens, and approved by three Directors; and upon a certified copy of final judgment against said Directors for costs in any action brought by such Directors under this Act, but they shall pay no other judgment. Every such account, certificate, or voucher shall be filed with the State Board of Examiners, and a duplicate thereof with the Clerk of the prison. Money, how drawn.

SEC. 19. All revenues of the prisons, unless herein otherwise provided, shall be paid to the Wardens, who alone are authorized to receipt for the same and discharge from liability. When any sum of money is paid to the Wardens, they shall cause the same to be properly entered on the books by the Clerks. Revenues, paid to Warden.

SEC. 20. The Wardens shall balance their cash accounts each month, and report the same to the Board at their first meeting thereafter, and on or before the fifteenth of each month pay all such moneys into the State treasury. Moneys paid into State treasury.

SEC. 21. All convicts not employed on contracts may be employed by authority of the Board of Directors, under charge of the Wardens and such skilled foremen as he may deem necessary in the performance of work for the State, or in the manufacture of any article or articles which, in the opinion of the Board, may inure to the best interests of the State; and the Board of Directors are hereby authorized to purchase, from time to time, such tools, machinery, and materials, and to direct the employment of such skilled foremen as may be necessary to carry out the provisions of this section, and to dispose of the articles manufactured and not needed by the State, for cash, at public auction or otherwise. If by auction, after having first given notice of such sale by advertising the time and place thereof, together with a list of the articles to be sold, in ten consecutive issues of two or more daily newspapers of general circulation published in the City and County of San Francisco. The money received from the sale of all articles so sold shall be paid into the State treasury, by the Warden of the prison, to the credit of the fund of said prison. Employment of convicts.
Purchase of machinery, etc.

SEC. 22. In the treatment of the prisoners the following general rules shall be observed: Each convict shall be provided with a bed of straw, or other suitable material, and sufficient covering of blankets, and shall be supplied with garments of coarse, substantial material, of distinctive manufacture, and with sufficient plain and wholesome food, of such variety as may be most conducive to good health. Rules.

Second—No punishment shall be inflicted, except by the order and under the direction of the Wardens.

Third—The Warden shall keep a correct account of all money and valuables upon the prisoner when delivered at the prison, and shall pay the amount, or the proceeds thereof, or return the same to the convict when discharged, or to his

legal representatives in case of his death; and in case of the death of such convict without being released, if no legal representative shall demand such property within five years, the same shall be paid into the State Prison Fund.

Fourth—The rules and regulations prescribing the duties and obligations of the prisoners shall be printed and hung up in each cell and shop.

Convicts.

Fifth—Each convict, when he leaves the prison, shall be supplied with the money taken from him when he entered, and which he has not disposed of, together with any sum which may have been earned by him for his own account, allowed to him by the State for good conduct or diligent labor, or may have been presented to him from any source; and in case the prisoner has not funds sufficient for present purposes, he shall be furnished with five dollars in money, a suit of clothes costing not more than ten dollars, and a half-fare ticket to the place where sentenced, if the prisoner desires to return there, or to any other place of the same cost; and he shall be entitled, if he so elect, to immunity from having his hair cut, or from being shaved, for three calendar months immediately prior to his discharge. It shall not be lawful for the officers of the prison to furnish, or permit to be furnished, to any one, for publication, the name of any prisoner about to be discharged. When the Warden, and such other officers as may be designated by the Directors to act with him in such cases, shall be of opinion that any convict is insane, they shall make proper examination, and if they remain of the opinion that such person is insane, the Warden shall certify the fact to the Superintendent of one of the State Asylums for the Insane, and shall forthwith send such convict to said Asylum for care and treatment. It shall be the duty of the Warden, also, to send to the Directors a copy of such certificate, and thereafter a statement as to his subsequent acts regarding the said insane convict. And it shall be the duty of the Superintendent of the Insane Asylum to receive such insane convict and keep him until cured. It shall be his duty, upon the receipt of such insane convict, to notify the Directors of the fact, giving name, date, and where from, and from whose hands received. When, in the opinion of the Superintendent, such insane convict is cured of insanity, it shall be his duty to immediately notify the Directors thereof; and it shall be his duty, also, to notify the Warden of the prison from whence he was received, who shall immediately send for, take, and receive the said convict back into the prison, the time passed at the Asylum counting as a part of such convict's sentence. Before discharging any convict who may be insane at the time of the expiration of his sentence, the Warden shall first give notice, in writing, to a Judge of a Superior Court of the county in which the State Prison may be located, over which he has control, of the fact of such insanity; whereupon said Court shall forthwith make an order, and deliver the same to the Sheriff of said county, commanding him to remove such insane convict and take him before said Court. Upon the receipt of such order, it shall be the duty of said Sheriff to

When
convict
insane.

whom it is directed to execute and return the same forthwith to the Court by whom it was issued, and thereupon the said Court shall cause proper examination to be made by medical experts, and if it shall satisfactorily appear that such convict is insane, said Court shall order him to be confined in one of the Insane Asylums. The Sheriff shall receive the same compensation as for transferring a prisoner to the State Prison, and to be paid in the same manner. If any Judge, after having been so notified by the Warden, shall neglect to cause such order to be made as herein provided, or any such Sheriff shall neglect to remove such insane convict, as required by the provisions of this section, it shall be the duty of the Warden to cause such insane convict to be removed before a Superior Court of a county in which the State Prison is located, in charge of an officer of the prison, or other suitable person, for the purpose of examination; and the cost of such removal shall be paid out of the State treasury, in the same manner as when removed by the Sheriff as herein provided.

SEC. 23. The Board of State Prison Directors of this State shall require of every able-bodied convict confined in a State Prison as many hours of faithful labor, in each and every day during his term of imprisonment, as shall be prescribed by the rules and regulations of the prison; and every convict faithfully performing such labor, and being in all respects obedient to the rules and regulations of the prison, or if unable to work, yet faithful and obedient, shall be allowed from his term, instead and in lieu of the credits heretofore allowed by law, a deduction of two months in each of the first two years, four months in each of the next two years, and five months in each of the remaining years of said term; *provided*, that any such convict who shall commit an assault upon his keeper, or any foreman, officer, or convict, or otherwise endanger life, or by any flagrant disregard of the rules of the prison, or any misdemeanor whatever, shall forfeit all deductions of time earned by him for good conduct before the commission of such offense; such forfeiture, however, shall only be made by the Board of Directors, after due proof of the offense, and notice to the offender; nor shall such forfeiture be imposed when a party has violated any rule or rules without violence or evil intent, of which the Directors shall be the sole judges. The name of no convict who attempts to escape, after the passage of this Act, shall be sent by the State Prison officials to the Governor for the credits herein provided.

SEC. 24. All criminals sentenced to the State Prisons by the authority of the United States shall be received and kept according to the sentence of the Court by which they were tried, and the prisoners so confined shall be subject, in all respects, to the same discipline and treatment as though committed under the laws of this State. The Wardens are hereby authorized to charge and receive from the United States, for the use of the State, an amount sufficient for the support of each prisoner, the cost of all clothing that may be furnished,

and one dollar per month for the use of the prisoner. No other or further charge shall be made by any officer for or on account of such prisoners.

Contract labor.

SEC. 25. After the first day of January, eighteen hundred and eighty-two, the labor of convicts shall not be let out by contract to any person, copartnership, company, or corporation by the State Board of Prison Directors, nor shall they let out any such labor prior to January first, eighteen hundred and eighty-two, by contract extending beyond such date; *provided*, that after the passage of this Act, no skilled convict labor shall be let or contracted out at a price less than one dollar per day for each convict; *provided further*, that this section shall not apply to contracts heretofore entered into.

Gas and water.

SEC. 26. The Board of Directors shall have power to contract for the supply of gas and water for said prisons, upon such terms as said Board shall deem to be for the best interest of the State, or to manufacture gas or furnish water themselves, at their option.

No compensation other than that prescribed by the Directors.

SEC. 27. No officer or employé shall receive, directly or indirectly, any compensation for his services other than that prescribed by the Directors; nor shall he receive any compensation whatever, directly or indirectly, for any act or service which he may do or perform for or on behalf of any contractor, or agent, or employé of a contractor. For any violation of the provisions of this section, the officer, agent, or employé of the State shall be discharged from his office or service; and every contractor, or employé, or agent of a contractor engaged therein, shall be expelled from the prison grounds, and not again perraitted within the same as a contractor, agent, or employé.

Not to make presents to convicts without permission.

SEC. 28. No officer or employé of the State, or contractor or employé of a contractor, shall, without permission of the Board of Directors, make any gift or present to a convict, or receive any from a convict, or have any barter or dealings with a prisoner. For every violation of the provisions of this section the party engaged therein shall incur the same penalty as prescribed in section twenty-seven.

Not to be interested in contracts, etc.

SEC. 29. No officer or employé of the prison shall be interested, directly or indirectly, in any contract or purchase made or authorized to be made by any one for or on behalf of the prisons.

Transportation of prisoners.

SEC. 30. Every cost bill shall be presented to the Wardens when a prisoner is delivered at the prisons. The Wardens shall certify on it that the prisoner has been received, and the bill shall then be audited, and if correct shall be allowed by the Board of Directors, and paid out of any moneys in the State treasury appropriated for that purpose.

Annual reports.

SEC. 31. There shall be printed annually, for the use of the prisons, five hundred copies of the annual report of the Board of Directors, and the Clerk shall annually transmit to each of the State Prisons in the United States one copy of such report.

Bonds.

SEC. 32. All the bonds of officers and employés under this Act shall be deposited with the Secretary of State.

SEC. 33. If any of the shops or buildings in which convicts are employed are destroyed in any way, or injured by fire, or otherwise, they may be rebuilt or repaired immediately, under the direction of the Board of Directors, by and with the advice and consent of the Governor, Attorney-General, and Secretary of State, and the expenses thereof paid out of any funds in the State treasury not otherwise appropriated by law.

Shops destroyed by fire may be rebuilt.

SEC. 34. The Board of Directors must report to the Governor from time to time the names of any and all persons confined in the State Prisons who, in their judgment, ought to be pardoned out and set at liberty on account of good conduct, or unusual term of sentences, or any other cause, which, in their opinion, should entitle such prisoner to pardon.

Report to Governor.

SEC. 35. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 36. This Act shall take effect immediately.

CHAPTER LXXII.

An Act to protect the school districts of this State from injury during the year eighteen hundred and eighty, by the operation of section twelve, of article thirteen, of the Constitution.

[Approved April 15th, 1880.]

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

SECTION 1. No school district shall forfeit or be deprived of its apportionment of State and county school funds which shall fail to maintain a six months' school during the year ending June thirtieth, eighteen hundred and eighty, by reason of the change requiring the moneys to be derived from poll taxes to be paid into the State School Fund instead of, as heretofore, into the County School Fund, section one thousand eight hundred and fifty-nine of the Political Code to the contrary notwithstanding.

School Districts not to forfeit apportionment of school funds.

SEC. 2. District Trustees, Superintendents of Schools, and County Auditors are hereby granted power to draw their orders, requisitions, or warrants against the August apportionment of school moneys for the year eighteen hundred and eighty, in payment for the salaries of teachers for services rendered prior to June thirteenth, and in the year eighteen hundred and eighty; and it is also made the duty of the County Treasurers of the several counties of this State to honor and pay such warrants as other warrants drawn upon the School Fund are paid, section one thousand six hundred and twenty-one of the Political Code to the contrary notwithstanding.

Teachers' salaries to be paid for services rendered prior to June 13th, 1880.

SEC. 3. It is hereby made the duty of the County Auditors of the several counties of this State, on or before the first

Auditors to certify to warrants issued in accordance with preceding section.

regular meeting of their respective Boards of Supervisors in September, eighteen hundred and eighty, to certify to said Board the total amount of the warrants issued by him, in accordance with section two of this Act, and the amount so certified shall by said Boards of Supervisors be added to the other amounts which shall be found necessary to be raised for county school purposes, and when so added, shall be levied, assessed, collected, and paid into the county treasury to the credit of the County School Fund, as other school taxes are levied, assessed, collected, and paid, and shall thereafter be used and expended as other county school funds are used and expended.

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

CHAPTER LXXIII.

An Act to repeal an Act conferring further powers upon the Board of Supervisors of the City and County of San Francisco, approved April first, eighteen hundred and seventy-eight.

[Approved April 15th, 1880.]

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

Repealed.

SECTION 1. That an Act conferring further powers upon the Board of Supervisors of the City and County of San Francisco, approved April first, eighteen hundred and seventy-eight, is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXIV.

An Act to provide for the deficiency in the appropriation "for repairs to State Capitol building and furniture," during the thirtieth fiscal year.

[Approved April 15th, 1880.]

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

Appropriation.

SECTION 1. The sum of eight hundred and fifty-seven dollars and eighty cents (\$857 80) is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the deficiency in the appropriation "for repairs to State Capitol building and furniture," during the thirtieth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXV.

An Act relating to the intoxication of officers.

[Approved April 15th, 1880.]

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

SECTION 1. Any officer of a town, village, city, county, or State, who shall be intoxicated while in discharge of the duties of his office, or by reason of intoxication is disqualified for the discharge of, or neglects his duties, shall be guilty of a misdemeanor, and on conviction of such misdemeanor shall forfeit his office; and in such case the vacancy occasioned thereby shall be filled in the same manner as if such officer had filed his resignation in the proper office, and it had been accepted by the proper authority; *provided*, such acceptance shall have been necessary to make the office vacant.

Intoxication of officers, misdemeanor.
Penalty.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXVI.

An Act to appropriate money for the payment of the deficiency in the appropriation for stationery, fuel, and lights, for the twenty-ninth fiscal year.

[Approved April 15th, 1880.]

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

SECTION 1. The sum of two thousand two hundred dollars and sixty-five cents is hereby appropriated out of any moneys in the General Fund of the State treasury for the payment of the deficiency in the appropriation for stationery, fuel, and lights, for the twenty-ninth fiscal year.

Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXVII.

An Act to appropriate money for the payment of the deficiency in the appropriation for the transportation of prisoners for the twenty-ninth fiscal year.

[Approved April 15th, 1880.]

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

SECTION 1. The sum of three thousand and fifty-one dollars and forty-six cents is hereby appropriated out of the General Fund of the State treasury for the payment of the deficiency in the appropriation for the transportation of prisoner, for the twenty-ninth fiscal year.

Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXVIII.

An Act to appropriate money for the payment of the deficiency in the appropriation for the payment of rewards for the arrest and conviction of highway robbers, for the twenty-ninth fiscal year.

[Approved April 15th, 1880.]

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

Appropriation.

SECTION 1. The sum of three hundred dollars is hereby appropriated out of the General Fund of the State treasury for the payment of the deficiency in the appropriation for the payment of rewards offered for the arrest and conviction of highway robbers, for the twenty-ninth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXIX.

An Act to appropriate money for the payment of the deficiency in the appropriation for the support of the State Normal School, for the twenty-ninth and thirtieth fiscal years.

[Approved April 15th, 1880.]

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

Appropriation.

SECTION 1. The sum of sixty-three dollars and seventeen cents is hereby appropriated out of the General Fund of the State treasury for the payment of the deficiency in the appropriation for the support of the State Normal School, to wit: the sum of four dollars and twenty-five cents for deficiency in the twenty-ninth fiscal year, and the sum of fifty-eight dollars and ninety-two cents for deficiency in the thirtieth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXX.

An Act to provide for the deficiency in the appropriation "for the contingent expenses of the Supreme Court," during the thirtieth fiscal year.

[Approved April 15th, 1880.]

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

Appropriation.

SECTION 1. The sum of one hundred and twenty-two dollars and ninety cents (\$122 90), is hereby appropriated out of

any money in the State treasury not otherwise appropriated, to pay the deficiency in the appropriation for the contingent expenses of the Supreme Court during the thirtieth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXXI.

An Act to provide for the deficiency in the appropriation "for traveling expenses of the State Board of Education," during the thirtieth fiscal year.

[Approved April 15th, 1880.]

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

SECTION 1. The sum of one hundred and two dollars and ninety-two cents (\$102 92), is hereby appropriated out of any ^{Appropriation.} moneys in the State treasury not otherwise appropriated, to pay the deficiency in the appropriation for traveling expenses of the State Board of Education, during the thirtieth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXXII.

An Act making appropriation for deficiency for the thirtieth and thirty-first fiscal years, for payment of armory rents, purchase of arms, and other expenses of the National Guard of California.

[Approved April 15th, 1880.]

WHEREAS, The Legislature, at its twenty-second session, ^{Preamble.} passed an Act (the General Appropriation Bill) entitled "An Act making appropriation for the support of the government of the State of California for the thirtieth and thirty-first fiscal years"; and whereas, in the enrollment of said bill, after its final passage in both Houses of the Legislature, by a clerical error (which will appear by reference to the records on file in the office of the Secretary of State), the sum of nine thousand dollars was omitted, thereby creating a deficiency; now, therefore,

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

SECTION 1. The sum of nine thousand (\$9,000) dollars is hereby appropriated, out of any money in the treasury not ^{Appropriation.} otherwise appropriated, for deficiency in the appropriation for payment of armory rents, purchase of arms, and other

expenses of the National Guard for the thirtieth and thirty-first fiscal years, up to the first day of July, eighteen hundred and eighty.

SEC. 2. The Controller is hereby authorized to draw his warrants in favor of such persons, and in such sums as may be audited by the "Board of Military Auditors," and the Treasurer is hereby authorized to pay the same.

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

CHAPTER LXXXIII.

An Act to prohibit the sale of intoxicating liquors in the State Capitol building.

[Approved April 16th, 1880.]

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

Prohibiting
the sale of
liquors in
State Capitol
building.

SECTION 1. Any person or persons having in charge or control the State Capitol building, and allowing the same, or any portion thereof, to be used for the sale or distribution in any manner, for profit, of any malt or spirituous liquors, shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than one thousand dollars.

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

CHAPTER LXXXIV.

An Act to regulate and provide for a day of rest in certain cases.

[Approved April 16th, 1880.]

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

Days of rest
for bakers.

SECTION 1. It shall be unlawful for any person engaged in the business of baking to engage, or permit others in his employ to engage in the labor of baking, for the purpose of sale, between the hours of six o'clock P. M. on Saturday and six o'clock P. M. on Sunday, except in the setting of sponge preparatory to the night's work; *provided, however,* that restaurants, hotels, and boarding houses may do such baking as is necessary for their own consumption.

Misde-
meanor;
penalty.

SEC. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor, and shall be punishable by imprisonment in the County Jail not less than one month nor more than six months, or by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by both fine and imprisonment.

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

CHAPTER LXXXV.

An Act to repeal sections two, three, and six, and to amend section four of "An Act to provide for the payment of certain bonds of the County of Lake," approved March twenty-eighth, eighteen hundred and seventy-four, in relation to an Assessor and Collector.

[Approved April 16th, 1880.]

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

SECTION 1. Sections two, three, and six of said Act, relating to the appointment of an Assessor and Collector, and fixing their compensation, are hereby repealed. Repealed.

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

Section 4: It shall be the duty of the County Assessor and Tax Collector of Lake County to assess and collect all taxes levied by the Board of Supervisors of said county upon the property in said wagon road district for the payment of the principal or interest of the bonds hereinafter; and the laws regulating the assessment, collection, and equalization of State and county taxes, and providing penalties for delinquencies, are hereby expressly made applicable to the assessment, equalization, and collection of the taxes levied under the provisions of this Act; and such laws shall be regarded as prescribing the duties of Assessors and Collectors provided for herein; *provided*, that the Assessor need not transmit to the State Board of Equalization the statement provided for in section three thousand six hundred and fifty-five of the Political Code. Duty of Assessor and Collector.

SEC. 3. This Act shall take effect immediately.

CHAPTER LXXXVI.

An Act to amend an Act entitled "An Act concerning actions for libel and slander," approved March twenty-third, eighteen hundred and seventy-two.

[Approved April 16th, 1880.]

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

SECTION 1. Section three of an Act concerning libel and slander, approved March twenty-third, eighteen hundred and seventy-two, is hereby amended so as to read as follows: Exceptions to suitless.

Section 3. Within ten days after the service of the summons, the defendants, or either of them, may give to the

plaintiff, or his attorney, notice that they or he except to the sureties and require their justification before a Judge of the Court at a specified time and place, the time to be not less than five or more than ten days thereafter, except by consent of parties. The qualifications of the sureties shall be as required in their affidavits.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXXVII.

An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors.

[Approved April 16th, 1880.]

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

ARTICLE I.

GENERAL SUBJECT OF THE ACT.

Act, how
cited.

SECTION 1. Every insolvent debtor may, upon compliance with the provisions of this Act, be discharged from his debts and liabilities. This Act shall be known and may be cited as the Insolvent Act of eighteen hundred and eighty.

ARTICLE II.

VOLUNTARY INSOLVENCY.

Application
to Superior
Court for
discharge of
liabilities.

Petition.

SEC. 2. An insolvent debtor, owing debts exceeding in amount the sum of three hundred dollars, may apply by petition to the Superior Court of the county, or city and county, in which he has resided for six months next preceding the filing of his petition, to be discharged from his debts and liabilities. In his petition he shall set forth his place of residence, his inability to pay all his debts in full, his willingness to surrender all his estate and effects for the benefit of his creditors, and his desire to obtain a discharge from his debts and liabilities, and shall annex thereto a schedule and inventory, and valuation, in compliance with the provisions of this Act. The filing of such petition shall be an act of insolvency, and thereupon such petitioner shall be adjudged an insolvent debtor.

Schedule,
what to
contain.

SEC. 3. Said schedule must contain a full and true statement of all his debts and liabilities, exhibiting to the best of his knowledge and belief to whom said debts or liabilities are due, the place of residence of his creditors, and the sum due to each; the nature of the indebtedness or demand, whether founded or written security, obligation, contract, or otherwise; the true cause and consideration thereof, and the

time and place when and where said indebtedness accrued, and a statement of any existing pledge, lien, mortgage, judgment, or other security for the payment of the same.

SEC. 4. Said inventory must contain an accurate description of all the estate, both real and personal, of the petitioner, including his homestead, if any, and all property exempt by law from execution, and where the same is situated, and all incumbrances thereon. Inventory.

SEC. 5. The petition, schedule, and inventory must be verified by the affidavit of the petitioner, annexed thereto, and shall be in form substantially as follows: I, —, do solemnly swear that the schedule and inventory now delivered by me contain a full, perfect, and true discovery of all the estate, real, personal, and mixed, goods and effects, to me in any way belonging; all such debts as are to me owing, or to any person or persons in trust for me, and all securities and contracts, and contracts whereby any money may hereafter become payable, or any benefit or advantage accrue to me or to my use, or to any other person or persons in trust for me; that I have no lands, money, stock, or estate, reversion or expectancy besides that set forth in my schedule and inventory; that I have, in no instance, created or acknowledged a debt for a greater sum than I honestly and truly owe; that I have not, directly or indirectly, sold, or otherwise disposed of, or concealed any part of my property, effects, or contracts; that I have not in any way compounded with my creditors whereby to secure the same, or to receive, or to expect any profit or advantage therefrom, or to defraud or deceive any creditor to whom I am indebted in any manner. So help me God. Affidavit.

SEC. 6. Upon receiving and filing such petition, schedule, and inventory, the Court shall make an order declaring the petitioner insolvent, and directing the Sheriff of the county to take possession of all the estate, real and personal, of the debtor, except such as may be by law exempt from execution, and of all his deeds, vouchers, books of account and papers, and to keep the same safely until the appointment of an assignee. Said order shall further forbid the payment of any debts and the delivery of any property belonging to such debtor, to him, or for his use, and the transfer of any property by him; and shall further appoint a time and place for a meeting of the creditors, to prove their debts and choose one or more assignees of the estate, which shall not be less than thirty days after the making of said order, and shall designate a newspaper or newspapers of general circulation in which publication thereof shall be made. Upon the granting of said order, all proceedings against the said insolvent shall be stayed. Order of Court.

SEC. 7. A copy of said order shall immediately be published by the Clerk of said Court in the newspaper or newspapers designated therein, as often as the newspaper is printed before the meeting of creditors, and be served by the Clerk forthwith by United States mail, postage prepaid, or personally, on all creditors named in the schedule. The order of adjudication shall direct the publication thereof in Publication.

a newspaper published in the county, or city and county, in which the petition is filed, if there be one, and if there be none, in a newspaper published nearest to such county, or city and county; *provided*, that no order of adjudication upon creditors' petition shall be entered, unless there first be deposited with the Clerk, in addition to the usual cost of commencing said proceedings, a sum of money sufficient to defray the cost of the publication ordered by the Court, and ten cents for each copy, to be mailed to or served on the creditors, which latter sum is hereby constituted the legal fee of the Clerk for the mailing or service required in this section.

ARTICLE III.

INVOLUNTARY INSOLVENCY.

Adjudication
of insolvency,
how
made.

SEC. 8. An adjudication of insolvency may be made on the petition of five or more creditors, residents of this State, whose debts or demands accrued in this State, and amount in the aggregate to not less than five hundred dollars; *provided*, that said creditors, or either of them, have not become creditors by assignment within thirty days prior to the filing of said petition. Such petition must be filed in the Superior Court of the county, or city and county, in which the debtor resides or has his place of business, and must be verified by at least three of the petitioners, setting forth that such person is about to depart from the State, with intent to defraud his creditors; or being absent from the State with such intent, remains absent; or conceals himself to avoid the service of legal process; or conceals, or is removing any of his property, to avoid its being attached or taken on legal process; or being insolvent, has suffered his property to remain under attachment, or legal process, for four days; or has confessed, or offered to allow judgment in favor of any creditors; or willfully suffered judgment to be taken against him by default; or has suffered, or procured his property to be taken on legal process, with intent to give a preference to one or more of his creditors; or has made any assignment, gift, sale, conveyance, or transfer of his estate, property, rights, or credits, with intent to delay, defraud, or hinder his creditors; or in contemplation of insolvency, has made any payment, gift, grant, sale, conveyance, or transfer of his estate, property, rights, or credits; or has been arrested and held in custody by virtue of any civil process of Court founded on any debt or demand, and such process remains in force, and not discharged by payment, or otherwise, for a period of four days; or being a merchant or tradesman, has stopped or suspended, and not resumed payment within a period of forty days after maturity of any written acknowledgment of indebtedness, unless the party holding such acknowledgment has, in writing, waived the right to proceed under this subdivision; or being a bank, or banker, agent, broker, factor, or commission merchant, has failed for forty days to pay any moneys deposited with or received by him in a fiduciary capacity, upon demand of payment, excepting savings and loan banks,

or associations, who loan the money of their stockholders and depositors on real estate, and provide in their by-laws for the repayment of such deposits. The petitioners may, from time to time, amend and correct the petition, so that the same shall conform to the facts, by leave of the Court before which the proceedings are pending, but nothing in this section shall be construed to invalidate any loan of actual value, or the security therefor, made in good faith upon a security taken in good faith on the occasion of the making of such loan; the said petition shall be accompanied by a bond with two sureties in the penal sum of at least five hundred dollars, conditioned that if the debtor should not be declared an insolvent the petitioners will pay all costs and damages, including a reasonable attorney's fee, that the debtor may sustain by reason of the filing of said petition. The Court may, upon motion, direct the filing of an additional bond with different sureties when deemed necessary.

SEC. 9. Upon the filing of such creditors' petition, the Court shall issue an order requiring such debtor to show cause, at a time and place to be fixed by said Court, why he should not be adjudged an insolvent debtor, and at the same time, or thereafter, upon good cause shown therefor, said Court may make an order forbidding the payment of any debts, and the delivery of any property belonging to such debtor to him or for his use, or the transfer of any property by him.

Order of Court.

SEC. 10. A copy of said petition, with a copy of the order to show cause, shall be served on the debtor, in the same manner as is provided by law for the service of summons in civil actions, but such service shall be made at least ten days before the time fixed for the hearing; *provided*, that if, for any reason, the service is not made, the order may be renewed, and the time and place of hearing changed, or by a supplemental order by the Court, or if such debtor cannot be found, or his place of abode ascertained, service shall be made by publication, as is provided in the Code of Civil Procedure for service of summons by publication.

Copy of petition to be served on debtor.

SEC. 11. At the time fixed for the hearing of said order to show cause, or such other time as it may be adjourned to, the debtor may demur to the petition for the same causes as is provided for demurrer in other cases by the Code of Civil Procedure. If the demurrer be overruled, the debtor shall have ten days thereafter in which to answer the petition. If the debtor answer the petition, such answer shall contain a specific denial of the material allegations of the petition controverted by him, and shall be verified in the same manner as pleadings in civil actions; and the issues raised thereon may be tried with or without a jury, according to the practice provided by law for the trial of civil actions.

Demurrer.

SEC. 12. If the respondent shall make default, or if, after a trial, the issues are found in favor of the petitioners, the Court shall make an order adjudging that said respondent is, and was at the time of filing the petition, an insolvent debtor, and shall require said debtor, within such time as the Court may designate, to file in Court the schedule and

Court to require debtor to file schedule, etc.

inventory provided for in sections three and four of this Act; and thereupon all proceedings shall be had in said matter in the same manner as if said debtor had voluntarily filed his petition.

Proceedings,
when
dismissed.

SEC. 13. If, upon such hearing or trial, the issues are found in favor of the respondent, the proceedings shall be dismissed, and the respondent shall recover costs from the petitioning creditors in the same manner as on final judgment in civil actions.

Failure to
appear after
service, etc.

SEC. 14. If the debtor has failed to appear after service, personally or by publication, or is absent, or cannot be found, the schedule and inventory may be prepared by the Sheriff, or by the assignee, from the best information he can obtain.

ARTICLE IV.

ASSIGNEES.

Assignees.

SEC. 15. At a meeting of the creditors, in open Court, those having proven their claims, by filing a verified statement showing the amount, nature, and security, if any, shall proceed to the election of one assignee. The assignee shall be a resident of the county where the insolvent resides, or where he has carried on his business. In electing an assignee, the opinion of the majority in amount of claims shall prevail. The Clerk of the Court shall keep a minute of the deliberations of said creditors, and of the election and appointment of an assignee, and enter the same upon the records of the Court. The assignee shall file, within five days, unless the time be extended by the Court, with the Clerk, a bond, in an amount to be fixed by the Court, to the State of California, with two or more sufficient sureties, approved by the Court, and conditioned for the faithful performance of the duties devolving upon him. The bond shall not be void upon the first recovery, but may be sued upon from time to time by any creditor aggrieved, in his own name, until the whole penalty is exhausted. The sureties on such bond may be required to justify, upon the application of any party interested, in the same manner as bail upon arrest in civil cases.

Bond.

Assignee,
when
appointed.

SEC. 16. If, on the day appointed for the meeting, the creditors do not attend, or refuse to elect an assignee; or if, after election, the assignee shall fail to qualify within the proper time, it shall be lawful for the Court before which the said meeting may take place, to appoint an assignee and fix the amount of his bond.

Assignment.

SEC. 17. As soon as an assignee is appointed and qualified, the Clerk of the Court shall, by an instrument under his hand, and seal of the Court, assign and convey to the assignee all the estate, real and personal, of the debtor, with all his deeds, books, and papers relating thereto, and such assignment shall relate back to the commencement of the proceedings in insolvency, and by operation of law shall vest the title to all such property and estate, both real and personal, in the assignee, although the same is then attached on mesne process, as the property of the debtor, and shall dissolve any

attachment made within one month next preceding the commencement of the insolvency proceedings. Such assignment shall operate to vest in the assignee all the estate of the insolvent debtor not exempt by law from execution.

SEC. 18. The assignee shall have the right to recover all the estate, debts, and effects of said insolvent. If, at the time of the commencement of proceedings in insolvency, an action is pending in the name of the debtor, for the recovery of a debt or other thing which might or ought to pass to the assignee by the assignment, the assignee shall be allowed and admitted to prosecute the action, in like manner and with like effect as if it had been originally commenced by him. In suits prosecuted by the assignee, a certified copy of the assignment made to him shall be conclusive evidence of his authority to sue. Authority of assignee.

SEC. 19. The assignee shall, within one month after the making of the assignment to him, cause the same to be recorded in every county, or city and county, within this State, where any lands owned by the debtor are situated, and the record of such assignment, or a duly certified copy thereof, shall be conclusive evidence thereof in all Courts. Recording assignment.

SEC. 20. Any assignee may at any time, by writing filed in Court, resign his appointment, having first settled his accounts, and delivered up all the estate to such successor as the Court shall appoint; *provided*, that if, in the discretion of the Court, the circumstances of the case require it, upon good cause being shown, the Court may, at any time before such settlement of account and delivery of the estate shall have been completed, revoke the appointment of such assignee and appoint another in his stead. The liability of the outgoing assignee, or of the sureties on his bond, shall not be in any manner discharged, released, or affected by such appointment of another in his stead. Resignation.

SEC. 21. The said assignee shall have power:

1. To sue in his own name and recover all the estate, debts, and things in action, belonging or due to such debtor, and no set-off or counter-claim shall be allowed in any such suit, for any debt, unless it was owing to such creditor by such debtor at the time of the adjudication of insolvency. Powers of assignee.

2. To take into his possession all the estate of such debtor except property exempt by law from execution, whether attached or delivered to him or afterwards discovered, and all books, vouchers, evidence of indebtedness, and securities belonging to the same.

3. In case of a non-resident absconding or concealed debtor, to demand and receive of every Sheriff who shall have attached any of the property of such debtor, or who shall have in his possession any moneys arising from the sale of such property, all such property and moneys, on paying him his lawful costs and charges for attaching and keeping the same.

4. From time to time to sell at public auction all the estate, real and personal, vested in him as such assignee, which shall come to his possession and as ordered by the Court.

Powers of assignee.

5. On such sales to execute the necessary conveyances and bills of sale.

6. To redeem all valid mortgages and conditional contracts, and all valid pledges of personal property, and to satisfy any judgments which may be an incumbrance on any property sold by him, or to sell such property subject to such mortgage, contracts, pledges, or judgments.

7. To settle all matters and accounts between such debtor and his debtors subject to the approval of the Court.

8. Under the order of the Court appointing him, to compound with any person indebted to such debtor, and thereupon to discharge all demands against such person.

9. To have and recover from any person receiving a conveyance, gift, transfer, payment, or assignment, made contrary to any provision of this Act, the property thereby transferred or assigned, or in case a redelivery of the property cannot be had, to recover the value thereof, with damages for the detention.

Insolvent to deliver books, etc., to the Court.

SEC. 22. The insolvent shall, either before or on the day appointed for the meeting of creditors, deliver to the Court all the commercial or account books he may have kept, which books shall be deposited in the Clerk's office of said Court. Said insolvent shall also deliver to the Court, at the same time, all vouchers, notes, bonds, bills, securities, or other evidences of debt, in any manner relating to or having any bearing upon or connection with the property surrendered by said debtor, and all such papers or securities shall be deposited in the Clerk's office of said Court, and the Clerk shall hand them over, together with the books of the insolvent, to the assignee who may be appointed.

Embezzlement.

SEC. 23. If any person, before the assignment is made, having notice of the commencement of proceedings in insolvency, embezzles or disposes of any of the moneys, goods, chattels, or effects of the insolvent, he is chargeable therewith, and liable to an action by the assignee for double the value of the property so embezzled or disposed of, to be recovered for the benefit of the estate.

Penalties, etc., against persons suspected of concealing, etc., property of debtor.

SEC. 24. The same penalties, forfeitures, and proceedings by citation, examination, and commitment, shall apply on behalf of an assignee against persons suspected of having concealed, embezzled, conveyed away, or disposed of any property of the debtor, or of having possession or knowledge of any deeds, conveyances, bonds, contracts, or other writings which relate to any interest of the debtor in any real or personal estate, as provided in the case of the estates of deceased persons in sections one thousand four hundred and fifty-nine, one thousand four hundred and sixty, and one thousand four hundred and sixty-one of the Code of Civil Procedure.

Estate to be converted into money.

SEC. 25. The assignee shall, as speedily as possible, convert the estate, real and personal, into money. He shall keep a regular account of all moneys received by him as assignee, to which every creditor or other person interested therein may, at all reasonable times, have access. No private sale of any property of the estate of an insolvent debtor shall

No private sale without order of Court.

be valid, unless made under the order of the Court upon a petition in writing, which shall set forth the facts showing the sale to be necessary. Upon filing the petition, notice of at least ten days shall be given by publication and mailing, in the same manner as is provided in section seven of this Act. If it appears that a private sale is for the best interests of the estate, the Court shall order it to be made.

When Court may order.

SEC. 26. When it appears to the satisfaction of the Court that the estate of the debtor, or any part thereof, is of a perishable nature, or is liable to deteriorate in value, or is disproportionately expensive to keep, the Court may order the same to be sold in such manner as may be deemed most expedient, under the direction of the Sheriff or assignee, as the case may be, who shall hold the funds received in place of the property sold until the further order of the Court.

When Court may order sale of estate, or portion thereof.

SEC. 27. Outstanding debts, or other property due or belonging to the estate, which cannot be collected and received by the assignee without unreasonable or inconvenient delay or expense, may be sold and assigned in like manner as the remainder of the estate.

Outstanding debts.

SEC. 28. Assignees shall be allowed all necessary expenses in the care, management, and settlement of the estate, and shall collectively be entitled to charge and receive for their services commissions upon all sums of money coming to their hands and accounted for by them, as follows: For the first thousand dollars, at the rate of seven per cent.; for all above that sum and not exceeding ten thousand dollars, at the rate of five per cent.; and for all above that sum, at the rate of four per cent.

Assignees to be allowed necessary expenses.

Rate.

SEC. 29. At the expiration of three months from the appointment of the assignee in any case, or as much earlier as the Court may direct, the assignee shall exhibit to the Court and to the creditors, and file just and true accounts of all his receipts and payments verified by his oath, and a statement of the property outstanding, specifying the cause of its outstanding, also what debts or claims are yet undetermined, and stating what sum remains in his possession; and thereupon a dividend shall be made, unless for cause the Court shall otherwise order. Thereafter further accounts, statements, and dividends shall be made in like manner as often as occasion requires.

Assignee to make exhibit to the Court.

SEC. 30. The Court shall at any time, upon the motion of any two or more creditors, require the assignee to file his account, and if he has funds subject to distribution he shall be required to distribute them without delay.

Court may order assignee to file account.

SEC. 31. All creditors whose debts are duly proved and allowed shall be entitled to share in the property and estate pro rata, without priority or preference whatever, other than as provided in this Act, and in section one thousand two hundred and four of the Code of Civil Procedure; *provided*, that any debt proved by any person liable as bail surety, guarantor, or otherwise, for the debtor, shall not be paid to the person so proving the same until satisfactory evidence shall be produced of the payment of such debt by such per-

Creditors to share pro rata.

son so liable; and the share to which such debt would be entitled may be paid into Court, or otherwise held for the benefit of the party entitled thereto, as the Court may direct.

SEC. 32. No dividend already declared shall be distributed by reason of debts being subsequently proved, but the creditors proving such debts shall be entitled to a dividend equal to those already received by the other creditors, before any further dividend is made to the latter; *provided*, the failure to prove such claim shall not have resulted from his own neglect.

Discharge of assignee.

SEC. 33. Should the assignee refuse or neglect to render his accounts as required by sections thirty and thirty-one, or pay over a dividend when he shall have, in the opinion of the Court, sufficient funds for that purpose, the Court shall immediately discharge such assignee from his trust, and shall have power to appoint another in his place. The assignee so discharged shall forthwith deliver over to the assignee appointed by the Court all the funds, property, books, vouchers, or securities belonging to the insolvent, without charging or retaining any commission or compensation for his personal services.

Final account of assignee.

SEC. 34. Preparatory to the final account and dividend the assignee shall submit his account to the Court and file the same, and shall at the time of filing accompany the same with an affidavit, that notice by mail has been given to all creditors who have proved their claims; that he will apply for a settlement of his account, and for a discharge from all liability as assignee at a time specified in such notice, which time shall be not less than ten or more than twenty days from such filing. At the hearing the Court shall audit the account, and any person interested may appear and file exceptions in writing, and contest the same. The Court thereupon shall settle the account and order a dividend of any portion of the estate remaining undistributed, and shall discharge the assignee, subject to compliance with the order of the Court, from all liability, as assignee to any creditor of the insolvent.

ARTICLE V.

PARTNERSHIPS AND CORPORATIONS.

Insolvency of partnerships.

SEC. 35. Two or more persons who are partners in business may be adjudged insolvent, either on the petition of such partners or any one of them, or on the petition of five or more creditors of the partnership, in which case an order shall be issued in the manner provided by this Act, upon which all the joint stock and property of the partnership, and also all the separate estate of each of the partners shall be taken, excepting such parts thereof as may be exempt by law, and all the creditors of the company, and the separate creditors of each partner, shall be allowed to prove their respective debts; and the assignee shall be chosen by the creditors of the copartnership, and shall also keep separate accounts of the joint stock or property of the copartnership, and of the separate estate of each member thereof, and, after deducting out

of the whole amount received by such assignee, the whole amount of the expenses and disbursements, the net proceeds of the joint stock shall be appropriated to pay the creditors of the copartnership, and the net proceeds of the separate estate of each partner shall be appropriated to pay his separate creditors; and if there shall be any balance of the separate estate of any partner, after the payment of his separate debts, such balance shall be added to the joint stock for the payment of the joint creditors; and if there shall be any balance of the joint stock, after the payment of the joint debts, such balance shall be divided and appropriated to and among the separate estate of the several partners according to their respective right and interest therein, and as it would have been if the partnership had been dissolved without any insolvency; and the sum so appropriated to the separate estate of each partner shall be applied to the payment of his separate debts, and the certificate of discharge shall be granted or refused to each partner as the same would or ought to be if the proceedings had been by or against him alone under this Act; and in all other respects the proceedings as to partners shall be conducted in the like manner as if they had been commenced and prosecuted by or against one person alone. If such copartners reside in different counties, that Court in which the petition is first filed shall retain exclusive jurisdiction over the case. If the petition be filed by less than all the partners of a copartnership, those partners who do not join in the petition shall be ordered to show cause why they should not be adjudged to be insolvent in the same manner as other debtors are required to show cause upon a creditor's petition, as in this Act provided.

SEC. 36. The provisions of this Act shall apply to corporations, and upon the petition of any officer of any corporation, duly authorized by the vote of the Board of Directors or Trustees, at a meeting specially called for that purpose, or by the assent in writing of a majority of the Directors or Trustees, as the case may be, or upon a creditor's petition made and presented in the manner provided in respect to debtors, the like proceedings shall be had and taken as are provided in the case of debtors. All the provisions of this Act, which apply to the debtor, or set forth his duties, examination, and liabilities, or prescribe penalties, or relate to fraudulent conveyances, payments, and assignments, apply to each and every officer of any corporation in relation to the same matters concerning the corporation. Whenever any corporation is declared insolvent, all its property and assets shall be distributed to the creditors; but no discharge shall be granted to any corporation.

Applicable to corporations.

ARTICLE VI.

PROOF OF DEBTS.

SEC. 37. All debts due and payable from the debtor at the time of the adjudication of insolvency, and all debts then existing but not payable until a future time, a rebate of interest being made, when no interest is payable by the

Proof of debt from the debtor.

terms of the contract, may be proved against the estate of the debtor.

Proof of demand against the debtor.

SEC. 38. All demands against the debtor for or on account of any goods or chattels wrongfully taken, converted, or withheld by him, may be proved and allowed as debts to the amount of the value of the property so withheld, from the time of the conversion.

SEC. 39. If the debtor shall be bound as indorser, surety, bail, or guarantor, upon any bill, bond, note, or other specialty or contract, or for any debt of another person, and his liability shall not have become absolute until the adjudication of insolvency, the creditor may prove the same after such liability shall have become fixed, and before the final dividend shall have been declared.

Contingent debts, etc., how allowed.

SEC. 40. In all cases of contingent debts, and contingent liabilities contracted by the debtor and not herein otherwise provided for, the creditor may make claim therefor and have his claim allowed, with the right to share in the dividends if the contingency shall happen before the order for the final dividend, or he may, at any time, apply to the Court to have the present value of the debt or liability ascertained and liquidated, which shall be done in such manner as the Court shall order, and shall be allowed to prove for the amount so ascertained.

Any person liable for debtor may prove debt, etc.

SEC. 41. Any person liable as bail, surety, or guarantor, or otherwise, for the debtor who shall have paid the debt, or any part thereof, in discharge of the whole, shall be entitled to prove such debt, or to stand in the place of the creditor, if he shall have proved the same, although such payments shall have been made after the proceedings in insolvency were commenced; and any person so liable for the debtor, and who has not paid the whole of said debt but is still liable for the same, or any part thereof, may, if the creditor shall fail or omit to prove such debt, prove the same in the name of the creditor.

Fixed liabilities, what creditor may prove.

SEC. 42. Where the debtor is liable to pay rent, or other debt falling due at fixed and stated periods, the creditor may prove, for a proportionate part thereof up to the time of the insolvency, as if the same became due from day to day, and not at such fixed and stated periods.

Set-off.

SEC. 43. In all cases of mutual debts and mutual credits between the parties, the account between them shall be stated, and one debt set off against the other, and the balance only shall be allowed and paid. But no set-off or counter-claim shall be allowed of a claim in its nature not provable against the estate; *provided*, that no set-off or counter-claim shall be allowed in favor of any debtor to the insolvent of a claim purchased by or transferred to him after the filing of the petition by or against him, for the purpose of making such set-off or counter-claim.

SEC. 44. When a creditor has a mortgage or pledge of real or personal property of the debtor, or a lien thereon, for securing the payment of a debt owing to him from the debtor, he shall be admitted as a creditor only for the balance of the debt, after deducting the value of such property, to

be ascertained by agreement between him and the assignee, or by a sale thereof, to be made in such manner as the Court shall direct; or the creditor may release or convey his claim to the assignee, upon such property, and be admitted to prove his whole debt. If the value of the property exceeds the sum for which it is so held as security, the assignee may release to the creditor the debtor's right of redemption thereon on receiving such excess; or he may sell the property, subject to the claim of the creditor thereon, and in either case the assignee and creditor respectively shall execute all deeds and writings necessary or proper to consummate the transaction. If the property is not sold or released, and delivered up, the creditor shall not be allowed to prove any part of his debt.

When creditor has mortgage, etc., on property of debtor, on what condition he may be admitted as creditor.

SEC. 45. No creditor proving his debt or claim shall be allowed to maintain any suit at law or in equity therefor against the debtor, but shall be deemed to have waived all right of action and suit against him, and all proceedings already commenced, or unsatisfied judgments already obtained thereon, shall be deemed to be discharged and surrendered thereby; *provided*, that no valid lien existing in good faith thereunder shall be thereby affected; *and further provided*, that a creditor proving his debt or claim shall not be held to have waived his right of action or suit against the debtor where a discharge has been refused, or the proceedings have determined without a discharge. And no creditor whose debt is provable under this Act shall be allowed, after the commencement of proceedings in insolvency, to prosecute to final judgment any action therefor against the debtor until the question of the debtor's discharge shall have been determined, and any such suit or proceeding shall, upon the application of the debtor, or any creditor, or of the assignee, be stayed to await the determination of the Court in insolvency on the question of discharge; *provided*, there be no unreasonable delay on the part of the debtor, or of the petitioning creditors, as the case may be, in prosecuting the case to its conclusion; *and provided, also*, that if the amount due the creditor is in dispute, the suit, by leave of the Court in insolvency, may proceed to judgment for the purpose of ascertaining the amount due, which amount may be proven in insolvency, but execution shall be stayed as aforesaid; *provided further*, that where a valid lien or attachment has been acquired or secured in any such action, and an undertaking been offered and accepted in lieu of such lien or attachment, the case may be prosecuted to final judgment for the purpose of fixing the liability of the sureties upon such undertaking; but execution against the insolvent upon such judgment shall be stayed.

SEC. 46. Any person who shall have accepted any preference, having reasonable cause to believe that the same was made or given by the debtor contrary to any provision of this Act, shall not prove the debt or claim, on account of which the preference was made or given; nor shall he receive any dividend thereon until he shall first have surrendered to the

assignee all property, money, benefit, or advantage received by him under such preference.

