

THE  
STATUTES OF CALIFORNIA

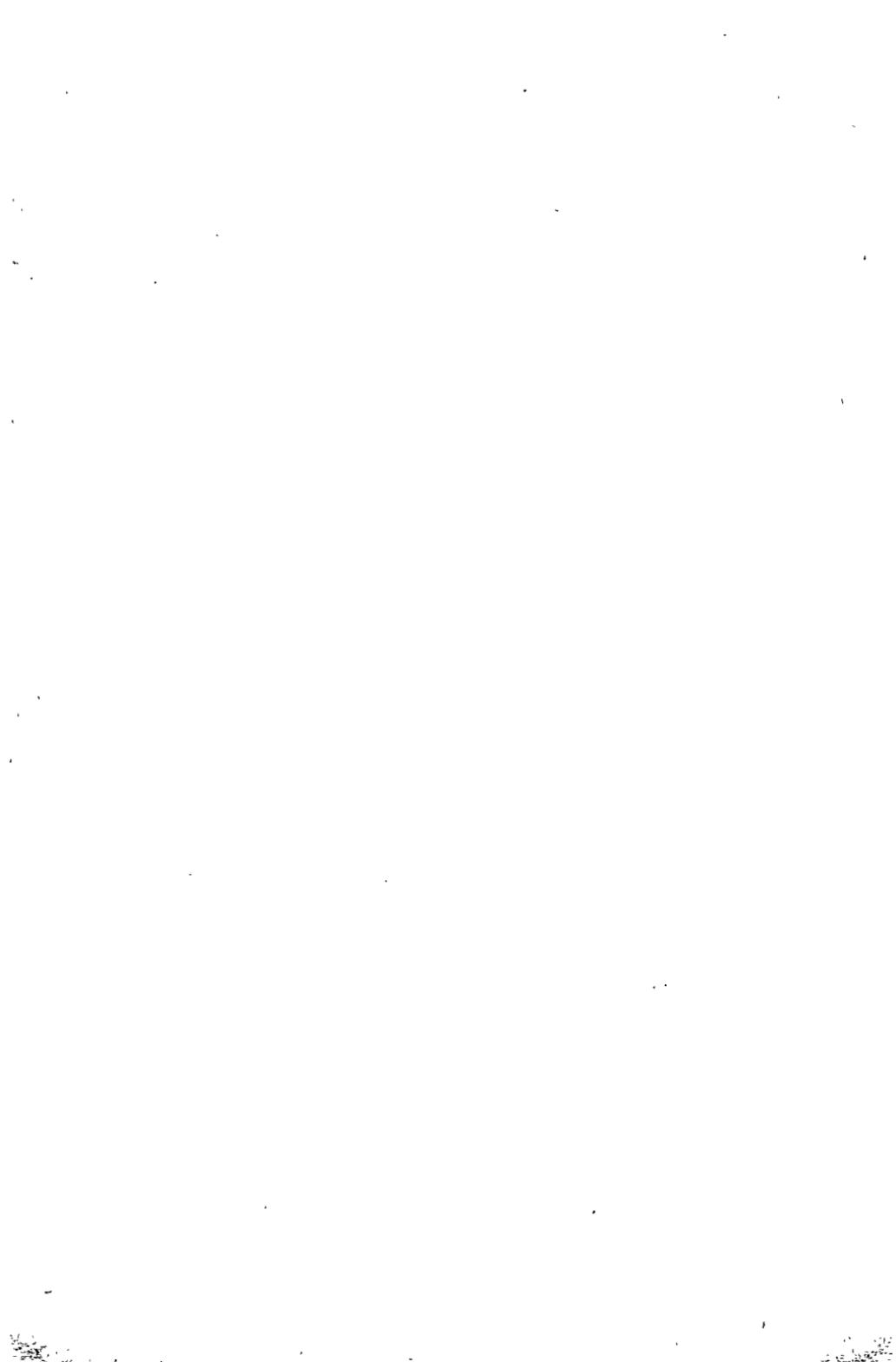
AND  
AMENDMENTS TO THE CODES,

PASSED AT THE  
TWENTY-SIXTH SESSION OF THE LEGISLATURE,  
1885.

BEGAN ON MONDAY, JANUARY FIFTH, AND ENDED ON WEDNESDAY, MARCH  
ELEVENTH, EIGHTEEN HUNDRED AND EIGHTY-FIVE.



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1885.



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146	An Act to amend Section 599 of the Civil Code of the State of California, approved March 21, 1872, relating to corporations—approved March 14, 1885	A. B. 74	136

Chap.	TITLE OF ACT.	No. of bill and where introduced.	Page.
147	An Act entitled "An Act to enable municipal corporations of the sixth class to elect officers"—approved March 14, 1885-----	A. B. 471-----	136
148	An Act to amend Section 3498 of the Political Code, relating to the approval or cancellation of applications for State lands—approved March 14, 1885-----	A. B. 244-----	139
149	An Act to change and permanently locate the boundary lines between the Counties of San Luis Obispo and Kern—approved March 14, 1885-----	A. B. 488-----	139
150	An Act to amend Section 359 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to powers of corporations—approved March 18, 1885-----	S. B. 83-----	141
151	An Act to appropriate money to pay the indebtedness incurred by calling the State militia into service to enforce the law in San Joaquin County—approved March 18, 1885-----	A. B. 510-----	142
152	An Act to amend Sections 1183, 1184, 1191, 1194, and 1195 of an Act of the Legislature of the State of California, entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add four new sections thereto, to be known, numbered, and designated as Sections 1200, 1201, 1202, and 1203, all relating to liens of mechanics and others upon real property, and to carry out the mandate of Section 15, of Article XX, of the Constitution—approved March 18, 1885-----	S. B. 112-----	143
153	An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities—approved March 18, 1885-----	S. B. 79-----	147
154	An Act to amend an Act entitled an Act to establish a uniform system of county and township governments, approved March 14, 1883, by amending and revising and subdividing into new sections, Section 163 of said Act, and renumbering Sections 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, and 184 of said Act, shall be hereafter respectively known and numbered as Sections 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, and 231—approved March 18, 1885-----	A. Bs. 72, 326-----	166
155	An Act to amend an Act entitled an Act to establish a uniform system of county and township governments, approved March 14, 1883, by amending Section 162 of said Act, relating to the classification of counties—approved March 18, 1885-----	A. B. 489-----	195
156	An Act to establish the "California Home for the Care and Training of Feeble-minded Children," and provide for the maintenance of the same—approved March 18, 1885-----	A. B. 89-----	198
157	An Act to amend Sections 1, 4, 5, and 8, of an Act approved March 3, 1883, entitled "An Act to amend an Act entitled an Act to create Hastings College of the Law, in the University of the State of California," approved March 20, 1878—approved March 18, 1885-----	A. B. 421-----	203
158	An Act to promote drainage—approved March 18, 1885-----	A. B. 502-----	204
159	An Act to amend Sections 3495 and 3500 of the Political Code, in relation to the sale of State school lands—approved March 18, 1885-----	A. B. 295-----	207
160	An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," and for the purpose of determining the heirship and title to the estates of deceased persons—approved March 18, 1885-----	A. B. 313-----	208

Chap.	TITLE OF ACT.	No. of bill and where introduced.	Page.
161	An Act to pay the claim of P. J. O'Connor, for services as architect in the measurement and classification of the work done in the erection of the Napa State Asylum for the Insane—approved March 18, 1885 -----	A. B. 448 -----	211
162	An Act authorizing the Board of Supervisors of any county, or any subdivision of a county, having a bonded debt, to refund such debt at a less rate of interest—approved March 18, 1885 -----	A. B. 362 -----	211
163	An Act to amend an Act entitled "An Act to provide for the management of the Yosemite Valley and the Mariposa Big Tree Grove," approved April 15, 1880—approved March 18, 1885 -----	A. B. 425 -----	212
164	An Act to provide for Police Courts in cities having thirty thousand and under one hundred thousand inhabitants, and to provide for officers thereof—approved March 18, 1885 -----	S. B. 134 -----	213
165	An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof—approved March 18, 1885 -----	A. B. 561 -----	216
166	An Act supplementary to an Act entitled "An Act to provide for the establishment and maintenance of a Mining Bureau," approved April 16, 1880—approved March 21, 1885 -----	A. B. 78 -----	217
167	An Act to amend Section 274 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to the compensation of Court Reporters—approved March 21, 1885 -----	A. B. 312 -----	218
168	An Act to amend Section 2349 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to public ways and navigable streams—approved March 21, 1885 -----	A. B. 481 -----	220
169	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered and known as Section 451, relating to fraternal and cooperative organizations—approved March 23, 1885 -----	A. B. 35 -----	221

## CONCURRENT AND JOINT RESOLUTIONS.

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1	Relative to establishment of branch of National Home for Disabled Volunteer Soldiers—adopted January 20, 1885	A. C. R. 10	225
2	Relative to Mexican Veterans Pension Bill—adopted February 3, 1885	A. C. R. 1	226
3	Requesting Congress to fix tariff on prunes—adopted February 3, 1885	A. C. R. 12	226
4	Relative to Signal Service on Tamalpais Mountain—adopted February 4, 1885	S. C. R. 11	227
5	Relative to sending the mineral collection of the State Mining Bureau to the World's Fair and Cotton Centennial Exposition at New Orleans—adopted February 11, 1885	A. C. R. 11	227
6	Declaratory of the proposal, submission, and ratification of certain amendments to the Constitution—adopted February 12, 1885	S. C. R. 12	228
7	Relative to the proposed treaty of the Republic of Nicaragua with the United States—adopted February 12, 1885	S. C. R. 14	230
8	Relative to viticultural industries—adopted February 13, 1885	S. C. R. 2	231
9	Relative to the restriction of Chinese immigration—adopted February 16, 1885	S. C. R. 6	232
10	Relative to directing the Governor to appoint a committee of five citizens to inquire into the subject of penology, as applicable to the condition of prison affairs within this State—adopted February 16, 1885	S. C. R. 5	233
11	Relative to printing astronomical reports of the Lick Observatory—adopted February 18, 1885	S. C. R. 16	234
12	Relative to adulteration of articles of food—adopted February 26, 1885	S. C. R. 10	234
13	Requesting Congress to fix tariff on raisins—adopted February 26, 1885	A. C. R. 4	235
14	Relative to Post Office at San Francisco—adopted February 26, 1885	A. C. R. 7	235
15	Requesting Congress to place General Grant on retired list—adopted March 3, 1885	A. C. R. 22	236
16	Relative to directing the Governor to fix the compensation for services rendered by Captain John Mullan, in collections of claims due the State of California from the United States—adopted March 3, 1885	S. C. R. 3	237
17	Requesting Congress to adjust accounts of States arising out of the direct tax law—adopted March 14, 1885	S. C. R. 26	238
18	Relative to the payment by the United States of interest on money borrowed by the States and advanced to the United States—adopted March 14, 1885	S. C. R. 25	240

Chap.	CONCURRENT AND JOINT RESOLUTIONS.	Number and where introduced.	Page.
19	Relative to forfeiture of unearned railroad bonds—adopted March 14, 1885 -----	A. C. R. 8.-----	241
20	Authorizing and directing the publication and disposal of the reports and maps prepared by the State Engineer—adopted March 14, 1885 -----	A. C. R. 1.-----	241
21	Relative to the direct war tax assessed to and levied upon the several States under the Act of Congress, approved August 5, 1861—adopted March 14, 1885-----	A. C. R. 18.-----	242

## 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.
George Stoneman.....	Governor.....	Los Angeles.
John Daggett.....	Lieutenant-Governor.....	Siskiyou.
T. L. Thompson.....	Secretary of State.....	Sonoma.
John P. Dunn.....	Controller.....	San Francisco.
D. J. Oullahan.....	Treasurer.....	San Joaquin.
E. C. Marshall.....	Attorney-General.....	San Francisco.
H. I. Willey.....	Surveyor-General.....	San Diego.
W. T. Welcker.....	Superintendent of Public Instruction.....	Santa Clara.
James J. Ayers.....	Superintendent of State Printing.....	Los Angeles.
Geo. B. Cosby.....	Adjutant-General.....	Sacramento.
T. H. Wallis.....	State Librarian.....	Sacramento.
W. W. Moreland.....	Governor's Private Secretary.....	Sonoma.

### STATE BOARD OF EQUALIZATION.

NAME.	DISTRICT.	RESIDENCE.
Charles Gildea.....	First.....	San Francisco.
L. C. Morehouse.....	Second.....	Alameda.
C. E. Wilcoxon.....	Third.....	Sutter.
John Markley.....	Fourth.....	Monterey.
John P. Dunn (ex officio).....		San Francisco.

### JUSTICES AND CLERK 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.
J. W. McCarthy.....	Clerk of Supreme Court.....	Stanislaus.

SENATORS.

JOHN DAGGETT		President.
NAME.	POST OFFICE AND COUNTY.	DISTRICT.
A. P. Johnson	Riverside, San Bernardino County	First.
R. F. Del Valle	Los Angeles	Second.
George Steele	San Luis Obispo, San Luis Obispo County	Third.
P. Reddy	Bodie, Mono Co., and 330 Pine St., San Francisco	Fourth.
J. D. Spencer	Modesto, Stanislaus County	Fifth.
Ben. Knight	Santa Cruz	Sixth.
Jas. R. Lowe	San José, Santa Clara County	Seventh.
A. W. Saxe	Santa Clara, Santa Clara County	Seventh.
J. Lynch	402 Eddy Street, San Francisco	Eighth.
Geo. C. Parkinson	110 Jackson Street, San Francisco	Ninth.
Egisto Palmieri	700 Broadway, San Francisco	Ninth.
D. McClure	526 Montgomery Street, San Francisco	Tenth.
Geo. H. Perry	621 Clay Street, San Francisco	Tenth.
Dan'l J. Creighton	N. E. Cor. Harrison and Fourth Streets, S. F.	Eleventh.
Edward F. Drum	22 Verona Place, San Francisco	Eleventh.
J. T. Dougherty	318 Sixth Street, San Francisco	Twelfth.
M. Kelly	942 Mission Street, San Francisco	Twelfth.
John M. Days	1616 Turk Street, San Francisco	Thirteenth.
John L. Boone	1018 Twenty-first Street, San Francisco	Thirteenth.
H. Vrooman	Oakland	Fourteenth.
G. E. Whitney	Oakland	Fourteenth.
F. C. DeLong	Novato, Marin County	Fifteenth.
F. T. Baldwin	Stockton	Sixteenth.
B. F. Langford	Stockton	Sixteenth.
A. B. Beauvais	Columbia, Tuolumne County	Seventeenth.
Fred. Cox	Sacramento	Eighteenth.
J. Routier	Sacramento	Eighteenth.
W. B. Parker	Vacaville, Solano County	Nineteenth.
Martin J. Wright	Vallejo, Solano County	Nineteenth.
D. Spencer	Napa	Twentieth.
G. A. Johnson	Santa Rosa, Sonoma County	Twenty-first.
J. A. Filcher	Auburn, Placer County	Twenty-second.
Henry Mahler	Coloma, El Dorado County	Twenty-third.
G. W. Cross	Nevada City, Nevada County	Twenty-fourth.
H. W. Wallis	Forest City, Sierra County	Twenty-fourth.
A. L. Chandler	Yuba City, Sutter County	Twenty-fifth.
W. W. Kellogg	Quincy, Plumas County	Twenty-sixth.
E. G. Hurlburt	Camp Grant, Humboldt County	Twenty-seventh.
C. W. Taylor	Shasta	Twenty-eighth.
C. F. Foster	Red Bluff, Tehama County	Twenty-ninth.

OFFICERS OF THE SENATE.

NAME.	OFFICIAL POSITION.
Edwin F. Smith	Secretary.
J. J. McCarthy	Assistant Secretary.
F. J. Saxe	Assistant Secretary.
I. G. Messec	Sergeant-at-Arms.
J. Pinch	Assistant Sergeant-at-Arms.
Ray G. Falk	Minute Clerk.
Guy H. Salsbury	Assistant Minute Clerk.
John F. Meagher	Journal Clerk.
P. M. Sullivan	Enrolling Clerk.
Geo. F. Tuttle	Engrossing Clerk.

## MEMBERS OF THE ASSEMBLY.

W. H. PARKS.....Speaker.

NAME.	POST OFFICE AND COUNTY.	DISTRICT.
J. K. Johnson	Yreka, Siskiyou County	First.
J. H. G. Weaver	Eureka, Humboldt County	Second.
Joseph Russ	Ferndale, Humboldt County	Third.
John Yule	Lewiston, Trinity County	Fourth.
Thos. A. Roseberry	Adin, Modoc County	Fifth.
George Wood	Sierra Valley, Sierra County	Sixth.
John Ellison	Red Bluff, Tehama County	Seventh.
Allen Henry	Chico, Butte County	Eighth.
J. M. Ward	Oroville, Butte County	Ninth.
Robert Barrett	Colusa, Colusa County	Tenth.
Whit. Henley	Covelo, Mendocino County	Eleventh.
E. W. Britt	Lakeport, Lake County	Twelfth.
W. H. Parks	Marysville, Yuba County	Thirteenth.
Austin Walrath	Nevada, Nevada County	Fourteenth.
C. F. McGlashan	Truckee, Nevada County	Fifteenth.
Geo. H. Colby	Dutch Flat, Placer County	Sixteenth.
E. H. Watson	Georgetown, El Dorado County	Seventeenth.
W. J. Davis	Sacramento, Sacramento County	Eighteenth.
C. T. Jones	Sacramento, Sacramento County	Nineteenth.
Dwight Hollister	Courtland, Sacramento County	Twentieth.
C. B. Culver	Woodland, Yolo County	Twenty-first.
H. A. Pellet	St. Helena, Napa County	Twenty-second.
W. T. Mears	Duncan Mills, Sonoma County	Twenty-third.
S. I. Allen	Santa Rosa, Sonoma County	Twenty-fourth.
M. E. C. Munday	Petaluma, Sonoma County	Twenty-fifth.
D. G. Barnes	Vallejo, Solano County	Twenty-sixth.
R. C. Carter	Rio Vista, Solano County	Twenty-seventh.
Joseph Almy	Bolinas, Marin County	Twenty-eighth.
James H. Daley	145 Main Street, San Francisco	Twenty-ninth.
E. C. Kalben	101 Tehama Street, San Francisco	Thirtieth.
Peter Deveny	655 Washington Street, San Francisco	Thirty-first.
Joseph Franklin	215 Broadway, San Francisco	Thirty-second.
W. B. May	1114 Clay Street, San Francisco	Thirty-third.
F. W. Hussey	611 Lombard Street, San Francisco	Thirty-fourth.
N. T. Whitcomb	738 Howard Street, San Francisco	Thirty-fifth.
John Lafferty	351 Tehama Street, San Francisco	Thirty-sixth.
M. J. Sullivan	331 Sixth Street, San Francisco	Thirty-seventh.
W. B. Hunt	410 Leavenworth Street, San Francisco	Thirty-eighth.
Chas. H. Ward	637 Minna Street, San Francisco	Thirty-ninth.
Julius Buhlert	1401 Folsom Street, San Francisco	Fortieth.
H. C. Firebaugh	2509 Clay Street, San Francisco	Forty-first.
V. C. McMurray	2400 Bush Street, San Francisco	Forty-second.
Eugene F. Loud	708 Buchanan Street, San Francisco	Forty-third.
Frederic Lovell	N. E. cor. Castro and Market Sts., San Francisco	Forty-fourth.
Hugh K. McJunkin	920 20th and 410 Montgomery Sts., San Francisco	Forty-fifth.
Thos. H. McDonald	State Printing Office, Sacramento	Forty-sixth.
Chas. D. Douglas	East side Vermont Street, San Francisco	Forty-seventh.
Frank French	330 Duncan and 109 California Sts., San Francisco	Forty-eighth.
James V. Coleman	Menlo Park, Santa Cruz County	Forty-ninth.
Lucien Heath	Santa Cruz, Santa Cruz County	Fiftieth.
Joseph F. Black	Livermore, Alameda County	Fifty-first.
Thos. C. Morris	Alameda, Alameda County	Fifty-second.
F. J. Moffitt	Oakland, Alameda County	Fifty-third.
W. M. Heywood	West Berkeley, Alameda County	Fifty-fourth.
W. H. Jordan	Oakland, Alameda County	Fifty-fifth.
G. W. Watson	East Oakland, Alameda County	Fifty-sixth.
G. W. T. Carter	Byron, Contra Costa County	Fifty-seventh.
Hugh J. Corcoran	Stockton, San Joaquin County	Fifty-eighth.
F. J. Woodward	French Camp, San Joaquin County	Fifty-ninth.
U. S. Gregory	Ione City, Amador County	Sixtieth.
Mark S. Torrey	Angels, Calaveras County	Sixty-first.
W. G. Long	Sonora, Tuolumne County	Sixty-second.
W. F. Patterson	Santa Clara, Santa Clara County	Sixty-third.
J. W. Cook	San José, Santa Clara County	Sixty-fourth.

## LIST OF OFFICERS.

## MEMBERS OF THE ASSEMBLY—Continued.

NAME.	POST OFFICE AND COUNTY.	DISTRICT.
D. M. Pyle	Gilroy, Santa Clara County	Sixty-fifth.
E. B. Beard	Modesto, Stanislaus County	Sixty-sixth.
G. G. Goucher	Mariposa, Mariposa County	Sixty-seventh.
Maurice T. Dooling	Hollister, San Benito County	Sixty-eighth.
S. N. Laughlin	Castroville, Monterey County	Sixty-ninth.
A. M. Clark	Fresno, Fresno County	Seventieth.
E. DeWitt	Visalia, Tulare County	Seventy-first.
R. J. Van Voorhies	Bodie, Mono County	Seventy-second.
Arza Porter	Arroyo Grande, San Luis Obispo County	Seventy-third.
Alex. McLean	Lompoc, Santa Barbara County	Seventy-fourth.
R. I. Ashe	Bakersfield, Kern County	Seventy-fifth.
J. Banbury	Pasadena, Los Angeles County	Seventy-sixth.
H. T. Hazard	Los Angeles, Los Angeles County	Seventy-seventh.
E. E. Edwards	Santa Ana, Los Angeles County	Seventy-eighth.
Truman Reeves	San Bernardino, San Bernardino County	Seventy-ninth.
T. J. Swayne	National City, San Diego County	Eightieth.

## OFFICERS OF THE ASSEMBLY.

NAME.	OFFICIAL POSITION.
Frank D. Ryan	Chief Clerk.
C. F. Long	Assistant Clerk.
Aaron Smith	Assistant Clerk.
Ed. J. Smith	Assistant Clerk.
Thomas E. Atkinson	Minute Clerk.
R. D. Cannon	Assistant Minute Clerk.
Frank J. Brandon	Journal Clerk.
Frank W. Marston	Assistant Journal Clerk.
Jacob Shaen	Engrossing Clerk.
Jerome Porter	Sergeant-at-Arms.
A. F. Chapman	Assistant Sergeant-at-Arms.

# COMMISSIONERS OF DEEDS.

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

## ALASKA.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
July 28, 1881.....	Wm. Gouverneur Morris ..	Sitka .....	August 24, 1881.

## ARIZONA.

March 19, 1881.....	H. N. Alexander .....	Yuma .....	March 26, 1881.
June 13, 1881 .....	Jas. F. Topliff.....	Tucson .....	June 24, 1881.
March 6, 1882 .....	Robert M. Wilkin .....	Tucson .....	April 13, 1882.
August 8, 1882 .....	John E. Beede .....	Flagstaff .....	October 5, 1882.
January 5, 1883 .....	Milton B. Clapp.....	Tombstone .....	January 13, 1883.
February 21, 1883 .....	J. H. Harrison .....	Tucson .....	March 7, 1883.
May 14, 1883 .....	Wm. R. Morris.....	Phoenix .....	June 13, 1883.
December 26, 1883 .....	Charles H. Tully .....	Tucson .....	March 20, 1884.

## CONNECTICUT.

March 19, 1884.....	Chas. B. Matthewman ..	New Haven .....	May 10, 1884.
July 2, 1884 .....	A. Heaton Robinson .....	New Haven .....	July 30, 1884.

## COLORADO.

August 29, 1883 .....	David M. Mitchell.....	Denver .....	September 25, 1883.
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## DISTRICT OF COLUMBIA.

April 10, 1883.....	S. C. Mills .....	Washington .....	December 19, 1883.
May 9, 1884 .....	John E. Beall .....	Washington .....	May 29, 1884.

## GEORGIA.

September 4, 1882 .....	Wm. B. Adams.....	Savannah .....	September 19, 1882.
April 10, 1883 .....	John W. Burroughs.....	Savannah .....	May 7, 1883.

## COMMISSIONERS OF DEEDS.

## ILLINOIS.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
August 17, 1881 .....	Phillip A. Hoyne .....	Chicago .....	August 29, 1881.
December 15, 1881 .....	S. S. Willard .....	Chicago .....	January 3, 1882.
October 8, 1884 .....	Simeon W. King .....	Chicago .....	October 22, 1884.

## KENTUCKY.

May 3, 1882 .....	Wm. Reinecke .....	Louisville .....	May 26, 1882.
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## LOUISIANA.

January 10, 1882 .....	J. G. Eustis .....	New Orleans .....	January 26, 1882.
February 21, 1882 .....	Felix J. Dreyfous .....	New Orleans .....	March 8, 1882.
April 6, 1882 .....	Melancy C. Soniat .....	New Orleans .....	April 24, 1882.
January 15, 1885 .....	George A. Hero .....	New Orleans .....	February 18, 1885.

## MARYLAND.

January 16, 1882 .....	P. H. Hoffman .....	Baltimore .....	February 1, 1882.
April 4, 1882 .....	F. H. Grupy .....	Baltimore .....	May 2, 1882.
July 12, 1882 .....	G. Evett Reardon .....	Baltimore .....	July 29, 1882.
September 4, 1884 .....	Murray Hanson .....	Baltimore .....	September 24, 1884.

## MASSACHUSETTS.

March 12, 1881 .....	Freeman W. Josselyn .....	Boston .....	April 2, 1881.
August 10, 1881 .....	Hamilton D. Clark .....	Medford .....	January 6, 1882.
March 20, 1882 .....	Samuel Jennison .....	Boston .....	April 4, 1882.
May 22, 1882 .....	Charles A. Shaw .....	Boston .....	June 28, 1882.
February 21, 1883 .....	Charles Hall Adams .....	Boston .....	March 8, 1883.
December 26, 1883 .....	Edward J. Jones .....	Boston .....	January 10, 1884.
February 23, 1884 .....	Henry M. Meek .....	Boston .....	March 11, 1884.
January 13, 1885 .....	Daniel B. Whittier .....	Boston .....	
January 13, 1885 .....	J. Henry Hill .....	Worcester .....	February 3, 1885.

## MICHIGAN.

July 26, 1882 .....	William J. Waterman .....	Detroit .....	August 9, 1882.
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## MISSOURI.

June 14, 1881 .....	Fred. W. Perkins .....	Kansas City .....	July 18, 1881.
August 29, 1881 .....	John W. Hodgkin .....	St. Louis .....	October 26, 1881.
September 12, 1881 .....	Francis Nohe .....	St. Louis .....	October 3, 1881.
October 24, 1882 .....	Charles D. Greene, Jr. ....	St. Louis .....	November 6, 1882.
August 29, 1883 .....	Morrison Renshaw .....	St. Louis .....	October 1, 1883.

COMMISSIONERS OF DEEDS.

XXIII

MONTANA.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
October 24, 1881	B. F. Clayton	Butte City	November 2, 1881.

MINNESOTA.

November 2, 1881	Frank H. Carleton	Minneapolis	December 9, 1881.
January 3, 1883	J. N. Cardoza	St. Paul	January 22, 1883.

NEW JERSEY.

July 26, 1882	H. J. Stratmeyer, Jr.	Elizabeth	August 14, 1882.
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NEW YORK.

February 12, 1881	R. K. McHarg	New York City	March 11, 1881.
March 26, 1881	O. P. C. Billings	New York City	April 16, 1881.
March 28, 1881	William M. Thomas	New York City	April 16, 1881.
April 18, 1881	Isaac S. Smith	New York City	May 26, 1881.
June 18, 1881	Vincent Rosemon	Brooklyn	July 2, 1881.
June 30, 1881	S. Allaire Murden	New York City	July 27, 1881.
July 15, 1881	Geo. Wetmore Colles	New York City	September 3, 1881.
August 3, 1881	T. Henry Dewey	New York City	August 22, 1881.
October 22, 1881	Edwin F. Corey	New York City	November 5, 1881.
November 10, 1881	F. G. Burke	New York City	January 17, 1882.
December 1, 1881	Peter R. Gatens	New York City	December 20, 1882.
March 10, 1882	Herbert E. Dickson	New York City	July 26, 1882.
March 16, 1882	Samuel D. Folsom	New York City	April 14, 1882.
April 5, 1882	Monroe Crannell	Albany	April 21, 1882.
April 8, 1882	John A. Hillery	New York City	April 22, 1882.
May 23, 1882	S. A. Emanuel	New York City	July 5, 1882.
May 31, 1882	Thomas B. Clifford	New York City	June 17, 1882.
October 19, 1882	Spencer C. Doty	New York City	November 2, 1882.
February 21, 1883	John J. Mead	New York City	March 20, 1883.
February 21, 1883	Peter Mahoney	Brooklyn	March 30, 1883.
April 10, 1883	Charles Nettleton	New York City	April 24, 1883.
April 27, 1883	Joseph B. Brame	New York City	May 21, 1883.
April 27, 1883	Hoffman Miller	New York City	May 21, 1883.
April 27, 1883	J. L. Bright	New York City	July 3, 1883.
June 28, 1883	William H. Clarkson	New York City	July 14, 1883.
June 28, 1883	Charles H. Phelps	New York City	September 22, 1883.
August 29, 1883	Jacob DuBois	New York City	September 13, 1883.
August 29, 1883	Joseph S. Bosworth, Jr.	New York City	September 29, 1883.
October 18, 1883	Charles Edgar Mills	New York City	November 1, 1883.
October 18, 1883	Eleazer Jackson	New York City	November 3, 1883.
October 6, 1883	William F. Lett	New York City	December 18, 1883.
December 26, 1883	Joseph B. Nones	New York City	January 15, 1884.
February 23, 1884	S. B. Goodale	New York City	March 14, 1884.
February 23, 1884	Henry C. Banks	New York City	March 12, 1884.
February 23, 1884	F. A. Burnham	New York City	March 10, 1884.
February 23, 1884	Charles T. Lunt	New York City	March 10, 1884.
May 9, 1884	Henry A. Robinson	New York City	May 31, 1884.
July 2, 1884	Moses B. Maclay	New York City	July 15, 1884.
July 2, 1884	Thomas Kelvert	New York City	July 18, 1884.
July 2, 1884	A. H. Osborn	New York City	December 2, 1884.
January 13, 1885	Michael Meagher	New York City	

## NORTH CAROLINA.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
April 10, 1883	J. I. Mack	Wilmington	April 27, 1883.

## NEVADA.

June 25, 1881	A. L. Fitzgerald	Eureka	July 23, 1881.
July 9, 1881	A. H. Ricketts	Virginia City	July 15, 1881.
July 26, 1881	E. J. Butler	Eureka	August 1, 1881.
November 22, 1883	Thomas E. Haydon	Reno	December 11, 1883.
November 22, 1883	Sewell A. Knapp	Hawthorne	November 30, 1883.
October 23, 1884	Charles E. Mack	Virginia City	October 27, 1884.
October 27, 1884	P. E. Shannon	Virginia City	November 12, 1884.

## NEW MEXICO.

March 13, 1882	Walter V. Hoyt	Santa Fé	March 20, 1882.
September 5, 1883	E. C. Ward	Los Cueces	September 18, 1883.
January 13, 1885	Karl A. Snyder	Albuquerque	

## OHIO.

July 12, 1882	Samuel S. Carpenter	Cincinnati	July 25, 1882.
January 13, 1885	Lipman Levy	Cincinnati	January 29, 1885.

## OREGON.

September 10, 1881	C. J. Curtis	East Portland	October 8, 1881.
June 26, 1882	Eugene D. White	Portland	September 18, 1882.
August 29, 1883	Frank J. Botsford	Portland	November 6, 1883.
January 13, 1885	T. Brook White	Portland	February 3, 1885.

## PENNSYLVANIA.

May 2, 1881	James Crowe	Philadelphia	May 16, 1881.
May 21, 1881	Edward F. Hoffman	Philadelphia	June 7, 1881.
November 15, 1881	Thomas J. Hunt	Philadelphia	December 2, 1881.
February 25, 1882	Samuel L. Taylor	Philadelphia	March 18, 1882.
April 28, 1882	R. S. Child, Jr.	Philadelphia	May 27, 1882.
December 30, 1882	Charles Chauncey	Philadelphia	January 19, 1883.
April 27, 1883	Kinley P. Tener	Philadelphia	May 14, 1883.
August 29, 1883	D. E. Davis	Pittsburgh	November 8, 1883.
February 23, 1884	Edward Shippen	Philadelphia	April 7, 1884.
February 23, 1884	Otis Eagan	Philadelphia	March 18, 1884.
October 8, 1884	Wm. F. Robb	Philadelphia	October 24, 1884.
October 23, 1884	Edward H. Cloud	Philadelphia	November 14, 1884.
January 13, 1885	Otis Eagan	Philadelphia	

## RHODE ISLAND.

April 27, 1883	John C. Purkis	Providence	May 14, 1883.
October 18, 1883	Gilman E. Jopp	Providence	November 16, 1883.

COMMISSIONERS OF DEEDS.

XXV

TEXAS.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
November 17, 1882	John C. Berrey	San Antonio	February 12, 1883.
June 28, 1883	J. D. Stevenson	San Antonio	July 13, 1883.
July 13, 1883	S. W. Boring	El Paso	August 14, 1883.

UTAH.

January 13, 1885	Christopher Diehl	Salt Lake City	January 26, 1885.
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WASHINGTON TERRITORY.

March 15, 1881	T. H. Cann	Seattle	April 6, 1881.
October 7, 1882	Wm. M. Chandler	Sprague	November 13, 1882.
December 5, 1882	Chas. F. Munday	Seattle	January 17, 1883.
April 10, 1883	Frederick E. Eldridge	New Tacoma	July 15, 1883.

GREAT BRITAIN.

January 30, 1882	Alfred Heales	London	March 28, 1882.
May 10, 1882	Wm. B. Patterson	Glasgow, Scotland	August 3, 1882.
June 15, 1882	Wm. Grain	London	August 5, 1882.
October 18, 1882	Augustus F. Warr	Liverpool	December 6, 1882.
December 28, 1882	John H. Grain	London	February 15, 1883.
March 22, 1884	Sidney H. Peddar	London	March 31, 1884.

MEXICO.

May 9, 1884	W. J. DeGross	City of Mexico	June 12, 1884.
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SANDWICH ISLANDS.

April 27, 1883	R. W. Laine	Honolulu	June 13, 1883.
January 13, 1885	J. M. Monsarratt	Honolulu	March 9, 1885.

FRANCE.

May 17, 1881	Henry W. Spencer, Jr.	Paris	June 30, 1881.
January 13, 1885	Arthur E. Valors	Paris	

AUSTRALIA.

February 23, 1884	L. C. Russell Jones	Sidney	May 21, 1884.
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# CONSTITUTION

OF THE

# STATE OF CALIFORNIA.

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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.

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## 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 persons 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 Queretaro, 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 m., 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 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 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 reapportion 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 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 hereinbefore 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 proportioned 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 institution; *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 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 incur 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, 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, of 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 viva voce, 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, city 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 lobbarding, 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 influenced 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 a 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 to 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 Governor, Superintendent of Public Instruction, and the Principals of the State Normal Schools, shall constitute the State Board of Education, and shall compile, or cause to be compiled, and adopt a uniform series of text-books for use in the common schools throughout the State. The State Board may cause such text-books, when adopted, to be printed and published by the Superintendent of State Printing, at the State Printing Office, and when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text-books so adopted shall continue in use not less than four years; and

said State Board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a Board of Education in each county in the State. The County Superintendents and the County Boards of Education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions. [Amendment adopted November 4, 1884.]

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 superintendence 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 employés of the Prison 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 therefor, 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 proportion-

ate 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. In any city where there are no public works owned and controlled by the municipality for 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 gas light, 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. [Amendment adopted November 4, 1884.]

## 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 grantees, 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 employé; 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 employé 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 district 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 "property," 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 the 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, as the same existed in eighteen hundred and seventy-nine, 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 eighty-six, and at each gubernatorial election thereafter, whose term of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of 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; *provided*, that no Board of Equalization shall raise any mortgage, deed of trust, contract, or other obligation by which a debt is secured, money, or solvent credits, above its face value. The present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts as nearly equal in population as practical, and to provide for the elections of members of said Board of Equalization. [Amendment adopted November 4, 1884.]

SEC. 10. All property, except as hereinafter in this section provided, shall be assessed in the county, city, city and county, town, township, or district in which it is situated, in the manner prescribed by law. The franchise, roadway, roadbed, 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 waterworks 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 FRONTAGE, 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 irrepalable 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 delegates 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 all 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 such persons may reside in the State, and to provide the means and modes 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 this 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 before said election.

SEC. 5. The Superintendent of Printing of the State of California shall, at least twenty days before such 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 Election, 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 Clerks 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 of 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.

J. P. HOGE, President.

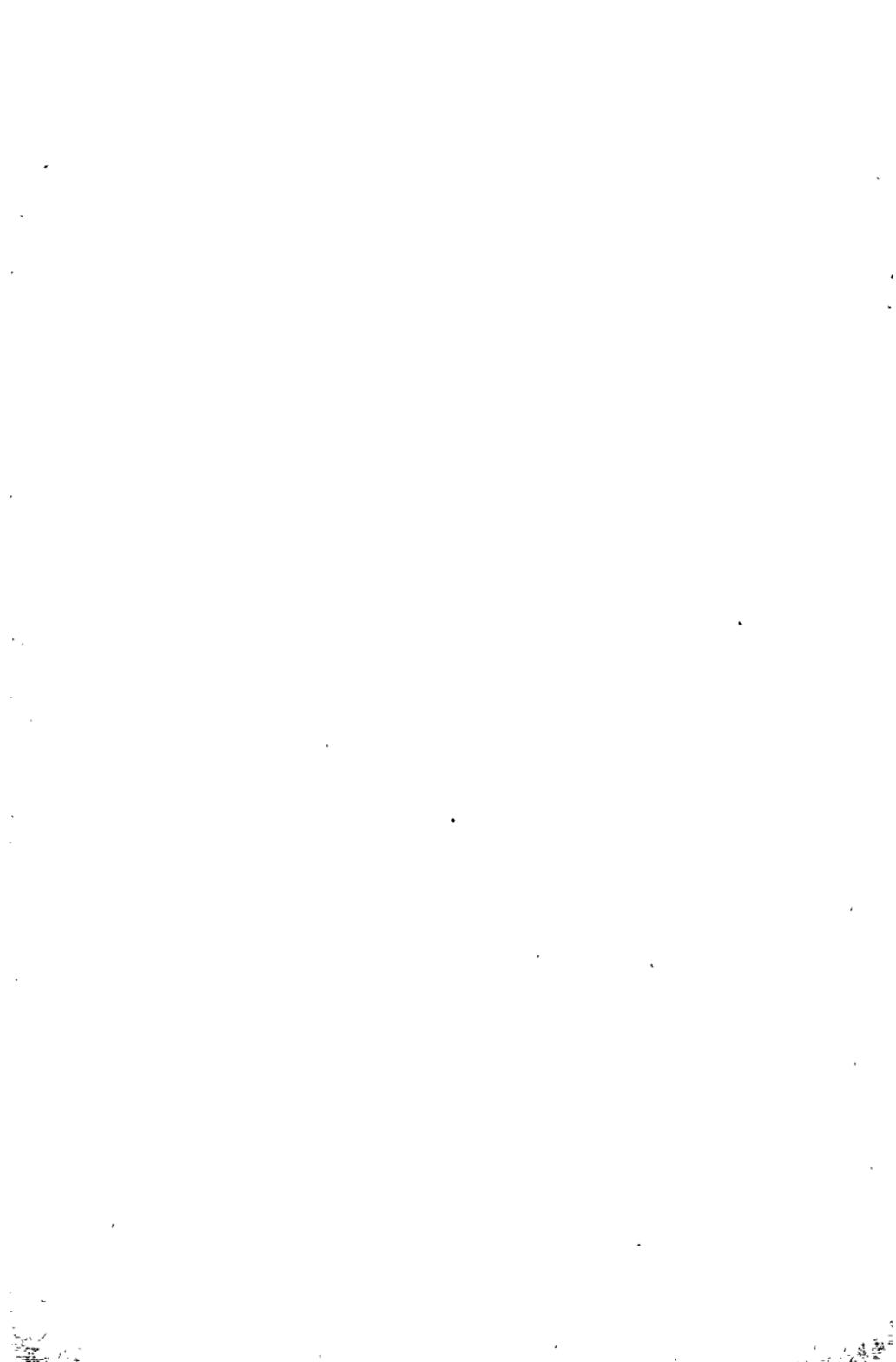
Attest: EDWIN F. SMITH, Secretary.

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,  
 SAM'L 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. ESTEV,  
 HENRY EDGERTON,

DAVID LEWIS,  
 J. F. LINDOW,  
 JNO. MANSFIELD,  
 EDWARD MARTIN,  
 J. WEST MARTIN,  
 RUSH McCOMAS,  
 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,  
 JOHN M. RHODES,

M. M. ESTEE,  
 EDWARD EVEY,  
 J. A. FILCHER,  
 SIMON J. FARRELL,  
 ABRAHAM CLARK FREEMAN,  
 JACOB RICHARD FREUD,  
 J. B. GARVEY,  
 B. B. GLASCOCK,  
 JOSEPH C. GORMAN,  
 W. F. 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. KELLY,  
 JAMES H. KEYES,  
 JOHN J. KENNY,  
 C. R. KLEINE,  
 T. H. LAINE,  
 HENRY LARKIN,  
 R. M. LAMPSON,  
 R. LAVIGNE,  
 H. M. LA RUE,

JAS. S. REYNOLDS,  
 HORACE C. ROLFE,  
 CHAS. S. RINGGOLD,  
 JAMES McM. SHAFTER,  
 GEO. W. SCHELL,  
 J. SCHOMP,  
 RUFUS SHOEMAKER,  
 E. O. SMITH,  
 BENJ. SHURTLEFF,  
 GEO. VENABLE SMITH,  
 H. W. SMITH,  
 JOHN C. STEDMAN,  
 E. P. SOULE,  
 D. C. STEVENSON,  
 GEO. 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. VACQUEREL,  
 WALTER VAN DYKE,  
 WM. VAN VOORHIES,  
 HUGH WALKER,  
 JOHN 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.



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STATUTES.

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# STATUTES OF CALIFORNIA

PASSED AT THE

## TWENTY-SIXTH SESSION OF THE LEGISLATURE.

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### CHAPTER I.

*An Act to authorize the Board of State Harbor Commissioners to pay the claim of John S. Wilkins.*

[Approved February 3, 1885.]

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

SECTION 1. The Board of State Harbor Commissioners is hereby authorized to adjust and pay the claim of John S. Wilkins, for the damage sustained by him in consequence of his horse having been injured by a defect in the planking of the outer half of Bryant Street, adjacent to the waterfront, in San Francisco; *provided*, that the amount paid shall not exceed five hundred dollars.

Claim of  
John S.  
Wilkins.

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

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### CHAPTER II.

*An Act to amend section six hundred and thirteen of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to cemetery corporations.*

[Approved February 10, 1885.]

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

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

**613.** Whenever an interment is made in any lot or plat transferred to individual owners by the corporation, the same thereby becomes forever inalienable, and descends in regular

When burial  
lot inalien-  
able.

line of succession to the heirs at law of the owner. When there are several owners of interests in such lot or plat, one or more may acquire by purchase the interest of others interested in the fee simple title thereof, but no one not an owner acquires interest or right of burial therein by purchase; nor must any one be buried in any such lot or plat not at the time owning an interest therein, or who is not a relative of such owner, or of his wife, except by consent of all jointly interested; *provided*, however, that when all the bodies buried in any such lot shall have been removed therefrom, with the consent of the owners of such lot, it shall be lawful for the then owners of such lot to sell and transfer the same by deed; and any such sale and transfer heretofore made is hereby declared to be valid and effectual to transfer the title to the purchaser, any law to the contrary thereof notwithstanding.

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

Who may  
not be buried  
in lot.

### CHAPTER III.

*An Act to enable the State of California to make a proper exhibition of her material resources at the World's Exposition at New Orleans.*

[Approved February 10, 1885.]

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

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to pay A. Andrews, the Commissioner for the State of California to the World's Industrial and Cotton Centennial Exposition at New Orleans, Louisiana, to be expended by him in procuring the productions of this State, both of art and manufactures, and of soil, and of mines, and making a proper exhibition of the same at the said Exposition; and the Controller is hereby directed to draw his warrant for the said amount, and the Treasurer is hereby directed and authorized to pay the same.

Appropriation for New Orleans Exposition.

Commissioner to report.

Vouchers.

SEC. 2. The said Commissioner shall make a report to the Governor of this State of his proceedings, and of such matters as may be of interest to the people of California, and he shall present to the Controller of this State his vouchers, properly authenticated, for all moneys disbursed by him under this Act; and he shall return to the State Treasurer any balance of this appropriation remaining, after all necessary expenses shall be paid.

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

CHAPTER IV.

*An Act to amend section three thousand seven hundred and eighty-eight of the Political Code of the State of California, relating to revenue.*

[Approved February 13, 1885.]

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

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

**3788.** The deed conveys to the grantee the absolute title to the lands described therein as of the date of the expiration of the period for redemption, free of all incumbrances, except the lien for taxes which may have attached subsequent to the sale, and except when the land is owned by the United States, or this State, in which case it is prima facie evidence of the right of possession, accrued as of the date of the expiration of such period for redemption. Deeds to the State of State lands sold for delinquent taxes shall be recorded by the Recorders of the several counties, as prescribed in section three thousand eight hundred and sixteen of this Code, and a copy of said deeds, duly certified by the County Recorder, and acknowledged before the County Clerk, shall, without delay, be filed in the office of the Surveyor-General, and thereupon the land shall again become subject to entry and sale, in the same manner and subject to the same conditions as apply to other State lands of like character, except that the former possessors of lands thus deeded to the State, their heirs or assigns, shall be preferred purchasers thereof for three months after the deeds are filed with the Surveyor-General, as prescribed in this section; but the Surveyor-General shall not permit an entry, nor make a sale of any lands thus deeded to the State, except upon the previous payment into the State Treasury, in addition to the price of said lands as compared with the price fixed for other State lands of a like character, by the person or persons proposing to make the entry or purchase, of a sum equal to the delinquent taxes, costs, and penalties, by virtue whereof the State became a purchaser of the lands thus sought to be entered or purchased. The money thus paid into the State Treasury shall be distributed in the manner prescribed in section three thousand eight hundred and sixteen of this Code. In all cases where land has been heretofore sold for delinquent taxes, the deed therefor must be made within one year and three months after this Act takes effect, and unless so made, the purchaser shall be deemed to have relinquished all his rights under such sale.

Tax deed conveys absolute title.

Deeds of State lands to be recorded.

Subject to reentry.

When deeds to be made.

## CHAPTER V.

*An Act to provide for a contingent fund for the Assembly for the twenty-sixth session of the Legislature.*

[Approved February 13, 1885.]

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

Appropriation contingent expenses Assembly.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any funds not otherwise appropriated, to provide a contingent fund for the Assembly, for the twenty-sixth session of the Legislature.

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

## CHAPTER VI.

*An Act appropriating money to meet the contingent expenses of the Senate for its twenty-sixth session.*

[Approved February 14, 1885.]

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

Contingent expenses Senate.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of the General Fund in the State Treasury to meet the contingent expenses of the Senate.

SEC. 2. The Controller shall draw his warrants, as ordered by the Senate, for the payment of the money hereby appropriated, and the Treasurer shall pay the same.

SEC. 3. This Act shall take effect immediately.

## CHAPTER VII.

*An Act to amend sections eight, nine, ten, eleven, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March thirteenth, eighteen hundred and eighty-three.*

[Approved February 18, 1885.]

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

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

Duty of Secretary.

Section 8. It shall be the duty of the Secretary to attend all meetings of the Board, and to preserve records of its pro-

ceedings and correspondence; to collect books, pamphlets, and periodicals, and other documents containing valuable information relating to horticulture, and to preserve the same; to collect statistics and other information showing the actual condition and progress of horticulture in this State and elsewhere; to correspond with agricultural and horticultural societies, colleges, and schools of agriculture and horticulture, and other persons and bodies, as he may be directed by the Board, and prepare, as required by the Board, reports for publication. He shall also act as assistant to and obey the directions of the Inspector of Fruit Pests in the exercise of the duties of his office, and shall be paid for his services as such Secretary and assistant a salary of one hundred and fifty dollars per month, to be paid as other State officers.

To assist  
Inspector.  
Salary.

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

Section 9. The Inspector of Fruit Pests shall receive as compensation for his services the sum of two hundred dollars per month, to be paid as other State officers, and his actual traveling expenses shall be allowed, not to exceed one thousand dollars per annum. The members of the Board and Secretary shall receive their actual traveling expenses in attending semi-annual meetings of the Board.

Inspector's  
salary.

Traveling  
expenses of  
the Board.

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

Section 10. The Board shall, biennially, in the month of January, report to the Legislature a statement of its doings, with a copy of the Treasurer's accounts for the two years preceding the session thereof, and abstracts of the reports of the Inspector of Fruit Pests and Secretary.

Report  
biennially.

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

Section 11. The Treasurer shall receive all moneys belonging to the Board, and pay out the same only for bills approved by the Chairman of the Finance Committee, and shall, annually, render a detailed account to the Board.

Treasurer.

SEC. 5. Section 12. There is hereby appropriated, for the uses of the State Board of Horticulture, as set forth in this Act, out of any moneys in the State Treasury not otherwise appropriated, the sum of ten thousand dollars for the year commencing April first, one thousand eight hundred and eighty-five, and ten thousand dollars for the year commencing April first, one thousand eight hundred and eighty-six, and the State Controller will draw his warrants upon the State Treasurer in favor of the Treasurer of said Board for the said sums, or any part thereof, when they become available, upon proper demand being made for the same by the said Board.

Appropriation  
1885 and  
1886.

SEC. 6. This Act shall take effect immediately.

## CHAPTER VIII.

*An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor.*

[Approved February 26, 1885.]

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

Board to  
compile text-  
books.

SECTION 1. The State Board of Education shall compile, or cause to be compiled, for use in the common schools of the State, a series of school text-books of the following description, viz.: Three (3) Readers, one (1) Speller, one (1) Arithmetic, one (1) Grammar, one (1) History of the United States, and one (1) Geography. The matter contained in the Readers shall consist of lessons commencing with the simplest expressions of the language, and, by a regular gradation, advancing to and including the highest styles of composition, both in prose and poetry.

May have  
books com-  
piled.

SEC. 2. The State Board of Education shall employ well qualified persons to compile the books mentioned in section one of this Act, and shall fix the remuneration for the services thus rendered; *provided*, that if competent authors shall compile any one or more works of the first order of excellence, and shall offer the same as a free gift to the people of the State, together with the copyright of the same, and the exclusive right to manufacture and sell such works within the State of California, it shall be the duty of the State Board of Education to accept such gift, and to expend no money for the purpose of compiling works relating to the subjects treated of in the books thus donated. The State Board of Education shall furnish to the Superintendent of State Printing designs for all cuts and engravings to be used in the said series of text-books.

Gift.

Engraving.

Printing.

SEC. 3. The printing of all the text-books provided for in section one of this Act, and all the mechanical work connected therewith, shall be done by and under the supervision of the Superintendent of State Printing at the State Printing Office; *provided*, that the purchase of paper for the school books, and the cardboards, cloth, and leather for covers, shall be procured by advertising for proposals to furnish the same, in the manner now provided for by section five hundred and thirty-two of the Political Code, relating to paper supplies for the State Printing Office; and, *provided further*, that when the State has its bindery in operation, all folding, stitching, binding, and ruling of the State shall be done in the State bindery; but the accounts of the school book binding shall be kept separate from those of all other binding.

Covers.

Binding.

Copyrights.

SEC. 4. The State Board of Education shall secure copyrights to all the books that shall be compiled under the provisions of this Act, and shall protect said copyrights from all infringement.

SEC. 5. Whenever any one or more of the State series of school text-books shall have been compiled and adopted, the State Board of Education shall issue an order requiring the uniform use of said book or books in the common schools of the State; but said order for the uniform use of said book or books shall not take effect till the expiration of at least one year from the time of the completion of the electrotype plates of said book or books. Nothing in this Act shall be construed to prevent any county or school district from adopting any one or more of the State series of school text-books whenever said book or books shall have been published.

When order  
uniformity  
takes effect.

SEC. 6. The process of distribution of the text-books shall follow this course: The County Superintendents of Schools shall make such requisitions for books as the schools under their jurisdiction may require, upon the State Superintendent of Public Instruction; the State Superintendent of Public Instruction shall then make requisition for the same on the Superintendent of State Printing, who shall ship the books to their destination. All requisitions from County School Superintendents for books shall be accompanied by the cash price fixed for the same by the State Board of Education, and the State Superintendent of Public Instruction shall make no requisition for books upon the Superintendent of State Printing unless he shall have received the lawful price for the same. And it shall be the duty of the Superintendent of Public Instruction to report to the State Controller on or before the fifth day of every month, the number of books sold by him during the preceding month, and to pay the moneys received for the same into the State Treasury. It shall also be the duty of the Superintendent of State Printing to make a monthly report to the State Controller of the number and value of the books shipped by him on the order of the State Superintendent of Public Instruction, and the number and value of the finished books on hand.

Distribution.

County  
Superintendent.

Superintendent  
Public  
Instruction  
report.

Superintendent  
State  
Printing  
report.

SEC. 7. It shall be the duty of the Boards of Supervisors of the counties, or cities and counties, in this State, to provide a revolving fund, for the purpose of enabling the County School Superintendents to purchase the State text-books; all moneys to be taken therefrom to be replaced by the moneys received from the teachers of the common schools in the several counties for the books furnished by them to the scholars.

Fund to purchase books.

SEC. 8. The sum of twenty thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of compiling, or causing to be compiled, the series of text-books for the common schools as set forth in section one of this Act. The appropriation provided for in this section shall be subject to the order of the State Board of Education; *provided*, that all demands against said appropriation shall first be approved by said State Board of Education and presented to the State Board of Examiners in itemized form for their approval, and upon the approval of the State Board of Examiners the Controller is hereby authorized to draw his warrant upon the State

Appropriation for compiling.

Treasurer for the payment of said demands, and the State Treasurer is authorized to pay the same.

Appropriation for purchase of machinery.

SEC. 9. The sum of one hundred and fifty thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to purchase the necessary machinery, presses, types, bindery, electrotyping apparatus, and such other material as may be required in the manufacture of the text-books provided for in section one of this Act, as well as to pay the salaries or wages of the compositors, binders, and other persons to be employed in such manufacture; *provided*, that the State Board of Education shall first approve the style of printing, engravings, and illustrations, kind of paper, size and binding of volumes; said sum to be drawn by the Superintendent of State Printing in the same manner as provided in subdivision four of section five hundred and twenty-six of the Political Code.

Books at cost.

SEC. 10. The school books published under the provisions of this Act shall be furnished to the common school children of the State at cost, the same to be ascertained and fixed by the State Board of Education at the beginning of each school year.

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

SEC. 12. This Act shall take effect immediately.

## CHAPTER IX.

*An Act to amend section eighteen hundred and eighty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to public schools.*

[Approved February 26, 1885.]

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

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

Election.

Bonds.

Purchase school houses.

**1880.** The Board of Trustees of any school district may, when in their judgment it is advisable, call an election, and submit to the electors of the district whether bonds of such district shall be issued and sold for the purpose of raising money for purchasing school lots, and for building or purchasing one or more school houses in such district, and furnishing the same, and for liquidating the indebtedness for school houses already erected.

SEC. 2. This Act shall take effect immediately.

CHAPTER X.

*An Act to enlarge the duties of the Board of State Viticultural Commissioners.*

[Approved February 26, 1885.]

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

SECTION 1. The Board of State Viticultural Commissioners shall, in addition to its duties already prescribed by law, adopt such measures as may be within its power, and in accordance with its best judgment, to advance the skill and increase the technical knowledge of citizens of this State who are engaged in viticulture and viniculture, by providing practical instruction to those requiring the same; also, to assist producers in finding profitable markets for their products, by extending commercial and popular knowledge of the same throughout the United States and foreign countries by means of public addresses, circulars, printed documents, and personal efforts of duly authorized representatives and lecturers of the said Board; and also to promote the general welfare of the people, by distributing and disseminating information and scientific instruction concerning the rational uses and the dangers of abuses of fermented and alcoholic drinks, as well as also the methods of detecting and avoiding adulterations and spurious compounds.

Viticultural Commission.

Practical instruction.

Distribute books.

SEC. 2. In addition to the duties now imposed by law upon the chief executive officer of said Board, it shall be his duty, on demand of the Board of Regents of State University, to deliver lectures on practical viticulture and vinification to the students of that institution, provided that such demand does not conflict with other duties required of him by the said Commissioners; and, also, to visit to the extent of his ability the vineyards of the State, and to impart to those demanding the same, practical information concerning culture, pruning, grafting, and other occupations of vine growers, including, also, the methods of preparing, manufacturing, and marketing their products; and, also, to prepare statements of the condition, quantity, quality, and variety of successive vintages, which he shall make public in such manner as the Board shall direct, for the promotion of commerce, and to enable consumers throughout the United States to acquire such information as may lead to the advantage of producers; and, also, to prepare for publication a treatise on the rational uses and the dangers of abuses of fermented and alcoholic drinks, for distribution throughout the State, and for such use in the public schools as the State Board of Education may direct; and he shall also furnish annual statements of merchantable products of viticulture in this State to the Department of State at Washington, D. C., with the request that the same be forwarded to the consular offices of the United States throughout the world, to be used for the

Chief Executive lecture at University.

Visit vineyards.

To prepare a treatise on drinks.

Compensation  
Chief  
Executive.

advancement of commerce; and for these services, in addition to those already required of him, and for all actual and necessary traveling expenses connected therewith, the said Board of State Viticultural Commissioners shall fix, determine, and allow such additional reasonable compensation as the nature and extent of the duties to be performed may require; *provided*, that in no case shall the said Board allow any expenditures or incur any liabilities in excess of the annual appropriation for its support; and, *provided*, that all claims under this and other Acts shall be submitted for approval to the State Board of Examiners.

## CHAPTER XI.

*An Act to create a State Board of Forestry, and to provide for the expenses thereof.*

[Approved March 3, 1885.]

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

Forestry  
Board.

SECTION 1. There shall be established a State Board of Forestry, consisting of three persons, appointed by the Governor of the State.

Term.

SEC. 2. Each member shall hold office for the term of four years, and until his successor shall be qualified.

Secretary.

SEC. 3. The Board may appoint and prescribe the duties of its Secretary, and elect one of its own members Treasurer, both to hold office at the pleasure of the Board.

Treasurer.

Duty of  
Board.

SEC. 4. The duty of the Board shall be to collect statistics and other information with regard to forestry, tree culture, and tree preservation, throughout the State; to correspond with various forestry societies and individuals, for the purpose of obtaining such information; to learn by investigation and experiments the adaptability of various trees to the different sections of the State; to disseminate such information throughout the State in such a manner as to aid and encourage the purpose for which this Board is formed; to assist in enforcing and carrying out all national and State forestry laws, as far as practicable; to act with a special view to the continuance of water sources that may be affected in any measure by the destruction of forests near such sources; to do any and all things within their power to encourage the preservation and planting of forests, and the consequent maintenance of the water sources of the State.

To report to  
Governor.

SEC. 5. This Board shall report biennially to the Governor a detailed statement of its work, which shall include all disbursements that may have been made. All printing required to be done by the Board for their official use shall be done by the Superintendent of State Printing.