SEC. 47. The Court may, upon the application of the assignee, or of any creditor of the debtor, or without any application, before or after adjudication in insolvency, examine upon oath the debtor in relation to his property and his estate, and any person tendering or making proof of claims, and may subpoena witnesses to give evidence relating to such matters. All examinations of witnesses shall be had and depositions shall be taken in accordance with and in the same manner as is provided by the Code of Civil Procedure.

ARTICLE VII.

DISCHARGE.

When may
apply for
discharge.

SEC. 48. At any time after the expiration of three months from the adjudication of insolvency, the debtor may apply to the Court for a discharge from his debts, and the Court shall thereupon order notice to be given to all creditors, who have proved their debts, to appear, on a day appointed for that purpose, and show cause why a discharge should not be granted to the debtor; said notice shall be given by mail and by publication at least once a week, for four weeks, in a newspaper published in the county, or if there be none, in a newspaper published nearest such county; *provided*, that if no debts have been proven, such notice shall not be required.

Discharge,
when not
granted.

SEC. 49. No discharge shall be granted, or if granted shall be valid, if the debtor shall have sworn falsely in his affidavit annexed to his petition, schedule, or inventory, or upon any examination in the course of the proceedings in insolvency, in relation to any material fact concerning his estate, or his debts, or to any other material fact; or if he has concealed any part of his estate or effects, or any books or writings relating thereto; or if he has been guilty of fraud or willful neglect in the care, custody, or delivery to the assignee of the property belonging to him at the time of the presentation of his petition and inventory, excepting such property as he is permitted to retain under the provisions of this Act, or if he has caused or permitted any loss or destruction thereof; or if, within one month before the commencement of such proceedings, he has procured his lands, goods, money, or chattels to be attached, or seized on execution; or if he has destroyed, mutilated, altered, or falsified any of his books, documents, papers, writings, or securities, or has made or been privy to the making of any false or fraudulent entry in any book of account or other document with intent to defraud his creditors; or if he has given any fraudulent preference contrary to the provisions of this Act, or made any fraudulent payment, gift, transfer, conveyance, or assignment of any part of his property, or has lost any part thereof in gaming, or has admitted a false or fictitious debt against his estate, or if having knowledge that any person has proven such false or fictitious debt, he has not disclosed the same to his assignee within one month after such knowledge;

or if being a merchant or tradesman he has not subsequently to the passage of this Act, kept proper books of account; or if he or any other person on his account, or in his behalf, has influenced the action of any creditor at any stage of the proceedings, by any pecuniary consideration or obligation; or if he has in contemplation of becoming insolvent made any pledge, payment, transfer, assignment, or conveyance of any part of his property, directly or indirectly, absolutely or conditionally, for the purpose of preferring any creditor or person having a claim against him, or who is or may be under liability for him, or for the purpose of preventing the property from coming into the hands of the assignee, or of being distributed under this Act in satisfaction of his debts; or if he has been convicted of any misdemeanor under this Act, or has been guilty of fraud contrary to the true intent of this Act; or in case of voluntary insolvency has received the benefits of this or any other Act of insolvency or bankruptcy within three years next preceding his application for discharge. And before any discharge is granted, the debtor shall take and subscribe an oath to the effect that he has not done, suffered, or been privy to any act, matter, or thing specified in this Act, as ground for withholding such discharge or as invalidating such discharge, if granted.

SEC. 50. Any creditor opposing the discharge of a debtor shall file specifications, in writing, of the grounds of his opposition, and after the debtor has filed and served his answer thereto, which pleadings shall be verified, the Court shall try the issue or issues raised, with or without a jury, according to the practice provided by law in civil actions.

Opposition
to discharge.

SEC. 51. If it shall appear to the Court that the debtor has in all things conformed to his duty under this Act, and that he is entitled under the provisions thereof to receive a discharge, the Court shall grant him a discharge from all his debts, except as hereinafter provided, and shall give him a certificate thereof, under the seal of the Court, in substance as follows: In the Superior Court of the County of —, State of California. Whereas, — has been duly adjudged an insolvent under the insolvent laws of this State, and appears to have conformed to all the requirements of law in that behalf, it is therefore ordered by the Court that said — be forever discharged from all debts and claims, which by said insolvent laws are made provable against his estate, and which existed on the — day of —, on which the petition for adjudication was filed by (or against) him, excepting such debts, if any, as are by said insolvent laws excepted from the operation of a discharge in insolvency. Given under my hand, and the seal of the Court, this — of —, A. D. 18—. Attest, —, Clerk. [Seal.] —, Judge.

Certificate of
discharge.

SEC. 52. No debt created by fraud or embezzlement of the debtor, or by his defalcations as a public officer, or while acting in a fiduciary character, shall be discharged under this Act, but the debt may be proved, and the dividend thereon shall be a payment on account of said debt; and no discharge granted under this Act shall release, discharge, or affect any

Fraudulent
debts not
discharged.

person liable for the same debt for or with the debtor, either as partner, joint contractor, indorser, surety, or otherwise.

Discharge
releases
debtor, from
what.

SEC. 53. A discharge, duly granted under this Act, shall, with the exceptions aforesaid, release the debtor from all claims, debts, liabilities, and demands, set forth in his schedule, or which were or might have been proved against his estate in insolvency, and may be pleaded by a simple averment, that on the day of its date such discharge was granted to him, setting forth the same in full, and the same shall be a complete bar to all suits brought on any such debts, claims, liabilities, or demands, and the certificate shall be prima facie evidence in favor of such fact, and of the regularity of such discharge; *provided, however*, that any creditor of said debtor, whose debt was proved, or provable, against the estate in insolvency, who shall see fit to contest the validity of such discharge on the ground that it was fraudulently obtained, and who has discovered the facts constituting the fraud subsequent to the discharge, may, at any time within two years after the date thereof, apply to the Court which granted it to set aside and annul the same; or if the same shall have been pleaded, the effect thereof may be avoided collaterally upon any such grounds.

Refusal of
discharge,
what shall
not affect.

SEC. 54. The refusal of a discharge to the debtor shall not affect the administration and distribution of his estate under the provisions of this Act.

ARTICLE VIII.

FRAUDULENT PREFERENCES AND TRANSFERS.

Fraudulent
preferences
and
transfers.

SEC. 55. If any person being insolvent, or in contemplation of insolvency, within one month before the filing of a petition by or against him, with a view to give a preference to any creditor or person having a claim against him, or who is under any liability for him, procures any part of his property to be attached, sequestered, or seized on execution, or makes any payment, assignment, transfer, or conveyance of any part of his property, either directly or indirectly, absolutely or conditionally, the person receiving such payment, pledge, assignment, transfer, or conveyance, or to be benefited thereby, or by such attachment or seizure, having reasonable cause to believe that such person is insolvent, and that such attachment, seizure, payment, pledge, conveyance, transfer, or assignment is made with a view to prevent his property from coming to his assignee in insolvency, or to prevent the same from being distributed ratably among his creditors, or to defeat the object of or in any way hinder, impede, or delay the operation of or to evade any of the provisions of this Act, such transfer, payment, conveyance, pledge, or assignment is void, and the assignee may recover the property, or the value thereof, as assets of such insolvent debtor; and if such sale, assignment, transfer, or conveyance is not made in the usual and ordinary course of business of the debtor, that fact shall be prima facie evidence of fraud.

ARTICLE IX.

PENAL CLAUSES.

SEC. 56. From and after the taking effect of this Act, if any debtor or insolvent shall, after the commencement of proceedings in insolvency, secrete or conceal any property belonging to his estate, or part with, conceal, or destroy, alter, mutilate, or falsify, or cause to be concealed, destroyed, altered, mutilated, or falsified, any book, deed, document, or writing relating thereto, or remove, or cause to be removed, the same or any part thereof, with intent to prevent it from coming into the possession of the assignee in insolvency, or to hinder, impede, or delay his assignee in recovering or receiving the same, or make any payment, gift, sale, assignment, transfer, or conveyance of any property, belonging to his estate, with like intent, or shall spend any part thereof in gaming; or shall, with intent to defraud, willfully and fraudulently conceal from his assignee, or fraudulently or designedly omit from his schedule any property or effects whatsoever; or if, in case of any person having to his knowledge or belief proved a false or fictitious debt against his estate, he shall fail to disclose the same to his assignee within one month after coming to the knowledge or belief thereof; or shall attempt to account for any of his property by fictitious losses or expenses; or shall, within three months before the commencement of proceedings in insolvency, under the false pretense of carrying on business and dealing in the ordinary course of trade, obtain on credit from any person any goods or chattels, with intent to defraud; or shall, with intent to defraud his creditors, within three months next before the commencement of proceedings in insolvency, pawn, pledge, or dispose of otherwise than by bona fide transactions in the ordinary way of his trade, any of his goods or chattels which have been obtained on credit and remain unpaid for, he shall be deemed guilty of misdemeanor, and, upon conviction thereof, shall be punished by imprisonment in the County Jail for not less than three months nor more than two years.

Penal offenses.

ARTICLE X.

MISCELLANEOUS.

SEC. 57. If any debtor shall die after the order of adjudication, the proceedings shall be continued and concluded in like manner and with like validity and effect as if he had lived.

Proceeding to continue after death of debtor.

SEC. 58. Pending proceedings by or against any person, copartnership, or corporation, no statute of limitation of this State shall run against a claim, which in its nature is provable against the estate of the debtor.

Statute of limitations, when not to run.

SEC. 59. Any creditor, at any stage in the proceedings, may be represented by his attorney or duly authorized agent.

Representation by attorney.

SEC. 60. It shall be the duty of the Court having juris-

Exemptions

diction of the proceedings, to exempt and set apart for the use and benefit of said insolvent such real and personal property as is by law exempt from execution; and also a homestead in the manner as provided in section one thousand four hundred and sixty-five of the Code of Civil Procedure.

What deemed commencement of proceedings.

SEC. 61. The filing of the petition by or against a debtor upon which an order of adjudication in insolvency may be made by the Court, shall be deemed to be the commencement of proceedings in insolvency under this Act.

Certain words defined.

SEC. 62. Words used in this Act in the singular, include the plural, and in the plural, the singular, and the word "debtor" includes partnerships and corporations.

Appointment of Receiver.

SEC. 63. A receiver may be appointed by the Court in which an insolvent proceeding is pending before the election of an assignee:

1. Upon the application of creditors where it is shown that the property, or any portion thereof, is in danger of being lost, removed, or materially injured.

2. In all other cases where receivers are appointed by the usages of Courts of equity. And thereupon the appointment, oath, undertaking, and powers of such receiver shall, in all respects, be regulated by the general laws of the State applicable to receivers.

Application of Code of Civil Procedure.

SEC. 64. All sections of the Code of Civil Procedure of the State of California relating to contempts, are hereby made applicable to all proceedings under this Act. An appeal shall be allowed to the Supreme Court from any order adjudging any person guilty of contempt of Court.

Attachment.

SEC. 65. When an attachment has been made and is not dissolved before the commencement of proceedings in insolvency, or is dissolved by an undertaking given by the defendant, if the claim upon which the attachment suit was commenced is proved against the estate of the debtor, the plaintiff may prove the legal costs and disbursements of the suit, and of the keeping of the property, and the amount thereof shall be a preferred debt. In all contested matters in insolvency the Court may, in its discretion, award costs to either party, to be paid by the other, or to either or both parties, to be paid out of the estate, as justice and equity may require. In awarding costs, the Court may issue execution therefor. In all involuntary cases under this Act, the Court shall allow the petitioning creditors out of the estate of the debtor, if any adjudication of insolvency be made, as a preferred claim, all legal costs and disbursements, incurred by them in that behalf.

Costs in contested matters.

When Court may dismiss petition.

SEC. 66. The Court may, upon the application of the debtor, if it be a voluntary petition, or of the petitioning creditors, if a creditor's petition, dismiss the petition and discontinue the proceedings at any time before the appointment of assignee. After the appointment of assignee, no dismissal shall be made without the consent of all parties interested in or affected thereby.

Appeals.

SEC. 67. An appeal may be taken to the Supreme Court in the following cases:

1. From an order granting or refusing an adjudication of insolvency.
2. Allowing or rejecting a creditor's claim, in whole or in part.
3. Overruling a motion for a new trial.
4. Settling an account of an assignee.
5. Against or in favor of setting apart homestead or other property claimed as exempt from execution.
6. Granting or refusing a discharge to the debtor.

The notice, undertaking, and procedure on appeal shall conform to the general laws of this State regulating appeals in civil cases, except that when the assignee has given an official undertaking and appeal from a judgment or order in insolvency, his official undertaking stands in the place of an undertaking on appeal, and the sureties therein are liable on such undertaking.

SEC. 68. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed; *provided, however,* that such repeal shall in no manner invalidate or affect any case in insolvency instituted and pending in any Court prior to the day when this Act shall take effect.

Conflicting Acts repealed.

CHAPTER LXXXVIII.

An Act to provide an additional Judge of the Superior Court for the County of Mono.

[Approved April 16th, 1880.]

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

SECTION 1. Within ten days after the passage of this Act the Governor shall appoint an additional Judge of the Superior Court of the County of Mono, who shall qualify forthwith, and shall hold said office until the first Monday after the first day of January, A. D. eighteen hundred and eighty-one; and at the next general election a Judge of the Superior Court of said county shall be elected to hold office for the term of four years from the first Monday after the first day of January, A. D. eighteen hundred and eighty-one.

Additional Judge of the Superior Court of Mono County.

SEC. 2. The salary of said additional Judge shall be the same in amount and shall be paid in the same manner as that of the Judge of the Superior Court of said county now authorized by law.

Salary.

SEC. 3. This Act shall be in force from and after its approval by the Governor.

CHAPTER LXX.XIX.

An Act for the relief of W. S. Safford.

[Approved April 16th, 1880.]

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

Relief of
W. S. Safford

SECTION 1. The sum of thirteen hundred and forty-six and six one-hundredths dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, and the Controller is hereby required to draw his warrant therefor in favor of W. S. Safford, to repay to him costs actually and necessarily incurred and expended by him in the defense of a civil action brought against him by the Attorney-General, in the name of the people of the State of California, as plaintiff, in which said action final judgment has been entered and docketed in the District Court of the Third Judicial District of the State of California, in and for the County of Alameda, and is now unsatisfied, in favor of the said W. S. Safford, defendant, and against the people of the State of California, plaintiff, for the said amount of said costs; and on the payment of said sum said judgment shall be deemed and taken to be fully paid and discharged.

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

CHAPTER XC.

An Act to empower consolidated cities and counties of over one hundred thousand inhabitants, to make alterations to county prisons and County Jails, for sanitary purposes.

[Approved April 16th, 1880.]

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

Supervisors,
etc., to
enlarge, etc.,
County Jails.

SECTION 1. The Board or Boards of Supervisors, or the Municipal Council, or other governing bodies of consolidated cities and counties having a population of over one hundred thousand inhabitants, are hereby empowered to enlarge, construct additional cells in and make necessary alterations to county prisons and County Jails in said cities and counties, wherever the same are required for sanitary reasons, and to allow and order paid all expenditures therefor out of the General Fund of said cities and counties.

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

CHAPTER XCI.

An Act to provide for the deficiency in the appropriation "for repairs to State Capitol building and furniture," during the thirty-first fiscal year.

[Approved April 16th, 1880.]

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

SECTION 1. The sum of two thousand three hundred and eight and six one-hundredths dollars (\$2,308 06) is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the deficiency in the appropriation "for repairs to State Capitol building and furniture," during the thirty-first fiscal year. Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCII.

An Act to provide for the payment of the salaries and expenses of the Board of Railroad Commissioners for the thirty-first fiscal year ending June thirtieth, eighteen hundred and eighty.

[Approved April 16th, 1880.]

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

SECTION 1. The sum of nine thousand four hundred and fifty dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the following purposes: Appropriation.

For salaries of the members of the Board of Railroad Commissioners, six thousand dollars.

For salary of Secretary to the Board of Railroad Commissioners, five hundred dollars.

For salary of Bailiff to Board of Railroad Commissioners, two hundred and fifty dollars.

For Stenographer, when his services shall be deemed necessary by the Board, the sum of two hundred and fifty dollars.

For office rent for Board of Railroad Commissioners, two hundred and fifty dollars.

For postage, expressage, and contingent expenses of Board of Railroad Commissioners, three hundred dollars.

For office furniture and fixtures for Board of Railroad Commissioners, four hundred dollars.

For traveling expenses of Railroad Commissioners and their employés, other than those of transportation, when in performance of their official duties, fifteen hundred dollars.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCIII.

An Act to authorize Boards of Supervisors to pay the expenses of posse comitatus in criminal cases.

[Approved April 16th, 1880.]

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

Posse
comitatus.

SECTION 1. The Board of Supervisors of any county may allow, in their discretion, such compensation as they may deem just, to defray the necessary expenses that have been incurred by a posse comitatus in criminal cases; *provided*, no claim shall be allowed for expenses which have not been incurred within one year before such allowance.

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

CHAPTER XCIV.

An Act to regulate the sale of certain poisonous substances.

[Approved April 16th, 1880.]

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

Poisonous
substances,
how sold.

SECTION 1. It shall be unlawful for any person to retail any of the substances poisonous, and by reason thereof dangerous to human life, without distinctly labeling the bottle, box, vessel, or package, and the wrapper or cover thereof in which such substance is contained, with the common or usual name thereof, together with the word "Poison," and the name and place of business of the seller. Nor shall it be lawful for any person to retail any of the substances enumerated in either of said schedules, to any person, unless, on due inquiry, it is found that the person receiving the same is aware of its poisonous character, and that it is to be used for a legitimate purpose.

Same,
retailed.

SEC. 2. It shall be unlawful for any person to retail any of the substances enumerated herein, unless, before delivering the same, such person shall make, or cause to be made, in a book kept for that purpose only, an entry stating the date of the sale, the name and address of the purchaser, the name and quantity of the substance sold, the purpose for which it is stated by the purchaser to be required, and the name of the dispenser. The book required by this Act shall be always open to inspection by the proper authorities. It shall also be the duty of the person dispensing any of the substances enumerated in either of said schedules, to ascertain, by due inquiry, whether the name and address given by the

person receiving the same are his true name and address, and for that purpose may require such person to be identified.

SEC. 3. Any person who shall dispense any of the substances enumerated in either of said schedules, without complying with the regulations herein prescribed, shall, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the County Jail not exceeding six months, or by both such fine and imprisonment; *provided*, that nothing in this Act shall be so construed as to apply to the prescriptions of any physician authorized to practice medicine under the laws of this State.

Misdemeanor.

Penalty.

SEC. 4. This Act shall take effect and be in force from and after June first, eighteen hundred and eighty.

SCHEDULE "A."

Arsenic, corrosive sublimate, hydrocyanic acid, cyanite of potassium, strychnia, essential oil of bitter almonds, opium, aconite, belladonna, conium, nux vomica, henbane, tansy, savin, ergot, cotton root, digitalis, chloroform, chloral hydrate, and all preparations, compounds, salts, extracts, or tinctures of such substances, except preparations of opium containing less than two grains to the fluid ounce.

List of poisons.

SCHEDULE "B."

White precipitate, red precipitate, red and green iodides of mercury, colchicum, cantharides, oxalic acid, croton oil, sulphate of zinc, sugar of lead, carbolic acid, sulphuric acid, muriatic acid, nitric acid, phosphorus, and all preparations, compounds, salts, extracts, or tinctures of such substances.

List of poisons.

CHAPTER XCV.

An Act to provide for the payment of the amount of interest due to "Hastings College of the Law."

[Approved April 16th, 1880.]

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

SECTION 1. The sum of one thousand one hundred and fifty-nine dollars and fifty-nine cents is hereby appropriated out of the General Fund of the State treasury not otherwise appropriated, to the President and Board of Directors of "Hastings College of the Law," as interest not paid and due said college from April eighteenth, eighteen hundred and seventy-eight, to July first, eighteen hundred and seventy-eight, which said sum was not provided for in the Appropriation.

Appropriation.

riation Act, approved April first, eighteen hundred and seventy-eight.

SEC. 2. The State Controller is hereby directed to draw his warrant for said one thousand one hundred and fifty-nine dollars and fifty-nine cents, in favor of said President and Directors, and the State Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER XCVI.

An Act to provide for removing obstructions in Pitt River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning grounds on the upper waters of said river and its tributaries.

[Approved April 16th, 1880.]

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

Duty of
Fish Com-
missioners.

SECTION 1. The Fish Commissioners of this State are hereby authorized to advertise for proposals and let a contract or contracts for the removal of obstructions and making fish-ways in Pitt River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning grounds on the head waters of said river and its tributaries.

Advertise-
ments.

SEC. 2. Said advertisements shall be published once a week for four successive weeks in one or more newspapers published in the Counties of Shasta, Lassen, and Modoc, and shall briefly set forth the extent to which said obstructions are to be removed, the nature of the fish-ways to be opened, and designate a time for receiving said proposals.

Contracts.

SEC. 3. The contract or contracts shall be let to the lowest responsible bidder, and shall contain a stipulation that no money shall be paid or become due upon said contract or contracts until the work is completed and accepted by said Commissioners. No contract or contracts shall be let which singly, or in the aggregate, will amount to more than three thousand dollars, including advertising and other necessary expenses.

Approval of
work.

SEC. 4. When the work is completed, approved, and accepted by the Board of Fish Commissioners, they shall certify the amount due upon said contract or contracts, and the amount due for advertising and other necessary expenses incurred by them in carrying out the provisions of this Act, to the State Board of Examiners, and, when approved by said Board, the amount shall be paid out of the General Fund in the State treasury.

Appropriation.

SEC. 5. The sum of three thousand dollars is hereby appropriated out of any money in the General Fund in the State treasury for the purpose of carrying out the provisions of this Act.

CHAPTER XCVII.

An Act to repeal an Act entitled "An Act to encourage the destruction of squirrels, gophers, and other wild animals, in the Counties of Los Angeles, Napa, Merced, San Bernardino, and Santa Cruz," approved February thirteenth, eighteen hundred and seventy-two.

[Approved April 16th, 1880.]

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

SECTION 1. An Act entitled "An Act to encourage the destruction of squirrels, gophers, and other wild animals, in the Counties of Los Angeles, Napa, Merced, San Bernardino, and Santa Cruz," approved February thirteenth, eighteen hundred and seventy-two, is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCVIII.

An Act making an appropriation for the improvement of L Street, between Tenth and Fifteenth Streets, in the City of Sacramento, County of Sacramento, State of California.

[Approved April 16th, 1880.]

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

SECTION 1. The sum of four thousand dollars is hereby appropriated, out of any money in the State treasury not otherwise appropriated, for the improvement of L Street, between Tenth (10th) and Fifteenth (15th) Streets, in the City and County of Sacramento, State of California; said amount being the State's portion for improving said street, the land of said State facing on said street the entire length thereof. The money to be paid to the contractor, when the State Board of Capitol Commissioners are satisfied that said street has been improved according to the specifications on file with the Board of Trustees of the City of Sacramento, and said street and work thereon has been accepted by said Board of Trustees.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCIX.

An Act providing for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing at the Presidio.

[Approved April 16th, 1880.]

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

Additional
Notary
Public
for San
Francisco.

SECTION 1. The Governor is authorized to appoint and commission one additional Notary Public for the City and County of San Francisco, who shall keep an office for the transaction of business in that portion of the city and county known as the Presidio.

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

CHAPTER C.

An Act for the protection of certain kinds of fish.

[Approved April 16th, 1880.]

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

Catfish,
when may
catch.

SECTION 1. From and after the passage of this Act, and until the first day of July, A. D. eighteen hundred and eighty-two, it shall be unlawful for any person to catch any catfish in any of the public waters of this State, except by means of a hook and line.

Misdemeanor.

SEC. 2. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction, shall be punished as follows: For the first offense, by a fine of not less than fifty dollars, or imprisonment in the County Jail for not less than fifty days, or both such fine and imprisonment; for the second, and each subsequent offense, by a fine of not less than two hundred and fifty dollars, or by imprisonment in County Jail for a period of not less than two hundred and fifty days, or both such fine and imprisonment.

Penalty.

Information
leading to
conviction.

SEC. 3. Any person giving information which leads to the conviction of any person or persons for violating the provisions of this Act shall, upon the conviction of such person or persons, be entitled to receive one-half of the fine imposed upon such person or persons.

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

CHAPTER CI.

An Act to amend section three of an Act entitled an Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation, approved March thirtieth, eighteen hundred and seventy-four.

[Approved April 16th, 1880.]

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

SECTION 1. Section three of an Act entitled "An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation, approved March thirtieth, eighteen hundred and seventy-four, is hereby amended to read as follows:

Section 3. The Board of State Capitol Commissioners are hereby authorized and empowered to appoint the following employes of the Capitol grounds, and who shall serve during the pleasure of said Board: One Gardener, eight laborers, and one Watchman of the Governor's Mansion. The Gardener shall have general control of the Capitol grounds, and shall superintend and direct the planting and culture of the trees, shrubbery, plants, and grasses thereof, and preserve in order the walks, grass plats, of said grounds. He shall exercise direction and control over the laborers employed under this Act to aid in taking charge of said grounds. He shall have full power to make arrests within the Capitol grounds for criminal or disorderly conduct, and to perform such other duties as may be required of him by the said State Capitol Commissioners.

Employes
of Capitol
grounds.

Watchman.

Duty of
Gardener.

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

CHAPTER CII.

An Act making appropriations for the support of the government of the State of California, for the thirty-second fiscal year.

[Approved April 16th, 1880.]

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

SECTION 1. The following sums of money are hereby appropriated out of any money in the State treasury not otherwise appropriated, for the objects hereinafter expressed, and for the support of the government of the State of California for the thirty-second fiscal year:

For the per diem of the Lieutenant-Governor and Sen-
ators, twenty-one thousand dollars.

Senate and
Assembly.

For the per diem and mileage of Assemblymen, forty-one thousand five hundred dollars.

For pay of officers and Clerks of Senate, six thousand dollars.

For pay of officers and Clerks of Assembly, six thousand five hundred dollars.

For contingent expenses of the Senate, eight thousand five hundred dollars.

For contingent expenses of the Assembly, twelve thousand dollars.

Governor.

For salary of Governor, six thousand dollars.

For salary of Governor's Private Secretary, two thousand four hundred dollars.

For salary of Executive Secretary, two thousand dollars.

For pay of Porter in office of Governor, six hundred dollars.

For special contingent fund for Governor's office (secret service), two thousand five hundred dollars.

For postage, expressage, and telegraphing in the office of the Governor, five hundred dollars.

Secretary of State.

For salary of Secretary of State, three thousand dollars.

For salary of Deputy Secretary of State, two thousand four hundred dollars.

For salary of Book-keeper in office of the Secretary of State, sixteen hundred dollars.

For salaries of Clerks in office of Secretary of State, five thousand dollars.

For pay of Porter in office of Secretary of State, three hundred dollars.

For postage, expressage, and telegraphing in the office of the Secretary of State, fifteen hundred dollars.

For contingent expenses in the office of the Secretary of State, the sum of one hundred dollars.

For indexing laws and Journals in the office of the Secretary of State, two hundred and fifty dollars.

Controller.

For salary of Controller, three thousand dollars.

For salary of Deputy Controller, two thousand four hundred dollars.

For salary of Book-keeper in Controller's office, sixteen hundred dollars.

For salaries of Clerks in Controller's office, four thousand eight hundred dollars.

For pay of Porter in Controller's office, three hundred dollars.

For contingent expenses in Controller's office, one hundred dollars.

For postage, expressage, and telegraphing in Controller's office, two hundred and fifty dollars.

Treasurer.

For salary of Treasurer, three thousand dollars.

For salary of Deputy Treasurer, twenty-four hundred dollars.

For salary of Clerk in Treasurer's office, sixteen hundred dollars.

For salaries of Watchmen in Treasurer's office, twenty-four hundred dollars.

For pay of Porter in Treasurer's office, three hundred dollars.

For postage and expressage and contingent expenses in Treasurer's office, one hundred and fifty dollars.

For pasting and preserving coupons in the office of the Treasurer of State, three hundred dollars.

For salary of Attorney-General, three thousand dollars.

Attorney
General.

For salary of Deputy Attorney-General, twenty-four hundred dollars.

For pay of Porter in Attorney-General's office, one hundred and fifty dollars.

For postage and expressage in Attorney-General's office, one hundred dollars.

For traveling expenses of Attorney-General, five hundred dollars.

For cost and expenses of suits, where the State is a party in interest, three thousand dollars.

For salary of Surveyor-General, three thousand dollars.

Surveyor
General.

For salary of Deputy Surveyor-General, twenty-four hundred dollars.

For salary of Clerks in office of Surveyor-General and Register of State Land Office, forty-eight hundred dollars.

For pay of Porter in Surveyor-General's office, three hundred dollars.

For postage and expressage in Surveyor-General's office, three hundred dollars.

For contingent expenses in Surveyor-General's office, one hundred dollars.

For purchase of maps in Surveyor-General's office, two hundred and fifty dollars.

For copying maps in Surveyor-General's office, one hundred and fifty dollars.

For salary of Superintendent of Public Instruction, three thousand dollars.

Superintendent of Public
Instruction.

For salary of Deputy Superintendent of Public Instruction, eighteen hundred dollars.

For salary of Clerk for the Superintendent of Public Instruction, sixteen hundred dollars.

For contingent expenses of Superintendent of Public Instruction, one hundred dollars.

For pay of Porter in office of Superintendent of Public Instruction, two hundred dollars.

For postage and expressage in office of Superintendent of Public Instruction, eight hundred dollars.

For traveling expenses of Superintendent of Public Instruction, one thousand dollars.

For salary of Secretary of State Board of Health, twenty-five hundred dollars.

Board of
Health.

For mileage and contingent expenses of State Board of Health, one thousand dollars.

For salary of Clerk of State Board of Examiners, twelve hundred dollars.

Clerk of
Board of
Examiners.

For salary of State Librarian, three thousand dollars.

State
Librarian.

For salaries of Deputies to State Librarian, thirty-six hundred dollars.

For pay of Porter in State Library, nine hundred dollars.
For postage and expressage in State Library, two hundred dollars.

Adjutant-
General.

For salary of Adjutant-General, three thousand dollars.
For salary of Assistant Adjutant-General, one thousand eight hundred dollars.
For pay of Porter in Adjutant-General's office, three hundred dollars.

For postage and expressage in Adjutant-General's office, one hundred dollars.

For a cabinet to inclose the battle flags of the California veteran troops, three hundred dollars.

For care of State Armory, cleaning and transportation of arms, traveling, and contingent expenses of Adjutant-General, seven hundred and fifty dollars.

For payment of armory rents, and other expenses of National Guard, seventy-six thousand dollars.

Supreme
Court.

For salaries of Justices of Supreme Court, forty-two thousand dollars.

For salary of Supreme Court Reporter, twenty-five hundred dollars.

For salary of Clerk of Supreme Court, four thousand dollars.

For salaries of Deputy Clerks of Supreme Court, seventy-two hundred dollars.

For pay of Porter to Clerk of Supreme Court, three hundred dollars.

For pay of Phonographic Reporter of Supreme Court, three thousand dollars.

For salary of Secretaries to Justices of Supreme Court, three thousand six hundred dollars.

For salary of Bailiffs and Porter to Supreme Court, twenty-four hundred dollars.

For postage and contingent expenses of Supreme Court, three hundred dollars.

For expenses of Supreme Court under sections fifty and fifty-one of the Code of Civil Procedure, ten thousand dollars.

For postage and contingent expenses of Clerk of Supreme Court, two hundred and fifty dollars.

Superior
Judges.

For State portion of salaries of Superior Judges, one hundred and seventeen thousand dollars.

Insurance
Commissioner.

For salary of Insurance Commissioner, three thousand dollars.

For salary of Deputy Insurance Commissioner, eighteen hundred dollars.

For rent, printing, and contingent expenses in the office of Insurance Commissioner, two thousand five hundred dollars.

State
Printing
Office.

For salary of Superintendent of State Printing Office, twenty-four hundred dollars.

For support of State Printing Office, including pay of employes, one hundred and eight thousand dollars.

Employes
State Capitol.

For pay of employes of State Capitol buildings and grounds, eighteen thousand dollars.

For payment of rewards offered by Governor, two thousand dollars. Rewards.

For arresting criminals without the limits of the State, twenty-five hundred dollars. Arresting criminals.

For traveling expenses of Surveyor-General and Attorney-General, when engaged in contests between the State and the United States, in relation to public lands, five hundred dollars. Traveling expenses Surveyor-General and Attorney-General.

For support of Insane Asylum at Stockton, one hundred and ninety thousand dollars. Insane Asylum, Stockton.

For graveling yards and walks at the State Insane Asylum at Stockton, five thousand dollars.

For furniture, bedding, and other necessary articles for fitting up new buildings when ready for occupation, fifteen thousand dollars.

For support of Insane Asylum at Napa, one hundred and thirty thousand dollars. Insane Asylum Napa.

For the purpose of purchasing four hundred and two acres of land, belonging to William Coombs, for the Branch Insane Asylum at Napa, twelve thousand dollars.

For improvement of buildings for the use of the insane at the Branch Insane Asylum at Napa, twenty thousand dollars.

For transportation of insane persons to the Asylums, fifteen thousand dollars. Transportation of insane.

For support of State Prisons, two hundred and ninety-one thousand dollars. State Prisons.

For transportation of prisoners to State Prison, fifteen thousand dollars. Transportation of prisoners.

For transportation of discharged prisoners, two thousand four hundred dollars.

For deficiency in the appropriation for the support of State Prisons for the thirty-first fiscal year, fifty-one thousand dollars. For deficiency in the appropriation for the construction of the Branch State Prison, at Folsom, nine thousand dollars.

For salaries of Railroad Commissioners, twelve thousand dollars. Railroad Commissioners.

For salary of Secretary of Board of Railroad Commissioners, twenty-four hundred dollars. Secretary.

For salary of Bailiff of Railroad Commissioners, twelve hundred dollars.

For pay of Stenographer to Board of Railroad Commissioners, twelve hundred dollars.

For fuel, lights, postage, expressage, subscriptions to publications upon the subject of transportation, and other incidental expenses of the Board of Railroad Commissioners, six hundred dollars.

For office rent of Board of Railroad Commissioners, twelve hundred dollars.

For office furniture and fixtures for Board of Railroad Commissioners, four hundred dollars.

For traveling expenses of Railroad Commissioners, and other persons in their employment, when traveling in the performance of their official duties, three thousand dollars.

- For pay of attorney to the Board of Railroad Commissioners, five thousand dollars.
- Board of Equalization.** For salaries of State Board of Equalization, twelve thousand dollars.
- For salary of Clerk of State Board of Equalization, eighteen hundred dollars.
- For postage, expressage, and telegraphing of State Board of Equalization, five hundred dollars.
- For traveling expenses of State Board of Equalization, two thousand dollars.
- For pay of Porter of State Board of Equalization, one hundred and fifty dollars.
- State Engineer, Consulting Engineers, Secretary, etc.** For salary of State Engineer, six thousand dollars.
- For salaries of Consulting Engineers, six thousand dollars.
- For salary of Secretary, and continuation of surveys with regard to the subject of irrigation, twenty-five thousand dollars.
- Water for Capitol grounds.** For water for irrigating, and purchase of hose and implements to be used on the State Capitol grounds, twelve hundred dollars.
- Repairs to Capitol.** For repairs to State Capitol building and furniture, and purchase of carpets, two thousand five hundred dollars.
- Repairing roof of Library.** For repairing the roof of the State Library, one thousand dollars.
- Ventilation of Capitol.** For the improvement of the ventilation of the State Capitol building, to be expended under the direction of the Board of State Capitol Commissioners, one thousand five hundred dollars.
- Interest on Hastings College of the Law.** For payment of interest on one hundred thousand dollars provided to be paid to the Directors of Hastings College of the Law, seven thousand dollars.
- Ballot paper.** For purchase of ballot paper, and not to be used until the paper is wanted for use, five thousand dollars.
- Supreme Court Reports.** For purchase of Supreme Court Reports, twenty-five hundred dollars.
- Debates of Constitutional Convention.** For transcribing the phonographic notes of the debates of the Constitutional Convention of eighteen hundred and seventy-eight and eighteen hundred and seventy-nine, eighteen thousand dollars.
- Traveling expenses Board of Equalization.** For traveling expenses of State Board of Education, two hundred and fifty dollars.
- Normal School. Deaf, dumb, and blind.** For support of State Normal School, thirty-three thousand three hundred dollars.
- For education and care of deaf, dumb, and blind, thirty-six thousand dollars.
- Official advertising. Fish.** For official advertising, two thousand dollars.
- For the restoration and preservation of fish in the waters of the State, five thousand dollars.
- Stationery, etc.** For stationery, fuel, lights, etc., for the Legislature and State officers, twelve thousand dollars.
- Highway robbers.** For rewards for the arrest and conviction of highway robbers, six thousand dollars.
- Registers, etc.** For services of Registers and Receivers of United States Land Offices, fifteen hundred dollars.

For pay of Presidential Electors, two hundred and fifty dollars. Electors.

For conservation of public peace, to be expended by the Governor, ten thousand dollars. Public peace.

For the support of the Mining and Mechanic Arts and Agricultural College of the State University, twenty thousand dollars. Agricultural College.

For the purposes and objects mentioned in an Act of this Legislature, entitled "An Act for the promotion of the viticultural industries of the State," the sum of seven thousand dollars is appropriated out of any moneys of the General Fund of the State treasury not otherwise appropriated, which sum shall be apportioned as follows: For the necessary and contingent expenses of the Board of State Viticultural Commissioners, the sum of four thousand dollars; and for the necessary and contingent expenses of the University of the State of California, the sum of three thousand dollars; *provided*, that these items of appropriation shall not be so construed as to increase the amount of appropriation mentioned in said "Act for the promotion of the viticultural industries of the State." Viticultural Commission.

For the permanent improvement of the State Capitol grounds, ten thousand dollars. Capitol grounds.

For salary of Guardian of Yosemite Valley, fifteen hundred dollars. Guardian Yosemite Valley.

For traveling expenses of Board of Commissioners of Yosemite Valley, two thousand dollars. Traveling expenses.

For Bureau of Labor and Statistics of Land and Labor in the State of California, six thousand dollars.

For the State Agricultural Society, four thousand five hundred dollars. Agricultural Society.

For the District Agricultural Society to be organized under the laws of the State within Agricultural District Number One, two thousand dollars. District Agricultural Societies.

For the society to be organized within District Number Two, fifteen hundred dollars.

Within District Number Three, fifteen hundred dollars.

Within District Number Four, fifteen hundred dollars.

Within District Number Five, twelve hundred dollars.

Within District Number Six, twelve hundred dollars.

Within District Number Seven, twelve hundred dollars.

Within District Number Eight, twelve hundred dollars.

Within District Number Nine, eight hundred dollars.

Within District Number Ten, eight hundred dollars.

Within District Number Eleven, eight hundred dollars.

SEC. 2. The sums that are herein appropriated for contingent expenses of the Senate and Assembly, shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of section six hundred and seventy-two of the Political Code. How disbursed.

SEC. 3. The various State officers, except the Governor, to whom appropriations other than salaries are made under the provisions of this Act, shall, with their biennial report, Officers to submit statement.

submit a detailed statement, under oath, of the manner in which all appropriations for their respective departments have been expended; and the State Board of Examiners are hereby expressly prohibited from allowing any demands payable out of such appropriations, until the same are presented in itemized form, stating specifically the service rendered, time employed, distance traveled, and necessary expense thereof; if for articles purchased, the name of each article, together with the price paid for each, and of whom purchased, with the date of purchase; *provided*, that no officer shall use or appropriate any money for any purpose whatsoever, appropriated by this Act, unless authorized thereto by law.

STATE OF CALIFORNIA,
EXECUTIVE DEPARTMENT. }

I approve this bill, with the exception of the following items, to wit:

"For the purpose of purchasing four hundred and two acres of land belonging to William Coombs, for the Branch Asylum at Napa, twelve thousand dollars."

"For deficiency in the appropriation for the support of State Prison for the thirty-first fiscal year, fifty-one thousand dollars. For deficiency in the appropriation for the construction of the Branch State Prison at Folsom, nine thousand dollars."

I withhold my approval from said items for the reason that they are not germane to the subject matter of the Act as expressed in the title, and, therefore, prohibited by the Constitution. The Constitution, Section 24, Article IV, provides that "every Act shall embrace but one subject, which subject shall be expressed in its title."

It is apparent from the title of this bill that the subject of this bill must be appropriation for the support of the government for the thirty-second fiscal year, and none other. Two of the items to which I object are such as belong to the support of the government for the thirty-first fiscal year, and the other and first does not seem to be based on any law authorizing the purchase of the land, nor does such purchase seem to come within the definition of "support of the government," and are, therefore, inhibited by the Constitution.

GEO. C. PERKINS, Governor.

CHAPTER CIII.

An Act to empower consolidated cities and counties of over one hundred thousand inhabitants to pay out of the General Fund demands for rent of Court-rooms and chambers for the Superior Courts, and of Police stations, and for salaries of Janitors.

[Approved April 16th, 1830.]

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

Supervisors,
etc., to allow
rent for
Court rooms,
police
stations, etc.

SECTION 1. The Board or Boards of Supervisors, or the Municipal Council, or other governing bodies of consolidated cities and counties having a population of over one hundred thousand inhabitants, are hereby empowered to allow and order paid out of the General Fund of said cities and counties, all amounts required to pay for rent of Court-rooms and chambers for the Superior Courts, rents of Police stations, and salaries of all porters, engineers, and firemen, employed in public buildings and offices in said cities and counties.

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

CHAPTER CIV.

An Act to appropriate one thousand dollars to the fund for the contingent expenses of the Assembly for the twenty-third session.

[Approved April 16th, 1880.]

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

SECTION 1. There is hereby appropriated out of any money ^{Appropriation.} in the treasury not otherwise appropriated; the sum of one thousand dollars, as a fund for the contingent expenses of the Assembly.

SEC. 2. This Act shall take effect immediately.

CHAPTER CV.

An Act to provide for the establishment and maintenance of a Mining Bureau.

[Approved April 16th, 1880.]

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

SECTION 1. There shall be and is hereby established in ^{Mining Bureau.} this State a Mining Bureau, the principal office of which shall be maintained in the City of San Francisco, at which place there shall be collected by the State Mineralogist, and preserved for study and reference, specimens of all the geological and mineralogical substances, including mineral waters, found in this State, especially those possessing economic or commercial value, which specimens shall be marked, arranged, classified, and described, and a record thereof preserved, showing the character thereof, and the place from whence obtained. The State Mineralogist shall also, as he has opportunity and means, collect, and in like manner preserve at said office, minerals, rocks, and fossils of other States, Territories, and countries, and the collections so made shall at all reasonable hours be open to public inspection, examination, and study.

SEC. 2. It shall be the duty of the Governor to appoint a ^{State Mineralogist.} citizen of this State having a practical and scientific knowledge of mining and mineralogy to the office of State Mineralogist, to hold his said office for the term of four years, or ^{Term.} until the appointment and qualification of his successor, who shall take and subscribe the oath of office prescribed by the Constitution, and who shall receive for his services a salary ^{Salary.} of three thousand dollars per annum, to be paid as other officers of the State are paid, and shall also receive his neces-

sary traveling expenses when traveling on the business of his office, to be allowed and audited by the State Board of Examiners, the whole to be paid out of the Mining Bureau Fund hereinafter provided for, and not otherwise.

Duties of.

SEC. 3. In addition to the collection, classification, arranging, and preservation of specimens, as provided in the first section of this Act, it shall be the duty of the State Mineralogist to make analytical assays as required; and when the funds in the Mining Bureau Fund are sufficient therefor, to provide and maintain a library of works on mineralogy, geology, and mining; to arrange in cases such specimens as he may collect; to procure and preserve models and drawings of mining machinery, and of milling machinery used in the reduction of ores; to correspond with established schools of mining and metallurgy, and obtain and preserve for public inspection and use such information respecting improvements in mining and mining machinery as will be of practical value to the people of this State; to visit the several mining districts of each county of the State, from time to time, ascertain and record their history, describe their geological formation and altitudes, the character of the mines and ores, and the general development of the district. At the close of each year he shall make a report in detail to the Governor, showing the amount of disbursements of the Bureau under his charge, the number of specimens collected, and giving such statistical information in reference to mines and mining as shall be deemed important.

Assistants,
when may be
appointed.

SEC. 4. The State Mineralogist may, from time to time and as the funds in the Mining Bureau Fund will permit, appoint such assistants as he may deem necessary and proper for the carrying out of the objects of this Act, and the efficient provision and maintenance of a Bureau of Mining Information and Statistics, and may procure and maintain the necessary rooms and furniture for the office and uses of the Bureau in San Francisco; but the entire expenses of the Bureau for salaries, assistance, rents, furniture, fuel, and all other things pertaining to the Bureau must not, in any one year, be greater than can be paid out of the Mining Bureau Fund herein provided for.

Fund, how
provided.

SEC. 5. For the purpose of establishing a fund for the maintenance of said Mining Bureau, it shall be the duty of the Tax Collectors in the several counties in this State, and of the License Collector of the City and County of San Francisco, on the second Monday in January, April, July, and October, in each year, to transmit by express to the State Treasurer all moneys collected by them from mining corporations, or from corporations formed for milling ores, or for supplying water for mining purposes, under or by virtue of the Act entitled "An Act imposing a tax on the issue of certificates of stock corporations," approved April first, eighteen hundred and seventy-eight, and to forward to the State Controller by mail a certificate showing the amount of money so forwarded to the State Treasurer, and the date when the same was transmitted, and also showing the names of the several corporations from which the same was received, and

the amount received from each. The State Treasurer shall receive the amounts so transmitted, and give duplicate receipts therefor, one of which shall be filed with the State Controller, and the other shall be returned by mail, or return express, to the Collector from whom the money was received; and after paying out of the money so received the charges for the transmission thereof, the amount of which shall be noted on the receipt filed with the State Controller, he shall retain the remainder in his hands as a separate fund, to be known as the Mining Bureau Fund, to be used only in payment of drafts made for the expenses of the Mining Bureau established under this Act, and out of which all the expenses of said Bureau shall be paid.

SEC. 6. Such Tax Collectors and License Collector shall hereafter be required to pay into the county treasuries of their respective counties only that portion of the moneys collected by them under the Act of the Legislature mentioned in the last preceding section, which is collected from corporations other than those mentioned in section five of this Act.

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

CHAPTER CVI.

An Act to empower and direct the Trustees of Levee District Number One, of Sacramento County, to pay certain indebtedness outstanding against the late Swamp Land District Number Two Hundred and Eighty-seven, and due C. G. Hidden, Charles V. Brockway, Moses Sprague, A. Mouton, R. J. Merkley, Philip Herzog, George Peters, Samuel Poorman, Daniel Flint, and Howell Clark, for money and labor expended on repairs on levee.

[Approved April 16th, 1880.]

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

SECTION 1. The Trustees of Levee District Number One, of Sacramento County, are empowered and directed to audit and allow and order to be paid to each of the following named persons, viz.: C. G. Hidden, Charles V. Brockway, Moses Sprague, A. Mouton, R. J. Merkley, Philip Herzog, George Peters, Samuel Poorman, Daniel Flint, and Howell Clark, the amount of money by each of said persons paid or caused to be paid to Carle and Croly, upon a bond executed by them to said Carle and Croly as security for the payment of their contract to repair the break in the levee made at the request of the Board of Trustees of Swamp Land District Number Two Hundred and Eighty-seven, in the County of Sacramento, in eighteen hundred and seventy-eight; also, to C. G. Hidden, the additional sum of eight hundred and eighty-five dollars, for labor performed and material furnished upon the levee aforesaid prior to May, eighteen hun-

Trustees
to pay
certain
indebted-
ness.

Trustees
to pay
certain
indebted-
ness.

dred and seventy-eight, at the instance of the Trustees of the swamp land district aforesaid, and within the boundary of Levee District Number One, of Sacramento County, as said district is now constituted, upon the parties aforesaid presenting to the Trustees of Levee District Number One aforesaid a verified statement, or account, or other proof of the amount by them expended in the payment of the bond aforementioned, or of the material provided and labor performed by the aforesaid C. G. Hidden, and that the same is unpaid, then it shall be the duty of the Trustees of Levee District Number One to allow said bills; and the Chairman and Clerk of said Board are required to certify such accounts as correct, as provided for by statute; and the County Auditor, on the presentation of such indorsed account to him, is required to draw his warrants on the County Treasurer in favor of the party or parties holding such account or accounts aforesaid, for the amount thereof, payable out of special fund of Levee District Number One of Sacramento; *provided*, that no one of the persons named shall receive, principal and interest, on the payment of the bond aforesaid, more than one hundred and fifty-two dollars, and that C. G. Hidden shall not receive more than eight hundred and eighty-five dollars; and further, that no voluntary subscription given for the payment of the bond, nor any gratuitous labor given upon said levee, shall be audited or allowed as a charge against the district; *it is further provided*, that the Trustees of Levee District Number One aforesaid, are empowered and directed to levy and collect a special tax for the payment of the indebtedness aforesaid; said tax to be levied and collected upon that part of the property within the boundary of Levee District Number One subject to overflow, according to the provisions of the statute in such case made and provided; and further, that each of said accounts, when audited by the Trustees aforesaid, shall be allowed legal interest thereon until paid.

SEC. 2. This Act shall take effect immediately.

CHAPTER CVII.

An Act to reimburse the Support Fund of the Deaf and Dumb and Blind Asylum.

[Approved April 16th, 1880.]

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

Appropriation.

SECTION 1. The sum of eight thousand five hundred and thirty-two dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to reimburse the Support Fund of the Deaf and Dumb and Blind Asylum for moneys borrowed from it and expended in erecting laundry and furnishing machinery therefor, the purchase

of furniture for new buildings, and making certain necessary improvements for the comfort and safety of the pupils of said asylum.

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

CHAPTER CVIII.

An Act to amend section four of an Act entitled "An Act to establish a scale for the measurement of logs," approved March twenty-eighth, eighteen hundred and seventy-eight.

[Approved April 16th, 1880.]

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

SECTION 1. Section four of an Act to establish a scale for the measurement of logs, approved March twenty-eighth, eighteen hundred and seventy-eight, is hereby amended so as to read as follows:

4. All logs shall be measured at the small end and inside the bark, and the contents computed according to section two of this Act. Logs, how measured.

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

CHAPTER CIX.

An Act providing for appeals from orders forming reclamation or swamp land districts, setting off lands from such districts, or consolidating districts.

[Approved April 16th, 1880.]

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

SECTION 1. Any person having an interest affected by an order of the Board of Supervisors of any county approving a petition for forming a reclamation or swamp land district, or in any manner creating a district, or setting off lands from a district, or consolidating districts, may appeal therefrom, within thirty days after said order is made to the Superior Court of the county. Such appeal shall be taken and prosecuted in the manner prescribed by the rules of said Superior Court, and shall be tried anew. The judgment of the Superior Court shall be final. Each Superior Court in the State, in which there are any swamp land or reclamation districts, shall make rules regulating appeals in the cases hereinbefore mentioned. Appeals from orders of Supervisors, forming reclamation districts, etc.

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

CHAPTER CX.

An Act to repeal an Act entitled "An Act to encourage the destruction of squirrels and gophers in the County of San Joaquin, and to provide for a bounty for the same," approved March thirtieth, eighteen hundred and seventy-eight.

[Approved April 16th, 1880.]

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

Repealed.

SECTION 1. An Act entitled "An Act to encourage the destruction of squirrels and gophers in the County of San Joaquin, and to provide for a bounty for the same," approved March thirtieth, eighteen hundred and seventy-eight, is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXI.

An Act to repeal an Act entitled an Act relating to advances bona fide made to agents intrusted with goods, and for the better protection of such advances, approved March thirtieth, eighteen hundred and seventy-eight.

[Approved April 16th, 1880.]

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

Repealed.

SECTION 1. An Act entitled an Act relating to advances bona fide made to agents intrusted with goods, and for the better protection of such advances, approved March thirtieth, eighteen hundred and seventy-eight, is hereby repealed.

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

CHAPTER CXII.

An Act to provide for the enlargement of the State Printing Office, and for the repairing and painting of the building.

[Approved April 16th, 1880.]

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

Enlargement of State Printing Office.

SECTION 1. The Board of State Capitol Commissioners are hereby authorized and empowered to make such changes and alterations in the building known as the "Governor's Man-

sion" as may be deemed necessary and requisite for the enlargement and fitting up of the portion of said building set apart for a State Printing Office.

SEC. 2. The sum of four thousand dollars is hereby appropriated out of any money in the "General Fund" not otherwise appropriated, for the purpose mentioned in section one of this Act, and for the necessary repairs and painting of said building; and the said Board are hereby prohibited from expending any sum in excess of said appropriation, and any debts or liabilities contracted in excess of the sum herein named, for the purpose specified, shall be deemed null and void.

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

CHAPTER CXIII.

An Act to pay the Society of California Pioneers rent for rooms for the Hastings College of the Law.

[Approved April 16th, 1880.]

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

SECTION 1. The sum of eleven hundred dollars is hereby appropriated, out of any money in the State treasury not otherwise appropriated, to pay the claim of the Society of California Pioneers for rent of rooms for the use of the Hastings College of the Law, for the eleven months ending July first, eighteen hundred and seventy-nine, at one hundred dollars per month, and the Controller of State is hereby authorized and directed to draw his warrant on the State Treasurer in favor of said society for said sum of eleven hundred dollars, and the State Treasurer is hereby authorized and directed to pay the same out of any money in the treasury not otherwise appropriated.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXIV.

An Act to provide for the construction, maintenance, and regulation of fishways in streams naturally frequented by salmon, shad, and other migratory fish.

[Approved April 16th, 1880.]

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

SECTION 1. It shall be the duty of the State Board of Fish Commissioners to examine, from time to time, all dams

and artificial obstructions in all rivers or streams in this State, naturally frequented by salmon, shad, or other migratory fish, and if, in their opinion, there is not free passage for fish over or around any dam or artificial obstruction, to notify the owners or occupants thereof to provide the same within a specified time with a durable and efficient fishway of such form and capacity and in such location as shall be determined by the Fish Commissioners, or person authorized by them. If such fishway is not completed to the satisfaction of said Commissioners within the time specified, the owners or occupants of such dam or artificial obstruction shall be deemed guilty of a misdemeanor, and may be prosecuted by action on complaint before any Justice's Court or Justice of the Peace in the county where such dam or artificial obstruction is situated, and, on conviction, shall be fined two hundred and fifty dollars, and the plaintiff shall recover full costs; and one-half of such fine shall be for the benefit of and shall be paid to the person making the complaint, and the other half shall be paid into the State treasury for the benefit of the fund for "Preservation and Restoration of Fish," and may be expended by the State Board of Fish Commissioners, in their discretion, for the construction and maintenance of fishways.

Owners of
dams to
keep same
in repair,
etc.

SEC. 2. It shall be incumbent upon the owners or occupants of all dams or artificial obstructions, where the State Board of Fish Commissioners require such fishways to be provided, to keep the same in repair, and open, and free from obstructions to the passage of fish at all times; and any owners or occupants of any such dam or artificial obstruction who neglects or refuses to keep such fishway in repair, and open, and free from obstruction to the passage of fish, shall be guilty of a misdemeanor, and subject to the same fine, and which shall be recovered in the same manner, and applied to the same purposes, as provided in section one of this Act.

Miscellaneous.

SEC. 3. Any person who shall willfully or knowingly destroy, injure, or obstruct any such fishway, or any person who shall at any time take or catch any salmon, shad, or other migratory fish or trout, except by hook and line, within three hundred feet of any fishway required by the State Board of Fish Commissioners to be provided and kept open, or shall take or catch any such fish in any manner, within fifty feet of such fishway, shall be guilty of a misdemeanor, and subject to the same fine, and which shall be recovered in the same manner and applied to the same purposes as provided in section one of this Act.

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

CHAPTER CXV.

An Act to provide for the deficiency in the appropriation for repairs to State Capitol building and furniture and grounds during the twenty-ninth, thirtieth, and thirty-first fiscal years.

[Approved April 23d, 1880.]

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

SECTION 1. The sum of nineteen hundred and ninety-two dollars and forty-five cents (\$1,992 45) is hereby appropriated, out of any money in the State treasury not otherwise appropriated, to pay the deficiency in the appropriation for repairs to State Capitol building, furniture, and grounds, during the twenty-ninth, thirtieth, and thirty-first fiscal years.

Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXVI.

An Act relating to fishing in the waters of this State.

[Approved April 23d, 1880.]

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

SECTION 1. All aliens incapable of becoming electors of this State are hereby prohibited from fishing, or taking any fish, lobster, shrimps, or shell fish of any kind, for the purpose of selling, or giving to another person to sell. Every violation of the provisions of this Act shall be a misdemeanor, punishable upon conviction by a fine of not less than twenty-five dollars, or by imprisonment in the County Jail for a period of not less than thirty days.

Aliens not allowed to fish in waters of the State.

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

CHAPTER CXVII.

An Act to promote drainage.

[Approved April 23d, 1880.]

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

SECTION 1. The Governor, Surveyor-General, and State Engineer, shall be ex officio members of and constitute a Board of Drainage Commissioners to divide the State into

Board of Drainage Commissioners.

several drainage districts, and organize the same as herein-after provided. The Governor shall be President of the Board, and the office of the Board shall be in the State Engineer's office at the State Capitol. The Secretary to the State Engineer shall be Secretary of the Board.

President.
Report of State Engineer.

SEC. 2. Within thirty days after the passage of this Act, or as soon thereafter as may be practicable, the State Engineer shall submit to said Board a report or reports containing the result of his investigations as to drainage, having in view the control of debris from mining and other operations, the improvement and rectification of river channels, the erection of embankments or dykes necessary for the protection of lands, towns, or cities from inundation. He shall also make special examinations with reference to the division of the State into several drainage districts, each of which shall include a territory drained by one natural system of drainage, and shall report to the Board of Drainage Commissioners the result of his examinations, and shall from time to time propose boundaries for such districts and recommend their formation.

Board to consider the report.

SEC. 3. After the State Engineer has reported the boundaries and recommended the formation of one or more drainage districts, the Board shall proceed to consider the same, and may adopt, amend, or reject said report; but if adopted by them, either in its original form or as amended, they shall, by resolution entered upon the record of their proceedings, declare the said territory to be, and the same shall thereupon become, a drainage district, and shall be known as Drainage District Number One, Two, or Three, etc., as the case may be, numbering the districts in the order in which they are formed; and they shall record, in a book to be kept for that purpose, the boundaries, which shall be clearly defined, with map accompanying, of each separate district, its number, and date of its formation, and shall file for record with the Recorder of each county embraced, or in part embraced, in the district, a copy of the same, which shall be deemed sufficient notice of the formation of said district to all county officers, and to all parties concerned, that the said district has been formed.

Board of Directors.
Term.
Bond.
Report.

SEC. 4. Within ten days after the organization of any drainage district, the Governor shall appoint three persons, residents of the district, who shall constitute a Board of Directors for the district so formed. They shall hold office for four years [unless sooner removed for cause by the Governor], and until their successors are appointed and qualified. They shall organize by electing one of their number President, and shall take the usual oath of office; and shall each give a bond in the sum of twenty-five thousand dollars for the faithful performance of his duties, to be approved by some Superior Judge of the district, and filed with the Board of Drainage Commissioners. They shall, on or before the first day of January of each year, report to the Governor all their proceedings, showing the amount of work done, and amount of money they have expended. The Governor shall transmit the same to the Legislature.

SEC. 5. The Board of Directors shall appoint a Secretary, Secretary. and have an office in the district. The Secretary shall receive a salary to be fixed by the Directors, not exceeding one hundred dollars per month, payable out of the Construction Fund of the district; and his term of office shall be at the pleasure of the Board of Directors of such district. (They shall also appoint an assistant engineer, who shall be styled Resident Assistant Engineer. Engineer, and whose duties are hereinafter stated.)

SEC. 6. The Governor shall fill all vacancies that may occur in the Board of Directors, and each Director shall receive a salary of one hundred dollars per month, payable Vacancies. Salary. monthly out of the Construction Fund of the district.

SEC. 7. After the formation of any territory into a drainage district, the State Engineer, as soon as practicable after proper surveys have been made, shall submit to the Board of Directors of the district, plans, specifications, and estimates of the cost of the works necessary in said district, in order to secure a proper system of drainage therefor. The report shall be accompanied by the concurring or dissenting opinion of the Consulting Engineer. Specifications, plans, etc.

SEC. 8. After the report of the State Engineer, as aforesaid, giving plans, specifications, and estimates of the cost of the works, or any modifications or changes thereof, are made to the Board of Directors of the district, the Board shall adopt, amend, or reject the whole or any portion of such plans, or may refer them back to the State Engineer for further report. Board of Directors may adopt, etc.

SEC. 9. After the adoption of the plans and specifications of the work to be done in the district, the Board of Directors shall advertise for thirty days, in three newspapers of general circulation published therein, for bids for the construction of all or any portion of the works embraced in said plans; the said notice shall state that the plans and specifications of said works are on file in the office of the Board of Directors of the district, and can there be examined by any person who may so desire; and shall also state that it will be unlawful for any contractor to employ any Chinese or Mongolians in the construction of such works, and state generally the terms and time in which the work shall be constructed, and that the right to reject any and all bids is reserved by said Board; and no material used in the construction of such works shall be purchased from any contractor or manufacturer who either directly or indirectly employs any Chinese or Mongolian labor. Bids. Chinese not to be employed.

SEC. 10. All contracts shall be awarded to the lowest responsible bidder (if his bid is not deemed by the Board too high), and the contractor shall give a good and sufficient bond in not less than twenty-five per cent. of the estimated cost of the work contracted for; the bond, both as to its amount and the sureties thereon, shall be subject to the approval of the Board of Directors of the district, and when so approved, shall be filed in the office of said Board. Any members of the Board of Drainage Commissioners, or the State Engineer, or Consulting or Resident Engineer, or any Superintendent of said works, or any employé of the Board of Drainage Commissioners, any member of the Board of Contracts. Who not to be interested

Directors of any drainage district, or any employé thereof, or of the State Engineer's Department, who shall be interested in any contract for the construction of any such works in any drainage district, shall be guilty of a felony. If, however, any emergency shall arise rendering it necessary, in the judgment of said Board of Directors, concurred in by the State Board of Drainage Commissioners, for the protection of works already completed, that immediate repairs or work should be done, the said Directors shall have the power to do such work or repairs in the manner which to them seems most advisable.

Condemnation.

SEC. 11. The Board of Directors of the district may condemn the right of way for any work necessary for the purpose of the drainage of the district; may purchase or condemn material necessary for the work; may join, connect with, enlarge, or strengthen any works already constructed, and may condemn such lands as may be by them deemed necessary for reservoirs for storing debris from the mines, whether the same be within or without the boundaries of the district, and may provide for connecting the system of drainage of one district with that of another, or for several districts; and it is hereby declared that the use of the property, such as right of way and lands which may be condemned, taken, or appropriated under the provisions of this Act, is a public use, and that such appropriation is for the public benefit; (*provided*, that they shall not have the right or power to purchase or condemn any levee or levees.)

Same.

SEC. 12. Whenever the Board of Directors of any district cannot procure from the owner or owners thereof, without purchase, the right of way or material needed for the construction of levees or reservoirs (for the storage of debris), or procure the consent to join or connect with any existing works, or procure lands necessary for the construction and the completion of the system or plan adopted, the said Board of Directors may, in the name of the district, proceed to condemn the same under the provisions of title seven, part three, of the Code of Civil Procedure, and amendments thereto, which are now existing or may hereafter be made; *provided*, that cities and towns having levees shall have and retain the exclusive management and control thereof, subject to the right of the district to connect therewith as herein provided.

State Engineer to have charge.

Resident Engineer.

SEC. 13. All works carried on under the provisions of this Act shall be executed under the direction of the State Engineer (who shall be appointed by the Governor), and an assistant for each drainage district, who shall be styled Resident Engineer, and whose salary shall be fixed by the Board of Directors of the district, but shall not exceed two hundred dollars per month for each month of actual service. All work shall be done under the immediate supervision of the Resident Engineer and Board of Directors of the district, and no work shall be paid for until accepted by such Resident Engineer and Board of Directors, and approved by the State Engineer.

Construction Fund.

SEC. 14. The costs of the works contemplated in this Act, embracing all contracts, purchases, or condemnations of

property authorized under it, and all proper salaries and incidental expenses, shall be paid out of the "Construction Fund" of the drainage district for which such works may be constructed. Proper vouchers, in duplicate, for all such expenditures, shall be certified to by the Resident Engineer of the district, approved by the State Engineer, and submitted to the Board of Directors at their regular meetings, who shall thereupon audit and allow all just and proper claims, and certify the original voucher for the same to the State Controller. The Controller shall thereupon draw his warrant upon the State Treasurer for the amount thus certified, payable out of the "Construction Fund" of the proper district, or out of the "State Construction Fund," as the case may be. The provisions of law requiring claims to be approved by the State Board of Examiners, before a warrant shall be drawn by the Controller therefor, shall not be applicable to claims presented under the provisions of this Act.

SEC. 15. To provide funds to pay the construction of the systems of works contemplated by this Act, and all expenses connected therewith, the Assessors of the several counties embraced in whole or in part in any drainage district shall be ex officio Assessors of the district for the portion of said district included in their respective counties; and each such Assessor shall annually assess and make a duplicate assessment book of all property in that portion of the county of which he is Assessor, embraced within such drainage district, and shall deliver the said duplicate assessment book at the same time and in the same manner and to the same officer or Board that he delivers the assessment book made for purposes of State and county taxation; and the assessment so made shall be equalized at the same time and by the same officers or Boards as assessments made for State and county taxes are equalized. The said duplicate assessment book shall be treated in all respects by the several State and county officers the same as the assessment book made for State and county purposes. When the said assessment has been finally equalized by the proper authority, as hereinbefore provided, it shall be the duty of the Auditor of the county, in whole or in part embraced in any drainage district, on or before the first day of October of each year, to forward by mail or express, to the Board of Directors of such district, at their office, a statement showing the total value of all property embraced in said duplicate assessment book, after the same has been finally equalized, as before stated.

SEC. 16. The Board of Directors of each drainage district must, on some day in the month of October of each year, levy a tax upon all the property in the district, of one-twentieth of one per cent. on the value of said property. Immediately after the levy of said tax, the Board of Directors levying the same shall at once notify the Auditor of each county in which any portion of any drainage district is embraced, of the tax and rate so levied; and each of said Auditors shall compute and enter upon the duplicate assessment book of each district the respective sums to be collected, in the same manner that he makes computation and

Funds, how provided.

Tax levy.

entry upon the assessment book for State and county tax purposes, and shall turn the same over to the Tax Collector at the same time and in the same manner that he does the assessment roll for State and county purposes. The Tax Collectors shall collect such tax or taxes at the same time and in the same manner that they collect State and county taxes; and all laws for the enforcement and collection of State and county taxes now in force, or hereafter to be enacted, shall be applicable to the enforcement and collection of all taxes in this Act provided for. The Tax Collector shall pay the same over to the County Treasurer at the same time and in the same manner as State and county taxes are paid. The County Treasurer shall pay the same over to the State Treasurer at the same time and in the same manner as State taxes are paid, and the State Treasurer shall place the same to the credit of a fund to be known as the "Construction Fund of Drainage District Number One," "Two," "Three," etc., as the case may be.

Same.

SEC. 17. In case any drainage district is organized after the time provided by law for making assessments for State and county purposes, then the Board of Directors of such district shall, if they deem it advisable so to do, notify the Auditor or Auditors of the county or counties embraced in whole or in part in such district; and thereupon each of said Auditors shall make a copy from the assessment book of that county for State and county taxation, as finally corrected and equalized by the proper authority, of all the property in that county embraced in said district, and shall immediately thereafter prepare, and forward by mail or express to said Directors, a statement showing the total value of the property thus assessed and included in said district. The said Directors must thereupon, and on some day before the first day of November of that year, levy a tax upon all the property in the district, of one-twentieth (1-20th) of one per cent. of the value of said property; and immediately thereafter they must notify the Auditor or Auditors of the county or counties embraced in whole or in part in the district of the tax and rate so levied. The Auditor of each county so notified shall thereupon compute, and enter upon said copy of the assessment book, this tax, in the same manner that he does taxes for State and county purposes. The said copy shall then be turned over to the Tax Collector of the county, and the taxes embraced in the same shall be collected, and finally paid over to the State Treasurer, in the same manner and at the same times as stated in the preceding section of this Act.

Compensation of Auditors and Assessors.

SEC. 18. The Auditors and Assessors of the counties embraced in any drainage district shall be allowed a reasonable compensation for making the duplicate assessment books, also the Auditors for making a copy of the assessment book; and these claims for such compensation shall be audited and allowed by the Directors of such drainage district, and shall be paid in the same manner as other claims against the district.

SEC. 19. The owner or owners, or the managing agent of every hydraulic mine, or any mine using water to wash the earth or ores for mining purposes, which mine may be embraced in whole or in part within any drainage district to be formed or organized under this Act, and of all mines the waters from which carrying slickens, sand, or debris therefrom runs into any such district, shall, on or before the first day of July, A. D. eighteen hundred and eighty, and every year thereafter at the time required for rendering a statement to the Assessor for the purpose of assessing for State and county taxes, render to the Assessor of the county in which the mine is located, a sworn statement showing the number of miners' inches of water (of twenty-four hours' run) used by the mine, of which he is in whole or in part owner or the managing agent, for the preceding year ending on the first day of March next preceding the rendition of such statement. The statement shall include also the name and description of the mine. Upon the receipt of such statement from the owner or managing agent of such mines, the Assessor shall enter the same, in a separate column, in the duplicate assessment book provided for this Act, so that it will show the number of miners' inches of water (of each twenty-four hours' run) used by each of such mines within the county for which he is Assessor.

Hydraulic mine owners to render statement to Assessor.

Assessor to enter same.

SEC. 20. The Board of Directors shall, at the same time in October of each year that they levy the tax hereinbefore provided for, levy an assessment upon all hydraulic mines, and upon all mines washing earth or ores with water running into the district, of one-half of one cent for each miners' inch of water of each twenty-four hours' run, used during such year, and shall notify the Auditor of each county embraced in whole or in part in the district, of the amount so levied, and he shall compute and enter upon the duplicate assessment book the respective sums to be collected from the respective mines; and the Tax Collector shall collect said assessment at the same time and the same manner that they collect State and county taxes; and the money so collected shall be paid over in the same manner and at the same time as herein provided for the collection of taxes, and the State Treasurer shall place the same to the credit of the "Construction Fund" of the proper district.

Assessment on hydraulic mines.

SEC. 21. Within a reasonable time after the organization of a drainage district, the State Engineer shall make a map of all the unreclaimed swamp or overflowed land in the district rendered unfit for cultivation by reason of being swamp or overflowed and not reclaimed, and shall also prepare a list of such lands, describing them by legal subdivisions, and shall file both said map and said list in the office of the Directors of the district. Within three months after the filing of this list, the Directors of the district shall give notice for thirty days in three newspapers of general circulation published in the district, that they will hear evidence, on a day to be named in said notice, for the purpose of correcting errors or omissions in said list. After hearing such testimony

State Engineer to make map of unreclaimed swamp or overflowed land.

as may be offered, they shall correct said list in accordance with the facts.

Directors to
prepare list
of reclaimed
lands.

SEC. 22. On or before the first day of March in each year, the Directors of any drainage district in which any of the lands described in the list provided for in the preceding section have been reclaimed by reason of the construction of any of the works contemplated by this Act, shall prepare a list or lists of all such lands so reclaimed situate in such district. The list shall contain a description by legal subdivisions, or other intelligent description, of each tract so reclaimed; the name of the owner of each tract; and if unknown, then that fact; the number of acres in each tract; and shall, on or before said date, deliver to the Assessor of the county or counties in which any portion of said lands so reclaimed is situated, a certified copy of said list so far as the same relates to the lands situated in such county. Whereupon such Assessor shall enter the same upon the duplicate assessment book provided for in this Act.

What list
shall
contain.

Delivered to
Assessor.

Assessment.

SEC. 23. After any land has been reclaimed, and lists filed with the Assessor, the Board of Directors shall assess the value of the reclamation to each tract of said land, not to exceed three dollars per acre, which shall be payable in six equal payments; *provided*, no one owner shall be liable for the payment due from any other owner. The Directors shall, before the first day of October of each year, notify the Auditors of the counties in which the land is situated, the amount of assessment per acre that is to be collected on each tract of land, and the Auditor shall compute the same and enter the amount in a separate column in the duplicate assessment book prepared for the district, and the Tax Collector shall collect said assessment at the same time and in the same manner as he collects State and county taxes; and the money so collected shall be turned over to the County Treasurer and paid by him to the State Treasurer, the same as other moneys collected under the provisions of this Act. The State Treasurer shall place the same to the credit of the "Construction Fund" of the district to which it belongs.

Auditors to
be notified.

State tax.

SEC. 24. There shall be levied in the year eighteen hundred and eighty, and each year thereafter, by the same officers, at the same time and in the same manner that other State taxes are levied, a tax of one-twentieth of one per cent. on all the taxable property in the State in addition to other State taxes. Said tax must be collected by the same officers, at the same time, and paid over at the same time that other State taxes are collected and paid over. The State Treasurer shall place all moneys received by him on account of such tax to the credit of a fund, to be known as the "State Drainage Construction Fund." The State Drainage Construction Fund must be used and drawn upon in the same manner, and for the same purposes, as the "Construction Fund" of a drainage district; *provided*, that all moneys raised under the provisions of this Act shall be used exclusively for the construction of dams for impounding the debris from the mines hereinbefore specified, and for the improvement and ratification of river channels in which

said debris flows within the drainage districts to be formed under the provisions of this Act, at such points thereof as shall be designated by the State Engineer, or deemed necessary by the Board of Directors of such drainage district.

SEC. 25. The State Treasurer is hereby authorized and required to pay all warrants drawn by the State Controller upon the "Construction Fund" of any drainage district, or upon the "State Drainage Construction Fund," out of such fund; *provided*, that if there be no money in the "State Drainage Construction Fund" to meet the payment of any warrant on that fund, the State Treasurer shall pay such warrants out of any other money in the State treasury not otherwise appropriated, but not exceeding in the aggregate the amount, or the balance of the amount, to be paid into the "State Drainage Construction Fund," under this Act, for the current year, upon an estimate based upon the assessed value of all the taxable property in the State for the preceding year; and *provided further*, that no indebtedness shall be created against either of said funds for any one year in excess of the amount provided to be raised by the tax levy for said year for said funds; said levy to be estimated upon the assessment roll for the previous year; and when the State tax in this Act provided for is collected and paid into the treasury, the money so paid shall be repaid from the "State Drainage Construction Fund."

Duty of State Treasurer.

Indebtedness.

SEC. 26. All officers acting under the provisions of this Act, and their bondsmen, are hereby made responsible for the collection, safe keeping, and proper accounting of the taxes and funds intrusted to them, in the manner herein provided in accordance with the laws regulating their duties and responsibilities in connection with State and county funds.

Responsibility of officers

SEC. 27. Nothing in this Act shall be construed in such a manner as to invalidate the indebtedness of any reclamation or levee district, or any assessment levied therein, or to affect in any manner whatever the laws in force in relation to reclamation and levee districts; nor shall any levees be condemned or purchased under the provisions of this Act.

Construction of Act.

SEC. 28. No Chinese or Mongolians shall be employed in any capacity whatever on any work to be done in pursuance of the provisions of this Act.

Chinese not to be employed.

SEC. 29. This Act shall take effect and be in force from and after its passage.

CHAPTER CXVIII.

An Act for the further protection of stockholders in mining companies.

[Approved April 23d, 1880.]

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

Directors not to sell, etc., unless two-thirds of capital stock consent.

SECTION 1. It shall not be lawful for the Directors of any mining corporation to sell, lease, mortgage, or otherwise dis-

pose of the whole or any part of the mining ground owned or held by such corporation, nor to purchase or obtain, in any way, any additional mining ground, unless such act be ratified by the holders of at least two-thirds of the capital stock of such corporation. Such ratification may be made either in writing, signed and acknowledged by such stockholders, or by resolution, duly passed at a stockholders' meeting called for that purpose.

Stock to be
in name of
real owner
or Trustee.

SEC. 2. All stock in each and every mining corporation in this State shall stand in the books of said company, in all cases, in the names of the real owners of such stock, or in the name of the Trustees of such real owners; but in every case where such stock shall stand in the name of a Trustee, the party for whom he holds such stock in trust shall be designated upon said books, and also in the body of the certificate of such stock.

Books, when
to close.

SEC. 3. It shall not be lawful for any such corporation, or the Secretary thereof, to close the books of said corporation more than two days prior to the day of any election. At such election the stock of said corporation shall be voted by the bona fide owners thereof, as shown by the books of said corporation, unless the certificate of stock, duly indorsed, be produced at such election, in which case said certificates shall be deemed the highest evidence of ownership, and the holder thereof shall be entitled to vote the same.

Stock, how
voted.

SEC. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

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

CHAPTER CXIX.

An Act to provide for the further extension of the water front line of the City and County of San Francisco, and the construction of the sea-wall.

[Approved April 23d, 1880.]

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

Extension of
water front.

SECTION 1. The water front line of the City and County of San Francisco, as adopted on the twelfth day of September, one thousand eight hundred and seventy-seven, by the Governor, the Mayor of the City and County of San Francisco, and the Board of State Harbor Commissioners, and as indicated on the maps filed in the office of said Board, and of the Recorder of the said city and county, is hereby further extended in a straight line westerly from the east line of Taylor Street to its intersection with the north line of Lewis Street, and thence westerly to the west line of Van Ness Avenue produced northerly; and the said Board are authorized to construct the sea-wall and thoroughfare in alternate

sections of one thousand feet each west of Powell Street and south of Lombard Street.

SEC. 2. All Acts and parts of Acts inconsistent herewith are hereby repealed.

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

CHAPTER CXX.

An Act to authorize the Boards of Supervisors of the several counties of this State to transfer certain funds.

[Approved April 23d, 1880.]

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

SECTION 1. The Boards of Supervisors of every county in this State, when they deem it expedient and for the best interest of the county, are hereby authorized and empowered to transfer moneys remaining in the Swamp Land Fund, and such moneys as may remain in any of the Sinking Fund of the county to the General County Fund of such county, which transfer or transfers shall be deemed as a loan from said Swamp Land or such Sinking Fund, to said General County Fund. Transfer of Funds.

SEC. 2. Whenever it shall be necessary to repay the amount so transferred, or loaned to the Swamp Land or Sinking Fund from which the same has been transferred, or any part thereof, the Board of Supervisors shall cause a warrant to be drawn upon said General County Fund for the amount so loaned or transferred, or any part thereof; and said warrant shall be a preferred claim upon said General County Fund over and above all warrants outstanding against said fund, and shall be paid out of the first moneys received in such General County Fund.

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

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

CHAPTER CXXI.

An Act amendatory of an Act entitled "An Act for the better protection of the stockholders in corporations, formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining," approved March thirtieth, eighteen hundred and seventy-four.

[Approved April 23d, 1880.]

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

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

Books of
mining
corporations.

Section 1. It shall be the duty of the Secretary of every corporation, formed under the laws of this State for the purpose of mining, to keep a complete set of books, showing all receipts and expenditures of such corporation, the sources of such receipts, and the object of such expenditures, and also all transfers of stock. All books and papers shall at all times, during business hours, be open to the inspection of any bona fide stockholder; and if any stockholder shall at any time so request, it shall be the duty of the Secretary to attend at the office of said company at least one hour in the day out of regular business hours, and exhibit such books and papers of the company as such stockholder may desire, who shall be entitled to be accompanied by an expert; and he shall also be entitled to make copies or extracts from any such books or papers. It shall be the duty of the Directors, on the first Monday of each and every month, to cause to be made an itemized account or balance sheet for the previous month, embracing a full and complete statement of all disbursements and receipts, showing from what sources such receipts were derived, and for what and to whom such disbursements or payments were made, and for what object or purpose the same were made; also all indebtedness or liabilities incurred or existing at the time, and for what the same were incurred, and the balance of money, if any, on hand. Such account or balance sheet shall be verified under oath by the President and Secretary, and posted in some conspicuous place in the office of the company. It shall be the duty of the Superintendent, on the first Monday of each month, to file with the Secretary an itemized account, verified under oath, showing all receipts and disbursements made by him for the previous month, and for what said disbursements were made. It shall also be the duty of the Superintendent to file with the Secretary a weekly statement, under oath, showing the number of men employed under him and for what purpose, and the rate of wages paid to each one. He shall attach to such account a full and complete report, under oath, of the work done in said mine, the amount of ore extracted, from what part of the mine taken, the amount sent to mill for reduction, its assay value, the amount of bullion received, the

Balance
sheet.

Duty of
Superin-
tendent.

amount of bullion shipped to the office of the company or elsewhere, and the amount, if any, retained by the Superintendent. It shall also be his duty to forward to the office of the company a full report, under oath, of all discoveries of ores or mineral-bearing quartz made in said mine, whether by boring, drifting, sinking, or otherwise, together with the assay value thereof. All accounts, reports, and correspondence from the Superintendent shall be kept in some conspicuous place in the office of said company, and be open to the inspection of all stockholders.

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

Section 2. Any bona fide stockholder of a corporation formed under the laws of this State for the purpose of mining, shall be entitled to visit, accompanied by his expert, and examine the mine or mines owned by such corporation, and every part thereof, at any time he may see fit to make such visit and examination; and when such stockholder shall make application to the President of such corporation, he shall immediately cause the Secretary thereof to issue and deliver to such applicant an order, under the seal of the corporation, directed to the Superintendent, commanding him to show and exhibit such parts of said mine or mines, as the party named in said order may desire to visit and examine. It shall be the duty of the Superintendent, on receiving such order, to furnish such stockholder every facility for making a full and complete inspection of said mine or mines, and of the workings therein; it shall be his duty also to accompany said stockholder either in person, or to furnish some person familiar with said mine or mines to accompany him in his visit to and through such mine or mines, and every part thereof. In case of the failure or refusal of the Superintendent to obey such order, such stockholder shall be entitled to recover, in any Court of competent jurisdiction, against said corporation, the sum of one thousand dollars and traveling expenses to and from said mine as liquidated damages, together with costs of suit. In case of such refusal, it shall be the duty of the Directors of such corporation forthwith to remove the officer so refusing, and thereafter he shall not be employed directly or indirectly by such corporation, and no salary shall be paid to him.

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

Section 3. In case of the refusal or neglect of the President to cause to be issued by the Secretary the order in the second section of this Act mentioned, such stockholder shall be entitled to recover against said President the sum of one thousand dollars and costs, as provided in the last section. In case of the failure of the Directors to have the reports and accounts current made and posted as in the first section of this Act provided, they shall be liable, either severally or jointly, to an action by any stockholder in any Court of competent jurisdiction complaining thereof, and on proof of such refusal or failure, such complaining stockholder shall recover

judgment for one thousand dollars liquidated damages, with costs of suit.

SEC. 4. All Acts and parts of Acts, so far as they do conflict with this Act, are hereby repealed.

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

CHAPTER CXXII.

An Act to declare the Klamath River navigable.

[Approved April 23d, 1880.]

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

Navigable. SECTION 1. The Klamath River is hereby declared navigable from its mouth to the Town of Orleans Bar.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXIII.

An Act prescribing the form of complaint in actions to recover delinquent taxes, and to authorize the bringing of suits therefor.

[Approved April 23d, 1880.]

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

Complaint. SECTION 1. In any action that may be hereafter commenced in any county, or city and county, in this State, for the collection of delinquent taxes for any fiscal year, the complaint may be in the following form, and shall be legally sufficient, and on the trial thereof the duplicate assessment roll for any said fiscal year, of said county, or city and county, or a copy of any entry therein duly certified, showing unpaid taxes against the defendant, or in cases where the defendant is sued in a representative capacity against any person or estate he represents, shall be prima facie evidence of the plaintiff's right to recover: (Title of Court.) (Name of plaintiff) vs. (name of defendant). Plaintiff avers that defendant is indebted to plaintiff in the sum of \$— (naming the amount for county, or city and county), taxes, with five per cent. penalty added thereto for the non-payment thereof, and interest thereon at the rate of two per cent. per month from the (date), and fifty cents costs of advertising. Plaintiff further avers that defendant is indebted to plaintiff in the further sum of \$— (naming amount) for State taxes, with five per cent. pen-

Form.

alty added thereto for the non-payment thereof, and interest thereon at the rate of two per cent. per month from (date), and fifty cents costs of advertising, which said taxes were duly assessed and levied upon (the real or personal) property of said defendant, to wit: (describe property as assessed) for the fiscal year (naming the year). Wherefore, plaintiff prays judgment against said defendant, for said several sums, with interest and penalty as aforesaid, and costs of suit. (Signature of attorney.) And in any case where the defendant is sued in a representative capacity, such other further or additional allegations as may be necessary to charge him in such capacity; and it is further provided, that any county, or city and county, where such taxes are delinquent, may sue in its own name for the recovery of delinquent taxes, whether the same be for county, or city and county, and State purposes, or taxes, or either of them.

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

CHAPTER CXXIV.

An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, of article eleven, of the Constitution of this State.

[Approved April 24th, 1880.]

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

SECTION 1. Any city and county government of more than one hundred thousand population, which has been heretofore merged and consolidated into one municipal government, shall, from and after the passage of this Act, be deemed to be and be incorporated and organized thereunder, and any such city and county government which may hereafter be so merged and consolidated, shall be organized, incorporated, and governed by and under the provisions of this Act. Purpose of Act.

SEC. 2. Every such city and county government mentioned in section one shall, after its organization under this Act, remain and continue to be a body politic and corporate in name and fact by the same name it held at the time of its organization hereunder, and by such name shall have perpetual succession, may sue and defend in all Courts and places, and in all matters and proceedings whatever, and may have and may use a common seal, and the same may alter at pleasure, and may purchase, receive, and enjoy real and personal property, and sell, convey, and dispose of the same for the common benefit. The boundaries of such cities and counties heretofore organized shall, until altered by law, be and remain the same as before its organization Municipal government of consolidated cities and counties. Boundaries.

under this Act, and such cities and counties shall continue to have, hold, and enjoy all its public buildings, land, and property, real and personal, rights of property, rights of action, suits and actions, money, revenue, income, books, documents, records, archives, claims, demands, and things in possession and action of every nature and description, and shall be liable to all its debts, liabilities, dues, duties, and obligations as fully as if no change or reorganization under this Act had ever occurred. Any such corporation heretofore organized and organizing, under this Act, shall be deemed and construed to be a continuation of the former one, with all its rights and liabilities remaining in full force and effect. Suits and actions may be brought in the name of such city and county for the recovery of any property, money, or thing belonging thereto, or the enforcement of any rights or contracts with such city and county, either before or after its reorganization hereunder, and all existing suits, actions, and proceedings in the Courts shall be carried on by or against the reorganized municipal corporation as if no change had been made. And from any judgment rendered against such city and county in any Court, an appeal may be taken by such city and county, where an appeal is allowed by law, without the giving of any appeal bond or undertaking, on complying with the other requisites prescribed by law.

Suits, etc.,
how
brought.

Acts
applicable.

Legal
indebtedness
to be
provided for.

Uniform
taxes.

Officers,
when
elected.

Terms.

Aldermen.

SEC. 3. All the existing provisions of law defining the duties of county officers, excepting those relating to Supervisors and Boards of Supervisors, so far as the same are not inconsistent with, repealed, or altered by the provisions of this Act, shall be considered as applicable to officers of such cities and counties, acting or elected under this Act. Provision shall be made from the revenues of any city and county heretofore existing and reorganized under this Act, for the payment of the legal indebtedness of the municipal incorporation to which such reorganized city and county shall succeed, or of which it is a reorganization, as well as for that of such city and county after its organization, and all funding Acts and other laws providing for the payments of principal and interest on any funded debt of such former corporation shall remain in force. The taxes which may be levied and collected in such city and county shall be uniform throughout the same.

SEC. 4. There shall be elected by the qualified voters of such city and county, at the next general State election to be held on the first Tuesday after the first Monday of the month of November, eighteen hundred and eighty, and at the general State election held every two years thereafter, the following officers, viz.: A Mayor, Sheriff, Auditor, Tax Collector, Treasurer, County Clerk, Recorder, District Attorney, City and County Attorney, Coroner, Surveyor, Superintendent of Streets, twelve School Directors, six Justices of the Peace, Public Administrator, Police Judge, who shall hold office for two years. The terms of such officers shall commence on the first Monday after the first day of January next following their election. Also, twelve Aldermen, in the manner,

and who shall hold office as provided in section eleven of this Act, and twelve Delegates, who shall hold office as provided in section thirteen of this Act. Delegates.

SEC. 5. All officers of such city and county elected in the year eighteen hundred and seventy-nine, either under general or special laws, and holding office at the time of the passage of this Act, and whose office is not abolished by this Act, shall hold their respective offices until their respective successors are elected and qualified, as provided in this Act; and the Board of Supervisors of such city and county shall divide such city and county into twelve wards (the boundaries of such wards shall be the same as at present in such city and county), and notify the Mayor of such city and county of such division on or before the tenth day of June, eighteen hundred and eighty; and within twenty days thereafter the Mayor of such city and county shall appoint twelve Delegates, one from each of the wards into which such city and county shall have been so divided; and the said Delegates so appointed shall constitute the Board of Delegates provided for in this Act. To hold office until successors elected.

The Board of Supervisors of such city and county shall, on the first day of July, eighteen hundred and eighty, organize as the Board of Aldermen provided for in this Act; and the said Delegates so appointed shall, at the same time, organize as the House of Delegates provided for in this Act; and the said two Boards shall constitute the Municipal Council provided for in this Act; and the members of said Council shall hold their respective offices till their respective successors are elected and qualified, as provided in this Act; and the said Municipal Council may hereafter, from time to time, change the boundaries of such wards so as to equalize the population of the same respectively as far as practicable. Wards.

SEC. 6. The Mayor, Sheriff, County Clerk, County Recorder, Treasurer, District Attorney, Auditor, Tax Collector, Assessor, City and County Attorney, Superintendent of Streets, and Surveyor, shall keep public offices, which shall be kept open for the transaction of business every day in the year, except Sundays, Christmas, New Year's, fourth of July, Thanksgiving, the twenty-second of February, and on any days during which a general election shall be held, between the hours of nine o'clock A. M. and five o'clock P. M. Boards of Delegates and Aldermen, organization, etc.

SEC. 7. Whenever vacancies occur in any of the elective offices of such city and county, and provision is not otherwise made in this or some other Act for filling the same, the Mayor shall appoint, subject to the confirmation of the Board of Aldermen, a person to discharge the duties of such office until the next election, when the vacancy shall be filled by election for the unexpired term. All persons so appointed shall, before entering upon their duties, take the oath of office, and give bonds as required by law. Offices to be kept open.

SEC. 8. No fees or compensation to be paid out of the treasury, other than those expressly allowed in this Act, shall be allowed or received by any officer of such city and county, or of any district, or other subdivision thereof; nor shall any allowance or provision be made for them, or any of them, at the public expense, beyond the fixed compensation herein Vacancies, how filled.

Fees, etc., how paid.

provided under the name of office rent, fuel, lights, stationery, contingencies, extra services, or otherwise, except the compensation or percentage allowed to the Tax Collector and to the Assessor in the collection of poll taxes, and except that the necessary and proper books, stationery, and official blanks may, at the discretion of the Municipal Council, be purchased and supplied for all the Courts of such city and county, its officers, Municipal Council and other Boards, and officers, the expense whereof, when the amount in each particular case shall have been previously authorized and fixed by the Municipal Council, may be paid out of the General Fund, upon demand upon the treasury duly audited, as in this Act provided.

Bonds.

Approval.

Surety.

SEC. 9. All officers of such city and county must, before they can enter upon their official duties, give a bond as required by law. The bonds and sureties of such officers must be approved by the President of the Board of Aldermen, Auditor, and a Judge of the Superior Court in and for such city and county. When the amount of such official bond is not fixed by law, it shall be fixed by the Municipal Council. No banker, residing or doing business in such city and county, nor any such banker's partner, clerk, employé, agent, attorney, or father, nor a brother, shall be received as surety for the Treasurer, Mayor, Sheriff, Auditor, or any officer having the collection, custody, or disbursement of money. No person can be admitted as surety on any such bond, unless he be worth, in fixed property, including mortgages, situated in such city and county, the amount of his undertaking over and above all sums for which he is already liable or in any manner bound, whether as principal, indorser, or security, or whether such prior obligation or liability be conditional or absolute, liquidated or unliquidated, certain or contingent, due or to become due. All persons offered as sureties on official bonds must be examined on oath touching their qualifications. The official bond of the Auditor shall be filed and kept in the office of the Clerk of such city and county. All other official bonds shall be filed and kept in the office of the Auditor; *provided*, that the bonds and sureties of the Mayor must be approved by the Chairman of the House of Delegates, Auditor, and a Judge of the Superior Court in and for such city and county; and that the bonds and sureties of the Auditor must be approved by the President of the Board of Aldermen, the Chairman of the House of Delegates, and a Judge of the Superior Court in and for such city and county.

Municipal Council.

Board of Aldermen; terms, election, salary.

SEC. 10. The legislative power of such city and county shall be vested in a body to be styled the "Municipal Council" of such city and county, and shall be composed of two Boards or Houses of legislation, one to be called the "Board of Aldermen," and the other the "House of Delegates."

SEC. 11. The Board of Aldermen shall consist of twelve persons, to be elected by general ticket from the city and county at large, the members of which shall hold office for the term of four years, to commence on the first Monday after the first day of January next following their election,

except that of the Aldermen, who are elected at the first election under this Act, the six receiving the smallest number of votes shall hold their office for two years only; so that thereafter only six shall be elected every two years. In case of a tie vote at such first election, the question of which Aldermen shall hold the full and which the short term, shall be determined between the candidates so tied by lot. The Aldermen shall receive each a salary of twelve hundred dollars a year, payable in monthly installments out of the General Fund.

SEC. 12. The Board of Aldermen shall appoint a Secretary, with a salary not to exceed two hundred dollars a month, who shall keep the records of said Board. He shall hold office during the pleasure of the Board. He shall have power to administer oaths and affirmations in all cases, and to certify and authenticate copies of all records, papers, and documents in his official custody, and shall perform any other services required by the Board.

To appoint a Secretary; salary.

SEC. 13. The House of Delegates shall consist of twelve persons, to be elected every two years, one each by the qualified electors of the respective wards, into twelve of which such city and county shall be divided for such purpose. The Delegates shall hold office for the term of two years, to commence on the first Monday after the first day of January next following their election, and shall receive each a salary of twelve hundred dollars a year, payable monthly out of the General Fund.

House of Delegates; terms, election, salary.

SEC. 14. The House of Delegates may appoint a Clerk, who shall keep their records and hold office during their pleasure. He shall have a salary not to exceed two hundred dollars a month; shall have power to administer oaths and affirmations, and to certify and authenticate all records, documents, and papers in his official custody. He shall perform any other service required of him by the House.

To appoint a Clerk; salary.

SEC. 15. Any vacancy occurring in either Board shall be filled by the Mayor; and the person appointed to fill such vacancy shall hold office till the next election by the people, and until his successor is qualified.

Vacancy in Boards, how filled.

SEC. 16. Every member of the Board of Aldermen shall be a qualified voter, at least twenty-five years of age, and shall have been a citizen of the United States and of this State, and a resident of such city and county for three years next before his election or appointment.

Qualification.

SEC. 17. Every member of the House of Delegates shall be a qualified voter, at least twenty-five years of age; shall have been a citizen of the United States and of this State, and a resident of such city and county at least two years, and of the ward from which he is elected or appointed at least one year next before his election or appointment.

Same.

SEC. 18. Every member of either branch of the Municipal Council shall, at all times during his incumbency of said office, possess the following qualifications: He shall not be directly or indirectly interested in any contract with such city and county, or any department or institution thereof. He shall not have been convicted of malfeasance

Same.

in office, bribery, or other corrupt practices or crimes. Any member who fails to possess, or who shall at any time during his term of office cease to possess any of the qualifications mentioned in this Act as a qualification, shall thereby forfeit his seat in the Board or House to which he belongs, and the vacancy shall be filled as in other cases. If any member of either branch absent himself from the State, or neglect to attend the meeting of the Board or House to which he belongs, for a period of thirty days, his office shall be declared vacant by said Board, and a successor must be appointed, to hold till the next election by the people, as provided in other cases.