Salary of  
Secretary.

SEC. 6. There is hereby appropriated for the use of this Board, out of any moneys in the State Treasury not other-

wise appropriated, the sum of five thousand (\$5,000) dollars for the two years beginning the first of April, eighteen hundred and eighty-five; said sum to be used for the payment of the salary of the Secretary, not to exceed the sum of one hundred and twenty-five dollars per month, the necessary <sup>Traveling</sup> expenses of the members of this Board, the employ- <sup>expenses.</sup> ment of assistants, and such other needful expenditures as this Board may incur, and the State Controller will draw his warrants on the State Treasurer in favor of the Treasurer of the Board for the same.

SEC. 7. The members of this Board shall receive no compensation.

SEC. 8. All Acts or parts of Acts in conflict with this Act are hereby repealed.

## CHAPTER XII.

*An Act to provide for a sidewalk for the State Capitol grounds, and to appropriate money therefor.*

[Approved March 3, 1885.]

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

SECTION 1. The State Capitol Commissioners are directed to construct a sidewalk about the State Capitol grounds on <sup>sidewalk L, N, and Tenth Streets, Capitol grounds.</sup> L, N, and Tenth Streets. The sidewalk from a point on L Street, opposite east side of Eleventh Street: thence along L Street to Tenth Street; thence along Tenth Street to N Street; thence along N Street to a point opposite east side of Eleventh Street, must be constructed of concrete, and of a quality and in workmanship equal to the concrete walks already laid down in the Capitol grounds. The sidewalk from Eleventh to Fifteenth Streets, to be laid down respectively on L and N Streets, must be constructed of wood. Both walks are to be of such width as is agreeable to the ordinances of the City of Sacramento.

SEC. 2. The sum of ninety-five hundred dollars is hereby appropriated out of any money in the General Fund of the <sup>Appropriation.</sup> State Treasury, for the purpose of carrying out the provisions of this Act.

## CHAPTER XIII.

*An Act to provide for the completion of the State Capitol fence, and to appropriate money therefor.*

[Approved March 3, 1885.]

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

Completion  
fence, State  
Capitol.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the General Fund not otherwise appropriated, for the purpose of completing the fence around the State Capitol grounds. Said sum shall be expended under the direction of the State Capitol Commissioners, in accordance with the provisions of an Act entitled "An Act to provide for the permanent improvement of the State Capitol grounds," approved March fourth, eighteen hundred and eighty-one.

## CHAPTER XIV.

*An Act to grant to Boards of Health or Health Officers, in cities, and cities and counties, the power to regulate the plumbing and drainage of buildings, and to provide for the registration of plumbers.*

[Approved March 3, 1885.]

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

Plumber to  
register at  
Health  
Office.

SECTION 1. Every master or journeyman plumber carrying on his trade shall, under such rules and regulations as the Board of Health of a city, or city and county, shall prescribe, register his name and address at the Health Office of such city, or city and county; and after the establishment of such rules and regulations it shall not be lawful for any person to carry on the trade in any city, or city and county, unless his name and address be registered as above provided.

List to be  
published.

SEC. 2. A list of the registered plumbers shall be published in the yearly report of the Health Officer or Board of Health.

Drainage,  
etc.,  
prescribed  
by Board of  
Health.

SEC. 3. The drainage and plumbing of all buildings, both public and private, hereafter erected in any city, or city and county, shall be executed in accordance with plans previously approved in writing by the Board of Health of said city, or city and county; and suitable drawings and description of the said drainage and plumbing shall, in each case, be submitted to the Board of Health, and placed on file in the Health Office. The said Board of Health is also authorized to receive and place on file drawings and descriptions of the drainage and plumbing of buildings erected prior to the passage of this Act.

SEC. 4. The Board of Supervisors, or other city, or city and county, officials, whose duty it is to make appropriations and tax levies for general purposes of such city, or city and county, shall make the necessary appropriations and tax levies, and shall insert the same in the yearly tax levy, to provide for carrying out the provisions of this Act. Such appropriations and levy shall be made at the same time, and in the same manner, as appropriations and tax levies are made for other city, or city and county, purposes.

Tax to be levied.

SEC. 5. In any city, or city and county, where there is, under existing laws, a Health Officer, but no Board of Health, such Health Officer shall perform all the duties required by this Act of the Board of Health until a Board of Health shall be created, and in any city, or city and county, where there is no Health Officer, nor Board of Health, the Board of Supervisors, or City Council, or other municipal legislative Board or body, shall create a Board of Health, who shall perform all the duties required by this Act of the Board of Health or Health Officer.

When Health Officer to act.

SEC. 6. Any Superior Court, or Judge thereof, shall have power to restrain by injunction the continuance of work to be done upon or about buildings or premises where the provisions of this Act have not been complied with, and no undertaking shall be required as a condition to the granting or issuing of such injunction, or by reason thereof.

Court to restrain violation.

SEC. 7. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished accordingly.

Penalty.

SEC. 8. This Act shall take effect immediately.

## CHAPTER XV.

*An Act to require the payment of certain premiums to counties, and cities and counties, by fire insurance companies not organized under the laws of the State of California, but doing business therein, and providing for the disposition of such premiums.*

[Approved March 3, 1885.]

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

SECTION 1. There shall be paid to the County Treasurer of every county, or city and county, in this State, for the use and benefit of the fireman's relief fund of such county, or city and county, on the first Monday of December in each year, by every person who shall act as agent for or on behalf of any corporation or company not incorporated by or under the laws of this State, but carrying on the business of insurance against loss or injury by fire upon property in this State, a sum equal to one per centum upon the amount of all premiums which, during the year, or part of a year, ending on the last preceding first Monday of September, shall

Insurance companies to pay percentage tax.

have been received by such agent or person, or any other person or agent acting during such period for said corporation or company so engaged in said business, or shall have been agreed to be paid to such corporation or company, or his or their agents, for any insurance effected, or agreed to be effected, by such corporation or company, against loss or injury by fire upon property situate within the limits of such county, or city and county.

Firemen's  
Relief Fund.

SEC. 2. The tax provided for by this Act, when paid or collected by the person or officer entitled thereto, shall constitute a fund, to be known and designated as "The Firemen's Relief Fund" of the county, or city and county, in which the property insured, or agreed to be insured, is situated.

Fire Com-  
missioners  
control  
fund.

SEC. 3. Such fund shall be under the exclusive control of the Fire Commissioners, or other governing body of the fire department or fire departments of such county, or city and county, under such general regulations as the Board of Supervisors thereof may prescribe.

Pension  
retired fire-  
men.

SEC. 4. The Board of Fire Commissioners, or Board of Trustees, or other governing body, of the respective fire departments or companies, on whom is devolved the care and control of the various relief funds provided for by this Act, shall have the power, by a unanimous vote, to relieve from service, at fires, or retire from all service, in the fire department or company, respectively under their control, any officer or member of said fire department or company, who may, upon an examination by a medical officer, designated by such governing body, be found to be disqualified, physically or mentally, for the performance of his duties, and the said officer or member so retired from service shall receive from such relief fund an annual allowance, as pension, in case of the total disqualification for service, or as compensation for limited service, in case of partial disability; in every case said governing body to determine the circumstances thereof, and in case said officer or member shall theretofore have been paid any salary for the services rendered by him, said pension, or allowance, shall be in lieu of such salary, and the department or company to which he may be attached shall not be or be held liable for the payment of any claim or demand for services thereafter rendered by the individual so relieved or retired from fire duty in said department or company; and the amount of such pension or allowance shall be determined upon the following conditions: In case of total permanent disability caused or induced by the actual performance of his duties, or which may occur after ten years actual and continuous service in the said fire department or company, the amount of annual pension to be allowed shall be one half of the annual compensation allowed such officer or member as salary at the date of his retirement from service, or such less sum in proportion to the number of persons in receipt of an allowance from said fund as its condition will warrant, the same to be determined by said governing body. In case of total permanent disability, not caused in or induced by the actual per-

Conditions  
of relief.

Permanent  
disability.

formance of the duties of his position, or which shall have occurred before the expiration of ten years active and continuous service in said fire department or company, the amount of annual pension to be allowed shall be one third of annual compensation allowed such officer or member, as salary at the date of his retirement from service, or such less sum in proportion to the number of persons in receipt of an allowance from said fund as its condition will warrant, the same to be determined by said governing body. In case of partial permanent disability caused in or induced by the actual performance of the duties of his position, or which may occur after ten years active and continuous service in such fire department or company, the officer or member so disabled shall be relieved from active service at fires, but shall remain a member of the department or company, subject to the rules governing the same, and to the performance of such other duties as the medical officer, designated by said governing body, may certify him to be qualified to perform; and the annual compensation to be paid such officer or member shall be one half of the annual compensation allowed him as salary, at the date of his being so relieved, or such less sum in proportion to the number of persons in receipt of an allowance from said fund as its condition will warrant, the same to be determined by said governing body. In case of partial permanent disability not caused in or induced by the actual performance of the duties of his position, or which may occur before ten years active and continuous service in said fire department or company, the officer or member so disabled shall be relieved from active service at fires, but shall remain a member of said department or company, subject to the rules governing the same, and to the performance of such duties as the medical officer designated by said governing body may certify him to be qualified to perform, and the annual allowance to be paid such officer or member shall not exceed one third of the annual compensation allowed him as salary, at the date of his being so relieved, or such less sum as the said governing body may, in their discretion, determine, or as the condition of the fund will warrant. If any officer or member of said department or company, or retired officer or member of said department or company, shall die while in the service of the same, or while so retired, and shall leave a widow, or if no widow, a child or children under the age of sixteen years, a sum not exceeding five hundred dollars, or such less sum as in the opinion of the governing body the circumstances may require, or the condition of the fund warrant, by way of annuity, shall be paid to such widow, so long as she remains unmarried, or to such child or children, so long as the youngest of said children continues under the age of sixteen years. In every such case, the said governing body shall determine the circumstances thereof, and order payment of the annuity to be made in such proportion to the various representatives, in case there be more than one, as they may deem just; but nothing herein contained shall render any payment of said annuity obligatory on said governing body, or chargeable as a matter of

Partial  
disability.

Death of  
fireman pen-  
sion to be  
paid to  
widow or  
children.

No pension where disability from unlawful conduct.

legal right, and such body may at any time order said annuity to be reduced or to cease. No allowance or pension shall be given or made in any case where the disability or death is the result of any unlawful or immoral act or conduct on the part of the individual disabled or dying.

Who may make rules.

SEC. 5. The respective governing bodies in this Act referred to are hereby authorized and empowered to make such further and other rules and regulations, not inconsistent with the provisions of this Act, as they may deem requisite for the proper management and disposition of said relief fund.

Not to affect past premiums.

SEC. 6. This Act shall take effect immediately, but shall not be construed to affect any premiums heretofore collected or paid.

## CHAPTER XVI.

*An Act to amend section fifteen hundred and seventy-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the formation of school districts.*

[Approved March 3, 1885.]

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

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

New district, how formed.

**1577.** No new district can be formed unless the parents or guardians of at least fifteen census children, between the ages of five and seventeen (resident of such proposed new district), and residing at a greater distance than one mile from any school house, present a petition to the Superintendent of Schools, setting forth the boundaries of the new district asked for. The boundaries of any district cannot be changed,

Boundaries.

except in forming new districts, unless at least ten heads of families residing in the districts affected by the proposed change present a petition to the Superintendent of Schools, setting forth the change of boundaries desired, and the reasons for the same; *provided*, that two or more districts lying

Two districts united.

contiguous may, upon the petition of a majority of the heads of families residing in each of said districts, be united to constitute but one district. Joint districts (districts lying partly in one county and partly in another) may be formed in the same manner as other new districts are formed, except that the petition herein provided for shall be made to the County Superintendent of each county affected; and, *provided*, that in the case of joint districts, all the provisions herein enumerated for the formation of a new district shall be by concurrent action of the Superintendent and the Board of Supervisors of each county affected.

Consent of Superintendent and Supervisors.

CHAPTER XVII.

*An Act to appropriate money for the purchase, construction, and completion of avenues, roads, trails, walks, and bridges, and generally to improve and preserve the territory within the limits of the Yosemite Valley and Mariposa Big Tree Grant.*

[Approved March 3, 1885.]

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

SECTION 1. The sum of twenty-five thousand (\$25,000) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to purchase, construct, and complete avenues, roads, trails, walks, and bridges, and generally to improve and preserve the territory within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove; *provided*, that the sum of ten thousand (\$10,000) dollars shall be set apart out of the appropriation herein made (as is directed in section two of this Act) for the purchase, by the Commissioners to manage the Yosemite Valley and Mariposa Big Tree Grove, and the making free of that part of the Coulterville and Yosemite Wagon Road extending over the Yosemite Grant from the lower iron bridge, on the level of the Yosemite Valley, to the Cascade Falls, in the cañon of the Merced River; the part of said road herein authorized to be purchased and made free having been constructed and being now controlled by the Coulterville and Yosemite Turnpike Company, and for passing over which tolls are now collected; and, *provided further*, that the sum of fifteen hundred (\$1,500) dollars shall be set apart out of the appropriation herein made (as is directed in section two of this Act) for the purchase, by the Commissioners above named, and making free of the trail within the Yosemite Grant known as the Eagle Point Trail, which has been constructed and is now controlled by John Conway, and for passing over which tolls are now collected; and, *provided further*, that the sum of three thousand five hundred (\$3,500) dollars shall be set apart out of the appropriation herein made (as is directed in section two of this Act) for the purchase, by the Commissioners above named, of all that portion of the road owned by the Big Oak Flat and Yosemite Turnpike Road Company, lying within the Yosemite Grant, and known as the Big Oak Flat Road.

SEC. 2. The President and Secretary of the Commissioners to manage the Yosemite Valley and Mariposa Big Tree Grove are hereby authorized to receive and receipt for the sum appropriated in section one of this Act. The Controller of State is hereby authorized and directed to draw his warrant upon the State Treasurer, on or before the first Monday of May, in the year eighteen hundred and eighty-five, in favor of said Commissioners, for fifteen thousand (\$15,000) dollars,

Appropriation.

To improve Yosemite Valley and Mariposa Big Tree Grove.

To purchase Coulterville and Yosemite Wagon Road.

To purchase trail from Conway and Big Oak Flat and Yosemite Turnpike Road Company.

Controller to draw warrant.

out of said sum of twenty-five thousand (\$25,000) dollars so appropriated; out of which sum of fifteen thousand (\$15,000) dollars the purchases authorized by section one of this Act shall thereupon be made by said Commissioners; and on or before the first Monday of May, in the year eighteen hundred and eighty-six, said Controller is hereby authorized and directed to draw his warrant in favor of said Commissioners for the other and remaining ten thousand (\$10,000) dollars of said sum of twenty-five thousand dollars herein appropriated. The State Treasurer shall pay said warrants when presented out of the money in the State Treasury appropriated by section one of this Act.

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

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### CHAPTER XVIII.

*An Act to provide for a contingent fund for the Assembly, for the twenty-sixth session of the Legislature.*

[Approved March 3, 1885.]

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

Appropriation contingent expenses Assembly.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, to provide a contingent fund for the Assembly, for the twenty-sixth session of the Legislature.

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

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### CHAPTER XIX.

*An Act appropriating forty thousand dollars for the purpose of the establishment and management of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California.*

[Approved March 5, 1885.]

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

#### ARTICLE I.

Fund of Home for Adult Blind.

SECTION 1. The sum of forty thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to be placed by the State Controller to the credit of the fund hereafter to be known and designated as "The Fund of the Industrial Home of Adult Blind," and to be expended for the objects and in the manner hereinafter specified. The said appropriation is for purpose of permanently founding and establishing an Industrial Home

of Mechanical Trades for the Adult Blind of the State of California, and such other persons as hereinafter provided.

Sec. 2. The Board of Directors of the Deaf, Dumb, and Blind Asylum shall act as the Board of Directors for the management of the Home. Directors.

Sec. 3. The Home shall be located at such place as the Board of Directors may designate.

Sec. 4. No purchase of grounds or contract for building shall be binding, nor shall the Controller draw his warrant in payment thereof, unless such purchase or contract is first approved in writing by the State Board of Examiners, in accordance with the provisions of article eighteen, of chapter three, of the Political Code, defining the duties of said Board of Examiners. But when so approved, the Controller must issue his warrant in payment thereof, and the State Treasurer must pay the same; but should the Board of Directors deem it advisable, either for the purpose of more speedily meeting the present exigencies of the destitute condition of many blind persons in this State, or for the purpose of determining experimentally the feasibility of making the Home nearly or partially self-supporting, to first lease property and buildings for the use of the Home for the period of not longer than two years, then, and in that event, the said Board of Directors is hereby authorized so to do, subject, however, to the conditions and provisions, as to the approval by the State Board of Examiners, as above expressed. Contract for building to be approved by Board of Examiners.  
  
Directors may lease property.

ARTICLE II.

SECTION 1. The Industrial Home of Mechanical Trades for the Adult Blind has for its object the instruction of blind persons in the arts of mechanical trades, to the end of enabling them to contribute to their own support. Instruction in mechanics.

Sec. 2. Every blind person who has been a resident of this State for the period of one year next prior to his application for admission, of suitable age, as hereinafter provided, shall be entitled to the benefits of instruction in said Home free of charge. Admission.

Sec. 3. The salaries of the Superintendent, Secretary, and Physician, and all other expense accounts, including the wages of workmen at trades and employés, must be paid monthly out of the moneys appropriated by the Legislature for the support of the Home, or from the donations and bequests to the House, made without restraining conditions, or from accumulations from the industries of the Home, whenever resort to said donations, bequests, or accumulations may be necessary. All such claims in said expense account, excepting salaries of said officers, shall be first approved by the Board of Directors, and shall be so indorsed by the Secretary and attested by the President, and shall immediately thereafter be sent forward to the Secretary of the State Board of Examiners. When the claims have been approved by the said Board of Examiners, the Controller must issue his warrant therefor, directed to the State Treasurer, in favor of the Board of Directors, and immediately Salaries and wages, how paid.  
  
Expenses audited by Board of Examiners.

State Treasurer. transmit said warrant to the Secretary. The State Treasurer is authorized to pay such warrant only when indorsed by the Secretary, and attested by the President of the Board.

Claims to be certified. No claim for wages of employés or workmen at trades shall be audited by the Board of Directors, until having first received from the Superintendent his monthly time certificate, duly verified by his oath, and stating the amount of labor performed by the employé or workman.

Bonds. SEC. 4. The official bonds, hereinafter required, must be approved by the Board of Directors, and filed and recorded in the office of the Secretary of State. The approval of the bond must be by indorsement thereon by the President, and reference thereon made by the Secretary to said action of the Board.

## ARTICLE III.

Duties of Directors. SECTION 1. The powers and duties of the Board of Directors shall be as follows:

*First*—To make by-laws, not inconsistent with the provisions of this Act and the laws of this State, for their own government and the government and direction of the Home.

*Second*—To designate the trades that shall be regularly taught in the said institution.

To elect Superintendent and Physician. SEC. 2. *First*—To elect a general Superintendent and all subordinate officers and employés, and to determine the number of subordinate officers and employés when not otherwise fixed in this Act.

Salary. *Second*—To elect a Physician, who shall not be a member of the Board of Directors, and whose salary shall not exceed six hundred dollars per annum.

SEC. 3. To prescribe in particular the duties of the Superintendent, Physician, and Secretary.

SEC. 4. To make inquiry into the department of labor and expense, the condition of the Home and its prosperity, and to employ all reasonable means to make the same self-supporting.

SEC. 5. To hold stated meetings at the Home at least once in every month.

SEC. 6. To keep at the Home a record of their proceedings, which shall be accessible to the public during the hours from 9 A. M. to 4 P. M., excepting on legal holidays.

To report to Governor. SEC. 7. To report annually in the month of December, to the Governor, a statement of receipts and expenditures, the condition of the Home, the number of inmates, and the number of beneficiaries doing work at their own residences, and such other matters touching the management of the Home as they may deem proper. The annual report must be verified by the oath of the President of the Board of Directors.

Number of reports. The Superintendent of State Printing is hereby authorized to print annually two thousand copies of said report, which copies the Board must circulate in the manner appearing to them to be in the best interests of the Home.

Purchase of supplies. SEC. 8. The Board of Directors is empowered to purchase from time to time such supplies as may be suitable to the requirements of the manufacturing and other departments

of the Home, and to audit the bills therefor, and to forward the same to the State Board of Examiners. When approved by said State Board, the Controller must issue his warrants in payment thereof.

SEC. 9. The Board of Directors is empowered and authorized to fix the market price of all wares manufactured in the Home, and all wares manufactured elsewhere by the non-resident beneficiaries, and to provide for and regulate the sale of all such manufactured wares. The Board is hereby authorized to fix the compensation of common laborers and all other employes at the Home, whose wages are not herein established.

Price of wares made.

Wages fixed.

SEC. 10. It shall not be a condition for the admission of any applicant that he be of such physical strength as to be able to work every day. And the Board is authorized to receive and maintain at the Home, free of charge, or at a nominal charge, such aged and enfeebled blind persons as seem to them proper, and not in conflict with the interest of the Home.

Feeble blind admitted.

SEC. 11. The Board of Directors is authorized and empowered to grade and fix the prices of skilled and unskilled labor. The Board may fix the amount of work required in the various departments to constitute a day's labor, and, in accordance with such regulations, may permit inmates to work at piece-work.

Directors to grade price of labor.

SEC. 12. The Board of Directors may authorize work to be let out to blind people, so that such beneficiaries as in their judgment may require it, shall receive it at their residence; and for such piece-work liberal prices shall be paid, so as to equal, as nearly as possible, the compensation of resident laborers. But in no case shall the Board incur any indebtedness for labor contracts with beneficiaries, resident or otherwise, except when there is sufficient money on hand to pay the same.

To let work to blind.

SEC. 13. The Board shall provide dormitories for males and females in separate apartments, and may prescribe conditions, not inconsistent with the provisions of this Act, for the admission of applicants.

Dormitories.

SEC. 14. The Directors shall receive no compensation for their services.

Compensation of Directors.

SEC. 15. The Board of Directors of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California, is hereby authorized and empowered to take, receive, manage, and invest all moneys or property hereafter bequeathed or donated to said Home, in accordance with the wishes of the testator or donor; or, if no conditions are attached to the bequests or donations, then to invest such moneys or proceeds of property for the best interests of the Home; *provided*, that if any donation or bequest be trammelled with any religious conditions of a sectarian character, or conditioned in any manner antagonistic to the provisions of this Act, or in conflict with any necessary rule or regulation of the Home, the Board may refuse to accept such donation or bequest, and is hereby authorized to reject the same. Donations or bequests may be received by the State Treas-

Directors to receive bequests.

Religious conditions to bequests.

urer, or by the President of the Board of Directors; but no donations or bequest accompanied by any condition shall be received until such donation or bequest shall have been ordered approved and received by the Board, and notice thereof given by the Secretary to the State Controller. Any bequest or donation received or collected by the President of the Board, must be immediately paid over by him to the State Treasurer, and at the same time the President must forward to the State Controller a statement thereabout verified by his oath. All moneys received by the State Treasurer must be placed to the credit of the "Fund of the Industrial Home of Adult Blind." The investment of funds by the Board can be made only in the same manner as the approval of claims, subject likewise to the action of the State Board of Examiners thereon.

Requests to  
go to Fund.

President to  
report man-  
agement.

SEC. 16. It shall be the duty of the President of the Board to make careful and diligent inquiry into the general management of the Home, and to report the result thereof at each meeting of the Board, together with such recommendations as he may wish to make concerning the management of the Home.

Officers to  
pay money to  
Directors.

SEC. 17. Every officer and employé of the Home, and any other person acquiring possession, by any means whatever, of moneys belonging to the Home, must, at the close of each and every month, deliver the same to the Board of Directors, accompanied by a statement thereabout verified by his oath, taking the Secretary's receipt therefor. The Board of Directors must, at least once in every month, forward to the State Treasurer all moneys in their charge belonging to the Home. The Secretary of the Board must at the same time forward to the State Controller a statement thereabout verified by his oath. All such moneys received by the State Treasurer must be placed to the credit of the "Fund of the Industrial Home of Adult Blind."

They to  
report.

SEC. 18. Immediately upon the election or dismissal of any officer, whose salary is fixed by the provisions of this Act, the Board must cause the Secretary to forward to the Controller of State a certified copy of the resolution of said election or dismissal, which the Controller must file in his office.

SEC. 19. The President of the Board shall appoint all committees, unless otherwise ordered by the Board, and he shall be ex officio a member of each of the standing committees.

#### ARTICLE IV.

Superintend-  
ent.

The Superintendent is the chief executive officer of the Home, with powers and duties as follows:

Duties.

*First*—To superintend the grounds, buildings, workshops, manufacturing departments, and property of the Home.

*Second*—To recommend to the Board of Directors the number of instructors and employés required, together with their duties, and to recommend their appointment or removal by the Board.

*Third*—To prescribe and enforce the performance of the duties of instructors and employés.

*Fourth*—To admit inmates only, upon the certificate of the attending physician, or by order of the Board, as hereinafter provided; to control the inmates, and to prescribe and enforce a system of instruction and labor. Admit inmates.

*Fifth*—To suspend any instructor or employé pending a recommendation to the Board for his permanent dismissal, and to appoint substitutes during the absence of any or all employés. Suspend employés.

*Sixth*—Pending a recommendation to the Board for his final dismissal, to suspend the privileges of and to remove from the premises any inmate whose presence appears to be in conflict with the interests of the Home. Should any inmate so suspended or removed be in destitute condition, the Superintendent must, upon his demand, furnish him with suitable lodgings and board elsewhere, until the decision of the Board is made thereabout. The bill therefor must be presented to the Board for payment in the same manner as other claims. Remove inmates.

*Seventh*—To reside at the Home. Residence.

*Eighth*—To keep a daily record of his official acts in the manner prescribed by the Board, and to present the same to the Board at each monthly meeting, verified by his oath, in accordance with the blanks furnished by the Board for that purpose, and to make in said monthly reports such recommendations to the Board as he may deem proper. The monthly report must contain a statement of all stock, goods, and supplies of any nature received at the Home during the month, as well as an invoice of all goods on hand. To keep record.

*Ninth*—To turn over to the Board, at the close of each and every month, together with the balance sheet, all moneys derived by him from the sale of manufactured goods, and all revenues derived by him from any source whatsoever in behalf of and for the benefit of the Home, and to take the Secretary's receipt therefor. Return moneys.

*Tenth*—To make up, and present to the Board in the month of July of each year, his annual accounts and statement of the affairs of the Home, verified by his oath. The annual statement shall be an epitome of the daily record, and shall contain the number and names of all inmates, officers, and employés, and their respective dates of admission, or beginning of employment, and the respective dates of dismissals made during the year. It shall contain a full review of all receipts and expenditures, and an invoice of all goods and stock and supplies on hand. It shall contain, also, the average weekly cost of board per capita of all persons residing at the Home, without considering the labor credits, and the average annual cost of instruction per capita. It shall show clearly the relation of the gross products to the gross cost, and the percentage lacking in order to become self-supporting. For the making up of said statement, the Superintendent shall have full access to the Secretary's and other books of the Home, and said statement shall be independent of each and all of the other annual reports. Annual accounts.  
What to contain.

*Eleventh*—To make requisitions on the Board of Directors for articles and goods needed at the Home, and to order the same as directed by the Board. He must, in addition, perform such further services as may be required of him by the Board. The annual salary of the Superintendent shall not exceed twenty-four hundred dollars. He must execute an official bond in the sum of five thousand dollars. The Superintendent must be a man of good education, of good moral character, and business experience.

Salary.

Bonds.

## ARTICLE V.

Physician.  
Duties.

It shall be the duty of the Physician to examine at his office, at a stated hour daily, and at the Home, at a stated hour upon the days of his visits, all applicants for admission, as to their blindness. If the applicant appears to be a proper subject for admission to the benefits of the Home, the Physician must forthwith deliver to him his certificate of admission directed to the Board and to the Superintendent of the House. Upon presentation of the certificate, the Superintendent must admit the applicant as a beneficiary. Any applicant rejected by the attending Physician shall have the right of appeal to the Board. The Physician must present to the Board, monthly, a statement of the sanitary condition of the Home, and must therein specify the days and dates of his visits, and the ages and nativity of each person to whom he has issued during the month a certificate of admission, together with the cause or causes of their blindness, their physical condition, and also as to whether any such inmates would be benefited by medical treatment, as well as any other matters which the Board may deem proper to require of him. The monthly statements must be made upon blanks furnished by the Board for that purpose. He must present to the Board, in the month of July, his annual report, which shall be an epitome of his monthly reports, and in which he must specify with particularity all sickness at the Home during the year; and such observations and recommendations may be therein made as seem to him pertinent to the sanitary welfare of the Home. The attending Physician must, in no instance, permanently treat any inmate for blindness, or any optical affection, without permission in each case first being given by the Board at the request of the person so afflicted. The attending Physician must visit the Home at least once every day.

Monthly  
statement.Annual  
report.

## ARTICLE VI.

This Act shall take effect from and after its passage.

CHAPTER XX.

*An Act for the relief of Robert McKillican.*

[Approved March 5, 1885.]

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

SECTION 1. The sum of eighteen thousand three hundred (\$18,300) dollars is hereby appropriated, payable to Robert McKillican, of the County of Alameda, on account of and to reimburse the said Robert McKillican, for direct loss sustained by him while in the service of the State of California, to wit: caused by the fall and destruction of the building known as "The Agricultural and Industrial Exposition Building," erected by the said Robert McKillican, under contract with the State of California. The Controller of State is hereby authorized and required to draw his warrant therefor, and the Treasurer of State is required to pay the same out of the General Fund to the said Robert McKillican.

Appropriation to pay Robert McKillican.

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

CHAPTER XXI.

*An Act to provide for the construction and maintenance of a Public Morgue in the City and County of San Francisco.*

[Approved March 5, 1885.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized to appropriate the surplus of money accumulated from the disinterment fund, for the purpose of erecting a Morgue in the City and County of San Francisco.

Proceeds Disinterment Fund.

SEC. 2. The building so erected shall be known as "The Public Morgue" of San Francisco, and the title to the same shall be vested in the said city and county, absolutely and forever. The said Morgue shall contain offices for the Coroner, suitable rooms for holding inquests and autopsies upon the dead, and all the appliances necessary to enable the Coroner to discharge the duties of his office in an efficient manner.

To provide for Morgue in San Francisco.

SEC. 3. The said Board of Supervisors are hereby authorized and required to advertise for proposals for the construction, furnishing, and finishing of said Morgue, and to cause the said work to be commenced and completed in a prompt and efficient manner.

Advertise for proposals.

Power to  
apply fund.

SEC. 4. The said Board of Supervisors are hereby authorized to use and appropriate so much of the public fund called the "Disinterment Fund," in the treasury of San Francisco, as will be necessary for the erection, furnishing, and finishing of said Public Morgue.

Maintenance  
of Morgue.

SEC. 5. The said Board of Supervisors is hereby authorized and required to pay out of the General Fund such sums as may be necessary, per month, for the maintenance of the Morgue and offices attached to the Morgue, and the Auditor of said city and county is required to audit, and the Treasurer shall pay said accounts out of the General Fund.

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

## CHAPTER XXII.

*An Act to appropriate money for the support of the Bureau of Labor Statistics.*

[Approved March 5, 1885.]

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

Appropriation  
deficiency  
Bureau of  
Labor  
Statistics.

SECTION 1. There is hereby appropriated out of the General Fund in the State Treasury the sum of sixteen hundred and fifteen dollars, for the support of the Bureau of Labor Statistics, from the seventh of March, eighteen hundred and eighty-five, to the thirtieth of June, eighteen hundred and eighty-five.

SEC. 2. This Act takes effect immediately.

## CHAPTER XXIII.

*An Act to authorize the State Treasurer to receive and the several County Treasurers to pay into the State Treasurer, in settlement of any sums required to be by them paid to the State Treasurer, any receipts for moneys paid to the State Treasurer, on deposit or otherwise.*

[Approved March 5, 1885.]

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

Receipts of  
State  
Treasurer to  
County  
Treasurers to  
be taken in  
payment by  
State  
Treasurer.

SECTION 1. In all cases where, prior to the passage of this Act, the County Treasurers of this State have deposited money in the State Treasury, and taken the receipt of the State Treasurer therefor, which receipt recites that the "deposit is to be applied in his next settlement with the State Controller," such receipt shall be received by the State Treasurer from any of such County Treasurers, or their suc-

cessors in office, for the sum named on the face of such receipt, in payment of any sum required by law to be paid to the State by any such County Treasurers, or their successors in office, or from any county they or either of them may represent.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXIV.

*An Act to amend sections one, eight, ten, and eleven, of article thirteen, of the Constitution.*

[Adopted March 5, 1885.]

The Legislature of the State of California, at its twenty-sixth session, commencing on the fifth day of January, A. D. eighteen hundred and eighty-five, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby proposes that sections one, eight, ten, and eleven, of article thirteen, of the Constitution of the State of California, be amended so as to read as follows:

Section 1. All property in the State, except railroads, 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 property, 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 any county or municipal corporation within this State, shall be exempt from taxation. Growing vines and fruit trees shall be deemed to be and shall be assessed and taxed as a part of the realty; and, *provided further*, that railroads shall be taxed as provided in section ten of this article; and, *provided further*, that the Legislature may provide for the exemption from taxation of ships and vessels owned and registered or enrolled in this State, or may tax such ships and vessels on their gross or net earnings, in lieu of an ad valorem tax. The Legislature may also 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. Double taxation in any form is prohibited.

All property to be taxed.

Vines and trees, how assessed.

Ships may be exempt from taxation.

Solvent credits.

Section 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 property, real and personal, except railroad property, as defined in section ten of this article, owned by such taxpayer, or in his possession, or under his control, at twelve o'clock meridian, on the first Monday in March.

Taxpayer to render statement.

Property to be assessed in district.

Income tax of railroads.

Taxation of railroad property.

Gross earnings declared by State Board of Equalization

Gross earnings, how ascertained.

One system.

Tax, how distributed.

Charter, how lost.

Section 10. All property, except railroad property, as hereinafter provided, shall be assessed in the county, city, city and county, town, township, or district in which it is situated, in the manner provided by law. Every corporation and person owning or operating a railroad, or any portion thereof, in this State, shall, on or before the first day of July of each year, pay to the State Treasurer an annual tax of two and a half per cent upon the gross earnings earned within this State of such railroad for the year ending upon the thirty-first day of December next preceding; which tax shall be in lieu of all other State and county taxes upon the franchise, business, right of way, roadway, roadbed, rails, rolling stock, fences, stations, and their appurtenances, and upon ferry boats when operated as a part of such railroad, and upon the shares of the capital stock, and upon the mortgages, deeds of trust, contracts, or other obligation by which a debt is secured upon such property. All other property belonging to such corporation or person shall be assessed and taxed as other property is assessed and taxed. The gross annual earnings earned during the year ending on the thirty-first day of December last preceding, of all railroads, shall be, annually, before the first day of May thereafter, ascertained and declared by the State Board of Equalization, under such rules and regulations as may be prescribed by said Board; *provided*, however, that the Legislature may, at any time, pass laws prescribing said rules and regulations. In all cases where railroads are situated partly within this State and partly without this State, the gross annual earnings thereof shall be ascertained and determined by taking:

*First*—The gross earnings which, during the year last preceding, have been earned wholly within this State.

*Second*—The gross earnings which, during the same year, have been earned partly within this State and partly without this State, which shall be ascertained by apportioning such earnings between this State and other States or Territories, in the proportion which the number of miles of such railroad situated in this State and used in making such earnings bears to the whole number of miles thereof, by the use of which such earnings have been made. The proportion of interstate earnings thus ascertained shall be added to the earnings made wholly within the State, and the total thus obtained shall be taken and deemed to be the gross earnings of such railroads for all purposes of assessment and taxation.

For every purpose of this section, except for the purpose of ascertaining the proportion of interstate earnings to be added to the earnings made wholly within this State, all railroads operated as one system shall be treated as one road. One third of the tax paid by corporations or persons owning or operating railroads under the provisions of this section, shall become part of the General Fund of this State, and two thirds thereof shall be paid to the county or counties in which said railroad is situated, in proportion to the length of the railroad operated in the several counties. For the purposes of this section a consolidated city and county shall be treated as a county. Any corporation, association, partnership, person

or persons, unlawfully failing or refusing to pay the tax herein provided, when the same shall become due, or within thirty days thereafter, shall be deemed to have waived their right to operate their railroads within this State. The taxes herein provided for, together with such penalties as the Legislature may impose for the non-payment thereof, shall be a lien upon the property hereinbefore in this section designated, and may be enforced in such manner as the Legislature may by law prescribe. All railroads, so far as the same are situated within the boundaries of any common school district, shall be subject to an ad valorem tax for school purposes voted by the electors of the district, at a special election held for that purpose, the same as other property situated within the district, anything in this article to the contrary notwithstanding. And all railroads, so far as they are situated within the boundaries of any incorporated city or town, shall be subject to an ad valorem tax for municipal purposes the same as other property situated therein, anything in this article to the contrary notwithstanding.

Lien for taxes.

Railroads taxed for school purposes.

Section 11. Income taxes may be assessed 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. No Court within this State shall have power, by injunction or otherwise, to interfere with, hinder, or delay the collection of any tax laid under the form of law, except upon a showing that the same property has been taxed more than once for the same purpose in the same year, and then only upon payment to the Tax Collector, or into Court, of a sum equal to the amount of one of the taxes so laid upon the property in question; *provided*, that in all cases actions may be maintained against the Tax Collector to recover illegal taxes paid under protest. All such actions must be commenced within thirty days after such illegal taxes have been paid. It shall be the duty of the Courts in which such actions may be brought, to try them, upon the request of either party, in advance of all other civil actions, and such taxes so paid under protest shall be retained by the Tax Collector, or such other officer as the Legislature may designate, until such actions shall have been finally decided.

Income taxes.

Courts cannot issue restraining writ.

Actions, when begun.

Protest.

SCHEDULE.

Nothing in this amendment shall affect any assessment or tax heretofore made or levied, or interest thereon, or any penalty heretofore incurred, or any action or right of action on account of any such assessment, tax, interest, or penalty; and all laws in force at the adoption of this amendment, not inconsistent therewith, shall remain in full force and effect until altered or repealed by the Legislature. The first levy and payment of taxes against railroad property hereunder, shall be made in the year eighteen hundred and eighty-six, and shall be upon the gross earnings, to be ascertained as herein provided, for the entire year of eighteen hundred and eighty-five. Taxation for the fiscal year ending June thirtieth,

Not to affect prior suits.

When first levy made.

eighteen hundred and eighty-five, is not affected by this amendment.

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## CHAPTER XXV.

*An Act to appropriate money to meet the deficiency in the appropriation to pay the per diem and mileage of the Lieutenant-Governor and State Senators, for the twenty-sixth session of the Legislature.*

[Approved March 5, 1885.]

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

Deficiency appropriation for per diem and mileage of Senate.

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to meet the deficiencies in the appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators, for the twenty-sixth session of the Legislature.

SEC. 2. The Controller is hereby directed to draw his warrants on the General Fund for the amounts herein made payable, and the Treasurer to pay the same.

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

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## CHAPTER XXVI.

*An Act to appropriate the sum of two thousand four hundred dollars, for the purpose of paying the rent of the Hastings College of Law, San Francisco.*

[Approved March 5, 1885.]

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

Appropriation for rent Hastings Law College.

SECTION 1. The sum of two thousand four 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 Law, being for two years, viz.: commencing December first, eighteen hundred and eighty-three, and ending December first, eighteen hundred and eighty-five.

SEC. 2. The Controller of State is directed to draw his warrant in favor of said Society of California Pioneers for the sum of two thousand four hundred dollars, payable out of the General Fund in the State Treasury.

SEC. 3. This Act shall take effect immediately.

CHAPTER XXVII.

*An Act concerning municipal corporations.*

[Approved March 9, 1885.]

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

SECTION 1. All municipal corporations, whose incorporation has been or may hereafter be authenticated by an order of any Board of Supervisors in this State, declaring the same incorporated as a municipal corporation, and a certified copy of which order has been or may hereafter be filed by such Board of Supervisors in the office of the Secretary of State, and which have heretofore been or may hereafter be organized under a certificate from the Secretary of State, showing such order to have been filed in his office, and which thereafter have acted, or hereafter may act, in the form and manner of a municipal corporation, under the provisions of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, are hereby declared to be and to have been municipal corporations from the date of filing the certified copy of said order of the Board of Supervisors with the Secretary of State; and all the acts of said municipal corporations heretofore exercised, or which may be hereafter exercised, according to the Act aforesaid, are hereby validated and declared to be legal.

Municipal corporations are such from date of filing certificate with Secretary of State.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXVIII.

*An Act to authorize the Board of Fish Commissioners of this State to build and maintain a salmon hatchery, and providing ways and means therefor.*

[Approved March 9, 1885.]

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

SECTION 1. The Board of Fish Commissioners of this State are hereby authorized and empowered to erect, construct, and maintain, upon the headwaters of the Sacramento River, at a point to be determined upon by said Board, a suitable hatchery for the propagation of salmon.

Hatchery.

SEC. 2. All claims of persons for labor done and for materials furnished to said Board, in pursuance of the authority herein obligated, shall first be presented to said Board, and shall be by them forwarded to the State Board of Examiners,

Claims allowed by Board of Examiners.

and, after allowance by them, shall be paid out of the funds hereinafter provided.

Appropriation.

SEC. 3. The sum of ten thousand dollars is hereby appropriated out of the General Fund not otherwise appropriated, and shall be used in payment of said claims.

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

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## CHAPTER XXIX.

*An Act to amend section five hundred and thirty-four of the Political Code, relating to the salary of the Superintendent of State Printing, and to appropriate money therefor.*

[Approved March 9, 1885.]

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

SECTION 1. Section five hundred and thirty-four of the Political Code, which fixes the salary of the Superintendent of State Printing at twenty-four hundred dollars per annum, is amended to read as follows:

Salary of Superintendent of State Printing.

Appropriation.

534. The Superintendent of State Printing shall receive a salary of three thousand dollars per annum, payable monthly, out of any money in the General Fund not otherwise appropriated, and the sum of twelve hundred dollars is hereby appropriated out of the General Fund, to supply the deficiency in the appropriation provided for in the General Appropriation Bill, for the salary of the Superintendent of State Printing, for the thirty-seventh and thirty-eighth fiscal years.

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## CHAPTER XXX.

*An Act entitled an Act to provide for the future management of the State Asylums for the Insane.*

[Approved March 9, 1885.]

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

Judge to ascertain ability of insane persons to pay.

Guardian.

SECTION 1. The Judge of the Superior Court of any county in this State shall inquire into the ability of insane persons, committed by him to the asylum, to bear the actual charges and expenses for the time that such person may remain in the asylum. In case an insane person, committed to the asylum under the provisions of this Act, shall be possessed of real or personal property sufficient to pay such charges and expenses, the Judge shall appoint a guardian for such person, who shall be subject to all the provisions of the general laws of this State in relation to guardians, as far as the same

are applicable; and when there is not sufficient money in the hands of the guardian, the Judge may order a sale of the property of such insane person, or so much thereof as may be necessary, and from the proceeds of such sale the guardian shall pay the Board of Trustees the sum fixed upon by them each month, quarterly, in advance, for the maintenance of such ward; and he also shall, out of the proceeds of such sale, or such other funds as he may have belonging to such ward, pay for such clothing as the Resident Physician shall, from time to time, furnish such insane person; and he shall give a bond, with good and sufficient sureties, payable to the Board of Trustees, and approved by the Judge, for the faithful performance of the duties required of him by this Act, as long as the property of his insane ward is sufficient for the purpose. If indigent insane persons have kindred of degree of husband or wife, father, mother, or children, living within this State, of sufficient ability, who are otherwise liable, said kindred shall support such indigent insane person to the extent prescribed for paying patients. The Board of Trustees shall furnish such blank bonds as are required by this section, to the several Judges in this State. A breach of any bond provided for in this Act may be prosecuted in the Superior Court of any county in this State in which any one of the obligors may reside, and the same shall be prosecuted by the District Attorney of the county in which the action shall be brought, and shall be conducted throughout, and the judgment enforced, as in a civil action for the recovery of a debt. Should there remain in the hands of the Board of Trustees, or their Treasurer, at the time any insane person is discharged, any money unexpended, so paid by the guardian or kindred, the same shall be refunded; *provided*, that the Board of Trustees shall not be required to refund any money for a fraction of a month; but upon the death of any insane person, after paying the ordinary burial expenses, the remainder of any moneys received from the guardians, or on deposit with the Board of Trustees or their Treasurer, shall be refunded to the person or persons thereto entitled, on demand. Any moneys found on the person of any insane person at the time of arrest, shall be certified to by the Judge, and sent with such person to the asylum, there to be delivered to the Treasurer, to be applied to payment of the expenses of such person while in the asylum; but upon the recovery of such insane person, all sums remaining, after deducting such expenses, shall be returned to such person when discharged from the asylum. All moneys belonging to the State, received by the Board of Trustees, other than that appropriated by the State, shall be kept by said Trustees in a separate fund, to be known as a contingent fund, and the same shall, by the said Trustees, be expended at such times and in such manner as to the said Board appears for the best interest of said asylum, and for the improvement thereof, and of the grounds and buildings therewith connected. A full, strict, and itemized account of all such receipts and expenditures

Property to be sold.

Bond of guardian.

Kindred to support.

District Attorney to sue on bond.

Money on, belonging to insane.

Fund.

Trustees to report.

Kindred  
may remove  
insane.

shall be included in the biennial report of said Board of Trustees. The kindred or friends of an inmate of the asylum may receive such inmate therefrom, on their giving satisfactory evidence to the Judge of the Court issuing the commitment, that they, or any of them, are capable and suited to take care of and give proper care to such insane person, and give protection against any of his acts as an insane person. If such satisfactory evidence appear to the Judge, he may issue an order, directed to the Trustees of the asylum, for the removal of such person; but the Trustees shall reject all other orders or applications for the release or removal of any insane person, except the order of a Court or Judge on proceeding in habeas corpus; and if, after such removal, it is brought to the knowledge of the Judge, by verified statement, that the person thus removed is not cared for properly, or is dangerous to persons or property, by reason of such want of care, he may order such person returned to the asylum.

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

SEC. 3. This Act shall take effect immediately.

## CHAPTER XXXI.

*An Act to provide for the commitment of persons convicted of crime to the House of Correction.*

[Approved March 9, 1885.]

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

Court may  
commit to  
House of  
Correction.

SECTION 1. Any Court or judicial officer authorized by law to commit persons to the county jail in any county, or city and county, of this State, wherein there is situated a House of Correction, may commit to said House of Correction, instead of to the county jail, any person convicted of crime, the punishment for which now is imprisonment in the said jail; but no person shall be sentenced to imprisonment therein for a shorter or longer term than that for which he might be sentenced in the county jail.

SEC. 2. This Act shall take effect immediately.

## CHAPTER XXXII.

*An Act to prevent the overcrowding of Asylums for the Insane.*

[Approved March 9, 1885.]

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

SECTION 1. No case of idiocy, imbecility, harmless, chronic, mental unsoundness, or acute mania-a-potu, heretofore or hereafter committed to either of the State Asylums for the Insane, whenever, in the opinion of the Resident Physician of any State Asylum for the Insane at Napa, after a careful examination of the case of any person committed to the asylum of which he is the chief executive officer, it shall satisfactorily appear that such person has been improperly committed, and comes under the rule of exemptions provided for in this Act, he shall have the authority, and it shall be his duty, to discharge such person so improperly committed, and return him or her to the county from which committed at the expense of such county; and no person having been so discharged shall be again committed to either of the said asylums, unless permission for such commitment be first obtained from the Resident Physician or Medical Superintendent thereof; and in case a person so discharged shall be again committed without such permission, the Resident Physician or Medical Superintendent shall refuse to receive such person, and shall not permit such person to be received into the asylum under such commitment.

Certain cases to be discharged from Asylums for Insane.

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

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

## CHAPTER XXXIII.

*An Act to provide an additional Asylum for the Insane of the State of California.*

[Approved March 9, 1885.]

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

SECTION 1. There shall be established, upon a site to be selected as hereinafter provided, a State Hospital for the treatment of the chronic insane, to be designated by the name of the California Hospital for the Chronic Insane.

Hospital for chronic insane.

SEC. 2. The Governor is hereby authorized and directed to appoint not less than three Commissioners, whose duty it shall be to select a site for the said hospital.

Commissioners.

- SEC. 3.** The Commissioners shall select a site for said hospital to be erected under this Act, and in the selection of such site the Commissioners shall decide solely upon and be governed by advantages for health, adaptability for the purposes of the institution, and convenience of access from the different parts of the State.
- SEC. 4.** The Commissioners shall ascertain the cost of the proposed site, and report the same to the State Board of Examiners for approval, and if approved by the Board of Examiners, but not otherwise, shall purchase the same for and on behalf of the State.
- SEC. 5.** The actual traveling and other expenses of said Commissioners, while engaged in the duties of their office, shall be paid out of any money in the State Treasury not otherwise appropriated; the amount of such expenses to be certified to, approved, and allowed by the State Board of Examiners.
- SEC. 6.** Immediately after the purchase of such site, the Governor is hereby authorized and directed to appoint five Trustees of said hospital, of whom three shall serve for two years, and two for four years, and thereafter the terms of offices of Trustees shall be four years. If, at any time, a vacancy occurs in the Board of Trustees, the Governor shall appoint a suitable person to act as Trustee for the unexpired term. The Trustees shall qualify by taking an official oath within ten days after the date of their appointment, and shall organize by selecting one of their number to act as Chairman. They shall also have power to select a Secretary, whose compensation shall be fixed by them, but shall not exceed twelve hundred dollars per annum.
- SEC. 7.** As soon as practicable after their appointment, the said Trustees shall procure and adopt, by and with the advice and recommendation of the Resident Physician of the Insane Asylum at Napa, and the Medical Superintendent of the Insane Asylum at Stockton, plans and specifications for the construction of the hospital to be constructed under the provisions of this Act, and shall submit the same to the State Board of Examiners for approval; and upon the approval thereof by the Board of Examiners, but not otherwise, shall proceed with the construction of the said hospital.
- SEC. 8.** Upon the approval of such plans, drawings, and specifications, the Board of Trustees shall advertise for bids for the construction of said hospital, and shall award the contract for the construction thereof to the lowest responsible bidder, subject to the approval of the State Board of Examiners; and if approved by such Examiners, but not otherwise, shall enter into a contract with the said lowest bidder for the construction of said hospital; *provided*, no bid shall be accepted or approved, the amount of which, added to the cost of the purchase of the site, shall exceed the sum of two hundred and fifty thousand dollars.
- SEC. 9.** Said Trustees shall have power to employ a competent architect to make the necessary plans and drawings and specifications, and also to employ a competent person to superintend the construction of said hospital, whose com-
- To select a site.
- Ascertain cost and report.
- Their expenses.
- Governor to appoint Trustees.
- Term.
- Vacancy.
- Secretary's salary.
- Plans and specifications.
- Approval of Board of Examiners.
- Bids for construction.
- Limit of bids.
- Architect.
- Superintendent of construction.

pensation shall be fixed by the Board of Trustees, subject to the approval of the State Board of Examiners. The Superintendent of Construction may be removed at any time by said Trustees and another appointed in his place, and in case of such removal such Superintendent shall receive compensation for the services actually rendered by him.

SEC. 10. Said Trustees shall, at the time of entering into the contract for the construction of said hospital, require of the contractor a bond in such sum as they may designate for the faithful performance and full execution of the said contract, which bond shall be executed by sufficient sureties, and be subject to approval by the Board of Examiners.

SEC. 11. Upon the completion of said hospital, the same shall be conducted under the control and management of the Board of Trustees, and their successors in office. They shall cause to be kept a full and correct record of their proceedings, which shall be open at all times to the inspection of any citizen desiring to examine the same. As soon as they shall deem it necessary for the proper completion, furnishing, and management of said hospital, the said Trustees shall elect a Medical Superintendent, whose term of office shall be four years. And thereafter the said Trustees shall elect a Medical Director when it becomes necessary by the expiration of his term of office, or from any other cause.

SEC. 12. The Medical Director shall be an educated and experienced physician and a regular graduate in medicine, and shall have practiced at least five years from the date of his diploma. He shall be the chief executive officer of the hospital, and shall have like powers, duties, responsibilities, and obligations over the said hospital, and its patients, as are conferred by law upon the Resident Physician over the State Insane Asylum at Napa.

SEC. 13. When said hospital shall be ready for the admission of patients, and thereafter, when a vacancy occurs in the office hereby authorized, the Trustees shall elect one or more Assistant Physicians, as in the judgment of the Trustees the proper management of the hospital may demand, whose term of office shall be four years, and until his successor is appointed and qualified. The duties of the Medical Director, in his absence or sickness, shall be performed by the Assistant Physician. The Assistant Physician shall be a regular graduate in medicine.

SEC. 14. The Medical Director and the Assistant Physician shall both reside at the hospital, and shall not engage in practice other than in the employment of the State.

SEC. 15. No patient shall be admitted to this hospital except the chronic and harmless classes of the insane in the asylums for the insane of this State, and the transfer of such patients from said asylums shall be made by their respective Boards of Directors or Trustees, by and with the advice and consent of the Medical Superintendent or Resident Physician. The expense of transferring said patients shall be paid out of the funds of the asylum from which such patients are removed.

Contractor's bond.

Duties of Trustees.

Medical Superintendent.

Term.

Medical Director.

Duties.

Assistant Physician.

Term.

Residence.

Patients, who admitted.

Expense of transfer.

Salaries of  
Medical  
Director and  
Assistant  
Physician.

SEC. 16. The salaries of the Medical Director and the Assistant Physician shall be of the same amount as those allowed to the Resident Physician and Assistant Physician, respectively, at the State Asylum for the Insane at Napa.

Powers and  
compensa-  
tion of  
Trustees.

SEC. 17. Except in so far as limited or enlarged by the provisions of this Act, the said Trustees shall have the same power, duties, responsibilities, and obligations as are conferred by law upon the Trustees of the State Asylum for the Insane at Napa, and shall receive like compensation; *provided, however*, that during the construction of said hospital the said Trustees may receive from the State their actual traveling and other expenses while engaged in the duties of their offices; the amount of such expenses to be certified to and approved and allowed by the State Board of Examiners.

Traveling  
expenses.

SEC. 18. For the purchase of the site and erection of the hospital herein provided for, the sum of two hundred and fifty thousand dollars is hereby appropriated, of which amount one half is appropriated for the thirty-seventh fiscal year, and one half for the thirty-eighth fiscal year, to be paid out of the General Fund; and the State Board of Examiners shall audit and allow all demands arising under the provisions of this Act, and the Controller shall thereupon draw his warrant therefor payable out of the General Fund.

Appropriation.

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

## CHAPTER XXXIV.

*An Act authorizing the Commissioners of any public park in this State, and especially the Park Commissioners of Golden Gate Park, in San Francisco, to accept donations and bequests in aid of the improvement and embellishment of their respective parks, and to invest the funds derived therefrom.*

[Approved March 9, 1885.]

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

Commissioners of parks to receive bequests from persons or aid from Park Aid Improvement Company.

SECTION 1. The Commissioners of any public park in this State, and especially the Park Commissioners of Golden Gate Park, in the City and County of San Francisco, are hereby authorized and empowered to accept and receive donations and aid from individuals and corporations, and to receive legacies and bequests by the last wills and testaments of deceased persons, and especially to receive aid and contributions from that certain corporation organized and incorporated under the laws of the State of California, known as the Park Aid Improvement Company, and the moneys derived and to be derived therefrom shall be and are hereby recognized as a portion of the public funds belonging to said Park Commissioners, and applicable under the direction of the said Park Commissioners to the purposes of preserving and

embellishing the parks under their respective management and control.

Sec. 2. If the funds derived as aforesaid shall, at any time, exceed in amount the sum necessary for immediate expenditure on the said park grounds, or if, in the judgment of the said Park Commissioners, it should be advisable to invest the same and make the same productive, the said Park Commissioners are hereby authorized to invest the same, or any portion thereof, in interest-bearing bonds of the Government of the United States, or of the State of California, and to use the interest and income thereof for the purposes aforesaid, with the like power to sell and dispose of the said bonds if, in their discretion, the principal thereof shall be necessary for the purposes aforesaid.

Funds to be invested.

Sec. 3. This Act shall take effect and be in force immediately.

CHAPTER XXXV.

*An Act to amend an Act entitled "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 15, 1880.*

[Approved March 9, 1885.]

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

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

Section 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. The Governor shall have the power and authority to remove a Director at any time for good and sufficient cause, and to appoint a Director to fill the vacancy.

Secretary of Board to report classification to State Board of Agriculture.

Governor may remove Directors.

Sec. 2. This Act shall take effect immediately.

## CHAPTER XXXVI.

*An Act to prevent the spreading of fruit and fruit tree pests and diseases, and to provide for their extirpation.*

[Approved March 9, 1885.]

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

**SECTION 1.** It shall be the duty of every owner, possessor, or occupier of an orchard, nursery, or land where fruit trees are grown within this State, to disinfect all fruit trees grown on such lands infested with any insect or insects, or the germs thereof, or infested by any contagious disease known to be injurious to fruit or fruit trees, before the removal of the same from such premises for sale, gift, distribution, or transportation. Fruit boxes which have been used for shipping fruit to any destination are hereby required to be disinfected previous to their being again used for any purpose; all boxes returned to any orchard, storeroom, salesroom, or any place used or to be used for storage, shipping, or any other purpose, must be disinfected within three days after their return; and any and all persons failing to comply with the requirements of this section shall be guilty of a misdemeanor. All packages, known as free packages, must be destroyed or disinfected before being again used.

Owner of orchard, etc, to disinfect trees and vines.

Boxes to be disinfected.

Free packages to be destroyed.

Fallen fruit to be destroyed.

Inspector of trees and vines.

Misdemeanor.

Label of owner.

Misdemeanor to ship infested fruit, etc.

**SEC. 2.** It shall be the duty of the owner, lessee, or occupier of any orchard within this State, to gather all fruit infested by the insects known as the codlin moth, peach moth, red spider, plum weevil, and kindred noxious insects, their larvæ or pupæ, which has fallen from the tree or trees, as often as once a week, and dispose of or destroy the same in such a manner as to effectually destroy all such insects, their larvæ or pupæ. It shall be the duty of the Inspector of Fruit Pests, or the Quarantine Guardian, to inspect fruit packages, and all trees and plants, cuttings, grafts, and scions, known or believed to be infested by any insect or insects, or the germs thereof, or their eggs, larvæ or pupæ, injurious to fruit or fruit trees, or infested with any disease liable to spread contagion, imported or brought into this State from any foreign country, or from any of the United States or Territories, and if, upon inspection, such fruit, or fruit packages, are found to be infested or infected, it shall be a misdemeanor to offer the same for sale, gift, distribution, or transportation, unless they shall be first disinfected.

**SEC. 3.** Every person shipping fruit trees, scions, cuttings, or plants, from any orchard, nursery, or other place where they were grown or produced, shall place upon or securely attach to each box, package, or parcel containing such fruit trees, scions, cuttings, or plants, a distinct mark or label, showing the name of the owner or shipper, and the locality where produced. And any person who shall cause to be shipped, transported, or removed from any locality declared

by the State Board of Horticulture to be infested with fruit tree or orchard pests, or infected with contagious diseases injurious to trees, plants, or fruits, unless the same shall have been previously disinfected, shall be guilty of a misdemeanor. Disinfection shall be to the satisfaction of the State Board of Horticulture, or the Inspector of Fruit Pests. When disinfected, the fact shall be stamped upon each box, package, or separate parcel of fruit trees, scions, cuttings, or plants; and any person who shall cause to be shipped, transported, or removed, any such box, parcel, or package, from a quarantine district or locality, not bearing such stamp, shall be guilty of a misdemeanor, and may be punished by fine, as provided in section six of this Act. Any person who shall falsely cause such stamp to be used, or shall imitate or counterfeit any stamp or device used for such purpose, shall be guilty of a misdemeanor.