Officers of
Boards.

SEC. 19. Each Board or House shall elect its own officers, except as to the presiding officer of the Board of Aldermen. The Mayor shall preside at all the sessions of the Board of Aldermen, without the right to vote. In his absence, during any session, the Board shall appoint one of its members as President pro tempore, who shall, however, have the same right to vote as other members. Each House shall be the judge of the election returns and qualifications of its own members, and may determine the rules of its own proceedings, except as herein provided. Each House shall keep a record of its acts and allow the same to be published, and the yeas and nays on any question shall, at the request of any member, be entered on the Journal of the House; may arrest and punish by fine, not exceeding five hundred dollars, or imprisonment as provided by ordinance, not exceeding thirty days, or both, any person not a member who shall be guilty of disrespect to the Board or House by disorderly or contemptuous behavior in its presence during its sessions; may punish its members for disorderly conduct, and, with the concurrence of two-thirds of all the members elect, may expel a member.

Election of
Chairman of
House.

SEC. 20. The House of Delegates shall elect one of their own number presiding officer of said House, who shall be designated as the "Chairman" thereof. A majority of the members of either House shall constitute a quorum to do business, and no regulation, resolution, ordinance, or order of either House can pass without the concurrence of a majority of all the members elected or appointed to such House; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the House or Board may provide.

Session;
adjourn-
ment.

SEC. 21. All sessions, acts, and resolutions of each House shall be public. Neither House shall, without the consent of the other, adjourn for more than seven days at any one time, nor to any other place than that in which the two Houses may be sitting.

Members not
eligible to
hold other
office, except
by election
of people.

SEC. 22. No member of the Municipal Council shall, during the time for which he is elected, be eligible or appointed to any other office under the city and county, except such offices as may be filled by election by the people; nor shall any member, while such, be an employé of such city and county, or any Board or department thereof, or of either branch of

the Municipal Council, in any capacity whatever, and no compensation shall be audited or paid for services as such officer or employé; and no act, ordinance, or resolution shall ever be passed whereby any member of either House shall become the disbursing officer of such city and county, or any Board or department thereof, or pay out any of its money upon any pretense whatever.

SEC. 23. No member of the Municipal Council, or of the Board of Education, or any officer of such city and county, or of any ward thereof, shall have any power to contract any debt or liability whatsoever against such city and county, nor shall the people, or taxpayers, or any property therein, ever be liable to be assessed for, or on account of any debt or liability hereafter contracted, or attempted to be contracted, in contravention of this Act.

Not to contract debts against city.

SEC. 24. The Municipal Council shall appoint a joint committee of five, three from the Board of Aldermen, and two from the House of Delegates, to be denominated the "Finance Committee," which committee may, at any time, and shall, whenever required by the Municipal Council, or either branch thereof, investigate the transactions and accounts of any and all officers appertaining to the government of such city and county having the collection, custody, or disbursement of public money, or having the power to approve, allow, or audit demands on the Treasurer, and report thereon to the Municipal Council. Said committee shall have full power to send for all persons and papers, and enter into, examine, inquire, and investigate all offices and places, to administer oaths and affirmations, to examine witnesses, and compel their attendance by subpoena and attachment for contempt, and the production of records, books, and papers, and may imprison in the County Jail any person refusing to appear or testify, as well as any officer or person failing or refusing obedience to the orders to show records, papers, or books, or to testify when required so to do. The Sheriff or any policeman of such city and county shall enforce all orders of said committee, and attend upon it in like manner as upon Courts of record. The Mayor may be present and participate in such investigations.

Finance Committee.

SEC. 25. The Municipal Council shall meet on the first Monday after the first day of January, and on the first Mondays of April, July, and October, of each year, and at such other times as required by law, and may be specially convoked by the Mayor as herein provided.

Meetings.

SEC. 26. No ordinance shall be passed except by bill, and no bill shall be so amended in its passage as to change its original object. No bill shall contain more than one subject, which shall be expressed by its title. On the final passage of all bills the vote shall be by "yeas" and "nays" upon each bill, separately, and the names of the members voting for and against the same shall be entered on the Journal. Bills may originate in either House, and no bill shall be passed by either House except by a majority vote of all the members elected or appointed to either House.

Ordinances, how passed.

Amend-
ments.

SEC. 27. No amendments to bills by either House shall be concurred in by the other except by a vote of a majority of all the members elected or appointed thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the Journal thereof; and reports of committees of conference shall be adopted by either House only by the vote of a majority of all the members elected thereto, taken by "yeas" and "nays," and the names of those voting recorded upon the Journals.

Not revived,
etc., by
reference
to title.

SEC. 28. No ordinance shall be revived, reenacted, or amended, by mere reference to its title, but such ordinance or section shall be set forth at length, as if it revived, reenacted, or amended.

Reconsider-
ation.

SEC. 29. When a bill is put upon its final passage in either House, and failing to pass, a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be taken up, and the subject finally disposed of at the next meeting of the Council, unless such House by a two-third vote decides to act upon such reconsideration at the same meeting.

Signing of
bills.

SEC. 30. No bill shall become an ordinance until the same shall have been signed by the presiding officer of each of the two Houses in open session, in authentication of its adoption by such House. In signing such bill for authentication, the presiding officer shall call the attention of the House to the bill, and that he is about to sign it, and if any member request, the bill shall be read at length for information as to its correctness as enrolled. If any member object that the bill is not the same in substance and form as when considered and passed by the House, such objection shall be passed upon, and, if sustained, the presiding officer shall withhold his signature, and the bill shall then be corrected and finally disposed of, and signed before the House proceeds to any other business.

Appropriations to be
specific.

SEC. 31. No general appropriation act or authorization shall ever be passed, but all appropriations shall be for the specific amount of the claim to be paid, and no more; and each ordinance or resolution authorizing the payment of money shall contain one claim only, which shall be expressed in the title. Every ordinance or resolution of the Municipal Council providing for any specific improvement, the granting of any privilege, or involving the lease or appropriation of public property, or the expenditure of public moneys (except for sums less than five hundred dollars), or levying tax, or assessment, and every ordinance or resolution imposing a new duty or penalty shall, after its introduction in either House, be published, with the "yeas" and "nays," in the newspaper doing the city and county printing, at least five successive days before final action upon the same by the House in which it was introduced; and in case such ordinance or resolution shall be amended before final passage in said House, then the bill, as amended, shall be so published, in the same manner before final action by such House thereon; and every such ordinance, after the same shall have passed both Houses, shall, before it takes effect, be presented to the Mayor for his

Yeas and
nays.

approval. If he approves, he shall sign it; if not, he shall return it within ten days to the House in which the same originated, with his objections in writing. Said House shall then enter the objections on the Journals, and publish them in the newspaper doing the city printing. At the next stated meeting thereafter said House shall proceed to reconsider such bill. If, after such reconsideration, it again passes both Houses by the votes of nine of the members elected or appointed to each House voting therefor, it shall become a law, notwithstanding the Mayor's objections. Should any such ordinance or resolution not be returned by the Mayor within ten days after he receives it, it shall become valid, the same as if it had received his signature. Where a claim against the treasury amounts to more than five hundred dollars, it shall not be lawful to divide or break up the same into several sums of less than that amount, so as to evade the provisions of this section concerning claims; and any effort or attempt to accomplish such unlawful division, or breaking up of a claim, shall be deemed as to every member of the Municipal Council, or other officer consenting thereto or aiding the same, a misdemeanor in office, and be cause for his removal. All ordinances authorizing the payment of any money out of the treasury, or any claim thereon, shall be referred to the appropriate standing committee of the House where the bill is introduced, who shall present the same to the Auditor, in order that he may certify that there is sufficient money in the proper fund out of which such claim can lawfully be paid, and that such appropriation can be made without violating the provisions of this Act; and until the Auditor certifies in writing, signed by his name, that there is sufficient money in the proper fund, and that the authorization can be made without violating the provisions of this Act, no further proceedings shall be had with such bill. It shall be the duty of the Auditor, with reasonable promptness, to ascertain the facts, and to give the certificate when the facts warrant him in doing so, and not otherwise.

Approval.

Claims, when not to be divided.

Reference of ordinances authorizing payment of claims.

SEC. 32. The powers of the Municipal Council, and all other Boards, Commissioners, and officers, are those specially named in this Act, and they are prohibited from exercising any other.

Municipal Council, powers of.

SEC. 33. The enacting clause of ordinances shall be in the following terms: "The Municipal Council of the City and County of —, hereby ordains as follows."

Enacting clause.

SEC. 34. The Municipal Council shall further have power by regulation or ordinance:

Further powers.

First—To provide for the security, custody, and administration of all property of such city and county, and to purchase land required for municipal purposes without any power to sell or incumber the same, or lease any part thereof, for more than three years; except, however, that such personal property belonging to the fire, street, or other departments, as they deem unsuited to the uses and purposes for which the same was designed, or so much worn and dilapidated as not to be worth repairing, may be sold or exchanged.

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powers of.

Second—To provide for cases omitted in this Act, and in conformity with the principles adopted in it, for opening, altering, extending, constructing, repairing, or otherwise improving public streets and highways, at the expense of the property benefited thereby, without any recourse in any event upon such city and county or the public treasury for any portion of the expense of such work, or any delinquency of the property holders or owners.

Third—To provide for lighting the streets. But no contract for lighting streets or public buildings shall ever be made for more than one year in duration; nor shall any contract to pay more for gas or other illuminating material than is legally charged to ordinary consumers, or than the usual market rates, be valid.

Fourth—To provide water for municipal purposes.

Fifth—To regulate market houses and market places.

Sixth—To provide for inclosing, improving, and regulating all public grounds of such city and county.

Seventh—To prohibit the erection of wooden buildings or structures within any fixed limits where the streets have been established and graded, or ordered to be graded, or to restrict and limit the height of such buildings or structures. To regulate the sale, storage, and use of gunpowder, and to restrict the limits within which may be manufactured or kept giant powder, dynamite, nitro-glycerine, or other explosive or combustible materials and substances, and the maintenance of acid works; and make all useful regulations in relation to the manufacture, storage, and transportation of all such substances, and the maintenance of acid works, slaughter houses, brick burning, tanneries, and all other manufactures and works of every description that may jeopardize the public safety, and to exclude them from the city and county when necessary, or to restrict them or any of them to a district. To make all necessary regulations for protection against fire, as well as such rules and regulations concerning the erection and use of buildings as may be necessary for the safety of the inhabitants.

Eighth—To permit the laying down of railroad tracks and the running of cars thereon along any street, or portion of street, for the sole purpose of excavating and filling in a street, or portion of a street, or adjoining lots, and for such limited time as may be necessary for the purposes aforesaid, and no longer.

Ninth—To determine the fines, forfeitures, and penalties that shall be incurred for the breach of regulations established by the said Municipal Council, and also for a violation of the provisions of this Act, where no penalty is affixed thereto or provided by law; but no penalty to be imposed shall exceed the amount of one thousand dollars, or six months imprisonment, or both. And every violation of any lawful order or regulation, or ordinances of the Municipal Council, is hereby declared a misdemeanor or public offense, and all prosecutions for the same shall be in the name of the people of the State of California.

Tenth—To regulate and provide for the employment of

prisoners sentenced to labor on the public works of such city and county, and to maintain and regulate city and county jails and prisons, with manufacturing or other laboring establishments or appliances connected therewith.

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Eleventh—To provide a suitable office and jury room, and dead house or morgue, with the furniture necessary to enable the Coroner to efficiently discharge the duties of his office, and to make the necessary appropriation therefor; and to audit and pay, for the necessary expenses of maintaining the morgue and offices attached, such sum as may be necessary, not to exceed seventy-five dollars per month, out of the General Fund.

Twelfth—To maintain and regulate a Home of the Inebriate in its discretion.

Thirteenth—To provide and maintain a City Prison.

Fourteenth—To maintain and improve the city cemeteries, and to pay out of the General Fund a keeper thereof, to be appointed by the Board of Health, at a salary not to exceed one hundred dollars a month.

Fifteenth—To license and regulate hackney carriages and other public passenger vehicles, and to fix the rates to be charged for the transportation of persons, baggage, goods, merchandise, and property, or either, thereon; and to license and regulate all vehicles used for the conveyance of merchandise, earth, and ballast, or either; and also to license and regulate persons and parties employed in conveying baggage, property, and merchandise, or either, to or from any of the wharves, slips, bulkheads, or railroad stations, within the limits of such city and county; to fix and establish the amount of every license paid into the city and county treasury for city and county purposes; to provide for the summary removal and disposition of any or all vehicles found in the streets, highways, and public squares during certain hours of the day or night, to be designated by the Council; and in addition to all other remedies, to provide by regulation for the sale or other disposition of such vehicles; to protect the public from injury by runaways, by punishing persons who negligently leave horses or carriages in the street; to prescribe the width of the tires of all drays, trucks, and carts, in accordance with the weight to be carried thereby, for the preservation of the streets and highways.

Sixteenth—To regulate, license, and control the business of keeping intelligence offices, prescribe the method of conducting said business, and to enforce, by fines and penalties, the payment of the license, and any violation of the regulation touching said business. To license and regulate pawnbrokers, and to enact regulations to protect the public in dealing with them.

Seventeenth—To fix the fees and charges to be collected by the Surveyor of such city and county for certificates of surveys for buildings or other purposes, and to provide for a sufficient corps of Deputy Surveyors to perform such work, to be paid from such fees only; also, to regulate the fees to be charged by the Superintendent of Streets, the County Recorder, and any and all other municipal officers, where

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their fees are not otherwise fixed by law, and compel the payment of all such fees and charges into the city and county treasury into the proper fund, in accordance with the provisions of this Act.

Eighteenth—To license and regulate, for the purposes of city and county revenue, all such callings, trades, and employments as the public good may require to be licensed and regulated, and as are not prohibited by law; to provide for and enforce, with penalties or otherwise, the collection and due payment into the city and county treasury of all moneys so due or raised, and to make all needful rules and regulations to govern the official conduct and duties of the Collector of Licenses.

Nineteenth—To provide and pay for the construction and repair of hydrants, fire-plugs, cisterns, and pumps in the streets.

Twentieth—To allow and order paid out of the General Fund a sum not to exceed three thousand dollars in any year, for the celebration in such city and county of the anniversary of our National Independence.

Twenty-first—To allow and order paid out of the General Fund, for the election expenses of such city and county, not to exceed forty dollars for each election precinct, for each election in said city and county.

Twenty-second—To provide ways and means for the prosecution of the claims of such city and county to any land or other property or right claimed by such municipality.

Twenty-third—To provide for the appointment by the Mayor of a Weigher of Coal, without salary, and to regulate and define his duties, and establish rates of charges to be collected from persons requiring his services, and for his compensation from such rates and charges alone, and with no claim upon such city and county.

Twenty-fourth—To authorize and direct the summary abatement of nuisances; to make all regulations which may be necessary or expedient for the preservation of the public health and the prevention of contagious diseases; to provide fines and penalties against individuals who may be guilty of maintaining any nuisances, and enforcing the same until such nuisance be removed or abated; to provide by regulation for the prevention and summary removal of all nuisances and obstructions in the streets, alleys, highways, and public grounds of such city and county, and to prevent or regulate the running at large of dogs, and to authorize the destruction of the same when at large contrary to ordinance.

Twenty-fifth—To prohibit, suppress, regulate, or exclude from certain limits all houses of ill-fame, prostitution, and gaming; to prohibit, suppress, regulate, or exclude from certain limits all occupations, houses, places, pastimes, amusements, exhibitions, and practices which are against good morals, contrary to public order and decency, or dangerous to the public safety.

Twenty-sixth—To require, by ordinance, all contractors for street work, or other persons lawfully undertaking to improve, grade, or alter streets or public highways, to erect

fences or barriers, to keep lights at night, and to take other necessary precautions to protect the public from damage, loss, or accident by reason of such grading, alteration, or improvement, and to fix and prescribe penalties for the violation of the provisions of such ordinance.

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Twenty-seventh—To provide for the safe keeping and disposition of lost, stolen, or unclaimed property of every kind, which may at any time be in the possession or under the control of the police of such city and county.

Twenty-eighth—To regulate, and, when necessary, to suppress all public demonstrations and processions which interfere with public traffic.

Twenty-ninth—To appoint a Fire Marshal. Such appointment shall be made on the nomination of the Board of Fire Underwriters of such city and county, if such Board shall exist therein. If more than one such Board shall exist therein, then upon the nomination of the Board which shall have been longest organized. His salary shall be fixed and paid by such Board of Fire Underwriters. Such Fire Marshal shall, before entering upon the office, take and subscribe the oath of office, and execute a bond to the State of California in the sum of five thousand dollars, with two or more sureties, to be approved by a Judge of the Superior Court, for the faithful discharge of his duties. Any person aggrieved by any misconduct of such Marshal, or his deputy, may bring an action in his own name upon such official bond, which bond shall be filed in the office of the County Clerk. It shall be the duty of such Fire Marshal to attend all fires which may occur in such city and county, with a badge of office conspicuously displayed. He shall take charge of and protect all property which may be imperiled at any such fire, and safely keep the same under his possession and control until satisfactory proof of ownership be made thereto; and shall, as far as practicable, prevent such property from being injured at such fire, and direct, when in his opinion it shall be necessary, the removal of goods, merchandise, and other property to a place of safety. He shall be authorized and empowered to exercise the functions of a peace officer of such city and county. Any person who shall willfully hinder or obstruct such officer in the lawful discharge of his duties, shall be deemed guilty of a misdemeanor; *provided, however*, that nothing herein contained shall be so construed as to authorize such Fire Marshal to interfere in any manner with the proper discharge of the lawful duties and authority of any Chief Engineer of any fire department of such city and county. It shall be the duty of such Fire Marshal to institute investigations into the cause of such fires as occur in such city and county; and for this purpose he shall have power to issue subpoenas and administer oaths, and compel the attendance of witnesses before him by attachment or otherwise. All subpoenas issued by him shall be in such form as he may prescribe, and shall be directed to and served by any police officer, or by any peace officer of such city and county. Any witness who refuses to attend or testify in obedience to such subpoena, shall be deemed guilty of contempt,

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and be punishable by him as in cases of contempt in Justices' Courts in civil cases. He shall make a written report of the testimony to the District Attorney, and institute criminal prosecutions in all cases in which there appears to him to be a reasonable and probable cause for believing that a fire has been caused by design. It shall be the duty of such Fire Marshal to aid in the enforcement of the fire ordinances of such city and county, and for this purpose he is duly authorized to visit and examine all buildings in process of erection or undergoing repairs, and to institute prosecutions for all violations of the ordinances of such city and county which relate to the erection, alteration, or repairs of buildings and the prevention of fires. He shall exercise such additional powers as may be conferred upon him by the ordinances of such city and county to enable him fully to carry out the object and purpose of his appointment, and for the prevention of fires. He shall have power to appoint a deputy, who may exercise all the powers and perform all the duties of such Marshal. The salary of such deputy shall be paid in the same manner as the Fire Marshal. Any person who saves from fire, or from a building endangered by fire, any property, and who willfully neglects for two days to give notice to such Fire Marshal, or to the owner of such property, of his possession thereof, shall be deemed guilty of grand or petty larceny, as the case may be, according to the value of said property; and any person who shall be guilty of false swearing in any investigation under this subdivision, shall be deemed guilty of perjury, and, upon conviction thereof, shall be punished therefor as in other cases of perjury. Such Fire Marshal may be removed at any time by the same power or powers that appointed him. And in case of the removal, resignation, or death of such Fire Marshal, his successor shall be appointed in the same manner as hereinbefore provided. Such Fire Marshal is hereby authorized and empowered to appoint one or more persons during the time of fire, for the purpose of saving and protecting property at such fire, and until it shall be delivered to the owner or claimant thereof, and such person or persons so appointed shall have during such period the authority and power of a policeman of such city and county, and shall be known as the Fire Marshal's police; and each of such persons shall wear while in the discharge of his duty, conspicuously displayed on his person, such badge or device as such Fire Marshal shall designate. No person shall be entitled to any property in the hands of such Fire Marshal, saved from fire, until satisfactory proof of ownership be made, and until the actual expenses incurred by such officer for the preservation and keeping of the same shall be paid to him by the owner or claimant of said property; and in case of dispute as to the amount of such expenses, said dispute to be determined by the Justices' Court of such city and county. Such Fire Marshal is hereby duly authorized and empowered to hold and sell, or cause to be sold at public auction, all property in his possession saved from a fire or fires, for which no owner can be found, after advertising the same in two daily newspapers published in such city and

county for the period of thirty days; *provided, however,* that if, upon application of such Fire Marshal to the Police Judge, it shall appear that such property is perishable, such Judge may order such Fire Marshal to make sale thereof upon such notice as in the opinion of such Judge may be reasonable. The proceeds of all such sales, together with an account thereof, after deducting all expenses, shall be by him deposited with the Treasurer of such city and county, to be held by such Treasurer, subject to the claim of the owner of such property. Such Fire Marshal shall, from time to time, file with the County Clerk of such city and county, under oath, a statement and description of all property in his possession, or under his control and sold by him, together with the amount of money by him deposited with the Treasurer of such city and county.

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Thirtieth—To maintain a fire alarm and police telegraph in such city and county.

Thirty-first—To require the owners of lots to prevent sand from drifting, being blown or otherwise moved therefrom, into or deposited upon any paved, planked, or macadamized street, alley, place, park, thoroughfare, or other public property, and to enforce all such regulations by sufficient fines and penalties.

Thirty-second—To maintain, regulate, govern, manage, and carry on a House of Correction, and to utilize therein and thereby the labor of all prisoners committed to the Jail or House of Correction of such city and county, by the Police Courts and the Superior Courts; to prescribe rules of commitment and detention of prisoners, hours of labor, and all necessary rules, regulations, and restrictions, for the proper operation of said institution. All prisoners sentenced to a term in the County Jail, or House of Correction, shall be deemed to have been sentenced to labor during such term. The Judges of Police Courts and of the Superior Courts, in such city and county, may sentence criminals to the House of Correction when, in the judgment of such Judge, the criminal is too young to be sentenced to the State Prison, or when it is deemed better for the well being of the prisoner. No person shall be sentenced to imprisonment in the House of Correction for a shorter or longer term than that for which he might be sentenced in the County Jail of such city and county, or in the State Prison; and in no case whatever for a shorter term than three months, nor for a longer term than three years. No person who might be sentenced to imprisonment in the State Prison, shall be sentenced to imprisonment in the House of Correction if he is more than twenty-five years of age, if he has been once before convicted of a felony, or twice before convicted of petit larceny, nor unless, in the opinion of the Court, imprisonment in the House of Correction will be more for his interest than imprisonment in the State Prison, and equally for the interest of the public. The fact of a previous conviction may be found by the Court upon evidence introduced at the time of sentence. The Board of Aldermen of the city and county shall appoint a competent Superintendent for the House of Correction of

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such city and county, who shall also be Treasurer of said House of Correction, and who shall give good and sufficient bonds in a sum, and with sureties to be approved by said Board of Aldermen, for the faithful discharge of his duties, and to whom shall be paid a salary to be fixed by them, not to exceed two hundred and fifty dollars per month, payable monthly. Said Superintendent shall only be removed for just and sufficient legal cause, after a fair and impartial investigation of his case by said Board of Aldermen. He shall immediately after his appointment, and when authorized by said Board of Aldermen, appoint, subject to the approval thereof, such subordinates as may be deemed necessary by the Board of Aldermen, and the pay of such subordinates shall be fixed by said Board of Aldermen, not exceeding one hundred dollars per month to each party so appointed. The Superintendent shall manage the general interests of the institution; see that its affairs are conducted in accordance with the requirements of this Act, and of such by-laws as the Board of Aldermen may from time to time adopt for the orderly and economical management of its concerns; to see that strict discipline is maintained therein; to provide employment for the inmates; adjust and certify all claims against the institution; and all by-laws made by said Board of Aldermen for the management of said institution, and not contrary to the laws of this State, shall be binding in all respects upon said Superintendent, officers, and inmates; and said Superintendent shall, each year, prepare and submit, under oath, to the Board of Aldermen, a report of the concerns of said institution. The Superintendent shall reside at the House of Correction, have charge of its inmates and property, and be its Treasurer; keep accounts of all his receipts and expenditures, and of all such property, and account in such manner as the said Municipal Council may require, and hold all books and papers open to their inspection.

Thirty-third—To maintain and regulate an Industrial School, for the detention, management, reformation, education, and maintenance of such children, under the age of eighteen years, as shall be committed or surrendered thereto by the Courts of such city and county, as vagrants, living an idle or dissolute life, or who shall be convicted by the Police or Superior Court of any crime or misdemeanor, or who, being tried for any crime or misdemeanor in such Court, shall be found to be under fourteen years of age, and to have done an act which, if done by a person of full age, would be a crime or misdemeanor; and said Council is empowered to regulate the commitment, detention, and discharge of such children, and to designate and prescribe the causes, terms, and conditions thereof, and the said Police Court and Superior Court shall have power to adjudge that such persons so convicted shall be so imprisoned; and persons so convicted shall remain at said Industrial School until he or she shall attain majority, unless a shorter time shall be fixed by said Court in the commitment. Such children shall be kept at such employments and be instructed in such branches of useful knowledge as may be suitable to

their age and capacity. The Municipal Council may provide for binding out such children as apprentices during their minority, to learn proper trades and employments. There shall be a Superintendent of said Industrial School, to be appointed by the Board of Aldermen. He shall be deemed a public officer, whose salary shall not exceed two hundred and fifty dollars a month, and such other employés as may be necessary, with salary not to exceed one hundred dollars a month each. Such Police and Superior Court, or either of them, upon the application of the Board of Aldermen, and upon its certificate that it is expedient to do so, shall have power to discharge any child committed to said Industrial School, and who is not bound out as an apprentice, or adopted, and may in like manner discharge such child upon the application, in writing, of the parents or guardian of such child, who shall not have been bound out or adopted, and after ten days notice, in writing, to the Board of Aldermen, if, upon the hearing of the application, such Police Court or Superior Court shall consider that such discharge is expedient.

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Thirty-fourth—To establish and maintain an Alms-house, a City and County Hospital, a Small-pox Hospital, and such other institutions of the same character as are or may be necessary, and to perpetuate such institutions as may have been heretofore established in such cities and counties heretofore incorporated.

Thirty-fifth—To order paid out of the General Fund any final judgment against such city and county.

Thirty-sixth—To maintain, regulate, and govern a Public Pound, fix the limits within which animals shall not run at large, and appoint Pound-keepers, who shall be paid for out of the fines imposed and collected of the owners of impounded animals, and from no other source.

Thirty-seventh—To allow and order paid out of the Street Department Fund such sums as may be deemed necessary for improvement of streets bordering on the water front, and improvement of sewers and streets in front of public property.

Thirty-eighth—To allow and order paid out of the General Fund such sums as may be necessary for burying the indigent dead.

Thirty-ninth—To allow and order paid out of the General Fund such sums, not to exceed five thousand dollars in any one fiscal year, as may be deemed necessary for the employment of special counsel.

Fortieth—To enact such general and special police regulations for such city and county as shall secure the health, comfort, and security of the inhabitants, the safety and security of property and life, and to enforce the same therein.

Forty-first—To make needful rules and regulations for the administration, care, and maintenance and conduct of all departments and offices of such city and county, when not otherwise in this Act provided for, so as to secure more perfect safety of the public funds, and greater efficiency in all

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departments of the service, and to enforce the observation of such rules and regulations, and to authorize the appointment of such additional clerks, assistant deputies, and employes, as in their judgment may be necessary for the proper discharge of the duties of such offices and departments.

Forty-second—To appropriate the moneys derived from the revenue of such city and county to a General Fund, and such funds as have been heretofore or shall be hereafter established by law or the said Council, and as shall be necessary for the proper and economical administration of such city and county.

Forty-third—To establish, maintain, and regulate free public libraries and reading rooms, and to perpetuate such free libraries and reading rooms as may have been heretofore established in such cities and counties heretofore incorporated.

Forty-fourth—To provide, fit up and furnish, and provide with fuel, lights, stationery, and all necessary attendance, conveniences, and care, rooms convenient and accessible to the Courts, sufficient for the use and accommodation of a Law Library and those who have occasion to use it, and approved by the officers having the government of said library, and to perpetuate and in the same manner provide for any Law Library now existing in such city and county, the use of which has been secured by law to the Courts, the Bar, and the city and county government. The Municipal Council shall have power, and it shall be their duty, to appropriate, allow, and order paid out of the proper fund such sums as may be necessary therefor.

Forty-fifth—To establish and maintain a free Medical Dispensary, and to perpetuate any such heretofore existing in such city and county.

Forty-sixth—To appoint a committee of five, three from the Board of Aldermen and two from the House of Delegates, to be denominated the "Building Committee," to superintend the construction of buildings hereafter to be constructed for such city and county, or now in progress of construction therefor, and to appoint a Secretary for such committee, and to fix his compensation, and, if necessary, also to appoint a Superintendent and Architect therefor, fix their respective compensation, and to require of such Superintendent and Architect to execute bonds, with two sureties, conditioned for the faithful performance of their duty, in such sums as may be deemed necessary.

Forty-seventh—To provide for the levy, collection, and appropriation of revenue heretofore by law provided to be collected for the erection and completion of any public building in and for such city and county in the manner as heretofore provided by any law of this State for the levy, collection, and appropriation of the same.

Mayor,
qualification
and duties of.

SEC: 35. The Mayor shall be the chief executive officer; shall be a qualified voter, at least twenty-five years of age, and shall have been a citizen of the United States, and of this State, and a resident in such city and county for three

years. It shall be his duty vigilantly to observe the official conduct of all public officers of such city and county, and to take note of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, custody, administration, and disbursement of the public funds and property, for which purpose the books, records, and official papers of all Boards, officers, and magistrates of such city and county, shall at all times be open to his inspection. He shall take especial care to see that the books and records of all such officers are kept in legal and proper form, and any official defalcation, or willful neglect of duty, or official misconduct which he may have discovered, or which shall have been reported to him, shall, at the earliest opportunity, be laid before the Municipal Council and before the grand jury, in order that the public interests shall be protected and the officer in default be proceeded against according to law. He shall, from time to time, give the Municipal Council information relative to the state of such city and county, and shall recommend to their consideration such measures as he may deem expedient in the interests of the city. He shall take care that the laws of the State and the ordinances of the Municipal Council are enforced.

SEC. 36. Whenever and so long as the Mayor, from any Mayor pro tempore. cause, is unable to perform his official duties, the Board of Aldermen shall designate one of their number as Mayor pro tempore, who shall perform the same.

SEC. 37. The Mayor may, by due notice, call special Special sessions. sessions of the Municipal Council, and shall specially state to them, when assembled, the objects for which they have been specially convened, and their action shall be confined to such objects.

SEC. 38. The Auditor shall be the head of the finance Auditor. department of such city and county, and as such required to be constantly acquainted with the exact condition of the treasury, and every lawful demand upon it. He shall keep a public office, and give his personal attendance there daily during the office hours fixed in this Act, and shall not follow or engage in any other occupation or calling while he holds said office. If he absents himself from his office during such office hours, except on indispensable official business or urgent necessity, he shall lose his salary for the day; and it shall be a part of his official duty to keep account of the times and occasions when he shall be so absent from duty. He shall be the general accountant of such city and county, and as such it shall be his duty to receive and preserve in his office all accounts, books, vouchers, documents, and papers relating to the accounts or contracts of such city and county; its debts, revenues, and other fiscal affairs, and to adopt a proper mode and manner of double entry book-keeping, and keep the accounts of such city and county, general and special, in a systematic and orderly manner. He shall state and render all accounts filed or kept in his office between the city and other persons or body corporate, except when otherwise provided by law or ordinance. He shall have power to admin-

ister oaths, and shall require settlements of accounts to be verified by affidavit whenever he thinks proper. He shall be responsible for all acts of his employés.

Treasurer.

SEC. 39. The Treasurer of such city and county shall receive and safely keep in a secure fire-proof vault, to be prepared for that purpose, all moneys belonging to or which shall be paid into the treasury, and shall not loan, use, or deposit the same or any part thereof to or with any banker or other person, nor pay out any part of said moneys except on demands authorized by this Act, and after they have been duly audited. He shall keep the key of said vault, and not suffer the same to be opened except in his presence. At the closing up of the same each day he shall take an account and enter in the proper book the exact amount of money on hand, and at the end of every month he shall make and publish a statement of all receipts into and payments from the treasury, and on what account. If he violates any of the provisions of this section he shall be considered a defaulter, and shall be deemed guilty of a misdemeanor in office, and be liable to removal, and shall be proceeded against accordingly. If he loan or deposit said moneys, or any part thereof, contrary to the provisions of this section, or apply the same to his own use, or the use of any other person, in any manner whatsoever, or suffer the same to go out of his personal custody, except in payment of audited demands upon the treasury, he shall be deemed guilty of a felony, and, on conviction thereof, shall suffer imprisonment in the State Prison for a period not less than three months nor more than ten years.

To keep
separate
funds.

SEC. 40. The Treasurer shall keep the money belonging to each fund separate and distinct, and shall in no case pay demands chargeable against one fund out of moneys belonging to another, except as otherwise provided in this Act, without an express ordinance of the Municipal Council, which can only be made during or after the end of the third quarter of the fiscal year, by a vote of two-thirds of each House. The said Treasurer shall give his personal attendance at his public office, during the office hours fixed by this Act, and if he absent himself therefrom, except on account of sickness or urgent necessity during such office hours, he shall lose his salary for the entire day on which he was absent.

County
Clerk.

SEC. 41. The County Clerk of such city and county shall take charge of and safely keep, or dispose of according to law, all books, papers, and records which are or may be filed or deposited in his office, and of all the Courts of which he is Clerk; and he shall not allow any paper, files, or records to leave his custody, except when required by the Judges of the Courts, to be used by them or any of them.

Judges, etc.,
not to make
orders for
delivery of
papers from
Clerk.

SEC. 42. No Judge or officer of any Court shall make any order for the delivery by the County Clerk of such city and county, of any paper, files, or records in his custody, except bills of exceptions and statements on motion for a new trial; nor shall the Courts, or Judges thereof, have any power to make orders for the delivery of any certificate of

incorporation, bonds, or other papers, filed with the said County Clerk. Whenever any of said papers are required for evidence in any of the Courts within such city and county, the County Clerk, or his deputies, shall produce the same, under subpoena or order of the Court, or furnish certified copies of the same on application, on payment to said Clerk for said copy, at the rate of ten cents per folio for each hundred words, which shall be paid into the city and county treasury by him.

SEC. 43. Neither the County Clerk nor any of his deputies shall be required to attend as witnesses, in their official capacities, outside of such city and county, except in criminal cases, unless his expenses be paid, at the rate of ten cents per mile, to and from the place where he may be required, and three dollars a day for each day's attendance. A sufficient number of deputies shall be assigned by him as Court-room Clerks, to the various Courts of which he is the official Clerk, while such Courts are in session, and to do duty in the office when such Courts are not in session. He shall transfer such deputies to duty in Court, or at his office, as the exigency of the service may require, so as to efficiently perform the work in the most economical manner possible.

Clerk, etc.,
not to
attend as
witnesses.

SEC. 44. On the commencement in or removal to the Superior Court of such city and county of any civil action or proceeding, he shall collect from the plaintiff, or party instituting such proceeding, or filing the first papers therein, the sum of one dollar, and pay over the same at the end of each month to the Treasurer of the Law Library provided for in this Act; and the payment of the sum of one dollar shall be a condition precedent to the commencement of such action or proceeding, for which sum so required to be collected he and his sureties shall be responsible on his official bond.

Fee for Law
Library.

SEC. 45. The Tax Collector, upon the final settlement to be made by him as such Tax Collector, according to the requirements of the law, shall be charged with, and shall pay into the hands of the Treasurer, the full amount of all taxes paid to him under protest or otherwise, or by him collected and not previously paid over, without any deduction of commissions, fees, or otherwise; he shall also be charged with and be deemed debtor to the treasury for the full amount of all taxes due upon the delinquent list, delivered to him for collection, unless it be made to appear that it was out of his power to collect the same by levy and sale of any property liable to be seized and sold therefor. If the impossibility to collect any portion of such delinquent taxes have resulted from such negligence or defects in such assessment caused by the willful misconduct of the Assessor, then the Assessor whose duty it was to make the assessment shall be liable and be deemed debtor to the treasury for the amount remaining uncollected for that cause.

Tax
Collector,
final settle-
ment of.

SEC. 46. There shall be elected by the qualified voters of such city and county, at the second general State election after the passage of this Act, and every four years thereafter,

Assessor,
election of.

an Assessor, who shall take office on the first Monday after the first day of January next following his election, and hold for the term of four years, and until his successor is elected and qualified. It shall be his duty to assess all taxable property within such city and county.

Term.

Sheriff to attend Courts.

SEC. 47. The Sheriff shall attend in person, or by deputy, all the Courts in and for such city and county, except the Police Courts. He shall obey the lawful orders and directions of such Courts, and in all other respects conform to the laws regulating Sheriffs in this State.

Recorder.

SEC. 48. The Recorder of such city and county shall have the custody of all books, records, maps, and papers deposited in his office. He or his chief deputy, when any papers are presented for registration, or to be copied, shall write on the margin of each paper so presented, the number of folios paid for, and shall, in his monthly return to the Treasurer, certify under oath the number of folios copied or registered by each deputy or copyist appointed by him; and such certificate of the Recorder, or his chief deputy, shall be conclusive evidence to authorize the Auditor to audit such certified accounts of such deputies or copyists monthly. He shall appoint as many copyists as he shall deem necessary to the proper discharge of the duties of his office, who shall be paid at the rate of twelve cents per folio of one hundred words for all matters registered or copied by them respectively.

District Attorney.

SEC. 49. The District Attorney is the public prosecutor, and shall be an attorney of the Supreme Court, and shall attend the Superior Court of this State, in and for such city and county, and such other Courts as may be hereafter established in and for the same, and conduct therein, on behalf of the people, all prosecutions for public offenses. He shall perform such other duties as are prescribed by law.

City and County Attorney.

SEC. 50. The City and County Attorney shall be an attorney of the Supreme Court, and shall prosecute and defend all suits and actions at law and in equity, and conduct all legal proceedings, in the Courts and elsewhere, necessary to preserve and protect such city and county's rights, whether such suits or proceedings be conducted in the name of such city and county, or in the name of others. He shall give legal advice to the city government, and all the officers, Boards, and departments thereof, when required so to do, and perform such other duties as such attorney as the Municipal Council shall from time to time prescribe. He shall keep in his office well bound books of registry, in which shall be entered and kept a register of all actions, suits, and proceedings in which such city and county is interested. Each outgoing City and County Attorney shall deliver such books and all other records, law reports, quarterly reports from Municipal Boards and officers, documents, statutes, papers, furniture, and property in his possession to his successor in office, who shall give him duplicate receipts therefor, one to be filed in the office of the Auditor, and one to be retained by the outgoing City and County Attorney.

Public Administrator.

SEC. 51. The Public Administrator of such city and county shall be subject to the orders of the Superior Court

in and for such city and county, and shall perform all the duties prescribed by law.

SEC. 52. The Coroner of such city and county, in addition to the duties imposed by law upon every Coroner, shall keep a record of all inquests held by him, with a copy of all testimony and the inquisition of the juries in full; and in case of loss of the original records, the same shall be admissible in evidence with like effect as the original would have been. He may appoint such deputies, and a messenger or messengers, as are allowed in this Act, or as may be hereafter allowed by the Municipal Council of such city and county. He shall receive no fees for any services rendered by him.

Coroner.

SEC. 53. The Superintendent of Streets shall keep a public office, in some convenient place, to be designated by the Municipal Council. His office shall be kept open as in this Act provided. He shall not, during his continuance in office, follow any other profession or calling, but shall be required to devote himself exclusively to the duties of his said office. He shall have under his special charge the construction, reconstruction, repairing, and cleansing of all public sewers, manholes, sinks, drains, cesspools, and of the public streets, highways, alleys, places, and squares, excepting the parks. It shall be his duty to see that the laws, orders, and regulations relative to the public streets and highways, alleys, places, and squares are carried into execution, and that the penalties therefor are rigidly enforced, as may be prescribed by the Municipal Council. He shall keep himself informed of the condition of all public streets, highways, alleys, places, and squares; and should he fail to see that the laws, ordinances, and regulations relating to the public streets, highways, alleys, places, and squares, are carried into execution, after notice from any citizen of a violation thereof, such Superintendent and his sureties shall be liable upon his official bond to any person injured in person or property by such official neglect.

Superintendent of Streets.

SEC. 54. The City and County Surveyor shall be Engineer-in-Chief of such city and county, and of the sewerage system; shall make all necessary plans, surveys, maps, and drawings, and other necessary things, and keep the same in his office; and all such maps, plans, machinery, and drawings shall be the property of such city and county, and remain in the office, and be transferred by the outgoing to the incoming officer. He shall do all necessary surveying and engineering for the streets, alleys, highways, and squares, at the request of the Municipal Council, or of any committee appointed by either branch of the same, and all and any other surveying and engineer work that such city and county may require, and of the public parks, at the request of the Park Commissioners.

City and County Surveyor.

SEC. 55. Within twenty days immediately prior to the first Monday in July, eighteen hundred and eighty-one, the Municipal Council of such city and county shall appoint a suitable person as Collector of Licenses of such city and county, who shall hold office for two years from and after his appointment,

Collector of Licenses, appointment of.

Vacancy.

and until his successor shall be appointed and qualified, and said appointee shall be the successor of any present incumbent, and the official term of such present incumbent shall terminate on said first Monday in July, eighteen hundred and eighty-one. In case of a vacancy occurring by death or otherwise in the office of the Collector of Licenses of such city and county, holding his office under the provisions of this Act, the same shall be filled for the remainder of the unexpired term by appointment of the Board of Aldermen; and in case of the inability of said Collector of Licenses to act, his place shall, in the same manner, be temporarily filled until such disability is removed. The Collector of Licenses and his deputies are hereby authorized, empowered, and required to collect all the municipal licenses now required to be collected, or which shall hereafter be required to be collected by them or either of them; and it shall be the duty of said Collector of Licenses, and his Deputies or Assistant Collectors, to attend to the collection of licenses, and examine all places of business and persons liable to pay licenses, and to see that licenses are taken out and paid for. They shall each have and exercise, in the performance of their official duties, the same powers as police-officers in serving process or summons and in making arrests; also, shall each have and exercise the power to administer such oaths and affirmations as shall be necessary in the discharge and exercise of their official duties; and they and each of them are hereby empowered to enter any place of business for which a license by law is provided and required, free of charge, at their pleasure, and to demand the exhibition of any license for the current time from any person, or firm, or corporation engaged or employed in the transaction of any business for which a license is by law rendered necessary; and if such person, or firm, or corporation, or either of them, shall be unable, or refuse, or neglect, or fail to then and there exhibit such license, he, she, or they, as the case may be, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished accordingly.

To pay
moneys to
Treasurer.

SEC. 56. The Collector of Licenses shall daily pay to the Treasurer of such city and county all moneys so collected for licenses sold, or by him received as fees; and shall, under oath, at least once in each calendar month, and oftener when required so to do by the Auditor, make to the Auditor a report of all such licenses sold and on hand, and of all amounts so paid to the City and County Treasurer; shall at such time exhibit to the Auditor all unsold licenses in his hands and the Treasurer's receipts for all moneys paid into the treasury; and all licenses so signed by the License Collector, or Deputy License Collector, or either of them, shall be as valid as if signed by the City and County Treasurer. All fees so paid to him shall be placed to the credit of the proper fund by the Treasurer.

Justices'
Court.

SEC. 57. There shall be in and for such city and county one Justices' Court, composed of six Justices of the Peace, which shall have the powers and jurisdiction prescribed and conferred by law upon Justices of the Peace and Justices' Courts in such city and county. All actions, suits, and pro-

ceedings whereof Justices of the Peace and Justices' Courts in such city and county have jurisdiction shall be commenced, entitled, and prosecuted in said Court. Such Court shall be always open, non-judicial days excepted, and causes therein may be tried before the presiding Justice, before any one of the Justices before whom the original process may be made returnable, or to whom the cause may be assigned or transferred for trial.

SEC. 58. The Board of Aldermen shall appoint one of the Justices of the Peace to be presiding Justice, who, as such, shall hold office until his successor shall in the same manner be appointed; and any one of the other Justices may attend, preside, and act as presiding Justice during the temporary absence or disability of the Justice so appointed. The Board of Aldermen, within ten days after its organization as such Board, shall appoint a Justices' Clerk, who shall hold office during the pleasure of the appointing power. The Clerk shall take the constitutional oath of office, and give bond, with at least two sufficient sureties, to be approved in the same manner as the official bond of other officers of such city and county, in the sum of not less than fifteen thousand dollars, payable to the city and county, conditioned for the faithful discharge of the duties of his office, and well and truly to account for and pay into the treasury of such city and county, as required by law, all moneys by him collected or received, and by law designated for that use. A new or additional bond may be required by the Municipal Council whenever it deems it necessary; and on failure to furnish such new or additional bond within five days after it shall be required, the office shall become vacant. The Justices' Clerk shall have authority to administer oaths, and take and certify affidavits in any action, suit, or proceeding in all Courts in such city and county, and to appoint two Deputy Clerks, for whose acts he shall be responsible on his official bond; the said Deputy Clerks to hold office during the pleasure of said Clerk. Said Deputy Clerks shall have the same power as the said Clerk, except that of appointment.

SEC. 59. The Municipal Council of such city and county shall provide, in some convenient locality in the city and county, a suitable office, or suite of offices for said presiding Justice, Justices' Clerk, Deputy Clerk, and Deputy Sheriff, and offices suitable for holding sessions of said Court, and separate from one another, for each of said Justices of the Peace, together with attendants, furniture, fuel, lights, and stationery, sufficient for the transaction of business; and if they are not provided, the Court may direct the Sheriff to provide the same, and the expenses incurred, certified by the Justices to be correct, shall be a charge against the city and county treasury, and paid out of the General Fund thereof. The said Justices, Justices' Clerk, and Deputy Clerk, shall be in attendance at their respective offices for the dispatch of official business daily, from the hour of nine o'clock A. M. until five o'clock P. M.

SEC. 60. All legal process of every kind in actions, suits, or proceedings in said Justices' Court, for the issue or service of

Presiding Justice, appointment of.

Justices' Clerk.

Bond.

To administer oaths.

To provide offices for Justices, etc.

Fees, etc., Justices' Courts.

which any fee is or may be allowed by law, shall be issued by the said Justices' Clerk, upon the order of the presiding Justice, or upon the order of one of the Justices of the Peace, acting as presiding Justice, as in this Act provided; and the fees for issuance and service of all such process, and all other fees which are allowed by law for any official services of Justices, Justices' Clerk, or Sheriff, shall be exacted and paid in advance into the hands of said Clerk, and be by him daily, weekly, or monthly, as the Municipal Council may require, and before his salary shall be allowed, accounted for in detail, under oath, and paid into the treasury of such city and county as part of the Special Fee Fund thereof; *provided*, that such payment in advance shall not be exacted from parties who may prove, to the satisfaction of the presiding Justice, that they have good cause of action, and that they are not of sufficient pecuniary ability to pay the legal fees; and no judgment shall be rendered in any action before said Justices' Court, or any of said Justices, until the fees allowed therefor, and all fees for previous services therein, which are destined to be paid into the treasury, shall have been paid, except in cases of poor persons as hereinbefore provided.

Sheriff ex officio officer of said Court.

SEC. 61. The Sheriff of such city and county shall be ex officio an officer of said Court, and it shall be his duty to serve or execute, or cause to be served and executed, each and every process, writ, or order that may be issued by said Justices' Court; *provided*, that a summons issued from said Court may be served and returned as provided in section eight hundred and forty-nine of the Code of Civil Procedure; and that subpoenas may be issued by the Justices' Clerk, and served as provided in sections nineteen hundred and eighty-seven and nineteen hundred and eighty-eight of the Code of Civil Procedure. The said Sheriff may appoint, in addition to the other deputies allowed by law, three deputies, whose duty it shall be to assist said Sheriff in serving and executing the process, writs, and orders of the said Justices' Court. Said deputies shall receive a salary of not to exceed one hundred and twenty-five dollars per month each, payable monthly, out of the city and county treasury, and out of the Special Fee Fund, after being first allowed and audited as other demands are by law required to be audited and allowed. One of said deputies shall remain in attendance during the sessions of said Court, and at such other times as the said Court or the presiding Justice thereof may order and direct, for the purpose of attending to such duties as may be imposed on said Sheriff or said deputies, as herein provided or required by law. The said Sheriff shall be liable on his official bond for the faithful performance of all duties required of him, or any of his said deputies.

Appointment of deputies.

Title of actions, etc., in Justices' Court.

SEC. 62. All actions, suits, and proceedings in such city and county, whereof Justices of the Peace or Justices' Courts have jurisdiction, except those cases of concurrent jurisdiction that may be commenced in some other Court, shall be entitled: "In the Justices' Court of the City and County of —," (inserting the name of the city and county), and commenced and prosecuted in said Justices' Court, which shall

be always open. The original process shall be returnable, and the parties summoned required to appear before the presiding Justice, or before one of the other Justices of the Peace to be designated by the presiding Justice, at his office; but all complaints, answers, and other pleadings and papers required to be filed, shall be filed, and a record of all such actions, suits, and proceedings made and kept in the Clerk's office aforesaid; and the presiding Justice, and each of the other Justices, shall have power, jurisdiction, and authority to hear, try, and determine any action, suit, or proceeding so commenced, and which shall have been made returnable before him, or may be assigned or transferred to him, or any motion, application, or issue therein (subject to the constitutional right of trial by jury), and to make any necessary and proper orders therein.

SEC. 63. In case of sickness or disability, or absence of a Justice of the Peace (on the return of a summons, or at the time appointed for trial) to whom a cause has been assigned, the presiding Justice shall reassign the cause to some other Justice, who shall proceed with the trial and disposition of said cause in the same manner as if originally assigned to him; and if, at any time before the trial of a cause or matter returnable or pending before any of said Justices, either party shall object to having the cause or matter tried before said Justice, on the ground that such Justice is a material witness for either party, or on the ground of the interest, prejudice, or bias of such Justice, and such objection be made to appear in the manner prescribed by section eight hundred and thirty-three of the Code of Civil Procedure, the said Justice shall suspend proceedings, and the presiding Justice, on motion and production before him of the affidavit and proofs, shall order the transfer of the cause or matter for trial before some other Justice, to be designated by him. The presiding Justice may, in like manner, assign or transfer any contested motion, application, or issue in law, arising in any cause returnable or pending before him or any other Justice, to some other Justice, and the said Justice to whom any cause, matter, motion, application, or issue shall be so as aforesaid assigned or transferred, shall have power, jurisdiction, and authority to hear, try, and determine the same accordingly.

SEC. 64. Cases which by the provisions of law are required to be certified to the Superior Court, by reason of involving the question of title or possession real property, or the legality of any tax, impost, assessment, toll, or municipal fine, shall be so certified by the presiding Justice and Justices' Clerk; and for that purpose, if such question shall arise on the trial while the case is pending before one of the other Justices, such Justice shall certify the same to the presiding Justice. All abstracts and transcripts of judgments and proceedings in said Court, or in any of the dockets or registers of or deposited in said Court, shall be given and certified from any of such dockets or registers, and signed by the presiding Justice and Clerk, and shall have the same force and effect as abstracts and transcripts of Justices of the Peace in other cases. Appeals from judgments rendered in said

Reassign-
ment of
cause in case
of absence,
etc.

Cases to be
certified by
presiding
Justice and
Clerk.

Appeals.

Court shall be taken and perfected in the manner prescribed by law, and the notice of appeal and all papers required to be filed to perfect it, shall be filed with the Justices' Clerk. Statements on appeal shall be settled by the Justice who tried the cause. Sureties on appeal, or on any bond or undertaking given in any cause or proceeding in said Court, when required to justify, may justify before any one of the Justices.

Jurisdiction.

SEC. 65. The jurisdiction of the Justices' Court of such city and county extends to the limits of the city and county, and its process may be served in any part thereof.

Justice to aid
presiding
Justice when
demanded.

SEC. 66. The presiding Justice, whenever in his judgment the prompt dispatch of business shall demand it, may require the aid of one of the Justices of the Peace in the discharge either of his own duties or those of the Justices' Clerk (the collection of fees, accounting for and paying the same into the treasury excepted), and each of the Justices, when so required, shall, for the purpose, have the same power and authority as the presiding Justice or Clerk in whose aid he shall act; and any one of the Justices, when required as aforesaid, may act as a Justices' Clerk pro tempore during the temporary absence or disability of such Clerk, with the same powers, duties, and responsibilities.

Justices'
docket.

SEC. 67. In a suitable book, strongly bound, the Justices' Clerk shall keep a permanent record of all actions, proceedings, and judgments commenced, had, or rendered in said Justices' Court, which book shall be a public record, and be known as the "Justices' Docket," in which docket the Clerks shall make the same entries as are provided for in section nine hundred and eleven of the Code of Civil Procedure, and which said docket and entries therein shall have the same force and effect as is provided by law in reference to dockets of Justices of the Peace. To enable the Clerk to make up such docket, each of the Justices shall keep minutes of his proceedings in every cause returnable before or assigned or transferred to him for trial or hearing; and upon judgment or other disposition of a cause, such Justice shall immediately certify and return the said minutes, together with all pleadings and papers in said cause, to the Clerk's office, who shall immediately thereupon file the same, and make the proper entries under the title of the action in the docket aforesaid.

Justices'
Court, how
governed.

SEC. 68. The Justices' Court and the Justices of the Peace of every such city and county shall be governed in their proceedings by the provisions of law regulating proceedings before Justices of the Peace, so far as such provisions are not altered or modified in this Act, and the same are or can be made applicable in the several cases arising before them. The Justices' Court of such city and county shall have power to make rules not inconsistent with the Constitution and laws for the government of such Justices' Court and the officers thereof; but such rules shall not be in force until thirty days after their publication; and no rule shall be made imposing any tax or charge on any legal proceeding, or giving any allowance to any Justice or officer for services.

SEC. 69. All actions and proceedings pending and unde- Actions, etc., of prior Court to be continued.
 termined before the Justices' Court of said city and county at the time of its organization under this Act, shall be proceeded in, heard, and determined before the Court herein provided for, and execution shall be issued thereon, and other proceedings had therein, whether before or after judgment, whether on appeal or otherwise, and the Court provided for under this Act shall be deemed to be a continuation of the same Court before existing, and not a new Court.

SEC. 70. It shall not be lawful for any Justice of the Peace, Not to act as attorneys.
 the Justices' Clerk, or the Sheriff, or any of his deputies, of such city and county, to appear or advocate, or in any manner act as attorney, counsel, or agent for any party or person in any cause, or in relation to any demand, account, or claim pending, or to be sued or prosecuted before said Justices, or any of them, or which may be within their jurisdiction. A violation of the provisions of this section shall be deemed a misdemeanor in office.

SEC. 71. No person, other than an attorney at law, duly Who admitted to practice in.
 admitted and licensed to practice in Courts of record, shall be permitted to appear as attorney or agent for any party in any cause or proceeding before said Justices, or any of them, unless he produce a sufficient power of attorney to that effect, duly executed and acknowledged before one of said Justices, or before some other officer authorized by law to take acknowledgment of deeds; which power of attorney, or a true copy thereof, duly certified by one of the Justices aforesaid (who, on inspection of the original, shall attest to its genuineness), shall be filed among the papers in such cause or proceeding.

SEC. 72. If, at the time of the organization of such city Appoint- ment of Justices.
 and county, under this Act, there shall not be the complement of Justices of the Peace provided for in this Act, the Municipal Council of such city and county shall appoint a suitable person or persons to fill such complement, and the person or persons so appointed shall hold office from his or their appointment, and until his or their successor or successors is or are elected or appointed and qualified.

SEC. 73. The Police Court of such city and county shall Police Court, jurisdiction of.
 have jurisdiction:

First—Of an action or proceeding for the violation of any ordinance of such city and county.

Second—Of proceedings respecting vagrants and disorderly persons.

SEC. 74. The Police Court shall have jurisdiction of the following public offenses committed in such city and county:

First—Petit larceny, receiving stolen property, when the amount involved does not exceed fifty dollars.

Second—Assault or battery, not charged to have been committed on a public officer in the discharge of his duties, or with intent to kill.

Third—Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine not exceeding one thousand dollars, or by imprison-

ment not exceeding one year, or by both such fine and imprisonment.

Fourth—Said Court shall have jurisdiction of proceedings for security to keep the peace, and also, throughout such city and county, the same powers and jurisdiction in other criminal actions, cases, and proceedings as are now or hereafter may be conferred by law upon Justices of the Peace or Justices' Courts. The Justices of the Peace within the limits of such city and county shall not have power to try and decide any cases of the classes mentioned in this section, except as hereinafter provided, nor to hold inquests in cases of fire.

Powers of.

SEC. 75. The said Court shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the Superior Court, and may try, condemn, or acquit, and carry its judgment into execution, as the case may require, according to law, and shall have power to issue warrants of arrest, subpoenas, and all other process necessary to the full and proper exercise of his power and jurisdiction. All fines imposed by the Police Court, not exceeding twenty dollars, exclusive of costs, shall be final and without appeal.

Contempts.

SEC. 76. The said Court may punish contempts in the same manner and to the same extent as Superior Courts, and the laws concerning contempts applicable to Superior Courts and Judges shall be applicable to said Police Court and Judge.

Fines.

SEC. 77. All fines imposed by the Police Court shall be paid into the treasury of such city and county, except in cases of prosecutions in behalf of the societies for the prevention of cruelty to children and animals. In cases where, for any offense, the said Court is authorized to impose a fine, or imprisonment in the County Jail, or both, it may, instead, sentence the offender to be employed in labor on the public works, or in the House of Correction, or Work-house, as the Municipal Council may prescribe, for a period of time equal to the term of imprisonment which might legally be imposed, and may, in case a fine is imposed, embrace as a part of the sentence, that, in default of payment thereof, the offender shall be obliged to labor on said works, at said House of Correction, or Work-house, or elsewhere, at the rate of one dollar a day, till the fine imposed is satisfied.

Clerk of
Police Court.

SEC. 78. The Police Court shall have a Clerk, to be appointed by the Board of Aldermen, who shall hold office during the pleasure of such Board. The Clerk shall keep a record of the proceedings of and issue all process ordered by said Court, and receive and pay weekly into the treasury of such city and county all fines imposed by said Court. He shall render to the City and County Auditor monthly, and before any amount can be paid to him on account of his salary, an exact and detailed account upon oath, accompanied with an exhibition of said record of all fines imposed and moneys collected since his last account rendered. He shall prepare bonds, justify and accept bail, when the amount has been fixed by the Police Judge or Court, in cases not

exceeding one thousand dollars; and he shall fix, justify, and accept bail after arrest, in the absence of the Police Judge, in all cases not amounting to a felony, in the same manner and to the same effect as though the same had been fixed by the Police Judge or Court. The Clerk shall remain at the Court-room of said Court during the hours required by law, and during such reasonable hours thereafter as may be necessary for discharging his said duty. He shall make a full sworn settlement with the Auditor and Treasurer once a week, filing an affidavit with such officers of its correctness; which affidavit shall show all the facts, and that no funds remain in his hands. Any violation of this provision shall be deemed a misdemeanor in office, and vacate the office, and such delinquency shall be reported by the Treasurer and Auditor to the Municipal Council who shall appoint another person to fill the place forthwith. He shall take the constitutional oath of office, and give bonds with at least two sufficient sureties, to be approved in the same manner as the official bonds of other officers of such city and county, in the sum of at least ten thousand dollars, payable to such city and county, conditioned for the faithful performance and discharge of the duties of his office, and well and truly to account for and pay into the treasury of such city and county, as required by law, all moneys by him collected or received and by law designated for that use. A new and additional bond may be required by the Board of Aldermen whenever it may deem it necessary, and on failure to furnish such new and additional bond, within five days after it shall be required, the office shall become vacant. The said Clerk shall have authority to administer oaths, and take and certify affidavits in any action, suit, or proceeding in any Court in and for such city and county, and to appoint a Deputy Clerk, for whose acts he shall be responsible on his official bond; the said Deputy Clerk to hold office during the pleasure of said Clerk.

SEC. 79. When, in the opinion of the Police Judge, from any cause, it shall be necessary that the business of the Police Court should be tried and disposed of by another Judge, at his request one of the Justices of the Peace in this Act provided for, other than the presiding Justice of the Justices' Court, shall hold said Police Court, for the purpose of trying such cases as shall be by said Police Judge awarded to him to try; and such Justice may try and dispose of such cases so awarded at any time, except on non-judicial days, whether said Police Judge shall be engaged in trying cases in said Police Court or not; and the Municipal Council shall provide suitable rooms in such city and county, in which such Justice shall try cases so awarded to him to try.

When Justice may act as Police Judge.

SEC. 80. In the absence or disability of said Police Judge, any of the Justices of the Peace other than the one to whom shall be awarded cases for trial as aforesaid, shall be designated by the presiding Justice of the Justices' Court, and shall during such absence or disability of said Police Judge per-

Absence of Police Judge, who may act.

form all the duties of such Judge, including the awarding of cases as aforesaid.

Prosecuting
Attorney of
Police
Court.

SEC. 81. There shall be appointed by the Board of Aldermen, an attorney and counselor of the Supreme Court of this State; as Prosecuting Attorney of the Police Court, who shall hold office during the pleasure of said Board. The said Prosecuting Attorney shall have authority to appoint two assistants, who shall be attorneys and counselors of said Supreme Court. The Prosecuting Attorney and his assistants shall each take the constitutional oath of office, and give bonds, with at least two sureties, to be approved in the same manner as the official bonds of other officers of such city and county, in the sum of at least three thousand dollars, payable to such city and county, conditioned for the faithful discharge of the duties of their office.

Who may
practice in.

SEC. 82. No person other than an attorney at law, duly admitted and licensed to practice in Courts of record, shall be admitted to practice as attorney or agent for any party in any cause or proceeding before said Police Court.

Compensa-
tion, etc., not
increased
during term.

SEC. 83. The compensation or salary of any officer provided for in this Act shall not be increased or reduced after his election or during his term of office, and nothing in this Act shall in any manner affect the salary of any officer in office at the time the same shall take effect, except that there shall be no increase thereof.

Salaries, how
paid.

SEC. 84. The salaries of the officers, clerks, deputies, or employes of such city and county, except as otherwise in this Act provided, shall be as follows, and payable in monthly installments at the end of each and every month, viz.:

Mayor,
salary of;
may appoint
a Clerk.

First—The salary of the Mayor shall be three thousand dollars per annum; he may appoint a Clerk, to be known as the Mayor's Clerk, whose salary shall be one thousand eight hundred dollars per annum.

Sheriff, etc.,
salaries of.

Second—The salary of the Sheriff shall be six thousand dollars per annum; he may appoint one Under Sheriff, whose salary shall be two thousand four hundred dollars per annum; one Book-keeper, whose salary shall be two thousand four hundred dollars per annum; he may appoint twenty-five Deputies, each of whom shall receive a salary of one thousand six hundred dollars per annum, one of which said deputies shall be assigned to and perform the duties of Assistant Book-keeper; sixteen Deputies, whose salaries shall be one thousand five hundred dollars per annum; one counsel, who shall be an attorney of the Supreme Court of the State, whose salary shall be one thousand eight hundred dollars per annum; one Matron, whose salary shall be nine hundred dollars per annum; one driver of prison wagon, whose salary shall be nine hundred dollars per annum.

Auditor, etc.;
salaries of.

Third—The salary of the Auditor shall be three thousand dollars per annum; he may appoint one Deputy, whose salary shall be twenty-four hundred dollars per annum, and two Clerks, at a salary of one thousand six hundred dollars per annum each.

Treasurer,
etc., sala-
ries of.

Fourth—The salary of the Treasurer shall be three thousand dollars per annum; he may appoint one Chief Deputy,

whose salary shall be twenty-four hundred dollars per annum, and one Deputy, whose salary shall be two thousand one hundred dollars per annum.

Fifth—The salary of the Tax Collector shall be three thousand dollars per annum; he may appoint one Chief Deputy, one Cashier, each of whom shall receive a salary of two thousand dollars per annum, and ten permanent Deputies, whose salary shall be one thousand six hundred dollars per annum each.

Tax Collector, etc., salaries of.

Sixth—The salary of the Assessor shall be three thousand dollars per annum; he may appoint one Chief Office Deputy, one Chief Field Deputy, and one head Draughtsman, each of whom shall receive a salary of two thousand dollars per annum; an Assistant Draughtsman, who shall receive a salary of eighteen hundred dollars per annum; and eleven office Deputies, each of whom shall receive a salary of one thousand eight hundred dollars per annum. He may also appoint such additional deputies as may be allowed by the Municipal Council, at salaries not to exceed five dollars per day each for such time as they may be employed.

Assessor, etc., salaries of.

Seventh—The salary of the Recorder shall be three thousand dollars per annum; he may appoint one Chief Deputy, whose salary shall be twenty-four hundred dollars per annum, and two Deputies, each of whom shall receive a salary of one thousand eight hundred dollars per annum; also, two Porters, who shall perform the duties of Watchmen, each of whom shall receive a salary of nine hundred dollars per annum.

Recorder, etc., salaries of.

Eighth—The salary of the County Clerk shall be three thousand dollars per annum; he may appoint deputies as follows: One Chief Deputy, whose salary shall be two thousand four hundred dollars per annum; twelve Court-room Clerks, twelve Registry Clerks, each of whom shall receive a salary of twenty-one hundred dollars per annum; twelve Assistant Registry Clerks, each of whom shall receive a salary of one thousand six hundred dollars per annum; and twelve Copyists, each of whom shall receive a salary of one thousand six hundred dollars per annum; and such County Clerk, when the exigencies of his office shall require, may, in his discretion, employ such additional copyists as shall be necessary, at a compensation not to exceed three dollars per day for the days of actual service; *provided*, said number shall not exceed at any one time three copyists for each Judge of the Superior Court, to be paid from the treasury in the same manner as the salaries herein provided for are to be paid.

County Clerk, etc., salaries of.

Ninth—The salary of the District Attorney shall be four thousand dollars per annum; he may appoint two Assistants, who shall be attorneys of the Supreme Court of this State, each of whom shall receive a salary of twenty-four hundred dollars per annum, and two Clerks, who shall be attorneys of the Supreme Court of the State, each of whom shall receive a salary of fifteen hundred dollars per annum.

District Attorney, etc., salaries of.

Tenth—The salary of the City and County Attorney shall be four thousand dollars per annum; he may appoint two

City and County Attorney, etc., salaries of.

Assistants, who shall be attorneys of the Supreme Court of this State, each of whom shall receive a salary of twenty-four hundred dollars per annum; and one Copyist, who shall receive a salary of nine hundred dollars per annum.

Coroner, etc.,
salaries of.

Eleventh—The salary of the Coroner shall be three thousand dollars per annum; he may appoint two Deputies, one to act as first Deputy, whose salary shall be one thousand six hundred dollars per annum, the other to act as second Deputy, and whose salary shall be one thousand five hundred dollars per annum; and one Messenger, to take charge of the dead wagon, and perform such other duties as are required by the Coroner or his deputies. The salary of the Messenger shall be nine hundred dollars per annum.

Superintendent of
Streets, etc.,
salaries of.

Twelfth—The salary of the Superintendent of Streets shall be three thousand dollars per annum; he may appoint twenty Deputies; three of said Deputies shall receive a salary of two hundred dollars per month each, and seven of said Deputies shall receive a salary of one hundred and fifty dollars per month each, and ten of said Deputies shall receive a salary of one hundred and twenty-five dollars per month each.

Surveyor,
etc., salaries
of.

Thirteenth—The salary of the City and County Surveyor shall be three thousand dollars per annum; he may appoint as many deputies, not to exceed four, as the Municipal Council shall from time to time determine are necessary, who shall receive such compensation as such Municipal Council shall provide, not to exceed the sum of five dollars per day when actually employed.

Superintendent of
Schools,
salary.
Police Judge,
salary.

Fourteenth—The salary of the Superintendent of Schools shall be three thousand dollars per annum.

Fifteenth—The salary of the Police Judge shall be four thousand dollars per annum.

Prosecuting
Attorney,
Police
Court, etc.,
salaries of.

Sixteenth—The salary of the Prosecuting Attorney of the Police Court shall be twenty-four hundred dollars per annum, and his two Assistants shall each receive a salary of one thousand five hundred dollars per annum.

Justices,
salaries.

Seventeenth—The salary of the presiding Justice of the Justices' Court shall be three thousand dollars per annum, and each of the other Justices of the Peace shall receive a salary of two thousand four hundred dollars per annum.

Clerk,
Justices
Court,
salary.

Eighteenth—The salary of the Clerk of the Justices' Court shall be two thousand four hundred dollars per annum; his two Deputies shall each receive a salary of one thousand two hundred dollars per annum.

Collector of
Licenses, etc.,
salaries of.

Nineteenth—The salary of the Collector of Licenses shall be three thousand dollars per annum; he may appoint one Chief Deputy, who shall receive one thousand eight hundred dollars per annum, and twelve Deputies, who shall receive a salary of one thousand five hundred dollars per annum each.

Election
Commissioner, etc.,
salaries of.

SEC. 85. The salary of the Election Commissioner shall be three thousand dollars per annum; he may appoint one Deputy, who shall receive a salary of one thousand eight hundred dollars per annum; and the Board of Election Directors may appoint such other Deputies and Clerks as

may be necessary, who shall receive such compensation as such Board shall fix therefor.

SEC. 86. The conduct, management, and control of elections, and matters pertaining to elections, in such city and county, shall be vested in a committee of five members, three of whom shall be chosen by and from the Board of Aldermen, and two of whom shall be chosen by and from the House of Delegates, which committee shall be and be known as the Board of Election Directors, which Board shall have the direction, charge, and supervision of all matters pertaining to elections; and the Election Commissioner, hereafter provided for, shall be ex officio Secretary of said Board, and shall give advice and information to said Board when required by them so to do.

Election
Directors.

SEC. 87. The Board of Election Directors shall, on or before the first day of July preceding each general election, divide such city and county into election precincts, of which there shall be so many as shall be sufficient to make the number of votes polled at any one election precinct to be not more than three hundred nor less than two hundred, as near as can be ascertained, and arranged, using streets and avenues as boundaries, preserving, as near as practicable, the numerical designation of the precinct as known in each ward and senatorial district in the preceding precinct division.

Election
precincts,
how formed.

SEC. 88. The person acting as Registrar of Voters for such city and county at the time of the passage of this Act shall perform the duties of the Election Commissioner, as prescribed by this Act, and he shall hold the office of Election Commissioner of such city and county during the pleasure of the appointing power. In case of vacancy in the office of Election Commissioner, by removal or otherwise, the Governor shall, by appointment, fill such vacancy. The Municipal Council shall provide a suitable office for said Election Commissioner, and such allowance for stationery, printing, and incidental expenses as shall be necessary. The Election Commissioner shall give bond, with at least two sureties, in the sum of ten thousand dollars, conditioned for the faithful performance of his duty, and the duties of his deputies and clerks, which bond shall be approved in the same manner as other bonds.

Registrar of
Voters to be
Election
Commissioner.

Bond.

SEC. 89. The Election Commissioner, when appointed and qualified, shall be clothed with all the powers, discharge all the duties, and be liable to all the obligations and official consequences belonging to, discharged by, or resting upon the County Clerk of counties in other cases, with respect to the registration of voters and other matters pertaining to elections in such city and county under the provisions of the Political Code of this State, so far as the same are not annulled by this Act. All officers or persons in such city and county heretofore exercising any duties in reference to registration of votes or elections, upon demand shall transfer and deliver to said Election Commissioner all registers, records, books, documents, and things belonging or in anywise appertaining to the registration of voters, or other election matters in such city and county; *provided*, the County Clerk shall continue

Duties of.

to administer oaths of office, issue certificates of election, and act in matters of election contest, as prescribed by the Political Code; and the Registrar shall file with the County Clerk a certificate of the official canvass of elections, as prescribed by law in such cases.

Registration. SEC. 90. The said Election Commissioner shall be in attendance, except when absent on official duties, and keep his office open for business every day in the year (Sundays and legal holidays excepted), from nine o'clock A. M. till five P. M. It shall be unlawful for the Election Commissioner, his deputy, or clerks, to register citizens at other times or in other places than his office, as provided by law. All registration of voters must be done where the public may have easy access, without disturbing, or interfering, or retarding an honest execution of the law. The Commissioner and his deputy, as well as clerks, not to exceed eight in number, engaged in the registration of voters, and the Board of Election Directors, as well as the Boards of Precinct Registration appointed by said Board, shall have power to administer oaths and affirmations in all matters touching elections, the duties of their offices, and the registration of voters, or inquiry into their qualifications.

Registration. SEC. 91. The Election Commissioner shall constantly inform himself by examination and inquiry as to the condition of the Precinct Registers, and the legality of the names therein or demanding to be placed thereon, and shall see that none but legal voters are registered. Should the Election Commissioner have reason to believe that any name or names upon the Precinct Register is improperly or illegally there, it shall be his duty forthwith to send a written or printed notice, by postal card or otherwise, to such person, directing the same to his address, as found in the directory, or in case his name is not in the directory, then the address of such person opposite the name on the register on the last preceding election at which such name was voted, requiring such person to show cause before the Board of Election Directors why said Directors shall not cancel such name. If such person fail for five days to appear and establish the legality of such name on the day fixed for the hearing, and on the certificate of the Election Commissioner that notice and publication in accordance herewith has been made, the Board shall inquire into the case, and if it appears to the satisfaction of the Board, that such name is improperly upon the Precinct Register, then said Board shall make and enter an order directing the Election Commissioner to cancel such name or names; but the parties may appear before said Board, at the hearing, and show cause against said order; and if the Board finds them properly registered, or entitled to registry, an order shall be made accordingly, which shall be final. The Board may designate any one of the Directors to hear and determine such matters.

Hearing.

To keep list
of deaths,
removals,
etc.

SEC. 92. The Election Commissioner shall keep in his office a list of all deaths occurring in such city and county of adult males, as well as the deaths of such citizens as may come to his knowledge who may die elsewhere, to be alpha-

betically arranged for convenience of reference. Also, all removals or changes of residence, so far as he can learn the same, and commitments to prisons and insane asylums, with time and place, as well as such other information as shall be found useful and within his reach. It shall be the duty of all Clerks of Courts, prison keepers, health officers, and all other public officers, and others, on demand, to furnish to said Election Commissioner certified statements of such official facts within their knowledge necessary to obtain information in and about his said duty.

SEC. 93. The Election Commissioner, under and subject to the rules of the Board, must take charge of the business of placing the election officers, and at the last moment, when it is too late to call the Board together to fill vacancies, may select and appoint election officers for said purpose. Should any election officer fail to appear at the opening of any election, or at any time during the progress thereof, the officers in attendance may, subject to such rules as the Board of Election Directors shall provide, fill up the same by appointing any competent citizen from the political party to which the person whose position has been vacated belongs. Any person refusing to serve when so appointed, shall be liable to all the pains and penalties of this Act.

To take charge of election of officers.

SEC. 94. The registration of voters, counting of votes or ballots, and all proceedings connected therewith, shall be in public, and citizens of orderly and good conduct shall have free ingress and egress to and from the place where the same is being done. Any election officer, or other person, who shall hinder or impede any citizen in his right to free entrance to the polling place, and to observe and watch the counting of votes or ballots, shall be deemed guilty of a misdemeanor, and, on conviction, punished accordingly.

Proceedings to be public.

SEC. 95. It is hereby made the duty of any and all voters in such city and county (persons holding office or employment under the United States, the State of California, or such city and county, or any of its departments, excepted) to serve as Judges, Inspectors, and Clerks, or other officers of election, whenever required to do so under the provisions of this Act.

Who shall serve as officers of election.

SEC. 96. It shall be the duty of the Election Commissioner to obtain from the property tax list and registers of voters of such city and county, the names of the resident citizens of said city and county possessing the necessary qualifications to act as Judges, Inspectors, and Clerks of Election, taking care to select persons of good reputation and character, and have the same placed in a book, so as readily to refer to the places of residence, and the precinct in which they vote. He shall take care that said list shows the names and residences of all property taxpayers who reside in such city and county, and who are voters, and shall ascertain, as nearly as he can, the capabilities of such voters to act as election officers.

To obtain list of citizens qualified to act as officers.

SEC. 97. Said Board of Election Directors shall select all election officers provided for by law for such city and county, and shall appoint them to their respective places, who must

Election Directors to select election officers.

be registered voters, and able to read, write, and speak the English language understandingly. They shall have the power to make any regulations and rules for the appointment or selections they may deem advisable, so as to secure integrity, impartiality, and capacity for the work to be done; and if the list furnished them by the Election Commission does not contain a sufficiency of names of respectable and fit persons for election officers, they must take measures to secure the names of proper persons, citizens, and voters of such city and county, and to fill up all appointments hereinafter provided; *provided*, that in selecting election officers the Directors shall take care to select, as nearly as possible, an equal number of persons of opposite political faith and opinions to serve at each precinct.

Compensation.

SEC. 98. Each election officer under this Act shall be entitled to receive for his services the sum of three dollars per day while actually engaged in said work of receiving and counting votes, to be paid out of the treasury of such city and county, in the manner provided by law for the payment of such service, and no more; *provided*, that said Board of Directors may, in their discretion, raise the compensation of Clerks for tallying, writing, and other matters requiring special skill and qualifications, to such sum as they shall find necessary to secure such service, but not to exceed four dollars per day; *provided*, that such increased compensation shall, under no circumstances, be allowed to any Judge or Inspector; *and provided further*, that no person holding any office or employment under the United States, the State of California, or such city and county, or any of its departments, nor any candidate for office, or who shall have been either thereof within ninety days, shall be eligible to or allowed to serve as an election or registration officer, Clerk, or in any manner whatsoever at an election; *provided*, that the members of the Precinct Registration Boards shall receive for their services while acting upon the Precinct Registers, the sum of forty dollars each in full for such service, and no more.

Eligibility.

Notice of appointment.

SEC. 99. Each and every person selected by the Board of Election Directors shall be notified by the Election Commissioner of the fact of his appointment; such notice shall be in writing, or printed, and shall have printed thereon a copy of this section, and may be served by postal card or otherwise. Such person so notified shall appear within the time fixed in the notice, but which shall not be less than five days, before the Election Commissioner, and at least one of the Directors, for the purpose of examination, and if found qualified shall, unless excused by said Director by reason of ill health, or other good and sufficient cause, be bound to serve as such officer for the term of one year from the date of his appointment, unless previously excused or dismissed by the Board; and in case of neglect or refusal to comply with the above mentioned requirements, or to serve or act, shall be liable to a penalty of five hundred dollars, recoverable by civil action in any Court of competent jurisdiction in the name of such city and county; and when collected

Penalty.

shall be paid into the treasury for the benefit of the proper fund. And a failure on the part of any such person to present himself for examination, and to comply with any of the requirements of this Act, preliminary to receiving his certificate of appointment, within the time prescribed, or to attend on the day of registration, or revision, or examination of registration, or the day of any election during said term, unless prevented by sickness or other sufficient cause, shall be deemed a refusal within the meaning of this section.

SEC. 100. The registration of electors in such city and county shall be done by election or voting precincts. The provisions of the Political Code requiring the keeping of a Great Register and Ward Registers shall not be applicable to such city and county. The provisions of said Code as to making and keeping the Great Register, and as to the Ward Registers, and the manner of entering names therein, and the substance and contents of said entries, and the alterations, changes, and cancellations thereof, as well as the proceedings and proof to enable voters to be registered in said Great Register and Ward Registers, and all matters relating thereto, so far as the same are not in conflict or inconsistent with the provisions of this Act, shall be applicable to the Precinct Registers of such city and county. And said Precinct Registers shall be used at all elections, and no person shall vote at any election except he be legally registered upon the Precinct Register of the precinct in which he is a qualified voter and where he offers to vote.

Registration,
how done.

SEC. 101. The registration of electors in the Precinct Registers in such city and county, shall take place previous to each general election, as herein provided, and an elector properly enrolled therein, without being again enrolled, may, if he has not removed from such precinct, vote at the general election ensuing his registration, and at all special elections between said general election and the next general election, but not afterwards until re-registered according to law.

When to
take place.

SEC. 102. In addition to the matters required by the Political Code to be entered in the register, the Precinct Registers in such city and county shall particularize the place of residence of each elector registered, by specifying the name of the street, avenue, or other location of the dwelling of such elector, with the name or number of such dwelling, if the same has a name or number, and if not, then with such description of the place that it can be readily ascertained and identified. If the elector be not the proprietor or head of the house, then it must show that fact, and upon what floor thereof, and what room such elector occupies in such house; all of which facts are to be ascertained from such elector in the manner required by law for proving the qualification of electors to entitle them to be registered. Any person making a false oath with respect to residence, or any other fact lawfully demanded of him, as provided for in this Act, shall be deemed guilty of perjury, and, on conviction, punished accordingly.

Additional
entries in
register.

Blanks **SEC. 103.** A sufficient quantity of blanks for Precinct Registers for all the precincts of such city and county, shall be prepared and kept by said Election Commissioner at his office, so that voters may be registered, upon application and proper proof, according to law. Ninety days before each general election the Election Commissioner shall commence the registration of all voters entitled thereto, who apply with the proper proof, and no others. Such voters shall be registered in the Precinct Registers, for the precinct where they are entitled to vote, and not otherwise. Such registration shall continue at the office of the Election Commissioner until the Precinct Registers are turned over to the Board of Precinct Registration, as hereinafter provided for, when it shall cease at said office. Such registration shall be made subject to the rules herein provided for the Board of Precinct Registration.

When registration to commence

When to cease

Boards of Precinct Registration **SEC. 104.** There shall be a Board of Precinct Registration in each precinct in such city and county, which shall be constituted in the following manner. The Board of Election Directors shall, in the months of August and September preceding any general election, have divided the city and county into election precincts as hereinbefore provided for, shall proceed, in the manner provided in this Act, to appoint the one original Inspector and the two original Judges of Election provided for by the Political Code, for each precinct. Said Inspector and Judges shall serve for one year, unless otherwise ordered by the Directors, and in addition to acting as election officers at all elections during the year, shall serve as precinct registering officers for enrolling the election of their respective precincts on the Precinct Registers thereof. All other election officers shall be appointed by the Board of Election Directors, at such time as shall be necessary before the election.

Boards to meet, when. **SEC. 105.** Said Boards of Precinct Registration shall meet in the places provided in their respective precincts for such purpose by the Election Commissioner, commencing five days (not counting Sundays or legal holidays) before the day fixed by this Act for the cessation of the registration of electors in such city and county, and shall sit in open session from nine o'clock A. M. until ten o'clock P. M. of each day, until the day of such cessation (Sundays and legal holidays excepted), to receive and act upon applications for registration on the part of the voters of said precinct. They shall organize by electing one of their number Chairman. They shall receive the applications for registration of such male residents of their several election precincts as then are, or on the day of election next following the day of making such application would be, entitled to vote therein, and who shall personally present themselves, with proper evidence of their rights, and such only, *provided*, they shall not register citizens who have lost or who are not in possession of their naturalization certificates or papers.

To be furnished with all necessaries. **SEC. 106.** It shall be the duty of the Election Commissioner to provide suitable places in each precinct for the sessions of the Board of Precinct Registration. He shall also

furnish them with blanks, stationery, and all other matters and things necessary to enable them to conveniently and speedily perform the duties devolving upon them under this Act. He shall also give such Boards his assistance and advice in organizing and conducting the registration of voters, and other matters required of them by law, and shall visit said Boards, while engaged in said duty, and see that said proceedings are conducted according to law, and the registers made in due form. He shall be allowed free access to the Precinct Registers at all times; and within such reasonable limits as the Board of Election Directors shall prescribe, the public shall have access thereto in like manner. The members of the Boards of Precinct Registration shall have power to administer oaths and affirmations, as shall all election officers, and to take testimony, in the discharge of their duties.

SEC. 107. As soon as the Boards of Precinct Registration shall have commenced their sittings for registration in the several precincts, as herein provided for, three Precinct Registers shall be delivered by the Election Commissioner to said respective Boards, who shall keep one register and personally make entries therein, go on with the registration of voters at the places provided by law for them in their respective precincts until the time provided by law for registration to cease, when all registration shall stop, except in the cases especially provided for in this Act. It shall be the duty of the Board of Precinct Registration, in addition to their other duties, to carefully examine and revise the names of voters upon their several Precinct Registers, as delivered to them by the Election Commissioner, and to ascertain if such names are the names of legal voters, properly on said Precinct Register, and entitled to vote in said precinct. The Boards of Precinct Registration, on each day of registration, and before adjourning, shall, on each of the registers, draw, in ink, immediately below the last number and name entered in the allotted space of each letter of the alphabet, and below the last written words and figures entered opposite to or against such name, a heavy line, as indicative of the fact that the entering of names on the said registers for the day mentioned in the column headed "date of application," and opposite to or against the name last entered, then ceased.

Precinct Registers to be delivered to Board.

To revise Precinct Registers.

SEC. 108. The Boards of Precinct Registration shall keep the several Precinct Registers for such time as shall be necessary, not to exceed three days after the time for registration ceases according to law, during which time they shall hear and determine applications for registration in the excepted cases provided for in this Act. They shall also make diligent examination and inquiry during said period as to the right of the respective voters, who have been registered on said Precinct Register, to such registration, and shall in all doubtful cases certify their doubts, with the reason thereof, to the Board of Election Directors, for further action. All persons who have been refused registration by the Election

To hear and determine applications.

Appeals.

Commissioner, or by the Precinct Board, can appeal to the Board of Election Directors, who shall hear and determine the same in a summary manner, so as not to delay the completion of the registers.

To deliver register to Commissioner.

SEC. 109. When the Board of Precinct Registration have completed the examination and inquiry provided for in the preceding section, they shall certify the Precinct Register as is hereinafter provided, and deliver the same to the Election Commissioner. Such delivery shall be made not later than three full days after the cessation of registration, as provided by law. They shall at the same time prepare and duly certify a separate and distinct list, showing the names of all persons concerning whose right to registration they are in doubt, together with the grounds and reasons for such doubt. Such list and certificate shall be delivered to the Election Commissioner at the same time with the Precinct Register. Proper blanks shall be prepared and furnished by the Election Commissioner for the purpose of making the return of doubtful names on the registers, and also blank certificates, and all other necessary things for said purpose. The registers, written by the Judges, shall be retained and securely kept by the Inspector for use on the day of election, and shall be the registers used by the Board of Election during the polling of the vote, as prescribed in the Political Code; and said registers shall be delivered to the Election Commissioner, with the election returns, on the conclusion of the canvass of the votes polled.

Register to be kept by Inspector.

Certificate attached to Precinct Register.

SEC. 110. The certificate to be attached to the Precinct Register shall be substantially in the following form, to wit: "We, the undersigned, Inspectors and Judges of Election forming the Board of Precinct Registration for the — Precinct of the — Ward of the City and County of —, do jointly and severally certify that on the — day of —, 18—, we met and organized as such Board, at the place appointed by law for the holding thereof in said precinct. That the Precinct Register was delivered to us by —, Esquire, Election Commissioner for such city and county, containing at the time of its delivery to us the names of (stating number) voters. That we have examined and inquired into said list to the best of our ability, and have noted all doubtful registration thereon. We also certify that we sat as a Board of Precinct Registration at said place, —, from the — day of —, till the — day of —, 18—, and have admitted to registration (showing number) citizens, whose names and other matters of qualification will appear upon the foregoing register, and that the whole number of qualified voters upon said register is (number).

"Dated —, 18—.

"(Signed), _____.

"(Signed), _____.

"(Signed), _____."

Certificate of doubtful names.

SEC. 111. The certificate to be annexed to the list of doubtful names shall be substantially in the following form, to wit: "We, the undersigned, composing the Board of Precinct Registration for the — Precinct of the — Ward of

the City and County of —, hereby certify that the accompanying list shows all the names and other matters of qualification of voters upon the Precinct Register for said precinct about whose right to registration we entertain a reasonable doubt, together with a statement of the cause or grounds for such doubts.

“Dated, —, 18—.

“(Signed),

“(Signed),

“(Signed),

—
—
—,”

SEC. 112. It shall be the duty of the Election Commissioner to forthwith notify all persons certified as doubtful of said fact, and to cite them before the Board of Election Directors, as provided in this Act, in cases where the Election Commissioner has reason to believe persons have been improperly registered, and the same proceedings shall be had as to citation and cancellation as provided for in said section.

Doubtful persons to be notified to appear before Board of Election.

SEC. 113. Fifteen days before a general election all registration or enrollment of voters shall cease, and the Precinct Registers, as they stand, shall be the Precinct Registers for said ensuing election, and until the next general election, subject only to changes in the following cases:

Registration, when to cease.

I. All that for any reason are illegally on the Precinct Registers, shall be canceled.

Exceptions.

II. Any name that has been once lawfully on the Precinct Register, so as to entitle the person to vote at said ensuing election, and which has been by fraud, mistake, or otherwise improperly removed or canceled, may be restored on proper evidence thereof.

III. Any legal voter who applied in time for enrollment on a Precinct Register, and through any fault or neglect of the Election Commissioner, or Board of Precinct Registration, or for want of time on the last day, he having duly applied and produced the necessary and legal proof of his right on said day, has his name left off, may have the same put on afterwards on showing that he applied in time, and that it was through no fault or neglect of his own that it was left off.

Any voter entitled to have his name upon the Precinct Register under the terms of either of the two preceding subdivisions, and no others, may have the same placed upon the Supplementary Register provided for in the next section, within five days from the time herein provided for the cessation of enrollment on the Precinct Register. Any person who does not so apply, within said time, shall not be enrolled on the Precinct Register of said election; *provided*, that nothing in this section shall be deemed to prevent any lawful changes, additions, and supplements to said Precinct Registers after the general election and prior to any special election thereafter, to be made under the regulations fixed by the Board of Election Directors, and to be used at other than general elections.

SEC. 114. As soon as the Election Commissioner shall receive the Precinct Register from any Board of Precinct

Printing Precinct Registers.

Registration, he shall proceed with the greatest diligence to cause said Precinct Register to be printed, and the same shall be printed and copies of them posted in his office for public inspection within six days. He shall also ascertain the correctness of said Precinct Registers, and cancel all names not legally thereon; and shall prepare a supplemental list for each precinct showing the cancellations and additions to the regular list made after the publication of the same, which supplemental list shall be printed and posted, in like manner, five days before the election, after which no changes shall be made; *provided*, that all cancellations and additions to the registers made by the Election Commissioner shall be subject to the approval of the Board of Election Directors.

Advertising.

SEC. 115. Not less than ten days before the day for the sitting of the Boards of Precinct Registration, the Election Commissioner shall cause an advertisement to be printed, for ten consecutive days, in three daily morning and three daily evening newspapers, and a weekly (including the official paper) published in such city and county, giving notice to the voters of such city and county that the time for the enrollment of voters on the Precinct Registers will expire on a certain day, naming the day fixed in this Act for the last day of registration, and inviting them to present themselves for registration at the place of the meeting of said Boards, which shall be named, within the time, under the penalty of being debarred the privilege of voting at such election. Such notice shall specify the day upon which the precinct registration by the Board of Precinct Registration shall commence, and also the day upon which it is to end.

Renewing registration, when not required.

SEC. 116. Any elector who has been legally registered in the Precinct Register, provided he has not lost his right to vote in his precinct, shall not be required to renew such registration until the making up, as herein provided, of the Precinct Register for the next ensuing general election after the election for which such registration was made, but may vote in such precinct at any election taking place before such general election. The Precinct Registers shall be printed in sufficient numbers to allow for their being used at all the elections likely to occur before the next general election after the one for which the registration is made, and all necessary changes or additional names shall be noted upon the register for each special election thereafter, or added into supplements thereto, conformatory, so far as the same is applicable, to the provisions of the law governing the making of the general election register. The Board of Election Directors are empowered to make rules governing such supplemental registration for special elections.

Rooms to be procured.

SEC. 117. The Election Commissioner shall procure rooms or places both for the sitting of the Board of Precinct Registration as well as for polling places, subject to the approval of the Board of Election Directors, both as to location and cost.

Demands, how approved and paid.

SEC. 118. All provisions for carrying out the registration and election laws in such city and county shall be made by the Board of Election Directors, and demands on the treasury

authorized or allowed by them for such purposes shall be paid in the same manner as other demands, after approval of the same by the Municipal Council.

SEC. 119. All the provisions of the Political Code touching the registration and qualification of voters, and the method of calling, holding, and conducting elections in force in such city and county, shall continue in force therein, so far as they are not inconsistent with the provisions hereof, until repealed or modified.

Political Code enforced.

SEC. 120. It shall be unlawful for any committee, club, convention, or other association formed or acting as such, for the purpose of nominating a candidate or candidates for office in such city and county, to levy, assess, collect, demand, or receive, directly or indirectly, any money or other valuable thing, from any candidate or candidates coming before such body for a nomination, or who shall be nominated by them for office, upon any pretense whatsoever. Any officer or member of any such convention, committee, club, or association, or other person, who shall vote for, authorize, assist, or consent to any such demand, levy, assessment, or collection, or any candidate or person who shall pay the same, shall be deemed guilty of a misdemeanor, and, on conviction in any Court of competent jurisdiction, punished accordingly.

Assessing clubs unlawful.

Misdemeanor.

SEC. 121. There shall be in every such city and county a Board of Police Commissioners, consisting of three Commissioners, to be appointed by the Board of Aldermen. The first three Commissioners appointed under this Act shall, immediately after their appointment, so classify themselves by lot that one of them shall go out of office in two years, one of them in three years, and one of them in four years after his appointment, and thereafter on the expiration of the term of office of any one of said Commissioners. The said Board shall appoint a Commissioner to fill the office, who shall hold office for four years; *provided, however,* that the Board of Police Commissioners now in office shall continue to hold office for the term of four years from the date of their appointment.

Police Commissioners.

Terms.

SEC. 122. The said Board of Police Commissioners shall meet in such city and county within ten days after the taking effect of this Act, and shall organize by electing one of their number as President.

Organization.

SEC. 123. The Board of Police Commissioners shall appoint one Chief of Police, six Captains of Police, and as many police officers, not exceeding five hundred, as they may determine to be necessary. In making such appointments the Board shall not regard the political or partisan preferences or affiliations of the candidate or appointee; and it shall be the duty of such Board, on its first organization under this Act, to appoint as members thereof the members of any police force which shall be in service in such city and county at the time this Act goes into effect, unless such persons be incompetent, or be incapable to serve.

Appointing power.

SEC. 124. Any person applying for appointment as a police officer under this Act, unless he be a member of a police force existing in such city and county at the time

Qualifications of police officers.

this Act goes into effect, shall produce and file with the Board of Police Commissioners a certificate, signed by not less than twelve freeholders and qualified voters of the smallest political subdivision of such city and county, stating that they have been personally and well acquainted with the applicant for one year or more next preceding the application, and that he is of good repute for honesty and sobriety, and they believe him to be in all respects competent and fit for the office. All such certificates shall be preserved in the office of said Board, and shall not be returned to the applicant. Every appointee to such Police Department must be a citizen of the United States and of this State, and of good character for honesty and sobriety; able to read and write the English language, and a resident and qualified voter of the city and county in which he applies for appointment; and in case he be not a member of a Police Department existing in such city and county at the time this Act goes into effect, he shall be under the age of fifty-five years, and not less than five feet seven inches in height; and after his nomination, and before his appointment, shall pass a thorough examination by any reputable physician designated by said Board of Police Commissioners, and be found, on such examination, to be in sound health, and to possess the physical qualifications required for recruits for the United States army.

Chief of
Police,
powers of.