Misdemeanor to use false stamp.

SEC. 4. It shall be the special duty of each member of the State Board of Horticulture to see that the provisions of this Act are carried out within his respective horticultural district, and all offenders duly punished.

SEC. 5. All fruit trees infested by any insect or insects, their germs, larvæ or pupæ, or infected by disease known to be injurious to fruit, or fruit trees, and liable to spread contagion, must be cleaned or disinfected before the first day of April, eighteen hundred and eighty-five, and on or before the first day of April of every succeeding year thereafter. All owners or occupants of lands on which fruit trees are grown failing to comply with the provisions of this section, shall be guilty of a misdemeanor, and fined as provided for in section six of this Act. All fruit, packages, trees, plants, cuttings, grafts, and scions, that shall not be disinfected within twenty-four hours after notice by the Inspector of Fruit Pests, or a duly appointed Quarantine Guardian, or any member of the Board of Horticulture, shall be liable to be proceeded against as a public nuisance.

Trees, when to be cleaned.

Misdemeanor.

Trees not cleaned after notice by Inspector are a nuisance.

SEC. 6. Any person or corporation violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars for every offense.

Misdemeanor.

## CHAPTER XXXVII.

*An Act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain public waterworks.*

[Approved March 9, 1885.]

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

Election  
reference to  
water  
supply.

SECTION 1. The Trustees or Common Council of any municipal corporation of the fifth class, are hereby empowered to call a special election in said city, to submit to the qualified electors of said city a proposition to supply said city with public waterworks.

How called.

SEC. 2. Said election may be called by said Trustees or Common Council, at any special or regular meeting of said body, after the passage of this Act.

SEC. 3. Said election shall be conducted and carried on according to the general laws of the State of California, concerning elections in municipal corporations of the fifth class.

Ballot, what  
to contain.

SEC. 4. The Board of Trustees, or Common Council, shall cause to be prepared a sufficient number of ballots for said election; upon one half of said ballots shall be printed the words, "For public waterworks," and on the remaining half of said ballots shall be printed the words, "Against public waterworks."

Bonds.

SEC. 5. The result of said election shall be determined according to the rules of elections of municipal corporations of the fifth class; and if it appears that two thirds of all the ballots cast at said election bear the words "For public waterworks," then the Common Council, or Board of Trustees, shall have power and are hereby authorized to issue bonds of said municipal corporation, payable on the first day of January, nineteen hundred and five, unless previously redeemed as herein provided, to an amount not exceeding one hundred thousand dollars (\$100,000). Said bonds shall bear interest at the rate of six (6) per cent per annum, payable semi-annually, on the first day of January and the first day of July of each year. Said principal and interest shall be made payable at the office of the Treasurer of said municipal corporation. Said bonds shall be signed by the presiding officer of said Common Council, or Board of Trustees, of said city, and the Treasurer thereof, and countersigned by the Clerk. The coupons of said bonds shall be numbered consecutively, and signed by the City Treasurer.

Interest.

How signed.

Sinking  
Fund.

SEC. 6. For the purposes of liquidating the said bonds, the Common Council, or Board of Trustees, is hereby authorized to levy, annually, a special tax from and after the year of the issue of said bonds, sufficient to pay the interest on said indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal amount of said bonds within twenty years after the issuance thereof.

SEC. 7. Said bonds shall be sold or exchanged to raise money as required in the purchase, construction, or repairs of said work.

SEC. 8. The money received from the sale of said water shall be deposited with the City Treasurer and kept in a separate fund, to be known as the Water Fund, which fund is to be used for all purposes connected with said waterworks. Water Fund.

SEC. 9. Whenever there is in said Water Fund not less than five thousand dollars not required for the care, management, or repairs of said public waterworks, said Common Council, or Board of Trustees, shall require the Treasurer to publish notice in a newspaper of general circulation in said county, for the space of one month, that a certain sum of money (naming it) is in said fund for the redemption of said bonds, and that he will receive bids for the redemption of the same at not more than their par value, with interest due, until a day named, which shall be not less than one month after the last publication of the notice aforesaid. Treasurer to advertise for redemption of bonds.

SEC. 10. On the day named the bids shall be opened by the Treasurer and presiding officer of said Board, and the bids offering to surrender the bonds at the lowest sums, not more than their par value and interest due, shall be accepted. If enough bonds to consume all the funds are not redeemed, the Treasurer shall advertise as before to redeem bonds at par value and interest, commencing with the lowest numbers outstanding, to the amount of money on hand, and thirty days after the last publication the bonds named shall cease to bear interest. The Treasurer, on the order of the Board, shall pay the bonds redeemed either under the bids or the second notice. Bonds not to be redeemed above par value.

SEC. 11. The Common Council, or Board of Trustees, shall manage and control said waterworks, and employ all labor, and purchase all materials, and appoint all agents for the care and management of and repair to the same. By whom works are controlled.

SEC. 12. If, at any time, all of said bonds shall be liquidated, then said income from said waterworks shall be used for city purposes, as may seem proper to the Common Council or Board of Trustees thereof. Income from water.

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### CHAPTER XXXVIII.

*An Act to provide for analyzing the minerals, mineral waters, and other liquids, and the medicinal plants of the State of California, and of foods and drugs, to prevent the adulteration of the same.*

[Approved March 9, 1885.]

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

SECTION 1. The Governor of the State of California shall appoint one of the Professors of the State University of California of sufficient competence, knowledge, skill, and experi- Governor to appoint State Analyst.

ence, as State Analyst, whose duty it shall be to analyze all articles of food, drugs, medicines, medicinal plants, minerals, and mineral waters, and other liquids or solids which shall be manufactured, sold, or used within this State, when submitted to him, as hereinafter provided.

State Board of Health, etc., may submit food, etc., for analysis.

Duty of Analyst.

Certificate of Analyst, when prima facie evidence.

SEC. 2. The State Board of Health and Vital Statistics, or medical officers of health of any city, town, or of any city and county, or county, may, at the cost of their respective Boards or corporations, purchase a sample of any food, drugs, medicines, medicinal plants, mineral waters, or other liquids offered for sale in any town, village, or city in this State, and submit the same to the State Analyst as hereinafter provided; and said Analyst shall, upon receiving such article duly submitted to him, forthwith analyze the same, and give a certified certificate to the Secretary of the State Board of Health submitting the same, wherein he shall fully specify the result of the analysis; and the certificate of the State Analyst shall be held in all the Courts of this State as prima facie evidence of the properties of the articles analyzed by him.

Any person may submit food, etc., for analysis.

SEC. 3. Any person desiring an analysis of any food, drug, medicine, medicinal plant, soil, mineral water, or other liquid, shall submit the same to the Secretary of the State Board of Health, together with a written statement of the circumstances under which he procured the article to be analyzed, which statement must, if required by him, be verified by oath, and it shall be the duty of the Secretary of the State Board of Health to transmit the same to the State Analyst, the expenses thereof to be defrayed by the said Board.

State Analyst to report.

SEC. 4. The State Analyst shall report to the State Board of Health the number of all the articles analyzed, and shall specify the results thereof to said Board annually, with full statement of all the articles analyzed, and by whom submitted.

State Board of Health may submit food, etc., for analysis.

SEC. 5. The State Board of Health may submit to the State Analyst any samples of food, drugs, medicines, medicinal plants, mineral waters, or other liquids, for analysis, as hereinbefore provided.

Mineralogist to submit minerals for analysis.

SEC. 6. It shall be competent for the Mineralogist of the State of California to submit to the State Analyst any minerals of which he desires an analysis to be made; *provided*, that the cost of the same shall be defrayed by the Mineralogical Bureau.

Viticultural Commissioners may submit wines and spirits for analysis.

SEC. 7. The Board of State Viticultural Commissioners shall have the same privileges as are provided for the State Board of Health under this Act, with respect to samples of wines and grape spirits, and of all liquids and compounds in imitation thereof, and any person or persons desiring analyses of such products, shall submit the same to the Secretary of the said Board of State Viticultural Commissioners, and the same shall be transmitted to the State Analyst, in the manner prescribed in section three of this Act. The analyses shall be made, and the certificates of the State Analyst shall be forwarded to the Secretary of the said Board of State

Viticultural Commissioners, and shall have the same force and effect as provided for in section two of this Act, with respect to analyses made for the State Board of Health.

CHAPTER XXXIX.

*An Act regulating the height of division fences and partition walls in cities and towns.*

[Approved March 9, 1885.]

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

SECTION 1. It shall be unlawful for any owner of real property in any city or town in this State, or any person having possession thereof, to construct, erect, build, permit, or maintain upon such premises, any fence or partition wall which shall exceed ten feet in height, without first obtaining a permit to do so from the Board of Supervisors or City Council of the city or town in which said fence or wall is to be erected and maintained.

Partition fence not to exceed ten feet in height.

SEC. 2. No permit to construct or maintain any fence or division partition wall having a greater height than ten feet, shall be granted by the Board of Supervisors or City Council of any city or town in this State, unless the person applying therefor, and to whom such permit is granted, shall first obtain and present to such Board of Supervisors or City Council the written consent of the person or persons having ownership and possession of the adjoining premises affected thereby; *provided*, that where such fence or wall is constructed around a public garden, or place of public resort where an admission fee is charged, no signature or consent of adjacent owners shall be required.

Consent of adjoining owner.

SEC. 3. Any violation of section one of this Act shall be deemed a misdemeanor, and the person so offending shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less than sixty days nor more than one year, or by both fine and imprisonment.

Misdemeanor. Penalty.

## CHAPTER XL.

*An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-sixth fiscal year.*

[Approved March 9, 1885.]

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

Appropriation  
deficiency  
Folsom State  
Prison.

SECTION 1. The sum of thirty thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for support of the State Prison at Folsom, for the thirty-sixth fiscal year.

SEC. 2. This Act shall take effect immediately.

## CHAPTER XLI.

*An Act making an appropriation for the deficiency in the appropriation for the support of the State Prison at San Quentin, for the thirty-sixth fiscal year.*

[Approved March 9, 1885.]

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

Appropriation  
deficiency  
State Prison  
at San  
Quentin.

SECTION 1. The sum of seventy thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the support of the State Prison at San Quentin, for the thirty-sixth fiscal year.

SEC. 2. This Act shall have immediate effect.

## CHAPTER XLII.

*An Act to authorize the construction and leasing of a hotel in Yosemite Valley, and to appropriate money therefor.*

[Approved March 9, 1885.]

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

Hotel at  
Yosemite  
Valley.

SECTION 1. The Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove are hereby authorized and empowered to construct a hotel in Yosemite Valley, at a cost not to exceed the sum of forty thousand dollars, and, upon its completion, to lease the same for such sum as shall

annually produce not less than three per cent upon the cost of the same. Said hotel shall be conducted in such manner as said Commissioners shall direct. No exclusive privilege shall be granted by the Commissioners in the keeping of hotels in Yosemite Valley.

SEC. 2. All rents received from said hotel shall be paid into the State Treasury. Rents.

SEC. 3. The sum of forty thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to be used for the following purposes, to wit: for the construction of a hotel in Yosemite Valley. Appropriation.

SEC. 4. The Controller of State is hereby authorized to draw his warrants, which in the aggregate shall amount to the sum of forty thousand dollars, and the Treasurer of State to pay the said Commissioners the sum of forty thousand dollars, for the uses and purposes specified in section three of this Act.

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

### CHAPTER XLIII.

*An Act to determine the amount and to provide for the payment of a deficiency in the support at the State Prison at San Quentin, for the thirty-fifth and thirty-sixth fiscal years.*

[Approved March 9, 1885.]

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

SECTION 1. It is hereby made the duty of the State Board of Examiners to compute the amount equitably due to Charles Crocker, on account of money advances by him made, at the request of the Board of State Prison Directors, and the written consent of the State Board of Examiners, for the purchase of jute for manufacturing purposes, at the State Prison at San Quentin, during the thirty-fifth and thirty-sixth fiscal years, and to certify the sum found due, as aforesaid, to the Controller, who is hereby directed to draw his warrant on the State Treasurer for such amount, and the State Treasurer is instructed to pay the same. To pay Charles Crocker for money advanced for jute to State Prison, San Quentin.

SEC. 2. The sum of eleven thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of such amount as may be found due to Charles Crocker, under the provisions of section one of this Act.

SEC. 3. This Act shall take effect immediately.

## CHAPTER XLIV.

*An Act to determine the amount and to provide for the payment of a deficiency in the support of the State Prison at San Quentin, for the thirty-fifth and thirty-sixth fiscal years.*

[Approved March 9, 1885.]

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

Amount due  
Charles  
Crocker for  
money  
advanced for  
support of  
State Prison,  
San Quentin.

SECTION 1. It is hereby made the duty of the State Board of Examiners to compute the amount equitably due to Charles Crocker, on account of money advances by him made, at the request of the Board of State's Prison Directors, and the written consent of the State Board of Examiners, for the support of the State Prison at San Quentin, during the thirty-fifth and thirty-sixth fiscal years, and to certify the sum found due, as aforesaid, to the Controller, who is hereby directed to draw his warrant on the State Treasurer for such amount, and the State Treasurer is instructed to pay the same.

SEC. 2. The sum of seventy-five thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of such amount as may be found due to Charles Crocker, under the provisions of section one of this Act.

SEC. 3. This Act shall take effect immediately.

## CHAPTER XLV.

*An Act making an appropriation to pay the cost and expenses of a suit in which the State was a party against C. D. Bunker, Commissioner of Immigration.*

[Approved March 9, 1885.]

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

Leprosy  
Fund to pay  
costs in suit  
against C. D.  
Bunker.

SECTION 1. The sum of seventeen hundred and thirteen dollars and twenty-three cents is hereby appropriated out of any money in the State Treasury in the fund designated as the "Leprosy Fund," not otherwise appropriated, for the payment of the costs and expenses of the suit in which the State was a party in interest against C. D. Bunker, Immigration Commissioner.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLVI.

*An Act to provide for the grading and graveling of that portion of N Street, between Tenth and Fifteenth Streets, in the City of Sacramento, adjoining the State Capitol grounds, and to provide for the payment of the same.*

[Approved March 9, 1885.]

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

SECTION 1. The sum of six thousand six hundred and sixty-eight dollars and twelve and one half cents is hereby appropriated out of any money that is or may hereafter be in the General Fund not otherwise appropriated, for the purpose of grading and graveling the north half of N Street, between Tenth and Fifteenth Streets, in the City of Sacramento, being that part of N Street immediately adjoining the State Capitol grounds on the south.

Appropriation to gravel N Street, Sacramento.

SEC. 2. The Controller is hereby directed to issue a warrant, payable out of the General Fund, for said sum of six thousand six hundred and sixty-eight dollars and twelve and one half cents, in favor of the State Capitol Commissioners, who shall pay out so much of said sum as shall be the State's portion for the grading and graveling of said street, and if any balance is left it shall be by them paid into the General Fund.

SEC. 3. The State Capitol Commissioners are hereby given full authority to and are directed to petition for the grading and graveling of said street, and in all respects to act in the same manner as if they were the owners of the Capitol grounds adjoining said street herein referred to, and to do all matters and things that would be necessary to be done as owners of said property for the grading and graveling of said street as provided by law.

Capitol Commissioners to petition for grading street.

SEC. 4. This Act shall take effect immediately.

CHAPTER XLVII.

*An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art.*

[Approved March 9, 1885.]

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

SECTION 1. The provisions of this Act shall be liberally construed with a view to effect its objects and promote its

Act to be liberally construed.

purposes; and in the construction thereof the singular number shall be deemed to include the plural, and the plural shall be deemed to include the singular number, and the masculine gender shall be deemed to include the feminine.

Grants to Trustees to found colleges, etc.

SEC. 2. Any person desiring, in his lifetime, to promote the public welfare by founding, endowing, and having maintained, within this State, a university, college, school, seminary of learning, mechanical institute, museum, or gallery of art, or any or all thereof, may, to that end, and for such purpose, by grant in writing, convey to a Trustee, or to any number of Trustees named in such grant, and to their successors, any property, real or personal, belonging to such person, and situated or being within this State; *provided*, that if any such person be married, and the property be community property, then both husband and wife must join in such grant.

Wife to join in grant.

SEC. 3. The person making such grant may therein designate:

Trustees may designate objects, etc., of grant.

1. The nature, object, and purposes of the institution or institutions to be founded, endowed, and maintained.

2. The name by which it or they shall be known.

3. The powers and duties of the Trustees, and the manner in which they shall account, and to whom, if accounting be required; but such powers and duties shall not be held to be exclusive of other powers and duties which may be necessary to enable such Trustees to fully carry out the objects of such grant.

4. The mode and manner, and by whom, the successors to the Trustee or Trustees named in the grant are to be appointed.

Rules advisory.

5. Such rules and regulations for the management of the property conveyed as the grantor may elect to prescribe; but such rules shall, unless the grantor otherwise prescribe, be deemed advisory only, and shall not preclude such Trustees from making such changes as new conditions may, from time to time, require.

Grantor may provide for teaching trades and for free scholarships.

6. The place or places where, and the time when, the buildings necessary and proper for the institution or institutions shall be erected, and the character and extent thereof. The person making such grant may therein provide for all other things necessary and proper to carry out the purposes thereof, and especially may such person provide for the trades and professions which shall be taught in such institutions, and the terms upon which deserving scholars of the public and private schools of the various counties of this State may be admitted to all the privileges of such institutions, as a reward for meritorious conduct and good scholarship; and also for maintaining free scholarships for children of persons who have rendered service to or who have died in the service of this State; and also for maintaining free scholarships for children of mechanics, tradesmen, and laborers, who have died without leaving means sufficient to give such children a practical education, fitting them for the useful trades or arts; and also the terms and conditions upon which students in the public and private schools, and other deserving persons, may,

without cost to themselves, attend the lectures of any university established; and also the terms and conditions upon which the museums, and art galleries, and conservatories of music, connected with any such institution, shall be open to all deserving persons without charge, and without their becoming students of the institution.

SEC. 4. The Trustee or Trustees named in such grant, and their successors, may, in the name of the institution or institutions, as designated in such grant, sue and defend, in relation to the trust property, and in relation to all matters affecting the institution or institutions endowed and established by such grant.

Trustees may sue and be sued.

SEC. 5. The person making such grant, by a provision therein, may elect, in relation to the property conveyed, and in relation to the erection, maintenance, and management of such institution or institutions, to perform, during his life, all the duties, and exercise all the powers which, by the terms of the grant, are enjoined upon and vested in the Trustee or Trustees therein named. If the person making such grant, and making the election aforesaid, be a married person, such person may further provide that if the wife of such person survive him, then such wife, during her life, may, in relation to the property conveyed, and in relation to the erection, maintenance, and management of such institution or institutions, perform all the duties and exercise all the powers which, by the terms of the grant, are enjoined upon and vested in the Trustee or Trustees therein named, and in all such cases the powers and duties conferred and imposed by such grant upon the Trustee or Trustees therein named, shall be exercised and performed by the person making such grant, or by his wife during his or her life, as the case may be; *provided*, however, that upon the death of such person, or his surviving wife, as the case may be, such powers and duties shall devolve upon and shall be exercised by the Trustees named in the grant, and their successors.

Grantor may be sole Trustee.

Wife may be Trustee.

SEC. 6. The person making such grant may therein reserve the right to alter, amend, or modify the terms and conditions thereof, and the trusts therein created, in respect to any of the matters mentioned or referred to in subdivisions one to six, inclusive, of section two hereof; and may also therein reserve the right, during the life of such person or persons, of absolute dominion over the personal property conveyed, and also over the rents, issues, and profits of the real property conveyed, without liability to account therefor in any manner whatever, and without any liability over against the estate of such person; and if any such person be married, such person may, in said grant, further provide that if his wife survive him, then such wife, during her life, may have the same absolute dominion over such personal property, and such rents, issues, and profits, without liability to account therefor in any manner whatever, and without liability over against the estate of either of the spouses.

Grantor may alter the grant.

SEC. 7. The person making such grant may therein provide that the Trustees named in the grant, and their successors, may, in the name of the institution or institutions,

Trustees may be guardians of minors.

become the custodian of the person of minors, and when any such provision is made in a grant, the Trustees and their successors may take such custody and control in the manner and for the time and in accordance with the provisions of sections two hundred and sixty-four to two hundred and seventy-six, inclusive, of the Civil Code of the State of California.

Grant to be acknowledged.

SEC. 8. Any such grant may be executed, acknowledged, and recorded in the same manner as is now provided by law for the execution, acknowledgment, and recording of grants of real property.

Actions affecting title to property to be begun within two years.

SEC. 9. No suit, action, or proceeding shall be commenced or maintained by any person to set aside, annul, or affect said conveyance, or to affect the title to the property conveyed, or the right to the possession, or to the rents, issues, and profits thereof, unless the same be commenced within two years after the date of filing such grant for record; nor shall any defense be made to any suit, action, or proceedings commenced by the Trustee or Trustees named in said grant, or their successors, privies, or persons holding under them, which defense involves the legality of said grant, or affects the title to the property thereby conveyed, or the right to the possession, or the rents, issues, and profits thereof, unless such defense is made in a suit, action, or proceeding commenced within two years after such grant shall have been filed for record.

Except as to mechanics' liens, property not subject to execution.

SEC. 10. The property conveyed by such grant shall not, after a lapse of two years from the date of the filing for record of the grant, be subject to force sale under execution, or judicial proceedings of any kind, against the grantor or his privies, unless the action under which the execution shall be issued, or the proceedings under which the sale shall be ordered, shall have been commenced within two years after such grant shall have been filed for record. Nor shall such property be subject to execution or forced sale under any judgment obtained in any proceedings instituted within said two years, if there be other property of the grantor subject to execution or forced sale sufficient to satisfy such judgment; *provided*, nothing in this section contained shall be construed to affect mechanics' or laborers' liens.

Grantor may devise the property to the State.

SEC. 11. Any person or persons making any such grant may, at any time thereafter, by last will or testament, devise and bequeath to the State of California all or any of the property, real and personal, mentioned in such grant, or in any supplemental grant, and such devise or bequest shall only take effect in case, from any cause whatever, the grant shall be annulled, or set aside, or the trusts therein declared shall for any reason fail. Such devise and bequest is hereby permitted to be made by way of assurance that the wishes of the grantor or grantors shall be carried out, and in the faith that the State, in case it succeeds to the property, or any part thereof, will, to the extent and value of such property, carry out, in respect to the objects and purposes of any such grant, all the wishes and intentions of the grantor or grantors; *provided*, that no wish, direction, act, or condition expressed, made, or given by any grantor or grantors, under or by virtue

Faith of the State pledged, except as to religious tenets to be taught.

of this Act, as to religious instruction to be given in such school, college, seminary, mechanical institute, museum, or gallery of art, or in respect to the exercise of religious belief, on the part of any pupil or pupils of such school or institution of learning, shall be binding upon the State; nor shall the State enforce, or permit to be enforced or carried out, any such wish, direction, act, or condition.

SEC. 12. This Act shall be in force from and after its passage.

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CHAPTER XLVIII.

*An Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin.*

[Approved March 9, 1885.]

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

SECTION 1. The sum of forty thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to provide and maintain a permanent revolving fund for the purchase of jute for the State Prison at San Quentin; all moneys taken therefrom to be used exclusively in payment for jute, to be used in manufacturing in said State Prison; and so much of the money, received from the sale of any goods manufactured from said jute, shall be returned to the said revolving fund, so that the fund shall contain forty thousand dollars before any of the proceeds from the sale of said manufactured goods are used for any other purpose than the purchase of jute.

Fund for purchase of jute at San Quentin.

SEC. 2. This Act shall take effect immediately.

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CHAPTER XLIX.

*An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State.*

[Approved March 9, 1885.]

*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 treasury not otherwise appropriated, the sum of twenty-five thousand dollars (\$25,000), to be expended, in the discretion of the Governor, for the purpose of assisting to defray the expenses of a public nature incident to the holding of the National Encampment of the Grand Army of the Republic.

Appropriation National Encampment Grand Army of the Republic.

lic in this State, during the year eighteen hundred and eighty-six; *provided*, that if said encampment shall not be held in this State in said year, said moneys shall be returned to the General Fund unexpended.

SEC. 2. The Governor of the State, immediately upon having satisfactory evidence presented to him that such National Encampment of the Grand Army of the Republic will be held at San Francisco, California, shall demand from the State Controller, and the State Controller is hereby authorized and instructed upon such demand to draw his warrant in favor of the Governor of the State for the sum of twenty-five thousand (\$25,000) dollars, to be expended by him as above provided, and the Treasurer is hereby authorized and directed to pay the same.

SEC. 3. This Act shall take effect immediately.

## CHAPTER L.

*An Act authorizing the Board of Supervisors of Humboldt County to transfer certain funds, and to pay certain claims out of the General Fund.*

[Approved March 9, 1885.]

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

Supervisors  
of Humboldt  
County to  
transfer  
funds to Gen-  
eral Fund.

SECTION 1. The Board of Supervisors of Humboldt County are hereby authorized and empowered to transfer all moneys in Humboldt County now in that certain fund created under and by virtue of a certain Act of the Legislature of the State of California, entitled "An Act to annex the territory comprised in the present County of Klamath to the Counties of Humboldt and Siskiyou," approved March twenty-eighth, eighteen hundred and seventy-four, and all Acts amendatory and supplementary thereto, from said fund into the General Fund, and upon presentation of any claim now existing and payable out of said fund so created, said Board of Supervisors are hereby further authorized and directed to pay said claims out of the General Fund.

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

CHAPTER LI.

*An Act to add a new section to the Political Code, to be known as section three thousand and eighty-four, relating to certification of cause of death and granting burial permits for a deceased person.*

[Approved March 10, 1885.]

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

SECTION 1. There shall be added to the Political Code a new section, to be known as section three thousand and eighty-four, as follows:

**3084.** Whenever, by existing law, or by ordinance of any incorporated city, or city and county, or by ordinance or resolution of the Board of Supervisors of any county, a permit is required from a Board of Health, Health Officer, or other officer or person, before depositing or burial in any cemetery of any human body, such permit shall not be granted without the production and filing with such Board of Health, Health Officer, or other authorized officer or person, a certificate, signed by a physician, or a Coroner, or two reputable citizens, setting forth, as near as possible, the name, age, color, sex, place of birth, occupation, date, locality, and the cause of death of the deceased. And no certificate shall be received, upon which to grant such permit, unless signed by a physician, Coroner, or two reputable citizens, registered as such under his proper signature at the office of such Board of Health, Health Officer, or other authorized officer or person.

Permit to bury dead, not granted without certificate of physician or Coroner.

CHAPTER LII.

*An Act to legalize acknowledgments of certificates in writing required by section two of an Act entitled "An Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Institutes, and other kindred protective associations," approved March 31, 1866, heretofore made or taken, and to legalize all certificates heretofore made, signed, and acknowledged, and filed under section two of said Act.*

[Approved March 10, 1885.]

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

SECTION 1. All acknowledgments heretofore made or taken to the certificate in writing required by section two of an Act entitled "An Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Institutes, and other kindred protective associations," approved March thirty-first, eighteen hundred and sixty-six, whether proven by a witness

Acknowledgments legalized.

or otherwise, and all certificates in writing heretofore made, signed, and acknowledged, and filed under section two of said Act, though said certificates and acknowledgments be defective or irregular, are hereby legalized and made valid.

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

### CHAPTER LIII.

*An Act to appropriate money to pay the claim of W. F. Boardman, Grant I. Taggart, and Charles T. H. Palmer, assignee of Sherman Day, for services as Commissioners in the action of the People of the State of California, by Jo Hamilton, Attorney-General, vs. A. Pfeiffer et al., in the Third District Court for Alameda County.*

[Approved March 10, 1885.]

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

To pay claim  
of Board-  
man,  
Taggart, and  
Day.

SECTION 1. The sum of sixteen hundred dollars is hereby appropriated out of the General Fund in the State Treasury to pay W. F. Boardman, Grant I. Taggart, and Charles T. H. Palmer, assignee of Sherman Day, for the services of said Boardman, Taggart, and Day, as Commissioners in the action brought in the Third District Court for Alameda County, and numbered four thousand seven hundred and thirty-five on the register of said Court, and entitled "The People of the State of California, by Jo Hamilton, Attorney-General, vs. A. Pfeiffer et al.," the same being the amount awarded to said Commissioners by the decree of said action.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant on the General Fund in the State Treasury in favor of W. F. Boardman, Grant I. Taggart, and Charles T. H. Palmer, assignee of Sherman Day, for the said sum of sixteen hundred dollars.

SEC. 3. This Act shall take effect immediately.

CHAPTER LIV.

*An Act to amend section three thousand eight hundred and twenty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation, and the manner of the collection of taxes by the Assessor on certain personal property.*

[Approved March 10, 1885.]

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

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

**3824.** When the rate is fixed for the year in which such collection is made, then, if a sum in excess of the rate has been collected, such excess shall not be apportioned to the State, but the whole thereof shall remain in the county treasury, and must be repaid by the County Treasurer to the person from whom the collection was made, or to his assignee, on demand therefor.

County to retain excess of taxes paid

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

CHAPTER LV.

*An Act to amend sections three hundred and fifty and three hundred and fifty-one of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to counterfeited trademarks.*

[Approved March 10, 1885.]

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

SECTION 1. That section three hundred and fifty and section three hundred and fifty-one of the Penal Code be and the same are hereby amended so as to read as follows:

**350.** Every person who willfully forges or counterfeits, or procures to be forged or counterfeited, any trademark usually affixed by any person to his goods, which has been duly recorded in the office of the Secretary of State, with intent to pass off any goods to which such forged or counterfeited trademark is affixed, or intended to be affixed, as the goods of such person, is guilty of a misdemeanor.

Forging trademark misdemeanor.

**351.** Every person who sells or keeps for sale, any goods upon or to which any counterfeited trademark has been affixed, after such trademark has been recorded in the office of the Secretary of State, intending to represent such goods as the genuine goods of another, knowing the same to be counterfeited, is guilty of a misdemeanor.

Knowingly selling goods stamped with such mark a misdemeanor.

## CHAPTER LVI.

*An Act to amend section eleven hundred and seventy-two of the Penal Code, and to provide for exceptions in criminal cases.*

[Approved March 10, 1885.]

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

SECTION 1. Section eleven hundred and seventy-two of the Penal Code is hereby amended so as to read as follows:

Exceptions may be taken to decision of Court or Judge.

1172. Exceptions may be taken by either party to the decision of a Court or Judge upon a matter of law:

1. In granting or refusing a motion to set aside an indictment or information;
2. In allowing or disallowing a demurrer to an indictment or information;
3. In granting or refusing a motion in arrest of judgment;
4. In granting or refusing a motion for a new trial;
5. In making, or refusing to make, an order after judgment affecting any substantial right of the parties.

## CHAPTER LVII.

*An Act making an appropriation for the deficiency in the appropriation for the purchase of jute at State Prison, San Quentin, for the thirty-third fiscal year.*

[Approved March 10, 1885.]

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

Deficiency appropriation for purchase of jute.

SECTION 1. The sum of seven thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for the purchase of jute for State Prison at San Quentin, for thirty-third fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LVIII.

*An Act making appropriation for a deficiency in the appropriation for salary of Secretary, and completion of State Engineer's report and maps on irrigation, for the thirty-fourth fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of seven hundred and eighty-five dollars and seventy-six cents is hereby appropriated out of any money in the General Fund in the State Treasury, to pay the deficiency in the appropriation for the salary of Secretary, and completion of State Engineer's report and maps on irrigation, for the thirty-fourth fiscal year.

Deficiency appropriation State Engineer's Department.

SEC. 2. This Act goes into effect immediately.

CHAPTER LIX.

*An Act making an appropriation for the deficiency in the appropriation for traveling expenses Railroad Commissioners, for thirty-fourth fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of one hundred and eighty-one dollars and twenty-five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for traveling expenses Railroad Commissioners, for thirty-fourth fiscal year.

Deficiency appropriation Railroad Commissioners.

SEC. 2. This Act shall take effect immediately.

CHAPTER LX.

*An Act making an appropriation for the deficiency in the appropriation for contingent expenses of State Board of Equalization, for the thirty-fourth fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of twenty-seven dollars and seventy cents is hereby appropriated out of any money in the State

Contingent  
expenses  
State Board  
of Equaliza-  
tion.

Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for contingent expenses of the State Board of Equalization, for the thirty-fourth fiscal year.

SEC. 2. This Act shall take effect immediately.

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## CHAPTER LXI.

*An Act making an appropriation for the deficiency in the appropriation for transportation of prisoners, for the thirty-fourth fiscal year.*

[Approved March 10, 1885.]

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

Deficiency  
appropria-  
tion for  
transporta-  
tion of  
prisoners.

SECTION 1. The sum of two thousand eight hundred and forty dollars and thirty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for transportation of prisoners, for the thirty-fourth fiscal year.

SEC. 2. This Act shall take effect immediately.

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## CHAPTER LXII.

*An Act making an appropriation for the deficiency in the appropriation for transportation of prisoners, for the thirty-fifth fiscal year.*

[Approved March 10, 1885.]

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

Deficiency  
appropria-  
tion for  
transporta-  
tion of  
prisoners.

SECTION 1. The sum of four thousand three hundred and forty dollars and forty-two cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for transportation of prisoners, for the thirty-fifth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXIII.

*An Act making an appropriation for the deficiency in the appropriation for stationery, fuel, lights, etc., State Capitol building, for the thirty-third fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of two hundred and fifty-five dollars and sixty-eight cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for stationery, fuel, lights, etc., State Capitol building, for the thirty-third fiscal year.

Deficiency appropriation for stationery, etc.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXIV.

*An Act making an appropriation for the deficiency in the appropriation for copying maps in office of the Surveyor-General, for the thirty-fourth fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of eighty-seven dollars and fifty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for copying maps in office of the Surveyor-General, for the thirty-fourth fiscal year.

Deficiency appropriation for copying maps.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXV.

*An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-fifth fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of seven thousand dollars is hereby appropriated out of any money in the State Treasury not

Deficiency  
appropriation  
State  
Prison at  
Folsom.

otherwise appropriated, to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-fifth fiscal year.

SEC. 2. This Act shall take effect immediately.

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#### CHAPTER LXVI.

*An Act to provide for the deficiency in the appropriation "for salary of Clerk of Supreme Court," during the thirty-fourth fiscal year.*

[Approved March 10, 1885.]

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

Deficiency  
salary of  
Clerk of  
Supreme  
Court.

SECTION 1. The sum of twenty-two dollars and nineteen cents (\$22 19) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation "for salary of Clerk of Supreme Court," during the thirty-fourth fiscal year.

SEC. 2. This Act shall take effect immediately.

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#### CHAPTER LXVII.

*An Act making an appropriation for the deficiency in the appropriation for support of Insane Asylum at Napa, for the thirty-fourth fiscal year.*

[Approved March 10, 1885.]

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

Deficiency  
support of  
Insane Asy-  
lum at Napa.

SECTION 1. The sum of six thousand two hundred and ninety-three dollars and twenty-two cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for support of Insane Asylum at Napa, for the thirty-fourth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXVIII.

*An Act making an appropriation for the deficiency in the appropriation for arrest of criminals outside the limits of the State, for the thirty-fourth fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of four hundred and ninety-three dollars and fifty-four cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for arrest of criminals outside the limits of the State, for the thirty-fourth fiscal year.

Deficiency appropriation for arrest of criminals.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXIX.

*An Act making appropriation for a deficiency in the appropriation for traveling expenses of the State Board of Equalization, for the thirty-fifth fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of eight hundred and twelve dollars and fifty cents is hereby appropriated out of the General Fund in the State Treasury, to pay the deficiency in the appropriation for the traveling expenses of the State Board of Equalization, for the thirty-fifth fiscal year.

Deficiency traveling expenses of State Board of Equalization.

SEC. 2. This Act goes into effect immediately.

CHAPTER LXX.

*An Act making appropriation for a deficiency in the appropriation for the salary of the Clerk of the State Board of Equalization, for the thirty-fifth and thirty-sixth fiscal years.*

[Approved March 10, 1885.]

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

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

Deficiency  
salary of  
Clerk of  
State Board  
of Equaliza-  
tion.

State Treasury, to pay the deficiency in the appropriation for the salary of the Clerk of the State Board of Equalization, for the thirty-fifth and thirty-sixth fiscal years.

SEC. 2. This Act goes into effect immediately.

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## CHAPTER LXXI.

*An Act making an appropriation for the deficiency in the appropriation for the support of the State Prison at San Quentin, for the thirty-fourth fiscal year.*

[Approved March 10, 1885.]

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

Deficiency  
support of  
State Prison  
at San  
Quentin.

SECTION 1. The sum of sixty-eight dollars and sixty-seven cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for the support of the State Prison at San Quentin, for the thirty-fourth fiscal year.

SEC. 2. This Act shall have immediate effect.

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## CHAPTER LXXII.

*An Act making an appropriation for the deficiency in the appropriation for postage and contingent expenses in office of the Surveyor-General, for the thirty-fourth fiscal year.*

[Approved March 10, 1885.]

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

Deficiency  
postage of  
Surveyor-  
General.

SECTION 1. The sum of seven dollars and ten cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for postage and contingent expenses in office of Surveyor-General, for the thirty-fourth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXIII.

*An Act making an appropriation for the deficiency in the appropriation for official advertisements, for the thirty-sixth fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of three hundred and seventy dollars and fifty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the deficiency in the appropriation for official advertisements for the thirty-sixth fiscal year, to cover claim of Sacramento Publishing Company. Deficiency for official advertising.

SEC. 2. This Act shall have immediate effect.

CHAPTER LXXIV.

*An Act making appropriation for the deficiency in the appropriation for support of Insane Asylum at Stockton for the thirty-fourth fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of three thousand nine hundred and fifteen dollars and forty-three cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for support of Insane Asylum at Stockton, for the thirty-fourth fiscal year. Deficiency for support of Insane Asylum at Stockton.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXV.

*An Act making an appropriation for the deficiency in the appropriation for transportation of insane, for the thirty-fourth fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of five thousand five hundred and eighty-four dollars and fifty-five cents is hereby appropriated out of any money in the State Treasury not otherwise Deficiency for transportation of insane.

appropriated, for the payment of the deficiency in the appropriation for transportation of insane, for the thirty-fourth fiscal year.

SEC. 2. This Act shall have immediate effect.

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## CHAPTER LXXVI.

*An Act making an appropriation for the deficiency in the appropriation for postage and contingent expenses in office of Clerk of Supreme Court, for the thirty-fourth fiscal year.*

[Approved March 10, 1885.]

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

Deficiency  
postage of  
Clerk of  
Supreme  
Court.

SECTION 1. The sum of nine dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for postage and contingent expenses in office of Clerk of Supreme Court, for the thirty-fourth fiscal year.

SEC. 2. This Act shall take effect immediately.

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## CHAPTER LXXVII.

*An Act making an appropriation for the deficiency in the appropriation for postage and expressage in State Library, for the thirty-third fiscal year.*

[Approved March 10, 1885.]

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

Deficiency  
postage of  
State  
Library.

SECTION 1. The sum of fourteen dollars and ninety cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for postage and expressage in State Library, for thirty-third fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXVIII.

*An Act making an appropriation for the deficiency in the appropriation for payment of rewards offered by the Governor, for the thirty-first fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of one hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for payment of rewards offered by the Governor, for the thirty-first fiscal year. Deficiency payment of rewards.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXIX.

*An Act making an appropriation for the deficiency in the appropriation for rent, printing, and contingent expenses of Insurance Commissioner, for the thirty-third fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of seventy dollars and seventy-four cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for rent, printing, and contingent expenses of Insurance Commissioner, for the thirty-third fiscal year. Deficiency rent, etc., of Insurance Commissioner.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXX.

*An Act making an appropriation for the deficiency in the appropriation for salary of Guardian of Yosemite Valley, for thirty-fifth fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in Deficiency salary of Guardian of Yosemite Valley.

the appropriation for the salary of Guardian of Yosemite Valley, for the thirty-fifth fiscal year.

SEC. 2. This Act shall take effect immediately.

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## CHAPTER LXXXI.

*An Act making an appropriation for the deficiency in the appropriation for restoration and preservation of fish in the waters of the State, for thirty-fifth fiscal year.*

[Approved March 10, 1885.]

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

Deficiency  
appropriation  
of Fish  
Commissioners.

SECTION 1. The sum of nine hundred and forty-one dollars and five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for restoration and preservation of fish in the waters of the State, for the thirty-fifth fiscal year.

SEC. 2. This Act shall take effect immediately.

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## CHAPTER LXXXII.

*An Act making an appropriation for the deficiency in the appropriation for postage and contingent expenses in office of the Attorney-General, for the thirty-fourth fiscal year.*

[Approved March 10, 1885.]

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

Deficiency  
postage of  
Attorney-  
General.

SECTION 1. The sum of thirty-four dollars and thirty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for postage and contingent expenses in office of the Attorney-General, for the thirty-fourth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXXIII.

*An Act making an appropriation for the deficiency in the appropriation for transportation of insane, for the thirty-third fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of one hundred and fifteen dollars is hereby appropriated out of any money in State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for transportation of insane, for the thirty-third fiscal year. Deficiency transportation of insane.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXXIV.

*An Act making an appropriation for the deficiency in the appropriation for postage and expressage in office of Superintendent of Public Instruction, for the thirty-fourth fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of sixty-six dollars and forty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for postage and expressage in office of Superintendent of Public Instruction, for the thirty-fourth fiscal year. Deficiency postage of Superintendent of Public Instruction.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXXV.

*An Act making an appropriation for the deficiency in the appropriation for furnishing State Normal School, San José, for thirty-third fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of seventy-eight dollars and fifty-six cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment Deficiency furnishing Normal School.

of the deficiency in the appropriation for furnishing State Normal School, San José, for thirty-third fiscal year.

SEC. 2. This Act shall take effect immediately.

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CHAPTER LXXXVI.

*An Act making an appropriation for the deficiency in the appropriation for transportation of insane, for the thirty-fifth fiscal year.*

[Approved March 10, 1885.]

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

Deficiency  
transportation  
of  
insane.

SECTION 1. The sum of four thousand eight hundred and seventy-seven dollars and sixteen cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the deficiency in the appropriation for transportation of insane, for the thirty-fifth fiscal year.

SEC. 2. This Act shall take effect immediately.

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CHAPTER LXXXVII.

*An Act making an appropriation for the deficiency in the appropriation for continuing special investigation in Agricultural Department of State University, for thirty-fifth fiscal year.*

[Approved March 10, 1885.]

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

Deficiency  
Agricultural  
Department  
of State  
University.

SECTION 1. The sum of three hundred and fifty-nine dollars and seventy-nine cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for the continuing of special investigation in Agricultural Department of State University, for thirty-fifth fiscal year.

SEC. 2. This Act shall take effect immediately.

## CHAPTER LXXXVIII.

*An Act making an appropriation for the deficiency in the appropriation for repairs to State Capitol building and furniture, for the thirtieth fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of sixty-eight dollars and forty-five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for repairs to State Capitol building and furniture, for thirtieth fiscal year. Deficiency repairs to State Capitol.

SEC. 2. This Act shall take effect immediately.

## CHAPTER LXXXIX.

*An Act to provide for the per diem of members of the Assembly, for the twenty-sixth session of the Legislature.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of sixty-six dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the per diem of members of the Assembly of the twenty-sixth session of the Legislature, and the Controller of State is hereby authorized and directed to draw his warrant for the said amount, and the Treasurer of State is hereby authorized and directed to pay the same. Appropriation per diem of Assembly.

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

## CHAPTER XC.

*An Act making an appropriation for the deficiency in the appropriation for education and care of deaf, dumb, and blind, for thirty-third fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of seven dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the Deficiency Asylum for Deaf, Dumb, and Blind.

appropriation for education and care of deaf, dumb, and blind, for thirty-third fiscal year.

SEC. 2. This Act shall take effect immediately.

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## CHAPTER XCI.

*An Act making an appropriation for the deficiency in the appropriation for water for irrigation, purchase of hose, etc., for Capitol grounds, for thirty-second fiscal year.*

[Approved March 10, 1885.]

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

Deficiency  
water, hose,  
etc., for  
Capitol  
grounds.

SECTION 1. The sum of two hundred and nineteen dollars and fourteen cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for water for irrigation, purchase of hose, etc., for Capitol grounds, for thirty-second fiscal year.

SEC. 2. This Act shall take effect immediately.

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## CHAPTER XCII.

*An Act making an appropriation for the deficiency in the appropriation for official advertising, for thirty-second fiscal year.*

[Approved March 10, 1885.]

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

Deficiency  
for official  
advertising.

SECTION 1. The sum of three hundred and twenty-eight dollars and forty-three cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for official advertising, for thirty-second fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCIII.

*An Act making an appropriation for the deficiency in the appropriation for expenses Supreme Court, under section forty-seven, Code Civil Procedure, for thirty-second fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of one hundred and twenty-seven dollars and ninety-four cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for expenses Supreme Court, under section forty-seven, Code Civil Procedure, for thirty-second fiscal year.

Deficiency  
expenses Su-  
preme Court.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCIV.

*An Act making an appropriation for the deficiency in the appropriation for postage and contingent expenses of Supreme Court, for the thirty-fifth fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of sixty-four dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for postage and contingent expenses of Supreme Court, for the thirty-fifth fiscal year.

Deficiency  
postage of  
Supreme  
Court.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCV.

*An Act making an appropriation for the deficiency in the appropriation for support of State Insane Asylum at Stockton, for the thirty-fifth fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of six thousand two hundred and fourteen dollars and sixty-five cents is hereby appropriated out of any money in the State Treasury not otherwise appro-

Deficiency  
support of  
Insane  
Asylum at  
Stockton

riated, for the payment of the deficiency in the appropriation for support of State Insane Asylum at Stockton, for the thirty-fifth fiscal year.

SEC. 2. This Act shall take effect immediately.

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## CHAPTER XCVI.

*An Act making an appropriation for the deficiency in the appropriation for repairs to State Capitol building and furniture, for the thirty-first fiscal year.*

[Approved March 10, 1885.]

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

Deficiency  
repairs to  
State Capitol.

SECTION 1. The sum of two hundred and ten dollars and twenty-seven cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for repairs to State Capitol building and furniture, for thirty-first fiscal year.

SEC. 2. This Act shall take effect immediately.

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## CHAPTER XCVII.

*An Act making an appropriation for the deficiency in the appropriation for pay of stenographer to Railroad Commission, for the thirty-fourth fiscal year.*

[Approved March 10, 1885.]

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

Deficiency  
pay of sto-  
nographer to  
Railroad  
Commission.

SECTION 1. The sum of nine hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for pay of stenographer to Railroad Commission, for thirty-fourth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCVIII.

*An Act to provide for the deficiency in the appropriation "for the expenses of the Supreme Court, which may be incurred under section forty-seven of the Code of Civil Procedure," during the thirty-fifth and thirty-sixth fiscal years.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of seven thousand six hundred and ninety-two dollars and fifty-three cents (\$7,692 53) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation "for the expenses of the Supreme Court, which may be incurred under section forty-seven of the Code of Civil Procedure," during the thirty-fifth and thirty-sixth fiscal years.

Deficiency  
expenses Su-  
preme Court.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCIX.

*An Act making an appropriation for the deficiency in the appropriation for purchase of Supreme Court Reports, for the thirty-fourth fiscal year.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of twelve hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for purchase of Supreme Court Reports, for thirty-fourth fiscal year.

Deficiency  
Supreme  
Court  
Reports.

SEC. 2. This Act shall take effect immediately.

## CHAPTER C.

*An Act to amend an Act approved January 14, 1868, entitled "An Act to amend an Act entitled an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Institutes, and other kindred protective associations," approved March 31, 1866.*

[Approved March 10, 1885.]

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

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

Boards of Trade, etc., to hold and lease real estate.

Section 7. Corporations formed under the provisions of this Act shall be capable in law to lease, purchase, have, hold, use, take possession of, and enjoy, in fee simple, or otherwise, any personal or real estate within this State necessary for the uses and purposes of such corporation, and the same to sell, lease, deed in trust, alien, and dispose of at their pleasure. All real estate owned by the corporation shall be held in the name of the same, and all conveyances made by such corporation shall be signed by the President and Secretary, and attested by the corporate seal; *provided*, that no corporation formed under this Act shall engage in any mercantile, commercial, or mechanical business.

Not to engage in business.

SEC. 2. All Acts and parts of Acts, so far as they do conflict with this Act, are hereby repealed.

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

## CHAPTER CI.

*An Act to amend section five hundred and eighty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 12, 1872, relating to the dismissal of actions.*

[Approved March 10, 1885.]

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

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

When action dismissed or non-suit entered.

**581.** An action may be dismissed, or a judgment of non-suit entered, in the following cases:

By plaintiff

*First*—By the plaintiff himself at any time before trial, upon payment of costs; *provided*, a counterclaim has not been made, or affirmative relief sought by the cross complaint or answer of defendant. If a provisional remedy has been allowed, the undertaking must thereupon be delivered by the Clerk to the defendant, who may have his action thereon.

*Second*—By either party upon the written consent of the other. By plaintiff or defendant.

*Third*—By the Court, when the plaintiff fails to appear on the trial, and the defendant appears and asks for the dismissal. By Court.

*Fourth*—By the Court, when upon the trial and before the submission of the case the plaintiff abandons it.

*Fifth*—By the Court, upon motion of the defendant, when upon the trial the plaintiff fails to prove a sufficient case for the jury.

*Sixth*—By the Court when, after verdict or final submission, the party entitled to judgment neglects to demand and have the same entered for more than six months.

The dismissal mentioned in the first two subdivisions is made by entry in the Clerk's register; judgment may thereupon be entered accordingly.

CHAPTER CII.

*An Act to subject certain reclamation districts in the State to the provisions of the Political Code.*

[Approved March 10, 1885.]

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

SECTION 1. All reclamation districts, now legally existing in the State, which were formed under the provisions of any statute of the State prior to the first day of January, eighteen hundred and seventy-three, which are now, and have been ever since their creation, prosecuting the objects for which they were created, shall, after this Act takes effect, be subject to the provisions of the Political Code of the State relating to reclamation districts for reclamation purposes, the same as though such districts had been formed and created under the provisions of article two of said Code, relating to "swamp and overflowed, salt marsh, and tide lands;" *provided*, that nothing in this Act shall affect any proceeding that shall have been already commenced for the levy or collection of assessments in such districts when this Act takes effect; nor shall it affect any act done or performed in relation to the affairs of the districts prior to said last mentioned date, nor the indebtedness of the districts theretofore incurred.

Reclamation district to subject to Political Code.

Act does not affect tax levied or acts done prior hereto.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CIII.

*An Act to provide for a contingent fund for the Assembly, for the twenty-sixth session of the Legislature.*

[Approved March 10, 1885.]

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

Contingent  
expenses of  
Assembly.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any funds not otherwise appropriated, to provide a contingent fund for the Assembly, for the twenty-sixth session of the Legislature.

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

## CHAPTER CIV.

*An Act to appropriate money to pay the indebtedness incurred under an Act entitled "An Act to promote drainage," approved April 23, 1880.*

[Approved March 10, 1885.]

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

State Treas-  
urer to pay  
unpaid  
drainage  
warrants.

SECTION 1. The State Treasurer is hereby authorized and required to pay all warrants outstanding and unpaid, in their order as drawn by the State Controller, in accordance with "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty, upon the Construction Fund of Drainage District Number One, and all warrants drawn upon the State Drainage Construction Fund, out of each fund respectively; *provided*, that if there is not money enough in said funds to pay all said warrants, then he shall pay the remainder of said warrants unpaid out of any money in the General Fund not otherwise appropriated.

Deficiency  
out of Gen-  
eral Fund.

Controller to  
draw war-  
rants for  
audited  
claims.

SEC. 2. The State Controller is hereby authorized and required to draw his warrants for all claims against Drainage District Number One that have been heretofore audited and allowed by the State Board of Drainage Directors; also, all claims against the State Drainage Construction Fund that have been heretofore audited and allowed by the said State Board of Drainage Directors; and the State Treasurer is hereby authorized and required to pay the same out of any money in each fund respectively; *provided*, if there is not money enough in said fund to pay all of said warrants, then the State Treasurer shall pay the remainder of said warrants unpaid out of any money in the General Fund not otherwise appropriated.

Deficiency  
out of Gen-  
eral Fund.

SEC. 3. All persons having claims "unaudited by the State Board of Drainage Directors," for work done or materials

furnished under the provisions of "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty, are authorized to present their claims to the State Board of Examiners. All claims so presented shall be itemized and verified by the claimant, his heirs or assigns. The State Board of Examiners shall audit and allow said claims, either in whole or in part, or reject the whole, as they may deem just and proper, and certify the amount so allowed to the State Controller, who shall draw his warrant in favor of each claimant for the said amounts upon the State Treasury. The State Treasurer is authorized and required to pay the same out of any money in the General Fund not otherwise appropriated; *provided*, that unaudited claims of ten thousand dollars only shall be allowed by the provisions of this section.

Unaudited claims to be presented to Board of Examiners.

Paid out of General Fund.

SEC. 4. The sum of forty-three thousand one hundred and eight dollars and twenty-six cents in the State Treasury to the credit of the "State Drainage Construction Fund," and the sum of twenty-one thousand forty-eight dollars and seventy-five cents in the State Treasury to the credit of the Construction Fund of Drainage District Number One, and the sum of one hundred and ninety thousand dollars in the State Treasury not otherwise appropriated, is hereby appropriated to pay the warrants mentioned in section one of this Act, and those authorized to be drawn in sections two and three of this Act.

Drainage Fund appropriated.

Appropriation from General Fund.

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

## CHAPTER CV.

*An Act to appropriate the sum of thirty-four thousand four hundred and nineteen dollars and forty cents, to pay the amount found by the Sixth Judicial Court to be due M. Miles and his sureties, for work done under contract, in building the State Prison at Folsom.*

[Approved March 10, 1885.]

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

SECTION 1. The sum of thirty-four thousand four hundred and nineteen dollars and forty cents is hereby appropriated out of the General Fund in the State Treasury, to pay the amount due M. Miles, his sureties and creditors, or said creditors' assigns, for and on account of work done by the said Miles and his sureties, upon his contract in the building of the State Prison at Folsom, as found by the judgment of the Sixth Judicial District Court.

Appropriation to pay M. Miles.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant on the General Fund of the State Treasury, in favor of John W. Armstrong, of Sacramento, and H. C. Partridge, of San Francisco, Trustees, for said sum of thirty-four thousand four hundred and nineteen

Warrant in favor of Trustees.

dollars and forty cents; and the State Treasurer is hereby ordered and directed to pay such warrant or warrants.

Trustees to  
pay creditors  
of Miles.

SEC. 3. The said John W. Armstrong and H. C. Partridge, Trustees, shall, upon the several amounts due to said Miles, his sureties and creditors, on said contract being ascertained and indorsed by said Miles as correct, pay said several amounts to the respective parties to whom the same are due. And if any residue of said moneys so appropriated remain, after settling with said sureties and creditors, the same shall be paid to said Miles by said Trustees.

SEC. 4. This Act shall take effect immediately.

## CHAPTER CVI.

*An Act making appropriations for the support of the Government of the State of California, for the thirty-seventh and thirty-eighth fiscal years.*

[Approved March 10, 1885.]

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

Senate and  
Assembly

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-seventh and thirty-eighth fiscal years:

Per diem.

For the per diem and mileage of the Lieutenant-Governor and Senators, twenty-one thousand dollars;

For the per diem and mileage of Assemblymen, forty-one thousand and five hundred dollars;

Officers.

For pay of officers and clerks of Senate, five thousand five hundred dollars;

For pay of officers and clerks of Assembly, six thousand five hundred dollars;

Contingent  
expenses.

For contingent expenses of Senate, ten thousand dollars;

For contingent expenses of Assembly, fifteen thousand dollars;

Supreme  
Court.

For salaries of Justices of the Supreme Court, eighty-four thousand dollars;

Superior  
Court.

For State portion of salaries of Judges of Superior Court, two hundred and thirty-five thousand dollars;

Supreme  
Court.

For salary of Clerk of Supreme Court, six thousand dollars;

For salaries of Deputy Clerks of Supreme Court, eighteen thousand dollars;

For salary of Reporter of Decisions of Supreme Court, five thousand dollars;

For salaries of Secretaries to Justices of the Supreme Court, six thousand four hundred dollars;

For salary of Bailiffs of Supreme Court, four thousand eight hundred dollars;

For pay of Porter for office of Clerk of Supreme Court, six hundred dollars;

For postage and contingent expenses of Supreme Court, five hundred dollars;

For postage and contingent expenses of Clerk of Supreme Court, five hundred dollars;

For expenses of Supreme Court under section forty-seven, Code of Civil Procedure, thirty-two thousand eight hundred dollars;

For salary of Governor, twelve thousand dollars; Governor.

For salary of Governor's Private Secretary, six thousand dollars;

For salary of Executive Secretary, four thousand dollars;

For special contingent fund (secret service), five thousand dollars;

For pay of Porter in office of Governor, twelve hundred dollars;

For postage, expressage, and telegraphing in the office of the Governor, one thousand dollars;

For salary of Secretary of State, six thousand dollars; Secretary of State.

For salary of Deputy Secretary of State, four thousand eight hundred dollars;

For salary of Bookkeeper in office of the Secretary of State, four thousand dollars;

For salaries of clerks in office of the Secretary of State, six thousand four hundred dollars;

For salaries of two special clerks, under section four hundred and twenty-two of the Political Code, seven hundred and fifty dollars, to be expended during the thirty-eighth fiscal year;

For pay of Porter in office of the Secretary of State, six hundred dollars;

For postage, expressage, and telegraphing in office of the Secretary of State, twenty-four hundred dollars, exempt from provisions of section four of this Act;

For contingent expenses in office of the Secretary of State, two hundred dollars;

For salary of Controller, six thousand dollars; Controller.

For salary of Deputy Controller, four thousand eight hundred dollars;

For salary of Bookkeeper in Controller's office, four thousand dollars;

For salaries of clerks in Controller's office, nine thousand six hundred dollars;

For pay of Porter in Controller's office, six hundred dollars;

For postage, expressage, and telegraphing in Controller's office, one thousand dollars;

For contingent expenses in Controller's office, two hundred dollars;

For salary of Treasurer, six thousand dollars; Treasurer.

For salary of Deputy Treasurer, four thousand eight hundred dollars;

For salary of clerk in Treasurer's office, three thousand two hundred dollars;

For salaries of Watchmen in Treasurer's office, four thousand eight hundred dollars;

For pay of Porter in Treasurer's office, six hundred dollars;

For postage and expressage and contingent expenses in Treasurer's office, three hundred dollars;

Attorney-General.

For salary of Attorney-General, six thousand dollars;

For salary of Deputy Attorney-General, four thousand eight hundred dollars;

For pay of Porter in Attorney-General's office, three hundred dollars;

For postage and expressage and contingent expenses in Attorney-General's office, two hundred dollars;

For traveling expenses of the Attorney-General, one thousand dollars;

For costs and expenses of suits, when the State is a party in interest, two thousand dollars;

Surveyor-General.

For salary of Surveyor-General, six thousand dollars;

For salary of Deputy Surveyor-General, four thousand eight hundred dollars;

For salary of clerks in office of Surveyor-General and Register of State Land Office, nine thousand six hundred dollars;

For pay of Porter in Surveyor-General's office, six hundred dollars;

For postage and expressage in Surveyor-General's office, six hundred dollars;

For contingent expenses in Surveyor-General's office, two hundred dollars;

For purchase of maps and copying maps in Surveyor-General's office, eight hundred dollars;

Superintendent of Public Instruction.

For salary of Superintendent of Public Instruction, six thousand dollars;

For salary of Deputy Superintendent of Public Instruction, three thousand six hundred dollars;

For salary of clerk for the Superintendent of Public Instruction, three thousand two hundred dollars;

For contingent expenses of Superintendent of Public Instruction, two hundred dollars;

For pay of Porter in office of Superintendent of Public Instruction, four hundred dollars;

For postage and expressage in office of Superintendent of Public Instruction, sixteen hundred dollars;

For traveling expenses of Superintendent of Public Instruction, two thousand dollars;

State Library.