SEC. 125. In the suppression of any riot, public tumult, disturbances of the public peace, or organized resistance against the laws or public authorities in the lawful exercise of their functions, the Chief of Police shall have all the powers that now are or may be conferred upon Sheriffs by the laws of this State, and his lawful orders shall be promptly executed by all police officers in such city and county; and every citizen shall also lend him aid, when required, for the arrest of offenders and the maintenance of public order. He shall keep a public office, which he shall open, and at which he, or in case of his necessary absence, a Captain of Police, or police officer by him designated for that purpose, shall be in attendance at all hours, day and night. In case of his necessary absence from his office, it shall be made known to the police officer in attendance where he can be found, if needed. He shall designate one or more out of the number of police officers to attend constantly upon the Police Court, to execute the orders and process of the said Court. He shall supervise and direct the police force of such city and county, and shall observe and cause to be observed the provisions of this Act, and enforce within such city and county all general and local laws. He shall see that the lawful orders and process issued by the Police Court are promptly executed, and shall exercise such other powers connected with his office, as head of police, as may be prescribed in the general regulations adopted by the Municipal Council or the Board of Police Commissioners. He shall acquaint himself with all statutes and laws in force in this State defining public offenses and nuisances and regulating criminal proceedings, and shall procure and keep

in his office the statutes of this State and of the United States, and all elementary works on that subject. He shall give information and advice touching said laws gratuitously to all police officers and magistrates asking it.

SEC. 126. Neither the Chief of Police, Captains, or any officer of police shall devote their time to any other profession or calling, become bail for any person charged with any offense whatever, nor solicit counsel or attorneys for prisoners, receive any presents or reward for official services rendered or to be rendered, unless with the knowledge and approbation of a majority of the Police Commissioners, such approbation to be given in writing; nor to be allowed pay for any period during which they shall absent themselves from public duty, unless such absence necessarily result from indisposition or disability, occasioned by injuries suffered while in the discharge of official duty.

SEC. 127. Police officers in subjection to the orders of their respective Captains, and all under the general direction of the Chief of Police, shall be prompt and vigilant in the detection of crime, the arrest of public offenders, the suppression of all riots, frays, duels, and disturbances of the public peace, the execution of process from the Police Court, in causing the abatement of public nuisances, and the enforcement of the laws and regulations of police.

SEC. 128. In case of great public emergency or danger, the Chief of Police may appoint an additional number of policemen of approved character for honesty and sobriety, who shall have the same powers as other police officers for twenty-four hours only, but without pay.

SEC. 129. The salaries of the officers who shall be appointed under this Act shall be as follows, and payable in monthly installments, at the end of each and every month, viz.:

1. The President of the Board of Police Commissioners shall receive a salary of one thousand five hundred dollars per annum; the other two Police Commissioners shall each receive a salary of one thousand two hundred dollars per annum.

2. The Chief of Police shall receive a salary of four thousand dollars per annum.

3. Captains of Police shall each receive a salary of one thousand eight hundred dollars per annum.

4. Police officers who shall be selected to act as Sergeants of Police shall each receive a salary of one thousand five hundred dollars per annum.

5. The police officers who shall be selected to act as detective police officers shall each receive a salary of one thousand five hundred dollars per annum.

6. The Clerk of the Chief of Police shall receive a salary of one thousand eight hundred dollars per annum.

7. The Property Clerk shall receive a salary of one thousand eight hundred dollars per annum.

8. Police officers not selected to perform the duties of Sergeants of Police, of detective police officers, of Clerk of Chief of Police, or of Property Clerk, shall each receive a salary of one thousand two hundred and twenty-four dollars per

annum, subject to the condition that the Treasurer of such city and county shall detain from the pay of each police officer the sum of two dollars per month, to be paid into a fund to be known as the "Police Life and Health Insurance Fund," which fund shall be administered as hereinafter provided.

Police Life
and Health
Insurance
Board.

SEC. 130. The Mayor, Auditor, and Treasurer of any such city and county, shall constitute a Board known as "The Police Life and Health Insurance Board." The said Board shall, from time to time, as in their judgment may be best, invest the moneys of "The Police Life and Health Insurance Fund," in such of the following securities as shall seem the most safe and profitable, namely: The bonds of the City and County of San Francisco; the bonds of the State of California; the bonds of the United States of America; and the securities shall be held by said Treasurer, subject to the order of said Board; and the said Treasurer shall have no power to deposit, pledge, or in any other way part with the possession of said securities, or the evidence thereof, except on the order of said Board. Upon the death of any member of such police force, there shall be paid by the Treasurer, out of said "Life and Health Insurance Fund," to the heirs of said police officer, the sum of one thousand dollars.

What
entitled to
from fund.

SEC. 131. In case any police officer shall resign from bad health or bodily infirmity, there shall be paid to him from said fund the amount of the principal sum which he shall have contributed thereto.

Same.

SEC. 132. In case of dismissal of any police officer for mere incompetency, not coupled with any offense against the laws of the State, such officer shall be paid from said fund such amount as the Board may award, not exceeding one-half of the sum he may have contributed to said fund.

Forfeiture.

SEC. 133. Any officer dismissed for gross neglect or violation of duty, or upon conviction of any misdemeanor or felony, shall forfeit all claim upon said fund.

Registry of
demands.

SEC. 134. In case such fund shall not be sufficient to pay the demand upon it, such demand shall be registered and paid in order of its registry out of the funds as received.

Members of
Insurance
Board not to
receive com-
pensation.

SEC. 135. The said Mayor, Auditor, and Treasurer shall receive no compensation for their services as members of said Board, nor shall the said Treasurer receive any compensation as treasurer and custodian of said funds, but he and his sureties on his official bonds shall be liable at the suit of any person or persons aggrieved for any loss of said fund, or the misappropriation of any securities of "The Police Life and Health Insurance Fund."

Chief of
Police,
term of.
Removals
from police
force.

SEC. 136. The term of office of Chief of Police shall be four years from the time of his appointment.

SEC. 137. Members of the police force, other than the Chief of Police, shall be subject to removal only upon trial before said Board for official negligence, inefficiency, misconduct, oppression, or any conduct unbecoming a gentleman. Charges of official negligence, inefficiency, misconduct, oppression, or any conduct unbecoming a gentleman, when presented by the Chief, or a Captain, or Sergeant of Police,

or by a citizen of such city and county, in a verified complaint, and setting forth the specific acts complained of, shall be received and be attentively considered and determined by the Board of Police Commissioners, giving to the accused due notice, and an impartial hearing in defense; and on such proceeding said Board may reprimand, suspend from pay, or dismiss the delinquent officer. Frequenting drinking houses or saloons by regular or special members of the police during the hours assigned for duty, shall be deemed to be official negligence, for which they may be suspended or removed.

SEC. 138. The President of the Board of Police Commissioners and Chief of Police shall have power to administer oaths and affirmations relating to their official duties. To administer oaths.

SEC. 139. The Chief of Police shall have power to select and designate one police officer to serve as Clerk to the Chief of Police, and one police officer to serve as Property Clerk, and twelve detective officers. The Sergeants of Police shall be selected by the Board of Police Commissioners, and perform such duties as may be designated by said Board, or the Chief of Police. Clerk to Chief.
Sergeants.

SEC. 140. No member of said Board of Police Commissioners, appointed as herein provided for, shall be eligible to any other office during his incumbency of the office of Police Commissioner. No member of said Board of Police Commissioners shall, during his term of office, be a member of any party convention, the purposes of which is to nominate candidates for office. Nor shall the officers, members, or employés of said police force take any part whatever in any partisan convention held for the purpose of a political party. Nor shall any member of said Board of Police Commissioners, directly or indirectly, attempt to influence or control the action of any member of said police force, or any employé thereof, in any primary or general election. Nor shall any member of said police force be a member of any political club, or take part in the organization of such club. No member of such police force shall be allowed to interfere in politics on the day of election, or at any other time, while employed on said police force; *provided*, that no member of the police force shall be excluded from becoming a candidate for the office of Chief of Police; nor shall be removed from office for political or partisan causes, reasons, or purposes. Any violation of the provisions of this section shall be deemed a misdemeanor, and, on conviction, punished accordingly. Police Commissioners not eligible to other office.
Policeman not to be member of political clubs.

SEC. 141. The Police Commissioners appointed under this Act shall hold their meetings in the office of the Chief of Police, or in such other convenient place as the Municipal Council shall designate, or, in case of emergency, at such place as said Police Commissioners shall select; and the Clerk of the Chief of Police shall act as Clerk of said Board of Commissioners. Meetings of Commissioners.

SEC. 142. The Chief of Police, Captains, and every officer of the permanent force, shall provide themselves with a uni- Uniforms.

form and badge of office, to be prescribed by regulations of the Board of Police Commissioners, which shall be worn by them upon all occasions, with such exceptions as may be permitted by the Chief of Police in the performance of detective duty.

Substitutes. SEC. 143. Said Board of Police Commissioners shall have power to appoint substitutes, not to exceed three per cent. of said police force, to serve under such regulations and subject to such restrictions as may be prescribed by said Board, and without pay from such city and county.

Special officers, how appointed. SEC. 144. It shall be lawful for the Police Commissioners to appoint a special officer, upon the petition of any persons, firms, or corporations, specifying the boundary or locality at or within which he is to act as such special officer, which boundary or locality shall be specified in his warrant of appointment, to do a special service, to be paid by such persons, firms, or corporations so petitioning; *provided*, that no special officer shall be appointed in any part of such city and county known as the Chinese quarter. Any special officer asking for, soliciting, demanding, collecting, or receiving, or causing others to do so for his benefit, any money or other valuable thing, upon pretense of guarding or protection of the persons or property of the persons from whom the same shall be asked, demanded, solicited, collected, or received, except the persons, firms, or corporations so petitioning for his said appointment, or residing within the boundary or locality, or having interests in such locality or boundary, for which such special officer is appointed and named in said warrant, shall be guilty of a misdemeanor, and, on conviction, punished accordingly, and shall be dismissed from the service.

Police Contingent Fund. SEC. 145. The Police Commissioners of such city and county, or a majority of them, are authorized to allow, out of the Police Contingent Fund, any and all orders signed by the Chief of Police of such city and county; *provided*, that the aggregate of said orders shall not exceed the sum of seven thousand two hundred dollars per annum, which sum shall be set apart annually to such fund from the General Fund in the treasury of such city and county by the Municipal Council. The Auditor of such city and county shall audit, and the Treasurer thereof shall pay, out of said Police Contingent Fund, any and all orders so allowed as aforesaid by the said Police Commissioners, not exceeding in the aggregate said sum of seven thousand two hundred dollars per annum.

Fire Commissioners. SEC. 146. There shall be a Board of Fire Commissioners of such city and county, consisting of five persons possessing the same qualifications of eligibility as are herein prescribed for the members of the Board of Aldermen, who shall be appointed by the Board of Aldermen, and shall hold office for the term of four years from and after the time of their appointment; *provided*, that the Fire Commissioners now acting as such in such city and county, shall continue to hold their respective offices until the expiration of

the term for which they may have been respectively elected or appointed.

Sec. 147. The said Board of Fire Commissioners shall supervise and control said Fire Department, its officers, members, and employés, subject to the laws governing the same, and shall see that the officers, members, and employés thereof faithfully discharge their duties, and that the laws, orders, and regulations relating thereto are carried into operation and effect. They shall not, nor shall either of them, or the Chief Engineer, or Assistant Chief Engineer, or Assistant Engineers of said Fire Department, be interested in any contracts pertaining in any manner to said Fire Department, or the sale, furnishing of apparatus or supplies for the same; and all contracts in violation of this section are declared void, and any of said persons violating the provisions of this section shall be deemed guilty of misdemeanor, and, upon conviction, shall be punished accordingly. The Municipal Council of such city and county shall have power to contract and provide for all cisterns, hydrants, apparatus, horses, supplies, engine, hose, and hook and ladder houses, and all alterations and repairs required; and said Board of Fire Commissioners shall supervise all contracts awarded and work done for the said Fire Department, and shall see that all contracts awarded and work done are faithfully performed. The said Board of Fire Commissioners shall have power to prescribe the duties of the officers, members, and employés of said Fire Department, and to adopt rules and regulations for the management and discipline thereof; and a majority of them shall certify to the correctness of all claims and demands, before the same shall be paid. And the Municipal Council is authorized and required to provide and furnish for the use of said Board of Fire Commissioners a suitable room or rooms in some of the buildings of such city and county, to serve as an office for their meetings and the transaction of business relating to said Fire Department, in which their Clerk, Janitor, and Messenger shall be in attendance daily during office hours. The Chief Engineer, Assistant Chief Engineer, and Assistant Engineer of said Department shall also make it their headquarters daily during office hours, when not otherwise engaged in official duties. And the said Municipal Council shall furnish the Chief Engineer, and also the Assistant Chief Engineer hereinafter mentioned, with a horse and buggy, and shall provide for keeping the same.

Sec. 148. The officers of the Fire Department of such city and county shall be:

1. Five Fire Commissioners, to be appointed as aforesaid.
2. One Chief Engineer.
3. One Assistant Chief Engineer.
4. Four Assistant Engineers.
5. One Superintendent of Steam Fire Engines.

Sec. 149. The members and employés of said Fire Department shall be:

1. One Assistant Superintendent of Steam Fire Engines.
2. One Clerk and Storekeeper for the Corporation Yard.

3. One Corporation Yard Drayman.
4. One Night Watchman of the Corporation Yard.
5. Two Hydrantmen.
6. One Veterinary Surgeon.
7. One Foreman of each company.
8. One Engineer for each steam fire engine.
9. One Substitute Engineer and Machinist.
10. One Driver for each company.
11. One Fireman for each Steam Engine Company.
12. One Carpenter.
13. One Tillerman for each Hook and Ladder Company.
14. One Steward for each Hose Company.
15. One Janitor and Messenger.
16. One Clerk.

What members to give undivided attention to the city.

SEC. 150. All paid members of said Fire Department, except the Veterinary Surgeon, Foreman, Assistant Foreman, Company Clerks, Hosemen, Hook and Laddersmen, and Stewards of Volunteer Companies, shall give their undivided attention to their respective duties; but the Foreman, Assistant Foreman, Company Clerks, Hoseman, and Hook and Laddersmen, and Stewards of Volunteer Companies, shall perform such duties as may be prescribed from time to time by said Board of Fire Commissioners and ordered to be executed by the Chief Engineer.

Appointments.

SEC. 151. The Chief Engineer, the Assistant Chief Engineer, the Superintendent of Steam Fire Engines, the Assistant Engineers, the Clerk, and all members and employes of the Fire Department, shall be appointed by the Fire Commissioners, and retain their positions during good behavior; and it shall be the duty of such Fire Commissioners, on their first organization under this Act, to appoint as members thereof the officers and members of any fire department which shall be in service in any such city and county at the time this Act goes into effect. No officer, member, or employe of said fire department shall be removed for political reasons.

Fire Department.

SEC. 152. The Fire Department of such city and county shall consist of such engine, hook and ladder, and hose companies as shall be recommended by the Board of Fire Commissioners, and determined by the Municipal Council necessary to afford protection against fire; *provided*, that as an auxiliary thereto, patent fire extinguishers may also be purchased and employed, if, in the judgment of said Board, deemed advisable; *provided*, that no hand engine shall hereafter be purchased for the use of said department, but such as shall be in the possession of such city and county prior to its organization under this Act may be used in such localities and under such regulations as the Board of Fire Commissioners may prescribe. The companies of said department shall be organized as follows: Each steam fire engine company shall consist of (1) one Foreman, one (1) Engineer, one (1) Driver, one (1) Fireman, and eight (8) Hosemen; one (1) of whom shall act as Assistant Foreman, and one (1) as Clerk. Each hook and ladder company shall consist of one (1) Foreman, one (1) Driver, one (1) Tillerman, and twelve (12) Hook

and Laddermen; one (1) of whom shall act as Assistant Foreman, and one (1) as Clerk. Each hose company shall consist of one (1) Foreman, one (1) Driver, one (1) Steward, and six (6) Hosemen, one (1) of whom shall act as Assistant Foreman, and one (1) as Clerk.

SEC. 153. The Chief Engineer shall be the executive officer of said Fire Department, and it shall be his duty (and that of the Assistant Chief Engineer and Assistant Engineers) to see that the laws, orders, rules, and regulations concerning the same are carried into effect, and also to attend to such duties as Fire Wardens as may be required, and to see that all laws, orders, and regulations established in such city and county to secure protection against fire are enforced. It shall also be the duty of the Chief Engineer to enforce the rules and regulations made from time to time to secure discipline in said Fire Department, and he shall have power to suspend any subordinate officer, member, or employé for a violation of the same, and shall forthwith report in writing, with his reasons therefor, to the Board of Fire Commissioners for their action. He shall diligently observe the condition of the apparatus and workings of said department, and shall report in writing, at least once in each week, to said Board of Fire Commissioners, upon the same, and make such recommendations and suggestions respecting it, and for securing its greater efficiency, as he may deem proper; and in the absence or inability of the Chief Engineer to act, the Assistant Chief Engineer shall assume the duties of said office of Chief Engineer.

Duties of Chief and Assistant Engineers.

SEC. 154. The person elected as Clerk by said Board of Fire Commissioners shall, before entering upon the discharge of his duties, execute a bond with two or more sureties, in the penal sum of twelve thousand (\$12,000) dollars, for the faithful discharge of his duties, which bond shall be approved by said Board of Fire Commissioners, and the Mayor of such city and county, and when so approved, shall be filed in the office of the Auditor. The amount of said bond may be increased from time to time, when directed by the Board of Fire Commissioners, should it deem it necessary for the public good; said Clerk shall attend daily, during office hours, at the office of the Board of Fire Commissioners (which shall be the office of the Chief Engineer, Assistant Chief Engineer, and Assistant Engineers); shall perform the duties of Clerk to said Board and Chief Engineer, and shall perform such other duties from time to time as said Board may prescribe. The Clerk and Storekeeper for the Corporation Yard shall, before entering upon his duties, furnish a bond in the sum of ten thousand (\$10,000) dollars, to be approved the same manner as the bond provided for in this section, to be given by the Clerk of said Board of Fire Commissioners, and filed with the Auditor.

Bond of Clerk.

Bond of Clerk, etc., for Corporation Yard.

SEC. 155. The Mayor of such city and county, upon the recommendation of the Board of Fire Commissioners, with the approval of the Municipal Council, is authorized to sell at private or public sale from time to time any or all of the engines, hose carriages, engine houses, lots on which such houses stand, or parts of lots (or to exchange any of said lots,

Mayor may sell engines, hose carriages, etc.

when in their judgment demanded by the public good), or other property which shall not be required for the use of the department, and to execute, acknowledge, and deliver good and sufficient deeds or bills of sale for the same, paying the proceeds of such sales into the county treasury, to the credit of the proper fund.

Salaries,
how paid.

Appropriation.

SEC. 156. The Municipal Council of such city and county is hereby authorized and required to appropriate, allow, and order paid annually out of the General Fund of such city and county the salaries hereinafter specified and allowed, and salaries at similar rates to the several officers and men of any additional companies created as aforesaid, and the Municipal Council is required to appropriate, allow, and order paid, out of the General Fund, a sum not to exceed eighty thousand (\$80,000) dollars annually for running expenses, horse feed, repairs to apparatus, and for the construction and erection of cisterns and hydrants, and for the erection and repair of buildings, and other expenses of the Fire Department. To appropriate a sum not to exceed thirty thousand (\$30,000) dollars for the purchase of horses and apparatus for the Fire Department.

Compensation to disabled firemen.

SEC. 157. Whenever a member of the Paid Fire Department of such city and county shall become disabled by reason of injuries received at any fire, so as to be unable to perform his duties, the Municipal Council, upon the recommendation of the Board of Fire Commissioners, is hereby authorized and empowered to allow said disabled man a sum not exceeding fifty (\$50) dollars per month, for not to exceed three (3) months, payable out of the General Fund of such city and county, in the same manner and form as other payments are made out of said fund.

Appointments by Chief Engineer.

SEC. 158. The Chief Engineer shall have power to appoint one member of each company to act as Assistant Foreman; also, one member to act as Clerk; said Clerk to receive five (\$5) dollars per month extra pay.

Organization of Board of Fire Commissioners.

SEC. 159. The Fire Commissioners shall organize said Board immediately upon their appointment, and on the first Monday after the first day of January of each and every year thereafter, by selecting one of their number as President, and they shall meet at least once in each month publicly at their office, to transact the business of said Fire Department; and, in addition to the stated meetings, they shall meet twice in each month for the purpose of investigating charges against officers, members, and employes of said department for violating any of the rules and regulations thereof; and shall hold such intermediate sessions as they shall deem necessary to the proper administration of the Fire Department. No person shall be eligible to any position in said department who is not a citizen of the United States, or a resident of such city and county at least two years, nor under twenty-one (21) years of age at the time of his appointment.

President to issue subpoenas, etc.

SEC. 160. In all investigations for violation of the rules and regulations of the Fire Department, the President of the Board of Fire Commissioners shall have power to issue sub-

pœnas, and administer oaths, and compel the attendance of witnesses before him by attachment or otherwise. All subpoenas issued by him shall be in such form as he may prescribe, and shall be served by any police officer, or by any peace officer, of such city and county. Any person who refuses to attend or testify in obedience to such subpoenas, shall be deemed guilty of contempt, and be punished by him as in cases of contempt in Justices' Court in civil cases.

SEC. 161. No officer, member, or employé of the Fire Department shall be dismissed, unless for cause, nor until after a trial. The accused shall be furnished with a written copy of the charges against him at least five (5) days previous to the day of trial, and he shall have an opportunity to examine witnesses in his behalf, and all witnesses shall be examined under oath, and all trials shall be public. Dismissals

SEC. 162. The Municipal Council of such city and county is hereby authorized and empowered to establish and maintain at the Corporation Yard a workshop for making repairs and improvements upon the apparatus of the Fire Department; and such workshop, and such repairs and improvements, to be under the supervision of the Board of Fire Commissioners, and the Municipal Council shall allow and order paid out of the proper fund all the expenses of such workshops, repairs, and improvements. Workshop.

SEC. 163. No member of said Board of Fire Commissioners shall, during his term of office, be a member of any party convention, the purpose of which is to nominate candidates for political office, nor shall the officers, members, or employés of said Fire Department take any part whatever in any partisan convention, held for the purposes of a political party; nor shall any member of the said Boards of Fire Commissioners directly or indirectly attempt to control or influence the action of any member of said Fire Department, or any employé thereof, in any primary or general election. No member of the Fire Department shall levy, collect, or pay any amount of money as an assessment or contribution for political purposes. Any violation of the foregoing provisions of this section shall be deemed a misdemeanor. Member of Board not to be member party convention.

SEC. 164. The salaries of the officers of the Fire Department shall be paid in monthly installments, and as follows: Salaries

First—The salary of the Fire Commissioners shall be one thousand two hundred dollars per annum.

Second—The salary of the Chief Engineer shall be three thousand dollars per annum.

Third—The salary of the Assistant Chief Engineer shall be two thousand four hundred dollars per annum.

Fourth—The salaries of the Assistant Engineers shall each be one thousand eight hundred dollars per annum.

Fifth—The salary of the Superintendent of Steam Fire Engine shall be one thousand eight hundred dollars per annum.

SEC. 165. The salaries of the members and employés of the Fire Department shall be paid in monthly installments, and as follows:

Salaries.

1. The salary of Assistant Superintendent of Steam Fire Engine shall be one thousand six hundred and eighty dollars per annum.

2. The salary of the Clerk and Storekeeper for the Corporation Yard shall be one thousand five hundred dollars per annum.

3. The salary of the Corporation Yard Drayman shall be one thousand and eighty dollars per annum.

4. The salary of the Night Watchman for the Corporation Yard shall be nine hundred dollars per annum.

5. The salary of the two Hydrantmen shall be one thousand and eighty dollars per annum each.

6. The salary of the Veterinary Surgeon shall be twelve hundred dollars per annum.

7. The salary of the Foreman of each company shall be five hundred and forty dollars per annum.

8. The salary of the Engineer for each Steam Fire Engine Company shall be one thousand six hundred and eighty dollars per annum.

9. The salary of the Substitute Engineer and Machinist shall be one thousand six hundred and eighty dollars per annum.

10. The salary of the Driver for each company shall be one thousand and eighty dollars per annum.

11. The salary of the Fireman for each Steam Fire Company shall be one thousand and eighty dollars per annum.

12. The salary of the Carpenter for said department shall be one thousand two hundred dollars per annum.

13. The salary of the Tillerman for each Hook and Ladder Company shall be one thousand and eighty dollars per annum.

14. The salary of the Steward for each Hose Company shall be nine hundred and sixty dollars per annum.

15. The salary of each Hoseman and each Hook and Ladderman shall be four hundred and eighty dollars per annum.

16. The salary of the Janitor and Messenger shall be nine hundred dollars per annum.

17. The salary of the Clerk of the Board of Fire Commissioners shall be one thousand eight hundred dollars per annum.

Fire Alarm
and Police
Telegraph.

SEC. 166. There shall be maintained and provided for by the Municipal Council in such city and county a Fire Alarm and Police Telegraph for municipal use, and the Superintendent thereof shall be appointed by the Board of Fire Commissioners, to serve during its pleasure, except that he shall not be removed for political causes, reasons, or purposes. Said Superintendent is authorized to appoint the following officers and employes: One Chief Operator, three Operators, one Repairer, two Assistant Repairers, and one Batteryman. It shall be the duty of such Board, on their first organization under this Act, to appoint as officers and employes thereof, the officers and employes of any Fire Alarm and Police Telegraph which shall be in service in such city and county at the time this Act goes into effect.

Offices of.

SEC. 167. The salaries of the officers of said Fire Alarm and Police Telegraph shall be paid in monthly installments, and as follows: Salaries.

1. The salary of the Superintendent shall be two thousand four hundred dollars per annum.

2. The salary of the Chief Operator shall be one thousand eight hundred dollars per annum.

3. The salary of each of the three Operators herein provided for shall be one thousand five hundred dollars per annum.

4. The salary of the Repairer shall be one thousand two hundred dollars per annum.

5. The salary of each of the two Assistant Repairers herein provided for shall be one thousand and eighty dollars per annum.

6. The salary of the Batteryman shall be nine hundred dollars per annum.

SEC. 168. The Municipal Council shall appropriate such sum as may be necessary, not exceeding fifteen thousand dollars per annum, for the maintenance, repair, and extension of said telegraph, and to defray the cost of instruments and machinery therefor, and for such horses and vehicles as may be necessary for the use of said Superintendent. Appropriation for.

SEC. 169. There shall be a Board of Health for such city and county, which Board shall consist of the Mayor of the city and county and five physicians in good standing, residing in such city and county, who shall be appointed by the Governor, and who shall hold office for the term of four years, and until their successors are appointed and qualified; and in case any vacancy shall at any time occur in said Board by removal or resignation or otherwise, the same shall be filled by appointment by the Governor; *provided*, that nothing herein contained shall affect the terms of the members of the Board of Health of any such city and county appointed prior to the passage of this Act. Board of Health.

SEC. 170. The Mayor of such city and county shall be ex officio President of the Board of Health, and in his absence, at any meeting, the Board may elect a Chairman, who shall, for the time, be clothed with all the power of the President. Said Board shall hold a regular meeting at least once in each month, and at other times when called thereto by the President, or by a majority of the Board. Mayor ex officio President.

SEC. 171. Said Board of Health is hereby invested with general jurisdiction over all matters appertaining to the sanitary condition of such city and county, and over all quarantine regulations and the enforcement thereof, and hospitals and alms-houses, and all municipal institutions created and maintained for charitable purposes and not herein enumerated, within the corporate limits of such city and county, and adopt such orders and regulations as may be necessary to the complete exercise of the powers hereinbefore enumerated, and may appoint or discharge such attendants and employés as may seem best to promote the public welfare. Jurisdiction.

No compensation.

Appointments by salaries.

SEC. 172. The members of said Board of Health shall receive no salary.

SEC. 173. Said Board of Health shall have power to appoint the following officers and employés, who shall receive the salaries hereinafter provided, payable in monthly installments at the end of each month, viz.:

1. One Health Officer, who shall be the executive officer of said Board, at a salary of twenty-four hundred dollars per annum.

2. One Quarantine Officer, at a salary of eighteen hundred dollars per annum.

3. One Secretary, at a salary of twenty-four hundred dollars per annum.

4. Six Health Inspectors and one Market Inspector, at a salary of twelve hundred dollars per annum each; one Messenger, at nine hundred dollars per annum.

5. One Superintendent of the City and County Hospital, who shall be a physician and graduate of some medical college in good standing, at a salary of twenty-four hundred dollars per annum.

6. One Resident Hospital Physician, at a salary of fifteen hundred dollars per annum.

7. One Hospital Steward, at a salary of twelve hundred dollars per annum.

8. One Hospital Matron, at a salary of nine hundred dollars per annum.

9. One Hospital Apothecary, at a salary of twelve hundred dollars per annum.

10. One Hospital Engineer, at a salary of nine hundred dollars per annum.

11. Two physicians and two surgeons to be selected from the Faculty of the Medical Department of the University of California, and two physicians and two surgeons to be selected from the Faculty of the Pacific Medical College, at such salary as the Board of Health may designate, not to exceed twelve hundred dollars each per annum, as visiting physicians and surgeons to the City and County Hospital.

12. One Alms-house Superintendent, at a salary of two thousand four hundred dollars per annum.

13. One Resident Alms-house Physician, at a salary of fifteen hundred dollars per annum.

14. One Alms-house Matron, at a salary of seven hundred and twenty dollars per annum.

15. One City Physician, at a salary not to exceed eighteen hundred dollars per annum.

16. One Assistant City Physician for the Industrial School and House of Correction, at a salary of twelve hundred dollars per annum.

17. One First Cook, at a salary of sixty dollars per month.

18. One Second Cook, at a salary of thirty-five dollars per month.

19. One Third Cook, at a salary of thirty dollars per month.

20. One Baker, at a salary of seventy-five dollars per month.

21. One Clerk, at a salary of forty dollars per month.

22. One Interpreter, at a salary of forty dollars per month.

23. One Ambulance Driver, at a salary of forty dollars per month.

24. Sixteen Nurses, at a salary of thirty-five dollars each.

SEC. 174. The appointing power of all and every of the aforesaid officers and employes is vested solely in said Board of Health, and said Board shall have power to prescribe the duties of every and all of said officers and employes, and to remove the same at pleasure; and said Board of Health is hereby empowered to employ such additional employes as may be necessary to carry out the purposes of this Act, at such compensations as said Board of Health may fix.

Further powers.

SEC. 175. The salaries of the officers and employes of said Board of Health, and all other expenses legally incurred by said Board under the provisions of this Act, shall be payable out of the General Fund of the treasury of such city and county; and the Auditor of such city and county is hereby directed to audit all such demands, and the Treasurer of such city and county is hereby directed to pay the same out of said General Fund. The said Board of Health shall annually, upon the third Monday of April of each year, transmit in writing to the Municipal Council of such city and county an estimate of the amount of money necessary to defray all of the expenditures of said Board of Health for the next fiscal year; and the Board of Health shall not expend in any one fiscal year an amount exceeding the amount of such estimate so transmitted by such Board of Health for such fiscal year allowed upon such estimate by the Municipal Council, except in case of an epidemic of any contagious disease, when such Board of Health is hereby authorized to increase such expense as may be deemed necessary for the public safety, and all such expenses shall be payable out of the General Fund of such city and county at the same time and in the same manner provided for other expenses of said Board. Nothing in this Act shall be construed to authorize said Board of Health to contract for or purchase supplies for any of the charitable institutions placed under its control by this Act. All contracts for any of the work authorized by this Act to be caused to be performed by said Board of Health, shall be awarded by said Board to the lowest responsible bidder; after notice, for not less than five days, in two daily newspapers published in such city and county, under such regulations and requirements as said Board of Health may adopt.

Salaries, how paid.

Transmit estimate of expense to Municipal Council.

Contracts, how awarded.

SEC. 176. It shall not be lawful for any Superintendent or other principal officer in charge of any alms-house in such city and county to have or receive any perquisites, or to derive any income or revenue therefrom, either directly or indirectly, other than the salary allowed to him by the Board of Health; nor shall it be allowable for any subordinate officer or employe to have or receive any perquisite, either directly or indirectly; and it shall be the duty of the Board of Health to remove any such Superintendent, or other principal officer, or any subordinate officer, or employe, who violates any provision of this section. All fees authorized by any of the provisions of this Act, to be collected by any officer or

Perquisites prohibited.

Fees, to whom paid.

employé of the Board of Health, shall be immediately paid by such officer or employé to the Secretary of said Board of Health, who shall, upon the first Monday of each month, pay the same into the treasury of such city and county, to be credited to the proper fund.

Report to
Quarantine
Officer.

SEC. 177. Shipmasters bringing vessels into the harbor of any such city and county and all masters, owners, or consignees having vessels in such harbor, which have on board any cases of Asiatic cholera, small-pox, yellow, typhus, ship fever, or any other contagious disease, must report the same, in writing, to the Quarantine Officer before landing any passengers, casting anchor, or coming to any wharf, or as soon thereafter as they or either of them become aware of the existence of either of these diseases on board of their vessels.

Permit from
Quarantine
Officer
necessary.

SEC. 178. No captain or other officer in command of any vessel sailing under a register, arriving at the port of any such city and county, nor any owner, consignee, agent, or other person having charge of such vessel, must, under a penalty of not less than one hundred dollars nor more than one thousand dollars, land, or permit to be landed, any freight, passengers, or other persons from such vessels, until he has reported to the Quarantine Officer, presented his bill of health, and received a permit from that officer to land freight, passengers, and other persons.

Pilots,
duty of.

SEC. 179. Every pilot who conducts into the port of any such city and county any vessel subject to quarantine, or examination by the Quarantine Officer, must:

I. Bring the vessel no nearer such city and county than is allowed by law.

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

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

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

V. If the vessel is subject to quarantine, by reason of infection, place at the masthead a small yellow flag.

Neglect to
obey
quarantine
regulations.

SEC. 180. Every master of a vessel subject to quarantine, or visitation by the Quarantine Officer, arriving in the port of any such city and county, who refuses or neglects either:

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

II. To submit his vessel, cargo, and passengers to the Quarantine Officers, their inspection, examination, and direction, and furnish all necessary information to enable that officer to determine to what quarantine or other regulations they might respectively be subject; or,

III. To report all cases of disease, and of death, occurring on his vessel, and to comply with all the sanitary regulations of such port or harbor;

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

SEC. 181. All vessels arriving off the port of any such city and county from ports which have been legally declared infected ports, and all vessels arriving from ports where there is prevailing, at the time of their departure, any contagious, infectious, or pestilential diseases, or vessels with decaying cargoes, or which have unusually foul or offensive holds, are subject to quarantine, and must be by the master, owner, pilot, or consignee, reported to the Quarantine Officer without delay. No such vessel must pass within the bounds prohibited them by the Board of Health, until the Quarantine Officer has boarded her and given the order required by law. Quarantine.

SEC. 182. The Quarantine Officers must board every vessel subject to quarantine or visitation by him, immediately on her arrival, make such examinations and inspection of vessel, books, papers, or cargo, or of persons on board, under oath, as he may judge expedient, and determine whether the vessel should be ordered to quarantine, and if so, the period of quarantine. Quarantine Officers, duty of.

SEC. 183. No captain, or other officer, in command of any passenger-carrying vessel of more than one hundred and fifty tons burden, nor of any vessel of more than one hundred and fifty tons burden having passengers on board, nor any consignee, owner, agent, or other persons having charge of such vessel or vessels, must, under a penalty of not less than one hundred dollars nor more than one thousand dollars, land, or permit to be landed, any passenger from the vessel until he has presented his bill of health to the Quarantine Officer and received a permit from that officer to land such passengers, except in such cases as the Quarantine Officer deems it safe to give the permit before seeing the bill of health. Permit of Quarantine Officer, when requisite.

SEC. 184. The following fees shall be collected by the Quarantine Officer for giving a permit to land freight or passengers, or both: From any sailing vessel of less than five hundred tons burden, from any port out of this State, two dollars and fifty cents; five hundred and under one thousand tons burden, five dollars; each additional one thousand tons burden, or fraction thereof, an additional two dollars and fifty cents; for steam vessels, propelled in whole or in part by steam, of one thousand tons burden or less, five dollars, and two dollars and fifty cents additional for each additional one thousand tons burden or fraction thereof. But vessels not propelled in whole or in part by steam, sailing to and from any port or ports of the Pacific States of the United States, or Territories, and whaling vessels entering the harbor of any such city and county, are excepted from the provisions of this section. Fees.

SEC. 185. The Board of Health may enforce compulsory vaccination on passengers or variola-infected ships, or coming from ports infected with the same. Compulsory vaccination.

SEC. 186. The Board of Health shall establish quarantine grounds at such points and places as in its judgment may Quarantine grounds.

best conduce to public safety; may provide suitable hospitals whenever the same are required for the public safety, and furnish and supply the same with nurses and attachés, and remove thereto all persons afflicted with cholera, small-pox, yellow, typhus, ship fever, or other contagious diseases; *provided*, said quarantine grounds and hospitals shall not be established within one mile of the main land on the north side of the Bay of San Francisco.

Record of
births,
deaths, etc.

SEC. 187. The Board of Health must cause to be kept a record of all births, deaths, and interments occurring in such city and county coming under the provisions of this Act. Such records, when filed, must be deposited in the office of the City and County Recorder, and produced, when required, for public inspection.

Physicians,
etc., to make
returns of
all births,
deaths, etc.

SEC. 188. Physicians and midwives must, on or before the fourth day of each month, make a return to the Health Officer of all births, deaths, and the number of stillborn children occurring in their practice during the preceding month. In the absence of such attendants, the parents must make such report within thirty days after the birth of the child. Such returns must be made in accordance with rules adopted by, and upon blanks furnished by, the Board of Health.

Certificate
of Health
Officer
necessary for
interments.

SEC. 189. No person shall deposit in any cemetery, or inter in any such city and county, any human body, without first having obtained and filed with the Health Officer a certificate, signed by a physician, or midwife, or Coroner, setting forth as near as possible the name, age, color, sex, place of birth, occupation, date, locality, and the cause of death of deceased, and obtain from such Health Officer a permit. The physicians, when death occurs in their practice, must give the certificate herein mentioned. It shall be the duty of the said Board of Health to see that the dead body of a human being is not allowed to remain in any public receiving vault for a longer period than five days. At the expiration of that time it shall cause the body to be buried or to be placed in a vault, or niche, constituted of brick, stone, or iron, and hermetically sealed. It shall also be the duty of said Boards to require all persons having in charge the digging of graves, and the burial of the dead, to see that the body of no human being who has reached ten years of age shall be interred in a grave less than six feet deep, or if under the age of ten years, the grave to be not less than five feet deep. The Board of Health shall have entire charge of all cemeteries belonging to such city and county, and may employ a Superintendent thereof at a salary not to exceed seventy-five dollars per month, the same to be paid out of the General Fund as the salaries of the other employes are paid.

Superintend-
ents of
cemeteries
to report.

SEC. 190. Superintendents of all cemeteries in any such city and county must return to the Health Officer on each Monday the names of all persons interred, or deposited, within their respective cemeteries during the preceding week, and no Superintendent of a cemetery, or any other person, can remove, or cause to be removed, or cause to be disin-

terred, any human body or remains that have been deposited in a cemetery without a permit therefor from the Health Officer, or by order of the Coroner.

SEC. 191. It shall be unlawful to disinter or exhume from a grave, vault, or other burial place within the limits of such city and county, the body or remains of any deceased person, unless a permit for so doing shall have been first obtained from the Health Officer of such city and county. Nor shall any body or remains disinterred, exhumed, or taken from any grave, vault, or other place of burial or deposit, be transported in or through the streets or highways of any such city and county, unless the person or persons removing or transporting such body or remains shall first obtain from the Health Officer a permit, in writing, therefor, as aforesaid. But when an applicant for a permit to disinter a body shall desire to remove said body beyond the limits of such city and county, and shall so state on making application, the permit, if the same be issued, shall include the right to disinter and remove, and said permit shall accompany the body or remains.

Disinterments prohibited without a permit.

SEC. 192. Permits to disinter or exhume the bodies or remains of deceased person and to transport the same, or to exhume, or to transport, as in the last section provided, may be granted in the discretion of the Health Officer, and under such restrictions and conditions only as he, in his judgment, may affix, so as in the best possible manner to protect the public health. The Health Officer shall prepare a book of blank permits in proper form, and consecutively numbered, containing stubs on which, as well as in the permit, shall be entered a record of the transaction, giving the name, age, sex, nativity, date of death, destination of remains sought to be removed, and upon granting each permit shall be required to be paid to him the sum of ten dollars therefor, for the use and benefit of the General Fund of such city and county.

Permits, when may be granted.

SEC. 193. Any person or persons who shall disinter, exhume, or remove, or cause to be disinterred, exhumed, or removed from a grave, vault, or other receptacle, or burial place, the remains of a deceased person, without a permit therefor, shall be guilty of a misdemeanor, and be punished by fine not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the County Jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Removal of remains without permit, a misdemeanor

SEC. 194. Any person or persons who shall transport, or cause to be transported, on or through the streets or highways of any such city and county of this State, the body or remains of a deceased person, which has been disinterred or exhumed without a permit therefor, in accordance with this Act, shall be guilty of a misdemeanor, and be punished as provided in the preceding section.

Transporting remains through streets, etc.

SEC. 195. Nothing in this Act contained shall be taken to apply to the removal of the remains of the deceased person from one place of interment to another place of interment, or cemetery, within this State.

Not to apply.

Transporting remains, etc., without permit.

SEC. 196. No person, master, captain, or conductor, in charge of any boat, vessel, or railroad car, or public or private conveyance, shall receive for transportation, or shall transport the body of any person who has died within the limits of such city and county, without said body is accompanied by a permit for such transportation from the Health Officer, which permit shall accompany the body to its destination; and no person, master, captain, or conductor, as aforesaid, shall bring into or transport through any such city and county the dead body or remains of any person, unless it be accompanied with a certificate from some proper authority of the place whence it came, stating name, age, sex, and cause of death, which certificate shall be filed at the Health Office; *provided*, that in no case shall the body of any person who died of contagious disease be brought to such city and county within one year after the day of death.

Nuisances.

SEC. 197. Whenever a nuisance shall exist on the property of any non-resident, or any property, the owner or owners of which cannot be found by either Health Inspector, after diligent search, or on the property of any owner or owners upon whom due notice may have been served, and who shall for three days refuse or neglect to abate the same, or any property belonging to such city and county, it shall be the duty of the Board of Health to cause the said nuisance to be at once removed or abated, and to draw upon the General Fund in such sums as may be required for such removal or abatement, not to exceed two hundred dollars; *provided*, that whenever a larger expenditure is found necessary to be made in the removal or suppression of any nuisance, the Municipal Council of such city and county shall, upon the written application of the Board of Health, by ordinance, appropriate, allow, and order paid out of the General Fund such sum or sums as may be necessary for that purpose; *provided, further*, that in all cases where such expenditure will exceed five hundred dollars, no appropriation shall be made for that purpose unless the City and County Attorney shall first give his opinion, in writing, that such expenditure would be a legal charge against the property affected thereby. And the Auditor shall audit and the Treasurer shall pay all appropriations of money made in pursuance of this section, in the same manner as is now provided by law for auditing and paying demands upon the treasury.

Books of Health and Quarantine Officers.

SEC. 198. The Health Officer and the Quarantine Officer must each keep a book open to public inspection, in which must be entered daily all fees collected by them, and they must pay all fees collected to such City and County Treasurer, daily, to the credit of the General Fund.

Bonds of.

SEC. 199. The Health Officer must execute an official bond, with two sureties, to be approved by the Board of Health, in the sum of ten thousand dollars; and the Quarantine Officer must execute a like official bond, with two sureties, in the sum of ten thousand dollars; which bonds shall be filed with the Auditor of such city and county.

Oaths, who may administer.

SEC. 200. Any member of the Board of Health, the Health Officer, and the Quarantine Officer, and the Secretary of the

Board of Health, is hereby authorized to administer oaths on business connected with the Health Department.

SEC. 201. Whenever any cause of action arises under any of the provisions of this Act relating to the Health Department, suit may be maintained thereon in the name of the Health or Quarantine Officer, as the case may be, in any Superior Court or Justice's Court of this State. Actions, in what Courts maintained.

SEC. 202. Every physician in any such city and county shall report to the Health Officer, in writing, every patient he shall have laboring under Asiatic cholera, variola, diphtheria, scarlatina, or other contagious diseases, immediately thereafter, and report to the same officer every case of death from such disease. Reports of physicians.

SEC. 203. Every householder, in any such city and county, shall forthwith report, in writing, to the Health Officer, the name of every person boarding, or an inmate of his or her house, whom he or she shall have reason to believe sick of cholera or small-pox, and any deaths occurring at his or her house from such disease. Reports of householders.

SEC. 204. There shall be a Board of Park Commissioners of such city and county consisting of three persons, to be appointed by the Governor of this State, who shall hold their office for four years, and who shall receive no compensation for their services. In case of a vacancy, the same shall be filled by the remaining members of the Board for the residue of the term then vacant; and all vacancies occasioned by expiration of terms of office, or neglect, or incapacity, shall be filled by the Governor aforesaid. Each of said Commissioners shall be a freeholder and resident of such city and county. Said Board shall have full and exclusive control and management of all the parks of such city and county which at the time of the organization of such city and county under this Act were treated and improved as public parks, with the avenues and great highways connected therewith. Two of said Commissioners shall constitute a quorum to do business, but no money shall be expended, or contract entered into authorizing the expenditure of money without the approval of the Mayor and a majority of said Board of Park Commissioners; *provided*, that the members of the present Board of Park Commissioners in any such city and county shall be the Park Commissioners under this Act, until their term of office expires. Park Commissioners.

SEC. 205. Said Board shall have power to govern, manage, and direct said parks and avenues leading thereto as have heretofore been operated or managed in connection therewith; to lay out, regulate, and improve such parks and avenues; to pass ordinances for the regulation and government of the same; to appoint one general Superintendent, who shall perform the duties of overseer and managing gardener, who shall receive a salary of two thousand four hundred dollars per annum. The City and County Surveyor shall be *ex officio* Engineer of the works, and shall perform such engineering work as the Commissioners may Powers of.

require of him. Prisoners over the age of twenty-one years sentenced to hard labor in any of the jails, prisons, houses of correction, work-houses, or other penal establishments of such city and county, may be put to work upon the parks. The Commissioners may employ such other laborers as shall be necessary, within the amount allowed by law to be expended on said parks, at wages not to exceed the current wages paid in such city and county for labor. They shall in no year incur any debt or deficit, nor expend any money beyond the amount realized by the tax herein provided for. All persons violating any of the ordinances of the Commissioners regulating the parks shall be deemed guilty of misdemeanor, and punished accordingly.

Tax levy for
preserving,
etc., parks,
etc.

SEC. 206. The Municipal Council shall have the power to levy and collect, in the mode prescribed by law for the levy and collection of taxes, each year, upon all property in such city and county, the sum of one and one-half cents upon each one hundred dollars valuation of taxable property therein for the purpose of preserving and improving the parks and avenues under control and management of said Commissioners. Said money shall be paid into the treasury, and paid out for said purpose; all claims to be first allowed by said Commissioners and audited by the Auditor. The jurisdiction of the Park Commissioners shall not extend to unimproved parks, nor squares, and places not hitherto treated as parks, unless extended thereto by an ordinance of the Municipal Council. The Commissioners may lease, for terms not to exceed three years, any portion of said grounds not immediately required for improvement, the proceeds to go to the improvement of the parks and avenues.

Reports of
Commis-
sioners.

SEC. 207. The Park Commissioners shall make semi-annual reports to the Mayor and Municipal Council of all their proceedings, and a detailed statement of all the receipts and expenditures.

Board of
Equaliza-
tion.

SEC. 208. The Municipal Council shall constitute a Board of Equalization for such city and county, and as such shall have the powers conferred by the general laws regulating the assessment and collection of taxes, when not inconsistent with the provisions of this Act.

Board of
Education.

SEC. 209. There shall be a Board of Education for such city and county, which shall be composed of twelve School Directors, elected as provided in this Act, who shall hold office for two years, and until their successors are elected and qualified. They shall have the same qualifications as to eligibility requisite for members of the Board of Aldermen. Said Board shall organize immediately after the election and qualification of its members, by electing a President from among the Directors elected, and annually thereafter, and shall hold meetings monthly, and at such times as the Board shall determine. A majority of all the members elected shall constitute a quorum to transact business, but a smaller number may adjourn from time to time. The Board may determine the rules of its proceedings. Its sessions shall be public, and its record shall be open to public inspection.