For salary of State Librarian, six thousand dollars;

For salary of Deputies of the State Librarian, seven thousand two hundred dollars;

For pay of Porter in the State Library, one thousand eight hundred dollars;

For postage, expressage, and contingent expenses in the State Library, five hundred dollars;

Adjutant-General.

For salary of Adjutant-General, six thousand dollars;

For salary of Assistant Adjutant-General, three thousand six hundred dollars;

For pay of Porter in Adjutant-General's office, six hundred dollars;

For postage and expressage in Adjutant-General's office, three hundred dollars;

For care of State Armory, cleaning and transportation of arms, traveling and contingent expenses of Adjutant-General, fifteen hundred dollars; Armory.

For payment of armory rents and other expenses of National Guard, one hundred and thirty-eight thousand dollars; National Guard.

For expenses of encampment of National Guard, twenty thousand dollars, to be expended in one or two years, as the Board of Location and Organization may direct;

For salary of State Engineer, twelve thousand dollars; State Engineer.

For salary of Secretary of State Engineer, thirty-two hundred dollars;

For expenses of State Engineer's Department, the completion of the State maps, the making a correct outline map of each county in the State, and for the revision of the legal description of all such county boundaries to correspond with said outline maps, together with a report of the same to the Legislature of eighteen hundred and eighty-seven, ten thousand dollars;

For salary of Superintendent of State Printing Office, four thousand eight hundred dollars; Superintendent of State Printing.

For support of the State Printing Office, including the pay of the employes, and not subject to the provisions of section four of this Act, one hundred and forty-five thousand dollars; State Printing Office.

For publication of the reports and maps of the irrigation and drainage surveys, the amount to be expended under the joint direction of the Governor, Superintendent of Public Printing, and the State Engineer, twenty thousand dollars; Reports of Irrigation surveys.

For salary of the Secretary of the State Board of Health, five thousand dollars; State Board of Health.

For mileage and expenses of State Board of Health, two thousand five hundred dollars;

For salary of Insurance Commissioner, six thousand dollars; Insurance Commissioner.

For salary of clerk of Insurance Commissioner, three thousand two hundred dollars;

For rent and contingent expenses in office of Insurance Commissioner, three thousand dollars;

For salaries of Railroad Commissioners, twenty-four thousand dollars; Railroad Commissioners.

For salary of Secretary of Railroad Commissioners, four thousand eight hundred dollars;

For salary of the Bailiff of the Board of Railroad Commissioners, two thousand four hundred dollars;

For the payment of a stenographer, when actually taking notes and transcribing them by order of the Board of Railroad Commissioners, two thousand four hundred dollars;

For traveling expenses of Board of Railroad Commissioners, and other persons in their employ, when traveling in the performance of their official duties, one thousand dollars;

For office rent of Board of Railroad Commissioners, twenty-four hundred dollars;

For fuel, lights, postage, expressage, subscriptions to publi-

- cations on the subject of transportation, and other incidental expenses, twelve hundred dollars;
- Bank Commissioners** For salaries of the Bank Commissioners, eighteen thousand dollars;
- For salary of the clerk of the Board of Bank Commissioners, three thousand six hundred dollars;
- For traveling expenses of the Bank Commissioners, when on official duty, three thousand dollars;
- For stationery, fuel, and lights for the Bank Commissioners, four hundred dollars;
- For postage, expressage, and contingent expenses of the Bank Commissioners, four hundred dollars;
- For rent of office for Bank Commissioners, one thousand eight hundred dollars;
- State Board of Equalization.** For salaries of members of the State Board of Equalization, twenty-four thousand dollars;
- For salary of clerk of State Board of Equalization, four thousand eight hundred dollars;
- For pay of Porter of State Board of Equalization, four hundred dollars;
- For traveling expenses of State Board of Equalization, when engaged in official duty, four thousand five hundred dollars;
- For expressage, telegraphing, and contingent expenses of the State Board of Equalization, four hundred dollars;
- State Capitol employes.** For pay of employes of State Capitol building and grounds, thirty-seven thousand eight hundred dollars;
- Irrigating.** For water for irrigating, purchase of hose, and implements to be used on State Capitol grounds, three thousand dollars;
- Water.** For water to be used in the State Capitol building, twelve hundred dollars;
- Repairs.** For repairs to the State Capitol building and furniture, and the purchase of carpets, five thousand dollars;
- Improvement of grounds.** For repairing and improvement of the ground and walks on the east side of the State Capitol building, twenty-five hundred dollars, to be exempt from the provisions of section four of this Act;
- Stationery.** For stationery, fuel, lights, and so forth, for the Legislature and State officers, twenty thousand dollars;
- Yosemite Valley.** For salary of the Guardian of the Yosemite Valley, three thousand dollars;
- For traveling expenses of the Board of Commissioners of Yosemite Valley, two thousand dollars;
- State Board of Education.** For traveling expenses of the State Board of Education, seven hundred dollars;
- Traveling expenses of Surveyor-General and Attorney-General.** For traveling expenses of Surveyor-General and Attorney-General, when engaged in contests between the State and the United States about public lands, one thousand dollars;
- Registers and Receivers United States Land Office.** For services of Registers and Receivers of United States Land Office, five hundred dollars;
- Rewards Arresting criminals.** For payment of rewards offered by the Governor, four thousand dollars;
- For arresting criminals without the limits of the State, four thousand dollars;
- Rewards for robbers.** For rewards for the arrest and conviction of highway robbers, four thousand dollars;

For the purchase of ballot paper, and not to be used till the paper is needed to supply demands, four thousand dollars; Ballot paper.

For payment of interest on one hundred thousand dollars, at seven per cent per annum, to the Directors of the Hastings College of Law, fourteen thousand dollars; Interest Hastings College of Law.

For the restoration and preservation of fish in the waters of the State, and stocking such waters with new varieties, ten thousand dollars; fish.

For official advertising, and not to be used by any public institution or department for the support of which an appropriation has been made, one thousand five hundred dollars; Official Advertising.

For the uses of the Board of State Viticultural Commissioners, to be expended pursuant to the provisions of an Act, approved April fifteenth, one thousand eight hundred and eighty, and of all Acts supplementary to and amendatory thereof, and not more than one half to be used during the thirty-seventh fiscal year, thirty thousand dollars; Viticultural Commissioners.

For the support of the Asylum for the Deaf and Dumb and the Blind at Berkeley, ninety-one thousand five hundred dollars; Asylum for the Deaf, Dumb, and Blind.

For illustrative apparatus for the Asylum of Deaf, Dumb, and Blind at Berkeley, one thousand dollars, to be exempt from the provisions of section four of this Act; Apparatus.

For water supply at Deaf, Dumb, and Blind Asylum at Berkeley, four thousand dollars, to be exempt from the provisions of section four of this Act; Water.

For repairing and building fences upon and around the grounds of the Asylum for the Deaf and Dumb and the Blind at Berkeley, five thousand dollars, to be exempt from the provisions of section four of this Act; Repairs.

For the improvement of the grounds of the Deaf and Dumb and the Blind Asylum at Berkeley, five thousand dollars, to be exempt from the provisions of section four of this Act; Grounds.

For the building of a barn, stable, and cowhouses at the Deaf and Dumb and the Blind Asylum at Berkeley, five thousand dollars, to be exempt from the provisions of section four of this Act; Buildings.

For fitting up a gymnasium at the Deaf and Dumb and the Blind Asylum at Berkeley, one thousand dollars, to be exempt from the provisions of section four of this Act; Gymnasium.

For the support of the Insane Asylum at Stockton, four hundred thousand dollars; Insane Asylum at Stockton.

For heating apparatus and repairing of the old building of the Insane Asylum at Stockton, twenty-five thousand dollars, to be exempt from the provisions of section four of this Act;

For the support of the Insane Asylum at Napa, four hundred and eight thousand eight hundred dollars; Insane Asylum at Napa.

For the erection and furnishing of two infirmaries at Napa, fifty thousand dollars;

For transportation of the insane to the asylums, fifty-seven thousand dollars; Transportation of insane.

For the support of the State Prison at San Quentin, two hundred and fifty-nine thousand dollars; State Prison at San Quentin.

- State Prison at Folsom.** For the support of the Branch State Prison at Folsom, one hundred and ninety thousand dollars;
- For the building of an iron roof over the cell building of the Branch State Prison at Folsom, twenty-seven thousand dollars;
- Transportation of prisoners.** For transportation of prisoners to the State Prisons, forty-five thousand dollars;
- Normal School at San José.** For the support of the State Normal School at San José, seventy-six thousand dollars;
- Water.** For increasing the water supply and for the care of the grounds at Normal School in San José, four thousand dollars, to be exempt from the provisions of section four of this Act;
- Repairs.** For painting and repairing the Normal School, at San José, to be used during the thirty-seventh fiscal year, fifteen hundred dollars;
- Library.** For use of Library of State Normal School at San José, one thousand dollars;
- Museum.** For additional cases for the museum, at Normal School, San José, five hundred dollars, to be used during the thirty-seventh fiscal year;
- Normal School at Los Angeles.** For the support of the Branch Normal School, at Los Angeles, thirty-two thousand dollars;
- Furniture.** For additional furniture for the Branch Normal School, at Los Angeles, to be exempt from section four of this Act, one thousand dollars;
- Books.** For the purchase of books for the library at the Branch Normal School, at Los Angeles, one thousand dollars, exempt from the provisions of section four of this Act;
- Museum.** For the purchase of cases for the museum, at the Branch Normal School, at Los Angeles, one thousand dollars, to be exempt from the provisions of section four of this Act;
- Grounds.** For bulkheading, fencing, and improving the grounds at the Branch Normal School, at Los Angeles, to be used during the thirty-seventh fiscal year, if necessary, ten thousand dollars;
- Gardener.** For the payment of a Gardener at the grounds of the Branch Normal School, at Los Angeles, twelve hundred dollars;
- Labor Statistics.** For salary of Commissioner of the Bureau of Labor Statistics, four thousand eight hundred dollars;
- For salary of Deputy Commissioner of the Bureau of Labor Statistics, three thousand dollars;
- For office rent of Bureau of Labor Statistics, twelve hundred dollars;
- For stationery and other contingent expenses of Bureau of Labor Statistics, one thousand dollars;
- For the support of the Mining Bureau created under the provisions of an Act entitled "An Act to provide for the establishment and maintenance of a Mining Bureau," approved April sixteenth, eighteen hundred and eighty, and amendment thereto, approved March thirteenth, eighteen hundred and eighty-three, twenty thousand dollars;
- State burial grounds.** For the care of the State burial grounds, two hundred dollars;

For aid of the State Agricultural Society, thirty thousand dollars; State Agricultural Society.

For aid of District Agricultural Society Number One, four thousand dollars; District Societies.

For aid of District Agricultural Society Number Two, three thousand dollars;

For aid of District Agricultural Society Number Three, three thousand dollars;

For aid of District Agricultural Society Number Four, three thousand dollars;

For aid of District Agricultural Society Number Five, two thousand four hundred dollars;

For aid of District Agricultural Society Number Six, two thousand four hundred dollars;

For aid of District Agricultural Society Number Seven, two thousand four hundred dollars;

For aid of District Agricultural Society Number Eight, two thousand four hundred dollars;

For aid of District Agricultural Society Number Nine, one thousand six hundred dollars;

For aid of District Agricultural Society Number Ten, one thousand six hundred dollars;

For aid of District Agricultural Society Number Eleven, two thousand four hundred dollars;

For aid of District Agricultural Society Number Twelve, one thousand six hundred dollars;

For aid of District Agricultural Society Number Thirteen, three thousand dollars;

For aid of District Agricultural Society Number Fourteen, one thousand five hundred dollars;

For aid of District Agricultural Society Number Fifteen, one thousand five hundred dollars;

For aid of District Agricultural Society Number Sixteen, one thousand five hundred dollars;

For aid of District Agricultural Society Number Seventeen, three thousand dollars;

For water supply, improvement of grounds and buildings, and insurance, at the University of California, fifty-one thousand four hundred and fifty-six dollars, to be exempt from the provisions of section four of this Act; University grounds.

For use of College of Agriculture, at University of California, twenty-three thousand five hundred dollars; College of Agriculture.

For viticultural, experimental, scientific, and analytical work, including apparatus and suitable accommodations for the same, under joint control of the Board of Regents of the State University and the Board of State Viticultural Commissioners, ten thousand dollars; Viticulture.

For use of College of Mechanical Engineering at University of California, twelve thousand dollars; Mechanical Engineering.

For use of College of Civil Engineering, at University of California, two thousand five hundred dollars; Civil Engineering.

For observatory for College of Civil Engineering, at University of California, five thousand dollars;

For use of College of Mines, at University of California, ten thousand dollars; Mines

- Geology.** For department of Geology and Natural History, at University of California, eighteen thousand five hundred dollars;
- Physicist.** For apparatus for the department of Physics in the University of California, six thousand seven hundred and eighty-four dollars;
- Sewer.** For the construction of a main sewer from Shattuck Avenue to the Bay of San Francisco, in the Town of Berkeley, for the benefit and use of the State University and the Deaf and the Dumb and the Blind Asylum, at Berkeley, the sum of fifteen thousand dollars, to be exempt from the provisions of section four of this Act, and to be paid to the Town Treasurer of the Town of Berkeley, upon the completion of said sewer;
- Library.** For the use of the Library of the University of California, ten thousand dollars, which is hereby exempted from the provisions of section four of this Act;
- Penology.** For two years salary of Secretary of Penology Commission, thirty-two hundred dollars.
- Conditions affecting appropriations.** 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. No moneys appropriated for the support of the institutions of the State shall be used for permanent improvements, but shall be used solely for the payment of salaries and traveling expenses of the Commissioners, or Directors having charge of the same, when such salaries or expenses are allowed by law; the salaries of employés; the purchase of materials and supplies for the use of said institutions, and for such incidental and current expenses as may be necessarily incurred for the proper management and support of said institutions.
- Statement of expenditures.** SEC. 3. The various State officers, and the officers of all institutions under the control of the State, except the Governor, to whom and for which appropriations other than salaries are made, under the provisions of this Act, shall, with their biennial report, submit a detailed statement, under oath, of the manner in which all appropriations for their respective departments and institutions have been expended; and the State Board of Examiners is 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, by whom performed, 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 the purchase; *provided*, that no officer shall use or appropriate any money for any purpose whatsoever appropriated by this Act, unless authorized thereto by law; and, *provided further*, that all officers or persons having money in their possession belonging to the State, shall pay the same into the State Treasury within ninety days after the passage of this Act, and none of said money shall be drawn from the treasury except in the manner provided by law.
- Board of Examiners not to allow claims unless itemized.**
- Money belonging to State to be paid into the Treasury**

SEC. 4. Not more than one half of the respective appropriations made under this Act shall be expended during the thirty-seventh fiscal year, unless the same has been expressly authorized as hereinbefore provided.

SEC. 5. The officers of the various departments, boards, commissions, and institutions, for whose benefit and support appropriations are made by this Act, are expressly forbidden any expenditure in excess of such appropriations, except the unanimous consent of the State Board of Examiners be first obtained, and a certificate in writing of the unavoidable necessity for such expenditure, duly signed by every member of said Board; and any indebtedness attempted to be created against the State, in violation of the provisions of this section, shall be absolutely null and void.

Expenditures in excess of appropriation prohibited.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 10, 1885. }

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 37—"An Act making appropriations for the support of the government of the State of California, for the thirty-seventh and thirty-eighth fiscal years"—with the exception of the following item on the eighth page thereof, to which I object, and disapprove, viz.: "For the erection and furnishing two infirmaries at Napa, fifty thousand dollars." I suppose this item is intended to provide for the payment for the erection of two infirmaries at the Napa Insane Asylum. Without discussing the proposition of whether the insertion of such an item in the General Appropriation Bill would authorize the erection of the building without other and further legislation upon the subject, I find other grounds of objection to the item, which I will proceed to state. The Legislature, at its present session, has provided for the erection of an asylum or hospital for the chronic insane, which bill has been approved by the Executive. The sum of two hundred and fifty thousand dollars had been appropriated for the erection of said building. When the building provided for is completed the crowded condition of the Stockton and Napa Asylums will be relieved, and I see no necessity for the erection of the two infirmaries at the Napa Asylum. For these reasons, I object to and disapprove of the item above set forth.

GEORGE STONEMAN,  
Governor of the State of California.

## CHAPTER CVII.

*An Act to appropriate money to meet the deficiency in the appropriation to pay the per diem of the officers and clerks of the Assembly, for the twenty-sixth session of the Legislature.*

[Approved March 12, 1885.]

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

SECTION 1. The sum of seven hundred dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to meet the deficiencies in the appropriation to pay the per diem of the officers and clerks of the Assembly, for the twenty-sixth session of the Legislature.

Deficiency per diem of Assembly

SEC. 2. The Controller is hereby directed to draw his war-

rants on the General Fund for the amounts herein made payable, and the Treasurer to pay the same.

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

## CHAPTER CVIII.

*An Act to amend section three thousand seven hundred and eighty-five of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the redemption of lands sold at tax sale.*

[Approved March 12, 1885.]

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

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

Collector to execute deed of unredemmed property sold for taxes

Fee for deed

No charge to State.

Purchaser must serve notice upon owner before applying for deed.

Right of redemption until notice served.

Notice served upon unoccupied property.

**3785.** If the property is not redeemed within the time allowed by law for its redemption, the Collector, or his successor in office, must make to the purchaser, or his assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption. In counties where no fee for making said deeds is provided by law, the Collector shall be entitled to receive from the purchaser three dollars for making such deed. No charge must be made by the Collector for the making of any such deed where the State is a purchaser; and the acknowledgment of all said deeds, as provided in section three thousand seven hundred and seventy-three, shall be taken by the County Clerk free of charge; *provided*, however, that the purchaser of property sold for delinquent taxes, or his assignee, must, thirty (30) days previous to the expiration of the time for the redemption, or thirty days before he applies for a deed, serve upon the owner of the property purchased, or upon the person occupying the property, if said property is occupied, a written notice, stating that said property, or a portion thereof, has been sold for delinquent taxes; giving the date of sale, the amount of property sold, the amount for which it was sold, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely until such notice shall have been given and said deed applied for, upon the payment of the fees, percentages, penalties, and costs, required by law. In the case of unoccupied property, a similar notice shall be posted in a conspicuous place upon the property, at least thirty days before the expiration of the time for redemption, or thirty days before the purchaser applies for a deed; and no deed of the property sold at a delinquent tax sale shall be issued by the Tax Collector, or any other officer, to the purchaser of such property, until after such purchaser

shall have filed with such Tax Collector, or other officer, an affidavit showing that the notice hereinbefore required to be given, has been given as herein required, which said affidavit shall be filed and preserved by the Tax Collector, as other files, papers, and records, kept by him in his office. Such purchaser shall be entitled to receive the sum of three dollars for the service of said notice and the making of said affidavit; which sum of three dollars shall be paid by the redemptioner at the same time and in the same manner as other costs, percentages, penalties, and fees are paid.

Deed not to be executed until affidavit of service of notice is filed.

CHAPTER CIX.

*An Act to amend section thirty-seven hundred and eighty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the redemption of lands sold at tax sale.*

[Approved March 12, 1885.]

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

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

Redemption at any time within twelve months.

**3780.** A redemption of the property sold may be made by the owner or any party in interest within twelve months from the date of the purchase, or at any time prior to the giving of the notice and the application for a deed, as provided for in section thirty-seven hundred and eighty-five of this Code.

CHAPTER CX.

*An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered and known as section three hundred and sixty-two, relating to certificates of incorporation.*

[Approved March 12, 1885.]

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

SECTION 1. A new section is hereby added to said Civil Code, to read as follows:

**362.** Any corporation may amend its articles of association or certificate of incorporation by a majority vote of its Board of Directors or Trustees, and by a vote or written assent of the stockholders, representing at least two thirds of the capital stock of such corporation; and a copy of the said articles of association or certificate of incorporation, as thus

Articles of incorporation may be amended by vote of Directors or stockholders.

Amendment  
not to extend  
time of  
existence.

Defects of  
original cer-  
tificate not  
cured.

Notice of  
intention to  
amend to be  
published.

Capital stock  
not dimin-  
ished.

amended, duly certified to be correct by the President and Secretary of the Board of Directors or Trustees of such incorporation, shall be filed in the office or offices where the original or certificates of incorporation are required by this Code to be filed; and from the time of so filing such copy of the amended articles of association or certificate of incorporation, such corporation shall have the same powers, and it and the stockholders thereof shall thereafter be subject to the same liabilities as if such amendment had been embraced in the original articles or certificate of incorporation; *provided*, that the time of the existence of such corporation shall not be by such amendment extended beyond the time fixed in the original articles or certificate of incorporation; *provided further*, that such original and amended articles or certificate of incorporation shall together contain all the matters and things required under which the original articles of association or certificate of incorporation were executed and filed; and, *provided further*, that nothing herein contained shall be construed to cure or amend any defect existing in any original certificate of incorporation heretofore filed, by reason that such certificate does not set forth the matters required to make the same valid as a certificate of incorporation at the time of its filing; and also *provided*, that if the assent of two thirds of the stockholders to such amendment has not been obtained, that a notice of the intention to make the amendment shall first be advertised for thirty (30) days in some newspaper published in the town or county, or city and county, in which the principal place of business of the association or corporation is located, before the filing of the proposed amendment; and, *provided*, also, that nothing in this section shall be construed to authorize any corporation to diminish its capital stock.

## CHAPTER CXI.

*An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known as section three hundred and ninety, relating to parties to civil actions.*

[Approved March 12, 1885.]

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

SECTION 1. A new section is hereby added to the said Code of Civil Procedure, to be known as section three hundred and ninety, to read as follows:

Actions  
against fire  
department  
to be begun  
against mu-  
nicipality.

**390.** Causes of action upon contract, or for damages arising out of, or pertaining or incident to the official administration of the fire departments created by Acts of the Legislature of this State, shall be brought directly by and against the municipality by its corporate name wherein the damage was sustained. And the said Boards of Fire Com-

missioners shall not be sued as such, except to compel or restrain the performance of acts proper to be compelled or restrained under and not within the discretion intended to be conferred by this Act.

CHAPTER CXII.

*An Act to amend sections three thousand six hundred and forty-three, three thousand six hundred and forty-four, and three thousand six hundred and forty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the revenue.*

[Approved March 12, 1885.]

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

SECTION 1. Section three thousand six hundred and forty-three of the Act to establish a Political Code is amended to read as follows:

**3643.** A ferryboat is a vessel traversing across any of the waters of the State, between two constant points, regularly employed for the transfer of passengers and freight, authorized by law so to do, and also any boat employed as a part of the system of a railroad for the transfer of passengers and freight, plying at regular and stated periods between two points. Where ferries connect more than one county, the wharves, storehouses, and all stationary property belonging to or connected with such ferries, must be assessed, and the taxes paid, in the county where located. The value of the franchise, and watercraft, and of all toll bridges connecting more than one county, must be assessed in equal proportions in the counties connected by such ferries or toll bridges.

Definition of ferryboat.

Where ferries connect more than two counties must be assessed.

SEC. 2. Section three thousand six hundred and forty-four of the Act to establish a Political Code is amended so as to read as follows:

**3644.** All vessels, except ferryboats, which may be registered, of every class which are by law required to be registered, must be assessed, and the taxes thereon paid, only in the county, or city and county, where the same are registered, enrolled, or licensed.

Registered vessels where assessed.

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

## CHAPTER CXIII.

*An Act to amend sections three thousand one hundred and ninety-seven and three thousand one hundred and ninety-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to trademarks.*

[Approved March 12, 1885.]

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

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

Trademark filed with Secretary of State.

**3197.** Any person may record any trademark or name by filing with the Secretary of State his claim to the same, and a copy or description of such trademark or name, with his affidavit attached thereto, certified to by any officer authorized to take acknowledgments of conveyances, setting forth that he (or the firm or corporation of which he is a member) is the exclusive owner, or agent of the owner, of such trademark or name.

SEC. 2. Section three thousand one hundred and ninety-nine of the Political Code is hereby amended so as to read as follows:

Who owner of trademark.

Trademark may be assigned.

**3199.** Any person who has first adopted and used a trademark or name, whether within or beyond the limits of this State, is its original owner. Such ownership may be transferred in the same manner as personal property, and is entitled to the same protection by suits at law; and any Court of competent jurisdiction may restrain, by injunction, any use of trademarks or names in violation of this chapter.

## CHAPTER CXIV.

*An Act to amend section twenty-six hundred and forty-two of the Political Code, relating to roads and highways.*

[Approved March 12, 1885.]

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

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

Supervisors to appoint Road Overseers.

**2642.** The Board of Supervisors of each county may appoint one Road Overseer or Roadmaster for each or any road district in their respective counties, such Overseer to be an elector of the district for which he is appointed, who shall hold office for and during the pleasure of the Board, not to exceed two years, and who shall, under the direction of the

Road Commissioner of his district, perform the duties hereinafter in this chapter specified. And if a vacancy at any time occurs in any district, the Supervisors may appoint for the unexpired term. If the Board does not appoint Road Overseers, the Road Commissioners, within their respective districts, shall perform the duties imposed on Road Overseers by the provisions of this chapter.

Vacancy.  
Road Commissioners to perform duty of Road Overseers.

CHAPTER CXV.

*An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the places of use.*

[Approved March 12, 1885.]

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

SECTION 1. The use of all water now appropriated, or that may hereafter be appropriated, for irrigation, sale, rental, or distribution, is a public use, and the right to collect rates or compensation for use of such water is a franchise, and except when so furnished to any city, city and county, or town, or the inhabitants thereof, shall be regulated and controlled in the counties of this State by the several Boards of Supervisors thereof, in the manner prescribed in this Act.

Appropriated water a public use.  
Right to sell water a franchise.

SEC. 2. The several Boards of Supervisors of this State, on petition and notice as provided in section three of this Act, are hereby authorized and required to fix and regulate the maximum rates at which any person, company, association, or corporation, having or to have appropriated water for sale, rental, or distribution, in each of such counties, may and shall sell, rent, or distribute the same.

Supervisors to fix maximum rates.

SEC. 3. Whenever a petition of not less than twenty-five inhabitants, who are taxpayers of any county of this State, shall, in writing, petition the Board of Supervisors thereof, to be filed with the Clerk of said Board, to regulate and control the rates and compensation to be collected by any person, company, association, or corporation, for the sale, rental, or distribution of any appropriated water, to any of the inhabitants of such county, and shall in such petition specify the persons, companies, associations, or corporations, or any one or more of them, whose water rates are therein petitioned to be regulated or controlled, the Clerk of such Board shall immediately cause such petition, together with a notice of the time and place of hearing thereof, to be published in one or more newspapers published in such county; and if no newspaper be published therein, then shall cause copies of such petition and notice to be posted in not less than three public places in such counties, and such publication and notice shall be for not less than four weeks next before the

When a petition is filed to regulate water rates Clerk to publish notice of hearing.

- Notice to specify date of hearing. hearing of said petition by said Board; such notice to be attached to said petition shall specify a day of the next regular term of the session of the said Board, not less than thirty days after the first publication or posting thereof, for the hearing of said petition, which shall impart notice to all such persons, companies, associations, and corporations, mentioned in such petition, and all persons interested in the matters of such petition and notice. Such Board may also
- Citations. cause citations to issue to any person or persons within such county, to attend and give evidence at the hearing of such petition, and may compel such attendance by attachment.
- Supervisors to estimate value of property and expenses. **SEC. 4.** At the hearing of said petition the Board of Supervisors shall estimate, as near as may be, the value of the canals, ditches, flumes, water chutes, and all other property actually used and useful to the appropriation and furnishing of such water, belonging to and possessed by each person, association, company, or corporation, whose franchise shall be so regulated and controlled; and shall in like manner estimate as to each of such persons, companies, associations, and corporations, their annual reasonable expenses, including the cost of repairs, management, and operating such works; and, for the purpose of such ascertainment, may require the attendance of persons to give evidence, and the production of papers, books, and accounts, and may compel the attendance of such persons and the production of papers, books, and accounts, by attachments, if within their respective counties.
- May require production of books, etc. **SEC. 5.** In the regulation and control of such water rates for each of such persons, companies, associations, and corporations, such Board of Supervisors may establish different rates at which water may and shall be sold, rented, or distributed, as the case may be; and may also establish different rates and compensation for such water so to be furnished for the several different uses, such as mining, irrigating, mechanical, manufacturing, and domestic, for which such water shall be supplied to such inhabitants, but such rates as to each class shall be equal and uniform. Said Boards of Supervisors, in fixing such rates, shall, as near as may be, so adjust them that the net annual receipts and profits thereof to the said persons, companies, associations, and corporations so furnishing such water to such inhabitants shall be not less than six nor more than eighteen per cent upon the said value of the canals, ditches, flumes, chutes, and all other property actually used and useful to the appropriation and furnishing of such water of each of such persons, companies, associations, and corporations; but in estimating such net receipts and profits, the cost of any extensions, enlargements, or other permanent improvements of such water rights or waterworks shall not be included as part of the said expenses of management, repairs, and operating of such works, but when accomplished, may and shall be included in the present cost and cash value of such work. In fixing said rates, within the limits aforesaid, at which water shall be so furnished as to each of such persons, companies, associations, and corporations, each of said Board of Supervisors may likewise take into estimation any and all other facts, circumstances, and
- Different rates may be established.
- Net income not less than six nor more than eighteen per cent of value.

conditions pertinent thereto, to the end and purpose that said rates shall be equal, reasonable, and just, both to such persons, companies, associations, and corporations, and to said inhabitants. The said rates, when so fixed by such Board, shall be binding and conclusive for not less than one year next after their establishment, and until established anew or abrogated by such Board of Supervisors, as herein-after provided. And until such rates shall be so established, or after they shall have been abrogated by such Board of Supervisors, as in this Act provided, the actual rates established and collected by each of the persons, companies, associations, and corporations now furnishing, or that shall hereafter furnish, appropriated waters for sale, rental, or distribution to the inhabitants of any of the counties of this State, shall be deemed and accepted as the legally established rates thereof.

Rules conclusive.

Until fixed, present rates to continue.

SEC. 6. At any time after the establishment of such water rates by any Board of Supervisors of this State, the same may be established anew, or abrogated in whole or in part by such Board, to take effect not less than one year next after such first establishment, but subject to said limitation of one year, to take effect immediately in the following manner: Upon the written petition of inhabitants as hereinbefore provided, or upon the written petition of any of the persons, companies, associations, or corporations, the rates and compensations of whose appropriated waters have already been fixed and regulated, and are still subject to such regulation by any Board of Supervisors of this State, as in this Act provided; and upon the like publication or posting of such petition and notice, and for the like period of time as hereinbefore provided, such Board of Supervisors shall proceed anew, in the manner hereinbefore provided, to fix and establish the water rates for such person, company, association, or corporation, or any number of them, in the same manner as if such rates had not been previously established, and may, upon the petition of such inhabitants, but not otherwise, abrogate any and all existing rates theretofore established by such Board. All water rates, when fixed and established as herein provided, shall be in force and effect until established anew or abrogated, as provided in this Act.

Rules may be changed.

SEC. 7. Each Board of Supervisors of this State, when fixing and establishing, or fixing and establishing anew, or abolishing any previously established water rates, as hereinbefore provided, shall cause a record to be made thereof in the records of such Board, and cause the same to be published or posted in the manner and for the time required for the publication or posting of said petitions and notices.

Record of rates.

SEC. 8. Any and all persons, companies, associations, or corporations, furnishing for sale, rental, or distribution, any appropriated waters to the inhabitants of any county or counties of this State (other than to the inhabitants of any city, city and county, or town, therein), shall so sell, rent, or distribute such waters at rates not exceeding the established rates fixed and regulated therefor by the Boards of Supervisors of

Rates not to exceed those fixed by Supervisors.

such counties, or as fixed and established by such person, company, association, or corporation, as provided in this Act.

Actual damages to be recovered for excessive rates.

SEC. 9. If any person, company, association, or corporation, whose water rates for any county of this State have been fixed and regulated by a Board of Supervisors, as in this Act provided, and while such rates are in force, shall collect for any appropriated water furnished to any inhabitant of such county water rates in excess of such established rates, shall be liable, in an action by any such inhabitant so aggrieved, to a recovery of the whole rate so collected, together with actual damages sustained by such inhabitant, with costs of suit.

Water companies to sell water upon tender of rates.

SEC. 10. Every person, company, association, and corporation, having in any county in the State (other than in any city, city and county, or town, therein) appropriated waters for sale, rental, or distribution, to the inhabitants of such county, upon demand therefor, and tender in money, of such established water rates, shall be obliged to sell, rent, or distribute such water to such inhabitants at the established rates regulated and fixed therefor, as in this Act provided, whether so fixed by the Board of Supervisors or otherwise, to the extent of the actual supply of such appropriated waters of such person, company, association, or corporation, for such purposes. If any person, company, association, or corporation, having water for such use, shall refuse compliance with such demand, or shall neglect, for the period of five days after such demand, to comply therewith to the extent of his or its reasonable ability so to do, shall be liable in damages to the extent of the actual injury sustained by the person or party making such demand and tender, to be recovered, with costs.

Company liable in damages for refusal to sell.

Eminent domain.

SEC. 11. Whenever any person, company, association, or corporation, shall have acquired the right to appropriated water, or shall have acquired the right to appropriate such water in this State, such person, company, association, or corporation, may proceed to condemn the lands and premises necessary to such right of way, under the provisions of title seven, of part third, of the Code of Civil Procedure of this State, and amendments made and to be made thereto, and all the provisions of said Code, so far as the same can be made applicable, relating to the condemnation and taking of property for public uses, shall be applicable to the provisions of this Act.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAPTER CXVI.

*An Act to amend an Act entitled an Act to establish a Penal Code, approved February 14, 1872, by amending section six hundred and thirty-four, relating to fish and game.*

[Approved March 12, 1885.]

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

SECTION 1. Section six hundred and thirty-four of the Penal Code, relative to fish and game, is hereby amended so as to read as follows:

634. Every person who, between the thirty-first day of August and the first day of October of each year, takes or catches, buys, sells, or has in his possession, any fresh salmon, is guilty of a misdemeanor. Every person who shall set or draw, or assist in setting or drawing, any net or seine for the purpose of taking or catching salmon or shad in any of the public waters of this State, at any time between sunrise of each Saturday and sunset of the following Sunday, is guilty of a misdemeanor. Every person who shall, for the purpose of catching shad or salmon, in any public waters of this State, fish with or use any seine or net, the meshes, when drawn closely together and measured, inside the knot, less than seven and one half inches in length, is guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars, or in default, not less than one hundred days in the county jail. One half of all moneys collected for fines in violation of the provisions of this chapter, shall be paid to the informer, one quarter to the District Attorney of the county in which the action is tried, and one quarter shall be paid into the Fish Commission Fund; all other costs shall be charged and collected from the county in which the action is prosecuted. Nothing in this chapter shall prohibit the United States Fish Commissioners, or the Fish Commissioners of this State, from taking such fish as they deem necessary for the purpose of artificial hatching at all times.

Misdemeanor to take salmon or east same.

Size of net mesh.

Fine, how distributed.

United States and State Fish Commissioners exempt.

CHAPTER CXVII.

*An Act to amend section one thousand six hundred and sixty-two of an Act of the Legislature of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, relating to public schools.*

[Approved March 12, 1885.]

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

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

Children of  
certain ages  
admitted to  
schools.

Trustees  
may exclude  
certain  
children.

Chinese.

**1862.** Every school, unless otherwise provided by law, must be open for the admission of all children between six and twenty-one years of age residing in the district, and the Board of Trustees, or City Board of Education, have power to admit adults and children not residing in the district whenever good reason exists therefor. Trustees shall have the power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for children of Mongolian or Chinese descent. When such separate schools are established, Chinese or Mongolian children must not be admitted into any other schools.

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

### CHAPTER CXVIII.

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

[Approved March 12, 1885.]

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

Funds to be  
transferred  
to Interest  
and Sinking  
Fund.

SECTION 1. The Controller and Treasurer of State are hereby authorized to transfer, on December first, eighteen hundred and eighty-five, the sum of ninety thousand dollars, or any portion thereof, from any fund or funds in the State Treasury having a surplus, to the Interest and Sinking Fund, to pay the semi-annual interest on the outstanding State bonds, due January first, eighteen hundred and eighty-six; *provided*, that said sum of ninety thousand dollars, or any portion thereof that shall have been so transferred, shall, upon receipt of a sufficient amount into the Interest and Sinking Fund during the thirty-seventh fiscal year, be retransferred to the fund or funds from which said sum shall have been borrowed.

SEC. 2. This Act shall take effect immediately.

### CHAPTER CXIX.

*An Act to amend section three thousand seven hundred and thirteen of the Political Code, relating to levy of taxes.*

[Approved March 12, 1885.]

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

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

**3713.** The State Board of Equalization must, for State purposes, for the thirty-seventh and thirty-eighth fiscal years, and for the payment of deficiencies that have accrued during the thirty-fifth and thirty-sixth fiscal years, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property of this State as, after allowing twelve per cent for delinquencies in and costs of collection of taxes, as provided in section three thousand six hundred and ninety-six of the Political Code, will raise for the thirty-seventh fiscal year:

State Board of Equalization to fix rate of taxation.

Thirty-seventh fiscal year.

*First*—For the General Fund, two millions five hundred and fifty thousand dollars.

*Second*—For the School Fund, one million three hundred thousand dollars.

*Third*—For the Interest and Sinking Fund, two hundred and sixty-nine thousand and seventy dollars.

And for the thirty-eighth fiscal year:

Thirty-eighth fiscal year.

*First*—For the General Fund, two millions three hundred and twelve thousand eight hundred and twelve dollars.

*Second*—For the School Fund, one million three hundred thousand dollars.

*Third*—For the Interest and Sinking Fund, four hundred and twenty thousand six hundred and thirty dollars.

CHAPTER CXX.

*An Act to provide for the appointment by the Supreme Court of three Commissioners, to be known as Commissioners of the Supreme Court, and to appoint a Secretary therefor, to relieve said Court from the overburdened condition of its calendar, and to provide for the compensation of said Commissioners and Secretary.*

[Approved March 12, 1885.]

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

**SECTION 1.** The Supreme Court of the State of California, immediately upon the taking effect of this Act, shall appoint three persons of legal learning and personal worth, as Commissioners of said Court. It shall be the duty of said Commissioners, under such rules and regulations as said Court may adopt, to aid and assist the Court in the performance of its duties, and in the disposition of the numerous causes now pending in said Court undetermined. The said Commissioners shall hold office for the term of four years from and after their appointment, during which time they shall not engage in the practice of the law. They shall each receive a salary equal to the salary of a Judge of said Court, payable at the same time and in the same manner. Before entering upon the discharge of their duties they shall each take an oath to support the Constitution of the United States and the Constitution of the State of California, and to faithfully

Supreme Court to appoint Court Commissioners.

Duty of Commissioners.

Term of office.

Salary.

Oath.

Court may remove Commissioners and fill vacancies. discharge the duties of the office of Commissioner of the Supreme Court to the best of their ability. The said Court shall have power to remove any and all members of said Commission at any time by an order entered on the minutes of said Court, and all vacancies in said Commission shall be filled in like manner.

Secretary. SEC. 2. Upon the appointment of said Commissioners, as in this Act provided, said Court is hereby authorized to appoint a Secretary for such Commission, who shall hold office during the pleasure of the Court, not to exceed the term of said Commission, and who shall have a salary of two hundred dollars per month, payable at the same time and in the same manner as said Commission.

Term and salary. SEC. 3. The sum of forty thousand eight hundred dollars is hereby appropriated out of any money that is or may be in the General Fund not otherwise appropriated, for the purpose of paying the salary of said Commission and Secretary, for the thirty-sixth, thirty-seventh, and thirty-eighth fiscal years; and the Controller is authorized to draw monthly warrants upon the State Treasury in favor of said Commissioners and Secretary, in the sum of five hundred dollars for each of said Commissioners, and in the sum of two hundred dollars for said Secretary.

Appropriation.

## CHAPTER CXXI.

*An Act to amend section eleven hundred and seventy-three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to amendment of pleadings, and to procedure in forcible entry and forcible and unlawful detainer.*

[Approved March 12, 1885.]

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

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

Complaint in forcible entry may be amended.

1173. When, upon the trial of any proceeding under this chapter, it appears from the evidence that the defendant has been guilty of either a forcible entry or a forcible or unlawful detainer, and other than the offense charged in the complaint, the Judge must order that such complaint be forthwith amended to conform to such proofs; such amendment must be made without any imposition of terms. No continuance shall be permitted upon account of such amendment unless the defendant, by affidavit filed, shows to the satisfaction of the Court good cause therefor.

Continuance.

## CHAPTER CXXII.

*An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending sections one thousand nine hundred and seventeen, one thousand nine hundred and twenty-nine, one thousand nine hundred and sixty-two, one thousand nine hundred and seventy-four, two thousand and seven, two thousand and eighteen, two thousand and twenty-two, two thousand and twenty-six, two thousand and twenty-eight, two thousand and ninety-three, two thousand and ninety-four, and by repealing section two thousand and twenty-seven, relating to the militia.*

[Approved March 12, 1885.]

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

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

**1917.** His Staff consists of one Adjutant-General, with the rank of Brigadier-General; one Chief Engineer, one Paymaster-General, one Judge-Advocate General, one Inspector-General of Rifle Practice, one Surgeon-General, each with the rank of Colonel; and eight Aids-de-Camp, with the rank of Lieutenant-Colonel, appointed by and holding office at the pleasure of the Commander-in-Chief, or until their successors are appointed and qualified.

Staff of  
Adjutant-  
General.

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

**1929.** Any enlisted man may be discharged before the expiration of his term of service, by order of the commanding officer of the regiment, battalion, or unattached company to which he belongs, and on recommendation of his company officer, and for the following reasons:

Enlisted soldier may be discharged upon recommendation of his company officer.

To accept promotion by commission.

Upon removal of residence from the State, or out of the bounds of the command to which he belongs, to so great a distance that, in the opinion of such commanding officer, he cannot properly perform his military duty.

Reasons of  
discharge.

Upon disability, established by certificate of a medical officer.

Upon conviction of felony in a civil Court.

Whenever such commanding officer shall approve the application of two thirds of the members of a company requesting the discharge of an enlisted man thereof.

If, at a regular meeting of a company, or of a meeting called for the purpose, two thirds of the members of a company desire by vote the discharge of one of their members, an application for the discharge of such soldier, setting forth the facts, and giving the reasons therefor, shall be made by the company commander.

SEC. 3. Section one thousand nine hundred and sixty-two of said Code is amended to read as follows:

Number of  
officers and  
men in each  
company.

**1962.** The companies of the National Guard are composed of not less than sixty-one nor more than one hundred and twenty officers and privates, except gatling gun batteries, which may consist of a maximum number of one hundred and forty-nine officers and privates, and may have the following officers: One Captain, one First Lieutenant, one Second Lieutenant, one First Sergeant, one Quartermaster Sergeant, four Sergeants, eight Corporals, and three Musicians.

Cavalry companies may have two First Lieutenants, and batteries may have two First and two Second Lieutenants.

Every company must, at all times, have at least one commissioned officer.

Honorary  
members.

Each company may have not to exceed ten honorary members, who shall pay fifty dollars per annum each into the company treasury, and shall thereupon be entitled to all the exemptions to which men on the active list are entitled, and shall not be required to drill or perform any military duty by reason of such membership.

SEC. 4. Section one thousand nine hundred and seventy-four of said Code is amended to read as follows:

Officers to be  
examined as  
to qualifications

**1974.** 1. Every elected officer of the National Guard must, upon his election or reelection to any office in the National Guard, appear before an Examining Board for examination as to his qualifications for the office to which he has been elected or reelected.

Examining  
Board.

2. Such Board of officers shall consist of three commissioned officers for each brigade, to be designated by the Commander-in-Chief, and who may be removed at his pleasure.

3. The officer duly appointed to preside at any election shall, immediately after declaring the result of such election, notify the officer or officers elected that they must appear before the Examining Board for examination, when notified by that Board.

When officer  
is deemed to  
decline  
commission.

4. If the officer elected or reelected and duly notified does not appear before the said Examining Board when summoned by them, he shall be deemed to have declined his commission, and there shall be another election ordered by the brigade commander. The filing of a proper certificate of said Board with the brigade commander that the officer has failed to pass an examination, or declined to appear before the Board when notified, shall be deemed sufficient for ordering a new election.

SEC. 5. Section two thousand and seven of said Code is amended to read as follows:

Staff of  
Brigade  
General.

**2007.** The Staff of each General of Brigade consists of one Assistant Adjutant-General, who shall be Chief of Staff; one Engineer officer, one Ordnance officer, one Quartermaster, one Commissary, one Paymaster, one Brigade Inspector, one Judge-Advocate, one Inspector of Rifle Practice, and one Surgeon, with the rank of Major; two Aids-de-Camp, with the rank of Captain; and two Staff Orderlies, with the rank of Sergeant-Major, who are appointed by the Brigadier-General, and hold office at his pleasure, or until their successors are appointed and qualified.

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

**2018.** The National Guard of California must parade at least twice in each year: Parade

1. On the Fourth of July.

2. In the month of September, for target practice.

3. These parades shall be made by brigade, regiment, battalion, or company, as may be deemed most advisable by the Commander-in-Chief, who shall issue orders to the National Guard to carry out the provisions of this section.

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

**2022.** Every regiment, battalion, or unattached company that annually assembles and encamps for discipline and drill for not less than seven days, shall receive from the State to defray the expenses of said encampment a sum equal to one dollar and twenty-five cents per day for each officer and man regularly on duty in such camp; *provided*, that the aggregate of such allowance shall not for any one encampment exceed the sum of four hundred dollars per company. Expenses of encampment.

When the companies of a regiment or battalion are not located at the same place, such companies shall receive in addition to above allowance, the actual fare to and from the place of assembly. Said sums shall be audited, allowed, and paid as other allowances to the National Guard are paid. Not to exceed \$100 for each company.

Each officer commanding a regiment or battalion may muster into and attach to it a company of cadets, and may prescribe the ages and term of enlistment and the discipline thereof. It shall be the duty of such commanding officer to give his personal attention to the instruction of such cadet company; and he must, by rule, prohibit the use of intoxicating drinks by any member of such company, during the term of membership, and must punish a second violation of such rule, by any one person, by dishonorable dismissal from the service. Every such company shall be trained in the arm of the service to which the regiment or battalion is attached, and shall receive from the State a monthly and annual allowance equal to one third of the allowance made to a company of such regiment or battalion. Cadets.  
Allowance for cadets.

SEC. 8. Section two thousand and twenty-six of said Code is amended to read as follows:

**2026.** Each company must have at least three weekly drills each month. Drills.

SEC. 9. Section two thousand and twenty-seven of said Code is hereby repealed. Section 2027 repealed.

SEC. 10. Section two thousand and ninety-three of said Code is amended to read as follows:

**2093.** The Commander-in-Chief, Adjutant-General, and the Attorney-General, constitute a Board of Military Auditors. The Commander-in-Chief is President, and the Adjutant-General is Secretary; and the Board must have a seal, which must be attached to all accounts audited by them; and said Board is authorized to withhold any demand or allowance when it appears to them that the claim therefor is incorrect, unjust, or fraudulent, until such time as proper and Military Auditors.  
Seal.  
Accounts may be withheld.

satisfactory vouchers for all moncys expended and included in the claim shall be produced.

SEC. 11. Section two thousand and ninety-four of said Code is amended to read as follows:

Amounts to be paid to each company from general appropriation.

**2094.** There must be audited and allowed by the Board of Military Auditors, and paid out of the appropriations for military purposes upon the warrant of the State Controller, to the commanding officer of each infantry or artillery company of the National Guard, the sum of one hundred dollars per month; to the commanding officer of each artillery company and gatling gun battery having not less than four guns with which they regularly drill and parade, the sum of two hundred dollars per month; and to the commanding officer of each cavalry company, the sum of one hundred and fifty dollars per month, the sums so paid to be used for armory rent, care of arms, and proper incidental expenses of the company. There must also be audited, allowed, and paid out of the same appropriation, to the commanding officer of each regiment or battalion, the sum of five dollars per month for each company in his command, for clerical expenses; and if the regiment or battalion has more than four companies, and has attached to it an organized and uniformed band of not less than twelve pieces, the additional sum of twenty-five dollars per month for such band; to each Brigadier-General, five dollars per month for each company in his command; and to the Major-General, six hundred dollars per annum; and to each company a sum necessary for uniforms and to keep the same in repair, not to exceed one hundred and fifty dollars per annum; and to the Adjutant-General three thousand five hundred dollars per annum, to be expended by him in promoting rifle practice. There shall also be paid from the military appropriations of the State, the sum of six hundred dollars for the purchase of light carriages for the four gatling guns now in possession of the Gatling Battery, A Company, Second Artillery Regiment, Second Brigade, National Guard California, which shall be suitable for hand service, and for the purpose of making said company a more efficient arm of the military service.

SEC. 12. This Act shall take effect from and after its passage.

SEC. 13. All laws heretofore enacted that may be inconsistent with this Act are hereby repealed.

CHAPTER CXXIII.

*An Act to enable John Hoagland, James Reid, Mrs. Rebecca C. Hoagland, George Cooper, William B. Todhunter, Mrs. Mary W. G. Van Arsdall, Henry Lionberger, and Christopher Green and Charles Trainer, to sue the State of California.*

[Approved March 12, 1885.]

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

SECTION 1. John Hoagland, James Reid, Mrs. Rebecca C. Hoagland, George Cooper, William B. Todhunter, Mrs. Mary W. G. Van Arsdall, Henry Lionberger, and Christopher Green and Charles Trainer, or their legal representatives, are each by this Act authorized to institute an action against the State of California in any Court of competent jurisdiction in said State, for damages which may be alleged to have been caused by the destruction of his or her property by reason of a canal which was cut by the order and direction of the Levee Commissioners, diverting the waters of the American River into the Sacramento River, under and by virtue of the authority conferred upon them by an Act of the Legislature of said State entitled "An Act concerning the construction and repair of levees in Sacramento County, and the mode of raising revenue therefor," approved April ninth, eighteen hundred and sixty-two. In the said actions the summons shall be served on the Attorney-General, and he shall appear and answer the complaint within ten days after the service of said summons. In case said Attorney-General shall fail so to appear or answer, the default of the said State shall be entered, and the Court shall thereupon proceed to hear the cause to be offered by the plaintiff.

Hoagland et al. authorized to begin suit against the State.

Summons to be served upon the Attorney-General.

SEC. 2. If it appears upon the trial of any said actions that damage has been done to the plaintiff by any act for which the State is legally liable, the jury, or, if a jury trial be waived, the Court shall ascertain from the evidence and find the amount of said damage, and if the amount of the aggregate damage found in all of said cases does not exceed thirty-five thousand dollars, judgment shall be entered for the amount of damage so found. But if the damage found in all of said cases exceeds thirty-five thousand dollars, the Court shall enter judgment for the just proportion of each plaintiff to the said sum of thirty-five thousand dollars, so that all of said judgments shall not exceed thirty-five thousand dollars in the aggregate.

Court or jury to ascertain damages.

Judgment not to exceed \$35,000.

SEC. 3. No execution shall be issued in any of said cases against the State, but the party in whose favor such judgment is rendered may file with the State Board of Examiners a copy of such judgment, and it shall be the duty of said Board to allow and certify the amount of such judgment to the State Controller, as other claims are allowed and certified against the State, and the Controller shall draw his

No execution to issue.

Copy of judgment to be filed with Board of Examiners.

warrant for the same, and deliver it to the party entitled thereto, and the Treasurer shall pay the same out of any money in the treasury not otherwise appropriated.

SEC. 4. The payment of such warrant shall be a full payment and satisfaction by the State for all damage that has been or that may hereafter be done to said party by reason of said canal.

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

## CHAPTER CXXIV.

*An Act to authorize the appointment of an interpreter of the Italian language and dialects, in criminal proceedings, in cities and cities and counties of one hundred thousand inhabitants.*

[Approved March 12, 1885.]

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

Interpreter  
of Italian.

SECTION 1. In all cities and cities and counties of over one hundred thousand inhabitants, where an interpreter of the Italian language is necessary, it shall be the duty of the Mayor and Police Judge of such city, or city and county, and of the Superior Judge of said city and county, or of the county in which said city is situated, or where there are more Judges than one, then it shall be the duty of the presiding Judge of said Superior Court, and the Mayor and Police Judge, to appoint an interpreter of the Italian language, who shall be an Italian, and who must also be able to interpret the Italian dialects into the English language, to be employed in criminal proceedings, when necessary, in said cities, or cities and counties.

Salary.

SEC. 2. The said interpreter shall receive a salary of fifteen hundred dollars per annum, which shall be paid out of the General Fund of such city, or city and county.

SEC. 3. This Act shall not repeal any Act heretofore made and now in force for the appointment of interpreters, except so much of any Act which may conflict with this Act in the appointment of Italian interpreters.

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

CHAPTER CXXV.

*An Act to secure the wages of persons employed as laborers on threshing machines.*

[Approved March 12, 1885.]

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

SECTION 1. Every person performing work or labor of any kind in, with, about, or upon any threshing machine, the engine, horse-power, wagons, or appurtenances thereof, while engaged in threshing, shall have a lien upon the same to the extent of the value of his services. Lien for labor upon threshing machines.

SEC. 2. The lien herein given shall extend for ten days after the person has ceased such work or labor.

SEC. 3. If judgment shall be recovered in any action to recover for said services for work or labor performed, and said property shall be sold, the proceeds of such sale shall be distributed pro rata to all judgment creditors who have, within ten days, begun suits to recover judgments for the amount due them for such work. Proceeds of sale distributed pro rata.

SEC. 4. The lien shall expire unless a suit to recover the amount of the claim is brought within ten days after the party ceases work. Suit to be begun within ten days.

CHAPTER CXXVI.

*An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and three, relating to the formation of religious incorporations for holding and administering church property.*

[Approved March 12, 1885.]

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

603. Whenever the regulations, rules, or discipline of any church or religious society require, for the administration of the temporalities thereof, or for the management of the property or estate thereof, any diocese, synod, or district organization of such church or religious society may elect Directors and become an incorporation in the manner prescribed in this title, and with all the powers and duties, and for the uses and purposes in this title provided for benevolent or religious incorporations, and subject to all the conditions, limitations, and provisions in said title prescribed, except as otherwise provided in this section; *provided*, that Directors of such incorporation may be elected, and that the by-laws for its government may be made and Religious societies may elect Directors and incorporate. Convention, etc., to elect Directors.

Certificates of incorporation to be filed.

Property in trust for the society.

Section 755 not to apply to these corporations.

amended by the convention, synod, or other representative body of such church or religious society, in and for such district, in accordance with the constitution, by-laws, discipline, or regulation thereof, at any regular meeting, or special meeting called for that purpose; and, *provided*, the certificate of incorporation and of the election of Directors to be filed shall be sufficiently signed and attested by the signature of the presiding officer and Secretary of the representative convention, synod, or other such body, in which such election is held; and, *provided*, all property held by such incorporation shall be in trust for the use, benefit, and purpose of the church or religious society, by and for which such incorporation was formed, and in and of which such diocese, synod, or other district is an organized or constituent part; and that the limitation in section five hundred and ninety-five shall not apply to corporations formed under this section, when the land is held or used for churches, hospitals, schools, colleges, asylums, parsonages, or cemetery purposes.

## CHAPTER CXXVII.

*An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California.*

[Approved March 12, 1885.]

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

Unlawful practice of dentistry

SECTION 1. It shall be unlawful for any person who is not at the time of the passage of this Act engaged in the practice of dentistry in this State to commence such practice, unless he or she shall have obtained a certificate as hereinafter provided.

Board of Examiners.

SEC. 2. A Board of Examiners, to consist of seven practicing dentists, is hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this Act. The members of said Board shall be appointed by the Governor from the dental profession of the State at large. The term for which the members of said Board shall hold their offices shall be four years, except that two of the members of the Board, first to be appointed under this Act, shall hold their office for the term of one year, two for the term of two years, two for the term of three years, and one for the term of four years, respectively, and until their successors shall be duly appointed and qualified. In case of a vacancy occurring in said Board, such vacancy shall be filled by the Governor in conformity with this section.

Appointed by the Governor.

Term.

President and Secretary.

SEC. 3. Said Board shall choose one of its members President, and one the Secretary thereof, and it shall meet at least once in each year, and as much oftener and at such times and places as it may deem necessary. A majority of said Board shall, at all times, constitute a quorum, and the pro-

ceedings thereof shall, at all reasonable times, be open to public inspection.

SEC. 4. Within six months from the time that this Act takes effect, it shall be the duty of every person who is now engaged in the practice of dentistry in this State, to cause his or her name and residence or place of business to be registered with said Board of Examiners, who shall keep a book for that purpose. The statement of every such person shall be verified under oath before a Notary Public or Justice of the Peace, in such manner as may be prescribed by the Board of Examiners. Every person who shall so register with said Board as a practitioner of dentistry shall receive a certificate to that effect, and may continue to practice as such without incurring any of the liabilities or penalties provided in this Act, and shall pay to the Board of Examiners for such registration a fee of one dollar. It shall be the duty of the Board of Examiners to forward to the County Clerk of each county in the State, a certified list of the names of all persons residing in his county who have registered in accordance with the provisions of this Act, and it shall be the duty of all County Clerks to register such names in a book, to be kept for that purpose.

Register of dentists.

Registered dentists alone to practice profession.

Board to furnish list to County Clerk.

SEC. 5. Any and all persons, who shall so desire, may appear before said Board at any of its regular meetings and be examined with reference to their knowledge and skill in dental surgery, and if the examination of any such person or persons shall prove satisfactory to said Board, the Board of Examiners shall issue to such persons as they shall find to possess the requisite qualifications a certificate to that effect, in accordance with the provisions of this Act. Said Board shall also indorse as satisfactory diplomas from any reputable dental college, when satisfied of the character of such institution, upon the holder furnishing evidence satisfactory to the Board of his or her right to the same, and shall issue certificates to that effect within ten days thereafter. All certificates issued by said Board shall be signed by its officers, and such certificates shall be prima facie evidence of the right of the holder to practice dentistry in the State of California.

Examination of applicants for certificate.

Diplomas from other dental colleges sufficient.

Certificate prima facie evidence.

SEC. 6. Any person who shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction, may be fined not less than fifty dollars nor more than two hundred dollars, or confined six months in the county jail, for each and every offense. All fines recovered under this Act shall be paid into the Common School Fund of the county in which such conviction takes place.

Misdemeanor to violate this Act.

SEC. 7. In order to provide the means for carrying out and maintaining the provisions of this Act, the said Board of Examiners shall charge each person applying to or appearing before them for examination for a certificate of qualifications, a fee of ten dollars, which fee shall in no case be returned, and out of the funds coming into the possession of the Board from the fees so charged, and penalties received under the provisions of this Act, all legitimate and necessary

Charge for certificate.

expenses incurred in attending the meetings of said Board shall be paid. And no part of the expenses of the Board shall ever be paid out of the State Treasury. All moneys received in excess of expense, above provided for, shall be held by the Secretary of said Board as a special fund for meeting the expenses of said Board, and carrying out the provisions of this Act, he giving such bonds as the Board shall from time to time direct. And said Board shall make an annual report of its proceedings to the Governor, by the first of December of each year, together with an account of all moneys received and disbursed by them pursuant to this Act.

Bonds of Secretary

Report of Board.

Certificate to be registered with County Clerk

Forfeiture.

Misdemeanor to falsely claim to hold diploma, etc.

Physicians may extract teeth.

SEC. 8. Any person who shall receive a certificate from said Board to practice dentistry, shall cause his or her certificate to be registered with the County Clerk of the county in which such person may reside, and the County Clerk shall charge for registering such certificate a fee of one dollar. Any failure, neglect, or refusal on the part of any person holding such certificate to register the same with the County Clerk as above directed, for a period of six months, shall work a forfeiture of the certificate, and no certificate, when once forfeited, shall be restored, except upon the payment to the said Board of Examiners of the sum of twenty-five dollars, as a penalty for such neglect, failure, or refusal.

SEC. 9. Any person who shall knowingly and falsely claim or pretend to have or hold a certificate of license, diploma, or degree, granted by any society organized under and pursuant to the provisions of this Act, or who shall falsely and with intent to deceive the public, claim or pretend to be a graduate from any incorporated dental college, shall be deemed guilty of a misdemeanor, and shall be liable to the same penalty as provided in section six.

SEC. 10. Nothing in this Act shall be so construed as to prohibit any practicing physician from extracting teeth.

SEC. 11. This Act shall take effect immediately.

## CHAPTER CXXVIII.

*An Act to amend section twelve hundred and seventy-six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the change of names.*

[Approved March 12, 1885.]

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

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

Application to change name made to Superior Court.

1276. All applications for change of names must be made to the Superior Court of the county where the person whose name is proposed to be changed resides, by petition, signed

by such person; and if such person is under twenty-one years of age, if a male, and under the age of eighteen years of age, if a female, by one of the parents, if living, or if both be dead, then by the guardian; and if there be no guardian, then by some near relative or friend. The petition must specify the place of birth and residence of such person, his or her present name, the name proposed, and the reason for such change of name, and must, if the father of such person be not living, name, as far as known to the petitioner, the near relatives of such person, and their place of residence. Any religious, benevolent, literary, scientific, or other corporation, or any corporation bearing or having for its name, or using or being known by the name of any benevolent or charitable order or society, may, by petition, apply to the Superior Court of the county in which its articles of incorporation were originally filed, or in which the property of such incorporation is situated, for a change of its corporate name. Such petition must be signed by a majority of the Directors or Trustees of the corporation, and must specify the date of the formation of the corporation, its present name, the name proposed, and the reason for such change of name. Upon filing such petition, on behalf of such corporation, the same proceedings shall be had as upon applications for changes of names of natural persons, and no banking corporation hereafter organized shall adopt or use the name of any friendly association.

Petition.

Benevolent societies may change corporate name.

Petition, how signed.

Banking corporation not to adopt name of friendly association.

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

CHAPTER CXXIX.

*An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, numbered three hundred and thirty-seven, for the punishment of certain persons who encourage gaming.*

[Approved March 12, 1885.]

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

SECTION 1. An Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, is amended by adding thereto, immediately after section three hundred and thirty-six of said Act, a new section, to be numbered three hundred and thirty-seven, and shall read as follows:

To issue a license to carry on forbidden games, a felony.

337. Every State, county, city, city and county, town, or township officer, or other person who shall ask for, receive, or collect any money, or other valuable consideration, either for his own or the public use, for and with the understanding that he will aid, exempt, or otherwise assist any person from arrest or conviction for a violation of section three hundred

and thirty of the Penal Code; or who shall issue, deliver, or cause to be given or delivered to any person or persons, any license, permit, or other privilege, giving, or pretending to give, any authority or right to any person or persons to carry on, conduct, open, or cause to be opened, any game or games which are forbidden or prohibited by section three hundred and thirty of said Code; and any of such officer or officers who shall vote for the passage of any ordinance or by-law, giving, granting, or pretending to give or grant to any person or persons any authority or privilege to open, carry on, conduct, or cause to be opened, carried on, or conducted, any game or games prohibited by said section three hundred and thirty of the Penal Code, is guilty of a felony.

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### CHAPTER CXXX.

*An Act to amend an Act entitled an Act to establish a Political Code, approved March 12, 1872, by amending section one thousand one hundred and ninety, relating to the payment of election rewards.*

[Approved March 12, 1885.]

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

Ten per cent  
of ballot  
paper money  
to go to Election  
Reward  
Fund.

SECTION 1. Section one thousand one hundred and ninety of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

1190. The sum collected by him for paper so sold must be paid into the State Treasury, and ten per cent of such sum must be credited to a fund to be kept in the Treasury and known as the Election Reward Fund, from which fund all rewards provided for in section one thousand and fifty-four of this Code shall be paid.

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### CHAPTER CXXXI.

*An Act to facilitate the giving of bonds required by law.*

[Approved March 12, 1885.]

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

A corporation  
formed  
to guarantee  
bonds may  
become  
surety on  
bonds.

SECTION 1. Whenever any person who now or hereafter may be required or permitted by law to make, execute, and give a bond or undertaking, with one or more sureties, conditioned for the faithful performance of any duty, or for the doing or not doing of anything in said bond or undertaking specified, any head of department, Board, Court, Judge, officer, or other person who is now or shall hereafter be required

to approve the sufficiency of any such bond or undertaking, or the sureties thereon, may accept as sole and sufficient surety on such bond or undertaking, any corporation incorporated under the laws of any State of the United States for the purpose of making or guaranteeing bonds and undertakings required by law, and which shall have complied with all the requirements of the laws of this State regulating the admission of such corporation to transact such business in this State; and all such corporations are hereby vested with full power and authority to make and guarantee such bonds and undertakings, and shall be subject to all the liabilities and entitled to all the rights of natural persons sureties.

SEC. 2. It is further provided, that the guaranty of any such company shall not be accepted by heads of departments or others, as provided in section one of this Act, whenever its liabilities shall exceed its assets, as ascertained in the manner provided in section three of this Act.

Corporation not to be surety when liabilities exceed assets.

SEC. 3. Whenever the liabilities of any such company shall exceed its assets, the Insurance Commissioner shall require the deficiency to be paid up within sixty days, and if it is not so paid up, then he shall issue a certificate showing the extent of such deficiency, and he shall publish the same once a week for three weeks, in a daily San Francisco paper, and thenceforth, and until such deficiency is paid up, such company shall not do business under the provisions of this Act. And, in estimating the condition of any such company, under the provisions of this Act, the Commissioner shall allow as assets only such as are authorized under existing laws at the time, and shall charge as liabilities, in addition to eighty per cent of the capital stock, all outstanding indebtedness of the company, and a premium reserve equal to fifty per centum of the premiums charged by said company on all risks then in force. Nothing herein contained shall apply to bonds given in criminal cases.

Insurance Commissioner to require deficiency to be paid up.

Estimate of assets.

Charge of liabilities.

Bonds in criminal cases excepted.

SEC. 4. This Act shall take effect immediately.

## CHAPTER CXXXII.

*An Act amendatory of and supplemental to an Act entitled "An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March 2, 1867," approved March 30, 1885.*

[Approved March 12, 1885.]

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

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

Superior  
Judge to  
enter land  
for unincor-  
porated  
town

Section 1. It shall be the duty of each of the persons who may be acting as a Superior Judge and Judge of the Superior Court of any county in this State to enter at the proper Land Office of the United States such quantity of land as the inhabitants of any unincorporated town, situated in the county of such Superior Judge, may be entitled to claim in the aggregate, according to their population, in the manner required by the laws of the United States, and the regulations prescribed by the Secretary of the Interior of the United States, and to make and sign all necessary declaratory statements, certificates, and affidavits, or other instruments requisite to carry into effect the intentions of this Act, and the intention of the Act of Congress of the United States entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven, and to make proof, when required, of the facts necessary to establish the claim of such inhabitants to the lands so granted by said Act of Congress.

To sign state-  
ments and  
affidavits

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

Superior  
Judge.

Section 2. The Superior Judge of any county in this State, whenever he shall be so requested by a petition signed by not less than five residents, householders in any unincorporated town, whose names appear upon the assessment roll for the year preceding such application—which petition shall set forth the existence, name, and locality of such town; whether such town is situated on surveyed or unsurveyed lands, and if on surveyed lands the quarter sections or lesser subdivision covered thereby shall be stated; the estimated number of its inhabitants; the number of separate lots or parcels of land within such town site, and the amount of land to which they are entitled under said Act of Congress—shall estimate the cost of entering such land, and of the survey and recording of the same, and shall indorse such estimate upon said petition; and upon receiving from any of the parties interested the amount of money mentioned in such estimate, the said Superior Judge may, if he shall deem it necessary, cause an enumeration of the inhabitants of such town to be made by some competent person, who shall be appointed for that purpose by such Superior Judge; and such enumeration shall be returned by the person so making the same, exhibiting therein names of all the heads of families and occupants of lots, lands, or premises within such town site, alphabetically arranged, verified by his oath, to the Superior Judge of the county.

Upon  
petition.

Must estimate  
cost.

May cause  
census to be  
taken.

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

To cause sur-  
vey of land

Section 3. The said Superior Judge shall thereupon cause a survey to be made, by some competent person, of the lands which the inhabitants of said town may be entitled to claim under the said Act of Congress, located according to the legal subdivision of the sections, and by the section lines of the United States, and the same shall be distinctly marked by suitable monuments. Such surveys shall further particularly designate all streets, roads, lanes, and alleys, public squares,

What survey  
shall  
designate

churches, school lots, cemeteries, and commons, as the same exist, and have been heretofore dedicated in any manner to public use; and by measurement, the precise boundaries and area of each and every lot or parcel of land and premises claimed by any person, corporation, or association, within said town site, shall be designated on the plat, showing the name or names of the possessor or occupant, and claimant, if other than the occupant, of each particular lot and parcel of land; and in case of any disputed claim as to lots, lands, premises, or boundaries, the said surveyor, if the same be demanded by any person, shall designate the lines (in different color from the body of the plat) of such part of any premises so disputed or claimed adversely. A plat thereof shall be made in triplicate, on a scale of not less than eighty feet to one inch, which shall be duly certified under oath by the surveyor, one of which shall be filed with the County Recorder of the county wherein the town is situated, one shall be deposited with the Superior Judge, and one shall be deposited with the Justice of the Peace resident in or nearest to such town. These plats shall be considered public records, shall each be accompanied with a copy of the field notes, and the County Recorder shall make a record thereof in a book to be kept by him for that purpose. The said surveyor shall number the blocks, as divided by the roads and streets opened at the time of making such survey, and shall number the several lots consecutively in each block, and all other parcels of land within said town site, surveyed as herein provided, which said numbers shall be a sufficient description of any parcel of land in said plat, when mentioned by reference to such town plat; and such plats, field notes, and records, and certified copies thereof, shall be prima facie evidence of the contents and correctness thereof in all the Courts of this State.

Plat to be in triplicate.

Plats are public records.

Blocks to be numbered.

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

Section 4. Before proceeding to make such survey, at least ten days notice shall be given by the Superior Judge, by posting within the limits of such town site not less than five written or printed notices of the time when such survey shall commence, and by publication thereof in a newspaper published in such town, if one there be. The survey of said town lands shall be made to the best advantage, and at the least expense to the holders and claimants thereof; and the said Superior Judge is hereby authorized to receive bids for such surveying, and to let the same by contract to the lowest competent bidder.

Notice when survey will begin.

Bids for surveying.

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

Section 5. All streets, roads, lanes, and alleys, public squares, cemeteries, and commons, surveyed, marked, and platted, on the map of any town site, as prescribed and directed by the provisions of this Act, shall be deemed and considered, and they are hereby declared to be dedicated to public use, by the filing of such town plat in the office of the County Recorder, and shall be inalienable, unless by special order

Streets, etc., public highways.

Inalienable.

of the Board of Supervisors of the county, so long as such town shall remain unincorporated; and if such town shall at any time hereafter become incorporated, then the same shall become the property of such town or city, and shall be under the care and subject to the control of the Board of Trustees, or other municipal authority of such town or city.

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

How lots are to be rated.

Section 6. Each lot or parcel of said land having thereon valuable improvements, or buildings ordinarily used as dwellings or for business purposes, not exceeding one tenth of one acre in area, shall be rated and assessed by the said Superior Judge at the sum of one dollar; each lot or parcel of such lands exceeding one tenth and not exceeding one eighth of one acre in area, shall be rated and assessed at the sum of one dollar and fifty cents; each lot or parcel of such lands exceeding in area one eighth of one acre and not exceeding one quarter of an acre in area, shall be rated and assessed at the sum of two dollars; and each lot and parcel of such lands exceeding one quarter of an acre and not exceeding one half of one acre in area, shall be rated and assessed at the sum of two dollars and one half; and each lot or parcel of land so improved exceeding one half an acre in area, shall be assessed at the rate of two dollars and one half for each half an acre, or fractional part over half an acre; and every lot or parcel of land inclosed, which may not be otherwise improved, or uninclosed, claimed by any persons, corporation, or association, shall be rated and assessed at the rate of two dollars per acre or fractional part over an acre; and where, upon one parcel of land, there shall be two or more separate buildings, occupied or used ordinarily as dwellings, or for business purposes, each such building, for the purposes of this section, shall be considered as standing on a separate lot of land, but the whole of such premises may be conveyed in one deed; which moneys so assessed shall be paid in gold and silver coin of the United States, and shall constitute a fund from which shall be reimbursed or paid the moneys necessary to pay the Government of the United States for said town lands, and interest thereon, if such moneys shall have been loaned or advanced for the purpose and expenses of their location, entry, and purchase, and the costs and expenses attendant upon the making of such survey and recording thereof.

Fund to pay United States.

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

Excess in fund transferred to School Fund.

Section 7. Any sum of money remaining, after defraying all the necessary expenses of location, entry, surveying, plating, and recording of lands, and the expenses of the Superior Judge, hereinafter mentioned, shall be deposited in the county treasury, to the credit of the fund of each particular town, and shall be kept separate by the County Treasurer, to be paid out by him only on the written order of such Superior Judge, until after the expiration of the time for a final settlement of the affairs of such town lands, as hereinafter provided, at which time any and all balances of moneys

so remaining to the credit of each town shall be transferred by such County Treasurer to the School Fund of the particular school district in which said town shall be situated.

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

Section 8. Every person, corporation, or association, claimant of any town lot or parcel of land within the limits of such town site, shall present to the Superior Judge, within six months after the plat shall have been filed in the office of the County Recorder, his, her, or their affidavit, verified in person, or by duly authorized agent, or attorney, in which shall be concisely stated the facts constituting the possession or right of possession of the claimant, and that the claimant is entitled to the possession thereof as against all other persons, to the best of his knowledge and belief, to which shall be attached a copy of so much of the plat of said town site as will fully exhibit the particular lot or parcel of land so claimed, with the abuttals; and every such claimant, at the time of filing such affidavit, shall pay to such Superior Judge such sum of money as such Judge shall thereon certify to be due for the assessment mentioned in section six of this Act, together with the further sum of five dollars, in the gold or silver coin of the United States, to be appropriated to the payment of the expenses incurred in carrying out the provisions of this Act; and the Superior Judge shall thereupon give to such claimant a certificate containing a description of the lot or parcel of land claimed, and setting forth the amounts paid thereon by such claimant. The Superior Judge shall procure a bound book for each town in his county, wherein he shall make proper entries of the substantial matters contained in every such certificate issued by him, numbering the same in consecutive order, setting forth the name of the claimant or claimants, in full, date of issue, and description of lot or lots claimed.

Persons claiming lot to present affidavit showing possession.

Claimant to pay assessment.

Judge to enter in book each certificate.

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

Section 9. If it shall be found that the amounts, hereinbefore specified as assessments and fees for costs and expenses, shall prove to be insufficient to cover and defray all the necessary expenses, the Superior Judge shall be and he is hereby empowered to estimate the deficiency, and to assess such deficiency pro rata upon all the lots and parcels of lands in such town, and to declare the same upon the basis set down in section six of this Act, which additional amount, if any, may be paid by the claimant at the time when the certificate hereinbefore mentioned, or at the time when the deed of conveyance hereinafter provided for, shall be issued.

Judge to estimate deficiency and assess for same.

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

Section 10. At the expiration of six months after the issuance of the certificate mentioned in the preceding section, if there shall have been no adverse claim filed in the meantime, the said Judge shall make, execute, acknowledge, and deliver to each claimant, or to his, her, or their heirs, administrators, or assigns, a good and sufficient deed of the prem-

When Judge to make deeds.

ises described in the application of the claimant originally filed. No conveyance of any such lands, made as in this Act provided, shall be deemed to conclude the rights of third persons; but such third persons may have their actions in the premises to determine alleged interest in such lands against such grantee, his heirs, or assigns, to which they may deem themselves entitled either in law or equity; *provided*, that no action for the recovery of the possession of such premises, or any portion thereof, shall be maintained in any Court against the grantee named therein, or against his, her, or their assigns, unless such action shall be commenced within two years after such deeds shall have been filed for record in the office of the County Recorder of the county where such lands are situated; and, *provided*, that nothing herein shall be construed to extend the time of limitation prescribed by law for the commencement of actions upon a possessory claim or title to real estate when such action is barred by law at the time of the passage of this Act; *provided further*, that whenever mining claims shall have been located and held bona fide for mining purposes, such mining rights, according to the metes and bounds of so located and claimed, shall not in any manner be affected by the provisions of this Act; nor shall any sale be made, nor any title be conveyed, by reason of any sale or pretended sale of such lands so claimed for mining purposes, until after the occupancy of such mining claims shall have been abandoned by the holders thereof.

Third persons not concluded.

Action for possession may be maintained.

Act of limitation not extended.

Mining claims.

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

Adverse claims to be submitted to Judge.

Section 11. In all cases of adverse claims, or disputes arising out of conflicting claims to lands or boundary lines, the adverse claimants may submit the decision thereof to the Superior Judge by an agreement in writing, specifying particularly the subject-matter in dispute, and may agree that his decision shall be final; in which case the said Judge may hear the proofs, and shall execute a deed in accordance therewith; but in all other cases of adverse claim the party out of possession shall commence his action in a Court of competent jurisdiction, within six months after the filing of the town plat in the office of the County Recorder. In case such action be commenced, the plaintiff shall serve a notice, *lis pendens*, upon the Superior Judge, who shall thereupon stay all proceedings in the matter of granting any certificate or deed until the final decision of such suit; and upon presentation of a certified copy of the final decree of such Court in such action, the Superior Judge shall execute and deliver a deed of such premises in accordance with the decree. In case no such action be commenced within the time herein prescribed, the Superior Judge shall deliver his deed to the party in possession, as provided in section ten of this Act.

Action for possession.

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

Judge to give notice that plat has been filed.

Section 12. The Superior Judge shall give public notice by advertisement for four weeks in some newspaper published in the county, if one there be, and if there be no newspaper pub-

lished in said county, then by not less than five written or printed notices posted within the limits of such town site, that the plat thereof has been filed in the Recorder's office; and if any person, company, or association, or other claimants of lands in such town, shall fail, neglect, or refuse to make application to the said Superior Judge for a deed of conveyance of the lands so claimed, and to pay the sum of money specified in this Act, within six months after the filing of said plat, the Superior Judge shall enter on his book the names of all such persons, with a description of the property or premises, and shall certify the same as delinquent for the amount of assessments certified to by such Judge as due under section six of this Act; and at the expiration of thirty days after making such entries, if such application be not made and such assessment be not paid, the said Judge shall proceed to advertise all such lots and parcels of land for sale in the same manner as real estate is required to be advertised under execution.

Certain lots may be sold by Judge.

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

Section 13. At the time of sale mentioned in said advertisement, said Judge shall proceed to sell all such parcels of land so remaining delinquent, by public auction, to the highest bidder for cash, at some public place within the limits of said town site; and he shall give to the purchaser at such sale a certificate of his purchase, setting forth therein a description of the premises sold, the amount paid, and that the same is subject to redemption, as prescribed in the next section; *provided*, that no sale shall be made for less than the whole amount of assessments and the costs of making the sale, which costs shall be divided pro rata among the several parcels offered for sale.

Delinquent lots to be sold.

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

Section 14. At any time within six months after such sale the original claimant shall be entitled to redeem such premises, by paying to the purchaser, or to the Superior Judge for purchaser, double the whole amount of the purchase money, in gold and silver coin; but, in case no redemption be made, the purchaser, his heirs, or assigns, shall be entitled to demand and receive from the Superior Judge a deed of such premises, which deed shall be absolute as against the parties delinquent, and shall entitle the grantee, his heirs, or assigns, to a writ of assistance from the Superior Court having jurisdiction of the premises.

Redemption.

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

Section 15. If there shall be any unoccupied or vacant unclaimed lands within the limits of such town site, the said Judge shall cause the same to be laid out and surveyed into suitable blocks and lots, and shall reserve such portions as shall be deemed necessary for public squares and school house lots; and shall cause all necessary roads, streets, lanes, and alleys to be laid out through the same, and dedicated to public use; and the said Judge may sell the same in suitable

Unoccupied lots to be surveyed and sold.

parcels to possessors of adjoining lands, or to other citizens of said town, at a price not less than one dollar per acre, or fraction of an acre, in gold coin; and in case two or more claimants apply for the same tract, or parcel of the same tract, he shall sell the same by auction to the highest bidder; and if any such lands remain unsold at the end of six months after the filing of the town plat, the said Judge shall proceed in the same manner and at the same time that any delinquent lands shall be sold, to sell such vacant lands to the highest bidder for cash, and shall give deeds therefor to the several purchasers.

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

School lots not to be assessed for charges.

Section 16. All school lots and parcels of land reserved for school purposes, as aforesaid, by order of the Superior Judge, shall be conveyed to the School Trustees of the school district in which such town is situate, without cost or charge of any kind whatever.

SEC. 17. Section seventeen is amended so as to read as follows:

False oath.

Section 17. If any person shall falsely make oath to any affidavit required to be made by this Act, he or she shall be deemed guilty of perjury, and, upon conviction, shall be punished accordingly.

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

Guardian, administrator, etc., not to take deed fraudulently.

Section 18. If any guardian or administrator, or tenant, joint tenant, tenant in common, comparcener, or partner in the possession, of any of the lands mentioned in this Act, shall fraudulently procure, or cause, permit, suffer, or allow any deed to be obtained therefor, for his or her sole benefit, or by his or her neglect allow the same to be done by others, such deed shall be null and void, and shall convey no title, and an action may be brought by any party injured or aggrieved thereby or claiming any interest in such premises, for the recovery of such interest, at any time within five years after the discovery of such fraud.

SEC. 19. Section nineteen of said Act is amended so as to read as follows:

Vacancy in Judgeship.

Section 19. In case a vacancy shall occur from any cause in the office of Superior Judge during the pendency of any of the proceedings to be taken under this Act, upon the election or appointment of a successor, it shall be the duty of the County Clerk to make out a certificate, under seal, showing the facts and name of such successor, and file the same with the County Recorder, who shall record such certificate in a book of deeds, and shall attach the original to the town plat book in his office.

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

Fees for services of Judge.

Section 20. For service performed under this Act, the Superior Judge shall be entitled to receive, out of the moneys provided for, to be paid into his hands, the sum of one dollar per mile for all travel necessarily performed by him on such duty; for every deed executed by him, the sum of

five dollars, as provided in section eight of this Act, which shall include the acknowledgment and revenue stamp thereon required; and for every certificate issued by him, the sum of fifty cents.

SEC. 21. Section twenty-one of said Act is amended so as to read as follows:

Section 21. All moneys required to be paid by any person under this Act, shall be paid in gold and silver coin, except that for the payment of the price of the land to the Government of the United States, the Superior Judge shall be authorized and requested to purchase, at the market price, so much in legal tender notes as may be requisite therefor.

Gold and silver to be paid by purchasers.

SEC. 22. Section twenty-two of said Act is amended so as to read as follows:

Section 22. Every Superior Judge, when fulfilling the duties imposed upon him by the Act of Congress aforesaid, and by this Act, shall keep a correct account of all moneys received and paid out by him. He shall deposit all surplus moneys with the County Treasurer of his county, and at the end of one year from the time when the town plat of any town shall be filed in the County Recorder's office he shall settle up all the affairs pertaining to said town, and shall pay over to the County Treasurer all moneys belonging to said town, for the use and benefit of the school district in which said town may be situate; *provided*, that if any claims to lands in such town shall be the subject of litigation, the same shall be finally settled by such Superior Judge, whenever the final decree of Court shall be served upon him.

Judge to keep accounts  
To deposit surplus moneys.

SEC. 23. Section twenty-three of said Act is amended so as to read as follows:

Section 23. Whenever the affairs of any such town shall be finally settled and disposed of by such Superior Judge, he shall deposit all books and papers relating thereto, in the Superior Court of his county, to be thereafter kept in the custody of the County Clerk as public records, subject to the inspection of any citizen.

County Clerk to keep records.

SEC. 24. No mere informality, failure, or omission, on the part of any of the persons or officers named in this Act, shall invalidate the acts of such person or officer, but every certificate or deed granted to any person pursuant to the provisions of this Act, shall be deemed, taken, and considered as conclusive evidence that all preliminary proceedings in relation thereto have been correctly taken and performed.

Informality not to invalidate acts.

SEC. 25. This Act shall take effect and be in force from and after its passage; *provided*, that the Towns of Shasta and Red Bluff shall be and are hereby excepted and exempted from the operation of its provisions.

Shasta and Red Bluff excepted.

## CHAPTER CXXXIII.

*An Act making an appropriation for the deficiency in the appropriation for official advertising, for the thirty-sixth fiscal year.*

[Approved March 12, 1885.]

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

Deficiency  
advertising  
constitu-  
tional  
amend-  
ments.

SECTION 1. The sum of two thousand four hundred and seven dollars and thirty-five cents is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the deficiency in the appropriation for official advertising, for the thirty-sixth fiscal year, to cover claims for advertising constitutional amendments.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CXXXIV.

*An Act to authorize the Board of Fish Commissioners of this State to construct a steam launch to aid in carrying out the purposes of said Board, and providing for the payment of claims incurred in such construction.*

[Approved March 12, 1885.]

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

Fish Com-  
missioners to  
construct  
steam  
launch.

SECTION 1. The Board of Fish Commissioners of this State are hereby authorized and empowered to cause to be constructed a steam launch of light draft suitable to navigate the waters of this State.

SEC. 2. Said steam launch, when constructed, shall be under the exclusive control of said Board of Fish Commissioners, and shall be used by them in carrying out the purposes of said Board.

Appropriation.

SEC. 3. The claims for expenses of constructing said steam launch shall be presented and allowed by the State Board of Examiners, and shall be paid out of the fund created by this Act for such purposes.

SEC. 4. The sum of four thousand dollars is hereby appropriated out of the General Fund in the Treasury of this State, for the purpose of paying said expenses, and the State Treasurer is empowered and directed to set apart said four thousand dollars into a separate fund for the purpose herein specified.

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

CHAPTER CXXXV.

*An Act to amend section one hundred and sixty-four of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883.*

[Approved March 14, 1885.]

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

SECTION 1. Section one hundred and sixty-four of the Act of which this is amendatory, entitled "An Act to establish a uniform system of county and township governments," approved March fourteenth, eighteen hundred and eighty-three, is amended to read as follows:

164. The salaries and fees provided in this Act shall be in full compensation for all services of every kind and description rendered by the officers therein named, their deputies and assistants; and all deputies employed shall be paid by their principals out of the salaries hereinbefore provided; *provided*, however, the Assessor shall be entitled to receive and retain for his own use, six per cent on personal property tax collected by him, as authorized by section three thousand eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes; and, *provided further*, that the Board of Supervisors shall allow to the Sheriff his necessary expenses for pursuing criminals, or transacting any criminal business, without the boundaries of his county, and for boarding prisoners in the county jail; *provided*, that the Board of Supervisors shall fix the price at which such prisoners shall be boarded. The Court shall also allow the Sheriff his necessary expenses in keeping and preserving property seized on attachment or execution, to be paid out of the fees collected in the action; all expenses necessarily incurred in conveying persons to and from the State Prison, and insane persons to and from the Insane Asylum, which shall be allowed by the Board of Examiners and collected from the State; and, *provided further*, that whenever, in the opinion of the Board of Supervisors, the salary of any county officer in the fifth, thirteenth, twenty-second, twenty-third, twenty-fourth, twenty-sixth, thirty-second, thirty-third, thirty-seventh, and forty-first classes, as fixed and provided in this Act, is insufficient to pay a reasonable compensation for the services required to be performed, the said Board shall allow such officer a deputy, or such number of deputies, as in their judgment may be required to do the business of such office, in connection with the principal, at a salary not to exceed one hundred dollars per month, to be paid at the times and in the manner that said principal is paid.

Deputies to be paid by principals.

Assessor to retain per cent on taxes collected.

Sheriff has expenses in criminal business and in keeping property and conveying prisoners and insane.

Supervisors may provide deputies to certain officers.

Salary.

Sec. 2. This Act shall take effect immediately.

## CHAPTER CXXXVI.

*An Act to allow compensation to Sheriffs for conveying prisoners to the State Prisons, and insane persons to the Insane Asylums.*

[Approved March 14, 1885.]

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

Allowance to Sheriff for conveying insane and prisoners.

SECTION 1. There shall be allowed by the State Board of Examiners to the Sheriff, for delivering a prisoner to either of the State Prisons; actual expenses and five dollars per diem for the time necessarily consumed in delivering such prisoner.

SEC. 2. There shall be allowed by the State Board of Examiners to the Sheriff, for delivering an insane person to either of the Insane Asylums, his actual expenses and the same per diem as is allowed in section one of this Act.

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

## CHAPTER CXXXVII.

*An Act to amend section eight of an Act entitled "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 15, 1880.*

[Approved March 14, 1885.]

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

SECTION 1. Section eight of the Act recited in the title hereto is amended so as to read as follows:

Agricultural Districts. Number seventeen.

Number eight.

Appropriation.

Section 8. The Counties of Nevada and Placer shall constitute Agricultural District Number Seventeen; and the Counties of Alpine, Amador, El Dorado, and Mono, shall constitute Agricultural District Number Eight. And the sum of three thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the aid of District Agricultural Society Number Seventeen, to be audited and paid the same as appropriations for other district agricultural societies.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXXVIII.

*An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending section eight hundred and sixty-two thereof, relative to the powers of the Boards of Trustees of cities of the sixth class.*

[Approved March 14, 1885.]

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

SECTION 1. Section eight hundred and sixty-two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, is hereby amended so as to read as follows:

**862.** The Board of Trustees of said city shall have power:

Power of Board of Trustees of cities

*First*—To pass ordinances, not in conflict with the Constitution and laws of this State, or of the United States.

relating to real estate and personal property.

*Second*—To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city or town; *provided*, that they shall not have power to sell or convey any portion of any waterfront.

*Third*—To contract for supplying the city or town with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or its inhabitants, or for irrigating purposes therein.

Supplying water.

*Fourth*—To establish, build, and repair bridges; to establish, lay out, alter, keep open, open, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within the city or town, and to drain, sprinkle, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or on any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places.

Streets and bridges.

Trees.

*Fifth*—To construct, establish, and maintain drains and sewers.

Drains.

*Sixth*—To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.

Fire engines.

*Seventh*—To impose on and collect, from every male inhabitant between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of such city.

Street and road poll tax.

- License on dogs.** *Eighth*—To impose and collect an annual license, not exceeding two dollars, on every dog owned or harbored within the limits of the city.
- Property tax.** *Ninth*—To levy and collect annually a property tax, which said tax shall be apportioned as follows: For the General Fund, which shall include the fund for street work, not exceeding fifty cents on each one hundred dollars; for the Sewer Fund, not exceeding fifteen cents on each one hundred dollars. The levy for all purposes, for any one year, shall not exceed sixty-five cents on each one hundred dollars of the assessed value of all real and personal property within such city; *provided*, that the Board of Trustees shall have power to transfer money from one fund to the other whenever occasion requires.
- License business.** *Tenth*—To license, for purposes of regulation and revenue, all and every kind of business authorized by law and transacted or carried on in such city or town, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.
- Improvement of rivers and streams.** *Eleventh*—To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen the channels thereof, and remove obstructions therefrom; to improve the waterfront of the city, and to construct and maintain embankments and other works to protect such city from overflow.
- Buildings.** *Twelfth*—To erect and maintain buildings for municipal purposes.
- Railroad tracks.** *Thirteenth*—To permit, under such restrictions as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, or other power thereon, and the laying of gas and water pipes in the public streets; and to construct and maintain and to permit the construction and maintenance of telegraph and telephone lines therein.
- Gas and water pipes.**
- Fines.** *Fourteenth*—To impose fines, penalties, and forfeitures for any and all violation of ordinances; and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months.
- Prisoners to work on streets.** *Fifteenth*—To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the city.
- Sixteenth*—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

CHAPTER CXXXIX.

*An Act to amend section eleven hundred and sixty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to parties defendant, and procedure in summary proceedings for obtaining possession of real property in certain cases.*

[Approved March 14, 1885.]

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

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

**1164.** No person other than the tenant of the premises and sub-tenant, if there be one, in the actual occupation of the premises when the complaint is filed, need be made parties defendant in the proceeding, nor shall any proceeding abate, nor the plaintiff be nonsuited for the non-joinder of any person who might have been made party defendant, but when it appears that any of the parties served with process, or appearing in the proceeding, are guilty of the offense charged, judgment must be rendered against him. In case a defendant has become a sub-tenant of the premises in controversy, after the service of the notice provided for by part two of section eleven hundred and sixty-one of this Code, upon the tenant of the premises, the fact that such notice was not served on each sub-tenant shall constitute no defense to the action. In case a married woman be a tenant, or a sub-tenant, her coverture shall constitute no defense; but in case her husband be not joined, or unless she be doing business as a sole trader, an execution issued upon a personal judgment against her can only be enforced against property on the premises at the commencement of the action. All persons who enter the premises under the tenant, after the commencement of the suit, shall be bound by the judgment, the same as if he or they had been made party to the action.

In unlawful  
detainer  
tenant alone  
may be made  
defendant.

Sub-tenant's  
liability.

Coverture no  
defense.

Who bound  
by judgment.

## CHAPTER CXL.

*An Act to amend an Act entitled an Act to establish a Political Code, approved March 12, 1872, by adding thereto a new section, to be known as section nine hundred and eighty-seven, relating to the lien created upon real estate by the filing of a notice of the pendency of an action against the owner thereof, upon an official bond.*

[Approved March 14, 1885.]

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

SECTION 1. A new section is hereby added to the Political Code, to be known as section nine hundred and eighty-seven, and to read as follows:

Where owner has agreed to convey property, and afterwards a lien attaches on behalf of the State, in an action upon official bonds, the Court may order purchase money to be paid into State Treasury.

**987.** In any action to compel the specific performance of an agreement to sell real estate affected by the lien created by the filing of the certificate mentioned in section nine hundred and eighty-four, which said agreement shall have been made prior to the filing of such certificate, but the purchase price under which said agreement shall not have become due until after the filing of said certificate, the Judge of the Superior Court in which said action for specific performances is tried, shall, if the purchaser is otherwise entitled to specific performance of such agreement, order the said purchaser to pay the purchase price, or so much thereof as may be due, to the State Treasurer, taking his receipt therefor. Upon such payment the purchaser shall be entitled to enforcement of specific performance of said agreement, and shall take said real estate, free from the liens created by the filing of said certificate. The moneys so paid to the State Treasurer shall be held by him, pending the litigation mentioned in said certificate, and subject to the lien created by the filing of said certificate.

## CHAPTER CXLI.

*An Act to amend section three hundred and four of the Civil Code of the State of California, approved March 21, 1872, relating to corporations.*

[Approved March 14, 1885.]

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

SECTION 1. Section three hundred and four of the Civil Code of the State of California is hereby amended to read as follows:

By-laws to be copied and open to public inspection.

**304.** All by-laws adopted must be certified by a majority of the Directors and Secretary of the corporation, and copied

in a legible hand, in some book kept in the office of the corporation, to be known as the "Book of By-Laws," and no by-law shall take effect until so copied, and the book shall then be opened to the inspection of the public during office hours of each day except holidays. The by-laws may be repealed or amended, or new by-laws may be adopted, at the annual meeting, or at any other meeting of the stockholders or members, called for that purpose by the Directors, by a vote representing two thirds of the subscribed stock, or by two thirds of the members. The written assent of the holders of two thirds of the stock, or two thirds of the members if there be no capital stock, shall be effectual to repeal or amend any by-law, or to adopt additional by-laws. The power to repeal and amend the by-laws, and adopt new by-laws may, by a similar vote at any such meeting, or similar written assent, be delegated to the Board of Directors. The power, when delegated, may be revoked by a similar vote, at any regular meeting of the stockholders or members. Whenever any amendment or new by-law is adopted, it shall be copied in the book of by-laws with the original by-laws, and immediately after them, and shall not take effect until so copied. If any by-law be repealed, the fact of repeal, with the date of the meeting at which the repeal was enacted, or written assent was filed, shall be stated in said book, and until so stated the repeal shall not take effect.

May be amended or repealed.

Power to amend may be delegated to Board of Directors.

Amendment and repeal to be noted on book.

CHAPTER CXLII.

*An Act to amend section eight hundred and sixty-nine of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the taking and authentication of testimony on examinations in criminal cases, and to provide for the fees to be paid therefor.*

[Approved March 14, 1885.]

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

SECTION 1. Section eight hundred and sixty-nine of the Penal Code of the State of California is hereby amended so as to read as follows:

**869.** The testimony of each witness in cases of homicide must be reduced to writing, as a deposition, by the magistrate, or under his direction, and in other cases upon the demand of the Prosecuting Attorney, or the defendant, or his counsel. The magistrate before whom the examination is had may, in his discretion, order the testimony and proceedings to be taken down in shorthand in all examinations herein mentioned, and for that purpose he may appoint a shorthand reporter. The deposition or testimony of the witness must be authenticated in the following form:

Testimony of witness in case of homicide reduced to writing.

Taken in shorthand.

*First*—It must state the name of the witness, his place of residence, and his business or profession.

May be authenticated as follows.

May be  
authenticated as  
follows.

*Second*—It must contain the questions put to the witness and his answers thereto, each answer being distinctly read to him as it is taken down, and being corrected or added to until it conforms to what he declares is the truth, except in cases where the testimony is taken down in shorthand, the answer or answers of the witness need not be read to him.

*Third*—If a question put be objected to on either side and overruled, or the witness declines answering it, that fact, with the ground on which the question was overruled or the answer declined, must be stated.

*Fourth*—The deposition must be signed by the witness, or if he refuses to sign it, his reason for refusing must be stated in writing, as he gives it, except in cases where the deposition is taken down in shorthand, it need not be signed by the witness.

*Fifth*—It must be signed and certified by the magistrate when reduced to writing by him, or under his direction, and when taken down in shorthand, the transcript of the reporter appointed as aforesaid, when written out in longhand writing, and certified as being a correct statement of such testimony and proceedings in the case, shall be prima facie a correct statement of such testimony and proceedings. The reporter shall, within ten days after the close of such examination, if the defendant be held to answer the charge, transcribe into longhand writing his said shorthand notes, and certify and file the same with the County Clerk of the county, or city and county, in which the defendant was examined, and shall, in all cases, file his original notes with said Clerk.

Reporter's  
compensation.

*Sixth*—The reporter's compensation shall be fixed by the magistrate before whom the examination is had, and shall not exceed that now allowed reporters in the Superior Courts of this State, and shall be paid out of the treasury of the county, or the city and county, in which the examination is had, on the certificate and order of the said magistrate.

SEC. 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

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

## CHAPTER CXLIII.

*An Act to amend the Civil Code by adding to part four, division first, a new title, providing for the incorporation of colleges and seminaries of learning.*

[Approved March 14, 1885.]

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

SECTION 1. An Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two, is hereby amended by adding to part four, of division first, a new title, which shall read as follows:

TITLE XVII.—COLLEGES AND SEMINARIES OF LEARNING.

**649.** Any number of persons who may desire to establish a college or seminary of learning, may incorporate themselves as provided in this part, except that in lieu of the requirements of section two hundred and ninety, the articles of incorporation shall contain:

Contents of articles of incorporation of colleges of learning.

*First*—The name of the corporation.

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

*Third*—The place where the college or seminary is to be conducted.

*Fourth*—The number of its Trustees, which shall not be less than five nor more than fifteen, and the names and residences of the Trustees. The term for which the Trustees named and their successors are to hold office may also be stated. If it is desired that the Trustees, or any portion of them, shall belong to any organization, society, or church, such limitation shall be stated.

*Fifth*—The names of those who have subscribed money or property to assist in founding the seminary or college, together with the amount of money and description of property subscribed.

**650.** Unless otherwise provided in the articles of incorporation the Board of Trustees shall, as soon as organized, so classify themselves that one fifth of their number shall go out of office every year, and thereafter the Trustees shall hold office for five years. A majority of the Trustees shall constitute a quorum for the transaction of business, and the office of the corporation shall be at the college or seminary.

Term of Trustees.

Quorum.

The Trustees shall have power:

Power of Trustees.

*First*—To elect, by ballot, annually one of their number as President of the Board.

Elect President.

*Second*—Upon the death, removal out of the State, or other vacancy in the office, or expiration of the term of any Trustee, to elect another in his place; *provided*, that where there are graduates of the institution, such graduates may, under such rules as the Board shall prescribe, nominate persons to fill vacancies in the Board of Trustees. Such nominations shall be considered by the Board, but it may reject any or all such nominations, and of its own motion appoint others.

Fill vacancy.

*Third*—To elect additional Trustees; *provided*, the whole number elected shall never exceed fifteen at any one time.

Elect other Trustees.

*Fourth*—To declare vacant the seat of any Trustee who shall absent himself from eight succeeding meetings of the Board.

Declare vacancy.

*Fifth*—To receive and hold, by purchase, gift, devise, bequest, or grant, real or personal property for educational purposes connected with the corporation, or for the benefit of the institution.

Hold property.

*Sixth*—To sell, mortgage, lease, and otherwise use and dispose of the property of the corporation in such manner as

To mortgage and lease property.

they shall deem most conducive to the prosperity of the corporation.

Course of study.

*Seventh*—To direct and prescribe the course of study and discipline to be observed in the college or seminary.

Appoint President.

*Eighth*—To appoint a President of the college or seminary, who shall hold his office during the pleasure of the Trustees.

Appoint professors.

*Ninth*—To appoint such professors, tutors, and other officers as they shall deem necessary, who shall hold their offices during the pleasure of the Trustees.

Issue diplomas.

*Tenth*—To grant such literary honors as are usually granted by any University, college, or seminary of learning in the United States, and in testimony thereof to give suitable diplomas under their seal, and the signature of such officers of the corporation and the institution as they shall deem expedient.

Salaries.

*Eleventh*—To fix salaries of the President, professors, and other officers and employés of the college or seminary.

By-laws.

*Twelfth*—To make all by laws and ordinances necessary and proper to carry into effect the preceding powers and necessary to advance the interests of the college or seminary; *provided*, that no by-laws or ordinance shall conflict with the Constitution or laws of the United States, or of this State.

Existing corporations may reincorporate under this Act.

**651.** Any educational corporation, or body claiming to be such, now existing, may, by a unanimous vote of those of its Trustees present at a special meeting called for that purpose, and of which due notice shall be given to each Trustee, convey all its property, rights, and franchises, to a corporation organized under this title. The fact that due notice of the meeting was given to each Trustee shall be conclusively proven by the entries in the minutes of the corporation or body making the conveyance. Said minutes shall be certified to be correct by the President and Secretary.

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

## CHAPTER CXLIV.

*An Act to amend an Act entitled an Act to provide for the organization, incorporation, and government of municipal corporations, approved March 13, 1883.*

[Approved March 14, 1885.]

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

SECTION 1. Section seven hundred and eleven of said Act is hereby amended so as to read as follows:

Superintendent ex officio Secretary. Salary.

**711.** The Superintendent shall be ex officio Secretary of the Board of Education, and shall receive for his services a salary which shall not exceed eighteen hundred dollars per annum. He shall report to the City Council, annually, on or before the first Monday in January, and at such other

To report to Council.

times as they may require, all matters pertaining to the expenditures, income, condition, and progress of the public schools of the city during the preceding year, together with such accommodations as he may deem proper, and shall, at the regular meeting of the Board of Education in June of each year, submit to the Board a detailed statement of the amount, as near as may be ascertained, of fuel, blanks, blank books, apparatus, stationery, and such other articles, materials, or supplies, including books for indigent children, as may be necessary for the use of the city schools and the Board for one year following. He shall have power to administer oaths and affirmations concerning any demand upon the treasury payable out of the School Fund, or other matters relating to his official duties.

Power to administer oaths

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

CHAPTER CXLV.

*An Act to amend section three hundred and thirty of an Act entitled an Act to establish a Penal Code, approved February 14, 1872, to prohibit gaming.*

[Approved March 14, 1885.]

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

SECTION 1. Section three hundred and thirty of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, is amended to read as follows:

**330.** Every person who deals, plays, or carries on, opens, or causes to be opened, or who conducts either as owner or employé, whether for hire or not, any game of faro, monte, roulette, lansquenet, rouge et noire, rondo, tan, fan-tan, stud-horse poker, seven and a half, twenty-one, or any banking or percentage game played with cards, dice, or any device, for money, checks, credit, or any other representative of value, is punishable by fine of not less than two hundred nor more than one thousand dollars, and shall be imprisoned in the county jail until such fine and costs of prosecution are paid, such imprisonment not to exceed one year; and every person who plays or bets at or against any of said prohibited game or games, is guilty of a misdemeanor.

Misdemeanor to conduct game of chance.

Penalty.

Misdemeanor to bet at game.

## CHAPTER CXLVI.

*An Act to amend section five hundred and ninety-nine of the Civil Code of the State of California, approved March 31, 1872, relating to corporations.*

[Approved March 14, 1885.]

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

SECTION 1. Section five hundred and ninety-nine of the Civil Code of the State of California is hereby amended so as to read as follows:

Corporations not for profit may provide for membership.

599. Corporations organized for purposes other than for profit may, in their by-laws, ordinances, constitutions, or articles of incorporation, in addition to the provisions in Title 1 of this Part, provide for:

Fees.

1. The qualification of members, mode of election, and terms of admission to membership.

Quorum.

2. The fees of admission and dues to be paid to their treasury by members.

3. The number of members that shall constitute a quorum at any meeting of the corporation, and that election of officers of the corporation by a meeting so constituted shall be as valid as if there had been a majority of the members present therat and voting.

Expulsion, etc., of members.

4. The expulsion and suspension of members for misconduct or non-payment of dues; also, for restoration to membership.

Debts.

5. Contracting, securing, paying, and limiting the amount of their indebtedness.

6. Other regulations, not repugnant to the Constitution or laws of the State and consonant with the objects of the corporation.

## CHAPTER CXLVII.

*An Act entitled "An Act to enable municipal corporations of the sixth class to elect officers."*

[Approved March 14, 1885.]

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

When municipal corporations fail to elect officers, citizens to petition for Election Commissioners.

SECTION 1. Whenever a corporation of the sixth class shall have failed, from any cause, to elect officers in accordance with its charter, and there are no officers to carry on the city government, or call an election for officers, in any such case citizens of such corporation may present a petition to the Governor for the appointment of three Commissioners of Election. Such petition shall set forth: First, the name of the corporation, and when and how organized; second, when

the last election for officers took place, and whether any of such officers are performing their duties, and if not, how long since they ceased to perform their duties; third, the provision of the charter as to the qualifications of voters; fourth, that the persons signing the petition possess the qualifications provided by the charter for voters, and that each of said signers is a householder and freeholder in said corporation. The petition shall be signed by not less than seventy-five persons possessing all the qualifications mentioned in the body of the petition, and shall be verified by at least two of the signers, that, of their own knowledge, the petition is true, and that all the signers possess all the qualifications set forth in the petition. Upon the presentation of the petition to the Governor, he may either act upon the petition or require additional evidence of the matters set forth in the petition. Upon being satisfied of the truth of the matters set forth in the petition, the Governor is authorized and empowered to appoint three persons as Commissioners of Election for such corporation. Such Commission shall be known and styled, Board of Election Commissioners for (here give name of corporation).

Contents of petition.

Governor may require evidence of facts alleged in petition.

SEC. 2. The Governor shall cause a commission to be issued to the Commissioners, and the issuance of such commission shall be conclusive evidence of the regularity of all the proceedings to and including the appointment of such Commissioner. Within ten days after their appointment, the Commissioners shall take the oath of office before some Judge or Clerk, which oath shall be indorsed upon the commission, and a copy filed in the office of the Secretary of State, and shall organize by the election of a President and Secretary from their own members. The Board shall cause to be kept minutes of all their proceedings, which minutes shall be signed at the close of each meeting by the President and Secretary.

Governor to appoint Commissioners.

Oath of Commissioners.

President and Secretary.

SEC. 3. The Board of Election Commissioners shall have power: First, by an order entered in their minutes, to call an election for such officers as are declared in the charter of such corporation to be elected only by the voters in said corporation. Such order shall specify the names of the offices to be filled, and when any office is to be filled by an election in any ward or subdivision of said corporation, the order shall so state, and the date fixed for the election. Previous to the election, the Board shall appoint officers of election and fix the places of holding the election, as required in the charter of such corporation. The Board shall cause notice of such election to be published in one or more newspapers published in said corporation; or if none be published therein, then by posting notices, for at least twenty days before such election. Such election shall be conducted as required by the charter of said corporation for election of officers, except that it shall not be necessary to use printed registers, but should any voter be challenged on the ground that his name does not appear on the Great Register of the county, it shall be sufficient for him to state, under oath, that he believes his name is upon the Great Register, and if no other evidence is

Power of Election Commissioners.

Notice of election.

Election, how conducted

offered, the Board of Election shall accept his statement as true.

Returns of election.

SEC. 4. The Boards of Election shall make return of the election as required in the charter, except that the returns shall be returned and delivered to the Board of Election Commissioners, of all officers voted for at such election, without reference to whether any of such officers were voted for in the whole, or only a ward or subdivision of the corporation, and no officer of election shall issue a certificate of election.

Canvass of returns.

SEC. 5. Within five days after the election the Board of Election Commissioners shall proceed to canvass said returns and declare what persons were elected. Said Board shall thereupon issue certificates of election to the persons so declared to be elected; such certificate shall be signed by all the Commissioners, and shall be conclusive evidence of the regularity of all the proceedings taken in said election and by said Board, except as against any suit or proceeding that may be commenced to oust from office any of said persons holding a certificate.

When officers to enter upon office.

SEC. 6. Within ten days after issuance of the certificates, the officers shall be qualified and enter upon the discharge of their duties, in accordance with the charter. If any person chosen at said election shall fail to take the oath of office and enter upon the discharge of the duties within the time above specified, then the office to which he shall have been elected shall be deemed and held to be vacant, the same as if he had never been elected. At the first meeting of the legislative department of the corporation after the election, the Board of Election Commissioners shall deliver to said legislative department all books and papers in their possession relating to their office of Election Commissioners, and said legislative department shall cause the same to be filed by their clerk, and shall cause the commission issued by the Governor to said Commissioners, and the minutes of said Commissioners and notice of the election, to be entered in the book of minutes of said legislative department, and such entries, when so made, shall be evidence of all the matters therein stated, and as conclusive evidence as the original.

When officers elected qualify, etc., corporation organized.

SEC. 7. Whenever the officers elected at said election, and the officers authorized by the charter to be elected or appointed by the legislative or executive department of said corporation, shall have qualified and entered upon the discharge of their duties, then said corporation shall be deemed and held to be fully organized and in operation, as if said election had been held at the time and in all respects in the manner required by the charter.

Conclusive evidence of organization.

SEC. 8. Whenever the government of the corporation is in full operation, as set forth in section seven, the legislative department shall cause a resolution to be entered in their minutes declaring the same; and such resolution shall be conclusive evidence of the same, except as against a direct action or proceeding to set aside or annul said government.

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

CHAPTER CXLVIII.

*An Act to amend section thirty-four hundred and ninety-eight of the Political Code, relating to the approval or cancellation of applications for State lands.*

[Approved March 14, 1885.]

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

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

**3498.** All applications, under whatsoever Act, filed in the office of the Surveyor-General, must be retained ninety days before approval, and must be approved (when there is no conflict) by the Surveyor-General, at the expiration of six months, subject, however, to the provisions of sections three thousand four hundred and six and three thousand four hundred and seven of this Code, and all unapproved applications, which have been on file over six months, wherein the approval has not been demanded, and wherein the contest has not been referred to Court, or a demand made for an order of reference, as provided in section thirty-four hundred and fourteen of the Political Code, shall be null and void.

Application, how long retained.

When to be approved

Unapproved applications null and void.

SEC. 2. This Act shall take effect on the first day of August, eighteen hundred and eighty-five, and the Surveyor-General shall give notice to each applicant to be affected thereby, by sending to said applicant, or his attorney, a copy of this Act.

CHAPTER CXLIX.

*An Act to change and permanently locate the boundary lines between the Counties of San Luis Obispo and Kern.*

[Approved March 14, 1885.]

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

SECTION 1. The boundary line between the Counties of San Luis Obispo and Kern are hereby established as follows: Beginning at the southeast corner of section thirty-one, in township ten north, of range twenty-four west, of San Bernardino base and meridian; thence north, on dividing section lines between thirty-one and thirty-two, thirty and twenty-nine, nineteen and twenty, eighteen and seventeen, seven and eight, six and five, to the northeast corner of section six, in the said township ten north, range twenty-four west, of San Bernardino base and meridian; thence continuing north through township eleven north, range twenty-four

Boundary line between San Luis Obispo and Kern Counties.

Boundary  
line between  
San Luis  
Obispo and  
Kern  
Counties.

west, of San Bernardino base and meridian, on section lines between sections thirty-one and thirty-two, thirty and twenty-nine, nineteen and twenty, eighteen and seventeen, seven and eight, six and five, to the northeast corner of section six in said township eleven north, of range twenty-four west, of San Bernardino base and meridian; thence west, on township line between townships eleven and twelve north, range twenty-four west, of San Bernardino base and meridian, and along the north boundary of section six to the northwest corner of said township eleven north, range twenty-four west, of San Bernardino base and meridian; thence north, between sections thirty-one (in fractional township twelve north, range twenty-four west), and section thirty-six (in fractional township twelve north, range twenty-five west), to the eight standard parallel south of Monte Diablo base and meridian; thence westerly on the said eight standard parallel south to the common corner to townships thirty-two south, range twenty-two east, and thirty-two south, range twenty-three east, of Monte Diablo meridian; thence northerly, as per the United States survey, on line between said townships and ranges last above named, to the northeast corner of the said township thirty-two south, range twenty-two east, of Monte Diablo meridian; thence westerly on the north boundary of said last above named township and range to the common corner to township thirty-one south, range twenty-one east, and thirty-two south, range twenty-one east, of Monte Diablo meridian; thence north to the northeast corner of said township thirty-one south, range twenty-one east, of Monte Diablo meridian; thence west eight miles to the southwest corner of section thirty-five, in township thirty south, range twenty east; thence north on section line between sections thirty-four and thirty-five, twenty-seven and twenty-six, twenty-two and twenty-three, fifteen and fourteen, ten and eleven, and three and two, to the northeast corner of section three in said township thirty south, range twenty east, of Monte Diablo meridian; thence west four miles to the northwest corner of said last above named township and range; thence north to the northeast corner of township twenty-nine south, range nineteen east; thence west to the northwest corner of said township twenty-nine south, range nineteen east, of Monte Diablo meridian; thence west one mile to the southeast corner of section thirty-five, in township twenty-eight south, range eighteen east, of Monte Diablo meridian; thence north to the northeast corner of section twenty-six, in said township, twenty-eight south, range eighteen east; thence west to the northwest corner of said section twenty-six; thence north to the northeast corner of section twenty-two; thence west to the northwest corner of said section twenty-two; thence north to the northeast corner of section sixteen; thence west to the northwest corner of said section sixteen; thence north to the northeast corner of section eight; thence west to the northwest corner of said section eight; thence north to the township line at the northeast corner of section six; thence west to the northwest corner of said township twenty-eight south, range

eighteen east; thence north on range line to northeast corner of township twenty-seven south, range seventeen east, of Monte Diablo meridian; thence west on township line to the northwest corner of said last above named township; thence north, on range line between township twenty-six south, range sixteen east, and township twenty-six south, and range seventeen east, to the northeast corner of said township twenty-six south, range sixteen east; thence north, on said range line between township twenty-five south, range sixteen east, and township twenty-five south, range seventeen east, of Monte Diablo meridian, to the northeast corner of said township twenty-five south, range eighteen east, on the sixth standard parallel south of Monte Diablo base; thence west, on said standard parallel, to the original common corner of San Luis Obispo, Kern, and Tulare Counties.

SEC. 2. All other Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately after its passage.

## CHAPTER CL.

*An Act to amend section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to powers of corporations.*

[Approved March 18, 1885.]

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

SECTION 1. Section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," is hereby amended so as to read as follows:

**359.** 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. Every corporation may increase or diminish its capital stock, or increase its bonded indebtedness, subject to the foregoing provision of this section, at a meeting called by the Directors for the purpose, as follows:

1. Notice of the time and the place of the meeting, stating its object, and the amount to which it is proposed to increase or diminish the capital stock, must be personally served on each stockholder resident in the State, at his place of residence, if known, and if not known, at the place where the principal office of the corporation is situated, and be published in a newspaper published in the county of such principal place of business once a week for nine weeks successively.

2. The capital stock must in no case be diminished to an amount less than the indebtedness of the corporation, or the estimated cost of the works which it may be the purpose of the corporation to construct.

Corporation not to issue bonds except for labor, etc.

May increase or diminish stock at a meeting.

Notice of meeting personally served on stockholders in 15 publication.

Stock not diminished less than debts, etc.

Two thirds  
of stock to  
vote.

3. At least two thirds of the entire capital stock must be represented by the vote in favor of the increase, diminution, before it can be effectual.

A certificate  
of facts must  
be signed by  
Chairman  
and Secre-  
tary and be  
filed in  
the County  
Clerk's office.

4. A certificate must be signed by the Chairman and Secretary of the meeting and a majority of the Directors, showing a compliance with the requirements of this section, the amount to which the capital stock has been increased or diminished, the amount of stock represented at the meeting, and the vote by which the object was accomplished.

5. The certificate must be filed in the office of the County Clerk where the original articles of incorporation were filed, and a certified copy thereof in the office of the Secretary of State, and thereupon the capital stock shall be so increased or diminished, or the bonded indebtedness may be increased accordingly.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CLI.

*An Act to appropriate money to pay the indebtedness incurred by calling the State militia into service to enforce the law in San Joaquin County.*

[Approved March 18, 1885.]

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

Appropriation to pay  
expenses of  
Stockton and  
Emmet  
Guards.

SECTION 1. The sum of forty-one hundred and forty-two dollars is hereby appropriated out of the General Fund, to pay the expenses incurred by the Stockton and Emmet Guards of the National Guard of California, in the service of the State, from the eighth to the seventeenth day of July inclusive, eighteen hundred and eighty-four.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLII.

*An Act to amend sections eleven hundred and eighty-three, eleven hundred and eighty-four, eleven hundred and ninety-one, eleven hundred and ninety-four, and eleven hundred and ninety-five of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add four new sections thereto, to be known, numbered, and designated as sections twelve hundred, twelve hundred and one, twelve hundred and two, and twelve hundred and three, all relating to liens of mechanics and others upon real property, and to carry out the mandate of section fifteen, of article twenty, of the Constitution.*

[Approved March 18, 1885.]

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

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

**1183.** Mechanics, material men, contractors, sub-contractors, artisans, architects, machinists, builders, miners, and all persons and laborers of every class, performing labor upon or furnishing materials to be used in the construction, alteration, or repair, either in whole or in part, of any building, wharf, bridge, ditch, flume, aqueduct, tunnel, fence, machinery, railroad, wagon road, or other structure, shall have a lien upon the property upon which they have bestowed labor, or furnished materials, for the value of such labor done and materials furnished, whether at the instance of the owner, or of any other person acting by his authority, or under him, as contractor or otherwise; and any person who performs labor in any mining claim or claims, has a lien upon the same, and the works owned and used by the owners for reducing the ores from such mining claim or claims, for the work or labor done, or materials furnished by each respectively, whether done or furnished at the instance of the owner of the building or other improvement, or his agent; and every contractor, sub-contractor, architect, builder, or other person having charge of any mining, or of the construction, alteration, or repair, either in whole or in part, of any building or other improvement as aforesaid, shall be held to be the agent of the owner, for purposes of this chapter. In case of a contract for the work, between the owner and his contractor, the lien shall extend to the entire contract price, and such contract shall operate as a lien in favor of all persons, except the contractor, to the extent of the whole contract price; and after all such liens are satisfied, then as a lien for any balance of the contract price in favor of the contractor. All such contracts shall be in writing when the amount agreed to be paid thereunder exceeds one thousand dollars, and shall be subscribed by the parties thereto, and

Mechanics, etc., to have lien on building.