SEC. 210. There shall be elected by the qualified voters of such city and county, at the second general State election after the passage of this Act, and every four years thereafter, a Superintendent of Schools, who shall take office on the first Monday after the first day of January next following his election, and hold office for the term of four years, and until his successor is elected and qualified. He shall perform such duties as is prescribed by law.

Superintendent of Schools.

SEC. 211. The Board of Education shall have power:

Board of Education, powers of.

First—To establish school districts, and to fix and alter the boundaries thereof.

Second—To maintain public schools as organized at the time of the organization of such city and county under this Act, and to consolidate and discontinue the same as the public good may require.

Third—To establish high, normal, and experimental schools for the education of teachers.

Fourth—To employ and pay, and to dismiss teachers, janitors, School Census Marshals, and such mechanics and laborers, and such other persons as may be necessary to carry into effect the powers and duties of the Board, and, unless otherwise provided by law, to fix, alter, and allow paid their salaries and compensations, and to withhold, for good and sufficient cause; the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Fifth—Also to make, and establish, and enforce all necessary and proper rules and regulations for the government and efficiency of the schools, the teachers, and pupils, and for the carrying into effect of the school system; and to establish, and regulate, and grade the schools, the course of studies and mode of instruction therein; to investigate all charges of misconduct on the part of teachers and other employés of the Board; to administer oaths, and take testimony; to summon and enforce the attendance of and examine witnesses for such purpose, before the Board, or a member or committee thereof. Any person summoned and refusing to attend and testify, shall be deemed guilty of a misdemeanor; and any person testifying falsely shall be guilty of perjury, and, on conviction, punished accordingly.

Sixth—To provide for the School Department of such city and county fuel, lights, blanks, blank books, books, printing, and stationery, and such other articles, materials, or supplies as may be necessary and appropriate for use in the schools, or in the office of the Superintendent.

Seventh—To build, alter, repair, rent, and provide school houses, and furnish them with proper school furniture, apparatus, and school appliances, and to insure any and all school property, and to use and control such buildings as may be necessary for the uses of the Board and its committees.

Eighth—To receive, purchase, lease, and hold in fee, in trust for such city and county, any and all real estate and personal property that may have been or which hereafter may be acquired for the use and benefit of the schools of such city and county.

Same.

Ninth—To grade, fence, and improve school lots, and in front thereof.

Tenth—To sue for any and all lots, lands, and property belonging to or claimed by the School Department of such city and county, and to prosecute and defend all actions at law, or in equity, necessary to recover the full enjoyment and possession of said lots, lands, and property, and to require the services of the City and County Attorney in all such suits and proceedings.

Eleventh—To establish regulations for the just and equal disbursement of all moneys belonging to the School Department, or to the Public School Fund, and to make rules and regulations to secure economy and accountability in the expenditure of school money.

Twelfth—To discharge all legal incumbrances existing upon any school property; to dispose of and sell such personal property used in the schools as shall no longer be required, and all moneys realized by such sales shall be paid into the city treasury to the credit of the Public School Fund.

Thirteenth—To lease, for the benefit of the Public School Fund, for a term not exceeding five years, any unoccupied property of the School Department not required for school purposes; to prohibit any child under six years of age from attending the schools; and generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said Board.

Who may administer oaths.

SEC. 212. The President of the Board of Education, the Superintendent, and the Secretary, shall have power to administer oaths or affirmations concerning any demands upon the treasury, payable out of the Public School Fund, or other matters relating to their official duties or the School Department.

Quarterly reports of Directors.

SEC. 213. It shall be the duty of each Director to make quarterly reports to the Board of the condition of the schools in their respective districts.

Board of Education, duty of.

SEC. 214. It shall be the duty of the Board of Education to furnish all necessary supplies for the public schools. All supplies, books, stationery, fuel, printing, goods, material, building, repairs, merchandise, and every other article and thing supplied to or done for the public schools, or any of them, when the expenditure to be incurred is likely to exceed two hundred dollars, shall be done by contract, let to the lowest responsible bidder, after advertisement by the Superintendent of Schools; and the contract shall be entered into by the Superintendent with the party to whom the contract is awarded; and the Superintendent shall take care that such contract is carried out in strict accordance with the terms thereof.

Bids.

SEC. 215. All bids or proposals made under the preceding section shall be delivered to the Superintendent of Schools, and said Board shall, in open session, open, examine, and publicly declare the same, and award the contract to the lowest responsible bidder; *provided*, said Board may reject any and all bids, should they deem it for the public good, and also the bid of any party who may be proved delin-

quent or unfaithful in any former contract with such city and county or said Board, and cause a republication of the notice for proposals, as above specified. Any person may bid for any one article.

SEC. 216. Any School Director, officer, or other person officially connected with the School Department, or drawing a salary from the Board of Education, who shall, while in office, or so connected, or drawing salary, be interested, either directly or indirectly, in, or who shall gain any benefit or advantage from any contract, payments under which are to be made in whole or in part of the moneys derived from the School Fund, or raised by taxation or otherwise for the support of the public schools, shall be deemed guilty of felony, and, on conviction, punished accordingly; and this provision shall not be construed to relieve such persons from any other penalty, but shall be deemed cumulative to and with other penalties and disabilities as to such acts and offenses.

Not to be interested in contracts, etc.

SEC. 217. The Board shall make and transmit, between the fifteenth day of January and the first day of February of each year, to the State Superintendent of Public Instruction, and to the Mayor and Municipal Council of such city and county, a report, in writing, stating the whole number of public schools within the jurisdiction, the length of time they have been kept open, the number of pupils taught in each school, the whole amount of money drawn from the treasury by the department during the year, distinguishing the amounts drawn from the General Fund of the State from all other, and from what sources, and the manner and purpose in which such money has been expended, with particulars, and such other information as may be required from them by the State Superintendent, the Municipal Council, or the Mayor.

Report of Board.

SEC. 218. The Board shall provide evening schools, to be held in the public school houses, for the benefit of those unable to attend the day schools. They shall make and enforce regulations requiring the teachers to keep records of the names, ages, and residences of all pupils, and the names and residences of their parents, and the aggregate attendance of each pupil during the year, and to verify and report the same on the thirty-first day of December to the Board; and such other rules and regulations for the purpose of ascertaining the attendance and efficiency of the department and progress of education.

Evening schools.

SEC. 219. The Superintendent of Schools shall be ex officio a member of the Board of Education, without the right to vote.

Superintendent, member of Board.

SEC. 220. Said Superintendent shall appoint a Clerk, subject to the approval of the Board of Education, who shall act as Secretary of said Board. His salary shall be two hundred dollars a month. Said Clerk may be removed at the pleasure of the Superintendent, and shall perform such duties as shall be required of him by the Board or the Superintendent.

To appoint a Clerk.
Salary.

SEC. 221. The Superintendent shall report to the Board annually, on or before the first day of August, and at such

Report of Superintendent.

other time as the Board may require, all matters pertaining to the expenditures, income, condition, and progress of the public schools of such city and county during the preceding fiscal year, with such recommendations as he may deem proper. He shall observe and cause to be observed, such general rules for the regulation, government, and instruction of the schools, not inconsistent with the laws of the State, as may be established by the Board. He shall attend the sessions of the Board, and inform himself at each session of the condition of the schools, school houses, school funds, and other matters connected therewith, and to recommend such measures as he may deem necessary for the advancement of education in such city and county. He shall acquaint himself with all the laws, rules, and regulations governing the public schools in such city and county, and the judicial decisions thereon, and give advice on subjects connected with the public schools gratuitously to officers, teachers, pupils, and their parents and guardians.

Duties of. **SEC. 222.** The Superintendent of Schools shall visit and examine the schools, and see that they are efficiently conducted, and that the laws and regulations of the Board are enforced in all things, and that no religious or sectarian books or teachings are allowed in the schools, and to report monthly to the Board. He shall also report to the State Superintendent at such times as such officer shall require.

To visit, etc., schools. **SEC. 223.** Any vacancy in the office of School Director shall be filled for the remainder of the term by a person to be appointed by the Board of Aldermen.

Vacancy in office of Director. **SEC. 224.** In case of a vacancy in the office of Superintendent, the Board of Aldermen may appoint a person to fill the vacancy until the next regular election, when the office shall be filled by the people.

Vacancy in office of Superintendent. **SEC. 225.** The School Fund of such city and county shall consist of all moneys received from the State School Fund; of all moneys arising from taxes which shall be levied annually by the Municipal Council of such city and county for school purposes; of all moneys arising from sale, rent, or exchange of any school property, and of such other moneys as may, from any source whatever, be paid into said School Fund. Said fund shall be kept in the city and county treasury, separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this Act. No fees or commissions shall be allowed or paid for assessing, collecting, keeping, or disbursing any school moneys; and if, at the end of any fiscal year, any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and shall not be, for any purpose whatever, diverted or withdrawn from said fund, except under the provisions of this Act.

School Fund. **SEC. 226.** The said School Fund shall be used and applied by said Board of Education for the following purposes, to wit:
First—For the payment of the salaries or wages of teachers, janitors, School Census Marshals, and other persons who may be employed by said Board.

How used

Second—For the erection, alteration, repair, rent, and furnishing of school houses.

Third—For the expenses of high, normal, and experimental schools.

Fourth—For the purchase money or rent of any real or personal property purchased or hired by the Board.

Fifth—For the insurance of all school property.

Seventh—For the discharge of all legal incumbrances now or hereafter existing on any school property.

Eighth—For lighting school rooms, and the office and rooms of the Superintendent and the Board of Education.

Ninth—For supplying the schools with fuel, water, apparatus, blanks, blank books, and necessary school appliances, together with books for indigent children.

Tenth—For supplying books, printing, and stationery, for the use of the Superintendent and Board of Education, and for the incidental expenses of the Board and department.

Eleventh—In grading, fencing, improving school lots.

SEC. 227. All claims payable out of the School Fund (excepting the coupons for interest on school bonds), shall be filed with the Secretary of the Board, and after they shall have been approved by a majority of all the members elect of the Board, upon a call of "yeas" and "nays" (which shall be recorded), they shall be signed by the President of the Board, and the Superintendent of the Public Schools, and be sent to the City and County Auditor. Every demand shall have indorsed upon it a certificate of its approval by the Board, showing the date thereof, and the law authorizing it by title, date, and section. All demands for teachers' salaries shall be payable monthly.

Claims, how filed.

SEC. 228. Demands on the School Fund may be audited and approved in the usual manner, although there shall not, at the time, be money in the treasury for the payment of the same; *provided*, that no demand on said fund shall be paid out of or become a charge against the School Fund of any subsequent fiscal year; *and further provided*, that the entire expenditures of the said school department, for all purposes, shall not, in any fiscal year, exceed the revenues thereof for the same year.

Demands, how audited.

SEC. 229. The City and County Auditor shall state, by indorsement upon any claim or demand audited on the School Fund, the particular money or fund out of which the same is payable, and that it is payable from no other source.

Auditor to indorse demand.

SEC. 230. Audited bills for the current fiscal year for wages or salaries of the teachers in the public schools shall be receivable for school taxes due upon real estate.

Audited bills received for school taxes.

SEC. 231. All lawful demands authorized by this Act for school purposes shall be audited and approved in the usual manner, and the Auditor and Treasurer of such city and county are respectively authorized to audit and pay the same, when so ordered paid and approved by the said Board; *provided*, that the said Board shall not have the power to contract any debt or liability, in any form whatsoever, against such city and county, in contravention of this Act; *and provided further*, that the allowance or approval by the Board of

Demands, how audited etc.

demands not authorized by this Act shall be no warrant or authority to the Auditor or Treasurer to audit or pay the same.

Board to report estimate for current expenses.

Sec. 232. It shall be the duty of the Board of Education of such city and county, on or before the second Monday of September of each year, to report to the Municipal Council an estimate of the amount of money which will be required during the year for the purpose of meeting the current annual expenses of public instruction in such city and county, specifying the amount required for supplies furnished pupils, for purchasing and procuring sites, for leasing rooms or erecting buildings, and for furnishing, fitting up, altering, enlarging, and repairing buildings; for the support of schools organized since the last annual apportionment; for salary of teachers, janitors, clerks, and other employes, and other expenditures authorized by law; but the aggregate amount so reported shall not exceed the sum of thirty-five dollars for each pupil who shall have actually attended and been taught in the preceding year in the schools entitled to participate in the apportionments. The number of pupils who shall be considered as having attended the schools during any one year, shall be ascertained by adding together the number of days' attendance of all the pupils in the common schools during the year, and dividing the same by the number of school days in the year. Said Municipal Council is authorized and empowered to levy and cause to be collected, at the time and in the manner of levying State and other city and county taxes, the amount of tax, not to exceed thirty-five dollars per pupil, determined and reported by the Board of Education. The amount so levied and collected shall not include the amount received annually from poll taxes.

School money, when not allowed.

Sec. 233. No school shall receive any portion of the school moneys in which the religious doctrines or tenets of any particular Christian or other religious sect are taught, inculcated, or practiced, or in which any book or books, containing compositions favorable or prejudicial to the particular doctrines or tenets of any particular Christian or other religious sect, is used; nor shall any such books or teachings be permitted in the common schools.

No member to be a disbursing agent.

Sec. 234. No member of the Board of Education shall ever become the disbursing agent of such Board, or handle or pay out any of its money under or upon any pretense whatever. Any violation of this provision shall be a misdemeanor, and shall subject the offender, besides the punishment, to removal from office. Any member or officer of the Board of Education who shall, while in office, accept any donation or gratuity in money, or of any valuable thing, either directly or indirectly, from any teacher, or candidate, or applicant for a position as teacher, upon any pretense whatever, shall be deemed guilty of a misdemeanor in office, and shall be ousted by the Board, or by any Court of competent jurisdiction, from his seat, on proof thereof. Any member or officer of the Board of Education who shall accept any money, or valuable thing, or the promise thereof, with an

agreement or understanding, express or implied, that any person shall, in consideration thereof, get the vote or influence of such member or officer for a situation as a teacher or employé of any kind in the school department, shall be deemed guilty of a felony, and, on conviction, shall be punished accordingly.

SEC. 235. All the streets, lanes, alleys, places, or courts, as laid down on the official map of such city and county, and all other streets, lanes, alleys, places, or courts, now dedicated or open to public use, are hereby declared to be open public streets, lanes, alleys, places, or courts, for the purpose of this Act; and the Municipal Council is invested with jurisdiction to order any of the work mentioned in section two hundred and thirty-nine of this Act to be done on any of said streets, lanes, alleys, places, or courts, when the grade and width of said streets, lanes, alleys, places, or courts have been officially established; and for the purposes of this Act the grade of all intermediate or intersecting streets, lanes, alleys, places, or courts in any one block shall conform to the grades as established of the crossings of the main streets.

Streets,
lanes, alleys,
what de-
clared to be.

SEC. 236. The Municipal Council is hereby authorized and empowered to order the whole or any portion of the said streets, lanes, alleys, places, or courts graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, piled or repiled, capped or recapped, and to order sidewalks, sewers, cesspools, man-holes, culverts, curbing, and crosswalks to be constructed, and to order any streets and sewers cleaned, and to order any other work to be done which shall be necessary to make and complete the whole or any portion of said streets, lanes, alleys, places, or courts, and they may order any of the said work to be improved; and when any street, or portion of a street, has been or shall hereafter be constructed to the satisfaction of the Municipal Council and the Superintendent of Streets, and shall have a brick sewer, or cement or iron stone pipe constructed therein, under such regulations as said Municipal Council shall adopt, the same shall be accepted by it, and thereafter shall be kept open and improved by such city and county, the expense thereof, together with all work done in front of city and county property, to be paid out of the Street Department Fund, or other proper fund; *provided*, that the Municipal Council shall not accept of any portion of the street less than the entire width of the roadway (including the curbing and one block in length, or one entire crossing); *and provided further*, that it may, partially or conditionally, accept any street, or portion of a street, without a sewer or pipe therein as above stated, if a sewer or pipe therein shall be deemed by them unnecessary; but the lots of land previously assessable for the cost of construction of a sewer or pipe shall still remain and be assessable for such cost, and for the cost of repair and restoration of the street damaged in the said construction, when thereafter a sewer or pipe shall be deemed necessary, the same as if no partial or conditional acceptance had ever been had. The said Superin-

Grading, etc.,
streets, etc.

tendent of Streets shall keep in his office a register of all accepted streets, the same to be indexed so that reference may be easily had thereto.

Work on
streets
authorized,
how.

SEC. 237. The Municipal Council may order any work authorized by this Act, the cost and expense of which is made chargeable, or may be assessed upon private property by special assessment, to be done, after notice of its intention so to do in the form of a resolution describing the work, and signed by the Clerks of both branches of the Municipal Council, has been published for the period of five days in the paper doing the printing for such city and county, and also in two daily newspapers, one of which newspapers shall be published as a morning edition and one as an evening edition, printed and published in such city and county, for five days, Sundays and non-judicial days excepted; *provided*, that no such notice shall be given or order made for the grading of any street unless the majority of the frontage of the lots and land fronting on the work proposed to be done, and described in said resolution, or which is to be made liable for such grading, except public property, shall have been represented by the owners thereof, or by their agents, in a petition to the said Municipal Council, stating that they are the owners and in possession or agents of the lots named in the petition, and also requesting that such improvements or street work shall be done. All owners of lands, or lots, or portions of lots, who may feel aggrieved or have objection to the ordering of the work described in said notice, or who may have objection to any of the subsequent proceedings of the Municipal Council in relation to the work mentioned in such notices of intention, or may have any objections to any of the acts of the Superintendent of Streets, and the City and County Surveyor of such city and county, in the discharge of any of the obligations or duties imposed upon him or them by virtue of their offices, shall file with the Clerk of either branch of the Municipal Council a petition or remonstrance, wherein they shall set forth in what respect they feel aggrieved, or the acts or proceedings to which they object, which petition or remonstrance shall be passed upon by the Municipal Council, and its decisions thereon shall be final and conclusive; but the Municipal Council shall not order the work described in said notices to be done unless all objections and protests that may have been presented and filed as aforesaid shall have been by them disposed of. Should the owners or agents of more than one-half in frontage of the lots and lands fronting on the work proposed to be done, and designated in said notice or resolution, or liable to be assessed for work, file with the Clerk of either branch of the Municipal Council written objections against any grading described in said notice, at any time before the expiration of the publication of said notice of intention, and the publication thereof as hereinbefore provided, then and thereupon the Municipal Council shall be barred from proceeding further for the period of six months, and shall not renew the notice of intention for doing any street work so protested against within six months, unless

the owners or agents of a majority of the frontage of the lots and lands fronting on said street work, or liable to be assessed therefor as aforesaid, shall petition anew for the work to be done. At the expiration of any notice of intention the Municipal Council shall be deemed to have acquired jurisdiction to order any work to be done which is authorized by this Act; *and it is further provided*, that where any public street shall have been graded, or graded and macadamized, or graded and paved, for the distance of one or two blocks upon each side thereof of any one or two blocks or crossing of a street which is not improved, it shall be the duty of the Municipal Council, upon the recommendation of the Superintendent of Streets, to order the notice provided in this section to be given without the petition provided first aforesaid; and if the owners of three-fourths of the frontage of the land and lots fronting on such portions of said streets to be graded or improved shall, within the time prescribed in said notice, file written objections to the improvement of the said street, the Municipal Council shall duly consider said objections before ordering said work; and if it shall decide and declare by an entry in the minutes of both branches thereof that the objections so made are not good, thereupon it shall be deemed to have acquired jurisdiction to order any such street work to be done that is described in said notice; *provided further*, that when one-half or more of the grading, planking, macadamizing, paving, sidewalking, or sewerage of any one street, lying between two main street crossings has been already performed, the Municipal Council may order the remainder of such grading, planking, macadamizing, paving, sidewalking, or sewerage to be done, notwithstanding the objections of any or all of the property owners.

Work on streets authorized, how.

SEC. 238. The owners of more than one-half in frontage of lots and lands fronting on any street, lane, alley, place, or court, mentioned in section two hundred and thirty-eight of this Act, or their duly authorized agents, may petition the said Municipal Council to order any of the work mentioned in section two hundred and thirty-nine of this Act to be done; and the said Board may order the work mentioned in said petition to be done, after notice of their intention so to do has been published as provided in section two hundred and forty of this Act. No order or permission shall be given to grade, or pile and cap, any street, lane, alley, place, or court, in the first instance, or any portion thereof, without extending and completing the same throughout the whole width of said street, lane, alley, place, or court. When any such work has heretofore been done, or when any such work shall hereafter be done, in violation of this section, neither the lots or portions of lots in front of which such work has been or may be done hereafter, nor the owners thereof, shall be exempt from assessments made for the payment of the work afterward done to complete said street, lane, alley, place, or court to its full width, as provided in this Act.

Petition of owners of more than one-half in frontage.

Publication.

Transmitting notice to Surveyor and Superintendent of Streets.

SEC. 239. At the expiration of the publication of such notice the Clerk of either branch of the Municipal Council

shall cause to be transmitted to the City and County Surveyor, and to the Superintendent of Streets of such city and county, a copy of the resolution, order, or ordinance authorizing the said street work. The said Surveyor shall thereupon, within fifteen days from the completion of the publication mentioned in the last section, transmit to said Municipal Council a map of the district to be benefited by said street improvement; which map shall show the relative location of each lot to the work proposed to be done, and be signed by said Surveyor. The Superintendent of Streets shall also thereupon, within fifteen days from the completion of said publication, transmit to the Municipal Council an estimate of the cost and expense of said improvement, which said estimate shall contain the items composing the gross sum estimated, and shall be signed by said Superintendent.

SEC. 240. The Municipal Council shall, at the first meeting after the receipt of such map and estimate, or as soon as may be practicable, either adopt, modify, or reject the same, and, after its final action upon said map and estimate, the same shall be transmitted to said Superintendent of Streets, who shall record the same in a book to be kept by him for such purpose; and the said Superintendent shall forthwith prepare plans and specifications for such street work, and the Clerk of either branch of the Municipal Council shall cause to be conspicuously posted in the office of said Superintendent, and also published for five days (non-judicial days excepted) in the newspapers hereinbefore mentioned, a notice inviting sealed proposals to contract for the work contemplated to be performed; such work not to be performed until after the moneys sufficient for the payment of the costs and expenses thereof shall have been levied, collected, and paid into the treasury of such city and county, as hereinafter provided; which notice shall substantially contain the plans and specifications above mentioned; and all notices, resolutions, and orders required to be posted or published under the provisions of this Act, shall be posted or published, or both posted and published, as the law may require, by said Clerk, as a matter of, course, and without any special direction or authority from said Municipal Council. The said Superintendent shall furnish specifications for the performance of any and all street work ordered by the Municipal Council and authorized by this Act, and the time within which said work must be completed after entering into the contract for doing the same. All proposals shall be delivered to the Clerk of either branch of the Municipal Council, and the House of which he is the Clerk shall, in open session, open, examine, and publicly declare the same; and all proposals shall be for a price, payable in gold coin of the United States; *provided*, said Municipal Council may reject any and all proposals, should they deem it for the public good, and also may reject the proposals of any party who may be proved delinquent or unfaithful with any former contract with such city and county; and if all proposals shall be rejected, the Municipal Council shall direct the Clerk of either House thereof to again post said notice, and

Map.

Estimate.

Action of Council on receipt of map and estimate.

Plans and specifications.

Proposals to be delivered to Clerk.

publish the same as in the first instance. All proposals shall be accompanied with a bond to such city and county, to be approved by the Clerk of either House of said Municipal Council, in the sum of one thousand dollars, and in such additional amount as may be fixed by said Superintendent of Streets, with two good and sufficient sureties, who must be freeholders of such city and county (said sureties to justify in double the amount), conditioned that the party making such proposal shall, or will, within ten days after notice from said Superintendent that the moneys for the cost and expenses of such work have been paid into the treasury, enter into a contract with such city and county, in pursuance of such proposal, and to commence said work within five days after the execution of such contract, and complete the same within the time mentioned in the said plans and specifications, or either of them, or within any extended time; *it is further provided*, that all persons proposing, owners included, who shall fail to enter into any contract as herein provided, or to complete the contracts entered into, are hereby prohibited from proposing a second time for the same work; and in case of owners, they are hereby prohibited from electing to take the same work a second time, and from entering into any contract concerning the same." At any time within five days after such money has been paid into the treasury, the owners of a majority of the frontage of lots and lands liable to be assessed for said work, or their agents, and who shall make oath that they are such owners, or the agents of such owners, may elect to do the said work, and to enter into a written contract to do the whole work at the price for which the same is awarded, upon giving the bond as hereinafter provided; and they shall commence said work within five days after the execution of such contract, and shall prosecute it diligently and continuously, and complete it within the time limited in the contract, or within any extended time; but should the said contractor, or the property owners, fail to prosecute the same diligently or continuously, in the judgment of said Superintendent, or complete it within the time prescribed in the contract, or within the extended time, then it shall be the duty of said Superintendent to report the same to the Municipal Council, who shall immediately order the Clerk of either branch of the Municipal Council to advertise for proposals as in the first instance, and relet the contract in the manner hereinbefore provided; *and it is further provided*, that all contractors for street work shall, at the time of entering into said contract, execute a bond, payable to such city and county, with two or more sureties, in the sum of not less than one thousand dollars, and in such additional amount as may be fixed by said Superintendent, conditioned for the faithful performance of said contract; and said sureties shall justify in double the amount of the penalty fixed in said bond; such sureties to justify before said Superintendent or his deputy, and the qualifications and responsibility of such sureties shall be the same as prescribed for sureties on the official bonds of the officers of such city and county; *and it is further provided*,

that in case of the non-fulfillment by the obligor in either of the bonds mentioned in this section, of the conditions thereof, it shall be the duty of the City and County Attorney to sue for and collect the sum in said bond mentioned, in any Court of competent jurisdiction, and pay the same into the city and county treasury, to the credit of the proper fund.

Assessment. SEC. 241. After the proposal shall have been received and considered by the Municipal Council, the Superintendent of Streets shall make an assessment in proportion to the benefit upon all the land in the district shown upon said map. Said assessment shall show the work proposed to be done, the estimated cost thereof, the rate per front foot assessed against each lot within the assessment district, the amount of each assessment, the name of the owner of each lot, or portion of lot, if known, to the Superintendent, and if such owner be unknown, the word "unknown" shall be written opposite the number of the lot (but an assessment made to a person not the owner, shall not render such assessment illegal), and the amount assessed thereon, the number of each lot or portion of lot assessed, and shall have attached thereto a diagram showing the assessment district, and the relative location of each lot assessed to the work proposed to be done, each lot being numbered in said assessment and diagram; and when completed shall be signed by said Superintendent, and transmitted to the Board of Aldermen.

Hearing. SEC. 242. At the first meeting of the Board of Aldermen, after the receipt by it of the assessment made by said Superintendent, as soon thereafter as may be practicable, it shall cause notice of the time and place of the hearing of all objections to said assessment to be published for at least five days (Sundays and non-judicial days excepted), prior to the time of such hearing, in two daily newspapers, one published as a morning edition, and one as an evening edition, in such city and county. All objections shall be heard in open session of said Board of Aldermen. At said hearing said Board of Aldermen may alter, modify, or confirm said assessment, as it shall deem proper; and said Superintendent shall thereupon record said assessment and diagram in a book to be kept by him for that purpose. When so recorded, the several amounts assessed shall be deemed a tax levied upon the lands described in said assessment and diagram, upon which they are respectively assessed, and shall be a lien upon such parcels of land. Said Superintendent shall give to each assessment a number by which the fund collected for said work shall be known, and shall immediately after the record of said assessment, as hereinbefore provided, deliver the said assessment and diagram to the Tax Collector of such city and county, who shall thereupon cause to be published for ten successive days (Sundays and non-judicial days excepted), in two newspapers of general circulation, one of which shall be published as a morning edition, and one as an evening edition, published in such city and county, a notice, containing a description of the proposed improvement, and of the portion of street or streets upon which the same is proposed to be done, that the same is in his hands for collection; that

if said assessment is not paid within fifteen days from the date of the last publication of such notice, that the same will be delinquent; that the property assessed, and upon which the assessment remains unpaid, will be sold by said Tax Collector for said assessment, a brief description of the property assessed, the amount assessed thereon, and the time and place of sale, which shall be not less than five nor more than ten days after such delinquency.

SEC. 243. On the day fixed for the sale, said Tax Collector, between the hours of ten A. M. and three P. M., must commence the sale of the property advertised, upon which the assessment remains unpaid, and sell the same at public vendue, in the office of said Tax Collector, to the person who will take the least quantity of the respective parcels of land assessed, and pay the assessment thereon, together with two dollars to said Tax Collector for the duplicate certificate of sale. If the purchaser does not forthwith pay the amounts of the assessment and costs by him bid, the said Tax Collector shall immediately proceed to sell such parcel or parcels again, in the same manner, for the amount of said assessment and costs.

Sale of delinquent property.

SEC. 244. After receiving the amount of the assessment and costs, said Tax Collector must make out in duplicate a certificate, dated on the day of the sale, showing the name of the person assessed, when known, a brief description of the property sold, the street improvement for which the assessment was levied, the number of the assessment, that it was sold for an assessment, the amount thereof, that the same is subject to redemption at any time within one year after sale, and specifying the date when the purchaser will be entitled to a deed; and upon payment to said Tax Collector of the fee for recording the same, said Tax Collector shall deliver one of such duplicates to the purchaser, and the same day file the other in the office of the Recorder of such city and county, who shall record the same.

Certificate of Tax Collector.

SEC. 245. Upon filing the said duplicate in the office of said Recorder, the lien aforesaid is vested in the purchaser, and is only divested by payment to him, or to the Treasurer of such city and county, for his use, of the purchase money and costs, and two per cent. per month and fraction of a month up to date of redemption thereon. A redemption of the property sold may be made by the owner, or any party in interest, within twelve months from the date of purchase.

Lien, where property is not vested, etc.

SEC. 246. If property is not redeemed within twelve months from the date of such sale, the Tax Collector must make to the purchaser, or his assignee, a deed, reciting substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The matters recited in the certificate of sale must be recited in the deed, and such deed, duly acknowledged, shall be prima facie evidence that:

When property is not redeemed.

1. The property was assessed as required by law.
2. That the assessment was not paid.
3. That the property was sold at the proper time and place, and by the proper officer.

4. That the person who executed the deed was the proper officer therefor.

5. That the title to the property therein described is vested in the purchaser, his heirs, or assigns, free from all incumbrances, except taxes, for purposes of revenue.

Street
Improve-
ment Fund.

SEC. 247. Said Tax Collector shall daily pay into the treasury of such city and county, to the credit of the proper Street Improvement Fund, all moneys collected by him on account of such fund, and shall, upon the receipt of any assessment, mark the same paid upon the assessment roll, and shall receipt to the person paying the same therefor, which receipt shall show the number of the Street Improvement Fund, the work done, the number of the lot upon which the assessment is paid, and the amount thereof.

Collector to
certify to the
collection of
assessment.

SEC. 248. When the full amount of such assessment has been collected by said Tax Collector, the said Collector shall certify to the Superintendent of Streets that the same has been collected and paid into the treasury of such city and county. Upon the receipt of such certificate from the Tax Collector, the said Superintendent shall forthwith notify the person whose proposal shall have been accepted by the Municipal Council, as aforesaid, of the payment of such money into the treasury, and that such city and county is ready to enter into a contract with such person for such work, in pursuance of said proposal; and said Superintendent shall hold himself in readiness to execute said contract on behalf of such city and county. The Board of Aldermen may extend the time of performance of the contract, as fixed by the contract or specifications, upon the recommendation of said Superintendent; but the time of the performance shall in no event be in any manner extended beyond sixty days after the time fixed in such specifications or contract for the completion of said work.

Completion
of contract.

SEC. 249. Whenever any contract shall have been completed to the satisfaction and acceptance of the Superintendent of Streets, he shall deliver to the contractor a certificate to that effect, and shall also notify said Board of Aldermen that said work and improvement, and the contract therefor, have been completed to his satisfaction and acceptance, and that he has given to said contractor his certificate to that effect. Thereupon said Board of Aldermen shall direct the Clerk of said Board to give notice by publication for five days, in a newspaper published and circulated in such city and county, that said work and improvement, and the contract therefor, have been completed to the satisfaction and acceptance of the Superintendent of Streets of such city and county.

Publication.

Appeal.

SEC. 250. Any person owning property which has been assessed to pay the cost and expenses of such work and improvement, feeling aggrieved at the manner in which such work and improvement shall have been done, or feeling aggrieved at any act or determination of said Superintendent of Streets, in relation to said work and improvement, subsequent to the date of the execution of the contract therefor, shall, within five days from the first publication of said notice, appeal to said Board of Aldermen by briefly

stating their objections in writing, and by filing the same with the Clerk of said Board. At the meeting of the Board next ensuing after the expiration of said five days, allowed above for filing said objections, the said Board, if no objections have been filed, shall, by resolution, ratify and confirm all said acts of said Superintendent of Streets, and shall accept such work and improvement. But if any such objections last aforesaid shall have been filed within said five days, then said Board shall fix the time for hearing such objections, and shall direct the Clerk of said Board to notify all persons desirous of being heard upon said objections of the time and place when and where said Board will hear all parties desiring to be heard upon the same. Said notice shall be in writing, and shall be given by posting the same in three of the most conspicuous public places in such city and county, and published five days in two daily newspapers (one morning and one evening edition), at least five days before the time set for said hearing. At the time and place fixed for said hearing of said objections, said Board shall proceed to hear all parties present and desiring to be heard upon the matters specified in such objections. And whenever said Board shall have determined, by personal inspection or otherwise, that said work and improvement objected to have been completed in all respects according to the contract therefor, they shall, by resolution, accept said work and improvement, and ratify and confirm all said acts of said Superintendent of Streets in relation thereto.

Hearing.

SEC. 251. If, upon such hearing, said Board of Aldermen shall determine by personal inspection or otherwise that said work and improvement have not been performed according to the contract therefor, then they shall notify the said Superintendent of Streets to that effect, specifying in said notice to him the particulars in which said contract has not been performed. And said Superintendent of Streets shall thereupon at once cause said contractor to complete said work and improvement under the contract therefor in those particulars specified by said Board in said notice to said Superintendent of Streets. Whenever said Board shall ascertain that said work and improvement have been completed in all respects according to the terms of the contract therefor, they shall, by resolution, accept such work and improvement. All acts and determinations of said Board of Aldermen upon appeals, under the provisions of this and the next preceding section, shall be final and conclusive upon all persons entitled to an appeal thereunder.

Hearing.

SEC. 252. Whenever any work or improvement shall have been so completed upon any street, lane, alley, court, or place in such city and county for the payment of costs and expenses, of which an assessment shall have been levied and collected under the provisions of this Act, the said Board of Aldermen shall, by resolution, direct the Treasurer to pay out of the appropriate fund, at the expiration of fifteen days from the passage of such resolution, to the contractor who shall have so completed said work and improvement, the amount

Payment to contractors, how made.

to which he is entitled under the terms of his contract; *provided, however*, that such payment by the Treasurer shall be made subject to the following provisions, to wit: That any person or persons who have performed labor upon or furnished materials for the construction of said work or improvement, may file within said fifteen days, with the Treasurer, any written claim or claims he or they may have on account of such labor performed or materials furnished; and, at the expiration of said fifteen days, said Treasurer shall pay to said contractor the amount specified in said last named resolution, less the aggregate amount of all such claims, if any, theretofore filed in accordance with the provisions of this section. Should any money be retained by said Treasurer on account of such claim or claims, he shall pay over the amount of each claim only upon the order therefor of said contractor, indorsed by the claimant entitled thereto, or upon the order thereof of any Court of competent jurisdiction.

Moneys remaining over to be reported to Board of Aldermen.

SEC. 253. And when all moneys required to be paid by the said Treasurer under the last preceding section shall have been by him paid, as required in said section, if there is any money remaining in the fund out of which said payments shall have been made as aforesaid, it shall be the duty of said Treasurer immediately to report the amount of said remaining moneys to said Board of Aldermen. Thereupon it shall be the duty of said Board to empower and direct said Treasurer to distribute and repay such remaining moneys, and in the proportion of the amounts of the original assessments, to the persons by or for whom said original assessments were paid, or to their legal representatives. And it shall be the duty of said Treasurer, in each instance of such repayment, to require, receive, and file away a receipt for said proportionate amount from said persons or their legal representatives. And in no case shall a contractor who has failed to fulfill the terms and conditions of his contract be entitled to receive any portion of the contract price therefor, and he shall be deemed to have forfeited all right to recover or receive any compensation whatever under said contract.

Work, when not to be contracted for.

SEC. 254. No contract to do any work upon any accepted streets other than cleaning streets and sewers shall be let, but such work shall be done under the direction of the Superintendent of Streets, by laborers employed by such city and county through said Superintendent, at such wages as may be from time to time fixed by the Municipal Council. All contracts for materials necessary to be used for work on accepted streets must be given by the Municipal Council to the lowest bidder offering adequate security, after due public notice, for not less than five days, in at least two newspapers published in such city and county.

Superintendent may repair streets, when.

SEC. 255. In case of urgent necessity, the Superintendent of Streets may, and it shall be his duty to repair any of the unaccepted public streets, sewers, or crossings cornering thereon; and the expense of the same shall be paid out of the Street Department Fund, in the same manner as provided for the improvement of accepted streets; and all such

repairs shall be made in uniformity with the work to be repaired, but such repairs between two main streets shall not exceed in cost the sum of two hundred dollars, and the repairs of any crossings shall not exceed in cost the sum of one hundred dollars; *provided*, the sums so expended shall not exceed the sum of two thousand dollars in any one month. Such work, and the material therefor, shall be performed and provided in the same manner as provided in the foregoing section concerning labor and material for accepted streets.

SEC. 256. No recourse shall be had against such city and county for damage to person or property suffered or sustained by or by reason of the defective condition of any street or public highway of such city and county, whether originally existing or occasioned by construction, excavation, or embankment, or want of repair of said street or public highway; and whether such damage be occasioned by accident on said street or public highway, or by falling from or upon the same; but if any person while carefully using any street or public highway of such city and county, graded, or in course of being graded, or carefully using any other street or public highway leading into or crossing the same, be injured, killed, lost, or destroyed; or any horses, animals, or other property be lost, injured, or destroyed, through any defect in said street or public highway, graded, or in course of being graded, as aforesaid, or by reason of any excavation or embankment in or of the same, or by falling from or upon such embankment or excavation, then the person or persons upon whom the law may impose the duty either to repair such defect or to guard the public from the excavation, embankment, or grading aforesaid, and also the officer or officers through whose official neglect such defect remained unrepaired, or said excavation or embankment remained unguarded as aforesaid, shall be jointly and severally liable to the person or persons injured for the damages sustained.

Damages not to be had against city.

SEC. 257. The Superintendent of Streets may require, at his option, by notice in writing, to be delivered to them personally or left on the premises, the owners, tenants, or occupants of lots or portions of lots liable to be assessed for work done under the provisions of this Act, to improve forthwith any of the work mentioned in section two hundred and thirty-six of this Act in front of the property of which he is the owner, tenant, or occupant, to the center of the street or otherwise, as the case may require, or to remove all filth, sand, earth, or dirt from the street in front of his premises; and by a like notice, to be served personally upon the President or any officer of a railroad corporation or company, or to be left at the office of said corporation or company, to require such corporation or company to improve forthwith any work mentioned in this Act which said corporation or company are required by law to do and perform; said notice to specify what improvement is required, or work is to be done. After the expiration of five days, if such notice shall not have been complied with, such proceedings shall be taken by the proper authorities to cause the moneys necessary for

Notice to owners, etc., to improve property.

the doing of such work to be paid into the treasury, as is hereinbefore provided in reference to work and improvements upon unaccepted streets, and to be paid for in the same manner.

How served. SEC. 258. Notices in writing, which are required to be given by the Superintendent of Streets, under the provisions of this Act, may be served by any police officer, or by any male citizen over the age of twenty-one years, and the fact of such service shall be verified by the oath of the person making it, taken before the Superintendent (who is hereby authorized to administer oaths), or any other person authorized to administer oaths. The Superintendent of Streets shall keep a record of the fact of giving such notices and proof of service, and shall keep the original proof thereof.

Tax levy, how apportioned. SEC. 259. *First*—On or before the fourth Monday of July, annually, the Municipal Council of such city and county shall levy the amount of taxes for State, city, and county purposes, required by law to be levied upon all property not exempt from taxation; said amount to be such as the said Council may deem sufficient to provide for the payment of all demands upon the treasury authorized by law to be paid out of the same; *provided*, that such taxation, exclusive of the State tax and any and all special taxes, now or which hereafter may be authorized by law, shall not in the aggregate exceed the rate of one dollar upon each one hundred dollars valuation of the property assessed; *provided further*, that the said Municipal Council shall, in making the said levy of taxes, apportion and divide the taxes so levied, and to be collected and applied to the several specific funds known as the Corporation Debt Fund, General Fund, School Fund, Street Light Fund, Street Department Fund, or other fund provided for by law, or by the said Council, according to the estimate of said Council of the necessities of the said funds, except that the rate for the School Fund shall not exceed thirty-five dollars for each pupil who shall have attended and been taught the preceding year; *and provided further*, that the said Municipal Council shall authorize the disbursement of said money for the purposes hereinafter mentioned; and at the close of each fiscal year the said Council shall direct the Treasurer to transfer all surplus moneys of all funds, excepting the School Fund, after liquidating or providing for all outstanding demands upon said funds, to the General Fund; but no money shall be transferred from either of the said funds to another, nor used in paying any demands upon such other fund until all the indebtedness arising in any fiscal year, and payable out of said funds so raised for said fiscal year, shall have been paid and discharged.

Second—The Corporation Debt Fund shall be applied to and used for the payment of the interest, and to extinguish or provide for the extinguishment of the lawfully contracted funded debts of such city and county, in accordance with laws in force at the time of the organization of such city and county under this Act.

Third—The General Fund shall be applied and used for

the payment of all sums authorized by law to be paid out of the General Fund, and not otherwise provided for in this Act. Tax levy,
how
apportioned.

Fourth—The School Fund shall be applied and used for the payment of all sums authorized by law to be paid out of the School Fund.

Fifth—The Street Light Fund shall be applied and used in payment for lighting the streets of such city and county, and for the repair of lamps and posts, in pursuance of any existing or future legal contract of such city and county.

Sixth—The Street Department Fund shall be applied and used for repairing and improving all streets, lanes, and the crossings thereof, which shall have been or hereafter may be accepted, so as to become a charge upon such city and county; for cleaning streets, lanes, crossings, and sewers; and for the expense of improvements of streets in front of school lots; for all street work in front of or assessable upon property belonging to such city and county; for all street work on the water-front of such city and county, not by law assessable upon private property; for all work authorized by the said Council, upon the recommendation of the Superintendent of Streets, as immediately essential for the safety of life, limb, or property, or necessary for public health, or which cannot be by law assessed upon private property, and for such other objects relating to streets and highways as shall be directed by law or said Council to be paid therefrom. All moneys received from licenses on vehicles, from the income from street railroads, from fines and penalties for violation of any law or ordinance regulating vehicles on the public streets, shall be paid into the Street Department Fund.

SEC. 260. No payment can be made from the treasury or out of the public funds of such city and county, unless the same be specifically authorized by law, nor unless the demand which is paid be duly audited, as in this Act provided, and that must appear upon the face of it. No demand upon the treasury shall be allowed by the Auditor in favor of any person, officer, company, or corporation in any manner indebted thereto without first deducting the amount of such indebtedness, nor to any person or officer having the collection, custody, or disbursement of public funds, unless his account has been duly presented, passed, approved, and allowed, as required by law; nor in favor of any officer who shall have neglected to make his official returns or his reports, in writing, in the manner and at the time required by law or by the regulations established by the Municipal Council; nor to any officer who shall have neglected or refused to comply with any of the provisions of this or any other Act of the Legislature regulating the duties of such officer, on being required in writing to comply therewith by the President of the Board of Aldermen, or any member of the Finance Committee of the Municipal Council; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office during the office hours prescribed in this Act, and the Auditor may examine any officer receiving a salary from the treasury, on oath, touching such absence. Payments
to be
authorized
by law.

The term
"audited"
defined

SEC. 261. The term "audited," as used in this Act, with reference to demands upon the treasury, is to be understood their having been presented to and passed upon by every officer and Board of officers and finally allowed as required by law; and this must appear upon the face of the paper representing the demand, or else it is not audited.

All demands
to be
presented to
Auditor, etc.

SEC. 262. Every demand upon the treasury, except the salary of the Auditor, and including the salary of the Treasurer, must, before it can be paid, be presented to the Auditor for such city and county, to be allowed, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of such city and county is authorized by law, and out of what fund. If he allow it, he shall indorse upon it the word "Allowed," with the name of the fund out of which it is payable, with the date of such allowance, and sign his name thereto; but the allowance or approval of the Auditor, or the Municipal Council, or either branch thereof, or any Board, committee, or officer, of any demand which, upon the face of it, appears not to have been expressly made by law payable out of the treasury or fund to be charged therewith, shall afford no warrant to the Treasurer or other disbursing officer for paying the same. No demand can be approved, allowed, audited, or paid, unless it specify each several item, date, and value composing it, and refer to the law, by title, date, and section, authorizing the same.

Salary of
Auditor, how
audited, etc.

SEC. 263. The demand of the Auditor for his monthly salary shall be audited and allowed by the President of the Board of Aldermen. All other monthly demands on account of salaries, allowances, or compensations fixed by law or this Act, and made payable out of the treasury of such city and county, may be allowed by the Auditor without any approval. All demands payable out of the School Fund must, before they can be allowed by the Auditor, or paid, be previously approved by the Board of Education, or by the President thereof, and Superintendent of Schools, acting under express authorization of said Board. Demands for teachers' wages, or other expenses appertaining to any school, cannot be approved, allowed, or audited to an amount exceeding the share of school money which such school will be entitled to have apportioned to it during the current fiscal year. All other lawful demands payable out of the treasury, or any public funds of such city and county, and not hereinbefore in this section specified, must, before they can be allowed by the Auditor in any manner, or recognized, or paid, be first approved by the Municipal Council, except, if the demand be under two hundred dollars, by the Mayor and two members of the Board of Aldermen appointed by the said Board for that purpose, with power to act under and subject to its instructions and regulations during recess of the said Board. The Auditor must number and keep a record of all demands on the treasury allowed by him, showing the number, date, amount, and name of the original and present holder, on what account allowed, out of what fund payable, and, if previously approved, by what officer, officers, or Board it has

What
demands
allowed
without
approval.

been so approved; and it shall be deemed a misdemeanor in office for the Auditor to deliver any demand with his allowance thereon until this requisite shall have been complied with.

SEC. 264. The Mayor, Mayor's Clerk, Auditor, Auditor's Clerk, Chief of Police, Police Commissioners, President of the Board of Education, each member of the Municipal Council, and every other officer required by law or ordinance to allow, audit, or certify demands upon the treasury, or to perform any other official act or function, shall have power to administer oaths and affirmations, and take and hear testimony concerning any matter or thing concerning any demand upon the treasury, or otherwise relating to their official duties. Every officer who shall approve, allow, or pay any demand on the treasury not authorized by law, or by a valid ordinance of the Municipal Council, passed in accordance with the same, or in case it is the act of a Board, who shall, as a member thereof, vote for the same, shall be liable to the city and county individually, and on his official bond, for the amount of the demand so illegally approved, allowed, or paid. Copies or extracts from said books, duly certified, shall be given by the officer having the same in custody, to any citizen demanding the same and paying fifteen cents per folio of one hundred words for such copies or extracts.

Who may administer oaths.

SEC. 265. Every lawful demand upon the treasury, duly audited as in this Act required, shall in all cases be paid on presentation, and canceled; and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the Treasurer for that purpose, showing its number, when presented, date, amount, name of the original holder, and on what account allowed, and out of what fund payable, and being so registered, shall be returned to the party presenting it, with an indorsement of the word "Registered," dated and signed by the Treasurer.

Demands, how paid.