Laborers on mining claim to have lien on claim.

Contractor agent of owner.

Contract to be in writing.

shall, before the work is commenced, be filed in the office of the County Recorder of the county, or city and county, where the property is situated, who shall receive one dollar for such filing, otherwise they shall be wholly void, and no recovery shall be had thereon by either party thereto; and in such case, the labor done and materials furnished by all persons aforesaid, except the contractor, shall be deemed to have been done and furnished at the personal instance of the owner, and they shall have a lien for the value thereof.

SEC. 2. Section one thousand one hundred and eighty-four of the Code of Civil Procedure is hereby amended so as to read as follows:

Contract price not to be paid in advance.

**1184.** No part of the contract price shall, by the terms of any such contract, be made payable, nor shall the same, or any part thereof, be paid in advance of the commencement of the work; but the contract price shall, by the terms of the contract, be made payable in installments, at specified times, after the commencement of the work, or on the completion of specified portions of the work, or on the completion of the whole work; *provided*, that at least twenty-five per cent of the whole contract price shall be made payable at least thirty-five days after the final completion of the work and contract. No payment made prior to the time when the same is due under the terms and conditions of the contract, shall be valid for the purpose of defeating, diminishing, or discharging any lien in favor of any person, except the contractor, but as to such liens, such payment shall be deemed as if not made, and shall be applicable to such liens, notwithstanding the contractor to whom it was paid may thereafter abandon his contract, or be or become indebted to the owner in any amount, for damages or otherwise, for non-performance of his contract or otherwise. As to all liens, except that of the contractor, the whole contract price shall be payable in money, and shall not be diminished by any prior or subsequent indebtedness, offset, or counterclaim in favor of the owner and against the contractor; no alteration of any such contract shall affect any lien acquired under the provisions of this chapter. All such contract and alterations thereof as do not conform substantially to the provisions of this section, shall be wholly void, and no recovery shall be had thereon by either party thereto; and in such case the labor done and materials furnished by all persons, except the contractor, shall be deemed to have been done and furnished at the personal instance of the owner, and they shall have a lien for the value thereof. Any of the persons mentioned in section eleven hundred and eighty-three, except the contractor, may, at any time, give to the owner a written notice that they have performed labor or furnished materials, or both, to the contractor, or other person acting by authority of the owner, or that they have agreed to do so, stating in general terms the kind of labor and materials, and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed to be done or furnished, or both. Such notice

Such payment void.

may be given by delivering the same to the owner personally, or by leaving it at his residence or place of business, with some person in charge; or by delivering it to his architects, or by leaving it at their residence or place of business, with some person in charge; or by posting it in a conspicuous place upon the mining claim, building, wharf, bridge, ditch, flume, aqueduct, tunnel, fence, machinery, railroad, wagon road, or other structure. No such notice shall be invalid by reason of any defect of form; *provided*, it is sufficient to inform the owner of the substantial matters herein provided for. Upon such notice being given, it shall be the duty of the owner to, and he shall withhold from his contractor, or from any other person acting under such owner, and to whom by said notice the said labor or materials, or both, have been furnished or agreed to be furnished, all money due or that may become due to such contractor, or other person, or sufficient of such money to answer such claim and any lien that may be filed therefor, for record, under this chapter, including costs and counsel fees provided for in this chapter, until such notice is by writing withdrawn; and all money paid thereafter by the owner to the contractor, or such other person, while such notice is in force, shall, for the purposes of all liens of all persons, except that of the contractor, be deemed a payment prior to the time the same was due within the meaning of and subject to the provisions of this section.

Notice to contractor or owner.

SEC. 3. Section one thousand one hundred and ninety-one of the Code of Civil Procedure is hereby amended so as to read as follows:

1191. Any person who, at the request of the owner of any lot in any incorporated city or town, grades, fills in, or otherwise improves the same, or the street or sidewalk in front of or adjoining the same, has a lien upon such lot for his work done and materials furnished.

Lien for grading street.

SEC. 4. Section eleven hundred and ninety-four of the Code of Civil Procedure is hereby amended to read as follows:

1194. In every case in which different liens are asserted against any property, the Court in the judgment must declare the rank of each lien, or class of liens, which shall be in the following order, viz.:

Court to declare order of liens.

1. All persons performing manual labor in, on, or about the same.
2. Persons furnishing materials.
3. Sub-contractors.
4. Original contractors.

And the proceeds of the sale of the property must be applied to each lien or class of liens in the order of its rank; and whenever, in the sale of the property subject to the lien, there is a deficiency of proceeds, judgment may be docketed for the deficiency in like manner and with like effect as in actions for the foreclosure of mortgages.

Deficiency to be docketed.

SEC. 5. Section one thousand one hundred and ninety-five of the Code of Civil Procedure is hereby amended so as to read as follows:

Any number  
of lien  
holders may  
join in  
action.

**1195.** Any number of persons claiming liens may join in the same action, and when separate actions are commenced, the Court may consolidate them. The Court must also allow, as a part of the costs, the money paid for filing and recording the lien, and reasonable attorneys' fees in the Superior and Supreme Courts, such costs and attorneys' fees to be allowed to each lien claimant whose lien is established, whether he be plaintiff or defendant, or whether they all join in one action or separate actions are consolidated.

**SEC. 6.** Another section is added to the Code of Civil Procedure, numbered one thousand two hundred, and reads as follows:

Where con-  
tractor fails  
to perform  
contract.

**1200.** In case the contractor shall fail to perform his contract in full, or shall abandon the same before completion, the portion of the contract price applicable to the liens of other persons than the contractor, shall be fixed as follows: From the value of the work and materials already done and furnished at the time of such failure or abandonment, including materials then actually delivered or on the ground, which shall thereupon belong to the owner, estimated as near as may be by the standard of the whole contract price, shall be deducted the payments then due and actually paid, according to the terms of the contract and the provisions of sections one thousand one hundred and eighty-three and one thousand one hundred and eighty-four, and the remainder shall be deemed the portion of the contract price applicable to such liens.

**SEC. 7.** Another section is added to the Code of Civil Procedure, numbered one thousand two hundred and one, and reads as follows:

Written  
consent to  
waive  
claims.

**1201.** It shall not be competent for the owner and contractor, or either of them, by any term of their contract, or otherwise, to waive, affect, or impair the claims and liens of other persons, whether with or without notice, except by their written consent, and any term of the contract to that effect shall be null and void.

**SEC. 8.** Another section is added to the Code of Civil Procedure, numbered one thousand two hundred and two, and reads as follows:

What forfeits  
liens.

**1202.** Any person who shall willfully give a false notice of his claim to the owner under the provisions of section one thousand one hundred and eighty-four, shall forfeit his lien. Any person who shall willfully include in his claim filed under section one thousand one hundred and eighty-seven, work or materials not performed upon or furnished for the property described in the claim, shall forfeit his lien. If the owner and his contractor shall directly or indirectly conspire to or agree that the written contract filed shall appear to show the contract price to be less than it really is, and it shall accordingly so show, then such contract shall be wholly void, and no recovery shall be had thereon by either party thereto, and in such case the labor done and materials furnished by all persons, except the contractor, shall be deemed to have been done and furnished at the personal instance of the owner, and they shall have a lien for the value thereof.

SEC. 9. Another section is added to the Code of Civil Procedure, numbered one thousand two hundred and three, and reads as follows:

1203. Any bond which may be given by the contractor to the owner, for the faithful performance of his contract, shall be filed, with the contract, in the Recorder's office, or be void; and whatever may be its terms, shall inure to any person who performs labor for or furnishes materials to the contractor; and any such person shall have an action to recover upon said bond against the principal and sureties, or any or either of them, for the value of such labor and materials, not to exceed the amount of the bond; but such action shall not affect his liens, nor any action to foreclose it, except that there shall be but one satisfaction of his claim, with costs and counsel fees. Nothing in this section contained shall affect or impair the rights of the owner under the bond. Nor shall any alteration in the contract, or deviation in the work or in the payments, release the sureties on said bond from their liability, except to the owner.

Bond of contractor to be filed.

CHAPTER CLIII.

*An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities.*

[Approved March 18, 1885.]

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

PART I.

SECTION 1. All streets, lanes, alleys, places, or courts, in the municipalities of this State now open or dedicated, or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, lanes, alleys, places, or courts, for the purposes of this Act, and the City Council of each municipality is hereby empowered to establish and change the grades of said streets, lanes, alleys, places, or courts, and fix the width thereof, and is hereby invested with jurisdiction to order to be done thereon any of the work mentioned in section two of this Act, under the proceedings hereinafter described.

Lanes, etc., are public streets.

SEC. 2. Whenever the public interest or convenience may require, the City Council is hereby authorized and empowered to order the whole or any portion of the streets, lanes, alleys, courts, or places of any such city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, and to order sidewalks, sewers, manholes, culverts, curbing, and crosswalks to be constructed therein, and to order any other work to be done which shall be necessary to make and complete the whole or any portion

City Council may order streets graded.

of said streets, sidewalks, lanes, alleys, courts, or places, and it may order any of the said work to be improved.

Council to  
pass resolu-  
tions of  
intention.

SEC. 3. Before ordering any work done, or improvements made, which is authorized by section two of this Act, the City Council shall pass a resolution of intention so to do, and describing the work. The Street Superintendent shall thereupon cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, or when the work to be done is the improvement of an entire crossing in front of each quarter block liable to be assessed, notices of the passage of said resolution. Said notice shall be headed "Notice of Street Work," in letters of not less than one inch in length, and shall, in legible characters, state the fact of the passage of the resolution, its date, and briefly, the work or improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice, similar in substance, to be published for a period of five days in one or more daily newspapers published and circulated in said city, and designated by said City Council, or by one insertion in a weekly newspaper so published, circulated, and designated. The owners of one half or more of the frontage of the property fronting on said proposed work or improvement, where the same is for one block or more, may make a written objection to the same within ten days after the expiration of the time of the publication of said notice, which objection shall be delivered to the Clerk of the City Council, who shall indorse thereon the date of its reception by him, and such objection so delivered and indorsed shall be a bar for six months to any further proceedings in relation to the doing of said work or making said improvement, unless the owners of one half or more of the frontage as aforesaid shall meanwhile petition for the same to be done. At any time before issuance of the assessment roll, all owners of lots or lands, liable to assessment therein, who after the first publication of said resolution of intention may feel aggrieved, or who may have objections to any of the subsequent proceedings of the said Council, in relation to the performance of the work mentioned in said notice of intention, shall file with the Clerk a petition of remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object; such petition or remonstrance shall be passed upon by the said City Council, and its decisions therein shall be final and conclusive. But when the work or improvement proposed to be done is the construction of sewers, manholes, culverts, crosswalks, and sidewalks, and the objection thereto is signed by the owners of one half or more of the frontage as aforesaid, the said City Council shall, at its next meeting, fix a time for hearing said objection, not less than one week thereafter. The City Clerk shall thereupon notify the persons making such objection, by depositing a notice thereof in the Post Office of said city, postage prepaid, addressed to each objector, or his agent, when he appears for such objector. At the time specified said City Council shall hear the objections urged, and pass upon the

Notice to be  
posted.

Objection by  
owners.

Objection to  
work.

same, and its decision shall be final and conclusive, and the said bar for six months to any further proceedings shall not be applicable therein. And when not more than two blocks remain ungraded between one or more blocks on each side thereof, which have been graded, said City Council may order that part of said street or highway so remaining ungraded, not exceeding two blocks, to be graded and improved, and the grading and improvement of said two blocks or less shall not be stayed or prevented by any written or other objection, unless such Council shall deem proper. And if one half or more in width or in length, or as to grading, one half or more of the grading work, of any street lying and being between two successive main street crossings, or if a crossing has been already graded or improved as aforesaid, said Council may order the remainder improved, graded or otherwise, notwithstanding such objections of property owners. At the expiration of ten days after the expiration of the time of the publication, and at the expiration of fifteen days after the posting of any resolution of intention, if no written objection to the work therein described has been delivered as aforesaid by the owners of one half or more of the frontage of the property fronting on said work or improvement, the City Council shall be deemed to have acquired jurisdiction to order any of the work to be done, or improvement to be made, which is authorized by section two of this Act. Before passing any resolution for the construction of said improvements, plans, and specifications, and careful estimates of the cost and expenses thereof, shall be furnished to said City Council, if required by it, by the City Engineer of said city, and for the work of constructing sewers, specifications shall always be furnished by him. Whenever the estimated or actual cost of any work contemplated or ordered to be done by the City Council, and chargeable under the provisions of this Act against any lot or lots of land, or the owner thereof, shall exceed one half of the assessed value of such lot or lots as borne upon the last assessment roll whereon it was assessed, made for the levying of taxes for municipal purposes, the amount of the cost of said work, exceeding said one half of the assessed value of said lot or lots, shall be paid out of the city treasury, unless the owner of such lot or lots shall, in writing, signed by himself or his authorized agent, consent that the whole expense of said improvement may be made a charge against said lot or lots.

When Council has jurisdiction.

SEC. 4. The owners of more than one half in frontage of lots and lands fronting on any street, lane, alley, place, or court, or their duly authorized agents, may petition the City Council to order any of the work mentioned in section two of this Act to be done, and the City Council may order the work mentioned in said petition to be done, after notice of its intention so to do has been posted and published as provided in section three of this Act.

Owners may petition to grade.

SEC. 5. Before the awarding of any contract by the City Council for doing any work authorized by section two of this Act, the City Council shall cause notice to be posted conspicuously for five days on or near the Council Chamber door of

Proposals to do the work.

said Council, inviting sealed proposals for the work contemplated. All proposals offered shall be accompanied by a check payable to the order of the Mayor of the city, certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the proposal; or, if so prescribed by the City Council, by a bond for the said amount signed by the bidder and by two sureties, who shall justify before any officer competent to administer an oath, in double the said amount over and above all statutory exemptions. Said proposals shall be delivered to the Clerk of the said City Council, and said Council shall, in open session, examine and publicly declare the same; *provided*, however, that no proposal shall be considered unless accompanied by said check or bond satisfactory to the Council. The City Council may reject any and all bids, should it deem this for the public good, and also the bid of any party who has been delinquent and unfaithful in any former contract with the municipality, and shall reject all bids other than the lowest regular bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bids so rejected. But the check accompanying such accepted proposal or bid shall be held by the City Clerk of said city until the contract for doing said work as hereinafter provided has been entered into, either by said lowest bidder or by the owners of a major part of the frontage, whereupon said certified check shall be returned to said bidder. But if said bidder fails, neglects, or refuses to enter into the contract to perform said work or improvement, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be declared to be forfeited to said city, and shall be collected by it and paid into its fund for repairs of streets, and any bond forfeited may be prosecuted and the amount due thereon collected and paid into said fund. Notice of such awards of contract shall be posted for five days, in the same manner as hereinbefore provided for the publication of proposals for said work. The owners of the major part of the frontage of lots and lands upon the street whereon said work is to be done, which are liable to be assessed for said work, or their agents, and who shall make oath that they are such owners or agents, shall not be required to present sealed proposals, but may within ten days after the first posting of notice of said award elect to take said work, and enter into a written contract to do the whole work at the price at which the same has been awarded. Should the said owners fail to elect to take said work and to enter into a written contract therefor within said ten days, or to commence the work within fifteen days after the first publication of said award, and to prosecute the same with diligence to completion, it shall be the duty of the Superintendent of Streets to enter into a contract with the original bidder to whom the contract was awarded, and at the prices specified in his bid. But if said original bidder neglects, fails, or refuses for fifteen days after the first posting of notice

Council may  
reject bids.

Notice of  
award to be  
posted.

of the award to enter into the contract, then the City Council shall again advertise for proposals, as in the first instance, and award the contract for said work to the then lowest regular responsible bidder. The bids of all persons and the election of all owners as aforesaid who have failed to enter into contract as herein provided, shall be rejected in any bidding or election subsequent to the first, for the same work. If the owners or contractor who may have taken any contract do not complete the same within the time limited in the contract, or within such further time as the City Council may give them, the Superintendent of Streets shall report such delinquency to the City Council, which may relet the unfinished portion of said work, after pursuing the formalities prescribed hereinbefore for the letting of the whole. All contractors, contracting owners included, shall, at the time of executing any contract for street work herein, execute a bond to the satisfaction and approval of the Superintendent of Streets of said city, with two or more sureties, and payable to such city, in such sums as the said Mayor shall deem adequate, conditional for the faithful performance of the contract; and the sureties shall justify before any person competent to administer an oath in double the amount mentioned in said bond over and above all statutory exemptions. Before being entitled to a contract the bidder to whom award was made, or the owners who have elected to take the contract, must advance to the Superintendent of Streets for payment by him the cost of publication of the notices required hitherto under the proceedings prescribed in this Act.

Contractors  
to file bond.

SEC. 6. The Superintendent of Streets is hereby authorized, in his official capacity, to make all written contracts, and receive all bonds authorized by this Act, and to do any other act, either express or implied, that pertains to the Street Department under this Act; and he shall fix the time for the commencement, which shall not be more than fifteen days from the date of the contract, and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to day thereafter to completion, and he may extend the time so fixed from time to time, under the direction of the City Council. The work provided for in section two of this Act must, in all cases, be done under the direction and to the satisfaction of the Superintendent of Streets, and the materials used shall comply with the specifications and be to the satisfaction of said Superintendent of Streets, and all contracts made therefor must contain a provision to that effect, and also express notice that, in no case, except where it is otherwise provided in this Act, will the city, or any officer thereof, be liable for any portion of the expense, nor for any delinquency of persons or property assessed. The City Council may, by ordinance, prescribe general rules directing the Superintendent of Streets and the contractor as to the materials to be used, and the mode of executing the work, under all contracts thereafter made. The assessment and apportionment of the expenses of all such work or improvement shall be made by the Superintendent of Streets in the mode herein provided.

Superintendent  
of  
Streets.

Powers.

Expenses to  
be assessed  
per front  
foot.

SEC. 7. *Subdivision One*—The expenses incurred for any work authorized by section two of this Act, which shall not include such portion of any street as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided; each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per front foot sufficient to cover the total expenses of the work. But wherever the said assessment upon any lot or portion of a lot would exceed one half the valuation of said lot, or portion of a lot, as it was last assessed for municipal taxation, then, unless the owner, or his attorney in fact, shall have previously filed with the Superintendent of Streets a written waiver of the partial exemption herein provided, the assessment and the lien thereof upon said lot or portion of a lot shall be only to the amount of one half of said last preceding municipal valuation, and the proper remainder of said assessment shall be assessed to the city, and be payable out of the city treasury.

*Subdivision Two*—The expenses of all improvements, except such as are done by contractors, under the provisions of section thirteen of this Act, until the streets, street crossings, lanes, alleys, places, or courts, are finally accepted, as provided in section twenty of this Act, shall be assessed upon the lots and lands as provided in this section, according to the nature and character of the work; (and after such acceptance, the expense of all work thereafter done thereon shall be paid by said city out of the Street Department Fund).

Main street  
crossings.

*Subdivision Three*—The expense of work done on main street crossings shall be assessed at a uniform rate per front foot of the four quarter blocks adjoining and cornering upon the crossing, and separately upon the whole of each lot or portion of a lot having any frontage in the quarter blocks fronting on said main streets, but only according to its frontage in said quarter blocks.

*Subdivision Four*—Where a main street terminates in another main street, the expenses of the work done on one half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main streets, and the expense of the other half of the width of said street, upon the lot or lots fronting on the latter half of the street opposite such termination.

Subdivision  
street.

*Subdivision Five*—Where any small or subdivision street crosses a main street, the expense of all work done on said crossings shall be assessed on all the lots or portions of lots half way on said small streets to the next crossing or intersection, or to the end of such small or subdivision street, if it does not meet another.

*Subdivision Six*—The expense of work done on small or subdivision street crossings shall be assessed upon the lots fronting upon such small streets, on each side thereof, in all directions, half way to the next street, place, or court, on either side, respectively, or to the end of such street, if it does not meet another.

*Subdivision Seven*—Where a small street, lane, alley, place, Lanes. or court, terminates in another street, lane, alley, place, or court, the expense of the work done on one half of the width of the street, lane, alley, place, or court, opposite the termination, shall be assessed upon the lot or lots fronting on such small street, or lane, alley, place, or court, so terminating, according to its frontage thereon, half way on each side, respectively, to the next street, lane, alley, place, or court, or to the end of such street, lane, alley, place, or court, if it does not meet another; and the other one half of the width upon the lots fronting such termination.

*Subdivision Eight*—Where any work mentioned in section Center line of streets, two of this Act (sewers, manholes, cesspools, culverts, crosswalks, crossings, curbings, grading curbing, piling, and capping excepted) is done on one side of the center line of said streets, lanes, alleys, places, or courts, the lots or portions of the lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this section.

*Subdivision Nine*—Section one of chapter three hundred and twenty-five of the laws of this State entitled an Act amendatory of and supplementary to an Act to provide revenue Act of April, 1857-1859, not applicable. for the support of the government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, approved April nineteenth, eighteen hundred and fifty-nine, shall not be applicable to the provisions of this section, but the property herein mentioned shall be subject to the provisions of this Act, and to be assessed for work done under the provisions of this section.

*Subdivision Ten*—It shall be lawful for the owner or owners Owner may grade at his own expense. of lots or lands fronting upon any street, the width and grade of which have been established by the City Council, to perform at his own expense (after obtaining from the Council permission so to do, but before said Council has passed its resolutions of intention to order grading inclusive of this) any grading upon said street to its full width, and to its grade as then established, and thereupon to procure, at his own expense, a certificate from the City Engineer, setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, and thereafter to file said certificate with the Superintendent of Streets, which certificate the Superintendent shall record in a book kept Certificate of engineer to be filed. for that purpose in his office, properly indexed. Whenever thereafter the City Council orders the grading of said street, or any portion thereof, on which any grading, certificated as aforesaid, has been done, the bids and the contract must express the prices by the cubic yard for cutting and filling in grading; and the said owner and his successors in interest shall be entitled to credit on the assessment upon his lots and lands fronting on said street for the grading thereof, to the amount of the cubic yards of cutting and filling set forth in his said certificate, at the prices named in the contract for said cutting and filling, or if the grade has meanwhile been

duly altered, only for so much of said certificated work as would be required for grading to the altered grade; *provided*, however, that such owner shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him and proportionately assessed for the whole of said grading; and the Superintendent of Streets shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the duly altered grade so much of said certificated work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments made upon the amounts assessed against the lots and lands owned respectively by said certificated owners and their successors in interest; *provided*, however, that he shall not so include any grading quantities, or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certificated owners, or their successors in interest.

Resolution  
may include  
different  
kinds of  
work.

*Subdivision Eleven*—The City Council may include in one resolution of intention and order any of the different kinds of work mentioned in section two of this Act, and it may except therefrom any of said work already done upon the grade. The lots and portions of lots fronting upon said excepted work shall not be included in the frontage assessment for the class of work from which the exception is made; *provided*, that this shall not be so construed as to affect the special provisions as to grading contained in subdivision ten of this section.

Superintendent  
to make  
an assess-  
ment for  
work.

Sec. 8. After the contractor of any street work has fulfilled his contract to the satisfaction of the Street Superintendent of the said city, or City Council on appeal, the Street Superintendent shall make an assessment to cover the sum due for the work performed and specified in said contracts (including any incidental expenses), in conformity with the provisions of the preceding section, according to the character of the work done; or, if any direction and decision shall be given by said Council on appeal, then, in conformity with such direction and decision, which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot, or portion of a lot (if known to the Street Superintendent); if unknown, the word "unknown" shall be written opposite the number of the lot, and the amount assessed thereon, the number of each lot or portion of a lot assessed, and shall have attached thereto a diagram exhibiting each street or street crossing, lane, alley, place, or court, on which any work has been done, and showing the relative location of each distinct lot or portion of a lot to the work done, numbered to correspond with the numbers in the assess-

ments, and showing the number of feet fronting assessed for said work contracted for and performed.

SEC. 9. To said assessment shall be attached a warrant, which shall be signed by the Superintendent of Streets, and countersigned by the Mayor of said city. The said warrant shall be substantially in the following form: Form of warrant.

FORM OF THE WARRANT.

"By virtue hereof, I (name of Superintendent of Streets) of the City of \_\_\_\_\_, County of \_\_\_\_\_, or City and County of \_\_\_\_\_, and State of California, by virtue of the authority vested in me as said Superintendent of Streets, do authorize and empower (name of contractor) (his or their) agents or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be (his or their) warrant for the same.

"(Date.) (Name of Superintendent of Streets.)

"Countersigned by (name of) Mayor."

Said warrant, assessment, and diagram shall be recorded in the office of said Superintendent of Streets. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment, and diagram, all persons mentioned in section eleven of this Act shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, and diagram are recorded, the same shall be delivered to the contractor, or his agent or assigns, on demand, but not until after the payment to the said Superintendent of Streets of the incidental expenses not previously paid by the contractor, or his assigns; and by virtue of said warrant, said contractor, or his agents or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments.

SEC. 10. The contractor, or his assigns, or some person in his or their behalf, shall call upon the persons assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made the contractor, his assigns, or some person in his or their behalf, shall receipt the same upon the assessment in presence of the person making such payment, and shall also give a separate receipt if demanded. Whenever the person so assessed, or their agents, cannot conveniently be found, or whenever the name of the owner of the lot is stated as "unknown" on the assessment, then the said contractor, or his assigns, or some person in his or their behalf, shall publicly demand payment on the premises assessed. The warrant shall be returned to the Superintendent of Streets within thirty days after its date, with a return indorsed thereon, signed by the contractor, or his assigns, or some person in his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments Payment to be demanded.

remain unpaid, in whole or in part, and the amount thereof. Thereupon the Superintendent of Streets shall record the return so made, in the margin of the record of the warrant and assessment, and also the original contract referred to therein, if it has not already been recorded at full length in a book to be kept for that purpose in his office, and shall sign the record. The said Superintendent of Streets is authorized at any time to receive the amount due upon any assessment list and warrant issued by him, and give a good and sufficient discharge therefor; *provided*, that no such payment so made after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff; and he may release any assessment upon the books of his office, on the payment to him of the amount of the assessment against any lot with interest, or on the production to him of the receipt of the party or his assigns to whom the assessment and warrant were issued; and if any contractor shall fail to return his warrant within the time and in the form provided in this section, he shall thenceforth have no lien upon the property assessed; *provided*, however, that in case any warrant is lost, upon proof of such loss a duplicate can be issued, upon which a return may be made, with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of ten per cent per annum until paid.

Owners may  
object to  
assessment.

SEC. 11. The owners, whether named in the assessment or not, the contractor, or his assigns, and all other persons directly interested in any work provided for in this Act, or in the assessment, feeling aggrieved by any act or determination of the Superintendent of Streets in relation thereto, or who claim that the work has not been performed according to the contract in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the Superintendent of Streets, shall, within thirty days after the date of the warrant, appeal to the City Council, as provided in this section, by briefly stating their objections in writing, and filing the same with the Clerk of said City Council. Notice of the time and place of the hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts, determinations, or proceedings objected to or complained of, shall be published for five days. Upon such appeal, the said City Council may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the Superintendent of Streets relative to said work; may confirm, amend, set aside, alter, modify, or correct the assessment in such manner as to them shall seem just, and require the work to be completed according to the directions of the City Council; and may instruct and direct the Superintendent of Streets to correct the warrant, assessment, or diagram in any particular, or to make and issue a new warrant, assessment, and diagram, to conform to the decisions of said City Council in relation thereto,

Notice of  
hearing of  
objections.

at their option. All the decisions and determinations of said City Council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities, and irregularities which said City Council might have remedied and avoided; and no assessment shall be held invalid, except upon appeal to the City Council, as provided in this section, for any error, informality, or other defect in any of the proceedings prior to the assessment, or in the assessment itself, where notice of the intention of the City Council to order the work to be done, for which the assessment is made, has been actually published in any designated newspaper of said city for the length of time prescribed by law, before the passage of the resolution ordering the work to be done.

SEC. 12. At any time after the period of thirty-five days from the day of the date of the warrant, as hereinbefore provided, or if any appeal is taken to the City Council, as is provided in section eleven of this Act, at any time after five days from the decision of said Council, or after the return of the warrant or assessment, after the same may have been corrected, altered, or modified, as provided in section eleven of this Act (but not less than thirty-five days from the date of the warrant), the contractor, or his assignee, may sue, in his own name, the owner of the land, lots, or portions of lots assessed, on the day of the date of the recording of the warrant, assessment, and diagram, or on any day thereafter, during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon, as hereinbefore provided; and in all cases of recovery, under the provisions of this Act, the plaintiff shall recover the sum of fifteen dollars, in addition to the taxable costs, as attorneys' fees, but not any percentage upon said recovery. Suit may be brought in the Superior Court within whose jurisdiction the city is in which said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands, the owners whereof cannot with due diligence be found, the service in each of such actions may be had in such manner as is prescribed in the Codes and laws of this State. The said warrant, assessment, and diagram, with the affidavit of demand and non-payment, shall be held prima facie evidence of the regularity and correctness of the assessment, and of the prior proceedings and acts of the Superintendent of Streets and City Council, upon which said warrant, assessment, and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The Court in which such suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution, as in other cases of the sale of real estate by the process of said Courts; and on appeal the appellate Court shall be vested with the same power to adjudge and decree a lien, and to order such premises to be sold on execution or decree, as is conferred on the Court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits, now pending, or

Contractor  
may sue.

In Superior  
Court.

hereafter brought, to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this Act, and also when not in conflict herewith by the Codes of this State. This Act shall be liberally construed to effect the ends of justice.

Street out  
of repair.

Duty of  
Superin-  
tendent.

SEC. 13. Whenever any portion of any street, lane, alley, court, or place in said city, improved, or any sidewalk constructed thereon according to law, shall be out of repair and in condition to endanger persons or property passing thereon, or in condition to interfere with the public convenience in the use thereof, it shall be the duty of the said Superintendent of Streets to require, by notice in writing, to be delivered to them personally, or left on the premises, the owners or occupants of lots, or portions of lots, fronting on said portion of said street, lane, alley, court, or place, or of said portion of said walk so out of repair as aforesaid, to repair forthwith said portion of said street, lane, alley, court, or place to the center thereof, or said sidewalk in front of the property of which he is the owner, or tenant, or occupant; and said Superintendent of Streets shall specify in said notice what repairs are required to be made. After the expiration of three days from the date of the service of said notice, the said Superintendent of Streets shall be deemed to have acquired jurisdiction to contract for the making of the repairs required by said notice. If said repairs be not commenced within three days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the said Superintendent of Streets may, under authority from said City Council, make such repairs, or enter into a contract with any suitable person, at the expense of the owner, tenant, or occupant, at a reasonable price, to be determined by said Superintendent of Streets, and such owner, tenant, or occupant shall be liable to pay the same. Upon the completion of said repairs by said contractors as aforesaid to the satisfaction of said Superintendent of Streets, said Superintendent of Streets shall make and deliver to said contractor a certificate to the effect that said repairs have been properly made by said contractor, and that the charges for the same are reasonable and just, and that he, said Superintendent, has accepted the same.

Certificate of  
Superintend-  
ent prima  
facie evi-  
dence, etc.

SEC. 14. If the expenses of the work and material for such improvements, after the completion thereof, and the delivery to said contractor of said certificate, be not paid to the contractor so employed, or his agent or assignee, on demand, the said contractor, or his assignee, shall have the right to sue such owner, tenant, or occupant, for the amount contracted to be paid; and said certificate of the Superintendent of Streets shall be prima facie evidence of the amount claimed for said work and materials, and of the right of the contractor to recover for the same in such action. Said certificate shall be recorded by the said Superintendent of Streets in a book kept by him in his office for that purpose, properly indexed, and the sum contracted to be paid shall be a lien, the same as provided in section nine of this Act, and may be enforced in the same manner.

Penalties.

SEC. 15. In addition, and as cumulative to the remedies

above given, the City Council shall have power, by resolution or ordinance, to prescribe the penalties that shall be incurred by any owner or person liable, or neglecting, or refusing to make repairs when required, as provided in section (13) thirteen of this Act, which fines and penalties shall be recovered for the use of the city by prosecution in the name of the people of the State of California, in the Court having jurisdiction thereof, and may be applied, if deemed expedient by the said Council, in the payment of the expenses of any such repairs not otherwise provided for.

SEC. 16. The person owning the fee, or the person in whom, on the day the action is commenced, appears the legal title to the lots and lands, by deeds duly recorded in the County Recorder's office of each county, or the person in possession of lands, lots, or portions of lots or buildings under claim, or exercising acts of ownership over the same for himself, or as the executor, administrator, or guardian of the owner, shall be regarded, treated, and deemed to be the "owner" (for the purpose of this law), according to the intent and meaning of that word as used in this Act. And in case of property leased, the possession of the tenant or lessee holding and occupying under such persons shall be deemed to be the possession of such owner.

Who the  
"owner."

SEC. 17. Any tenant or lessee of the lands or lots liable may pay the amount assessed against the property of which he is the tenant or lessee under the provisions of this Act, or he may pay the price agreed on to be paid under the provision of section thirteen of this Act, either before or after suit brought, together with costs, to the contractor, or his assigns, or he may redeem the property, if sold on execution or decree for the benefit of the owner, within the time prescribed by law, and deduct the amount so paid from the rents due and to become due from him, and for any sums so paid beyond the rents due from him, he shall have a lien upon and may retain possession of the said land and lots until the amount so paid and advanced be satisfied, with legal interest, from accruing rents, or by payment by the owner.

Tenants or  
lessees.

SEC. 18. The records kept by the Superintendent of Streets of said city, in conformity with the provisions of this Act, and signed by him, shall have the same force and effect as other public records, and copies therefrom, duly certified, may be used in evidence with the same effect as the originals. The said records shall, during all office hours, be open to the inspection of any citizen wishing to examine them, free of charge.

Record of  
Superintendent of  
Streets.

SEC. 19. 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 person, with the permission of the Superintendent of Streets, and the fact of such service shall be verified by the oath of the person making it, taken before the Superintendent of Streets (who, for that purpose, is hereby authorized to administer oaths), or other person authorized to administer oaths, or such notices may be delivered by the Superintendent of Streets himself, who must also verify the service thereof, and who shall keep a record of the

How notices  
may be  
served.

fact of giving such notices, when delivered by himself personally, and also of the notices and proof of service when delivered by any other person.

City to keep streets in repair.

SEC. 20. Whenever any street, or portion of a street, has been or shall hereafter be fully constructed to the satisfaction of the Superintendent of Streets and of the City Council, and is in good condition throughout, and a sewer, gas pipes, and water pipes are laid therein, under such regulations as the City Council shall adopt, the same shall be accepted by the City Council, by ordinance, and thereafter shall be kept in repair and improved by the said municipality; the expense thereof, together with the assessment for street work done in front of city property, to be paid out of a fund to be provided by said Council for that purpose; *provided*, that the City 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 the City Council may partially or conditionally accept any street, or portion of a street, without a sewer, or gas pipes, or water pipes therein, if the ordinance of acceptance expressly states that the Council deems such sewer, or gas pipes, or water pipes, to be then unnecessary, but the lots of land previously or at any time assessable for the cost of constructing a sewer, shall remain and be assessable for such cost, and for the cost of repairs and restoration of the street damaged in the said construction, whenever said Council shall deem a sewer to be necessary, and shall order it to be constructed, the same as if no partial or conditional acceptance had ever been made. The Superintendent of Streets shall keep in his office a register of all streets accepted by the City Council under this section, which register shall be indexed for easy reference thereto.

Superintendent's office.

SEC. 21. The Superintendent of Streets shall keep a public office in some convenient place within the municipality, and such records as may be required by the provisions of this Act. He shall superintend and direct the cleaning of all sewers, and the expense of the same shall be paid out of the Street or Sewer Fund of said city.

Duties of Superintendent.

SEC. 22. It shall be the duty of the Superintendent of Streets to see that the laws, ordinances, orders, and regulations relating to the public streets and highways be fully carried into execution, and that the penalties thereof are rigidly enforced. He shall keep himself informed of the condition of all the public streets and highways, and also of all public buildings, parks, lots, and grounds of said city, as may be prescribed by the City Council. He shall, before entering upon the duties of his office, give bonds to the municipality, with such sureties and for such sums as may be required by the City Council; and should he fail to see the laws, ordinances, orders, and regulations relative to the public streets or highways carried into execution, after notice from any citizen of a violation thereof, he and his sureties shall be liable upon his official bond to any person injured

Bond.

in his person or property in consequence of said official neglect.

SEC. 23. If, in consequence of any graded street or public highway improved under the provisions of this Act, being out of repair and in condition to endanger persons or property passing thereon, any person while carefully using said street or public highway, and exercising ordinary care to avoid the danger, suffer damage to his person or property, through any such defect therein, no recourse for damages thus suffered shall be had against such city; but if such defect in the street or public highway shall have existed for the period of twenty-four hours or more after notice thereof to the said Superintendent of Streets, then the person or persons on whom the law may have imposed the obligations to repair such defect in the street or public highway, and also the officer or officers through whose official negligence such defect remains unrepaired, shall be jointly and severally liable to the party injured for the damage sustained; *provided*, that said Superintendent has the authority to make said repairs, under the direction of the City Council, at the expense of the city.

City not liable for damages.

Who liable.

SEC. 24. The City Council of such city shall have full power and authority to construct sewers and manholes, and provide for the cleaning of the same, culverts with crosswalks, or culverts, or crosswalks, or sidewalks, or any portion of any sidewalk, upon or in any street, lane, alley, court, or place in such city, of such materials, in such a manner, and upon such terms as it may deem proper. None of the work or improvements described in this section shall be stayed or prevented by any written or any other remonstrance or objection, unless such Council deems proper.

City Council to construct sewers.

SEC. 25. The City Council may, in its discretion, repair and water streets that shall have been graded, curbed, and planked, paved, or macadamized, and may build, repair, and clean sewers, and shall provide a Street Contingent Fund at the same time and in the same manner as other funds are provided, out of which to pay the costs and expenses of making said repairs, and watering said streets, and building, repairing, and cleaning said sewers; but whenever any unaccepted street or part of a street requires regrading, recurring, repiling, repaving, replanking, regravelling, or remacadamizing, or requires new culverts, or new crosswalks, or new sidewalks, or new sewers, the work shall be advertised and let out by contract, and the costs and expenses thereof shall be assessed upon the property affected or benefited thereby, the same as in the first instance.

Street Contingent Fund.

SEC. 26. The City Council may, in its discretion, order that the whole or any part of the cost and expenses of any of the work mentioned in section two of this Act be paid out of the treasury of the municipality from such fund as the Council may designate. Whenever a part of such cost and expenses is so ordered to be paid, the Superintendent of Streets, in making up the assessment heretofore provided for such cost and expenses, shall first deduct from the whole cost

Cost of work may be paid out of any fund.

and expenses such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said cost and expenses proportionately upon the lots, parts of lots, and lands fronting on the streets where said work was done, and in the manner heretofore provided. And whenever the City Council shall order to be done any of the work mentioned in section two of this Act, it shall be deemed to exercise its discretion mentioned in this section, and to include an order for the payment out of its treasury for the excess of any assessment for said work otherwise chargeable upon any lot, or portion of a lot, over and above one half of the valuation of said lot, or portion of a lot, in its last preceding assessment for municipal taxation.

## PART II.

Sewer.

SEC. 27. Whenever the City Council deem it necessary to construct a sewer, then the said Council may, in its discretion, determine to construct said sewer, and assess the cost and expenses thereof upon the property to be affected or benefited thereby, in such manner and within such assessment district as it shall prescribe, and the lien therefor upon said property shall be the same as is provided in section nine of this Act, or said Council may determine to construct said sewer and pay therefor out of the Street Contingent Fund.

Election to incur indebtedness.

SEC. 28. If, at any time, the City Council shall deem it necessary to incur any indebtedness for the construction of sewers, in excess of the money in the Street Contingent Fund applicable to the construction of such sewers, they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the route and general character of the sewer or sewers to be constructed, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund as hereinafter provided. Such notice shall be published for at least three weeks in some newspaper published in such city, and no other question or matter shall be submitted to the electors at such election. If, upon a canvass of the votes cast at such election, it appear that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the City Council to pass an ordinance providing for the mode of creating such indebtedness, and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation, within such city, 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 a period of not more than twenty years from the time of contracting the same. It shall be the duty of the City Council in each year thereafter, at the time when other taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes authorized to be levied for city purposes. Such tax,

Tax to pay interest.

when collected, shall be kept in the treasury as a separate fund, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

SEC. 29. If bonds are issued under the provisions of the last section, said bonds shall be in sums of not less than one hundred dollars nor more than one thousand dollars, shall be signed by the Mayor and Treasurer of the city, and the seal of the city shall be affixed thereto. Coupons for the interest shall be attached to each bond, signed by the Mayor and Treasurer. Said bonds shall bear interest, to be fixed by the City Council, at the rate of not to exceed five per cent per annum.

Bonds,  
sum of.

SEC. 30. Before the sale of said bonds, the Council shall, at a regular meeting, by resolution, declare its intention to sell a specified amount of said bonds, and the day and hour of such sale, and shall cause such resolution to be entered in the minutes, and shall cause notice of such sale to be published for fifteen days in at least one newspaper published in the city in which the bonds are issued, and one published in the City and County of San Francisco, and in any other newspaper in the State, at their discretion. The notice shall state that sealed proposals will be received by the Council for the purchase of the bonds on the day and hour named in the resolution. The Council, at the time appointed, shall open the proposals and award the purchase of the bonds to the highest bidder, but may reject all bids.

Sale of  
bonds.

SEC. 31. The Council may sell said bonds, at not less than par value, without the notice provided for in the preceding section.

Not less  
than par.

SEC. 32. The proceeds of the sale of the bonds shall be deposited in the city treasury, to the account of the Sewer Fund, but no payment therefrom shall be made, except to pay for the construction of the sewer or sewers for the construction of which the bonds were issued, and upon the certificate of the Superintendent of Streets and the City Engineer, that the work has been done according to contract.

Proceeds.

SEC. 33. Whenever said Council shall determine to construct any sewer, and pay therefor out of the Street Contingent Fund, or by the issuance of bonds, as above provided, then said Council shall cause to be prepared plans and specifications of said work in sections, and shall advertise for twenty days in at least one newspaper published in the city in which the sewer is to be constructed, and one in the City and County of San Francisco, for sealed proposals for constructing said sewer. The work may be let in sections, and must be awarded to the lowest responsible bidder, the Council having the right to reject any and all bids. The work shall be done and the materials furnished under the supervision and to the satisfaction of the Superintendent of Streets and the City Engineer.

Plans and  
specifica-  
tions.

PART III.

SEC. 34. *First*—The City Engineer, or where there is no City Engineer, the County or City and County Surveyor, shall be the proper officer to do the surveying and other engineer-

City Engi-  
neer to  
survey.

ing work necessary to be done under this Act, and to survey and measure the work to be done under contracts for grading and macadamizing streets, and to estimate the cost and expenses thereof; and every certificate signed by him in his official character shall be prima facie evidence, in all Courts in this State, of the truth of its contents. He shall also keep a record of all surveys made under the provisions of this Act, as in other cases. In all those cities where there is no City Engineer, the City Council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of City Engineer, and all the provisions hereof applicable to the City Engineer shall apply to such person so appointed; said City Council is hereby empowered to fix his compensation for said services.

## Definitions.

*Second*—The words “improve,” “improved,” and “improvement,” as used in this Act, shall include all work mentioned in section two of this Act, and also the reconstruction of all or any portion of said work.

*Third*—The term “incidental expenses,” as used in this Act, shall include the compensation of the City Engineer for work done by him; also, the cost of printing and advertising; also, the compensation of Superintendents of Sewers, and of piling and capping.

## Notices, how published.

*Fourth*—The notices, resolutions, orders, or other matter required to be published by the provisions of this Act, shall be published in a daily, semi-weekly, or weekly newspaper, to be designated by the Council of such city, as often as the same is issued; *provided*, however, that in case there is no daily, semi-weekly, or weekly newspaper printed and circulated in any such city, then such notices as are herein required to be published in a newspaper shall be posted, and kept posted for the same length of time as required herein for the publication of the same in a semi-weekly or weekly newspaper, in three of the most public places in such city. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher, or clerk of the newspaper, or of the poster of the notice.

## Definitions.

*Fifth*—The word “municipality,” and the word “city,” as used in this Act, shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes.

*Sixth*—The words “paved or repaved,” as used in this Act, shall be held to mean and include pavement of stone, iron, wood, or other materials, whether patented or not, which the City Council shall by ordinance adopt.

*Seventh*—The word “street,” as used in this Act, shall be deemed to and is hereby declared to include highways, lanes, alleys, crossings, or intersections, courts, and places; and the term “main street,” means such actually opened street or streets as bound a block.

*Eighth*—The terms “Street Superintendent” and “Superintendent of Streets,” as used in this Act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is, under the law,

to have the care or charge of the streets, or the improvement thereof, in any city. In all those cities where there is no Street Superintendent, or Superintendent of Streets, the City Council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of Street Superintendent or Superintendent of Streets; and all the provisions hereof applicable to the Street Superintendent, or Superintendent of Streets, shall apply to such person so appointed. Definitions.

*Ninth*—The term "City Council" is hereby declared to include any body or Board which, under the law, is the legislative department of the government of any city.

*Tenth*—In municipalities in which there is no Mayor, then the duties imposed upon said officer by the provisions of this Act shall be performed by the President of the Board of Trustees, or other chief executive officer of the municipality.

*Eleventh*—The term "Clerk," and "City Clerk," as used in this Act, is hereby declared to include any person or officer who shall be Clerk of said City Council.

*Twelfth*—The term "quarter blocks," as used in this Act, as to irregular blocks, shall be deemed to include all lots, or portions of lots, having any frontage on each intersecting street, half way from said crossing or intersection to the next main street.

SEC. 35. The Superintendent of Streets shall, when necessary, appoint a suitable person to take charge of and superintend the construction and improvement of each and every sewer constructed or improved under the provisions of this Act, and of piling and capping, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect, and in case of any departure therefrom to report the same to the Superintendent of Streets. Such person shall be allowed for his time, actually employed in the discharge of his duties, such compensation as shall be just, but not to exceed four dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses, within the meaning of those words as defined in this Act. Superintendent of Streets to appoint a person to oversee the work.

SEC. 36. The Act entitled "An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities," approved March sixth, eighteen hundred and eighty-three, is hereby repealed; *provided*, that any work or proceedings commenced thereunder prior to the passage of this Act shall in nowise be affected hereby, but shall in all respects be finished and completed under said Act of March sixth, eighteen hundred and eighty-three, and said repeal shall in nowise affect said work or proceedings. Act repealed.

SEC. 37. This Act shall take effect and be in force from and after its passage.

## CHAPTER CLIV.

*An Act to amend an Act entitled an Act to establish a uniform system of county and township governments, approved March 14, 1883, by amending and revising and subdividing into new sections section one hundred and sixty-three of said Act, and renumbering sections one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-six, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-four, of said Act, shall be hereafter respectively known and numbered as sections two hundred and eleven, two hundred and twelve, two hundred and thirteen, two hundred and fourteen, two hundred and fifteen, two hundred and sixteen, two hundred and seventeen, two hundred and eighteen, two hundred and nineteen, two hundred and twenty, two hundred and twenty-one, two hundred and twenty-two, two hundred and twenty-three, two hundred and twenty-four, two hundred and twenty-five, two hundred and twenty-six, two hundred and twenty-seven, two hundred and twenty-eight, two hundred and twenty-nine, two hundred and thirty, two hundred and thirty-one.*

[Approved March 18, 1885.]

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

SECTION 1. Section one hundred and sixty-three of an Act entitled "An Act to establish a uniform system of county and township governments," approved March fourteenth, eighteen hundred and eighty-three, is hereby amended and subdivided into new sections so as to read as follows:

Counties of  
the first  
class.

Section 163. In the counties of the first class, the officers shall receive as compensation for the services required of them by law, or by virtue of their office, the salaries fixed by law.

Second class.

Section 164. In counties of the second class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, thirteen thousand dollars per annum.
2. The Sheriff, fifteen thousand dollars per annum.
3. The Recorder, fifteen thousand dollars per annum.
4. The Auditor, two thousand dollars per annum.
5. The Treasurer, four thousand five hundred dollars per annum.
6. The Tax Collector, eight thousand dollars per annum.
7. The Assessor, fourteen thousand dollars per annum.

8. The District Attorney, six thousand five hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, twenty-four hundred dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, one thousand dollars each per annum.

Section 165. In counties of the third class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Third class.

1. The County Clerk, eight thousand dollars per annum.

2. The Sheriff, nine thousand five hundred and twenty dollars per annum; *provided*, that he shall receive as additional compensation, the mileage collected by him in criminal cases, where the same is not a charge against his own county.

3. The Recorder, seven thousand dollars per annum.

4. The Auditor, six hundred and fifty dollars per annum.

5. The Treasurer, four thousand dollars per annum.

6. The Tax Collector, two thousand four hundred dollars per annum.

7. The Assessor, nine thousand five hundred dollars per annum.

8. The District Attorney, three thousand two hundred dollars per annum.

9. The Coroner, six hundred dollars per annum.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, two thousand dollars per annum.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the Peace, an amount no greater than the amount of fees earned by them in criminal cases, together with the fees collected by them in civil cases, and paid into the county treasury, to be allowed and paid in the same manner as other county charges; *provided*, that no one Justice of the Peace shall be paid in any one month more than one hundred and fifty dollars, nor more than eighteen hundred dollars in any one year.

14. Constables, an amount not greater than the amount of fees earned by them for performing criminal services, together with the fees collected by them and paid into the county treasury, to be allowed and paid in the same manner as other county charges; *provided*, that no one Constable shall receive in any one month more than one hundred dollars in any one month, nor more than nine hundred dollars in any one year.

15. Supervisors, twelve hundred dollars each per annum.

Fourth class. Section 166. In counties of the fourth class, county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, six thousand dollars per annum.
2. The Sheriff, nine thousand dollars per annum.
3. The Recorder, four thousand dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, two thousand four hundred dollars per annum.
6. The Tax Collector, fifteen hundred dollars per annum.
7. The Assessor, six thousand dollars per annum.
8. The District Attorney, thirty-six hundred dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, eighteen hundred dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Supervisors, seventy-five dollars per month, and ten cents per mile in traveling to and from county seat; *provided*, mileage shall not be allowed oftener than once in each month.

Fifth class. Section 167. In counties of the fifth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, ninety-six hundred dollars per annum.
2. The Sheriff, twelve thousand five hundred dollars per annum.
3. The Recorder, nine thousand dollars per annum.
4. The Auditor, three thousand five hundred dollars per annum.
5. The Treasurer, eighteen hundred dollars per annum.
6. The Tax Collector, three thousand five hundred dollars per annum.
7. The Assessor, nine thousand dollars per annum.
8. The District Attorney, thirty-six hundred dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, two thousand dollars per annum.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the Peace, such fees as are now or may hereafter be allowed; but they shall receive compensation for all services rendered by them as such during their official terms, without reference to the aggregate amount thereof, any law to the contrary notwithstanding.

14. Constables, such fees as are now or hereafter may be allowed; but they shall receive compensation for all services rendered by them as such during their official terms, without reference to the aggregate amount thereof, any law to the contrary notwithstanding.

15. Supervisors, five dollars per diem and mileage.

Section 168. In counties of the sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Sixth class.

1. The County Clerk, fifty-five hundred dollars per annum.

2. The Sheriff, seven thousand two hundred dollars per annum, and for traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notices of sale, to sell property under execution, or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, in executing a writ of habeas corpus, or collecting taxes; *provided*, that if any two or more papers be required to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged to the most distant points to complete such service, for each mile necessarily traveled by the most practicable route in going only, twenty cents.

3. The Recorder, five thousand dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, twenty-four hundred dollars per annum.

6. The Tax Collector, twelve hundred dollars per annum.

7. The Assessor, thirty-four hundred dollars per annum; and he shall also receive fifteen per cent on all poll taxes, and six per cent on all personal property taxes collected by him.

8. The District Attorney, thirty-five hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, two thousand dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, for all services required of them by law, or by virtue of their office, must be allowed six dollars per diem, and thirty cents per mile, in traveling from the place of their residence to the Court House; *provided*, that only one mileage must be allowed at each term; and, *provided further*, that no Supervisor must be allowed more than one day's pay for any one day by reason of his being on the committees appointed by the Board of Supervisors, or for any other cause; *provided*, that in no case must the per diem of the Supervisors exceed eight hundred dollars each in one year.

Seventh  
class.

Section 169. In counties of the seventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, four thousand three hundred dollars per annum.

2. The Sheriff, five thousand five hundred dollars per annum. The Sheriff shall also receive for his own use and benefit the fees for mileage, which are now or may hereafter be allowed by law.

3. The Recorder, three thousand dollars per annum.

4. The Auditor, eight hundred dollars per annum.

5. The Treasurer, three thousand dollars per annum.

6. The Tax Collector, one thousand dollars per annum.

7. The Assessor, two thousand dollars per annum.

8. The District Attorney, three thousand dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, two thousand dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be provided by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Each member of the Board of Supervisors, six hundred dollars per annum.

The County Clerk and Recorder may each, with the consent of the Board of Supervisors, appoint a deputy, who shall receive from the county a salary of twelve hundred dollars per annum. The Treasurer may, with the consent of the Board of Supervisors, employ a deputy for such time as said Board shall deem necessary, who shall receive from the county a salary to be fixed by said Board, not exceeding one hundred dollars per month. The Sheriff may employ a deputy, who shall receive a salary of fifteen hundred dollars per annum. The Board of Supervisors may designate what number of Deputy Assessors may be appointed, and they shall receive a sum not exceeding five dollars per day, payable out of the funds of the county, for each day they actually and necessarily attend to the duties of the office, between the first

Monday in March and the first Monday in August of the same year.

Section 170. In counties of the eighth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Eighth class.

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, seven thousand dollars per annum.
3. The Recorder, three thousand two hundred dollars per annum.
4. The Auditor, six hundred dollars per annum.
5. The Treasurer, two thousand five hundred dollars per annum.
6. The Tax Collector, seven hundred and fifty dollars per annum.
7. The Assessor, six thousand five hundred dollars per annum.
8. The District Attorney, three thousand dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, six hundred dollars per annum.
11. The Superintendent of Schools, two thousand dollars per annum; *provided*, if he shall engage in any other business during his term of office, his salary shall be one thousand dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Each member of the Board of Supervisors shall receive for all services required of him by law, or by virtue of his office, a salary of eight dollars per day, not exceeding in the aggregate five hundred dollars per annum, and ten cents a mile in traveling to and from his residence to the county seat; *provided*, that no more than one mileage at any one term of the Board shall be allowed.

Section 171. In counties of the ninth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Ninth class.

1. The County Clerk, four thousand dollars per annum.
2. The Sheriff, nine thousand dollars per annum.
3. The Recorder, two thousand five hundred dollars per annum.
4. The Auditor, one thousand five hundred dollars per annum.
5. The Treasurer, two thousand four hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, six thousand dollars per annum.
8. The District Attorney, three thousand dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand eight hundred dollars per annum.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, nine hundred dollars each per annum, no mileage.

Tenth class.

Section 172. In counties of the tenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, four thousand dollars per annum.

2. The Sheriff, six thousand dollars per annum; *provided*, that said Sheriff be empowered to appoint a jailer to take charge of the branch county jail, such jailer to receive a salary of six hundred dollars per annum.

3. The Recorder, three thousand six hundred dollars per annum.

4. The Auditor, one thousand five hundred dollars per annum.

5. The Treasurer, two thousand dollars per annum.

6. The Tax Collector, two thousand dollars per annum.

7. The Assessor, three thousand three hundred dollars per annum.

8. The District Attorney, three thousand dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, one thousand dollars per annum.

11. The Superintendent of Schools, one thousand five hundred dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, an amount no greater than the amount of fees earned by them in criminal cases, to be allowed and paid in the same manner as any other county charges; *provided*, that no one Constable shall be paid for any one month more than one hundred dollars, nor more than twelve hundred dollars for any one year; and said Constables shall also be allowed to charge and receive for their own use such fees as are now or hereafter may be allowed by law for all services performed by them in civil cases.

15. Supervisors, each seven hundred dollars per annum, without mileage.

Section 173. In counties of the eleventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, thirty-five hundred dollars per annum.
2. The Sheriff, five thousand dollars per annum.
3. The Recorder, three thousand dollars per annum.
4. The Auditor, twelve hundred dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, two thousand five hundred dollars per annum.
7. The Assessor, five thousand dollars per annum.
8. The District Attorney, two thousand dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, fifteen hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, each the sum of five hundred dollars per annum and actual mileage, not to exceed in any one year the sum of one hundred dollars.

Section 174. In counties of the twelfth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand two hundred and fifty dollars per annum.
2. The Sheriff, nine thousand dollars per annum.
3. The Recorder, three thousand dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, one thousand five hundred dollars per annum.
7. The Assessor, five thousand five hundred dollars per annum.
8. The District Attorney, two thousand seven hundred and fifty dollars per annum.
9. The Coroner, the fees that are now or hereafter may be allowed by law.
10. The Public Administrator, the same fees as are allowed executors for similar services.
11. The Superintendent of Schools, fourteen hundred dollars per annum.
12. The Surveyor, eight dollars for the first mile and six dollars for each subsequent mile in brush land, and six dollars per mile for first mile and four for each subsequent mile in clear lands.

13. Justices of the Peace, such fees as are now allowed by law, except that for all services and proceedings before a Justice of the Peace in a criminal action or proceedings, whether on examination or trial, three dollars per day, and ten cents per folio, for writing down testimony when required by law.

14. Constables, fees allowed by general fee bill of eighteen hundred and seventy.

15. Supervisors, each the sum of six hundred dollars per annum.

Thirteenth  
class.

Section 175. In counties of the thirteenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, two thousand five hundred dollars per annum.

2. The Sheriff, five thousand dollars per annum.

3. The Recorder, fifteen hundred dollars per annum.

4. The Auditor, five hundred dollars per annum.

5. The Treasurer, two thousand dollars per annum.

6. The Tax Collector, one thousand dollars per annum.

7. The Assessor, three thousand two hundred dollars per annum.

8. The District Attorney, two thousand dollars per annum.

9. The Coroner, such fees that are now or hereafter may be allowed by law.

10. The Public Administrator, such fees that are now or hereafter may be allowed by law.

11. The Superintendent of Schools, nine hundred dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five dollars per day for each day employed in the discharge of the duties of their office, together with mileage at the rate of thirty cents per mile, in going only, from their residence to the county seat at each session of the Board.

Fourteenth  
class.

Section 176. In counties of the fourteenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, four thousand dollars per annum.

2. The Sheriff, eight thousand dollars per annum.

3. The Recorder, three thousand dollars per annum.

4. The Auditor, one thousand eight hundred dollars per annum.

5. The Treasurer, two thousand one hundred dollars per annum.

6. The Tax Collector, one thousand eight hundred dollars per annum.

7. The Assessor, five thousand dollars per annum.

8. The District Attorney, two thousand one hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, one thousand eight hundred dollars per annum; *provided*, the Superintendent of Schools may, with the consent of the Board of Supervisors, employ a deputy for such time as said Board shall deem necessary to enable the Superintendent to visit the schools of his county, as provided for by law; said deputy shall receive from the county a salary to be fixed by said Board, not exceeding one hundred dollars per month, nor to exceed in any one year three hundred dollars.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. The Supervisors, each the sum of six dollars per day, for actual service, together with mileage at the rate of twenty cents per mile, in going only from their residence to the county seat, at each session of the Board.

Section 177. In counties of the fifteenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Fifteenth class.