SEC. 266. Whenever any audited demand has been presented to the Treasurer and not paid, and it be made known to the President of the Board of Aldermen, he shall proceed immediately to investigate the cause of such non-payment, and if it be ascertained that the demand has been illegally and fraudulently approved or allowed, he shall cause the officer guilty of such illegal and fraudulent approval or allowance to be suspended and proceeded against for misconduct in office. If he ascertains that the demand has been duly audited, and that the Treasurer has funds applicable to the payment thereof, which, without reasonable grounds for doubt as to the legality of such payment, he refuses to apply thereto, he shall proceed against him as a defaulter. If it be ascertained that the demand was not paid for want of funds, then he shall cause the Tax Collector, or other officer or person who ought to have collected or to have paid the money into the treasury, if they have been grossly neg-

Audited demands, not paid, to be investigated.

ligent therein, to be proceeded against according to law and without delay.

Treasurer to
receipt for
moneys.

SEC. 267. The Treasurer, for all money received into the treasury, and all other officers of such city and county receiving money from the treasury for disbursement, shall give receipt for all moneys by them received, which receipt shall be presented to and countersigned by the Auditor. The Auditor, before countersigning any such receipt, shall number it and make an entry in a book of record, to be kept in his office for that purpose, of the number, date, and amount, by whom and in whose favor given, and on what account. No such receipt shall be valid as evidence in favor of the person or officer receiving it till presented to the Auditor and countersigned as aforesaid; and any person or officer using or offering to use such receipt as evidence in favor of such person or officer; of the payment specified in it, without being first countersigned as above required, shall forfeit to such city and county double the amount of money specified in such receipt.

Appeal from
decision of
Auditor.

SEC. 268. If any person feel aggrieved by the decision of the Auditor, or other proper officer or officers of such city and county, except the Board of Education, in the rejection of or refusal to approve or allow any demand upon the treasury presented by such person, he may appeal and have the same passed upon by the Municipal Council, whose decision thereon shall be final; and if the said Council shall approve and allow the demand, it shall afterwards be presented to the Auditor, and entered in the proper book, in like manner as other demands allowed by him, and an indorsement must be made of its having been so entered before it can be paid; but nothing herein contained shall be construed to bar the party presenting the claim from prosecuting the same in any Court of competent jurisdiction; *provided*, that from the decision of the President of the Board of Education and Superintendent of Schools, refusing or not agreeing to allow any demand payable out of the School Fund, the appeal shall be taken to the Board of Education, whose decision shall be final; but nothing herein contained shall be construed to bar the party presenting the claim from prosecuting the same in any Court of competent jurisdiction.

Opinion
of City
Attorney.

SEC. 269. In all cases of such appeals to the Municipal Council, or the Board of Education, if, in the opinion of said Council or of said Board, deemed expedient, the opinion of the City and County Attorney shall be required and obtained in writing, read and filed; and, upon such appeal and in all other cases upon the approval or allowance of any demand upon the treasury or School Fund, the vote shall be taken by "yeas" and "nays," and entered upon the records.

Books of
Treasurer
to be
examined.

SEC. 270. The President of the Board of Aldermen, in conjunction with the Auditor and the Chairman of the House of Delegates of such city and county, shall every month examine the books of the Treasurer and other officers of such city and county having the collection and custody of the public funds, and shall be permitted and it shall be their duty to see and count over all the moneys remaining in the

hands of such Treasurer, or other officer, after having previously ascertained the amount which should be remaining in his hands. The Finance Committee shall also, twice a year, viz.: on the first Monday in July and January, make the same examination of books, count said money, and report the result to the Municipal Council. If they ascertain clearly that such Treasurer, or other officer, is a defaulter, they shall forthwith take possession of all funds, books, and papers belonging to such office, and the President of the Board of Aldermen shall appoint a person to fill the same until the said defaulting officer can be proceeded against according to law, which shall be done without delay, and until the said officer shall be restored to his duty or office, or until his successor shall be appointed, or elected, and qualified. The person so appointed shall give bond and take the oath of office in the same manner as was required of the officer whose place he is appointed to fill. If the Treasurer, or other officer so discharged as a defaulter, be acquitted thereof, he shall resume his duties.

Sec. 271. Neither the Municipal Council, the Board of Education, nor any other Board, commission, committee, officer, or person, shall have power to authorize, allow, contract for, pay, or render payable, and they are prohibited from authorizing, allowing, contracting, paying, or rendering payable, in present or future, in any one month, any demand or demands, liability or liabilities, against the treasury of such city and county, or the funds thereof, which shall, in the aggregate, exceed one-twelfth part of the amount allowed by laws existing at the time of such contract, authorization, allowance, payment, or liability, to be expended within the fiscal year of which said month is a part; *provided, however*, that if, at the beginning of any month, any money remains unexpended in any of the funds set apart for maintaining the municipal government of such city and county, and which might lawfully have been expended the preceding month, such unexpended sum or sums may be carried forward and expended, by order of the Municipal Council, for the same purpose allowed by law in any succeeding month of the fiscal year. All contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made, in violation of this section, shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of such city and county; and all officers of such city and county are hereby charged with notice of the condition of the treasury of such city and county, and the extent of the claims against the same.

Exp-
en-
diture of
money,
limited.

Sec. 272. It is the duty of the Superintendent of Streets to keep an exact account of all street and sewer work upon accepted streets, and it shall be the duty of the Building Committee to keep an account of all work done on all public buildings, and every other expenditure chargeable against the treasury in any of the departments under charge of said Building Committee and officers; and it is the duty of the Superintendent of Schools, the President of the Board of Education, the President of the Board of Fire Commission-

Officers
to keep
account of
all expendi-
tures, etc.

ers, the President of the Board of Election Directors, the President of the Board of Police Commissioners, and every other officer and Board having the power to contract against demand, or to aid in the contraction of any demand against said treasury, to keep an exact and full account of all purchases, expenditures, and liabilities made or contracted in their respective departments, and for the purpose of making such accounts, said officers shall have power to demand and receive from every other city and county officer, detailed statements in writing, when necessary to keep said accounts, and it is hereby made the duty of any and all officers to furnish said statements when demanded; such accounts shall be constantly posted up to date, so that it can be known exactly at any time what part or proportion of the monthly sum allowed by this Act and existing laws has been contracted for, paid, or rendered liable to pay in the present and future. Such accounts shall show every contract for street and sewer work, public buildings, purchases of material, or supplies, or other expenditure, in whatever department it is made, from its incipency through the various stages of progress to completion, with the amount to be paid for the same so far as the same is capable of exact estimation, and when not, then a sworn estimate by the proper officer of the probable cost. Whenever, at any time, the contracts performed or unperformed, claims due or to become due, exceed said one-twelfth part of the amount that can be lawfully expended out of any fund in the current fiscal year, the President of the Board, head of department, or other officer or Board having the supervision of such expenditure, shall give notice thereof in writing as to his or their department to the Auditor and the Treasurer and to the Municipal Council a notice in writing, served upon the Clerks of each branch thereof, and shall post the same in his or their office, from which time no further contracts shall be made, or expenditures authorized or allowed, until such time has elapsed as will allow of further proceedings consistent with the provisions of the law.

Failure to
comply.

SEC. 273. Any failure or neglect on the part of any of said officers or Boards, or members of Boards, to comply with any of the provisions of the preceding sections, shall render such officer and each member of such Board consenting thereto, liable personally and upon his official bond to any contractor or other person suffering damage by said failure or neglect; but such contractor or person damaged shall have no remedy against such city and county, and the said officers or members of Boards authorizing or aiding to authorize, auditing, or allowing any claim or demand upon or against said treasury, or any fund thereof, in contravention thereof, shall be liable in person and on his official bond to the contractor or person damaged to the extent of his loss. The Treasurer paying any claim authorized, allowed, or audited, in contravention of the provisions thereof, shall be liable on his official bond to refund the same to such city and county, and it shall be the duty of the City and County Attorney to sue for the same, if necessary.

SEC. 274. In case of any great public calamity or danger, such as earthquakes, conflagrations, pestilence, invasion, insurrection, or other great and unforeseen emergency, the provisions of said Act may be temporarily suspended, as to any lawful contract, authorization, or expenditure necessary to avert, mitigate, or relieve such evil; *provided*, that such expenditure, contract, or authorization shall be passed by the unanimous vote of all members elected or appointed to each House of the Municipal Council, and entered in the Journals of each House, and the character and fact of such emergency must be recited in the ordinance authorizing such action; and such ordinance must be approved by the Mayor, Auditor, and Treasurer of such city and county.

When provisions of Act may be suspended.

SEC. 275. All city and county official printing and advertising, for all departments thereof, excepting that of the Sheriff's office, shall be let by the Municipal Council during the month of January of each year, to the lowest responsible bidder, printing, publishing, and proposing to advertise in a newspaper of general circulation in such city and county, and that has been in existence at the time of the letting of said contract at least three years; *and provided*, that any such newspaper may bid for the whole or any part of the advertising. The bids shall be opened by the Board of Aldermen, and all bidders may be present thereat. No bid shall be considered in which there shall be any erasure or interlineation. All such contracts, when awarded, shall be entered into and bonds taken by the Clerk of the Board of Aldermen, in such sum and containing such conditions as the Board of Aldermen shall provide.

Printing, etc., to be contracted for.

SEC. 276. All contracts relating to city and county affairs shall be in writing, signed and executed in the name of the city and county by the officer authorized to make the same; and in cases not otherwise directed by the law, such contracts shall be made and entered into by the Mayor. All contracts shall be countersigned by the Auditor and registered, by number and dates, in his office, in a book to be kept by him for that purpose. In all cases of letting contracts to bidders, when for any reason a contract fails of completion, new bids shall be invited, opened, and awarded, as provided in this Act in the first instance, until a sufficient contract is executed. In all cases when the Board of Aldermen have reason to think the prices too high, or that bidders have combined together to prevent genuine bidding, or for any reason that the public interests will be subserved, it may, in its discretion, reject any and all bids, and cause the same to be readvertised. The provisions of this Act, as to bids and contracts, shall be enforced by the Municipal Council by appropriate ordinances as to all bids, proposals, and contracts with such city and county, or any department thereof.

Contracts to be in writing.

SEC. 277. Any officer or Commissioner of such city and county, or any officer or member of any House, Board, or department of the government thereof, who shall be, directly or indirectly, interested in, or a beneficiary or participant of the profits of any contract made with or for such city and

Officers, employes, etc., not to be interested in contracts, bids, proposals, etc.

county, or any Board or department thereof, or who shall participate in the profits made by any person or persons upon services, labor, purchases, sales, subsistence, supplies, materials, or any article or thing furnished to or done for such city and county, or any institution, public work, or branch, or department of the government thereof, or sold by the same, which contract, profit, purchase, sale, or supply is made, or could have been made, influenced, or brought about through or by means of the official action or conduct of such officer, Commissioner, or member of such Board, except the official salary or compensation of such officer, Commissioner, or member of such Board or department provided expressly by law, shall be deemed guilty of a felony, and, on conviction by any Court of competent jurisdiction, punished accordingly. Any Commissioner, officer, clerk, or other person having custody of or access to any bids or proposals, whether sealed or otherwise, for supplying or furnishing any goods, provisions, subsistence, labor, material, printing, or other thing of any nature, or constructing, cleaning, repairing any work or thing, or doing or furnishing any thing whatsoever to such city and county, or any department, Board, Commissioner, or officer thereof, who shall open or examine into any one or more of such bids or proposals, or change, interline, alter, or otherwise tamper with the same, or shall purposely find out the contents thereof, or who shall aid, abet, assist, or permit another so to do before or in advance of the time prescribed by law for the opening thereof, or any lawful postponement of such time, shall be deemed guilty of a felony, and, on conviction by any Court of competent jurisdiction, shall be punished accordingly.

Mayor to
have supervision,
etc.

SEC. 278. The Mayor shall see that all contracts and agreements with the city are faithfully kept and performed, and to this end he shall cause legal proceedings to be instituted and prosecuted against all persons or corporations failing to fulfill their agreements. And it is the duty of any and every city and county officer, when it shall come to his knowledge that any contract with such city and county relating to the business of any office whatever, has been or is about to be violated by the other contracting party, forthwith to report the fact to the Mayor. A failure to do so shall be a sufficient cause for the removal of any officer of any department. The Mayor shall give a certificate, on demand, to any officer giving such information that he has done so, which certificate shall be evidence in exoneration from a charge of neglect of such duty. The City and County Attorney shall prosecute all suits so ordered by the Mayor.

Decision
of City
Attorney.

SEC. 279. All questions of differences between the officers of such city and county, as to their relative duties, may be referred by either of them to the City and County Attorney, who shall examine and determine such questions, and his decision shall be final as between such officers.

Appoint-
ment of
interpreters.

SEC. 280. There shall be appointed by the Judges of the Superior Court of such city and county five competent persons Deputies to act as Interpreters and Translators of the following languages: French, German, Italian, Spanish,

Portuguese, Chinese, and Slavonian. The said Deputies shall each receive a salary of one thousand two hundred dollars per annum, which shall be paid in the same manner as the salaries of other officers are paid. It shall be the duty of each of said Deputies to attend in all the Courts in and for such city and county, when required by any of the Judges thereof, without further compensation than the salaries above provided.

SEC. 281. The City Prison of such city and county shall be under the sole and exclusive control, direction, and superintendence of the Chief of Police, who may establish from time to time the discipline and government thereof, and may detail to duty therein such number of officers as the exigency shall require.

Chief of Police to have control of City Prison.

SEC. 282. The following officers, and the heads of the following departments of such city and county, shall report to the Municipal Council on or before the first day of August of each year, the condition of their respective departments during the fiscal year ending June thirtieth, previous thereto, embracing all their operations and expenditures: Auditor, Assessor, Tax Collector, County Clerk, Superintendent of Streets, Fire Department, Hospital, Alms-house, Park Commissioners, Treasurer, Sheriff, County Recorder, City and County Surveyor, License Collector, Public Schools, Fire Alarm and Police Telegraph, Pound-keeper, Board of Health, City and County Attorney, Industrial School, Police, Coroner, Health Officer, Justices' Court, City Hall Commissioners, Home for the Care of the Inebriate, Board of Election Directors, Commissioner of Elections, House of Correction, City Cemetery, Free Public Library, and the Building Committee of the Municipal Council. Immediately after the first Monday in February, the Mayor and Municipal Council shall make up and publish an extract from these several reports, and other sources, of the operations, expenditures, and condition of all departments of government of such city and county.

Officers to make reports, when, and to whom.

Publication of.

SEC. 283. This Act shall take effect on the first day of July, eighteen hundred and eighty, except section five, which shall take effect immediately.

CHAPTER CXXV.

An Act to amend "An Act to provide for the incorporation of mutual insurance companies for the insurance of life and health, and against accidents," approved April second, eighteen hundred and sixty-six.

[Approved April 26th, 1880.]

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

SECTION 1. Section eight of the Act entitled "An Act to provide for the incorporation of mutual insurance com-

panies, for the insurance of life and health, and against accidents," approved April second, eighteen hundred and sixty-six, is hereby amended so as to read as follows:

Capital
stock.

Subscrip-
tions.

Section 8. Every company formed or existing under this Act shall have a capital stock of not less than one hundred thousand dollars. It shall not make any insurance, nor transact any business until its capital stock shall have been fully paid up in cash. The Board of Directors of the company, or a committee of the Directors appointed by the Board, shall, without delay, after organizing, proceed to obtain the subscriptions required to complete the capital stock of the company, and in obtaining such subscription, or any subscriptions to capital stock afterwards authorized, must open books therefor, giving public notice thereof, if deemed necessary by them, in some newspaper of general circulation in the county in which the principal office of the company is located; such books shall, in either case, be kept open until the amount of capital stock required shall have been subscribed. If more than the requisite amount is subscribed, the stock shall be distributed pro rata among the subscribers. Any subscription may be rejected by the Board of Directors, or the committee thereof, or by either, as to the whole or any part thereof, and shall be, so far as rejected, without effect.

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

Return of
guarantee
notes.

Section 9. Any corporation formed or existing under this Act may, at any time, return to the makers, their assigns or heirs, the guarantee notes held by said corporation; and from and after such return, or the offer thereof, made in good faith, the corporation shall not be subject to any of the obligations or burdens imposed by section ten of said Act upon said corporation, and in favor of the makers of such notes.

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

Impaired
capital.

Assessment.

How levied
and col-
lected.

Section 10. Whenever, at any time, the capital of any corporation formed or existing under this Act shall become impaired, it shall be the duty of the Board of Directors at once to levy such an assessment upon the capital stock, whether paid up or not, as may be necessary to make good such impairment; and such assessment, except as to the amount thereof, shall be levied and collected in the manner prescribed by sections three hundred and thirty-one to three hundred and forty-nine, inclusive, of the Civil Code of this State. Every such corporation may increase or diminish its capital stock in the mode and manner prescribed by section three hundred and fifty-nine of said Civil Code.

Construc-
tion of Act.

SEC. 4. Nothing in this Act shall be construed to affect any corporation formed after twelve o'clock noon, on the day upon which the Civil Code of California took effect, nor shall anything in this Act be construed to revive or put in force any part of the Act of which it is amendatory, beyond what was intended should be in force by the provisions of section two hundred and eighty-eight of the Civil Code of California.

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

CHAPTER CXXVI.

An Act to establish free public libraries and reading rooms.

[Approved April 26th, 1886.]

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

SECTION 1. For the purposes of this Act cities of this State are classified as follows:

1. Cities of less than one hundred thousand population.

2. Cities of more than one hundred thousand population.

SEC. 2. The municipal authorities of any incorporated city of this State are authorized and empowered by a resolution duly passed for that purpose to levy and collect, as in other cases, annually, a tax not to exceed one mill on the dollar for the purpose of establishing and maintaining in such city free public libraries and reading rooms, and purchasing such books, journals, and other publications, purchasing and leasing such real and personal property, and erecting such buildings as may be necessary therefor.

SEC. 3. All money and revenue paid, collected, or received by authority of anything herein contained, whether by taxation, gift, devise, bequest, or otherwise, shall belong to and be known and designated as the "Library Fund," and shall be paid into the proper city treasury, and there kept separate and apart from other funds, and be drawn therefrom as hereinafter provided, but only to be used and applied to the purposes herein authorized.

SEC. 4. All property, real and personal, acquired by purchase, gift, devise, bequest, or otherwise, under the provisions of or for any purpose authorized by this Act, shall vest, be, and remain in the proper city, and may be protected, defended, and sued for by action at law, or otherwise, in the name of such city as in other cases.

SEC. 5. In a city of less than one hundred thousand population five Trustees shall be elected at the same time and in the same manner as the other town officers are elected. They shall hold office the same length of time to carry into effect the provisions of this Act.

SEC. 6. In a city of more than one hundred thousand population the Mayor or chief executive officer, during his continuance in office, and eleven citizens thereof, to be appointed by the Governor of this State, shall constitute the first Board of Trustees of any library or reading room established or acquired in such city under this Act.

SEC. 7. The office of Trustee shall be honorary, without salary or other compensation, and shall continue during good behavior; but for good cause a Trustee may be removed from office by proceedings in the Superior Court in behalf of the proper city in manner provided for the removal from office of other city officers.

Purpose of Act.

Levy

Library Fund.

Property, how vested.

Trustees, how elected.

Trustees, appointment of.

Honorary.

Powers.

SEC. 8. The Trustees of any library or reading room established or acquired by authority of this Act, shall take charge of the same and of all real and personal property thereunto belonging, or that may be acquired by loan, purchase, gift, devise, or otherwise. They shall meet for business purposes on the first Tuesday of each month, and at such other times as they may appoint, at a place to be provided for the purpose, and a majority of all their number shall constitute a quorum for business. They may appoint one of their number to act as President of their Board, and may elect a Librarian. They shall also elect a Secretary, who shall keep a full statement and account of all property, money receipts and expenditures, and a record and full minutes in writing of all their proceedings. The Secretary may certify to such proceedings, or any part or portion thereof under his hand, verified by an official seal adopted and provided by the Trustees for that purpose.

SEC. 9. Such Trustees, by a majority vote of all their members, to be recorded in the minutes with the ayes and noes at length, shall have power:

First—To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of such library and reading room, and all property belonging thereto, or that may be loaned, devised, bequeathed, or donated to the same.

Second—To exercise and administer any trust declared or created for such library or reading room, and to provide memorial tablets and niches to perpetuate the memories of those persons who may make valuable donations thereto.

Third—To remove any Trustee who may neglect to attend the meetings of the Board of Trustees, or who may absent himself from such meetings, or without the consent of the Board from the State for three consecutive months; and to fill all vacancies that may from any cause occur in the Board.

Fourth—To define the powers and describe the duties of any and all officers, determine the number, and elect all necessary subordinate officers and assistants, and at their pleasure remove any officer or assistant.

Fifth—To purchase necessary books, journals, publications, and other personal property.

Sixth—To order the drawing and payment, upon properly authenticated vouchers, duly certified by the President and Secretary, of money from out of the Library Fund for any liability or expenditure herein authorized; and generally to do all that may be necessary to fully carry into effect the provisions of this Act.

Seventh—To fix the salaries of the Librarian, Secretary, and other subordinate officers and assistants, and by and with the consent and approval of the legislative or other proper authority of the proper city, expressed by resolution duly passed, to purchase said real estate, erect and equip such buildings as may be necessary for such library and reading room.

SEC. 10. The orders and demands of the Trustees of any such library or reading room of any city, when duly made

and authenticated as above provided, shall be verified and audited by the auditing officer, and paid by the Treasurer of such city out of the Library Fund properly belonging thereto, of which full entry and record shall be kept as in other cases.

SEC. 11. The Trustees of such library or reading room, on or before the first Monday of July of each year, shall make an annual report to the municipal authorities of their city, giving the condition of their trust, with full statements of all property and money received, whence derived, how used and expended; the number of books, journals, and other publications on hand, the number added by purchase, gift, or otherwise, during each year, the number lost or missing, the number and character of those loaned, and such other statistics, information, and suggestions as may be of general interest. A financial report showing all receipts and disbursements of money shall also be made by the Secretary of the Board of Trustees, duly verified by his oath. Report.

SEC. 12. The proper municipal authorities of any city wherein a public library or reading room may be established, shall have power to pass ordinances for the protection of the same and all property thereto belonging, and for imposing penalties for the punishment of persons committing injury to such library or reading room, or the property or books thereof, or for failure to return any book or other property belonging thereto. They shall also have power, by a resolution duly passed for such purpose, to grant, donate, or authorize the use of either, in whole or in part, any land, square, or real estate belonging to such city or town, or dedicated to public use therein, for the purpose of erecting and maintaining a building to be used only for a public library and reading room as herein authorized. Municipal authorities to pass ordinances for protection, etc., of library.

SEC. 13. The words "city" or "cities" wherever used in this Act are intended to and shall include all incorporated cities and towns, and cities and counties with consolidated government, and shall be construed accordingly. "City" or "cities" defined.

SEC. 14. An Act entitled "An Act to establish and maintain free public libraries and reading rooms," approved March the eighteenth, eighteen hundred and seventy-eight, is hereby repealed. All libraries and reading rooms heretofore established by authority of the last mentioned Act in any city or town, or city and county, and all property, real and personal thereto belonging, shall be turned over to the charge, custody, and administration of such Trustees as may be continued or appointed therein respectively under the provisions of this Act, with like powers and liabilities as if such library had been established under this Act. Repealed.
Transfer of property.

SEC. 15. This Act shall take effect on the first day of May, A. D. eighteen hundred and eighty.



RESOLUTIONS.



CONCURRENT AND JOINT RESOLUTIONS.

CHAPTER I.

Assembly Concurrent Resolution No. 9.

WHEREAS, It appears that the people of Ireland are seriously threatened with the horrors of famine; and, whereas, the destitution and suffering that are now prevailing, and that are likely to increase, are in a great measure due to the system of land tenure which prevails in that unfortunate country; therefore,

Resolved by the Assembly, the Senate concurring, That the Legislature of California views with most earnest and heartfelt sympathy the efforts now being made by patriotic Irishmen to ameliorate the condition of their beloved country, and extends to the Irish people its sincere wish for the success in their endeavors to obtain for themselves and their posterity the inestimable boon of equal laws and self-government. Expression of sympathy for the Irish people.

Resolved, That we cordially sympathise with the people of Ireland in their present alarming condition from threatening famine, and in their lawful efforts to obtain relief from the oppressive landlord system.

CHAPTER II.

Assembly Joint Resolution No. 2, relative to the protection of the commercial interests of the Pacific Coast.

[Adopted February 6th, 1880.]

WHEREAS, Owing to the great extent of the Pacific Coast, Preamble. the distance from the seat of Government, and great exposure of our commerce in case of war, and the inability of the Government at the present time in such emergency to supply us with proper protection on account of an insufficiency in the number of its war vessels, and as the great important harbors of the Atlantic Coast are am-

ply provided with ironclads and floating batteries; therefore, be it

Appropriation to complete the ironclad "Monadnock."

Resolved by the Assembly, the Senate concurring, That our Senators and Congressmen are hereby requested to use their utmost endeavors to obtain an appropriation by Congress for the completion of the United States ironclad "Monadnock," now in course of construction at Vallejo.

Resolved, That the Governor be requested to transmit a copy of this resolution to each of our Senators and Congressmen.

CHAPTER III.

Senate Concurrent Resolution No. 9, relative to appropriation of General Government for dredging Humboldt Bay.

Improving Humboldt Bay.

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives in Congress be requested to procure an appropriation of thirty thousand dollars from the General Government, to be expended in dredging and otherwise improving Humboldt Bay, for the purposes of navigation.

The Governor of this State is hereby requested to transmit a certified copy of the foregoing resolution to each of our Senators and members of Congress.

CHAPTER IV.

Senate Concurrent Resolution No. 10, relative to Franco-American Treaty.

Preamble.

WHEREAS, The project of a proposed Franco-American commercial treaty agreed to by a private association which assembled in Paris in August, 1878, has been advocated publicly throughout the United States by an agent employed for that purpose by certain interested parties, citizens of France, whose avowed object is the general reduction of American tariffs upon all French products, especially such as silk, woolen, iron, and glass manufactures, wines and brandies, which products now encounter in the markets of this country a serious competition, owing to the successful establishment of American industries; and whereas, the proposed treaty is intended to seriously affect and retard the most important of the growing industries of California, viz.: the production of wine and brandy and the manufacture of silk and woolen goods, besides many others, which are now in their infancy, but which are depended upon by our people for present and

future employment, for themselves and those who shall seek this State for new homes, and while such a treaty would, perhaps for a generation, retard and injure, and in some cases destroy, our leading industries, the ultimate result would be to reduce our working classes, by injurious competition with the cheap and underpaid labor of foreign countries, to conditions of life which would prevent their social advancement and material progress, except as permitted by the gradual progress which may take place in other countries, whose excess of population would enable them to dictate, through commercial rivalry, the wages of our people and the prices of their products, so long as our own Government should fail to protect our own people against degrading competition with cheap foreign labor; and whereas, the negotiation of the proposed treaty with France would involve this country in dangerous precedents and international difficulties, and being for a term of years, would deprive our Government of the power to regulate tariffs for revenue or protection, as necessity might require; and whereas, the present tariffs on wines and brandies and other French products are moderate and justly regulated, for the purpose of obtaining revenue from foreign articles of luxury, so that the necessities of life may be taxed as lightly as possible, and any material reduction of the same would compel the Government to obtain revenue by increasing the taxes upon such necessities:

Resolved by the Senate of California, the Assembly concurring, That our Representatives in Congress be requested, and our Senators instructed, to use all honorable means to defeat the negotiation of the proposed treaty, and to make known to the Congress of the United States that the people of this State, of all parties, are adverse to any treaty or law which shall endanger our home industries, and that they appeal to the Federal Government to consider the great importance of fostering industry, and to remember especially the great sacrifices and patriotic efforts of our viniculturalists, who have successfully established, after encountering almost insurmountable obstacles, in the form of public prejudice and foreign opposition, an industry which our people confidently believe will in the future support millions of citizens, and rival, both in extent of commerce and in public estimation, even the viniculture of France, and will become a source of great wealth to the entire nation.

Requesting Congress to defeat the Franco-American treaty.

Resolved further, That the Governor be requested to transmit forthwith a copy of these resolutions to each of our Representatives and Senators.

CHAPTER V.

Senate Concurrent Resolution No. 17, relative to duty on steam plows.

[Adopted February 16th, 1880.]

Exemption
of steam
plows from
import duty.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed and our Representatives requested to use all means in their power to procure the exemption of steam plows from import duty for the term of five years from the date of such exemption.

CHAPTER VI.

Senate Concurrent Resolution No. 20, relative to appointment of eight Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove.

[Adopted February 17th, 1880.]

Preamble.

WHEREAS, Eight persons were appointed September twenty-eighth, eighteen hundred and sixty-four, by the Governor of California, as Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove; and whereas, more than four years has elapsed since said appointment, and no further appointments have been made; and whereas, it is necessary that there should be Commissioners to manage said valley and grove, and that they should be appointed immediately, and it is desirable that a majority of said Commissioners should be selected from persons residing in the counties most affected by the actions of said Commissioners; therefore, be it

Vacancy.

*Resolved by the Senate, the Assembly concurring, First—*That there is a vacancy now existing as to each and all of said Commissioners.

Governor to
appoint.

*Second—*That the Governor be and he is hereby requested to immediately appoint eight persons as said Commissioners.

Selections,
how made.

*Third—*That in making said appointments the Governor be and he is hereby requested, if consistent with the public good, to select a majority of said Commissioners from persons resident of the counties most affected by the actions of said Commissioners.

CHAPTER VII.

Assembly Concurrent Resolution No. 1, relative to meeting in joint assembly to count the votes cast for Governor and Lieutenant-Governor, at the election held on the third day of September, eighteen hundred and seventy-nine.

[Adopted February 24th, 1880.]

Resolved by the Assembly, the Senate concurring, That both Houses meet in joint assembly, on Wednesday, January seventh, eighteen hundred and eighty, at twelve o'clock noon, in the Assembly Chamber, for the purpose of opening, canvassing, and publishing the vote of the election for Governor and Lieutenant-Governor, held on the third day of September, eighteen hundred and seventy-nine.

Canvassing votes of Governor and Lieutenant Governor.

CHAPTER VIII.

Assembly Concurrent Resolution No. 2, relative to appointment of a Joint Committee to wait on Governor and Lieutenant-Governor, to ascertain the time they are ready for inauguration.

[Adopted February 24th, 1880.]

Resolved by the Assembly, the Senate concurring, That a Joint Committee of six, three from the Senate and three from the Assembly, be appointed to wait on the Governor and Lieutenant-Governor elect, and ascertain at what time they will be ready for inauguration.

To wait on Governor and Lieutenant Governor elect, to fix inauguration.

CHAPTER IX.

Assembly Concurrent Resolution No. 3, relative to the appointment of a Joint Committee to wait on the Governor, that the Legislature is now organized and prepared to receive any communication he may be pleased to make to it.

[Adopted February 24th, 1880.]

Resolved by the Assembly, the Senate concurring, That a Joint Committee of six, three from the Senate and three from the Assembly, be appointed to wait on the Governor and inform him that the Legislature is now organized and prepared to receive any communication he may be pleased to make it.

Informing Governor of organization of Legislature.

CHAPTER X.

Assembly Concurrent Resolution No. 4, relative to the appointment of Honorable J. F. Swift as United States Minister to China.

[Adopted February 24th, 1880.]

Preamble.

WHEREAS, We have learned that there is soon to be appointed a Minister of the United States to the Empire of China, in place of the Honorable George F. Seward; and whereas, the people of this State are most deeply interested in the sentiments and views of the person to be appointed such Minister, and, from their geographical position, believe their wishes ought to be respected by the President in the appointment of such Minister; and whereas, we have learned that our fellow citizen, Honorable J. F. Swift, has been recommended to the President of the United States as a suitable person to be appointed to that position; therefore,

Indorsing
J. F. Swift
as Minister
to China.

Resolved by the Assembly, the Senate concurring, That we have confidence in the capacity and integrity of the Honorable John F. Swift, and believe him to be peculiarly well qualified to fill the position of Minister to China, to the entire satisfaction of the people of the United States.

Resolved, That we earnestly recommend the appointment by the President, and confirmation by the Senate, of the Honorable John F. Swift, of San Francisco, California, as Minister to China.

Resolved, That a copy of these resolutions be transmitted by telegraph to our Senators and Representatives in Congress, by the Secretary of State.

CHAPTER XI.

Assembly Concurrent Resolution No. 6, relative to forwarding copies of certain laws to Superior Judges and County Clerks.

[Adopted February 24th, 1880.]

Copies of
certain
laws to be
forwarded
to Superior
Judges and
County
Clerks.

Resolved by the Assembly, the Senate concurring, That one copy of every law taking immediate effect, in any way referring to Courts of justice or judicial officers, or to civil or criminal procedure, shall, immediately after the approval of the same by the Governor, be forwarded by the Secretary of State to each Superior Judge and County Clerk of the State of California.

CHAPTER XII.

Assembly Concurrent Resolution No. 7, relative to the appointment of a Joint Committee on Rules.

[Adopted February 24th, 1880.]

Resolved by the Assembly, the Senate concurring, That the Committee on Rules and Regulations of the Assembly unite with a like committee of the Senate in preparing and reporting a set of joint rules for the Senate and Assembly.

To appoint
Joint
Committee
on Rules.

CHAPTER XIII.

Assembly Concurrent Resolution No. 12, relative to the appointment of a Joint Committee to confer with I. S. Belcher, Thos. P. Stoney, and A. C. Freeman, as to the work they have performed in revising the Codes.

[Adopted February 24th, 1880.]

Resolved by the Assembly, the Senate concurring, That a Joint Committee of six, three from the Assembly and three from the Senate, be appointed to confer with the Honorables I. S. Belcher, Thomas P. Stoney, and A. C. Freeman, in regard to the work they have performed at the joint suggestion of his Excellency, Governor Geo. C. Perkins, and of his immediate predecessor, ex-Governor Wm. Irwin, and to report to the Legislature their recommendation of suitable action therein.

Conferring
with
I. S. Belcher,
T. P. Stoney,
and A. C.
Freeman as
to work
performed
in revising
Codes.

CHAPTER XIV.

Assembly Concurrent Resolution No. 14, relative to the establishment of a postal telegraph system throughout the United States.

[Adopted February 24th, 1880.]

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be and they are hereby instructed, and our Representatives requested, to use their influence to obtain the establishment of a postal telegraph system throughout the United States.

Postal
telegraph
system.

CHAPTER XV.

Assembly Concurrent Resolution No. 15, relative to the protection of the rivers, cities, and agricultural lands of California.

[Adopted February 24th, 1880.]

Preamble. WHEREAS, Many rivers of this State, and cities and lands bordering thereon, are being greatly damaged or endangered by the flow of mining debris; and, whereas, the whole country, as well as this State, are directly interested in the gold production of California, which materially depends on the free discharge of said mining debris; therefore, be it

Appropriation for river improvement. *Resolved by the Assembly, the Senate concurring,* That our Senators and Representatives in Congress be requested to use their utmost endeavors to obtain an immediate appropriation, of at least five hundred thousand dollars, for the protection and improvement of the rivers and lands of California which are being damaged by the mining debris.

Resolved, That the Governor be requested to send a copy of these resolutions to each of our Senators and Representatives in Congress.

CHAPTER XVI.

Assembly Concurrent Resolution No. 11, relative to the establishment of a Dead Letter Office at San Francisco.

[Adopted March 5th, 1880.]

Preamble. WHEREAS, A large amount of mail matter is constantly being transmitted from the Post Offices of the Pacific Slope to the Dead Letter Office at Washington, which matter is increased in consequence of the recent order of the Postmaster General relative to the mode of addressing letters; and whereas, the delay incident to such transmission is the cause of serious inconvenience and even pecuniary loss to the people of the Pacific Coast; therefore,

To establish Dead Letter Office at San Francisco. *Resolved by the Assembly, the Senate concurring,* That our Senators and Representatives in Congress be and they are hereby requested to use their best endeavors to obtain the establishment at San Francisco of a Dead Letter Office; and further, that the Governor be requested to furnish a copy of this resolution to each of our Senators and Representatives.

CHAPTER XVII.

Assembly Concurrent Resolution No. 13, relative to the printing of extra copies of the laws passed by the present Legislature, for distribution to the Superior Judges and County Clerks of this State.

[Adopted March 5th, 1880.]

Resolved by the Assembly, the Senate concurring, That the State Printer be and he is hereby directed to deliver to the Secretary of State one hundred and sixty copies of all bills passed by the present Legislature, for distribution to the Superior Judges and County Clerks of this State, pursuant to the joint resolution passed by the Senate and Assembly January sixteenth, eighteen hundred and eighty.

Printing
laws for
Judges and
Clerks.

CHAPTER XVIII.

Assembly Joint Resolution No. 6, relative to procuring a congressional appropriation of one hundred thousand dollars for the purpose of improving Petaluma Creek, for the purposes of navigation.

[Adopted April 3d, 1880.]

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress be and are hereby most respectfully and earnestly requested to procure an appropriation of one hundred thousand dollars from the General Government, to be expended in dredging, straightening, and otherwise improving Petaluma Creek, for the purpose of navigation. The Governor of the State is hereby requested to forward a certified copy of the foregoing resolution to each of our Senators and Representatives of Congress.

Appropriation
for
improving
Petaluma
Creek.

CHAPTER XIX.

Senate Concurrent Resolution No. 25, relative to appointment of three members of State Board of Health to consider the subject of a hospital for consumptives.

Resolved, the Assembly concurring, That a committee of three members of the State Board of Health, to be designated by the Governor, be and are hereby appointed to consider the subject of a State Hospital for consumptives, to determine a suitable locality, to investigate the probable cost, to devise a generable scheme for the construction and management of such an institution, and to report the results of their investigations to the Legislature at its next session.

Hospital
for con-
sumptives.

CHAPTER XX.

Senate Concurrent Resolution No. 14, relative to "modification of Burlingame treaty," to memorialize the President and Congress of the United States.

[Adopted April 6th, 1880.]

Modification
of Burlin-
game
Treaty.

Resolved by the Senate, the Assembly concurring, That a Joint Committee of six, three from the Senate and three from the Assembly, be appointed to memorialize the President of the United States and Congress to modify the Burlingame treaty, so as to prohibit the further immigration of Chinese to this country.

CHAPTER XXI.

Assembly Joint Resolution No. 7, relative to the procuring of a quarantine depot.

[Adopted April 10th, 1880.]

Preamble.

WHEREAS, The City of San Francisco, by reason of its commercial relations with Asiatic ports, is alarmingly exposed to the introduction of contagious diseases; and whereas, the Port of San Francisco has no place where passengers and cargo can be landed and the necessary sanitary precautions adopted; therefore, be it

Quarantine
depot.

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives are hereby requested to use their utmost endeavors to receive from the General Government a portion of one of the islands in the Bay of San Francisco for use as a quarantine depot.

Resolved, That the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

CHAPTER XXII.

Assembly Joint Resolution No. 10, relative to the enforcement of the United States Statute, making eight hours the length of a day's labor on public works.

[Adopted April 10th, 1880.]

Making
eight hours
a legal
day's labor.

WHEREAS, In the State of California there is now being done and performed, for the Government of the United States, a large amount of work and labor; and whereas, the laborers who perform said work are actually compelled to labor more than eight hours a day, as a day's

work; and whereas, such day's work is contrary to the provisions of section three thousand seven hundred and thirty-eight of the Revised Statutes of the United States; therefore, be it

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be directed, and our Representatives be requested, to urge upon and use their influence to have the President of the United States and his Cabinet to enforce said section three thousand seven hundred and thirty-eight, by compelling all public work to be performed under the provisions of said section.

Resolved, That His Excellency, Geo. C. Perkins, Governor of California, be directed to forthwith transmit a copy hereof to our Senators and Representatives.

CHAPTER XXIII.

Assembly Joint Resolution No. 15, relative to extending the thanks of the State to J. W. Mackey.

[Adopted April 10th, 1880.]

Resolved by the Assembly, the Senate concurring, That the thanks of the people of California are due and are hereby extended to Mr. John W. Mackey of Nevada, for the generous and patriotic aid rendered by him to the Commissioners of California, appointed by the Governor to represent the State at the Paris Exposition of eighteen hundred and seventy-eight, by his donation of five thousand dollars to defray the cost of transmitting a large and valuable collection of specimens from the mineral resources of California to the French Capital.

Thanks of
the State
to J. W.
Mackey.

Resolved, That the Governor be requested to forward to Mr. Mackey a certified copy of this resolution, under the seal of the State.

CHAPTER XXIV.

Assembly Concurrent Resolution No. 17, relative to the establishment of a first order light and a steam fog signal station at Point St. George, on the northern Coast of California.

[Adopted April 10th, 1880.]

WHEREAS, It is necessary to the protection of the commerce of the Pacific Coast that a lighthouse, with a first order light and a steam fog signal station, be established at Point St. George, on the northern Coast of California; now, therefore, be it

Lighthouse
at Point St.
George.

Appropriation.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be and are hereby instructed, and our Representatives requested, to procure the passage of such measures as will secure the appropriation of fifty thousand dollars to commence such work.

Resolved, That His Excellency, the Governor of the State of California, be and is hereby requested to transmit a copy of these resolutions, with the preamble, to each Senator and Representative in Congress from this State, and request them to take immediate action on the same.

CHAPTER XXV.

Assembly Concurrent Resolution No. 21, relative to the adjournment sine die of the twenty-third session of the Legislature of California.

Adjournment.

Resolved by the Assembly, the Senate concurring, That the twenty-third session of the California Legislature do adjourn sine die on the sixteenth day of April, eighteen hundred and eighty, at twelve o'clock meridian.

CHAPTER XXVI.

Assembly Concurrent Resolution No. 23, relative to the establishment of a quarantine station on Angel Island.

Preamble.

WHEREAS, It is necessary that some convenient place should be provided for quarantine grounds in the Harbor of San Francisco, and near the city; and whereas, the State Board of Health, after the most careful examination, are unable to find any suitable place in said harbor, except at the northern end of Angel Island, and near the eastern side thereof; therefore,

To procure part of Angel Island for quarantine.

Resolved by the Assembly, the Senate concurring, That our Senators be instructed, and our Representatives in Congress be requested, to procure a strip of land jutting out into the bay at the northeastern part of Angel Island, in the Harbor of San Francisco, consisting of not more than two acres; from the Government of the United States, as a quarantine station for San Francisco, and if necessary, to procure the necessary legislation for that purpose.

Resolved, That a copy of these resolutions be forwarded by the Governor to each of our Senators and Representatives in Congress.

CHAPTER XXVII.

Assembly Resolution, relative to the discontinuance of the letter service of Wells, Fargo & Company.

Resolved, by the Assembly of California, That the discontinuance of the letter service of Wells, Fargo & Co. would be a great deprivation to the business interests of the Pacific Coast, and of no corresponding benefit to any interest. Discontinuance of letter service of Wells, Fargo & Co.

Resolved, That our Senators and Representatives in Congress be requested to use all means in their power to prevent such discontinuance.

Resolved, That the Governor is hereby requested to forward copies of these resolutions to our Senators and Representatives in Congress, and also a copy to the honorable the Postmaster-General of the United States.

CHAPTER XXVIII.

Assembly Concurrent Resolution No. 25, relative to swamp land districts.

Resolved by the Assembly, the Senate concurring, That the Governor be requested to prepare, or cause to be prepared, for the information of the Legislature at its next session, a statement of the unpaid indebtedness of the several swamp land districts organized by the State Board of Swamp Land Commissioners, the available assets of such districts, and his recommendations in regard to the proper method of paying such indebtedness. Swamp land districts.

CHAPTER XXIX.

Assembly Concurrent Resolution No. 26, relative to extending the time of adjournment sine die of the twenty-third session of the Legislature of California till twelve o'clock midnight, April sixteenth, eighteen hundred and eighty.

Resolved by the Assembly, the Senate concurring, That the hour of adjournment of the twenty-third session of the Legislature of California be and the same is hereby extended until twelve o'clock midnight of April sixteenth, eighteen hundred and eighty. Adjournment.

CHAPTER XXX.

A Joint Resolution asking Congressional aid in behalf of a large number of settlers upon Government land in what is known as the "Mussel Slough District," in Tulare County, California.

Preamble. WHEREAS, For many years it has been the practice and settled policy of the Federal Government, upon certain conditions, to allow every citizen of the United States to acquire a home under the pre-emption and homestead laws, upon lands belonging to the United States and not previously appropriated or reserved; and, whereas, a large number of such citizens, aggregating nearly two thousand settlers, acting in good faith with the said government, and trusting to its full protection, did settle upon what, at the time of settlement, was supposed to be, and what they claim was of right, vacant, unclaimed, unoccupied, and unreserved Government land subject to pre-emption and homestead entry, and lying in said Mussel Slough District of Tulare County; and whereas, the Southern Pacific Railroad Company, or a branch of the same, having obtained a charter to construct a road on a route entirely different from the one now running through said Mussel Slough District, and having obtained a grant of land from the Federal Government to aid in the construction of the same, which said grant could not have included any of the lands of the Mussel Slough country, had the said railroad company have adhered to the route first located, did, after the private settlements referred to above, get a modification of its charter, change its route to the present one running through the heart of the Mussel Slough country, so as to include the lands then, and now, occupied by these settlers in opposition to the said railroad company; and whereas, the United States Court, Sawyer presiding, has recently decided that the said grant to the said railroad company was "*in presentie*," and not conditional upon location of route and filing map of same, in the face of the uniform decision of the Commissioners of the General Land Office for a number of years; and whereas, as the result of said decision about eighteen hundred innocent settlers, many of whom are poor men, with their wives and children, are in danger of being turned out of their homes which they have built up around them by their indomitable industry and perseverance, and which have become valuable, not by the building of the said railroad alone, but principally by the construction of several hundred thousand dollars' worth of canals and ditches, which have been commenced and completed by the individual effort of these settlers, unaided from any quarter; be it

Resolved by the Senate and Assembly of the State of California,
That our Senators be instructed, and our Representatives be

requested, to use their best endeavors to widen the scope of the bill introduced in Congress by the Hon. S. S. Cox, of New York, February third, in relation to railroads, so as to afford the relief indicated above; and if this be impracticable, that our Congressmen be requested, if possible, to procure national aid, through the Attorney-General, in having the question of ownership of these lands, as between the settlers and the railroad company, finally determined in the Supreme Court of the United States. And be it further

Resolved, That his Excellency, the Governor, be requested to transmit a copy of these resolutions to each of the Senators and Representatives in Congress from the State of California.

CHAPTER XXXI.

Assembly Concurrent Resolution No. 18, relative to the Act of Congress enabling honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States.

WHEREAS, Under the provisions of an Act passed by Congress, March third, eighteen hundred and seventy-three, entitled an Act to enable honorably discharged sailors and soldiers, their widows and orphan children, to acquire homesteads on the public lands of the United States, and the amendments thereto, large bodies of public lands aggregating many thousand acres have been located in this State, ostensibly as additional homesteads for soldiers and sailors of other States; and whereas, a large proportion of such locations were made in fraud, and locations of such lands are constantly being made fraudulently and contrary to the spirit of said Act; and whereas, by reason of such dishonest practices thousands of settlers have been deprived of an opportunity to procure homes; therefore, be it

Resolved by the Assembly, the Senate concurring, That the interests of the United States and of this State imperatively demand that the law shall be enforced in letter and spirit; and that no person shall be hereafter allowed to enter any land under section two thousand three hundred and six, Revised Statutes of the United States, unless such person shall appear in person before the Register of the United States Land Office at the time of making such additional entry; that all entries made in defiance of law shall be investigated thoroughly, and the proper steps taken by the Federal Government to cancel all patents issued thereon.

Resolved, That we hereby call upon the Committee on Public Lands of the Senate and House of Representatives of the United States to take all steps necessary to insure a full, speedy, and impartial investigation of the manner in which the lands of the United States have been acquired under

section two thousand three hundred and six, Revised Statutes of the United States.

Resolved, That our Representatives in Congress be requested, and our Senators be instructed, to use every exertion to carry out the provisions of this preamble and resolution, in procuring a full, fair, and speedy investigation of the frauds practiced upon the Government under said section of the Revised Statutes of the United States, and that they use every effort to procure the restoration of such lands to the public domain, and to entry or settlement.

Resolved, That the Governor of the State of California be requested to forward a copy of this preamble and resolution to his Excellency, the President of the United States, to the President of the United States Senate, to the Speaker of the House of Representatives of the United States, to the several members of the Committee on Public Lands of the Senate and House of Representatives of the United States, and the Senators and Representatives in Congress from this State.