1. The County Clerk, fifteen hundred dollars per annum.

2. The Sheriff, three thousand five hundred dollars per annum.

3. The Recorder, one thousand five hundred dollars per annum.

4. The Auditor, six hundred dollars per annum.

5. The Treasurer, fifteen hundred dollars per annum.

6. The Tax Collector, six hundred dollars per annum.

7. The Assessor, two thousand five hundred dollars per annum.

8. The District Attorney, fifteen hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, eight hundred dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, five hundred dollars each per annum.

Sixteenth  
class.

Section 178. In counties of the sixteenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, twenty-five hundred dollars per annum.
2. The Sheriff, seven thousand dollars per annum.
3. The Recorder, twenty-four hundred dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, eighteen hundred dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, four thousand five hundred dollars per annum.
8. The District Attorney, eighteen hundred dollars per annum; *provided*, he may charge and receive for his use necessary expenses for traveling on county or public business, to be allowed as other county charges are allowed by law.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, fifteen hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law; *provided*, that for every mile necessarily traveled in executing any warrant of arrest, subpœna, or venire, bringing up a prisoner on habeas corpus, taking prisoners before a magistrate, or to prison, or for mileage in any criminal case or proceeding; *provided further*, that in serving a subpœna or venire, when two or more jurors or witnesses live in the same direction, but one mileage shall be charged, twenty-five cents in going, only.
15. Supervisors, five hundred dollars each per annum.

Seventeenth  
class.

Section 179. In counties of the seventeenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand two hundred and fifty dollars per annum.
2. The Sheriff, four thousand five hundred dollars per annum.
3. The Recorder, three thousand dollars per annum.
4. The Auditor, twelve hundred dollars per annum.
5. The Treasurer, one thousand eight hundred dollars per annum.
6. The Tax Collector, one thousand two hundred dollars per annum.
7. The Assessor, three thousand two hundred and fifty dollars per annum, to include cost of all necessary maps.
8. The District Attorney, eighteen hundred dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, eighteen hundred dollars per annum.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, three hundred dollars per annum, without mileage.

Section 180. In counties of the eighteenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand five hundred dollars per annum.

2. The Sheriff, six thousand dollars per annum.

3. The Recorder, three thousand dollars per annum.

4. The Auditor, one thousand five hundred dollars per annum.

5. The Treasurer, two thousand five hundred dollars per annum.

6. The Tax Collector, one thousand dollars per annum.

7. The Assessor, three thousand dollars per annum.

8. The District Attorney, two thousand five hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, fifteen hundred dollars per annum; traveling expenses not to exceed three hundred dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, each the sum of four hundred dollars per annum, together with mileage at the rate of thirty cents per mile at each regular session of the Board for each mile traveled, in going only.

Section 181. In counties of the nineteenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, fifteen hundred dollars per annum.

2. The Sheriff, four thousand two hundred and fifty dollars per annum.

3. The Recorder, fifteen hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, eighteen hundred dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, eighteen hundred dollars per annum.
8. The District Attorney, fourteen hundred dollars per annum; *provided*, he may charge and receive for his use necessary expenses for traveling on county or public business, to be allowed as other county charges are allowed by law.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, six hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law, and such sum as the Supervisors may deem just for services rendered in taking testimony in cases of felony where testimony therein is written in accordance with law; *provided*, that no greater sum than six dollars be allowed therefor in any one case.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Supervisors, four hundred dollars each per annum; *provided*, that when a member is absent, unless in case of sickness, during the whole of a regular or special meeting of the Board of Supervisors, or Board of Equalization, or Canvassers, no salary shall be paid him for the month during which said regular or special meeting may be held; and, *provided further*, that when a member is absent, unless in case of sickness, during a portion of a regular or special meeting of either of said Boards, the sum of twelve and fifty one hundredths dollars shall be deducted from his salary for the month during which said regular or special meeting may be held, for each day's absence. The Auditor, before drawing his warrant for the salary of Supervisors, shall ascertain from the minutes of the Board if any have absented themselves from the sessions thereof, and if any have, make the reduction as hereinbefore provided.

Twentieth  
class.

Section 182. In counties of the twentieth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, two thousand five hundred dollars per annum.
2. The Sheriff, four thousand five hundred dollars per annum.
3. The Recorder, one thousand six hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, one thousand eight hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.

7. The Assessor, two thousand five hundred dollars per annum.

8. The District Attorney, one thousand eight hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, one thousand six hundred and fifty dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five dollars per day during the session of the Board, and not to exceed in the aggregate four hundred dollars per annum, together with ten cents a mile in traveling to and from their respective residences to the county seat; *provided*, that mileage shall be allowed only once for each session.

Section 183. In counties of the twenty-first class, the officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Twenty-first class.

1. The County Clerk, three thousand dollars per annum.

2. The Sheriff, four thousand dollars per annum.

3. The Recorder, one thousand five hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, one thousand five hundred dollars per annum.

6. The Tax Collector, one thousand dollars per annum.

7. The Assessor, two thousand five hundred dollars per annum.

8. The District Attorney, three thousand dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, one thousand dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five dollars per day while in session, and twenty cents per mile for traveling from his place of residence to the county seat.

Section 184. In counties of the twenty-second class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the salary, Twenty-second class.

or fees, or both, now allowed, or that hereafter may be allowed them by law, respectively.

Twenty-  
third class.

Section 185. In counties of the twenty-third class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand five hundred dollars per annum.
2. The Sheriff, four thousand dollars per annum.
3. The Recorder, one thousand dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, fifteen hundred dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, four thousand dollars per annum.
8. The District Attorney, one thousand eight hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, fifteen hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, the sum of four hundred dollars per annum, together with twenty cents per mile for traveling from his place of residence to the county seat.

Twenty-  
fourth class.

Section 186. In counties of the twenty-fourth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, twenty-five hundred dollars per annum.
2. The Sheriff, six thousand dollars per annum.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, twelve hundred dollars per annum.
5. The Treasurer, fifteen hundred dollars per annum.
6. The Tax Collector, twelve hundred dollars per annum.
7. The Assessor, twenty-five hundred dollars per annum.
8. The District Attorney, fifteen hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, five hundred dollars per annum.
11. The Superintendent of Schools, fifteen hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, three hundred dollars each per annum, and twenty cents per mile necessarily traveled in going only from their residence to the county seat.

Section 187. In counties of the twenty-fifth class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, respectively, the same salaries, fees, mileage, per diem, and expenses as are now allowed or that may hereafter be allowed them by law. Twenty-fifth class.

Section 188. In counties of the twenty-sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Twenty-sixth class.

1. The County Clerk, two thousand dollars per annum.
2. The Sheriff, seven thousand dollars per annum.
3. The Recorder, three thousand dollars per annum.
4. The Auditor, fifteen hundred dollars per annum.
5. The Treasurer, twenty-five hundred dollars per annum.
6. The Tax Collector, twelve hundred dollars per annum.
7. The Assessor, four thousand dollars per annum.
8. The District Attorney, twenty-five hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, twenty hundred dollars per annum.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, six dollars per diem for each day employed, together with twenty-five cents per mile traveling from their residence to the county seat.

Section 189. In counties of the twenty-seventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Twenty-seventh class.

1. The County Clerk, four thousand dollars per annum.
2. The Sheriff, five thousand five hundred dollars per annum.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, eighteen hundred dollars per annum.
5. The Treasurer, eighteen hundred dollars per annum.
6. The Tax Collector, fifteen hundred dollars per annum.
7. The Assessor, four thousand dollars per annum.
8. The District Attorney, fifteen hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, one thousand dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, four hundred dollars each per annum, and twenty cents per mile as mileage in traveling to and fro from their residence to the county seat in attending the regular sessions of the Board; *provided*, that but one mileage shall be charged at each regular session.

Twenty-  
eighth class.

Section 190. In counties of the twenty-eighth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, fifteen hundred dollars per annum.

2. The Sheriff, three thousand five hundred dollars per annum.

3. The Recorder, twelve hundred dollars per annum.

4. The Auditor, six hundred dollars per annum.

5. The Treasurer, twelve hundred dollars per annum.

6. The Tax Collector, five hundred dollars per annum.

7. The Assessor, nineteen hundred dollars per annum.

8. The District Attorney, one thousand dollars per annum; and for every conviction, twenty-five dollars, to the amount of five hundred dollars and no more; if any more, it goes to the county.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, five hundred dollars per annum, and one hundred dollars for traveling expenses.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors shall receive seven dollars per day and twenty cents per mile in traveling to and from respective residences to the county seat, and not to exceed in the aggregate four hundred dollars per annum each.

Twenty-  
ninth class.

Section 191. In counties of the twenty-ninth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.

2. The Sheriff, six thousand dollars per annum.

3. The Recorder, fifteen hundred dollars per annum.

4. The Auditor, nine hundred dollars per annum.

5. The Treasurer, eighteen hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, three thousand two hundred dollars per annum.
8. The District Attorney, twenty-four hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, one thousand two hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, six dollars per day, and mileage at the rate of ten cents per mile in going to the place of meeting of the Board; *provided*, that no Supervisor shall receive more than six hundred dollars for any one year, and that only one mileage at any one term of the Board shall be allowed.

Section 192. In counties of the thirtieth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, twenty-five hundred dollars per annum.
2. The Sheriff, four thousand dollars per annum, and his mileage as now allowed by law, and the fees allowed him by section one hundred and sixty-four of this Act.
3. The Recorder, fifteen hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, twelve hundred dollars per annum.
6. The Tax Collector, fifteen hundred dollars per annum.
7. The Assessor, thirty-five hundred dollars per annum; *provided*, however, the Assessor shall be entitled to receive and retain for his own use, six per cent on personal property tax collected by him as authorized in section three thousand eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes.
8. The District Attorney, fifteen hundred dollars per annum; fifty dollars for each conviction of felony, when the penalty is death; twenty-five dollars for every other conviction of felony, except as hereinafter provided for, and fifteen dollars for each conviction of misdemeanor; and for services rendered in the collection of delinquent taxes, ten per centum on the amount recovered, to be added thereto if paid before judgment; if not so paid, then fifteen per centum to be added to and constitute a part of the judgment; *provided*, that in no case shall the State or county be liable for such fees or per centum; and traveling expenses incurred by virtue of his office to be allowed by the Board of Supervisors.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, six hundred dollars per annum and his necessary traveling expenses, to be allowed by the Board of Supervisors.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. The Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law; *provided*, that they shall be allowed mileage only one way.

15. Supervisors, three hundred dollars each per annum and mileage one way at twenty cents per mile.

Thirty-first  
class.

Section 193. In counties of the thirty-first class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.

2. The Sheriff, six thousand five hundred dollars per annum.

3. The Recorder, two thousand dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, one thousand six hundred dollars per annum.

6. The Tax Collector, one thousand two hundred dollars per annum.

7. The Assessor, three thousand dollars per annum.

8. The District Attorney, one thousand five hundred dollars per annum.

9. The Coroner, three hundred dollars per annum.

10. The Public Administrator, three hundred dollars per annum.

11. The Superintendent of Schools, one thousand two hundred dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law, except that the Constable's mileage shall not exceed twenty cents per mile for every mile necessarily traveled in the discharge of the duties of his office.

15. Supervisors, five dollars per day, but not to exceed five hundred dollars each per annum, and twenty-five cents per mile in going from their residence to the county seat at each meeting of the Board.

Thirty-  
second class.

Section 194. In counties of the thirty-second class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand eight hundred dollars per annum.

2. The Sheriff, five thousand dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, four hundred dollars per annum.
5. The Treasurer, twelve hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, two thousand dollars per annum.
8. The District Attorney, one thousand five hundred dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, one thousand dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Supervisors, two hundred and fifty dollars per annum, and mileage at the rate of twenty cents per mile from his home to and from the county seat, at each sitting of the Board of Supervisors.

Section 195. In counties of the thirty-third class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand five hundred dollars per annum.
2. The Sheriff, three thousand five hundred dollars per annum.
3. The Recorder, one thousand dollars per annum.
4. The Auditor, eight hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, seven hundred dollars per annum.
7. The Assessor, one thousand eight hundred dollars per annum.
8. The District Attorney, one thousand two hundred dollars per annum.
9. The Coroner, three hundred dollars per annum.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, five hundred dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Supervisors shall receive seven dollars per diem, and twenty cents per mile in traveling to and from respective residences to the county seat. All of which compensation in the

aggregate shall not exceed four hundred dollars per annum each.

Thirty-fourth class.

Section 196. In counties of the thirty-fourth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, two thousand five hundred dollars per annum.
2. The Sheriff, seven thousand dollars per annum.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, ten hundred dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, one thousand two hundred dollars per annum.
7. The Assessor, three thousand five hundred dollars per annum.
8. The District Attorney, one thousand eight hundred dollars per annum.
9. The Coroner, four hundred dollars per annum.
10. The Public Administrator, four hundred dollars per annum.
11. The Superintendent of Schools, twelve hundred dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law, except that the Constable's mileage shall not exceed fifteen cents for each mile traveled in the discharge of the duties of his office.
15. Supervisors, three hundred dollars per annum, and twenty cents per mile in going from their residences to the county seat.

Thirty-fifth class.

Section 197. In counties of the thirty-fifth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand six hundred dollars per annum.
2. The Sheriff, four thousand dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, two hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, one thousand two hundred dollars per annum, including deputy, at the option of the Board of Supervisors, at a salary not exceeding one hundred dollars per month.
8. The District Attorney, nine hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, four hundred dollars per annum.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, six dollars per day, not to exceed three hundred dollars per annum, and for each day employed in the discharge of the duties of their office, together with mileage, at the rate of thirty cents per mile, in going only from their residence to the county seat at each session of the Board.

Section 198. In counties of the thirty-sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Thirty-sixth class.

1. The County Clerk, one thousand six hundred dollars per annum.

2. The Sheriff, four thousand one hundred dollars per annum.

3. The Recorder, six hundred dollars per annum.

4. The Auditor, four hundred dollars per annum.

5. The Treasurer, one thousand one hundred and fifty dollars per annum.

6. The Tax Collector, seven hundred dollars per annum.

7. The Assessor, two thousand dollars per annum.

8. The District Attorney, one thousand two hundred dollars per annum, and necessary traveling expenses, to be allowed by the Board of Supervisors.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, six hundred and twenty-five dollars per annum, and his necessary traveling expenses, to be allowed by the Board of Supervisors.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now collected by Sheriff for similar services.

15. Supervisors, five dollars per day for each day they hold sessions, not to exceed the sum of five hundred dollars in any one year, and twenty cents per mile for each mile necessarily traveled in going from his residence to and returning from the county seat; *provided*, that only one mileage shall be allowed at each time.

Section 199. In counties of the thirty-seventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Thirty-seventh class.

1. The County Clerk, one thousand six hundred dollars per annum.
2. The Sheriff, two thousand five hundred dollars per annum.
3. The Recorder, thirteen hundred dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, one thousand two hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, fifteen hundred dollars per annum, with commission for collecting poll and personal property tax.
8. The District Attorney, one thousand dollars per annum, with traveling expenses when on official business.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, eight hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, a per diem of five dollars, but not to exceed three hundred dollars per annum each, with mileage at ten cents per mile.

Thirty-  
eighth class.

Section 200. In counties of the thirty-eighth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand eight hundred dollars per annum.
2. The Sheriff, three thousand six hundred dollars per annum.
3. The Recorder, one thousand five hundred dollars per annum.
4. The Auditor, three hundred dollars per annum.
5. The Treasurer, one thousand five hundred dollars per annum.
6. The Tax Collector, three hundred dollars per annum.
7. The Assessor, one thousand eight hundred dollars per annum.
8. The District Attorney, one thousand two hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, six hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, eight dollars per day, the aggregate amount of each Supervisor not to exceed three hundred dollars per year.

Section 201. In counties of the thirty-ninth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Thirty-ninth class.

1. The County Clerk, twenty-four hundred dollars per annum.

2. The Sheriff, five thousand five hundred dollars per annum.

3. The Recorder, fifteen hundred dollars per annum.

4. The Auditor, fifteen hundred dollars per annum.

5. The Treasurer, one thousand six hundred dollars per annum.

6. The Tax Collector, one thousand dollars per annum.

7. The Assessor, three thousand two hundred dollars per annum.

8. The District Attorney, two thousand dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, one thousand two hundred dollars per annum.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, six dollars per day for each day while in service of the county, and twenty cents per mile for traveling from residence to the county seat.

Section 202. In counties of the fortieth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Fortieth class.

1. The County Clerk, one thousand six hundred dollars per annum.

2. The Sheriff, three thousand five hundred dollars per annum.

3. The Recorder, nine hundred dollars per annum.

4. The Auditor, five hundred dollars per annum.

5. The Treasurer, one thousand dollars per annum.

6. The Tax Collector, five hundred dollars per annum.

7. The Assessor, two thousand dollars per annum.

8. The District Attorney, one thousand six hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, seven hundred and fifty dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors shall receive five dollars per day for each day when in actual session, and mileage at the rate of ten cents per mile in traveling to and from the county seat.

Forty-first  
class.

Section 203. In counties of the forty-first class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, fifteen hundred dollars per annum.

2. The Sheriff, three thousand five hundred dollars per annum.

3. The Recorder, one thousand dollars per annum.

4. The Auditor, five hundred dollars per annum.

5. The Treasurer, one thousand dollars per annum.

6. The Tax Collector, five hundred dollars per annum.

7. The Assessor, one thousand eight hundred dollars per annum.

8. The District Attorney, one thousand five hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, eight hundred dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five dollars per day for each day while in session, and twenty cents per mile in traveling from his residence to the county seat; *provided*, that such per diem and mileage shall not exceed the sum of three hundred and fifty dollars per annum.

Forty-second  
class.

Section 204. In counties of the forty-second class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, eight hundred dollars per annum.

2. The Sheriff, three thousand dollars per annum.

3. The Recorder, six hundred dollars per annum.

4. The Auditor, four hundred dollars per annum.

5. The Treasurer, eight hundred dollars per annum.

6. The Tax Collector, one thousand dollars per annum.

7. The Assessor, twelve hundred dollars per annum.
8. The District Attorney, one thousand dollars per annum.
9. The Coroner, such fees as are now or hereafter may be fixed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, seven hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Supervisors, two hundred and fifty dollars per annum, and mileage at the rate of twenty cents per mile from place of residence to county seat, at each sitting of the Board.

Section 205. In counties of the forty-third class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand five hundred dollars per annum.
2. The Sheriff, two thousand five hundred dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, four hundred dollars per annum.
5. The Treasurer, eight hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, one thousand five hundred dollars per annum.
8. The District Attorney, one thousand two hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, seven hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, two hundred and fifty dollars per annum, and mileage at the rate of twenty cents per mile from his home going to and from the county seat, at each sitting of the Board of Supervisors.

Section 206. In counties of the forty-fourth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand two hundred dollars per annum.

2. The Sheriff, three thousand eight hundred dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, one thousand two hundred dollars per annum.
6. The Tax Collector, nine hundred dollars per annum.
7. The Assessor, one thousand seven hundred dollars per annum.
8. The District Attorney, one thousand five hundred dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, six hundred and fifty dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Supervisors, six dollars per day for each day of actual service, and ten cents per mile for distance traveled to and from place of meeting.

Forty-fifth  
class.

Section 207. In counties of the forty-fifth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, fifteen hundred dollars per annum.
2. The Sheriff, three thousand dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, two hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, one thousand five hundred dollars per annum.
8. The District Attorney, twelve hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, six hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, six dollars per day, the aggregate amount to be paid each Supervisor not to exceed three hundred dollars per year, each, and twenty-five cents per mile for each

mile necessarily traveled in going to the county seat to attend sessions of the Board.

Section 208. In counties of the forty-sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Forty-sixth class.

1. The County Clerk, one thousand six hundred dollars per annum.
2. The Sheriff, four thousand dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, two hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, one thousand two hundred dollars per annum, including deputy, at the option of the Board of Supervisors, at a salary not exceeding one hundred dollars per month.
8. The District Attorney, nine hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, four hundred dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Supervisors, six dollars per day, not exceeding three hundred dollars per annum, for each day employed in the discharge of the duties of their office, together with mileage at the rate of thirty cents per mile in going only from their residence to the county seat at each session of the Board.

Section 209. In counties of the forty-seventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Forty-seventh class.

1. The County Clerk, eight hundred dollars per annum.
2. The Sheriff, one thousand two hundred dollars per annum.
3. The Recorder, seven hundred dollars per annum.
4. The Auditor, three hundred dollars per annum.
5. The Treasurer, six hundred dollars per annum.
6. The Tax Collector, six hundred dollars per annum.
7. The Assessor, six hundred dollars per annum.
8. The District Attorney, seven hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees and compensation as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, four hundred dollars per annum.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, five dollars per diem for their actual services, and mileage at the rate of twenty cents per mile from his residence to county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the Board.

Forty-  
eighth class.

Section 210. In counties of the forty-eighth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, five hundred dollars per annum.
2. The Sheriff, five hundred dollars per annum.
3. The Recorder, three hundred dollars per annum.
4. The Auditor, two hundred dollars per annum.
5. The Treasurer, three hundred dollars per annum.
6. The Tax Collector, three hundred dollars per annum.
7. The Assessor, three hundred dollars per annum.
8. The District Attorney, three hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter

allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one hundred dollars per annum.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, five dollars per diem for their actual services, and mileage at the rate of twenty cents per mile from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the Board.

sections re-  
numbered.

SEC. 2. Sections one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-six, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-four, of said Act, shall be hereafter respectively known and numbered as sections two hundred and eleven, two hundred and twelve, two hundred and thirteen, two hundred and fourteen, two hundred and fifteen, two hundred and sixteen, two hundred

and seventeen, two hundred and eighteen, two hundred and nineteen, two hundred and twenty, two hundred and twenty-one, two hundred and twenty-two, two hundred and twenty-three, two hundred and twenty-four, two hundred and twenty-five, two hundred and twenty-six, two hundred and twenty-seven, two hundred and twenty-eight, two hundred and twenty-nine, two hundred and thirty, two hundred and thirty-one.

SEC. 3. The salaries herein provided shall not take effect nor be in force until the expiration of the terms of the present officers, except as hereinafter provided. Salaries,  
when take  
effect.

SEC. 4. The salaries herein provided for the officers of the tenth, thirty-fifth, and forty-sixth classes shall take effect and be in force from and after the first day of the first month next succeeding its passage.

CHAPTER CLV.

*An Act to amend an Act entitled an Act to establish a uniform system of county and township governments, approved March 14, 1883, by amending section one hundred and sixty-two of said Act, relating to the classification of counties.*

[Approved March 18, 1885.]

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

Section one hundred and sixty-two of an Act entitled "An Act to establish a uniform system of county and township governments," approved March fourteenth, eighteen hundred and eighty-three, is hereby amended so as to read as follows:

Section 162. For the purpose of regulating the compensation of all officers hereinbefore provided for, the several counties of this State are hereby classified according to their population, as ascertained by the Federal census taken in the year eighteen hundred and eighty, as follows, to wit: Classification  
of counties.

All counties containing a population of one hundred thousand inhabitants and over, shall belong to and be known as counties of the first class. First.

Counties containing a population of fifty thousand and under one hundred thousand inhabitants, shall belong to and be known as counties of the second class. Second.

Counties containing a population of thirty-five thousand and under fifty thousand inhabitants, shall belong to and be known as counties of the third class. Third.

Counties containing a population of thirty-four thousand and under thirty-five thousand, shall belong to and be known as counties of the fourth class. Fourth.

Counties containing a population of thirty thousand and under thirty-four thousand, shall belong to and be known as counties of the fifth class. Fifth.

Counties containing a population of twenty-five thousand Sixth.

and under thirty thousand inhabitants, shall belong to and be known as counties of the sixth class.

**Seventh.** Counties containing a population of twenty-one thousand and under twenty-five thousand, shall belong to and be known as counties of the seventh class.

**Eighth.** Counties containing a population of twenty thousand and under twenty-one thousand, shall belong to and be known as counties of the eighth class.

**Ninth.** Counties containing a population of eighteen thousand five hundred and under twenty thousand, shall belong to and be known as counties of the ninth class.

**Tenth.** Counties containing a population of sixteen thousand and under eighteen thousand five hundred, shall belong to and be known as counties of the tenth class.

**Eleventh.** Counties containing a population of fifteen thousand and under sixteen thousand, shall belong to and be known as counties of the eleventh class.

**Twelfth.** Counties having a population of fourteen thousand and under fifteen thousand, shall belong to and be known as counties of the twelfth class.

**Thirteenth.** Counties having a population of thirteen thousand two hundred and under fourteen thousand, shall belong to and be known as counties of the thirteenth class.

**Fourteenth.** Counties having a population of thirteen thousand and under thirteen thousand two hundred, shall belong to and be known as counties of the fourteenth class.

**Fifteenth.** Counties having a population of twelve thousand eight hundred and one and under thirteen thousand, shall belong to and be known as counties of the fifteenth class.

**Sixteenth.** Counties having a population of twelve thousand seven hundred and fifty and under twelve thousand eight hundred and one, shall belong to and be known as counties of the sixteenth class.

**Seventeenth.** Counties having a population of twelve thousand and under twelve thousand seven hundred and fifty, shall belong to and be known as counties of the seventeenth class.

**Eighteenth.** Counties having a population of eleven thousand five hundred and under twelve thousand, shall belong to and be known as counties of the eighteenth class.

**Nineteenth.** Counties having a population of eleven thousand three hundred and fifty and under eleven thousand five hundred, shall belong to and be known as counties of the nineteenth class.

**Twentieth.** Counties having a population of eleven thousand three hundred and under eleven thousand three hundred and fifty, shall belong to and be known as counties of the twentieth class.

**Twenty-first.** Counties having a population of eleven thousand two hundred and eighty-five and under eleven thousand three hundred, shall belong to and be known as counties of the twenty-first class.

**Twenty-second.** Counties having a population of eleven thousand and under eleven thousand two hundred and eighty-five, shall belong to and be known as counties of the twenty-second class.

Counties having a population of ten thousand and under eleven thousand, shall belong to and be known as counties of the twenty-third class. Twenty-third.

Counties having a population of nine thousand five hundred and under ten thousand, shall belong to and be known as counties of the twenty-fourth class. Twenty-fourth.

Counties having a population of nine thousand four hundred and eighty-five and under nine thousand five hundred, shall belong to and be known as counties of the twenty-fifth class. Twenty-fifth.

Counties having a population of nine thousand three hundred and under nine thousand four hundred and eighty-five, shall belong to and be known as counties of the twenty-sixth class. Twenty-sixth.

Counties having a population of nine thousand one hundred and under nine thousand three hundred, shall belong to and be known as counties of the twenty-seventh class. Twenty-seventh.

Counties having a population of nine thousand and under nine thousand one hundred, shall belong to and be known as counties of the twenty-eighth class. Twenty-eighth.

Counties having a population of eight thousand seven hundred and fifty and under nine thousand, shall belong to and be known as counties of the twenty-ninth class. Twenty-ninth.

Counties having a population of eight thousand six hundred and fifty and under eight thousand seven hundred and fifty, shall belong to and be known as counties of the thirtieth class. Thirtieth.

Counties having a population of eight thousand six hundred and fifteen and under eight thousand six hundred and fifty, shall belong to and be known as counties of the thirty-first class. Thirty-first.

Counties having a population of eight thousand six hundred and ten and under eight thousand six hundred and fifteen, shall belong to and be known as counties of the thirty-second class. Thirty-second.

Counties having a population of seven thousand eight hundred and under eight thousand, shall belong to and be known as counties of the thirty-third class. Thirty-third.

Counties having a population of seven thousand five hundred and under seven thousand eight hundred, shall belong to and be known as counties of the thirty-fourth class. Thirty-fourth.

Counties having a population of seven thousand and under seven thousand five hundred, shall belong to and be known as counties of the thirty-fifth class. Thirty-fifth.

Counties having a population of six thousand six hundred and under seven thousand, shall belong to and be known as counties of the thirty-sixth class. Thirty-sixth.

Counties having a population of six thousand five hundred and under six thousand six hundred, shall belong to and be known as counties of the thirty-seventh class. Thirty-seventh.

Counties having a population of six thousand and under six thousand five hundred, shall belong to and be known as counties of the thirty-eighth class. Thirty-eighth.

Counties having a population of five thousand six hundred Thirty-ninth.

and under six thousand, shall belong to and be known as counties of the thirty-ninth class.

Fortieth. Counties having a population of five thousand three hundred and under five thousand six hundred, shall belong to and be known as counties of the fortieth class.

Forty-first. Counties having a population of five thousand and under five thousand three hundred, shall belong to and be known as counties of the forty-first class.

Forty-second. Counties having a population of four thousand five hundred and under five thousand, shall belong to and be known as counties of the forty-second class.

Forty-third. Counties having a population of four thousand three hundred and fifty and under four thousand five hundred, shall belong to and be known as counties of the forty-third class.

Forty-fourth. Counties having a population of four thousand and under four thousand three hundred and fifty, shall belong to and be known as counties of the forty-fourth class.

Forty-fifth. Counties having a population of three thousand and under four thousand, shall belong to and be known as counties of the forty-fifth class.

Forty-sixth. Counties having a population of two thousand six hundred and under three thousand, shall belong to and be known as counties of the forty-sixth class.

Forty-seventh. Counties having a population of two thousand and under two thousand six hundred, shall belong to and be known as counties of the forty-seventh class.

Forty-eighth. Counties having a population under two thousand, shall belong to and be known as counties of the forty-eighth class.

## CHAPTER CLVI.

*An Act to establish the "California Home for the Care and Training of Feeble-minded Children," and provide for the maintenance of the same.*

[Approved March 18, 1885.]

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

SECTION 1. An institution is hereby created to be known as the "California Home for the Care and Training of Feeble-minded Children."

Board of  
Trustees  
to be  
appointed by  
Governor.

SEC. 2. Said institution shall be under the control of a Board of five Trustees, to be appointed by the Governor, by and with the advice and consent of the Senate, whose terms of office, and the terms of their successors, shall be four years, and until their successors, severally, are appointed and qualified; and these Trustees and their successors, and any and all the officers and employes, may be women; *provided*, that the first Board shall be appointed by the Governor within ten days after the passage of this Act; and of such appointments three shall be by him designated for two years, and the other two shall be for four years, and at the end of their

respective terms their successors shall be appointed in the same manner for four years. Vacancies occurring in any other way than by expiration of term shall be filled in the same manner for the unexpired term of the Trustee whose place is vacant; and if when the vacancy occurs the Senate is not in session, the Governor shall fill the same by appointment; and if the term of the appointee has not expired when the Senate next convenes, the appointment shall be submitted to the Senate for confirmation.

SEC. 3. The Trustees provided for in section two shall qualify by taking the usual oath of office, and shall, within ten days after their appointment, organize themselves into a Board by the election of one of their number as President (whose official term as President shall be for one year), and shall also appoint a Secretary, who shall receive an annual salary to be fixed by the Board of Trustees, not exceeding the sum of six hundred dollars, and whose residence shall be at the Home. The Secretary shall act under the Superintendent, and, as an assistant, shall keep the books of the institution, and shall make a faithful entry of all its transactions, and also keep a complete record of the proceedings and orders of the Board, and discharge such other duties as may be assigned to the position by the Superintendent or Trustees, and shall be subject to removal at the pleasure of the Board.

SEC. 4. The Board shall establish such rules and regulations as may be deemed expedient for the management and government of the Home, and for securing economy and accountability in all its affairs, and its officers and employes shall strictly observe such rules and regulations, which may be changed at any time, at the pleasure of the Board.

SEC. 5. The Board shall appoint a Superintendent, and fix the salary of the office, not exceeding nine hundred dollars, before entering upon the discharge of any duty. The appointee shall give a bond to the State of California in the sum of twenty thousand dollars, with sureties to the satisfaction of the Board of Trustees, for the faithful performance of all duties. The Superintendent shall be the chief executive officer of the Home; shall have the general superintendence of the buildings, workshops, grounds, and farm, together with their furniture, implements, fixtures, and stock, and the direction and control of all persons employed in and about the same, subject to the laws and regulations established by the Trustees. The Board shall appoint a Matron, and fix her salary, not exceeding a sum of nine hundred dollars per annum, and it may remove either the Superintendent or Matron for cause. The Superintendent shall employ and discharge, subject to the approval and supervision of the Board of Trustees, such teachers, attendants, assistants, artisans, and laborers, as he may think proper and necessary for the economical and efficient carrying into effect of the design of the institution; prescribe their several duties and places, and the Board of Trustees shall fix their compensation. The Superintendent shall also, from time to time, give such orders and instructions as may appear best calculated to induce good conduct, fidelity, and economy in any department of labor and ex-

Vacancies.

President.

Secretary.

Rules.

Superintendent.

Bond.

Trustees to appoint Matron.

pense, and is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the Home; and shall, further, cause full and fair accounts and records of all his doings, and of the entire business and operations of the institution, together with the condition and prospects of the pupils, to be kept regularly from day to day, in books provided for that purpose, and shall see that all such accounts and records are fully made up to the date of each fiscal half year, and that the principal facts and results, with an official report thereon, to be laid before the Board at its semi-annual meetings, except it may be otherwise specially ordered. The exercise of all the powers of the Superintendent shall be subject to the approval of the Trustees. The Superintendent shall conduct the official correspondence, and keep a record of the applications received, and the pupils admitted, and shall be accountable for the careful keeping and economical use of all furniture, stores, and other articles provided for the Home, and prepare and present to the Board, at its semi-annual meetings, a true and complete inventory of all personal property belonging to the Home.

Trustees to hold property in trust.

SEC. 6. The Board of Trustees may take and hold in trust for the State any grant or devise of land, or any donation or bequest of money, or other personal property, heretofore or hereafter granted or devised, ~~donated~~, or bequeathed to the use of said Home, and shall dispose of the same in accordance with the wishes of the testator or deviser, if expressed; or if no conditions are attached to the bequest or donation, then to invest and use the proceeds of such investment for the best interests of the Home.

To purchase property.

SEC. 7. The Trustees are hereby empowered and instructed to purchase on behalf of the State, for the use of the Home, such property as they may deem most advantageous for the use of the institution. The property, when furnished and ready for occupancy, must not exceed in cost the sum of twenty-five thousand dollars. The Trustees shall purchase such property wherever in this State they may, by majority vote, determine; *provided*, that no such property shall be selected without the approval and recommendation of the Resident Physician of the Napa Insane Asylum at Napa, or the Medical Superintendent of the Insane Asylum at Stockton.

Who may be admitted.

SEC. 8. All imbecile and feeble-minded children, between the ages of five and eighteen years, who have been residents of the State for one year, and who are incapable of receiving instructions in the common schools, shall be received into the Home, and maintained and educated at the expense of the State; but the expenses of maintaining, supporting, clothing, and of traveling, shall be paid by the parents or parties sending them, if such parents or parties are able to pay them, otherwise these expenses shall be borne by the State.

To prescribe forms for admission.

SEC. 9. The Board shall prescribe and publish instructions and forms for the admission of pupils, and may include in them such interrogatories as they shall think necessary or

useful to have answered, which instructions and forms shall be furnished to any person applying for them, and shall also be sent in sufficient numbers to the County Clerks in the several counties of the State.

SEC. 10. If the capacity of the Home allows the reception of any additional pupils, the Trustees may admit younger or older persons of same class upon the same terms before specified, and also non-residents of the State; but for all of this last class, the Trustees shall charge and receive for the Home a fair rate of compensation to be fixed by the Trustees; and residence in the Home, on the part of a person admitted as a non-resident of the State, shall not be held to change that status.

Compensation for pupils.

SEC. 11. The object aimed at in the institution shall be such care, training, and educating of those received as to render them more comfortable, happy, and better fitted to care for and support themselves. To this end the Trustees shall furnish them such agricultural and mechanical education as they may be capable of receiving, and as the facilities offered by the State will allow, including farm work, shops, and the employment of trade teachers, who may at any time be discharged for cause.

Objects of institution.

SEC. 12. The Trustees are hereby authorized and required to contract for provisions, clothing, medicines, fuel, and all other supplies necessary for the support of the Home, for any period not exceeding one year, and such contracts shall be limited to bona fide dealers in the 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 rates. 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 presenting a penal bond, with securities satisfactory to the Board, in such sum as the Board may direct, that he will faithfully perform his contract. Notice of the time, place, and conditions of the letting of each contract shall be given thence weekly for two successive weeks, in one daily paper published in the City of San Francisco, and once weekly, for two successive weeks, in a paper published in the county, and nearest the place where the Home shall be located.

Trustees to contract for supplies.

Notice to be published.

SEC. 13. The Trustees, on the fifteenth day of November annually, shall make a report to the Governor of the condition and progress of the Home, together with an exhibit in detail of all receipts and expenditures.

Reports.

SEC. 14. The Superintendent shall, annually, after the close of the fiscal year, and before the date at which the Trustees are required to make their annual report, make to the Trustees a report giving the names, age, sex, nativity, residence, and date of reception of each pupil in the institution within the preceding year, and the average number in attendance during the year, and as far as can be ascertained, the causes of imbecility; also the number discharged, with the date and reason therefor in each case, together with the names of all paying pupils, and the amounts charged for

them, and the amounts paid or unpaid; and also such other information and suggestions as to him may seem proper, which report shall be sent through the Board to the Governor, with the report of the Trustees, and shall be printed for the use of the Legislature.

Visitations  
monthly.

SEC. 15. There shall be visitations and thorough examinations of all departments of the institution, monthly, by one or more of said Trustees, and quarterly by a majority of them; and at each visitation there shall be drawn and placed on record a detailed statement of the condition of the Home, to be signed by the Trustees making the statement, and to be at all times open to the inspection of legislative committees charged with the duties of examining public institutions. The Trustees, during their monthly visitation, shall examine the books and accounts, and no account or claim shall be paid until it has been examined and certified as correct by at least two of the Trustees.

Vouchers.

SEC. 16. No bill shall be paid except upon accounts, certificates, or vouchers, duly certified by the Superintendent, approved by the Board of Trustees.

Trustees—  
no pay.

SEC. 17. The Trustees shall receive no compensation for their services, but shall be entitled to receive their necessary expenses while attending to the business of the Home.

Treasurer.

SEC. 18. The Board of Trustees shall elect a Treasurer, who shall not be one of their number, and shall fix his compensation. He shall be required to give a bond in such sum as the Trustees may determine, with good and sufficient sureties, to their satisfaction, for the faithful performance of his duties, and shall have the custody of all moneys, bonds, notes, mortgages, and other securities and obligations belonging to the Home. He shall keep full and accurate accounts of receipts and payments, in the manner directed by the by-laws, and such other accounts as the Trustees shall prescribe. He shall balance all his accounts annually, at the close of the fiscal year, and make a statement of the balances therein, and an abstract of all receipts and payments of the past year, which he shall, upon demand, deliver to the Auditing Committee of the Board of Trustees, who shall compare the same with his books and vouchers, and verify the same by a further comparison with the books of the Superintendent, and certify their findings upon such examinations to the Trustees at their annual meeting. He shall further render an account of the state of his books, and of the funds and other property in his custody, whenever required to do so by the Trustees.

Bond.

SEC. 19. The Trustees are authorized and empowered to receive, on behalf of the State, from the "California Association for the Care and Training of Feeble-minded Children," the pupils now in their charge, and also any property, moneys, credits, or things of value, which said association may desire to transfer to this State institution.

SEC. 20. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of forty-five thousand dollars for the purposes of this Act.

SEC. 21. This Act shall take effect immediately.

CHAPTER CLVII.

*An Act to amend sections one, four, five, and eight, of an Act approved March 3, 1883, entitled "An Act to amend an Act entitled an Act to create Hastings College of the Law, in the University of the State of California," approved March 26, 1878.*

[Approved March 18, 1885.]

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

SECTION 1. Section one of the Act of which this is amendatory, entitled "An Act to amend an Act entitled an Act to create Hastings College of the Law, in the University of the State of California," approved March twenty-sixth, eighteen hundred and seventy-eight, is amended to read as follows:

Section 1. That S. C. Hastings be authorized to found and establish a law college, to be forever known and designated as Hastings College of the Law. That the officers of said college shall be a Dean, Registrar, and three Trustees; that the Trustees shall be Thomas P. Stoney, Louis T. Haggin, and R. Porter Ashe, and when vacancies shall occur among the Trustees, such vacancies shall be filled by appointment of the Chief Justice of the Supreme Court of California, by and with the consent of the remaining Trustees, or Trustee, if any such there be. The Regents of the University of California shall have the same control of the college as they possess over the academic department of the University, except as herein provided.

S. C. Hastings authorized to found Hastings College of Law.

Officers, who are.

Trustees.

Vacancies, how filled. Regents of University of California.

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

Section 4. The Chief Justice of the Supreme Court of California shall be ex officio President of the Trustees, and, with the concurrence of the Trustees, shall draw the funds of the college from the State Treasury, and the Treasurer of the State of California is hereby authorized to pay any and all moneys appropriated to said college upon the order of the Chief Justice of the State of California, as above provided. If, from any cause, there shall be no Chief Justice, or he refuses or neglects to act, the Board of Trustees shall appoint one of their number to draw the funds as above provided, and also to fill any vacancy in the Board. The Dean of said college shall be ex officio of the Faculty of the University, and entitled to attend meetings of the Board of Regents at all times when he shall have business of the college to lay before them, and to be heard on all questions affecting the college. The Trustees may acquire, by gift or otherwise, such real estate and other property as may be necessary for the use of said college.

Chief Justice ex officio President of Trustees.

When Trustees to elect President.

Dean ex officio of Faculty of University.

Trustees may acquire property.

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

Section 5. The business of the college shall be to afford facilities for the acquisition of legal learning in all branches

College to establish a course of studies.

of the law, and to this end it shall establish a curriculum of studies, and shall matriculate students who may reside at the University of the State, as well as students residing in other parts of the State; *provided*, there shall always be in said college a course of lectures upon the duties of municipal officers in the City and County of San Francisco; and, *provided further*, that there shall always be in said college a course of lectures upon legal ethics and morality in business. All instruction in said college shall be free.

Matriculation.

Lectures.

Free instruction.

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

Appropriation.

Section 8. The sum of seven per cent per annum upon one hundred thousand (\$100,000) dollars is to be appropriated by the State to said college, and paid in two semi-annual payments according to the terms of the original foundation.

SEC. 5. This Act shall take effect immediately.

## CHAPTER CLVIII.

### *An Act to promote drainage.*

[Approved March 18, 1885.]

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

Petition for drainage district.

Trustees.

Petition filed with Clerk of Board of Supervisors.

Trustees for three months.

SECTION 1. Whenever the owners of two thirds of any body of lands susceptible of one mode of drainage, desire to drain the same, they may present to the Board of Supervisors of the county in which the lands, or the greater portion thereof, are situated, at a regular meeting of the Board, a petition setting forth that they desire to adopt measures to drain the same, the description of the land, the number of acres in the whole district, and the number of acres in each tract, and the names of the owners thereof, and the names of three persons who may desire to serve as Trustees for the first three months; the petition must be verified by the affidavit of one of the petitioners, and must be published for four weeks next preceding the hearing thereof, in some newspaper published in the county in which the lands are situated; or if there is no newspaper published in the county, then it must be published in some newspaper having a general circulation in the county, and an affidavit of such publication must be filed with the petition.

SEC. 2. When a district is situated partly in different counties, the Trustees must, after the petition has been granted, forward a copy thereof to the Clerk of the Board of Supervisors of any county in which any portion of the district may lie, and the Board to which the same is forwarded must not allow another district to be formed within such district, unless with the consent of the Trustees thereof.

SEC. 3. If the Board of Supervisors find, upon the hearing of such petition, that the statements are correct, and that no

land is improperly included in or excepted from the district, they must note their approval on the petition, which approval must be signed by the President, and attested by the Clerk, and from and after the approval the district is duly formed, and the persons named in the petition are the Trustees for the first three months, and until their successors are appointed.

SEC. 4. The petition must then be recorded by the County Recorder.

SEC. 5. After the approval of the petition, the petitioners By-laws. may make such by-laws as they deem necessary for future appointment of Trustees, and to effect the work of drainage, keep the same in repair and operation, and for the control and management thereof, by the votes or consent of the owners of a majority of the land in the district.

SEC. 6. The by-laws adopted must be signed by persons By whom signed. owning a majority of land in the district, and must be recorded by the County Recorder.

SEC. 7. The Board thus formed shall have power to elect President. one of their number President thereof, and to employ engineers to survey, plan, locate, and estimate the cost of the works necessary for drainage, and the land needed for right of way, including drains, canals, sluices, water gates, embankments, and material for construction, and to construct, maintain, and keep in repair all works necessary to the object in view.

SEC. 8. The Board of Trustees must report to the Board Report. of Supervisors of the county, or if the district is situated in more than one county, then to the Board of Supervisors of each county in which the district is situated, the plans of the work and estimates of the costs, together with the estimates of the incidental expenses of superintendence, repairs, etc.

SEC. 9. The Board by which the district was formed must Commissioners. appoint three Commissioners, disinterested persons residing in the county in which the district, or some part thereof, is situated, and such Commissioners must view and assess upon the lands situated in the district a charge proportionate to the whole expense, and to the benefit which will result from such work, which charge must be collected and paid into the county treasury as hereinafter provided, and must be placed by the Treasurer to the credit of the district, and paid out for the work of drainage upon the warrants of the Trustees appointed by the Board of Supervisors of the county.

SEC. 10. The warrants drawn by the Trustees must, after Warrants. they are approved by the Board of Supervisors, be presented to the Treasurer of the county, and if they are not paid on presentation, like indorsements must be made thereon, and they must be registered in like manner as county warrants.

SEC. 11. If a district is situated partly in different counties, the charges must be paid into the treasury of the county in which the particular tract may be situated.

SEC. 12. If the original assessment is insufficient to provide Assessment for drainage. for the complete drainage of the lands of the district, or if further assessments are from time to time required to provide for the protection, maintenance, and repairs of the works, the Trustees must present to the Board of Supervisors by which

the district was formed, a statement of the work to be done and its estimated cost, and the Board must make an order directing that the Commissioners who made the original assessment, or other Commissioners, to be named in such order, to assess the amount of such estimated cost as a charge upon the lands in the district, which assessment must be made and collected in the same manner as the original assessment.

List of  
property  
charged.

SEC. 13. The Commissioners appointed by the Board of Supervisors must make a list of the charges assessed against each district of land, and the list must contain a description of each tract assessed, the number of acres in each tract, and the names of the owners in each tract, if known, and if unknown, the amount of charges assessed against each tract.

To be filed  
with County  
Treasurer.

SEC. 14. The list so made must be filed with the County Treasurer of the county, or, if the district is partly situated in different counties, then the original list must be filed in the county first in order under alphabetical arrangement, and copies thereof, certified by the Commissioners, must be filed with the Treasurers of each of the other counties. From and after the filing of the list, or certified copies thereof, the charges assessed upon any tract of land in the county constitutes a lien thereon; and the list thus prepared must remain in the office of the Treasurer for thirty days, or longer if ordered by the Board of Trustees; and during the time they so remain, any person may pay the amount of the charges against any tract to the Treasurer without costs; or, if so ordered by the Board of Trustees, said payments may be by installments; and if, at the end of thirty days, or of the longer period fixed by Trustees, all of the charges, or all of any installments ordered by them, have not been paid, the Treasurer must return the list to the District Attorney, who must at once proceed by civil action to collect such charges.

Trustees to  
keep  
accounts and  
condemn  
property.

SEC. 15. The work must be executed under the direction and in the manner prescribed by the Board of Trustees.

SEC. 16. The Board must keep accurate accounts of all expenditures, which accounts, and all contracts that may be made by them, are open to the inspection of the Board of Supervisors, and every person interested.

SEC. 17. The Trustees may acquire, by purchase, all property necessary to carry out and maintain the system of drainage provided for.

SEC. 18. The Trustees may acquire, by condemnation, the right of way for canals, drains, embankments, and other works necessary, and may take materials for the construction, maintenance, and repair thereof from lands outside of as well as in the limits of said district.

SEC. 19. The provisions of title seven, part three, of the Code of Civil Procedure, are applicable to, and condemnation herein provided for must be made thereinunder.

District  
without  
Trustees.

SEC. 20. Whenever any district susceptible of one mode of drainage, entirely owned by parties who desire to drain the same, and to manage such drainage without the intervention of Trustees, of the establishment of by-laws, they may file the petition provided for in sections one and two, and must

state therein that they intend to undertake such drainage on their own responsibility. If the petition is granted, the owners of the land have all the rights, immunities, and privileges granted to Boards of Trustees, and in all proceedings the names of owners may be used instead of the names of Trustees.

SEC. 21. This Act shall take effect upon its passage.

CHAPTER CLIX.

*An Act to amend section three thousand four hundred and ninety-five and three thousand five hundred of the Political Code, in relation to the sale of State school lands.*

[Approved March 18, 1885.]

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

SECTION 1. Section three thousand four hundred and ninety-five of the Political Code is hereby amended to read thus:

**3495.** Any person desiring to purchase any portion, not less than the smallest legal subdivision of any of the lands mentioned in section three thousand four hundred and ninety-four, situated in any township which has been surveyed by the United States, must make an affidavit that he is a citizen of the United States, or has filed his intention to become such, a resident of this State, of lawful age; that he desires to purchase such lands (describing the same by legal subdivisions) under the provisions of this title; that there is no occupation of such lands adverse to any that he has, or if there is an adverse occupation, the affidavit must show that the township has been sectionized three months, and that the adverse occupant (giving his name) has been in such occupation more than sixty days since the plat was filed in the United States Land Office; that he desires to purchase the same for his own use and benefit, and for the use or benefit of no other person or persons whomsoever, and that he has made no contract or agreement to sell the same. The affidavit must also state whether the land is or is not suitable for cultivation; and if it is, that the applicant is an actual settler thereon, and that he has not entered any portion of any lands mentioned in section three thousand four hundred and ninety-four, which, together with that now sought to be purchased, exceeds three hundred and twenty acres; but if the land is not suitable for cultivation, the affidavit must further state that the applicant has not entered any portion of such lands, which, together with that now sought to be entered, exceeds six hundred and forty acres. Lands unsuitable for cultivation may be sold in quantities not exceeding six hundred and forty acres to any one person, under the restriction other than as to actual settlement prescribed for

Affidavit upon application to purchase any of 500,000 acre grant or part of the sixteenth and thirty-sixth sections.

What affidavit must state. Limit cultivation.

Limit uncultivable.

When settlement not required.

Surveyor-General to make rules.

What constitutes suitability for cultivation

May be referred to Superior Court.

False statement.

Timber lands to be sold for cash, at full price.

the sale of cultivable lands. The Surveyor-General and Register of the Land Office must make and enforce all necessary rules and regulations to prevent the sale of school lands suitable for cultivation to any person not an actual settler thereon; *provided*, that any smallest legal subdivision of school lands shall be deemed suitable for cultivation if any part not less than one half of its area will, without artificial irrigation, but with or without the clearing of timber or other growth therefrom, by the ordinary processes of tillage, produce ordinary agricultural crops in average quantity; and, *provided further*, that any contest of the applicant's right to purchase arising from the character of the land as cultivable or otherwise, may be referred to the Superior Court of the proper county, as in other cases, for determination.

SEC. 2. Section three thousand five hundred of said Code is amended to read thus:

**3500.** Any false statement contained in the affidavit provided for in section three thousand four hundred and ninety-five, defeats the right of the applicant to purchase the land, or to receive any evidence of title thereto, and, if willfully false, subjects him also to punishment for perjury. Timber lands belonging to this State shall be sold for cash only, and the Surveyor-General and Register of the State Land Office must make and enforce all necessary rules and regulations to prevent the sale of or issuance of any evidence of title to any timber lands of this State, except on payment, in cash, of the full price fixed therefor by law.

## CHAPTER CLX.

*An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," and for the purpose of determining the heirship and title to the estates of deceased persons.*

[Approved March 18, 1885.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be known as section sixteen hundred and sixty-four, to read as follows:

Heir to file petition.

Court to make order directing notice.

**1664.** In all estates now being administered, or that may hereafter be administered, any person claiming to be heir to the deceased, or entitled to distribution in whole or in any part of such estate, may, at any time after the expiration of one year from the issuing of letters testamentary or of administration upon such estate, file a petition in the matter of such estate, praying the Court to ascertain and declare the rights of all persons to said estate and all interests therein, and to whom distribution thereof should be made. Upon the filing of such petition, the Court shall make an order directing service of notice to all persons interested in said estate to appear

and show cause, on a day to be therein named, not less than sixty days nor over four months from the date of the making of such order, in which notice shall be set forth the name of the deceased, the name of the executor or administrator of said estate, the names of all persons who may have appeared claiming any interest in said estate in the course of the administration of the same, up to the time of the making of said order, and such other persons as the Court may direct, and also a description of the real estate whereof said deceased died seized or possessed, so far as known, described with certainty to a common intent, and requiring all said persons, and all persons named or not named having or claiming any interest in the estate of said deceased, at the time and place in said order specified, to appear and exhibit, as hereinafter provided, their respective claims of heirship, ownership, or interest in said estate, to said Court, which notice shall be served in the same manner as a summons in a civil action, upon proof of which service, by affidavit or otherwise, to the satisfaction of the Court, the Court shall thereupon acquire jurisdiction to ascertain and determine the heirship, ownership, and interest of all parties in and to the property of said deceased, and such determination shall be final and conclusive in the administration of said estate, and the title and ownership of said property. The Court shall enter an order or decree establishing proof of the service of such notice. All persons appearing within the time limited as aforesaid, shall file their written appearance in person or through their authorized attorney, such attorney filing at the same time written evidence of his authority to so appear, entry of which appearance shall be made in the minutes of the Court and in the register of proceedings of said estate. And the Court shall, after the expiration of the time limited for appearing as aforesaid, enter an order adjudging the default of all persons for not appearing as aforesaid, who shall not have appeared as aforesaid. At any time within twenty days after the date of the order or decree of the Court establishing proof of the service of such notice, any of such persons so appearing may file his complaint in the matter of the estate, setting forth the facts constituting his claim of heirship, ownership, or interest in said estate, with such reasonable particularity as the Court may require, and serve a copy of the same upon each of the parties or attorneys who shall have entered their written appearance as aforesaid, if such parties or such attorneys reside within the county; and in case any of them do not reside within the county, then service of such copy of said complaint shall be made upon the Clerk of said Court for them, and the Clerk shall forthwith mail the same to the address of such party or attorney as may have left with said Clerk his Post Office address. Such parties are allowed twenty days after the service of the complaint, as aforesaid, within which to plead thereto, and thereafter such proceedings shall be had upon such complaint as in this Code provided in case of an ordinary civil action; and the issues of law and of fact arising in the proceeding shall be disposed of in

Description  
of property.

like manner as issues of law and fact are herein provided to be disposed of in civil actions, with a like right to a motion for a new trial and appeal to the Supreme Court; and the provisions in this Code contained regulating the mode of procedure for the trial of civil actions, the motion for a new trial of civil actions, statements on motion for a new trial, bills of exception, and statements on appeal, as also in regard to undertakings on appeal, and the mode of taking and perfecting appeals, and the time within which such appeals shall be taken, shall be applicable thereto; *provided*, however, that all appeals herein must be taken within sixty days from the date of the entry of the judgment or the order complained of. The party filing the petition as aforesaid, if he file a complaint, and if not, the party first filing such complaint, shall, in all subsequent proceedings, be treated as the plaintiff therein, and all other parties so appearing shall be treated as the defendants in said proceedings, and all such defendants shall set forth in their respective answers the facts constituting their claim of heirship, ownership, or interest in said estate, with such particularity as the Court may require, and serve a copy thereof on the plaintiff. Evidence in support of all issues may be taken orally or by deposition, in the same manner as provided in civil actions. Notice of the taking of such depositions shall be served only upon the parties, or the attorneys of the parties, so appearing in said proceeding. The Court shall enter a default of all persons failing to appear, or plead, or prosecute, or defend their rights as aforesaid; and upon the trial of the issues arising upon the pleadings in such proceeding, the Court shall determine the heirship to said deceased, the ownership of his estate, and the interest of each respective claimant thereto or therein, and persons entitled to distribution thereof, and the final determination of the Court thereupon shall be final and conclusive in the distribution of said estate, and in regard to the title to all the property of the estate of said deceased. The cost of the proceedings under this section shall be apportioned in the discretion of the Court. In any proceeding under this section, the Court may appoint an attorney for any minor mentioned in said proceedings not having a guardian. Nothing in this section contained shall be construed to exclude the right upon final distribution of any estate to contest the question of heirship, title, or interest in the estate so distributed, where the same shall not have been determined under the provisions of this section; but where such questions shall have been litigated, under the provisions of this section, the determination thereof as herein provided shall be conclusive in the distribution of said estate.

Party filing  
petition to be  
plaintiff.

Notice of  
taking  
deposition

Attorney  
for minor.

CHAPTER CLXI.

*An Act to pay the claim of P. J. O'Connor, for services as architect in the measurement and classification of the work done in the erection of the Napa State Asylum for the Insane.*

[Approved March 18, 1885.]

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

SECTION 1. The sum of four thousand one hundred and eighty dollars is hereby appropriated out of the General Fund in the State Treasury, to pay the claim of P. J. O'Connor, a balance found due him for services as architect in the measurement and classification of the work done in the erection of the buildings for the Napa State Asylum for the Insane, by findings of the Twelfth District Court of the State of California.

Appropriation to pay claim of P. J. O'Connor.

SEC. 2. The Controller is hereby directed to draw his warrant on the State Treasury in favor of P. J. O'Connor, or his assigns, for the sum of four thousand one hundred and eighty dollars, and the Treasurer of State is hereby directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXII.

*An Act authorizing the Board of Supervisors of any county, or any subdivision of a county, having a bonded debt, to refund such debt at a less rate of interest.*

[Approved March 18, 1885.]

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

SECTION 1. When any county in this State, or any subdivision thereof, has an existing bonded debt, the Board of Supervisors of such county may, at any time after it has become known that any person or persons, company, firm, or corporation is willing to purchase such bonds at a lower rate of interest than the bonds already in existence bears, refund such indebtedness, or any part thereof, by issuing new bonds, of the same denomination and in the same form as the existing bonds, and substituting such new issue for the existing bonds.

Supervisors may exchange bonds for those bearing lower rate of interest.

SEC. 2. Before taking any steps to refund such bonded indebtedness, as provided in the preceding section, the Board of Supervisors shall notify the holder or holders of existing bonds, either by personal service, or by publication for one month in the official county newspaper, that unless he or

Board to notify holders of existing bonds of intention to reduce interest.

they shall, within thirty days after the service of such notice, present the bonds held by him or them to such Board of Supervisors, at a place to be stated in said notice, and consent to a reduction of the interest thereon, to as low a rate as is offered by any other person or persons, firm, company, or corporation, the Board of Supervisors will proceed to cancel such bonds by payment of the principal and interest thereon accrued.

Board may  
cancel old  
bonds.

SEC. 3. The Board of Supervisors of any county in which such bonds have been issued, is hereby authorized to cancel at any time any outstanding bonds by paying the principal and interest due thereon at the time of cancellation, and issuing in lieu thereof new bonds at a less rate of interest.

### CHAPTER CLXIII.

*An Act to amend an Act entitled "An Act to provide for the management of the Yosemite Valley and the Mariposa Big Tree Grove," approved April 15, 1880.*

[Approved March 18, 1885.]

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

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

Principal  
place of  
business.

Meetings.

Notice of  
other than  
regular  
meeting to  
be given by  
publication.

No compen-  
sation other  
than  
traveling  
expenses.

Section 3. The principal place of business of said Commissioners shall be in the Yosemite Valley, and they shall meet at their office in said valley on the first Wednesday of June of each year, and may meet oftener in Yosemite, or in San Francisco, or Sacramento, when a majority of the Commissioners deem it expedient to do so. Not less than thirty days' notice of such meeting shall be given in the official newspapers of the Counties of Mariposa and Tuolumne, and in one newspaper of the City and County of San Francisco; and all meetings of the Board of Yosemite Commissioners shall, at all times, be open to the public. 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.

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

To select  
Guardian of  
Valley.

Guardian  
may be  
removed.

Salary.

Section 4. Said Commissioners shall elect a suitable person as Guardian of the Yosemite Valley and Mariposa Big Tree Grove, who may be one of said Commissioners. Said Guardian shall hold his office during the pleasure of the Board of Commissioners, shall be subject to their orders, and may be removed at any regularly called meeting of said Commissioners. He 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 derived from leases of privileges within the grant of the Yosemite Valley and Mariposa Big Tree Grove, shall be expended in the preservation and improvement of the valley, or the roads leading thereto, by order of the Board of Commissioners and under the supervision of said Guardian. No exclusive franchise of any kind shall be granted by said Commissioners. All accounts relating to the receipts and expenditures of money, as of all papers, vouchers, and documents, belonging to the business transactions of said Board of Commissioners, shall at all times be open to public inspection. All moneys received by said Commissioners from whatever source, shall be deposited in the State Treasury, and there known as the Yosemite Fund, and the State Treasurer shall pay out said fund only upon the warrant of the State Controller. All disbursements of said moneys shall be in the following manner: The said Commissioners shall draw their warrant upon the State Controller, and the Controller shall draw his warrant upon the State Treasurer, and the Treasurer shall thereupon pay the same. It shall be unlawful for the Commissioners to disburse, or cause to be disbursed, any such moneys in any manner different from that specified in this Act.

Rentals to be expended in improvement of the Valley and roads.

No exclusive franchises.

Accounts to be open to public.

Moneys to be deposited in State Treasury.

Disbursements to be by Controller's warrants.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXIV.

*An Act to provide for Police Courts in cities having thirty thousand and under one hundred thousand inhabitants, and to provide for officers thereof.*

[Approved March 18, 1885.]

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

SECTION 1. The judicial power of every city having thirty thousand and under one hundred thousand inhabitants, shall be vested in a Police Court to be held therein by the city Justices, or one of them, to be designated by the Mayor, but either of said city Justices may hold such Court without such designation, and it is hereby made the duty of said city Justices, in addition to the duties now required of them by law, to hold said Police Court.

Judicial power of city in Police Court.

SEC. 2. The Police Court shall have exclusive jurisdiction of the following public offenses committed in the city:

Powers.

*First*—Petit larceny.

*Second*—Assault or battery, not charged to have been committed upon a public officer in the discharge of official duty, or with intent to kill.

*Third*—Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine or by imprisonment, or by both such fine and imprisonment.

*Fourth*—Of proceedings respecting vagrants, lewd, or disorderly persons.

SEC. 3. Said Court shall also have exclusive jurisdiction of all proceedings for violation of any ordinance of said city, both civil and criminal, and of an action for the collection of any license required by any ordinance of said city.

Disability of  
Justices.

SEC. 4. Neither of said Justices shall sit in cases in which he is a party, or in which he is interested, or where he is related to either party by consanguinity or affinity within the third degree; and in case of the sickness or inability of the city Justices, either of them may call in a Justice of the Peace residing in the county to act in his place and stead.

Power of  
Justices.

SEC. 5. Each of the city Justices, while acting as Judge of said Court, shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper Court, and may try, condemn, or acquit, and carry his judgment into execution, as the case may require, according to law, and punish persons guilty of contempt of Court; and shall have power to issue warrants of arrest in case of a criminal prosecution for a violation of a city ordinance, as well as in case of the violation of the criminal law of the State; also, all subpoenas and all other processes necessary to the full and proper exercise of his powers and jurisdiction; and in such of the cases enumerated in this section in which trial by jury is not secured by the Constitution of the State, he may proceed to judgment in the first instance without a jury; but on appeal, the defendant shall be entitled to trial by jury in the Superior Court.

Court to  
have a Clerk.

SEC. 6. The Police Court shall have a Clerk, to be appointed by the City Council, upon the nomination of the Mayor, who shall hold office during the pleasure of the Council; he shall receive an annual salary of twelve hundred dollars, payable monthly out of the treasury of said city, which salary shall be full compensation for all services rendered by him. The Clerk shall keep a record of the proceedings of and issue all process ordered by the city Justices, or either of them, or by said Police Court, and receive and pay weekly into the city treasury all fines imposed by said Court. He shall also, each month, render to the City Council an exact and detailed account, upon oath, of all fines imposed and collected, and of all fines imposed and uncollected since his last report. He shall prepare bonds, justify bail, when the amount has been fixed by either of the city Justices, or said Court, in cases not exceeding one hundred dollars, and may administer and certify oaths. The Clerk shall remain at the Court-room of said Court during business hours, and during such reasonable times thereafter as may be necessary for discharging his duty. Before receiving his salary, each or any month, he shall make and file with the Auditor an affidavit that he has deposited with the City Treasurer all moneys that have come to his hands belonging to the city. Any violation of this provision shall be a misdemeanor. He shall give a bond, in the sum of five thousand dollars, with at least two sureties, to be approved by the Mayor, conditioned for the faithful discharge of the duties of his office.

To keep  
records.

Affidavit of  
deposit of  
moneys.

SEC. 7. All fines and other moneys collected on behalf of <sup>Fines.</sup> the city in the Police Court, shall be paid into the city treasury on the first Tuesday of each month, and all bills for fees and costs due the officers of said Court shall be reported to the City Council each month.

SEC. 8. Rooms and Dockets. The City Council shall furnish a suitable room for the holding of said Court, and shall also furnish the necessary dockets and blanks. <sup>Docket.</sup> One docket shall be styled, "The City Criminal Docket," in which all the criminal business shall be recorded, and each case shall be alphabetically indexed. Another docket shall be styled, "The City Civil Docket," and it shall contain each and every civil case in which the city is a party, or which is prosecuted or defended for her interest; and each case shall be properly indexed.

SEC. 9. The Police Court shall be always open, except <sup>Court, when open.</sup> upon non-judicial days, and then for such purposes only as by law permitted or required of other Courts of this State.

SEC. 10. Appeals may be taken from any judgment of <sup>Appeals.</sup> said Police Court to the Superior Court of the county in which such city may be located, in the same manner in which appeals are taken from Justices' Courts in like cases.

SEC. 11. In all cases of imprisonment of persons convicted in said Police Court of any offense committed in the <sup>Labor by prisoners.</sup> city, the persons so to be imprisoned, or by ordinance required to labor, shall be imprisoned in the city jail, or, if required to labor, shall labor in the city.

SEC. 12. Said Courts shall have a seal, to be furnished by <sup>Seal.</sup> the city.

SEC. 13. City Cases. The city Justices shall, on the first <sup>Justices to make report of cases.</sup> Tuesday of each month, make to the City Council a full and complete report of all the cases, civil and criminal, in which the city has an interest, or which are required to be entered in the City Civil Docket, or the City Criminal Docket; such report to be made upon blanks furnished by the City Council, and in such form as they may require.

SEC. 14. Certified transcripts of the dockets, made by the <sup>Transcript to be evidence.</sup> Clerk of the said Court, under the seal of said Court, shall be evidence in any Court of this State of the contents of said docket, and all warrants and other process issued out of said Court, and all acts done by said Court, and certified under its seal, shall have the same force and validity in any part of this State as though issued or done by any Court of record of this State.

SEC. 15. This Act to go into effect upon the expiration of the term of office of the present Police Judge of said cities, or when a vacancy occurs therein.

## CHAPTER CLXV.

*An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof.*

[Approved March 18, 1885.]

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

- SECTION 1.** There shall be established a State Board of Silk Culture, consisting of seven persons appointed by the Governor from the State at large, three of whom shall be members of the Ladies' Silk Culture Society of California.
- SEC. 2.** A majority of the members so appointed shall be specially qualified by practical experience and study of the silk industry. Each member shall hold office for the term of four years except those first appointed, three of whom, to be determined by lot, shall retire at the end of two years, when their successors shall be appointed by the Governor.
- SEC. 3.** The Board may appoint and prescribe the duties of a Secretary, and elect one of their own number Treasurer, both to hold office at the pleasure of the Board. The Treasurer shall give a bond to the State, approved by the Board, in the sum of ten thousand dollars for the faithful discharge of his or her duties.
- SEC. 4.** The Board may receive, manage, and use donations or bequests for promoting silk culture in this State. They shall establish a filature or silk reeling school in San Francisco, wherein free instruction shall be given in silk reeling. The Board shall use the moneys appropriated by the State to advance the interest of silk culture in this State as they deem best and proper.
- SEC. 5.** The Secretary, in addition to performing such official duties as the Board may direct, shall collect statistics and other information showing the condition and progress of sericulture throughout the State; correspond with various societies and individuals, both at home and abroad, who are engaged in the promotion of silk culture, and shall prepare a full report thereof to be made to the Board annually for their publication.
- SEC. 6.** The Board shall, biennially, in the month of December, have their biennial report printed, and submit the same to the Legislature upon its convening. The detailed report so made shall, under the direction of the Controller, be printed in pamphlet form, not to exceed fifty printed pages, and not to exceed three thousand copies thereof, to be distributed as the Board may direct. All printing required to be done by the Board for their official use shall be done by the State Printer.
- SEC. 7.** The Treasurer shall hold all moneys of the Board and pay out the same only on orders approved by the Board, and shall account therefor in his or her annual report.
- SEC. 8.** No remuneration or salaries shall be paid to any

Board of Silk Culture to be appointed by Governor.

Qualifications.

Term.

To appoint Secretary and Treasurer.

Bond of Treasurer.

Board to receive donations.

To establish a filature.

Duties of Secretary.

Board to report biennially.

Pages and copies of report limited.

Treasurer.

member of the Board, its officers, or Superintendent, for services rendered; nor shall any moneys be used in the purchase of trees, cuttings, eggs, cocoons, or anything pertaining to silk culture, for the purpose of a free distribution of the same, in excess of five hundred dollars per year.

No compensation for officers.

Free distribution restricted.

SEC. 9. There is hereby appropriated for the use of the State Board of Silk Culture, as set forth in this Act, out of any moneys in the State Treasury not otherwise appropriated, the sum of five thousand dollars for the year commencing the first of July, eighteen hundred and eighty-five, and five thousand dollars for the year commencing the first of July, eighteen hundred and eighty-six, and the State Controller shall draw his warrants upon the State Treasurer in favor of the Treasurer of the Board, as such officer, for the said sums, or any parts thereof, when they become available, upon the proper demand of said Board.

Appropriation.

SEC. 10. Upon the organization of the Board of Silk Culture, provided for in this Act, the present State Board of Silk Culture shall turn over to the Board herein provided for all books, papers, and property in its possession belonging to the State, and the Board hereby created shall pay the just debts of the present Board of Silk Culture.

Property to be turned over.

Debts of former Board.

SEC. 11. This Act shall take effect from and after its passage, and all Acts or parts of Acts in conflict with this Act are hereby repealed.

## CHAPTER CLXVI.

*An Act supplementary to an Act entitled "An Act to provide for the establishment and maintenance of a Mining Bureau," approved April 16, 1880.*

[Approved March 21, 1885.]

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

SECTION 1. All property of this State pertaining to said Mining Bureau, and the money and financial affairs thereof, shall be vested in and be under the direction and control of a Board of Trustees of said Bureau.

Trustees of State Mining Bureau.

SEC. 2. It shall be the duty of the Governor of the State to appoint five (5) citizens and residents of this State to be such Trustees.

SEC. 3. The appointees herein mentioned, when assembled, shall constitute the Board of Trustees of the State Mining Bureau, three of whom shall constitute a quorum. The Board shall have power, by said name, to sue and defend. They shall keep a record of all their proceedings, and they shall elect one of those so appointed to be President of the Board, and shall have the right to appoint a custodian of the museum and other employes. The State Mineralogist shall be the director of the museum, and shall have the right to appoint a custodian of the museum, and other employes, subject to

State Mineralogist & Director.

the approval of the Board of Trustees, and it shall be his duty to consult the Board in all matters of importance.

SEC. 4. Said Board shall make rules for its own government, for regulating the custody and disbursement of funds, and the mode of drawing the same from the State Treasury.

Trustees to  
report

SEC. 5. The Board of Trustees shall, annually, report to the Governor of the State the condition of the Bureau, with a statement of the receipts and expenditures in detail, which report shall be published in the annual report of the State Mineralogist, provided for in the Act to which this is supplementary.

To pay  
moneys.

SEC. 6. The Trustees are hereby empowered to pay out of any moneys coming into their hands, the amount advanced by Wells, Fargo and Company, shown in the financial statement of the State Mineralogist, and published in his reports.

To receive  
legacies.

SEC. 7. The Board of Trustees shall be empowered to receive, on behalf of the State, bequests or gifts, legacies and devices, real estate and other property, and to use the same in accordance with the wishes of the donors; and if no instructions are given, to use their discretion for the best interests of the State Museum.

SEC. 8. The Board of Trustees may, with the assistance of the State Mineralogist, prepare a special collection of ores and minerals of California, to be sent to any World's Fair, or Exposition, at which they may deem it desirable to display the mineral wealth of the State.

SEC. 9. All Acts or laws in conflict with this Act are hereby repealed.

SEC. 10. This Act shall take effect immediately.

## CHAPTER CLXVII.

*An Act to amend section two hundred and seventy-four of an Act entitled "An Act to establish a Code of Civil Procedure," relative to the compensation of Court Reporters.*

[Approved March 21, 1885.]

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

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

Salaries of  
Court  
Reporters.

274. The official reporter shall receive as compensation for his services a monthly salary, to be fixed by the Judge by an order duly entered on the minutes of the Court, which salary shall be paid out of the treasury of the county in the same manner and at the same time as the salaries of county officers; *provided*, that said monthly salary for each Superior Court, or department thereof, shall not exceed the following maximum: In counties having a population of one hundred thousand and over, three hundred dollars; in counties having a population less than one hundred thousand and ex-

ceeding fifty thousand, two hundred and seventy-five dollars; in counties having a population less than fifty thousand and exceeding thirty thousand, two hundred and fifty dollars; in counties having a population less than thirty thousand and exceeding twenty thousand, two hundred and twenty-five dollars; in counties having a population less than twenty thousand and exceeding fifteen thousand, two hundred dollars; in counties having a population less than fifteen thousand and exceeding twelve thousand five hundred, one hundred and seventy-five dollars; in counties having a population less than twelve thousand five hundred and exceeding ten thousand, one hundred and fifty dollars; in counties having a population less than ten thousand and exceeding seven thousand five hundred, one hundred and twenty-five dollars; in counties having a population less than seven thousand five hundred and exceeding five thousand, one hundred dollars; and in counties having a population less than five thousand, seventy-five dollars; and, *further provided*, that where both parties to a civil action, or either, require the testimony therein to be written out in full as the trial progresses, the official reporter shall be allowed the extra expense occasioned, to be audited by the Judge, and paid by the party or parties ordering the same; *provided further*, that in departments of Superior Courts devoted exclusively to the trial of criminal cases, the Judge of the Court shall, in addition, fix and allow a reasonable compensation for the transcription of testimony, to be paid out of the county, or city and county, treasury, upon the order of the Judge. In civil cases in which the testimony is taken down by the official reporter, each party shall pay a per diem of two dollars and fifty cents before judgment or verdict therein is entered; and where the testimony is transcribed, the party or parties ordering it shall pay ten cents per folio for such transcription on delivery thereof; said per diem and transcription fees to be paid to the Clerk of the Court, and by him paid into the treasury of the county, and such portion as shall be paid by the prevailing party may be taxed as costs in the case. Where there is no regular official reporter, and one is appointed temporarily by the Court, he shall receive for his services and expenses of attendance, in lieu of the salary provided in this section, such compensation as the Court may deem reasonable; to be paid, if a civil case, by both parties, or either of them, as the Judge shall direct; and, if a criminal case, to be paid out of the treasury of the county on the order of the Court.

Extra  
expense for  
written  
testimony.

Per diem.

Reporter pro  
tem., Court  
to provide  
for compen-  
sation.

Sec. 2. This Act shall take effect on its passage.

## CHAPTER CLXVIII.

*An Act to amend section two thousand three hundred and forty-nine of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to public ways and navigable streams.*

[Approved March 21, 1885.]

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

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

What  
waters are  
navigable.

**2349.** The following streams and waters are declared public ways: So much of a slough as lies between Simon's Canal, in the Town of Alviso, and the Bay of San Francisco; Petaluma River, from its mouth to a distance one third of one mile above Washington Street, in the City of Petaluma; the Sonoma River, between its mouth and a point opposite Fowler's Hotel, in the Town of San Luis; the Napa River, between its mouth and the toll bridge; the Suisun River, between its mouth and the Town of Suisun embarcadero; the Sacramento River, between its mouth and the mouth of Middle Creek; Feather River, between its mouth and a point fifty feet below the bridge crossing Feather River first above the mouth of the Yuba River; the Yuba River, between its mouth and a point at the mouth of the slough at the foot of "F" Street, in the City of Marysville; the San Joaquin River, between its mouth and Sycamore Point; the Stockton Slough, between its mouth and the west line of El Dorado Street, in Stockton; the Mokelumne River, between its mouth and the first falls; the Tuolumne River, between its mouth and Dickinson's Ferry; Deer Creek, between the house of Peter Lassen and its mouth; Big River, three miles from its mouth; Noyo River, three miles from its mouth; Albion River, three miles from its mouth; San Antonio Creek, in the County of Alameda, from its mouth to the old embarcadero of San Antonio; the Arroyo del Medo, in the County of Santa Clara, from its mouth to the upper line of the Town of New Haven; Mission Creek, in the County of San Francisco; that portion of Channel Street, in the City of San Francisco, and lying east of and between the easterly line of Harrison Street and the waterfront of the Bay of San Francisco, the width thereof to be sixty feet from Harrison to the northeasterly line of Seventh Street, and one hundred and forty feet from the northeasterly line of Seventh Street to the city front; that certain creek running through tide land survey, numbered sixty-eight, and swamp and overflowed land survey, numbered one hundred and forty-five, from its mouth to the head of tide-water therein; San Leandro Creek, from its mouth at San Francisco Bay to Andrews' Landing; San Lorenzo Creek, from its mouth at San Francisco Bay to Roberts' Landing; Johnson's Creek, from its mouth at San Francisco Bay to Simpson's Landing;

the north branch of Alameda Creek, from its mouth to Eden Landing; San Rafael and Corte Madera Creeks, in Marin County, from their mouths as far up as tide-water flows therein; the Neuces Creek, from its mouth, at Suisun Bay, to a point one half mile above the warehouse of George P. Loucks; Diablo Creek, from its junction with the Neuces to a point opposite the warehouse of Frank Such, in Contra Costa County; the Arroyo de San Antonio, or Keys Creek, in Marin County, from its mouth, at Tomales Bay, to the warehouses on the point at Keys embarcadero; all the streams and sloughs emptying into Elk River, and all streams and sloughs south of Eureka, in Humboldt County, which are now or at any time have been used for the purpose of floating logs of timber, and all the sloughs south of Humboldt Point, in said county, that at high-water have a depth of two feet of water, and wide enough to float and admit a boat carrying five tons or more freight; Novato Creek, or estuary, in Marin County, from its mouth to Sweetzer's Landing; Salinas River and Elkhorn Slough, or Estero Viejo, in Monterey County, from its mouth as far up as tide-water flows.

What  
waters are  
navigable.

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

## CHAPTER CLXIX.

*An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered and known as section four hundred and fifty-one, relating to fraternal and coöperative organizations.*

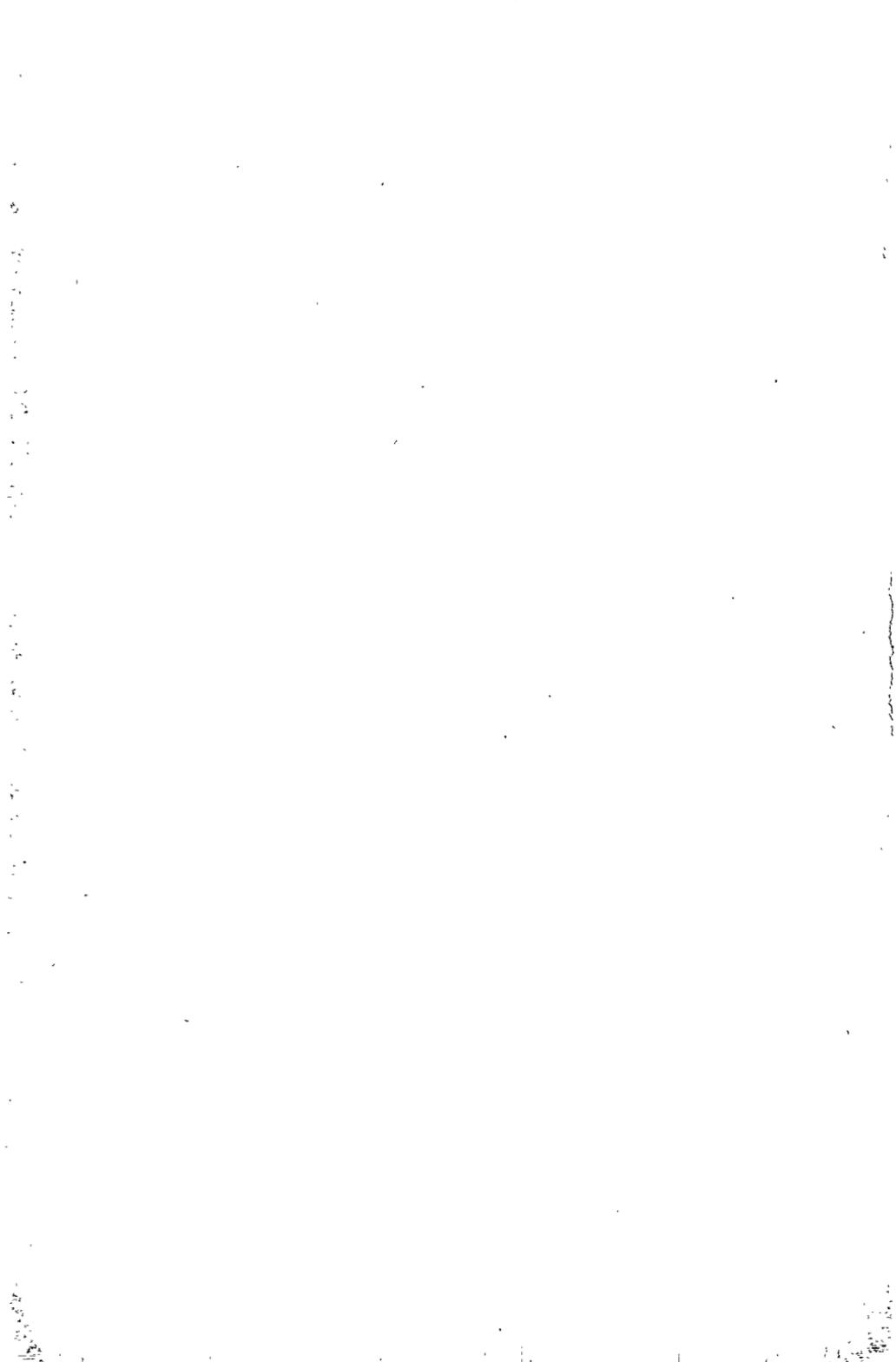
[Approved March 23, 1885.]

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

SECTION 1. A new section is hereby added to said Civil Code, to read as follows:

451. All associations or secret orders, and other benevolent or fraternal coöperative societies, incorporated or organized for the purpose of mutual protection and relief of its members, and for the payment of stipulated sums of money to its members, or to the family of deceased members, and not for profit, are declared not to be insurance companies in the sense and meaning of the insurance laws of this State, and are exempt from the provisions of all existing insurance laws of this State.

Certain  
orders not  
insurance  
companies.



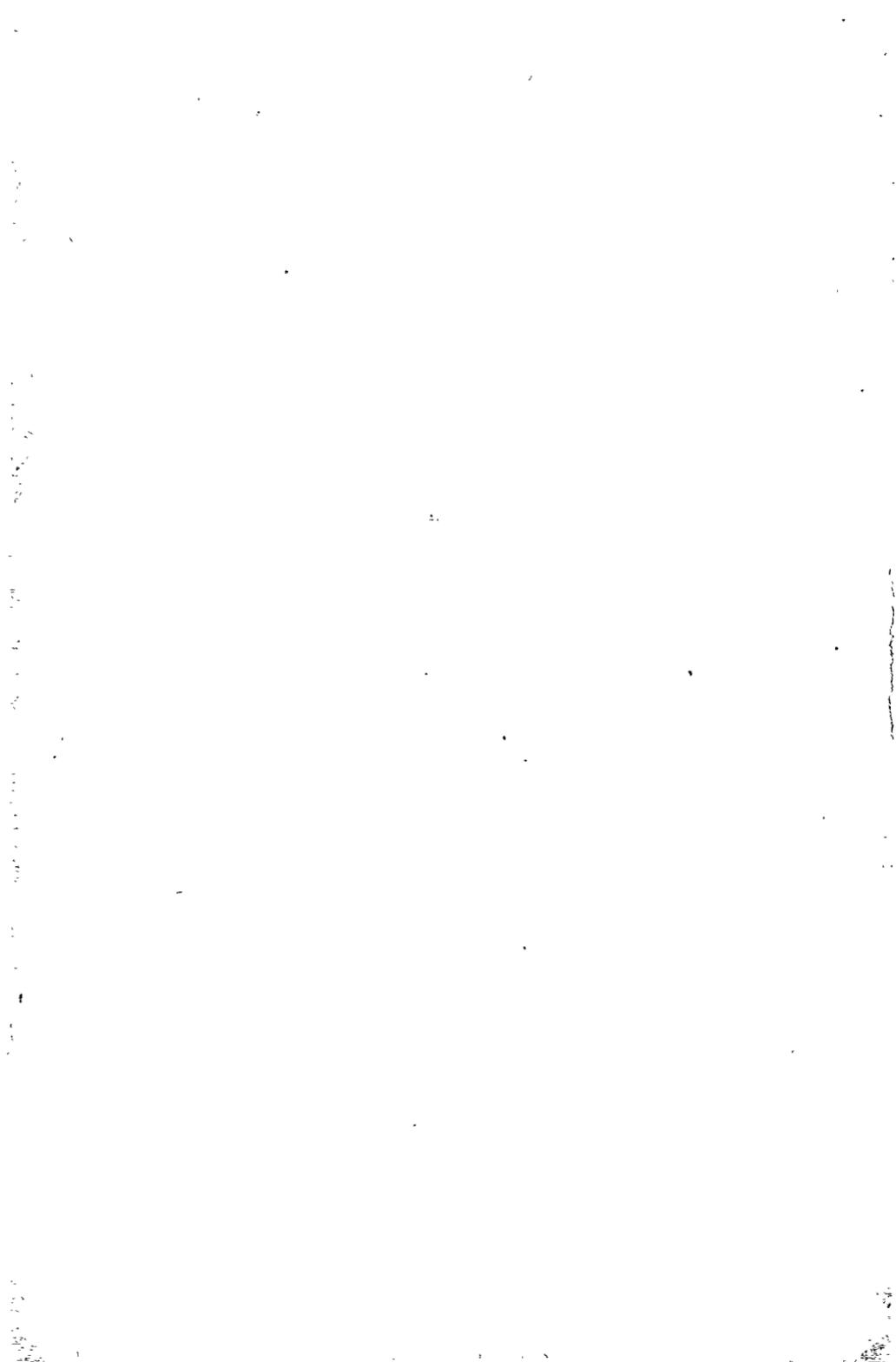
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RESOLUTIONS.

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# CONCURRENT AND JOINT RESOLUTIONS.

## CHAPTER I.

*Assembly Concurrent Resolution No. 10, relative to the establishment of a branch of the National Home for Disabled Volunteer Soldiers.*

[Adopted January 20, 1885.]

WHEREAS, Congress, by an Act approved July fifth, eighteen hundred and eighty-four, directed the Board of Managers of the National Home for Disabled Volunteer Soldiers, to inquire into the expediency of establishing a branch of the Home in the State of California, for the Pacific Coast; and to that end, to receive propositions from the Directors of the "Veterans' Home," located in Napa County, California, for the transfer of the buildings, grounds, and property of said "Veterans' Home" to the United States, for use as a branch of the National Home for Disabled Volunteer Soldiers, and to report to Congress in respect to the propriety and expediency of accepting said "Veterans' Home" for such branch; and whereas, the Directors of the "Veterans' Home" of California have adopted and transmitted to the Board of Managers of the National Home for Disabled Volunteer Soldiers, resolutions proposing to transfer the buildings, grounds, and property of said "Veterans' Home" to the United States, for use as a branch Home for the Pacific Coast; and whereas, the Board of Managers of the National Home have communicated to the Directors of the "Veterans' Home" of California, their intention to recommend to Congress, at its present session, the establishment of a branch of the National Home in California, for the Pacific Coast; and whereas, there are many disabled volunteer soldiers of the war with Mexico, and of the civil war, on the Pacific Coast, who are now in urgent and immediate need of the care and maintenance of such Home, and have a just claim for such relief as the Government has given to their comrades in the United States; therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring,* That our Senators and Representatives in Congress are requested to use every effort to procure the passage by Congress, at its present session, of an Act authorizing and directing the Board of Managers of the National Home for Disabled Volunteer Soldiers, within three months after the

National  
Home for  
Disabled  
Volunteer  
Soldiers.

passage of the Act, or as soon thereafter as practicable, to locate a branch of said Home at some suitable point in the State of California; and further authorizing and directing said Board of Managers to accept and receive from the Directors of the "Veteran Home Association of California" a donation and transfer to the United States of all the property, real and personal, of said association, in Napa County, in said State, if, in the judgment of said Managers, the same be suitable for such Home; and further, making at its present session an adequate appropriation of money for the support and maintenance of the disabled volunteer soldiers of said Home, in case the said transfer be accepted by said Managers.

*Resolved*, That the Governor be requested to transmit forthwith to each of our Senators and Representatives in Congress a copy of these resolutions.

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## CHAPTER II.

### *Assembly Concurrent Resolution No. 1.*

[Adopted February 3, 1885.]

WHEREAS, The House of Representatives of the United States Congress has pending before it what is known as the "Mexican Veterans' Pension Bill," amended and passed by the Senate of the United States Congress at its last session; therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That our Representatives in Congress be and they are hereby instructed to use every effort within their power to secure the passage of the "Mexican Veterans' Pension Bill," as amended in the Senate, through the House of Representatives.

*Resolved*, That the Governor of the State be requested to forward to each of our Representatives in Congress a copy of these resolutions.

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## CHAPTER III.

### *Assembly Concurrent Resolution No. 12.*

[Adopted February 3, 1885.]

Preamble. WHEREAS, The markets for the prune products of this State are subjected to sudden and dangerous fluctuations of prices, owing to the irregular production of foreign countries, and the perishable nature of the goods, which may often force importations to be sold at less than cost; and whereas, imported prunes are produced by cheap labor and capital; and whereas, the prune producers of this State are

capable of extending their industry sufficiently to satisfy all the demands of the country for home consumption and exportation, and are now suffering from a reduction of the tariff on their products; therefore,

*Resolved by the Assembly of the State of California, the Senate concurring,* That our Senators in Congress be instructed and our Representatives requested to urge the passage of legislation to fix the tariff on prunes at three (3) cents per pound. Tariff on prunes.

*Resolved,* That the Governor be requested to transmit a copy of these resolutions to our Representatives in Congress.

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#### CHAPTER IV.

*Senate Concurrent Resolution No. 11, relative to a Signal Service Station on Tamalpais Mountain.*

[Adopted February 4, 1885.]

*Resolved by the Senate of the State of California, the Assembly concurring,* That the Senators and Representatives of the State of California in the Congress of the United States be and they are hereby requested to use all honorable means to procure an appropriation of five thousand dollars for the purpose of establishing a Signal Service Station on the summit of Tamalpais Mountain, near the Bay of San Francisco, in this State. Signal Service Station on Tamalpais Mountain

*Resolved,* That the Executive be requested to telegraph a copy of the above resolution to each of our Representatives in Congress.

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#### CHAPTER V.

*Assembly Concurrent Resolution No. 11, relative to sending the mineral collection of the State Mining Bureau to the World's Fair and Cotton Centennial Exposition at New Orleans.*

[Adopted February 11, 1885.]

*Resolved by the Assembly, the Senate concurring,* That the State Mineralogist be and he is hereby authorized and directed to carefully pack and ship to New Orleans so much of the cabinet of minerals now in the State Mining Bureau, at San Francisco, as will secure a proper representation of the mineral wealth and resources of California in the World's Industrial and Cotton Centennial Exposition now open in New Orleans, said exhibit to be under the charge and control of the State Mineralogist, and at the close of said Exposition, or sooner if by him deemed expedient or proper, to be returned to its present quarters in the State Mining Bureau. The expenses attending this exhibit shall be paid out of any appropriation made by this Legislature for the better display of the resources of the State of California at such Exposition. Minerals to be taken to Exposition at New Orleans.

## CHAPTER VI.

*Concurrent Resolution declaratory of the proposal, submission, and ratification of certain amendments to the Constitution.*

[Adopted February 12, 1885.]

Preamble.

WHEREAS, The Legislature of this State, at its twenty-fifth session, commencing on the first Monday of January, A. D. one thousand eight hundred and eighty-three, proposed the certain amendments to the Constitution of the State herein recited as "Amendment Number One," and "Amendment Number Two," and at its twenty-fifth (extra) session, commencing on the twenty-fourth day of March, A. D. one thousand eight hundred and eighty-four, proposed the amendment to the Constitution herein recited as "Amendment Number Three," and two thirds of all the members elected to each of the two Houses voted in favor of each of said amendments, and each of such proposed amendments was entered in their journals with the yeas and nays taken thereon; and whereas, the said Legislature duly submitted each of such proposed amendments to the people to be voted on at the next general election, after publication by advertising the same for three months next preceding said election, and provided for the manner of voting, and the canvassing of the votes, and for the inclusion of each of said amendments in the proclamation of the Governor for said election, and their designation therein by numbers for separate voting in the order of their proposal; and whereas, said publication was made, and each of said proposed amendments was included and designated by its proper number in said proclamation, and the votes thereon have been canvassed as provided by law, and at said next general election, held on the fourth day of November, A. D. one thousand eight hundred and eighty-four, the people approved and ratified each of said amendments by a majority of the qualified electors voting separately thereon; therefore,

*Resolved, by the Senate and Assembly, That the following are the said amendments:*

Declaring  
adoption of  
amendments  
to the Con-  
stitution.

## AMENDMENT NUMBER ONE.

That section nineteen, of article eleven, of the Constitution of the State of California, be amended so as to read as follows:

Section 19. In any city where there are no public works owned and controlled by the municipality for 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 municipi-

pality 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 gas light, 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. Same.

## AMENDMENT NUMBER TWO.

That section seven, of article nine, of the Constitution of the State of California, be amended so as to read as follows:

Section 7. The Governor, Superintendent of Public Instruction, and the Principals of the State Normal Schools, shall constitute the State Board of Education, and shall compile, or cause to be compiled, and adopt a uniform series of text-books for use in the common schools throughout the State. The State Board may cause such text-books, when adopted, to be printed and published by the Superintendent of State Printing, at the State Printing Office, and when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text-books so adopted shall continue in use not less than four years; and said State Board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a Board of Education in each county in the State. The County Superintendents and the County Boards of Education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions.

## AMENDMENT NUMBER THREE.

That section nine, of article thirteen, of the Constitution of the State of California, be amended so as to read as follows:

Section 9. A State Board of Equalization, consisting of one member from each Congressional District in this State, as the same existed in eighteen hundred and seventy-nine, 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 eighty-six, and at each gubernatorial election thereafter, whose term of office shall be for four years, whose duty it shall be to equalize the valuation of the taxable property in the several counties of 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

Same.

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; *provided*, that no Board of Equalization shall raise any mortgage, deed of trust, contract, or other obligation by which a debt is secured, money, or solvent credits, above its face value. The present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts, as nearly equal in population as practicable, and to provide for the election of members of said Board of Equalization.

And that each of said amendments has been constitutionally proposed, adopted, entered, and submitted to the people by the Legislature, and has been constitutionally approved and ratified by the people, and has become a part of the Constitution.

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## CHAPTER VII.

*Senate Concurrent Resolution No. 14, relative to the proposed treaty of the Republic of Nicaragua with the United States.*

[Adopted February 12, 1885.]

Preamble.

WHEREAS, The Government of the United States has, through its Executive Department, negotiated a treaty with the Republic of Nicaragua for the construction of a ship canal to be used by the commerce of all nations; and whereas, the construction of said interoceanic canal will be of great benefit to the commercial and productive industries of the Pacific Coast, and will add to the prestige and influence of our entire country; therefore, be it

Treaty with  
Nicaragua.

*Resolved*, That the Senate and Assembly of the State of California respectfully urge upon the Congress of the United States, now in session, the prompt ratification of the treaty with Nicaragua, and the enactment of the necessary legislation to carry said treaty into effect.

*Resolved*, That official copies of this resolution be promptly forwarded to the United States Senate and House of Representatives.

## CHAPTER VIII.

*Senate Concurrent Resolution No. 2, relating to viticultural industries.*

[Adopted February 13, 1885.]

WHEREAS, Under the fostering legislation of this State, and the wise and effective execution of its laws, viticultural industries have been rapidly advanced, both as to extent of vineyards and the number of our citizens engaged therein, enlarging productions which come within the operation of laws of our National Government, and causing thereby popular demands, in the interest both of consumers and producers, for further action on the part of Congress; and whereas, the Board of Viticultural Commissioners, acting under the laws of this State, has adopted resolutions as follows, viz.: First—Asking for the enactment of a general law of Congress to compel manufacturers and dealers in genuine or imitation wines or brandies, whether of domestic or foreign production, to set forth on all packages, and on all labels for bottles, the true names of the makers, or compounders, together with the statement of ingredients entering into the composition of the same, and providing for stringent penalties for any infraction of such law, including confiscation of products and heavy fines. Second—Declaring that the vine interests of this State would be injured by the removal of the tax on spirits made from wine or other materials, urging opposition in Congress to the pending bill for the removal of the tax on fruit brandy. Third—That our best interests would not be favored by any material reduction in the taxation of spirits, except as hereafter stated. Fourth—That the internal revenue tax on spirits of all kinds should be based on consumption, and not on production, but that, if any limit be placed to the bonding period, it should be so extended as to give ample time for producers to seek customers, after their goods are properly matured, which term should recognize five years, at least, as necessary for maturing good spirits, and three years as reasonable time to dispose of the same, or eight years as the least limit of the privilege of bonding; and that it is the duty of the Government to protect consumers against the unwholesome effects of new spirits, and encourage proper their maturity by granting a rebate of at least ten per cent on the tax, for each year, not exceeding five, that spirits remain in bond; and that further facilities be granted for refilling packages in bond, or changing the size of the same, under distillers' stamps. Fifth—That the duty on fermented liquors be rated according to alcoholic strength, so that spirit used in foreign countries to fortify wines shall not be admitted free of tax, while our producers may be taxed on spirits used for similar purposes; that pure grape spirits should be permitted to be used by our wine makers in fortifying sweet wines to pre-

serve them, without tax, this privilege not to be extended to the use of other spirits, and wines so fortified, not to exceed twenty-two per cent of alcohol. Sixth—That for the better education of the people interested in viticulture and horticulture, and for the protection and improvement of their industries, ten per cent of all moneys collected by the General Government from taxation on fruit spirits made in the United States, should be paid over to the several States in which such spirits are produced, in proportion to the quantities produced therein; *provided*, that the Legislatures of such States shall by law appropriate the funds so received, for the promotion and protection of viticultural and horticultural industries, in proportion as the spirits taxed are derived from the products of viticulture or horticulture; and whereas, the aforesaid resolutions are approved by this Legislature; therefore,

Prevention  
of adultera-  
tion of wines  
and spirits.

*Resolved by the Senate of the State of California, the Assembly concurring*, That our Senators in Congress be and are hereby instructed, and our Representatives are requested, to urge the passage of all necessary legislation to carry into effect the purposes expressed in the preamble hereto, and that they take such steps as may lead also to the thorough and public investigation by the Commissioners of Internal Revenue and his deputies, and by Collectors of customs duties, of all spurious, adulterated, imitated, and sophisticated wines and brandies that injuriously compete in the markets of this country with the pure products of viticulture, with a view to the protection of legitimate industry from ruinous competition, and consumers from imposition and fraud; and,

*Resolved*, That our Senators and Representatives should inquire as to the efficiency of existing laws in relation to spurious and imitated wines and liquors, and, if necessary, secure such amendments to the same as our interests may require; and,

*Resolved*, That his Excellency the Governor be requested to forward copies of these resolutions to each of the Senators and Representatives of this State in Congress.

## CHAPTER IX.

*Senate Concurrent Resolution No. 6, relative to the restriction of Chinese immigration.*

[Adopted February 16, 1885.]

Preamble.

WHEREAS, The people of California are unanimously and thoroughly in earnest in the conviction that the introduction of Chinese labor into the United States is a menace to our institutions, threatening the degradation of labor and the destruction of the industrial classes, a conviction first growing in this State, where its evils first became

apparent, but rapidly becoming national as the curse extends; and whereas, in obedience to this feeling, Congress, following the policy established in a treaty with the Chinese Empire, passed a law to carry out its restrictive provisions, and subsequently an amendatory Restriction Act to remedy defects of the first law, made apparent by the ingenuity and perjury of a race not acknowledging the solemnities of judicial oaths, nor entertaining the respect for law and judicial proceedings which lay at the foundations of our governmental fabric; and whereas, the people of California, with deepest concern, have seen the decisions of the Circuit Court of the United States, giving reasonable vitality and cheering efficacy to said treaty and laws, overruled by the Supreme Court and the executive officers of the Government, until the earnest labors of years return to us only in disappointed hopes; therefore, be it

*Resolved by the Senate of the State of California, the Assembly* Amendment of Chinese Restriction Act by Congress.  
*concurring.* That our Senators be instructed and our Representatives in Congress be requested to propose and urge the immediate passage of an Act which shall so amend the present Chinese Restriction Act as to prevent the flagrant evasions of the law which are now practiced, and which shall express the legislative intent so unmistakably that the law may be fully administered by the proper officers; that the Federal Courts of this State may be freed of the burden of hearing Chinese habeas corpus cases, which now crowd these Courts to the exclusion of other business, and to the detriment of the interests of suitors.

*Resolved.* That the people of the State of California, irrespective of political affiliation, are unanimous in demanding that the importation of Chinese labor to this country shall cease.

*Resolved.* That the people of this State indorse the action of their Senators and Representatives in Congress in their earnest efforts to procure the necessary legislation to protect us from the evils of Chinese immigration.

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## CHAPTER X.

*Senate Concurrent Resolution No. 5, relative to directing the Governor to appoint a committee of five citizens to inquire into the subject of penology, as applicable to the condition of prison affairs within this State.*

[Adopted February 16, 1885.]

*Resolved, by the Legislature of the State of California, the Senate and Assembly concurring,* as follows:

WHEREAS, The criminal element in the State of California Preamble.  
 is increasing; and whereas, measures should be taken to reform youthful criminals and to properly care for dis-

charged prisoners; and whereas, owing to the short time the Legislature of this State is in session, it is impossible to enact such laws as shall do full and complete justice to the subject-matter; therefore, be it

Commission  
to report  
upon prison  
affairs.

*Resolved*, That the Governor of this State be directed to appoint a Commission of five citizens of this State, who shall inquire into the subject of penology as applicable to the condition of prison affairs within this State, and report to the Governor before the meeting of the next Legislature such suggestions and recommendations as shall enable the Legislature to enact such laws as shall remedy existing evils, improve present conditions, and reform and aid the criminal; *provided*, that the State of California shall in no manner be chargeable with the expenses incurred by said Commission, except such expenses as may be incurred in the employment of a Secretary.

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## CHAPTER XI.

*Senate Concurrent Resolution No. 16, relative to printing astronomical reports of the Lick Observatory.*

[Adopted February 18, 1885.]

Printing  
reports of  
Lick  
Observatory.

*Resolved by the Senate of the State of California, the Assembly concurring*, That the Superintendent of State Printing be and he is hereby authorized and directed to print, in separate form, on good book paper, fifteen hundred (1,500) copies of such astronomical reports of the Lick Observatory as he may be directed to print by the Governor of the State, in such manner and with such quality of binding as the State Board of Examiners shall prescribe. That two hundred and fifty (250) of such copies shall be for the use of the Senate, four hundred (400) copies for the use of the Assembly, and the remainder shall be delivered to the Trustees of the James Lick Trust, to be distributed in exchange for the publications of other scientific institutions.

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## CHAPTER XII.

*Concurrent Resolution No. 10, relative to adulteration of articles of food.*

[Adopted February 26, 1885.]

Governor  
to send  
following  
resolution.

*Resolved by the Senate of the State of California, the Assembly concurring*, That his Excellency the Governor be requested to forward copies of these resolutions to each of the Representatives and Senators of this State in Congress.

WHEREAS, Many articles of human consumption imported into the United States are so adulterated by injurious ingredients, deleterious to the health and dangerous to life, and to the detriment of the production and manufactures of the United States; and whereas, the State Board of Horticulture, acting under the laws of this State, has adopted resolutions as follows: Preamble.

“Resolved, That Congress, now in session, be requested to so amend the revenue laws as to require every article imported, whether dutiable or free, intended for human consumption, to contain a true label of its contents, subject to confiscation by default.” Imported articles to be labeled.

Resolved, That President Cooper be requested to forward to our Representatives and Senators in Congress a copy of these resolutions.

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### CHAPTER XIII.

*Assembly Concurrent Resolution No. 4, relating to the tariff on raisins.*

[Adopted February 26, 1885.]

WHEREAS, The markets for the raisin products of this State are subjected to sudden and dangerous fluctuations of price, owing to the irregular production of foreign countries and the perishable nature of the goods, which may often force importations to be sold at less than cost; and whereas, imported raisins are produced by cheap labor and capital; and whereas, the raisin producers of this State are capable of extending their industry sufficiently to satisfy the demands of the country for home consumption and exportation, and are now suffering from a reduction of the tariff on their products; therefore, Preamble.

Resolved by the Assembly of the State of California, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested, to urge the passage of legislation to fix the tariff on raisins and dried grapes at five cents per pound, and on sultanas and currants at three cents per pound. Tariff on raisins.

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### CHAPTER XIV.

*Assembly Concurrent Resolution No. 7, in regard to a Federal Post Office building in San Francisco.*

[Adopted February 26, 1885.]

WHEREAS, The City of San Francisco is the first city in point of population and commercial importance on the western Preamble.

coast of North America, and is also the business center and principal mart for the products of the State of California, in the prosperity of which the whole State is intimately concerned; and whereas, in the matter of government buildings and structures, and particularly in the matter of a proper edifice for the accommodation of the United States Post Office, said city has not received that consideration from the Federal Government which it needs and relative importance demands, and which has been extended to other cities of the country of less urgent requirements; therefore, be it

Post Office  
at San  
Francisco.

*Resolved by the Assembly, the Senate concurring,* The Senators and Representatives of this State in the National Congress be and they are hereby requested to urge the facts above recited upon the attention of Congress, and to use all legitimate means to secure an adequate appropriation for the erection of a Post Office building in the City of San Francisco, which shall be commensurate with the necessities and convenience of the postal business transacted there.

*Resolved, further,* That his Excellency the Governor be and he is hereby requested to forward a copy of these resolutions to each of the Senators and Representatives of this State in Congress.

## CHAPTER XV.

*Assembly Concurrent Resolution No. 22, relative to placing General U. S. Grant on the retired list.*

[Adopted March 3, 1885.]

Preamble.

WHEREAS, Ulysses S. Grant, after conducting the armies of the Union through many hard fought battles to complete and glorious victory, was induced by the importunities of his countrymen to resign the honorable position at the head of the army of the United States, which he held for life, in order to serve his country as President; and whereas, General Grant, after eight years of honorable service as President of the United States, is now growing old, is broken in health, and has been unfortunate in finances; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring:*

To retire  
General  
Grant.

1. That our Senators be and they are hereby instructed, and our Representatives in Congress be and they are hereby requested, to support the bill now pending in Congress, or any other similar measure, for placing the name of General Grant on the list of retired officers of the army, with the rank and pay to which he would have been entitled if he had remained at the head of the army.

2. That we deem this much due to General Grant as a just though slight recognition of the immortal services which he

has rendered his country, for which he never can be adequately compensated.

3. That the Governor be and he is hereby requested to transmit these resolutions by telegraph to Senator John F. Miller, with the request that he lay the same before his colleagues in the House of Representatives forthwith.

## CHAPTER XVI.

*Senate Concurrent Resolution No. 3, relative to directing the Governor to fix the compensation for services rendered by Captain John Mullan, in collections of claims due the State of California from the United States.*

[Adopted March 3, 1885.]

WHEREAS, The Governor and State Surveyor-General of this State, respectively, have heretofore appointed Captain John Mullan, of San Francisco, California, agent and attorney to represent the State of California before the proper authorities of the United States, at Washington, D. C., in the matter of the claims of the State of California against the United States, growing out of past Indian hostilities, and for interest on moneys heretofore expended by this State on account of military operations herein and borders hereof, and in recovering all land fees heretofore illegally paid to the United States by this State; and whereas, in pursuance of Concurrent Resolution Number Twelve, adopted February twenty-sixth, eighteen hundred and eighty-one, and in pursuance of Assembly Joint Resolution Number Thirty, adopted March ninth, eighteen hundred and seventy-two, James E. Hale and Thomas M. Nosler were duly appointed and commissioned agents on behalf of the State of California and the Governor thereof, by themselves and their duly constituted agents, to collect from the Government of the United States the cost, charges, and expenses properly incurred by the State of California for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection against the United States; and whereas, said James E. Hale and Thomas M. Nosler have duly constituted said Captain John Mullan their agent and attorney, in pursuance of the foregoing authority conferred on them, in their names, places, and stead, to demand and receive all said moneys from said Government of the United States, and in and about the said premises to act as their agent therein; therefore, be it

Claims of State on account of military operations.

SECTION 1. *Resolved by the Senate of California, the Assembly concurring,* That the appointments so conferred upon Captain John Mullan by the Governor and Surveyor-General, respectively, are hereby ratified and confirmed, and the Governor of this State be and he is hereby authorized and

Governor to fix compensation for services of Captain Mullan.

directed to fix the compensation for the services by Captain John Mullan heretofore and that may be by him hereafter rendered, at twenty per cent of each of the sums or claims that may be by him collected from the United States, and to pay to him such per cent out of the moneys that may be collected by him and paid to this State on account of each of the foregoing matters respectively; *provided, however*, that this State shall not, in any event, become liable for any expenses, fees, and salaries of any nature whatever, other than such contingent commission.

Vouchers to be delivered to Captain Mullan.

SEC. 2. That the proper State officers of the State of California be and they are hereby authorized and directed to deliver to Captain John Mullan, or to his authorized agent, all the original vouchers, certificates, and papers of every kind and nature relating to the claims of this State against the Government of the United States for or on account of each of the foregoing matters respectively, and also all Controller's warrants that have been heretofore paid and canceled, and which may be needed to perfect any of the claims of this State against the United States represented by him.

SEC. 3. That said State officers shall prepare and take from Captain John Mullan, or from his authorized agent, a receipt in writing, bound in a book same as they keep in their offices for all such papers as aforesaid, and which shall show what the papers are in each case, the date thereof, by what Board of Examiners passed, the amount and date of the warrant, and in whose favor drawn.

## CHAPTER XVII.

*Senate Concurrent Resolution No. 26, requesting our Senators and Representatives in Congress to give their support to certain measures now pending in Congress, or such as may hereafter be presented thereto, designed to effect the proper adjustment of the accounts of the different States, Territories, and the District of Columbia, with the United States, arising out of the proceedings under the "direct tax" law of August 5, 1861.*

[Adopted March 5, 1885.]

Adjustment of claims of the State for money paid under direct tax law.

WHEREAS, Under the provisions of the law of August fifth, eighteen hundred and sixty-one, a "direct tax" of twenty millions of dollars was levied for war purposes by the United States, and apportioned to the various States and Territories of the Union and the District of Columbia, according to their respective populations; and whereas, the amount of said tax so apportioned to the State of California was paid by the State in conformity with the provisions of said law; and whereas, while part of the other States and Territories and the District of Columbia have, like California, paid in full the tax thus apportioned to them, respectively, many of those remaining have only paid in part, and some have paid nothing at all; and

whereas, by reason of such partial collection of said taxes Same. (as shown by the official letter of the Secretary of the Treasury, dated June fourteenth, eighteen hundred and eighty-four), over five million dollars of the same remains unpaid, and now stands charged on the books of the treasury against the States and Territories delinquent, according to the measure of their respective delinquencies; and whereas, while, by Act of Congress, the operation of said law, as to the collection of said tax, has long been suspended, still the interest and penalties thereby required to be collected have been permitted to accumulate, until now the amount of the original levy, where delinquent, has almost quadrupled; and whereas, to enforce collection of such unpaid tax, penalties, and costs, would, in the language of the Secretary of the Treasury, "put a grievous burden upon the people of the States which are in default of payment;" and therefore in the words of the Comptroller of the Treasury, "it is believed that there is no desire now, on the part of any class of citizens, that the payment of this tax should be enforced;" and whereas, it is contemplated by the Constitution of the United States, and is required by the principles of common justice, that "taxes shall be uniform throughout the United States," and that it would be violative of both to compel the payment of such levy by part of the United States and Territories, while others were exempt from such burden; and whereas, measures are now pending in both branches of the present Congress (being House Bill No. 110, and Senate No. 795), which provide for the adjustment of this whole question, by authorizing the refunding to the States and Territories which have paid any or all of said tax, the amount so paid, and the cancellation of all charges, on account of delinquency, against such States and Territories as have not paid the same; and whereas, the method of adjustment proposed by said bills has the hearty approval and indorsement of the Secretary and Comptroller of the Treasury, to whom said bills were referred by the committees of Congress considering the same, for their efficient examination and report; and whereas, approving said plan of adjustment as being in its nature a measure of relief to the States in default, and one of simple justice to those which have paid; and in view of the important interests therein involved to the State of California; therefore, be it

*Resolved by the Senate, the Assembly concurring,* That our Senators and Representatives in Congress be requested to urge the passage of the bills hereinbefore referred to, or other measures having the same object in view, and to use their best endeavors, in coöperation with the agent of this State, and in support of his efforts to thus secure to the State the amount paid by her on account of said tax; be it further

*Resolved,* That a copy of the above preamble and resolution be sent by the Governor of this State to our Senators and Representatives in Congress, and to our State agent.

## CHAPTER XVIII.

*Senate Concurrent Resolution No. 25.*

[Adopted March 5, 1885.]

Claim by the States for interest upon money advanced to the United States.

WHEREAS, The law of July twenty-seventh, eighteen hundred and sixty-one, and the "Joint and Declaratory Resolution" of March eighth, eighteen hundred and sixty-two, provided for the reimbursement to the States of all sums by them expended in defense of the United States; and whereas, under the interpretation of said original Act of eighteen hundred and sixty-one, made two days after its passage by the Secretary of the Treasury, the States were led to believe that if they, respectively, borrowed money on their own account, and advanced it to the United States, under the conditions mentioned in said law, that said sums, together with the interest paid thereon, would be refunded to them, that having been the practice of the United States in such cases for more than sixty years; and whereas, acting under this impression and belief, many of the States did borrow moneys and advance them to the United States, and paid interest thereon from their own resources; and whereas, the principal has, in a great measure, been refunded by the United States to the States advancing said moneys; still, the interest paid by such States, as aforesaid, has not been refunded; and whereas, it is held by the Treasury Department, through which such reimbursement settlements are made, that specific legislation will be required to justify the payment of such interest; and whereas, Congress has always heretofore provided, specifically, for the payment of interest on such advances made in any war, either foreign or Indian, beginning with the Act of March third, eighteen hundred and twenty-five, to reimburse Virginia for interest on advances made during the war of eighteen hundred and twelve, to that of March third, eighteen hundred and eighty-one, to reimburse California on account of similar expenditures made in one of her Indian wars; and whereas, during the late war, and under authority of said "reimbursement" Acts of eighteen hundred and sixty-one and eighteen hundred and sixty-two, the State of California advanced to the United States money which she borrowed, and on which she paid interest, and which interest has, in no part, been refunded by the United States, but is now justly due the State; and whereas, there are now pending in both branches of the present Congress measures designed to authorize the settlement of the claims of the several States for such interest (being S. 2,000, and H. R. 2,463), and which said measures have been reported on by the committees to which they were referred, in both Houses, in unanimously favorable reports; therefore,

*Be it resolved by the Senate, the Assembly concurring, That* Same.  
 our Senators and Representatives in Congress be and they are hereby requested to give their active support to said bills, or to others having the same object in view, and to use their best endeavors in cooperation with the agent of this State, and in support of his efforts, to thus secure to the State the amounts by her expended, as aforesaid; be it further  
*Resolved, That a copy of the above preamble and resolution be sent, by the Governor of this State, to our Senators and Representatives in Congress, and to our State agent.*

CHAPTER XIX.

*Assembly Concurrent Resolution No. 8, relative to the forfeiture of unearned railroad lands.*

[Adopted March 9, 1885.]

*Resolved by the Assembly, the Senate concurring, That our* Forfeiture of land grants.  
 Representatives in Congress be requested and our Senators instructed to use all honorable means to secure the passage of a bill, extending the time two years from the passage of the same, for the completion of the California and Oregon Railroad to the boundary line between California and Oregon, and to make connection with the Oregon and California Railroad, so as to form a through continuous line to Portland, Oregon, and providing that if, at the expiration of said term of two years, any part of either of said railroad shall not be completed, then all lands unearned by either of said roads, and lying opposite such uncompleted portions, shall be forfeited, and shall revert to the United States, without further legislation by Congress.

CHAPTER XX.

*Assembly Joint Resolution No. 1, authorizing and directing the publication and disposal of the reports and maps prepared by the State Engineer.*

[Adopted March 9, 1885.]

*Resolved by the Assembly, the Senate concurring, That an* To print final report of State Engineer.  
 edition, not to exceed three thousand copies, of the final report of the State Engineer, on the Problems of Irrigation, as outlined in the report of progress, made to this Legislature, for the years eighteen hundred and eighty-three-eighty-four, together with the maps and diagrams accompanying the same, be printed and published under the joint direction of the Governor, the Superintendent of State Printing, and the State Engineer, and in good, substantial, useful, and salable style, as by them to be determined.

*Resolved, That these works shall be disposed of as follows:*

How  
distributed.

Five hundred copies to be distributed gratuitously, under the direction of the Governor, to free libraries, State institutions, and in exchanges with foreign societies and institutions and notable persons; two thousand five hundred copies to be delivered to the Secretary of State, to be by him kept on sale at prices to be fixed by the Governor, at amounts about twenty-five per cent advance on cost of publication.

*Resolved*, That all moneys received from said sales shall be duly and separately accounted for, and immediately be paid into the State Treasury, to the credit of the General Fund.

*Resolved*, That a short abstract of the full report may be prepared, printed, and distributed gratuitously throughout the country, for the purpose of placing the main points of the work before the public, and as an advertisement of the work itself on sale.

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## CHAPTER XXI.

*Senate Concurrent Resolution No. 18, relative to the direct war tax assessed to and levied upon the several States under the Act of Congress, approved August 5, 1861.*

[Adopted March 7, 1885.]

WHEREAS, The Congress of the United States has now pending before it a bill to adjust the direct war tax as levied upon the several States and Territories, and the District of Columbia, under the Act of Congress, approved August fifth, eighteen hundred and sixty-one, the passage of which by Congress was on June fourteenth, eighteen hundred and eighty-four, favorably recommended by the Secretary of the Treasury, Hon. Charles J. Folger, and on May second, eighteen hundred and eighty-four, by the First Comptroller of the Treasury, Hon. William Lawrence; therefore, be it

Adjustment  
of direct war  
tax claims.

*Resolved by the Senate of the State of California, the Assembly concurring*, That our Senators in Congress be instructed and our Representatives be requested to use every proper effort within their power to have said measure now so pending enacted into a law.

*Resolved*, That the Governor of this State be requested to forward to our Senators and Representatives in Congress a copy of this resolution, properly attested under seal by the Secretary of State.